

Israel's First Judge according to Josephus

ABSTRACT

Inspired by the contemporary interest in the 'rewritten Bible' phenomenon, this article offers a detailed comparative study of the account of Israel's first judge ('Othniel') in Judges 3:7-11 and its Josephan version in *Ant.* 5.179-184, where the figure is called 'Keniaz'. Josephus, the study finds, significantly amplifies the Bible's presentation, likewise redirecting attention from the theological to the political sphere when describing the nature of Israel's offense that sets events in motion. Josephus' version further evidences a number of similarities and differences with Pseudo-Philo's rewriting of the biblical Othniel story in his *Liber Antiquitatum Biblicarum* 25-28. At the same time, Pseudo-Philo has much more to tell about the personage than either the Bible or Josephus.

1. Introduction

In recent years scholars have become increasingly interested in how ancient Jewish (and Christian) interpreters read and rewrote the biblical texts available to them.¹ The following essay is intended as a small contribution to this scholarly enterprise. It focusses on a very short Old Testament passage, i.e. the account of Israel's first judge, Othniel, son of Kenaz, in Judg. 3:7-11 and its treatment by one of the major ancient rewriters of the Bible, namely Josephus in his *Antiquitates Judaicae* (hereafter *Ant.*) 5.179-184,² who calls the protagonist 'Keniaz' and leaves his father's name unmentioned. In particular, my study will address two broader questions about the Josephan passage. Firstly, what kind of rewriting techniques did Josephus apply to the biblical data,³ and what is distinctive about his presentation of Israel's first

1 On this trend, see, e.g.: G.W.E. Nickelsburg, 'The Bible Rewritten and Expanded', in M.E. Stone, (red.), *Jewish Writings of the Second Temple Period: Apocrypha, Pseudepigrapha, Qumran Sectarian Writings, Philo, Josephus*, Assen/Philadelphia 1984, 89-156; P.S. Alexander, 'Retelling the Old Testament', in D.A. Carson and H.G.M. Williamson (red.), *It Is Written: Scripture Citing Scripture. Essays in Honour of Barnabas Lindars SSF*, Cambridge 1988, 99-121; G.J. Brooke, 'Rewritten Bible' in L.H. Schiffman and J.C. VanderKam (red.), *Encyclopedia of the Dead Sea Scrolls II*, Oxford 2000, 777-781.

2 For the text and translation of *Ant.* 5.179-184 I use: R. Marcus, *Josephus V*, Cambridge, MA/London 1988, 82-85. See also the text and translation of the passage with the accompanying notes of E. Nodet, *Flavius Josèphe II. Les Antiquités Juives Livres IV et V*, Paris 1995, 157-158 and the annotated translation of C.T. Begg, *Judean Antiquities Books 5-7*, Leiden 2005, 43-44.

3 My comparison between Judg. 3:7-11 and *Ant.* 5.179-184 will take into account the various ancient versions of the former text, i.e. MT (Judg. 3:7-11 is not extant in the Qumran materials), Codex Vaticanus (B) and Codex Alexandrinus (A) of the LXX, the *Vetus Latina* (VL), the Vulgate (Vg.) and Targum Jonathan of

judge as a result of their application? Secondly, how does Josephus' treatment of that judge compare with the handling of the figure elsewhere in Jewish tradition, especially in Pseudo-Philo's *Liber Antiquitatum Biblicarum* (hereafter *L.A.B.*) 25-28 (which, similar to Josephus, but contrary to the Bible, calls him 'Cenaz').⁴

2. *The Respective Contexts*

Prior to the actual comparison of Judg. 3:7-11 and *Ant.* 5.179-184, a word should be said concerning the respective, divergent contexts of the two passages. Judg. 3:7-11 follows immediately upon the extended introduction to the period of the Judges in Judg. 2:6-3:6. Josephus' version of the latter segment is *Ant.* 5.132-135. To this, however, he directly attaches, not his parallel to 3:7-11 (5.179-184), but rather his rendering of two narratives drawn from the end of the Book of Judges, i.e. 5.136-174 (// Judges 19-21: the rape of the Levite's concubine and the resultant Benjamite war) and 5.175-178 (// Judges 17-18: the migration of the tribe of Dan)⁵ that provide graphic illustrations of the consequences of Israel's disregard of its (politico-religious) constitution previously highlighted by him in 5.132-135. As becomes apparent already in 5.179, these intervening episodes of 5.136-178 fail to teach the people a greater respect for their constitution.

