Judges 19-21: The Disasters of the Community of Virtue

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Abstract: This paper is an ethical exegesis of the biblical story of Gibeah, which concludes the Book of Judges (19–21), to show the catastrophic failure of the anti-political politics of the “community of virtue”, i.e., the rejection of power for the sake of moral society, such as proposed by libertarians, neo-liberals, anarchists and utopians. I consider Kant’s statement of the political problem: given humanity’s unsocial sociality, where each person is tempted to act as an exception to universal law, humans need rulers, but how to obtain rulers who are not themselves ruled by power, and become tyrannical, rather than being ruled by justice? The solution proposed by “the community of virtue” would reject power altogether and replace it with society regulated exclusively according to the moral virtue of its members. The Bible’s story of Gibeah shows graphically and conclusively the failure of any such attempt. Instead, as with normative political philosophy, the Bible endorses the rule of a king, i.e., the rule of the state, and a politics whereby power is disciplined to serve justice because it is rooted in Torah, i.e., a fundamental covenant, charter or constitution, aware and vigilant regarding the ambiguities and temptations of sovereignty, and therefore, ideally, always open to critique. As exemplified by biblical prophets, political protest against injustices perpetrated by the powerful against the least—widow, orphan, stranger—is at once religious obligation and true patriotism.

Keywords: politics; morality; justice; power; Bible; Kant; Levinas; sovereignty; libertarianism; patriotism

1. Introduction: Politics, Power and Justice

That the political pertains to public power, the power of public order, but such power as subject to ethics, which is to say constrained by goodness, or to say this more precisely, that the political is the public struggle of individuals and parties, in shifting alliances, to establish justice, respect for each by respect for all, has been known since the axial age of Ancient Greece, the Hebrew Bible, the Chinese Classics, the Hindu Vedas, to name only a few well known instances. In the West, seminal foundational writings, from Plato’s Republic, Aristotle’s Politics, Thucydides’ History of the Peloponnesian War, to the Scriptures written in Hebrew, Greek, Aramaic, Latin and Arabic, all treat the struggles of politics in the light of justice, whether human or divine. In this way, as the ethics of power, of the commons, politics—not business, not family, not cult pieties, not knowledge, not contemplation or ecstasy, not wealth or titles, not power or virtue by themselves—has come to represent, indeed to most tangibly represent, humanity’s highest, most comprehensive spirituality.¹ Not everything

¹ Mahatma Gandhi often remarked on the role of politics in religious life: “I could not be leading a religious life unless I identified myself with the whole of humankind, and that I could not do unless I took part in politics. The whole gamut of human activities today constitutes an indivisible whole. You cannot divide social, economic, political and purely religious work into watertight compartments. I do not know any religion apart from human activity.” (Gandhi [1938] 1960, p. 77). Mao Tse-Tung put the point more dramatically when he wrote: “Not to have a correct political point of view is like having
depends on politics, but justice—what little justice there is\textsuperscript{2}—which does, is humanity’s highest, noblest assignment and achievement. It may seem farfetched \textit{prima facie} to say such things of the daily dirty dealings and compromises of politics, but the difficult struggle for justice is ultimately what distinguishes humanity from beasts, and angels, with the promise of a better future.

There are of course those who radically dissent, who disparage morality and justice as extraneous nuisances to politics because politics, so they say, is just about power, the strong ruling the weak. These so-called “Machiavellians”,\textsuperscript{3} or “realists”, or proponents of realpolitik, however, are confused, confusing or just plain liars. For we must ask the rhetorical question of who is more realistic—those who would dismiss morality and justice, who shirk and shut their eyes to humanity’s aspirations and nobility, or those who shoulder their ethical responsibilities, with all the attendant challenges and difficulties? We are not duped, that is to say, into thinking that childishness or irresponsibility constitute some sort of superior sophistication. We do, however, freely admit to our own \textit{naiveté} when it is the uplifting \textit{naiveté} of all ethics, which puts giving above taking. Politics is built upon such generosity, or it is tyranny. Such realist slogans as “might makes right” and “beyond good and evil” are contradictions, the cotton candy and noisy fireworks of the privileged who would cloud reason, abuse language and confuse discussion, to disorient and undermine the goodness and right which are the real supports of politics and the bane of evil and injustice. Political theorists, or anti-theorists such as Gorgias, Machiavelli, Hobbes and Schmitt, have misrepresented humanity, one-sidedly exalting power over ethics, just as political thugs such as Mussolini, Hitler, Franco, Stalin and their ilk abuse power in practice.

We reject the theorists for their bias and contradictions, the strong men for their deceits and abuses, and their worldviews for falsity and mythologizing. All the more, however, must we accurately grasp the nature of power and its place in politics. Since politics is the struggle to subject power to justice, we must grasp its nature truly to master rather than be mastered by it. Power comes in many forms, physical, financial, institutional, charismatic, erotic, military, and so on, but it is distinguished by three inter-related characteristics: \textit{dependence}, power over, overpowering something, never satisfied or content, it must subdue, put down, subjugate its other; \textit{expansion}, in which power seeks more, to increase itself, in space, time, resources, armaments, magnitude, in every way; and \textit{exclusivity}, in which power seeks only power and sees only power, it projects itself upon all things, converting them, for its purposes, into powers. Power strives for the hegemony of power, indeed for its absoluteness. To Lord Acton’s famous apercu, “Power corrupts, absolute power corrupts absolutely”, we add “and all power strives to be absolute”. To capture these three senses of power and their dynamism, we call power “self-aggrandizing”, compressing in this term Hobbes’ famous characterization of power in \textit{Leviathan} as a “perpetual and restless desire of power after power that ceaseth only in death”.\textsuperscript{4}

Because power is self-aggrandizing, politics, the struggle for justice, is necessary, serious, difficult and dangerous. Power, whether arms or finances, whether prestige or privilege, left to itself strives \textit{for} hegemony, to be absolute, and then even more absolute, to crush, to pulverize all opposition, real or, even more, perceived. And power, by itself, is always threatened, always insecure. It is precisely its bad infinity, always wanting more, never satisfied, that sets the agenda for politics, whose central and guiding problematic is: How to best direct (or redirect) power to serve justice rather than itself? Or, how to make power empower justice? Or, how to rule power without being ruled by it?

\textsuperscript{2} An allusion to the three related phrases found on the last page of Emmanuel Levinas’s \textit{Otherwise than Being or Beyond Essence}: “for the little humanity that adorns the world”; “For the little humanity that adorns the earth”; “for the little cruelty our hands repudiate.” (Levinas [1974] 1998, p. 185).

\textsuperscript{3} According to Burnham: “No theory, no promises, no morality, no amount of good will, no religion will restrain power. . . . Only power restrains power.” (Burnham 1943, p. 246).

\textsuperscript{4} (Hobbes [1651] 1962, p. 80).
We engage this large question as follows. (1) First, by briefly underscoring the problematic of power in politics, of power subject to justice, by turning to a short writing of Immanuel Kant, entitled “Idea for a Universal History with a Cosmopolitan Purpose”, published in a popular journal in 1784,\(^5\) where he identifies the greatest difficulty of the problem of politics. (2) Second, by a brief exposition of a perennial and popular answer to it, which we are calling the “community of virtue”, whose main thesis is that power, and hence politics, are irredeemably bad and should be abandoned. It is an outlook espoused by such unlikely bedfellows as Lenin and Libertarians. (3) Then, in the main body of the paper, we examine and criticize their alleged solution, but in a manner unusual to philosophy, but one that we believe is appropriate to the subject matter and to precisely that alleged solution, namely, through an ethical (but not a theological) exegesis\(^6\) of the biblical story of Gibeah which appears in the concluding chapters of the Book of Judges, 19-21. It is our contention that, with this story, the Bible intends to forcefully and unmistakably convey its rejection of the anti-political politics of the community of virtue. (4) Finally, we conclude with a brief sketch of the Bible’s alternative solution, the state (“monarchy”) as government limited by a fundamental document of right (Torah, covenant, charter, constitution), always receptive to criticism.

2. Kant on the Real Difficulty of Justice

In “Idea for a Universal History with a Cosmopolitan Purpose”, Kant elaborates seven propositions which together reveal the essence of the political. Three are of especial interest to us because they identify what it is about humans that produces the fundamental “antagonism within society” which makes politics necessary.\(^7\) “By antagonism”, Kant writes, “I mean in this context the unsocial sociability of men.”\(^8\) Humans are conflicted beings, not just social, not just individual, but both, unhappily, chaffing at and from their inescapable sociality. Unlike fish at school, ants in a colony, birds flocking or baboons in congress, the human species has no instinct for sociality. Yet humans are inexorably social beings. Thus, humans in association must manage and constrain themselves as best they can, which is to say, as political animals.

Kant underscores not a division but the antagonism between the social and the unsocial, as two aspects or vectors of each and every human. Hobbes and Nietzsche are wrong, then, and, grossly misleading, by not merely comparing humans to wolves or solitary beasts of prey, and society to war, but in reducing them so, by denying humanity’s essential sociality. Humans are not atoms or monads, but of mothers born, and of society borne. So, too, Rousseau is wrong and misleading if, thinking to favor sociality, he means to suggest that humans, by some sort of instinct, are naturally companionable. Not being, not biology, not psychology either, but ethics is the proper field of civilization and its discontents. Morality is the manner in which humans in their interpersonal relations temper their unsociality, and politics is how they do the same regarding the broader public sphere. Ethical discipline, from morality to politics, is the human alternative to instinct, radically different, too, because it is based in freedom rather than reflex. The so-called realists prefer a simpler picture, reducing humans to nature, to chemicals, to animals, to DNA, or some other calculable logarithm which rids them of a messy humanity, that nuisance of unpredictable moral freedom. Humanity’s unsocial sociability is not so easily dismissed, or if it is so dismissed, there is a monstrous price to pay, the return of the repressed. No doubt humanity’s unsocial sociality is like a roller coaster with ups and downs, curves and straightaways, or like the weather, sunny, calm, peaceful one day, stormy, raging, wild the next.

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\(^5\) (Kant [1784] 2007). Appearing between the first and second editions of the Critique of Pure Reason, it is a work of Kant’s mature period.

\(^6\) The approach of “ethical exegesis” has been elaborated in several of my own writings, e.g., “Humanism and the Rights of Exegesis”, in (Cohen 2001, pp. 216–65). For an example by another author, also on the Bible, see (Walzer 1985).

\(^7\) (Kant [1784] 2007, p. 44). The Fourth Proposition in full reads: “The means which nature employs to bring about the development of innate capacities is that of antagonism within society, in so far as this antagonism becomes in the long run the cause of a law-governed social order.” Our concern is not with Kant’s teleology.

\(^8\) Ibid.
In any case, politics is humanity’s unavoidable way of negotiating the irreparable antagonism of its own unsocial sociability, without guarantees for any one outcome, struggling nonetheless in the “good fight” for human moral dignity supported and protected by public justice.

Humans are both gregarious and not, both responsive to others and egoist, selfish, heedless. “Man has an inclination to live in society”, Kant writes, “since he feels in this state more like a man, that is, he feels able to develop his natural capacities. But he also has a great tendency to live as an individual, to isolate himself, since he also encounters in himself the unsocial characteristic of wanting to direct everything in accordance with his own ideas.” The justification of politics is to socialize humanity’s unsociability. Rather than dealing with asociality by brute force alone, as if it could be suppressed or even eradicated, politics seeks to alter and redirect its energy by enacting and encouraging laws that are just, which is to say laws which can be dutifully obeyed, internalized with ethical justification.

To be sure, to break the law, whether the lawbreaker is eager or reluctant, is criminal and must be treated as such, but this fact does not in the least undo the politically more important fact that citizens are more likely to obey the law, voluntarily, dutifully, when the laws are perceived to be just. Humans, as the political animals they are, seek justice. Over time, then, unlike the application of sheer brute force, by enacting and enforcing laws that are just, and hence ethically justifiable, “a pathologically enforced social union is transformed into a moral whole.” The justification and aim of politics—and of the state—is therefore to transfigure brute force into moral force, which can be accomplished in one way only: by the achievement of justice.

It should be clear already, then, that the task of justice is difficult, indeed the most difficult, if also the most noble. Thus, we read Kant’s fifth proposition: “The greatest problem for the human species . . . is that of attaining a civil society which can administer justice universally.” Justice requires respecting the freedom or autonomy of all citizens alike, “in other words”, as Kant writes, “establishing a perfectly just civil constitution.” Although we in the West have known at least since the atrocities perpetrated in the crushing of the French Commune in 1871 that formal or legal rights are by themselves not sufficient to establish real justice, which is based upon material as well as formal conditions, what Kant realized and underlined from the start of modern liberal democracy is the difficulty of finding a society willing to establish and administer even a formal or legal justice. Difficult as is the real justice demanded by social democracy, the formal, legal but abstract justice demanded by liberal democracy is already enormously difficult, as the outcry against police brutality and murder by the Black Lives Matter movement in the United States today, for instance, has shown with all too much and too bloody evidence. Societies, driven also by the input of human unsociability, which is to say, by human selfishness, are swept with biases, prejudices, fears and factions not putting the good of all above the good of each or some preferred subgroup. Americans, white Americans, are generally racist, but so too are most societies in the world today, from France to Russia to China to India—indeed, racism seems ubiquitous, sad to say. The political problem, then, is exasperating and exasperated, like the question of the precedence of chicken or egg: how to establish a just civil constitution without first establishing a just society, but how to establish a just society without a just civil constitution? Politics is not easy; justice is difficult to achieve. No doubt a dialectic joins society and politics in their mutual development, or retardation, or stagnation.

But there is yet another and even greater difficulty, beyond creating and maintaining a just society willing and able to create and maintain a just civil constitution—namely finding a just ruler. Here is the greatest difficulty of them all, the final frontier of politics, the rock, as it were, or the hard place, indeed
both, which is to say the ultimate antagonism politics must resolve. I cite Kant’s sixth proposition at length:

*This problem is both the most difficult and the last to be solved by the human race. The difficulty ... is this: if he lives among others of his own species, man is an animal who needs a master.*

For he certainly abuses his freedom in relation to others of his own kind. And even although, as a rational creature, he desires a law to impose limits on the freedom of all, he is still misled by his self-seeking animal inclinations into exempting himself from the law where he can. He thus requires a master to break his self-will ... But this master will also be an animal who needs a master. Thus while man may try as he will, it is hard to see how he can obtain for public justice a supreme authority which would itself be just, whether he seeks this authority in a single person or in a group of many persons selected for this purpose. For each one of them will always misuse his freedom if he does not have anyone above him to apply force to him as the laws should require it. Yet the highest authority has to be just in itself and yet also a man. This is therefore the most difficult of all tasks, and a perfect solution is impossible.”

The problem of infinite regress is not therefore merely an abstract or logical conundrum. Rather, the creation of a just individual to rule, or a just society demanding a just ruler, is essentially difficult due to the inner and essential antagonism in each human being between sociality and anti-sociality, between accommodating gregariousness and self-aggrandizing selfishness, or again, between justice and the power which justice must check.

We have learned two things from Kant. First, selfishness, unsociability, is the problem; and second, justice is the solution. But how to transform that unsociable social being, the human being, into a just citizen—this remains the greatest difficulty, and this is the third teaching of Kant. If humans prefer the easy and simple, then justice will escape them. The argument is irrefutable: to be just, humans must be ruled. But humans can only be ruled by other humans; even laws must be applied, administered, adjudicated, and the like, by human beings. If laws are to be just, no one can be treated beneath them, nor can anyone be above them, though exactly this latter is the danger inherent in the very nature of ruling. Justice therefore requires that humans have leaders, rulers, people in charge, governors, but they too must be just—but how to restrain the ruler who, as sovereign, and therefore unlike all underlings, is without master? That is the question! A society can, with difficulty, create for itself a just civil constitution, but to create and maintain a just sovereign, a just ruler—this difficulty seems to defy solution. Justice is the best solution to humanity’s unsocial sociability, to obey laws in whose moral right one approves and dutifully respects. But how to make sure the ruler rules justly, how to constrain sovereign power—power of the last resort—by justice?

Needless to say, political theorists and activists have devised many answers. One perennial and popular solution, as I have already indicated, and the one to which we now turn, is the “community of virtue”, i.e., virtuous people behaving virtuously, without any outside regulation or interference.

### 3. The Community of Virtue

> “People, I just want to say, you know, can we all just get along? Can we get along?”
>  
> Rodney King, 1 May 1992, Los Angeles

The basic idea is as simple conceptually as its realization has proven elusive historically. Here, too, as with politics, the concern is with justice, to establish and maintain a society of peace, mutual respect and social wellbeing. In sharp contrast to and in contestation of politics, however, the proponents of this solution hold to a radically different working premise, namely that because power is evil, it cannot be used to right wrongs. It follows that a just society, a society of peace, mutual respect and

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14 (Kant [1784] 2007, p. 46).
social wellbeing—which remains the goal—cannot in principle be achieved by politics. Therefore, politics, all politics, must be rejected as a means to achieve justice. Instead, society must replace politics. But not any society. Only a fully moral society, a community of virtue, is capable and worthy of replacing politics. Thus, the solution to the central antagonism and difficulty of politics, its defining problematic, the struggle of power and justice, or sociality and anti-sociality, is dealt with like the famous Gordian knot: not untied but cut, not fixed but surpassed, by rejecting all ties with power, with coercion. Politics is abandoned, but justice is still achieved through the social glue of moral virtue, the social cooperation which virtue, and virtue alone, because of its inherent non-violence, enables. If everyone behaves decently, respectfully, morally, then law, police, courts, indeed, the whole apparatus of the coercive state, and ultimately sovereignty itself, are rendered unnecessary and revealed for the evil and injustice that they are in essence. In sum, moral society, the community of virtue, displacing and replacing politics, achieves the justice which politics promises but fails to deliver. It is a truly lovely idea, a truly noble prospect; no wonder it has perennial appeal and popularity.