3. *Judges and Josephus Compared*

Judg. 3:7 makes a triple theological accusation against the Israelites: they did what was evil in the Lord's sight, forgot the Lord, and served the Baals and the Asheroth (LXX AB τοῖς ἄλυσιν, the groves). In Josephus' rendition (5.179) the focus of the charge shifts from the theological to the political plane:

the Former Prophets (Tg.). Given, however, the highly paraphrastic character of Josephus' rendition, the text-form(s) of Judg. 3:7-11 used by him remains elusive. In fact, we will find only one case where the historian clearly aligns himself with a distinctive reading of one set of the above witnesses to the text of Judg. 3:7-11 against that attested by other of the witnesses. On this case, see n. 28.

4 For the Latin text of *L.A.B.* 25-28, I use H. Jacobson, *A Commentary on Pseudo-Philo's Liber Antiquitatum Biblicarum I*, Leiden 1996, 36-46 and for the translation, 132-144. On 'Kenaz' and 'Othniel' in Jewish tradition overall, see L. Ginzberg, *The Legends of the Jews*, Philadelphia 1968, IV, 22-30; VI, 181-187, notes. 1-30.

5 From his rendering of Judges 17-18 in 5.175-178, Josephus leaves aside the unedifying biblical matter concerning Micah's idol and its eventual installation in the sanctuary of Dan. Pseudo-Philo gives his version of Judges 17-18 (*L.A.B.* 44) and 19-21 (*L.A.B.* 45-48) in their biblical position and sequence. In further contrast to Josephus, he also expatiates on the story of Micah's image, while omitting the interwoven biblical account of the resettlement of Dan.

But the state of the Israelites went from bad to worse through their loss of aptitude for toil⁶ and their neglect of the Divinity.⁷ For, having once parted from the ordered course of their constitution they drifted into living in accordance with their own pleasure and caprice and thus became contaminated with the vices current among the Canaanites.⁸

Judg. 3:8a tells of the divine response to Israel's defection: angered thereat, the Lord 'sells them into the hand of' a foreign ruler. Josephus (5.180a) replaces the biblical 'selling idiom' with an additional reference to the people's moral degeneracy and its consequences for them: 'So God⁹ was wroth with them, *and all that prosperity* (εὐδαιμονίαν)¹⁰ *which they had won with myriad labours they now through idle luxury cast away.*'

The upshot of the Lord's 'selling' Israel is stated in quite summary terms in Judg. 3:8b: 'the people of Israel served Cushan-rishathaim¹¹ eight years.'¹² The historian (5.180b-181) greatly expatiates on this bare notice, accentuating, e.g., the severity of Israel's affliction:

(5.180b) For Chusarsathus (Χουσάρσαντος), king of the Assyrians (τῶν Ἀσσυρίων),¹³ *having marched upon them, they lost multitudes in battle, and were*

6 Throughout this essay I italicize those elements of Josephus' text like the above that lack a direct counterpart in Judg. 3:7-11.

7 This phrase sums up the triple theological accusation of Judg. 3:7; see above.

8 Josephus' above comments concerning Israel's 'constitutional degeneracy' echo (and constitute an inclusion with) his earlier remarks on the subject in *Ant.* 5.132: 'Thereafter the Israelites relaxed the struggle against their enemies and devoted themselves to the soil and their labours thereon. And as their riches increased, under the mastery of luxury and voluptuousness, they recked little of the order of their constitution and no longer harkened diligently to its laws.'

9 In Judg. 3:8a the reference is to 'the Lord' (LXX Κύριος). On Josephus' virtually complete avoidance of this term as a divine title, likely given its non-currency in secular Greek in that usage, see C.T. Begg, *Josephus' Account of the Early Divided Monarchy* (AJ 8,212-420), Leuven 1993, 45, n. 218.