But we must reject it, for a variety of good reasons, rational and historical. Beyond these, in the present paper, we reject it by means of biblical exegesis, and do so not only to highlight a biblical teaching, or even to show how vehemently and unequivocally the Bible stands against such an alleged solution, which are both the case, but also because proponents of this solution often themselves invoke the Bible, or more broadly and vaguely, religion, in support of their thesis. Thus, our biblical exegesis goes onto their home turf, as it were, to show the error of their ways, preventing, thereby, any dismissal of it for being merely rational, as if that were a criticism.

But why all the trouble? Have we not already, with the added endorsement of Kant, admitted the basic premise of the community of virtue, namely the evil of power, its inner tendency to hegemony? Are they not then justified to challenge and reject, as a contradiction on our part, we who defend politics, the use of evil to fight evil, of power to tame power? Can two wrongs make a right, they will rhetorically ask. Evil and power must be set aside, politics, Caesar renounced, so the virtuous sermonize, for they blacken the fingers that wield them, ruin the justice they pretend to uphold. Surely the Bible, of all books, which certainly exposes and denounces the bond between power and evil, surely it does so to preach love, nonviolence, turning the cheek (Isaiah 50:6), as the only worthy remedies.

But our biblical exegesis, below, will show something else entirely, for it will show the Bible not only recognizing and advocating for politics, for the struggle for justice as not only a part of holy history but as its most essential part, its very purpose, but, furthermore, denouncing and rejecting, in the most unmistakable terms, the proposal of the community of the virtuous as itself an evil and injustice. And this because the Bible, in its maturity, recognizes that the social–political struggle is not a children’s story or cartoon opposition of good and evil, but rather a conflict of partial good against partial good, of partial evil against partial evil, in sum, a struggle of better against worse, not pure good against pure evil, or pure justice against pure injustice. In such a struggle, which is humanity’s real struggle, the side of justice, for the sake of justice, must adopt power, but not for its own sake, but to limit the power that chooses power alone. While the ideal antagonism of politics is good versus evil, justice versus injustice, in all their purity, the real antagonism, in real places, in historical times, is between mixtures of the two, those parties, of the just, who use power to limit power, and those parties, tyrants, dictators, authoritarians, fascists and their ilk, who use power for more power. Thus, for the sake of ending violence altogether, the Bible distinguishes and advocates “good violence” against “bad violence”, violence troubled by “bad conscience”, violence, that is to say, that reluctantly but necessarily uses violence with the aim of ending violence, e.g., war for the sake of peace, in contrast to violence done in “good conscience”, without reservations, enjoying violence, as it were, e.g., war for the glory of war. The Bible supports the former violence, despite its impurity, against the latter, for its impurity.

The political struggle for justice, in a word, is no fairy tale, no children’s story, no clash of black and white, good and evil, angels and beasts. Rather, it occurs in the middle world of humans, knowing good and evil, torn between better and worse, in bad conscience, fighting against the violence of criminals,
tyrants, bullies, fascists and their ilk, against the “powers which seek only more power”. There must be a king, but there must be prophets as well. Justice is outstanding in the double sense of always future and always better. Humanity finds its highest assignment, so the Hebrew Bible teaches, in the transcendence of a just future. The community of virtue pretends to forget the human condition, substituting an angelic one. And for this noble ideal, for the beautiful soul, it sacrifices reality, and in sacrificing reality, it produces and ignores real pain, suffering, harm, evil, violence and injustice.

So, the proposed solution: eliminate power and politics to eliminate evil and injustice—then and only then can the community of virtue flourish. Out with politics and politicians! Like Saint Georges, the dragon cannot be tamed but only slain. For the more patient righteous, the gradualists: the more morality, the more virtuous society; the less need for politics, until finally politics can be dispensed with entirely as unneeded. For the impatient righteous, the revolutionaries: down with the king, down with the aristocracy, down with the rich, a pox on them all, a bonfire of the vanities! For both, heaven on earth, paradise here and now—no compromise. Not just liberty, which produces conflict. Not just equality, which defies nature. But liberty and equality based in moral fraternity, a pacific human solidarity of mutual love and respect enabled in, by and as the community of virtue.

Has there ever been such a community, whose leading proponents seem so diverse, such unlikely bedfellows? Could even they spend a day, let alone a lifetime, together in peace? Henry David Thoreau, American transcendentalist, declares “That government is best which governs least”, and goes to jail rather than pay taxes to support America’s war against Mexico. Mahatma Gandhi, leading India to independence, preaches the self-discipline of satyagraha, “truth insistence”, promoting massive non-compliance with selected British colonial orders. Was there really a king, Ashoka, afterwards known as “the Great”, whose principled pacifism led him to disband India’s military in ancient days? Vladimir Lenin, Bolshevik Russian revolutionary, in 1917, shortly before violently taking absolute power, writes of the “withering away of the state” with the arrival of Communism. America’s libertarians and neo-liberals would also wither the state, replacing it, however, with a free market. Anarchists of all stripes second them all. Not to mention the saints, or Leo Tolstoy, or John Ruskin. We have already alluded to Savonarola’s Florence, but let us not forget America’s Shakers, Fourier’s phalanxes, Brook Farm, Robert Owen, the list of high-minded but failed attempts at the community of virtue is a long one. All united by contempt of power, utopian impatience with politics, fueled by moral righteousness. What could be simpler, more direct, more evident: “Can’t we all just get along!” “À bas l’État!” Up with moral civil society. Up with family values. “Après vous”, yes, very well, so kind of you, a community of saints.

But inevitably also there comes the après moi … le deluge! Egoism, advantage, privilege, power, self-aggrandizing violence are not so easily brushed off, not so easily vanquished, do not give way to their betters, do not accede to the good, do not pitch in and sacrifice for justice. The violent will have their way.

We must distinguish two premises or moments of the proposed solution, one negative, the other positive, each of which is contradictory, and neither remedied by their combination. The negative premise or moment is the elimination of coercive government: no power, no state, no politics. The contradiction: power must be eliminated without the use of power, somehow, miraculously apparently. Lovely, desirable, but beyond the human, as per Kant. The positive premise or moment is that only a community of virtue is capable and worthy of replacing politics, because only such a society can live in orderly peace without coercion. Eliminate politics, but only if and when a community of virtue fills the vacuum, because only conscience can replace constables in keeping the peace. Here, the contradiction is similar to the first: the community of virtue must somehow come into being, like Athena from the head of Zeus, fully formed, fully ready to displace the political community, because politics, until the moment it disappears, corrupts people, alloys the social to power, and hence with evil and injustice. So, whether the community of virtue must from the first be a community of angels, each member, to use Marx’s formulation, “giving according to its abilities, taking according to its needs”, or in the formulae of Libertarians, “each giving and taking strictly according to cost-benefit
analysis”, but in either case, and in any case, fully liberated of evil and injustice. The problem is that human societies develop over time, are not born fully grown out of Zeus’s head. Since power corrupts, as the virtuous are unanimous in declaring, then the virtuous, before ridding themselves of power, are themselves corrupted, hence cannot be expected to miraculously constitute themselves as purely pacific community of virtue. So where does the virtuous community come from? Either it is dropped fully from heaven, which it is not, or only by miracle, or it evolves out of political society, which the community of virtue proponents themselves declare is exactly what cannot happen. Neither in its negative nor in its positive aspect is the community of virtue possible, much less probable or even likely. Rather, however lovely, it is a tall order—or more precisely a tall tale—never to be met, because impossible.

Which is why the proponents of this solution sooner or later rely on a “religious”, fabulous, rapturous, miraculous, wishfully thought imposition, or to say this more plainly, by a completely irrational or magical conjuration, fantasizing at one stroke the wiping out of the political and the inauguration of a community of virtue—always their own community. Hence, they turn to the Bible, despite the fact, as we shall see, and much to their chagrin, that it too has also already rejected them, and for very good reason, namely, because the Bible cares more for good and justice than purity and conformity, or as the prophets put it, sacrifices at the Temple are unacceptable when done while condoning evil and injustice.15

4. The Story of Gibeah, Judges 19–2116

“Whenever a generation has respect for the judge, he is righteous and they are righteous, but when respect for him is removed he is guilty and they are more so.”