10 On Josephus' use of this key term of Greek moral philosophy (though never used in the LXX), see H.F. Weiss, 'Pharisäismus und Hellenismus. Zur Darstellung des Judentums im Geschichtswerk des jüdischen Historikers Flavius Josephus', *Orientalische Literaturzeitung* 74 (1979), 421-433, esp. 427-428.

11 MT כוּשָׁן רִישַׁתַּיִם; LXX Χουσάρσανθαυ. Rabbinic tradition (*b. Sanh.* 105a; *y. Naz.* 9.1) identifies this figure with Jacob's father-in-law Laban and avers that the second component of his name points to his double act of wickedness, i.e. his deceiving Jacob and his oppression of Israel. Tg. calls the king 'Cushan the sinner' (כוּשָׁן חַיִּבָּא). *L.A.B.* (where Cenaz' opponents are 'the Amorites'; see 27.1) does not mention the figure.

12 According to *S. 'Olam Rab.* 12.4 the events related in Judges 17-18 (Micah's idol-making and the migration of the Danites) and 19-21 (the rape of the Levite's concubine and the Benjamite war) took place during the period of Cushan-rishathaim's domination. Josephus, by contrast, dates the oppressor's rule after those events; see above.

13 In MT Judg. 3:8a Cushan-rishathaim is called king of אַרַם נַהֲרַיִם (RSV: Mesopotamia); LXX AB makes him king Συρίας ποταμών, while Tg. calls him king 'of Aram which is on the Euphrates' and *VL* and *Vg.* 3:8 designate his domain as 'Mesopotamia' (in *Vg.* 3:10 this becomes 'Syria'). Josephus associates Israel's oppressor with a people (the Assyrians) settled in the region referred to by the various witnesses for 3:8 and renowned for its bellicosity. Thereby, he heightens the magnitude of the threat facing Israel (and the achievement of Keniaz in eventually eliminating this threat).

besieged and carried by storm, (5.181) while some in terror voluntarily surrendered to him, paid tribute¹⁴ beyond their means at his behest and underwent indignities of every kind for eight years, after which they were delivered (ἡλυθερώθησαν)¹⁵ from their miseries on this wise.

The turning point in Judg. 3:7-11 comes in v. 9 where the Israelites appeal to the Lord who raises up a 'deliverer' for them, i.e. 'Othniel the son of Kenaz, Caleb's younger brother'. Josephus (5.182a) omits the biblical mention of Israel's cry to the Lord.¹⁶ Instead, he moves immediately to introduce the nation's future deliverer. At the same time, he gives this figure the name, not of 'Othniel', but rather that of his father Kenaz according to 3:9, likewise supplying several further particulars concerning him: 'A man of the tribe of Judah,¹⁷ Keniaz (Κενιάζος)¹⁸ by name, vigorous and noble hearted (δραστήριος ... καὶ τὸ φρόνημα γενναῖος),¹⁹ being warned by an oracle not to leave the Israelites to lie in such deep distress, but to essay to vindicate their liberty.'²⁰

14 This phrase concretizes the mention of the Israelites' 'serving' Cushan-rishathaim in Judg. 3:8b.

15 On 'freedom' (ἐλευθερία), the noun cognate of the above verb, as a key theme in Josephus' presentation of Jewish history, see L.H. Feldman, *Josephus's Interpretation of the Bible*, Berkeley, CA 1998, 148.

16 In so doing Josephus attributes the initiative in the process that led to Israel's deliverance, not to the people and their appeal (as in Judg. 3:9a), but rather to 'Kenaz' (see above) who himself acts at God's prompting. The effect is to accentuate the roles of both Kenaz and the Deity who act as they do without a prior initiative by the people.

17 Judg. 3:9 does not mention the tribal affiliation of the three related figures whom it cites (see above). Josephus likely draws the above datum from 1 Chr. 4:13,15 where 'Kenaz' appears among the descendants of Judah.