*Zohar Hadash, Bereshit, 20b; Midrash ha-Ne’elam*17

The political trappings of a community of virtue, really the eschewal of politics, can be said to have existed in Ancient Israel for at least two hundred years, and perhaps longer, as it is depicted in the Book of Judges and 1 Samuel 1–8 in the Hebrew Bible. This time of no national government occurred after the end of the central authoritarian leadership of Moses and Joshua, both unique figures because, among other things, they were divinely appointed and in direct communication with God, and before the rise of Israel’s monarchy, which began with Kings Saul, David and Solomon, and continued through their heirs, anointed by prophets, including some much later monarchs with less exalted pedigrees. It was in the era between its Leaders and its Monarchs, then, that Israel was beholden to no single or central national governor or government. Rather, their organization was familial, many extended patriarchal families, aligned as tribes, twelve or thirteen tribes, depending on how one counted them, with each, with the exception of the priestly tribe of Levites, assigned its own contiguous tract of land in the greater Land of Israel. Beyond these familial structures, and beyond the “religious” responsibilities of its priests, there were Israel’s “judges” (Hebrew *shoftim*), persons whose authority depended on a respect and obedience voluntarily accorded to them. Judges, as their name indicates, adjudicated disputes, but only those disputes voluntarily brought to them, and only by an authority and sanction voluntarily agreed upon by the litigants. Little more is known of the rule, such as it was, of judges. In accordance with the advocates of the community of virtue, their rule seems

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15 Many commentators have pointed out that the prophets, especially Isaiah, Jerimiah and Ezekiel, did not denounce Temple sacrifices per se but only Temple sacrifices which were made without appropriate accompanying moral behavior. Sacrifices were always required, for a variety of reasons (sin, thanksgiving, festivals, etc.), but one could not expect them to be acceptable to God, so they stridently argued, unless one treated other persons kindly, honestly, with justice, and most especially the most vulnerable, the least among them, the poor, the downtrodden, the disadvantaged, the “widow, orphan and stranger”. See (Chinitz 2008).

16 With some slight alterations in translation, all unattributed biblical citations in the present paper are from (Sherman 1996, pp. 633–43), i.e., Judges, chp. 19–21.

17 Cited in (Tishby 1994), p. 1424.
entirely informal, voluntary, an ethical force and not a political power, pacific not militant. Of the
dozens or so judges named in the Bible, there seems to be no unifying thread, standard or criteria
linking them, other than that they were respected. Some were warriors, others sages. They are mostly
forgotten, with the exceptions of Deborah and Samson, whose stories retain interest.

That there were judges at all, and that they were respected, is doubtless a holdover, a remnant
really, of the judicial system set up by Moses in the desert at the advice of his father-in-law Jethro.
Let us recall that Israel became one nation upon leaving Egypt under Moses’ leadership. It received
its constitution, as it were, the Torah with its many commandments, shortly thereafter at the foot
of Mount Sinai. When the Israelites had questions about how exactly to properly obey the Torah,
or when they disputed amongst themselves, these cases were all brought to Moses to resolve. Because
Moses was in direct communication with God, he was able to resolve all these cases. But the Israelites
were numerous, millions, and there were simply too many cases, requiring Moses to spend his days
“from morning to evening” (Exodus 18:14) adjudicating them. “Too hard”, said Jethro, it will make
you “worn out” (Exodus 18:18). Accordingly, Jethro advised Moses to set up a hierarchical system
of courts and judges, with the latter selected because they were “God-fearing people, men of truth,
people who despise money” (Exodus 18:21). Such were judges when judges were pious, virtuous,
honest, fair. And there were many of them, since a court was created for every ten Jews, and appellate
courts were created for every fifty, hundred and thousand Jews above these, and then Moses sat above
all these as the final court of appeal. As a result—and this was the idea—only the most difficult cases
reached Moses, who was thereby no longer exhausted by his judicial duties. And besides, Moses was
able to consult with God to decide these difficult cases (see Exodus 18:17–26).

Do we need to reread Kant, above, to remind ourselves how difficult, how truly difficult, it is
to find judges who are truly “God-fearing people, men of truth, people who despise money”, rather
than egoist, opportunist and avaricious, especially when, with Moses and Joshua gone, there are no
rulers above them? Suffice it to say that in the time of the judges, without a proper ruler to enforce
justice, it is not hard to imagine what “judges” there were having become corrupt, as corrupt, if not
more corrupt—because they were rulers—than everyone else under such circumstances. This—that
virtue alone is not a sufficient bulwark guaranteeing peaceful coexistence, or even itself—will be the
very lesson of the story of Gibeah that we are about to examine. It is the insight that we find expressed
in the epigram from the Zohar cited above, and expressed in even more concise and summary form in
1 Samuel (3:1), after the monstrous Gibeah affair is over: “The word of God was scarce in those days;
vision was not widespread”.

The time of judges, between Leaders and Monarchs, was “an attempt”, according to Martin Buber,
“to establish a society on pure voluntarism”, an “experiment in primitive theocracy”,18 where God’s
sovereignty—through the good offices of disinterested judges, to be sure—would be pure.

The story of Gibeah, told in three chapters, 19 through 21, of the Book of Judges, like a stinging
slap in the face, shows what horrors in fact occur during a regime of the virtuous. Dramatic, violent,
gruesome, bloody, it is among the most sensational stories in the entire Hebrew Bible, a book not
known to be tepid. It is amazing that Hollywood has not yet made the film. At the same time, it is
a story almost unknown today to the general public, at least in our times. Maybe it is too gruesome for
Sunday School. It comprises a hundred and three verses, which is comparatively long in the Bible’s
laconic textual economy. By comparison, for instance, Adam’s entire stay in the Garden of Eden begins
and ends in thirty-eight verses, in which Eve appears in only twenty-seven. The Tower of Babel is built
and destroyed in nine verses. And God creates the entire universe in twenty-nine verses, spending
a mere six days at it. Our exegesis follows the three sections, the three acts, as it were, of the tale’s
unfolding: (1) husband and wife; (2) nightmare in Gibeah; and (3) justice and war.

18 (Buber 1948, pp. 128–29).
But first, a few words about the story’s self-contextualization, its own framing, because it is not only, first of all, quite explicit, but, second, because it is resoundingly emphatic, repeated four times, twice prior to the story, once as its opening verse, and finally as its closing verse, indeed the last verse of the Book of Judges. So, the story’s bookends, as it were, are the first verse of the story (Judges 19:1), “And it was that in those days there was no king in Israel” and the last verse of the story, and of the Book of Judges (Judges 21:25), “In those days there was no king in Israel.” And the preceding two preparatory verses, the first in chapter 17 (Judges 17:6), “In those days there was no king in Israel”; the second in chapter 18 (Judges 18:1), “In those days there was no king in Israel.” Considering its usual tone and concision, the Bible is here shouting through a megaphone: Behold what happens when you have no king! Behold what happens with your so-called theocracy without monarchy! The first and last of the four verses, read in full, are explicit regarding the moral failing of the would-be community of virtue: “In those days there was no king in Israel; a man would do whatever seemed proper in his eyes.” Morality, conscience, virtue, are all well and good, but not sufficient for community peace, let alone justice. The moral of this story is so important, and yet the alternative remains so tempting, nonetheless, that it must be told four times: without a human ruler, without a king, without the sovereignty of the state, people eventually do whatever they want, are unruly, each person acting as an exception—the unsocial downside of Kant’s “unsocial sociality”—so do not wonder that all hell breaks loose, as with the debacle of Gibeah—you have brought this catastrophe upon yourselves. Humans are not angels, to be sure, but morality is not enough for social cohesion. To obey the divine covenant, the Torah, humans must also obey a king, a real human king—in other words, human governance. Of course, a good king is better than an evil king, a just king better than a greedy, selfish, power-hungry king, which for the Israelites means a king bound to Torah—again, Kant’s greatest difficulty. Rule not by the sovereign’s will or power alone, but by the sovereign’s will or power bent in obedience to Torah, despite the exceptional status of sovereignty—here lies the formulae of the politics of justice. So, of course, there are bad kings, and of course it is nearly impossible to have a good king … but this is not our topic. Our topic is the impatient solution proposed by the community of virtue, which, instead of facing the difficulty of just sovereignty as the real and ongoing difficulty it is, would dispense with power and politics altogether, and in doing so somehow still expect justice.

A final observation for those who are predisposed against the Bible and its exegesis, for whatever reasons, especially if such antipathy derives from having experienced only their dogmatic and distorting theological entanglements. To such persons, I advise them to think the Gibeah story not as a Bible story at all, to bracket out all theological accoutrements entirely. Rather, it and its exegeses should be taken as “state of nature” stories. Which is to say, the sort of story which has often been told by political philosophers, such as Hobbes, Locke and Rousseau, and Plato above all, as a thought experiment which by analytically stripping away the political—whether on alleged historical grounds or by imagination alone, it does not matter—discovers by its absence what precisely politics adds, its positive nature, to better understand and better appreciate its distinctive contributions and worth. Furthermore, nothing is lost, and indeed everything is gained—like the difference between childishness and maturity—in reading and thinking the Bible this way everywhere.  