18 MT כִּנְיָ (Eng.: Kenaz); LXX Κενέζ. Josephus' non-mention of 'Othniel' has a parallel in *L.A.B.* 25-28 where that figure's role as Israel's first judge/deliverer is likewise transferred to 'Kenaz' ('Cenaz' in the Latin of Pseudo-Philo). The explanation of this phenomenon remains elusive; see the discussion in Jacobson, *Commentary* II, 738-740 (he suggests that Josephus' 'Keniaz' and Pseudo-Philo's 'Cenaz' may be a gentilic, 'the Cenizite', rather than a proper name, the referent being Othniel himself). See also A.M. Schwemer, *Studien zu den frühjüdischen Prophetenlegenden Vitae Prophetarum II*, Tübingen 1996, 76-78, who, with reference to *Vitae Prophetarum* 10.3 (where the prophet Jonah is buried 'in the cave of Kenezeos who had been the judge of a tribe in the days of the anarchy'), opines that the prominence accorded 'Kenaz' there (as well as in Josephus and Pseudo-Philo) reflects an amalgamation of Kenaz the Judahite of 1 Chr. 4:13,15 and Kenaz the Edomite of Gen. 36:11,42; 1 Chr. 1:35. In having the biblical prophet Jonah buried in the grave of this composite figure the author of *Vitae Prophetarum*, Schwemer further holds, aimed to give legitimacy to the Hasmonaeans' conquest and forced Judaizing of Idumea (the earlier Edom). In contrast to the 'elimination' of Othniel in Josephus and Pseudo-Philo, e.g., *b. Tem.* 16a builds up his stature by depicting him in the (non-biblical) role of a scholar of the law.

19 This adjectival combination occurs only here in Josephus.

20 The above reference to an 'oracle' instructing Keniaz to act on behalf of the Israelites' liberty replaces the double reference to the divine prompting of Othniel's initiatives that one finds in Judg. 3:9b ('the Lord raised up a deliverer for the people of Israel' and 3:10aa ('the Spirit of the Lord came upon him [Othniel]')). On Josephus' tendency to leave aside or reword biblical references to the divine 'spirit' (Greek πνεῦμα), see E. Best, 'The Use and Non-Use of Pneuma by Josephus', *Novum Testamentum* 3 (1959), 218-225 and J.R. Levison, 'Josephus' Interpretation of the Divine Spirit', *Journal of Jewish Studies* 47 (1996), 234-55.

The actual battle report in Judg. 3:10b²¹ is quite jejune: Othniel 'goes out to war'; the Lord gives Cushan-rishathaim into his hand; and Othniel's own hand prevails over Cushan-rishathaim. Josephus greatly expands (5.182b-183) on this moment of the story, while also eliminating any explicit mention of the divine involvement in Israel's victory:

(5.182b) (...) *after exhorting some others to share his hazards – and few were they who were filled with shame at their present state and longed to alter it*²² – (5.183) *began by massacring the garrison of Chusarsathus that was quartered upon them.*²³ *Then, when larger numbers rallied to his arms, seeing that he had not miscarried at the opening of his enterprise,*²⁴ *they joined battle with the Assyrians [see 5.180]²⁵ and, having utterly repulsed them, forced them to recross the Euphrates.*²⁶

Following Othniel's victory as related in Judg. 3:10b the biblical account concerning him ends (3:11) with summary mention of the land's enjoying 'rest for forty years' and of Othniel's death. Josephus' rendition (5.184) expands and modifies this conclusion in several respects: 'Keniaz, *having thus given practical proof of his prowess, received from the people rulership* to act as judge (ἡγορεῖν) for the nation.'²⁷ And after ruling for forty years²⁸ he ended his days.'

21 Josephus leaves aside Judg. 3:10aα (the Spirit's coming on Othniel; see previous note), while he reserves his equivalent to 3:10aβ (Othniel 'judged Israel') to a later point; see 5.184.

22 Judg. 3:10 makes no explicit mention of anyone (other than God himself) aiding Othniel in his campaign against Cushan-rishathaim; Josephus' formulation thus transfers the supporting role for Othniel/Keniaz' endeavors from the Deity to his human backers, even while underscoring just how minimal these were. By contrast, *L.A.B.* 27.1 avers that Cenaz armed 300,000 men and led these against the 'Amorites'.