4.1. Husband and Wife

The Gibeah story begins where all the ancient political theorists begin, a beginning forgotten in modern political thought. They begin where humans begin, with a couple, male and female, with a family—in this case, a husband and a wife, and the wife’s father. Thus, we begin in a world of thick rather than abstract relations, of interwoven inter-generational obligations, where to be oneself is also to be son, daughter, mother, father, uncle, cousin, grandson, aunt, niece, granddaughter, member

19 (Levinas [1961] 2003, p. 79), famously wrote: “Everything that cannot be restored to an interhuman relation represents not the superior form but the forever primitive form of religion” (revised translation my own).
of a tribe, and so on. By contrast, we can see that the self-interested individual of modern political theory is a theoretical abstraction, cut off from such relational obligations, and so cut off from them as to leave them entirely out of consideration. The individual and citizen of modern political theory, let us admit it right away, is the product and reflection of market economy, of the exchange relations, monetization, commodification and everything else brought by the Industrial Revolution which has taken over the globe. This is why it is called a revolution, for having overthrown all the older authorities, call them feudal, which bound humans to one another, now reduced to sentimentality by the acid of price, of a universal buying and selling. This is why, by the twentieth century, more perceptive political theorists such as Harold Laski, in *The Rise of European Liberalism* (1936), or C. B. MacPherson, in *The Political theory of Possessive Individualism* (1962), among many others, were able to unmask the much-vaunted freedoms, rights and individualism of the modern political theorists for the bourgeoise props, the market freedoms and capital accumulation which they actually reflect and legitimize. Bible figures, in any event, like Homeric heroes, are no such caricatures.

The Gibeah story begins prosaically: a wife has left her husband. No explanation is given. She has returned to her father’s house (women at that time were always under a man’s control). After four months’ separation, the husband, with servant and donkeys, travels to his father-in-law’s house to seek reconciliation, which he finds. Before they return home, he enjoys the proffered hospitality of his father-in-law for a few days. Not an ordinary story, but not extraordinary either, indeed, hardly noteworthy, and less so in our day, when separation and divorce are fairly common. It is on their way home, however, that the story becomes a thriller, indeed turns into a bloody living nightmare, personal, local and finally national. Let us review its beginnings more closely.

The husband is never named, but identified only as a “Levite man”. He is a member of the tribe of Levi, the tribe which, after the incident of the Golden Calf, replaced firstborn males as Israel’s priests. The tribe of Levi is divided into two sub-castes, the small group of priests proper (Hebrew, *kohanim*), descendants of Aaron, who are assigned special sacerdotal functions such as performing sacrifices, identifying bodily and residential impurities, testing marital fidelity, and the like, and the rest of the tribe, who assist the priests, keep watch at the Temple, sing sacred songs, blow trumpets, and so on. As is the case with priests in all cultures, the Jewish priests, the *kohanim*, are bound by more stringent rules than the rest of the Levites or the other Israelite tribes. The entire tribe of Levi, however, priests and their assistants, is distinguished from the other tribes, and hence from all other Israelites, by not having been assigned their own tribal parcel of land. Thus, Levites must live off the tithes and edible portions of sacrifices which the rest of Israel are obligated by law to bring to them. The husband is a Levite.

The woman is identified as “a concubine wife [Hebrew: *pilegesh*] from Bethlehem of Judah”. Again, no name. Rather, she is identified by marital relation, city of birth, and tribe. The tribe of Judah is the tribe of David and Israel’s kings. What is a “concubine wife”, a *pilegesh*? The translator’s use of the term “concubine” is misleading: a *pilegesh* is not a prostitute. Jewish men at that time were permitted four wives, like the patriarch Jacob. They were permitted but not forced. The term *pilegesh* means that this woman is the Levite’s fully legitimate wife but not his one and only wife. Indeed, in this biblical narrative, the other wives are never mentioned and play no role. True, there are some relatively obscure “legal” differences between a wife who is a sole wife and a wife who is one of two, three, or four wives, but these are of no evident relevance to the story, and in any event are never mentioned. For our purposes, then, it is sufficient to know that, given the nature and legitimacy of Israelite polygamy, the wife is a fully legitimate wife. Furthermore, since wives unlike husbands are not permitted more than one spouse, we should keep in mind, too, that from her side, the Levite man is her one and only husband. In brief, then, they are husband and wife. We must not allow the English translation “wife-concubine”, a technical term for the unfamiliar to us status of *pilegesh*, to cast its linguistic but unsubstantiated aspersions on the wife’s virtue.

As we briefly indicated, the Levite man travels to his wife’s hometown, Bethlehem, to his father-in-law’s house, to “cajole her, to bring her back.” His cajoling is successful; she agrees to
come back. That husband and wife are reconciled is a good thing. The woman’s father, the Levite’s father-in-law, seems quite pleased, for he wines and dines his son-in-law for three days after. Hospitality is deeply ingrained in the Semitic world. Abraham, patriarch of the Jewish people, is famous for his hospitality, rushing from his desert tent to welcome and host strangers, even when he is recovering from his own circumcision at the age of ninety-nine. After three days of celebration, on the fourth morning, the Levite man arises to go, to return home with his wife, but his father-in-law prevails upon him to stay for yet another day of celebration. He agrees, and they stay another day. On the fifth day, it is the same: the couple gets up to go, but the father-in-law insists that they stay longer to celebrate more. Once again, they stay, but this time only into the afternoon, when after five days of celebrating, they finally depart for home. If they had left in the morning, as intended, they would be home the same day, but leaving in the afternoon, they will now have to stay overnight somewhere on the way. The delay is fateful, for them and for all Israel; in retrospect, we might think they celebrated too much.

On their way home from Bethlehem, they travel as far as Jerusalem, to a neighborhood named Jebus, after the Jebusites, a Canaanite tribe who live there. Only later under King David will Jerusalem be made one hundred percent Israeliite. It is evening, late. Quite naturally, the Levite’s servant suggests that they stop in Jebus for the night. The Levite disagrees: “Let us not turn into a city of a foreign people who are not of the Children of Israel. Let us pass on to Gibeah.” It is not out of the ordinary or odd that he prefers to spend the night hosted by his fellow Israeliites rather than Canaanites who, after all, have different ways and customs. Who knows, perhaps it is a matter of the availability of kosher food, or a minyan for prayer. Shortly, we find out that the Levite is carrying all his provisions, all the food he needs, and even food for the donkeys, and no mention will be made of a minyan in Gibeah. Do we detect a chauvinist tribalism?

Perhaps, then, in the fateful decision to lodge with his fellow Israeliites, Benjaminites, rather than Canaanites, lies the true issue of the story, the question of loyalty, of allegiance to group versus fidelity to morality and justice, a question tested if and when they are out of alignment. Like a Greek tragedy, like Antigone, but we are only at the beginning of our story.

4.2. Nightmare in Gibeah

“He entered [Gibeah] and sat in the town square, but no one brought them into a home to spend the night.” Gibeah has a hospitality problem. No matter its inhabitants and visitors are fellow Israeliites. Readers familiar with the Bible will already be thinking—and quite rightly—of Sodom, a city infamous for its inhospitality. Eventually, an old man appears in the square, returning in the evening from his field work. His name is not given, but the old man, like the Levite, tells he is from Mount Ephraim. He is not a native Gibeon, and not a Benjaminite. Inquiring of the Levite, he finds out that they are passing through and seek lodging for the night. The Levite tells him that they do not require food because they are carrying all their own provisions. But the old man is hospitable. “Peace be with you! However, all your provisions shall be upon me. Just don’t spend the night in the square!” In line with Semitic hospitality, the old man will house them, feed them and feed their donkeys as well, at his own expense. But readers are already on the alert, something is amiss, awry, fishy, first because the Levite waited unattended in the square, and now by the old man’s admonition, “Just don’t spend the night in the square!” What is wrong? Even if the Levite man had camped with his wife, servant and donkeys for one night in a town square, in an Israeliite town, what would be wrong or dangerous about that? But it is not necessary: the old farmer takes them into his house, feeds the donkeys, serves them food and drink, and “they were feeling merry.” All’s well that ends well.

But then the real troubles begin, dangers, shocking occurrences, indeed disgusting outrages, yet, at the same time, events uncomfortably reminiscent to readers of the Bible:

As they were feeling merry, behold—people of the city, lawless people, surrounded the house, banging on the door, and saying to the old man, the owner of the house, “Send out the man who came to your house, so that we may know him.”
“Know” him, of course, in the biblical sense, is to have sexual intercourse. The Gibeonite mob intends to sodomize the Levite man. Now, we cannot not think of the story of Sodom, which had appeared earlier in the Bible, at Genesis 19–29. The parallels are too many and unmistakable.

People with casual acquaintance with the Bible often think that the crime of the story of Sodom was sodomy, or homosexuality more generally. But that is not so. The crime is inhospitality, and the criminals are homosexual; that is to say, they prefer sodomy because it does not produce children, children whom one must care for, feed, raise, educate, and so forth, since inhospitable people do not wish to lift a finger or spend a penny for their neighbors, or their own children if they can prevent it. Life is the business of making money, children are expenses, and other people are customers or competitors. Abortion makes good business sense, as does sodomy.