23 This item has no equivalent in Judg. 3:7-11 where neither Cushan-rishathaim's 'garrisons' nor Othniel's 'massacre' of these is mentioned. Josephus' addition of the notice underscores both the extent of the foreign burden under which Israel was suffering and the success of Keniaz' little band in eliminating this.

24 This notice on the increase of Keniaz' force and the reason for it is a further Josephan embellishment of the summary battle notice of Judg. 3:10b.

25 Compare Judg. 3:10bα ('he [Othniel] went out to war'). Josephus omits the following reference (3:10bβ) to the Lord's 'giving Cushan-rishathaim into his [Othniel's] hand'.

26. This conclusion to Josephus' battle account might be seen as a concretization of the wording of Judg. 3:10bγ: 'and his [Othniel's] hand prevailed over the Cushan-rishathaim'. Josephus differs from the Bible in explicitly (and more realistically) making the conflict a struggle, not only between two individuals, but also between their respective forces. Josephus' above allusion to a double stage in the contest has a certain parallel in *L.A.B.* 27.1 where Cenaz first smites 800,000 of the Amorites and then on the following day does away with an additional 500,000.

27 Judg. 3:10aβ mentions that Othniel 'judged (LXX ἡγορεῖν) Israel' already prior to the notice on his military initiatives in 3:10b and makes no reference to the people's appointment of him to his judging role. Josephus, for his part, delays Keniaz' assumption of the judgeship after he has proved himself militarily and has that office conferred upon him by the people. Thus, throughout his version of Judg. 3:10, Josephus accentuates the active involvement of the people in Keniaz' career as compared with the biblical presentation where both his judging and his military success is ascribed to divine initiative. This feature of Josephus' presentation has a counterpart in *L.A.B.* 25.2 where the people make Cenaz 'ruler in Israel' once

4. Conclusion

Here at the conclusion of my study I shall briefly sum up my findings concerning its two opening questions. The first of those questions concerned Josephus' rewriting techniques and the distinctiveness of his version of the Othniel story that results from their use. Among the rewriting techniques evidenced by *Ant.* 5.179-184 the one that clearly predominates is the additions to/expansions of the biblical data. Such amplifications affect virtually all components of the Judg. 3:7-11 story-line: Israel's degeneracy (compare 5.179-180a and 3:7), Cushan-rishathaim's eight years of domination (compare 5.180b-181 and 3:8), Israel's deliverer and his initiatives (compare 5.182-183 and 3:9b,10b), and the period that followed the oppressor's defeat (compare 5.184 and 3:11). Conversely, Josephus does omit several small source items: the people's cry to the Lord (3:9a), the Spirit's coming upon the hero (3:10a α), and the Lord's giving the foreign king into his hand (3:10b β). In addition, the historian shifts the mention of the protagonist's 'judging' from its biblical position, i.e. prior to his victory over Cushan-rishathaim (see 3:10a β) to a later point, namely after that victory (see 5.184a).

Finally, Josephus modifies/adapts the biblical presentation in still other ways. His opening indictment of Israel (5.179-180a) focusses on its political/constitutional failings rather than on its defection from the Lord, as in 3:7. The people's oppressor bears a designation ('king of the Assyrians', see 5.180b) unparalleled in any of the indications concerning his domain found in the various biblical text-witnesses for 3:8 (see n. 13). The story's hero is not Othniel as in the Bible, but the father of that figure according to Judg. 3:9b, i.e. Kenaz. It is the warning of an 'oracle' (5.182a) that prompts the protagonist to act rather than this being due to the Lord's 'raising him up' (3:9b) and the Spirit's 'coming upon' him (3:10a α). Whereas the sequence of 3:10a suggests that Othniel's 'judging Israel' was an outcome of his reception of the Lord's spirit (and antedated his military initiatives), in Josephus (5.184a) it is the people who award the judgeship to Keniaz in recognition of his previous military success. And lastly, Josephus (5.184a) turns the 40 years of the land's 'rest' cited in 3:11a into the duration of Kenaz' tenure.

he has been designated by a lot-casting procedure that they are instructed to use by an 'angel of the Lord'. In Pseudo-Philo, however, this popular appointment of Cenaz precedes his military achievements (on which see *L.A.B.* 27.1) rather than following these, as they do in Josephus.