The lesson of the two stories, Gibeah and Sodom, however, are on different levels: Sodom is a moral teaching, while Gibeah is a political teaching. Hence, the Gibeah story is more realistic, which is to say, there are no intervening angels. In both cases, a non-native resident, Lot in Sodom, the old farmer in Gibeah, provides hospitality for strangers (the angels in Sodom, the Levite man, his wife, his servant and donkeys in Gibeah). In both cases, this is their “crime”, explicitly in Sodom, where according to Midrash, this prosperous town has made hospitality illegal, forbidding anyone to invite strangers to stay overnight in their homes, and implicitly in Gibeah, owing to the obvious comparison with the Sodom story. In both cases, a mob of locals gathers around the hospitable house, bangs on its door, and demands that the male guests be thrown out to the mob for its sexual pleasure. In Sodom, of course, the angels prevent this from happening and rescue Lot and his daughters from the destruction which they then bring down on Sodom, Gomorrah and the Cities of the Plain, in divine punishment of their inhospitality, their rejection of the Bible’s command to love thy neighbor as oneself.

Let us not forget either, in recalling the Sodom story when hearing the Gibeah story, the prelude to the Sodom story, which is one of the moral high points of the entire Hebrew Bible, namely Abraham’s defense of Sodom against God’s anger, Abraham’s argument with God in the name of justice, a justice to which Abraham holds God Himself, and to which God Himself agrees He is beholden. It is the anti-Kierkegaardian story par excellence, because it shows graphically and conclusively that there is no piety in a faith which would “teleologically suspend the ethical”, and most certainly not as a justification for murder. So, too, no faith can be justified in rejecting love of the neighbor, in defending, that is to say, inhospitality. Hence, the neat juxtaposition of the Sodom story to the Abraham debates God over Justice story preceding it. And so with the Gibeah story, and even more so, because in the Gibeah story, unlike the Sodom story, no angels, no supernatural intervention, saves the day. Humans must render justice to humans, for that is the way of justice, but, alas, in Gibeah—and in so many other instances, all the way to our world today—they do not.

The old farmer steps out of his house to stop the mob, but as with the Sodomite mob, so here also, the Gibeon mob is “not willing to listen to him”. Lot offered his daughters to the mob, but thanks to the angels, the mob violated no one. The old farmer in Gibeah, in like parallel, offers his virgin daughter and his guest’s wife, again the women: “I will bring them out and you may molest them and do to them whatever you please. But do not do this disgusting thing to this man!” Neither of the hosts, neither Lot nor the old farmer, despite the goodness of their hospitality, up to a point, are angels, or even what the Bible would consider righteous persons. Apparently by the time of Gibeah, the time of the judges, despite the earlier exemplary destruction of Sodom, Gomorrah and the Cities of the Plain, the failure and perversion of morality and of justice is widespread in Israel. Readers can decide if the Levite man’s sense of justice is more or less perverted than his host’s, but the narrative tells us that he saves his host’s daughter’s virginity by pushing his own wife out to the mob, which is apparently satisfied to abuse and rape one woman instead of two, or one man. The results for the Levite’s wife, however, are horrific: mob abuse, multiple rape, death by mob murder.

The next few verses bring us to the next morning:

The [Levite] man grabbed his concubine and thrust [her] outside to them. They knew her and they molested her all night long until the morning; they sent her away as the dawn began to
break. The woman arrived towards morning and collapsed at the door of the man’s house, where her master was staying until it was light. Her master got up in the morning, opened the doors of the house, and left to go on his way, and behold—his concubine wife was fallen at the entrance of the house, with her hands on the threshold! He said to her, “Get up, let us go!” but there was no answer.

Horror piled up upon horror, every detail reveals a new horror. The wife lies dead at the door. She has been abused, raped, and finally dies, murdered from the assaults and wounds. The rabbis, to determine guilt and punishment, will later quibble over whether it was first-degree or second-degree manslaughter, but the result for the wife remains the same. One way or another, the mob, each person in the mob, is heinously guilty, of murder, of manslaughter, of abuse, of rape. Savage crimes, disgusting behaviors, the worst violations and violence, and all the worse, if one can say it, for being perpetrated by a community in covenant with God to uphold goodness and justice, a community whose constitution is Torah. Something is very rotten in Israel. Justice must be done, such things cannot be allowed to pass, not anywhere, not in Israel.

Before we turn to that justice, let us pause over a striking narrative detail, regarding the Levite husband’s discovery of his wife lying dead on the outside steps. He has arisen early in the morning to continue with his servant and donkeys on his way home. And then, as if by surprise, upon opening the house doors, there, outside, he stumbles upon something: oh, my wife, dead. To capture his surprise, the Bible says, “behold”: “behold—his concubine wife was fallen at the entrance of the house, with her hands on the threshold!” Such a tiny detail, but it speaks volumes. The husband is surprised, as if he had already forgotten his wife, and the events of a few hours before, when he threw his wife to the lustful mob. Hardly can a colder, icier heart be imagined. Hardly can the antipode of compassion and love be more sharply depicted. We cannot help but wonder why just a few days earlier, he travelled all the way from home to Bethlehem to regain his wife, to reconcile—was it to retrieve lost property, or to enjoy wining and dining at his father-in-law’s expense? Even if he did not love his wife, indeed, even if he hated her, his moral duty—the Torah—obligated him to protect an innocent woman from the violence of a lustful mob. He protected his host’s virgin daughter. And even if he felt forced to sacrifice his wife to the mob, in some sort of utilitarian calculation, to protect the lives of the old farmer, the farmer’s daughter, his servant, himself, surely we expect him to have spent an agonized night of anxiety and fear for his own wife’s terrible ordeal. Surely, he would have looked for any opportunity, however slight, to rescue her from the horrors. Not at all. He throws out the wife, goes to sleep, wakes up, and is eager to continue his travels . . . and surprise, there she is at the doorstep. What are his first words to her? Words of compassion, of care, of concern? Not at all: “Get up, let us go!” As if talking to his donkey. As if she’d been out all-night partying with friends, having a wonderful time, blameworthy for delaying his travels. I am emphasizing the husband’s complicity in and callous indifference toward his wife’s ordeal, not only because the text also highlights them, but because shortly, upon his return home, this same Levite man will be demanding justice—despite his own lack of mercy, compassion, love.

Here, avant la lettre is intimated the moral of the entire Gibeah story: there can be no justice without morality; and there can be no morality without justice—the husband, the Gibeans, and as we are about to see, by the dark light of the Gibeah story, the Israelite tribes as well, exemplify exactly such faults. A town with no hospitality, caring for wealth and prosperity before people, cannot be just. A husband without love, without compassion, without morality, cannot know justice. By its horrors, the story teaches what must be avoided. Morality and justice are inter-dependent: one without the

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20 To determine guilt and punishment, the rabbis must determine if the death was deliberate, collateral, or even accidental. The plain sense of the text indicates that the wife’s death resulted from the night long abuse and rapes, and hence was indeed murder in some sense. As for guilt and punishment for rape, that no one disputes.
other destroys each. The community of virtue, without politics, is a community of hatred, violence, rapacity, murder.

4.3. Justice, War, Slaughter

If we are not already sufficiently impressed by the Levite man’s brutality, if we still wish upon him morality and a sense of justice, Torah observance, recalling his descent from Abraham, Isaac and Jacob, and a Levite as were Moses and Aaron, and married, and did he not travel to seek reconciliation with his wife, the next three verses should disabuse us of all such sentimental projections.

He took her [his dead wife] upon the donkey, and then the man got up and went to his place. When he arrived in his house, he took a knife and took hold of his concubine. He sliced her body limb by limb, into twelve pieces, and sent her [parts] throughout all the borders of Israel.

Yuck. Is it perhaps to shield tender eyes and ears from such contemptable doings that the Gibeah story is swept under the rug? Here, with chopping the dead wife’s body into parts and the mailing of them throughout Israel, we have something to up the ante of today’s horror movies, Mexican drug lords and Saudi Arabian royalty. Gruesome.

And as with the Sodom story already, one Bible story echoes another, because this chopping and distributing recalls King Saul having chopped up and sent the parts of two oxen throughout Israel shortly after Samuel anointed him King over Israel, which is to say, shortly after the Gibeah debacle. While the Sodom story occurs beforehand, Saul’s chopped up oxen appear afterwards, in the monarchy which is the political alternative, the aim being taught by the horrors of the Gibeah story, the solution to the immorality, injustice and anarchy of the time of the judges. Accordingly, in the book following the book of Judges, we read at 1 Samuel, 11:7: “He [Saul] took a pair of oxen and cut them into pieces, which he sent with the messengers throughout the Land of Israel, saying, ‘Whoever does not go out after Saul and Samuel [to battle], so shall be done to his oxen.’ A dread of God fell upon the people and they went forth as one man.” As we shall see in a moment, in the time of the Gibeah story, at the conclusion of the period of judges, no one is obeying the judges. Disobedience is so great that they do not even appear in the Gibeah story. But a King, the King of Israel, that is another story: disobey the King and you will be ripped to pieces like an ox. The people of Israel unite under a king, fear and obey a King, as they unite under God, and fear and obey God. “A dread of God fell upon the people and they went forth as one man.” And note also that Saul chops up an ox, not a corpse, not the corpse of his wife even more certainly. Oxen, after all, are a permitted sacrifice, and will be sacrificed at the Temple in Jerusalem built by King David’s son, King Solomon. There is none of such unity, fear and obedience in the time of judges, because “In those days there was no king in Israel; a man would do whatever seemed proper in his eyes.”

Notice too that the Bible says nothing about the Levite man wailing or mourning his wife. There is no burial, no funeral. Her husband treated her callously in Gibeah; now she, or rather her dead body, is mutilated, chopped up, mailed off. When the Levite man demands from his fellow Israelites justice, we and they must be curious what he means. He himself pushed his wife out into the mob to be molested and raped and finally murdered, so how can he now demand justice for that? And now he has chopped her body up, in complete defiance of the Torah, which demands the highest respect for a human corpse, more than for any other thing on earth. Even a justly hanged person must be taken down and buried before nightfall else the body be desecrated. No mutilation of the body is permitted, to the point that some rabbis today oppose autopsy. Humans are created “in the image and likeness of God”, and according to Maimonides belief in the resurrection of the dead is a fundamental principle of

21 Saudi Arabian Washington Post journalist Jamal Khashoggi was murdered and dismembered at the Saudi Arabi consulate in Istanbul on 2 October 2018.
Judaism. How can the Levite chop up his wife’s corpse, mail it throughout Israel, and at the same
time demand justice? Obviously, such behavior only makes sense within the context of a society with
little or no moral compass, a society untethered from justice, or very close thereto, a society ethically
decadent, a society capable of rising to its responsibilities only, apparently, by the jolt of such excesses.

And such is the case at that time, when judges are corrupt or nonexistent, when the Israelites
behave like the Gibeonite mob, and like the Levite husband, a time without a king, a time of ethical
draught. Despite the widespread idol worship in Israel (see Judges, 18), despite the inhospitality and
rapacity of Giabah, despite the lost authority of judges, the nation has retained some of its moral
compass, or at least temporarily regains its compass under such extreme circumstances. And as the
story tells, all the tribes of Israel—with the exception of Benjamin, as we shall see—are morally outraged
by the events of Giabah.

It happened that whosoever saw it said, “such a thing has never happened nor been seen
since the day the Children of Israel went up from the Land of Egypt to this day. You must
contemplate this, take counsel and speak up!”

Despite its ethical–spiritual degeneration, the general Israelite public has not forgotten justice
altogether, not, in any event, in such an egregious case of immorality and injustice. This is undoubtedly
good, if not the best. But given that Israel is living in the apolitical time of judges, relying on
a virtuousness that does not exist, is not its outrage but a surface gesture, ineffective? What difference
does Israel’s outrage make when nothing can be done—that is, when there are no institutions to punish,
rectify and police against injustice?

Israel, the people, the tribes, their tribal leaders, are awakened from their ethical complacency and
irresponsibility, stimulated sufficiently to gather together united and angered by the outrage to justice
at Giabah, to gather as warriors to enforce justice upon the guilty. All the tribes are there except the
tribe of Benjamin, the tribe of the Gibeonites.

All the Children of Israel went out and the assembly gathered together as a single man,
from Dan to Beersheba and the land of Gilead, to the Lord, at Mizpah. The chiefs of all the
people, of all the tribes of Israel, stood in the congregation of the people of God, four hundred
thousand sword-wielding foot soldiers.

Lacking a king or a state, the Israelites of the gathered tribes command the tribe of Benjamin to
punish their wrongdoers. Each Israelite is meant to be a virtuous member of a community of virtue,
and each is meant to obey ethical judges, but in a time of degeneracy, when judges are no longer
obeyed or even consulted, then when outrageous vice and injustice occurs, as one can expect it to
occur under such degenerate ethical conditions, each tribe is also meant to police its own members.
That, in any event, is what now passes for an Israelite “state” in the time of the judges. Their political
situation is analogous to that of America’s newly freed and sovereign thirteen former British colonies
after winning their Revolutionary war, in disarray, quarrelling within and between themselves because
bound legally by the decentralized, weak and unenforceable Articles of Confederation, except that
the Israelites had a far better constitution in the Torah, which they did not follow in their current
political—or apolitical—organization.

The tribes do the right thing, order the tribe of Benjamin to do justice. But with what result?
“The children of Benjamin refused to heed the voice of their brothers, the Children of Israel.” Tribal
allegiance trumps the larger, better covenant. In our world today, divided up into competing sovereign
states, we can all too easily imagine the Benjaminites response: “No outside interference!” “Benjamin
for Benjaminites!” “Benjamin right or wrong!” “Benjamin first!” “No meddling in Benjaminites
affairs!” There is no justice, no right for all, no humanism of humanity, but what is enforced, and the
Benjaminites prefer their own, and prefer to protect their own, come what may. There is no explanation
given as to why all the tribes except Benjamin demand justice. The Bible takes for granted that just
as each person prefers himself or herself, each tribe prefers itself, as Israel prefers itself, as Egypt
prefers itself, and so on. Justice requires transcendence, disinterestedness, not a natural attribute but a hard-won virtue, personally but also politically, an extraordinary and outstanding political ideal. Benjaminites prefer their own.

Just as Shays’ Rebellion exposed the weaknesses of America’s Articles of Confederation, the Benjamite refusal exposes the weaknesses of relying on a community of virtue alone. A righteous King is no mean feat either, and the Bible has many warnings and sets up many restrictions upon Israel’s kings, each of whom must write in his own hand two Torah scrolls, and carry one with him at all times (Deuteronomy 17:18–19), and as we understand no less well from Kant’s observations regarding the unavoidable necessity and unsurpassable difficulty of constituting a polity under a just ruler. But in the time of judges, alleged community of virtue, there is no king.

Benjamin will not obey. What is left but war? Eleven outraged Israelite tribes have 400,000 warriors; the unrepentant and unapologetic tribe of Benjamin has 26,700. Given such odds the outcome of a war seems a foregone conclusion, but this is the Bible, so anything is possible. They war for three days, a battle a day. The Benjaminites are victorious on day one and day two, killing 22,000 and 18,000 Israelites, respectively. The eleven tribes then fast and make elevation and peace offerings. The third day, the third battle, is decisive: the eleven tribes decimate the tribe of Benjamin, wiping out all the Benjamite warriors, 26,100, excepting 600 Benjaminite warriors who flee for their lives into the desert. After their two costly defeats on days one and two, the Israelites’ wrath against the tribe of Benjamin has not abated, so they “struck them down by the edge of the sword, from the populated cities to animals to everything else that was found. Also all the cities that they discovered, they set on fire.” Warriors, women, children, animals, anything living, all the Benjamites and all that they have, everything is killed and destroyed. It takes four months for the Israelites to cool down, like the four months of separation of the wife and her husband. And so justice is meted out, by force of arms. But it is not justice either, because the killing and destruction have been excessive, beyond the crime, over the top, what theorists of “just war” will later call disproportionate, incommensurate. The time of the judges is not a time of justice.

The Israelites themselves reel from what they have done. They have virtually eliminated one of the holy tribes of their own nation: is this not going too far? In any event, they lament to God: “Why, Oh Lord, God of Israel, has this happened in Israel, that one tribe of Israel should be missing in Israel today?” Justice is tempered by mercy; what the Israelite tribes have done was tempered by anger, rage, bloodlust. They went too far; it was vengeance, not justice—the two are very different. Indeed, justice is precisely the antidote to vengeance.

Justice cannot be overthrown without consequences for everyone. A new issue arises: how to save Benjamin from complete annihilation. The Israelite tribes perform the rites, make more elevation and peace offerings, but it is not enough; these do not restore Benjamin—wishful thinking, even backed by sacrifices, remains a form of narcissism. The Benjamite tribe must be regenerated from those six hundred warriors who are still alive in the desert. But the Israelites have also made a vow: that no Israelite woman can be given to a Benjaminite. So, even if there are six hundred Benjaminite men left, how and where to find them women? The story contains the solution to this technical problem. As it turns out, one Israelite town, Jabesh-Gilead, stayed away from the whole affair, from the assembly, the war, everything. So, killing two birds with one stone, as it were, the warriors of the eleven Israelite tribes wipe out everyone from the irresponsible town of Jabesh-Gilead, except for four hundred marriageable virgin women who are found there. These four hundred virgin women are given to the surviving Benjaminite warriors to marry and have children with. But this still leaves the Benjaminite surviving warriors short by two hundred women. So, the clever Israelite tribes, like good scholastics, while admitting that their vow prevents them from giving their women to the Benjamites, it says nothing about the Benjaminite warriors taking women. So, the Israelites inform the Benjamite warriors of a festival soon to occur in the town of Shiloh during which young women perform dances just outside of town. The Benjaminite warriors are not thick-headed: they proceed to the festival, kidnap two hundred eligible women of Shiloh, and with the four hundred virgin women from Jabesh-Gilead,
“they rebuilt the cities and settled in them.” Israel is again twelve tribes. Presumably, they are all chastened. But at what a terrible cost: no less than 65,100 warriors killed in battles, Benjaminite civilians and animals slaughtered, Benjamite cities burnt to the ground. If this is justice at all, it is still very far from the ideal of justice.