28 This figure corresponds to that given for the duration of the land's 'rest' in MT and LXX B Judg. 3:11a; LXX A reads rather 50 years. Josephus replaces the figurative biblical reference to the 'rest' of the land with a notice on the length of Keniaz' tenure. His modification has a (partial) parallel in *L.A.B.* 27.16 (where Cenaz is said to have 'ruled the people for 57 years'). See also *S. 'Olam Rab.* 12.4 which refers to the 40 years Othniel ruled over Israel.

Given Josephus' utilization of the above rewriting techniques, what then is distinctive about his version of Judg. 3:7-11? Overall, one notes a certain 'detheologizing' of the biblical account.²⁹ In place thereof, the Josephan rendition accentuates other aspects of the episode: the political character of Israel's defection (see on 5.179-180a), the severity of Cushan-rishathaim's oppression (see 5.180b-181), the person and military achievement of Israel's leader (see 5.182-183), and the role of the entire people throughout the proceedings.

My second opening question asked about Josephus' treatment of Israel's first judge in comparison with the portrayal of him elsewhere in ancient Jewish tradition, particularly as exemplified by Pseudo-Philo. Our study did identify a number of points of contact between the two authors in their respective rewritings of Judg. 3:7-11. Most notably, both transfer the role attributed to Othniel in Judges to his father Kenaz. Both likewise speak of the hero's being accompanied by others in his campaign against Israel's enemy rather than acting alone – as he appears to do in 3:10b.³⁰ They further agree in depicting the story's conflict as occurring in two stages (see n. 26), have Kenaz appointed ruler by the people,³¹ and turn the figurative allusion to the land's 'rest' (Judg. 3:11a) into a reference to Kenaz' term of office.³² On the other hand, Josephus and Pseudo-Philo's treatments of 'Kenaz' also differ in many respects. The latter, e.g., does not mention Cushan-rishathaim and makes the people against whom Kenaz conducts his campaign, not the Assyrians (as in *Ant.* 5.180, 183), but rather the Amorites (see *L.A.B.* 27.1). More generally too, Pseudo-Philo associates 'Cenaz' with a whole series of happenings (e.g., his interrogation of the sinners among the people [see *L.A.B.* 25], his disposition of the precious stones which the Gadites had taken from the Amorites [see *L.A.B.* 26], punishment of those who denigrate his leadership [see *L.A.B.* 27], and deathbed vision [see *L.A.B.* 28.5-10]) that have no parallel either in Judg. 3:7-11 or *Ant.* 5.179-184. Such elaborations make of Pseudo-Philo's 'Cenaz' a much more significant figure than are either Josephus' 'Keniaz' or the Bible's 'Othniel'.

29 On such 'detheologizing' as a recurrent feature of Josephus' rewriting of biblical history, see Feldman, *Josephus's Interpretation*, 205-214.

30 Whereas, however, 5.182b underscores the fewness of Kenaz' initial supporters, *L.A.B.* 27.1 has him leading out 300,000 armed men for his initial encounter with the Amorites; see n. 22.

31 Josephus and Pseudo-Philo differ, however, as to the moment at which they do this. In the former the appointment comes after the hero's military exploits, in the latter rather long prior to these; see n. 27.

32 The two authors do, however, allot Kenaz different lengths of tenure; in *Ant.* 5.184 this is 40 years, in *L.A.B.* 28.16 rather 57 years; see n. 28.

Ant. 5.179-184 is but a tiny portion of Josephus' 20-book *opus* (just as Judg. 3:7-11 itself is a minuscule speck within the Old Testament as a whole). Still, as this essay has tried to show, close study of even so short a passage has much of interest to offer the student of the rewritten Bible phenomenon.

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