For justice, one must have a state. In the ancient world, this means monarchy. After the catastrophe of Gibeah, the Jews demand a king, and they get a king. No wonder, the whole point of Israel, as the whole point of the Hebrew Bible, is justice—“Justice, justice thou shalt pursue” (Deuteronomy 16:20)—and most especially, for obvious reasons, for “the widow, the orphan, the stranger”, the poor, the weak, the downtrodden, the infirm, the vulnerable, “the blind and the lame, the pregnant and the birthing” (Jeremiah, 31:8).

5. Hail the King! Beware the King!

“There are no common people, except in the highest spheres of society.”

Mark Twain.

Earlier, we underscored the Bible’s emphatic framing of the Gibeah story in terms of Israel not having a king, each person doing what he or she wants. The epoch of judges terminates in catastrophic failure because an upright moral sociality—the much-vaunted community of virtue—even to the extent that it exists concretely, which is always only partial, is insufficient by itself to sustain justice and peace, which require, beyond morality, state coercion, state sanction, policing and military readiness if not action. Morality, left to its devices, is swept aside by power, power which is at once self-serving and insatiable. Power wants more and never has enough power and will not tolerate being regulated by moral finger wagging and righteous indignation. Such excess and rapacity are evident today, for instance, in the global billionaire class’s mad pursuit of ever more money and power to protect, secure and increase its money and power. Power, by itself, wants only power, always more power.

The Bible’s first concern, however, is ethical, a care for morality and justice above power. Justice is needed to ensure and protect morality, to create and enforce a world in which everyone can behave morally without danger or fault. Morality without power is mere sentimentality, wishful thinking, delusion. Justice is far more serious and difficult and entails far more than feelings, because it must bend power to serve justice and morality. Kant saw that nothing was more difficult, or needed. The Bible understands this as well. It justifies monarchy (the state) but is wary of kings. The king is absolute ruler, final resort of sovereignty, yet the king must rule himself, reign himself in, must obey Torah, covenant, charter, or what word democratic nations use to name their constitutions. Designed to preserve and protect the rule of justice over power, such covenants or constitutions are the truly sacred scriptures, the real “deep state,” and those who uphold them are the true patriots who frighten and are abhorred by all tyrants. Tyrants would destroy the constitution and all forms of noble obedience to replace them with sycophantic submission to their own selfish, rapacious, arbitrary and wicked willing.

Hence, too, the Bible’s famous ambivalence about kings and monarchy. The king, the state, is a double-edged sword: it must be empowered, to prevent injustice and protect morality, but its power can also be used to pervert justice and intimidate morality. The Bible’s solution is Torah, the reverse of totalitarianism—that is to say, a covenant, charter or constitution, providing basic rules for ruling, more secure strictures for ruling justly. The justice of such fundamental rules is important, but so too is its special political status as fundamental, as the rule of ruling, because in this authority alone lies its power to hinder, delay, block or otherwise thwart the ever-threatening usurpations of tyrants. Every king of Israel, at the commencement of his reign, as I briefly noted above, must write out by hand two entire copies of the Torah scroll and keep one on his person at all times. The king, absolute ruler, must obey the rule of Torah—securing this, which is tantamount to securing justice, and hence morality, is humanity’s “most difficult of all tasks” (Kant). Hear the circularity: the Torah says the king must write, carry and obey the Torah. But that is the difficult path of justice itself, always threatened, always struggling. We say “no one is above the law”, and write, ratify, and celebrate a Constitution
with extraordinary internal and external hurdles to prevent its abrogation, but there are no foolproof
bulwarks against the acid evils and injustices of tyrants. Tyrants treat such documents as pieces of
paper, mere words, empty chatter, the noise, as they say, of parliaments, which they trample upon and
silence by guns and violence.

True patriotism and true patriots, then, must be critical and vigilant, ever watchful against
the corrosions of power effected by tyranny, “like sentinels in a night-watch”, as Aristotle puts it, who “never relax their attention.” True patriotism must remonstrate, protest, struggle to maintain
and promote justice—the constitution and the legislation growing out of it, Torah and Talmud—against
the violence and selfishness of its powerful enemies. Yes, make the king write and read the constitution,
and bear it in mind always. But every document, and all words, can be twisted and turned into their
opposites. It is not enough to know the words. One must know their intent as well, must further them
forward to the justice toward which they aim—and because justice is not mathematics, this too must
be discussed, debated, evaluated in open communication without fear. A constitution, and a king
who knows it, are not enough: there must be prophets, persons whose sharp words and upright
actions pierce all the impostures of injustice, despite the latter’s power, prestige and position. As usual,
Spinoza was entirely wrong to blame Israel’s political failings on its prophets when it was they, no less
than its kings, generals and warriors, who strengthened Israel for the future of justice which was its
divine promise, indeed, its very holiness. Moses was more farsighted, and stronger, when after being
advised to silence his prophetic critics, he responded with the immortal words of righteous and just
leadership: “would that all the Lord’s people were all prophets” (Numbers 11:29). Rousseau, millennia
later, defends democracy in precisely the same way, demanding so much of each citizen’s personal
responsibility and vigilance for good governance as to denounce representative democracy as shirking.

As soon as public service stops being the chief business of the citizens and they prefer to
serve with their money rather than with their persons, the state is not far from its collapse.
They are needed to march out to war? they pay troops and stay at home. They are needed
to meet in council? they name deputies and stay at home. By force of laziness and money,
they end up with soldiers to enslave their country and representatives to sell it.

No wonder, then, knowing the danger of tyranny which comes with monarchy, Samuel—last
judge, first prophet—responds negatively, initially, to the Israelite demand for a king: “It was wrong
in Samuel’s eyes that they said, ‘Give us a king to judge us’.” (I Samuel 8:6). He is worried that they
want a king for the wrong reason, for security, for order, authority, of any kind, rather than to fight
injustice and evil, to institute, sustain and spread justice and morality. He is no doubt worried that they
are over-reacting and hence over-compensating for the recent disasters and chaos following Gibeah.
He knows, without having lived in the twentieth century, that fascist dictators and their parties come to
power by instigating and enflaming social chaos, espousing delusional and vicious conspiracy theories,
fabricating enemies and demons, to arouse the pandemonium and fears that they then claim they alone
can allay. Samuel is no fool, no dictator; unlike such tyrants, he cares for justice as he cares for Israel.

But God knows better, has learned the lesson of Gibeah, that the community of virtue does not
obey God, hence they must have a king. I Samuel 8:7: “God said to Samuel, ‘Listen to the voice of
the people in all that they say to you, for it is not you whom they have rejected, but it is Me whom
they have rejected from reigning over them’.” Samuel warns the Israelites of the dangers of political
power, see I Samuel 11-22: the king will “take away your sons”, “he will take your daughters”, “he will
confiscate your best fields”, and worse, but the Israelites continue to insist, and Samuel to disagree,
until finally “The Lord told Samuel, ‘Listen to their voice, and crown a king for them’.”

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22 (Aristotle 1955, p. 2077) (Book 5, 1308a30).
23 (Cohen 2016, pp. 58–64).
24 (Rousseau [1762] 2017, p. 49). From Book 4, chp. 14, “Deputies or representatives.”
Politics is a tricky business. Justice and power do not easily join together. Not only must there be prophets to upbraid kings, there must be kings susceptible to upbraiding. Aristotle was right about the difficulty of striking the right balance. Israel’s first king, Saul, for instance, fails almost immediately—why? Because he is still too moral, too kind, not tough enough. He has been told to defeat the Amalekites, which he does. He is told to kill their king, Agag, but he does not; he shows mercy, forgiveness. So, he is stripped of his kingship because this is too merciful, too kind. The Amalekite king must be killed, and now Samuel has to do it. The king must be virtuous and just, to be sure, but cannot withdraw from justice because of virtue; such alleged virtue is neither just nor virtuous—we are back to the lessons of the story of Gibeah. A king is needed, yes, but not any king. The state must strike the right balances, between power and ethics, between morality and justice, between noble pride and debilitating prejudice. The next king, David, will not make Saul’s mistake. Indeed, he completes the divinely ordained conquest of the Land of Israel. But God will refuse him the honor of building His Temple in Jerusalem—David’s hands are too bloodied by war. He is not perfect, no human is perfect, no king is perfect, no state is fully just, the Messiah is absent—but anticipated. Justice prepares for more justice.

Nothing is more difficult than making justice sovereign, to keep rulers on the right path, the path of right, empowering justice, despite handing the state the wherewithal to destroy justice. Power, leadership, must respond favorably to criticism, must weigh the just, the right, above the seductions of egoisms magnified and emboldened by power. Nothing is more difficult, nothing more precious. Such is the lesson of the story of Gibeah and its sequel, the story of the time of kings, the time of politics, which is our time and our story, our history, our today and the struggle for our best tomorrow, a future of justice.

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