THE RIBH THEME IN THE OLD TESTAMENT
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# ABBREVIATIONS USED IN THESIS

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<tr>
<td>A.J.S.L.</td>
<td>American Journal of Semitic Languages and Literatures.</td>
</tr>
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<td>B.A.</td>
<td>The Biblical Archaeologist.</td>
</tr>
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<td>B.Z.A.W.</td>
<td>Beilage zur Zeitschrift fur die Altttsamentliche Wissenschaft.</td>
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<td>C.B.</td>
<td>The Century Bible.</td>
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<td>I.B.</td>
<td>Interpreter's Bible.</td>
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<td>I.C.C.</td>
<td>International Critical Commentary.</td>
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<td>J.B.L.</td>
<td>Journal of Biblical Literature.</td>
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<td>J.P.E.S.</td>
<td>Journal of the Palestinian Exploration Society.</td>
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<tr>
<td>O.T.S.</td>
<td>Oudtestamentische Studien.</td>
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<td>S.V.T.</td>
<td>Supplement to Vetus Testamentum.</td>
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<td>W.C.</td>
<td>Westminster Commentaries.</td>
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<td>Z.A.W.</td>
<td>Zeitschrift fur die Altttsamentliche Wissenschaft.</td>
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<td>LXX</td>
<td>Septuagint.</td>
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The theme of the controversy or lawsuit (גֶּרֶם) between God and man is one which dominates large sections of the Old Testament and certain elements of which are found also in inter-testamental literature and in the New Testament. It is theRib theme as it is found in the Old Testament with which we are concerned in this thesis.

My interest in this subject was first aroused by certain remarks concerning Jeremiah 2:9 made by Professor N.W. Portheous during one of his regular lectures on Jeremiah in October, 1957. At that time I was thinking of doing research in the wisdom literature. With this idea in mind, I was reading the articles in the Supplement to Vetus Testamentum entitled "Wisdom in Israel and in the Ancient Near East" when I discovered an article by B. Gemser with the arresting title, "The Rib or Controversy-Pattern in Hebrew Mentality". After reading this article, I was convinced that it would be worthwhile to embark upon a full-scale investigation of what I have called the rib theme in the Old Testament.

The obvious starting-point for a discussion of this theme is the investigation of the etymology and meaning of Hebrew גֶּרֶם. Hence this is the subject of Chapter I.

Since I am convinced that the primary meaning of גֶּרֶם is "quarrel" or "dispute", Chapter II is a discussion of the numerous Old Testament references to disputes amongst men.

However גֶּרֶם is used secondly in a juridical sense. Therefore Chapter III is an attempt to describe the Hebrew judicial system and to trace its historical development.

The last two chapters are theological in nature. Chapter IV
is an exegitical study of the many passages in the prophets where God appears as Plaintiff contending either against his own people or against the nations. When I speak about God as Plaintiff contending against the nations, I also speak about his role as Israel's Advocate and Redeemer since these two divine functions are really two sides of one coin.

To Chapter V I have given the title "Man Contends Against His Divine Adversary - Man Appeals to his Divine Advocate". This chapter is a discussion of the passages where man appears as the plaintiff who dares to argue his case against God. As the title of this chapter suggests, two opposite ideas about God occur side by side in these passages. The man who is contending against God knows God now as his Adversary, but longs for the day when he will know Him as his Advocate and Vindicator.

Out of sincere appreciation for their generous assistance, I wish to acknowledge my indebtedness to my two professional advisors, Professor N.W. Porteous, D.D., and Professor J. Barr, B.D., and to the staffs of New College Library and of the University of Edinburgh Library.
THE RIBAH THEME IN THE OLD TESTAMENT

CHAPTER I

The Etymology and Meaning of יִרְבַּח

A - Etymology of יִרְבַּח

Hebrew יִרְבַּח has been linked etymologically with the following four verbs:

(1) Syriac דַּחַ֑י - "to clamour, be in an uproar, resound" from which is derived the noun לַחַ֑י - "a row, clamour, confused noise of a crowd; sound; resounding", and two other nouns of similar meaning.1

(2) Arabic رِبْع - "It (a thing) occasioned in me disquiet, disturbance or agitation of mind; it (a thing) caused me to have doubt, suspicion, or evil opinion, or doubt combined with suspicion or evil opinion..." from which is derived the noun رَبْع - "Disquiet, disturbance, or agitation of mind; doubt, doubt combined with suspicion or evil opinion."

(3) Accadian ṛabu (stem ṛwb) - "to be turbulent (unruhig), stormy; to tremble violently, quake" from which is derived the noun ṛibu - earthquake.

(4) Accadian ṛabu (stem ṛyb) - "to recompense, requite".4

Brown-Driver-Briggs5 connect יִרְבַּח only with Arabic رِبْع and Syriac דַּחַ֑י. However, Wilhelm Gesenius6 Heinrich Zimmern7 and

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3 - W. Streck - Lexikalische Studien (In Babylonica II - p. 209ff). Streck says that this word must be distinguished from another Accadian word with the same stem which means "ruhig sein oder werden, vergehen, erloschen, und ahnl."
4 - ibid. - p. 226.
7 - H. Zimmern - Akkadische Fremdwörter - 1915 - p. 936
L. Koehler\textsuperscript{1} think it is related to all four verbs.

It is relatively easy to demonstrate the connection between Hebrew לַז, Syriac ṭ<w>7, Arabic ṭiba and Accadian ṭabu (stem rwb). They are all derived from a primitive Semitic root signifying an agitation. Accadian ṭabu (stem rwb) refers to an agitation of the earth or of the atmosphere (i.e. an earthquake or a storm). Arabic ṭiba is applied to mental agitation (i.e. doubt or suspicion. Syriac ṭ<w>7 refers to an agitation amongst men, a row, but especially to the loud noise caused by a disorderly crowd.

Hebrew לַז also refers to an agitation amongst men (i.e. a quarrel or dispute). Its use, as a juridical term, is, as we shall see, a development from this simple meaning. But there is one obscure passage in the Book of Job - namely 33:19 - where לַז refers to a different kind of agitation, the trembling of a sick man's body because of a chill. The emendations of this verse suggested by many scholars are quite unnecessary, and the kethibh (לַז) makes much better sense than the qere (לַז). The difficult phrase "לַז יִתְרָב לַז" has been correctly understood by Père Paul Dhorme who translates it - "et par un continu<e1> <e1> tr<e1>mblement de ses os".\textsuperscript{2}

Enough has been said to show that Hebrew ספ, Syriac ṭ<w>7 Arabic ṭiba and Accadian ṭabu (stem rwb) are closely related to one another, all of them being derived from a primitive Semitic

\textsuperscript{1} Koehler-Baumgartner - Lexicon in Veteris Testamenti Libros, 1958 - p.668.

root signifying an agitation. But Accadian ṛābu (stem ryb) with its meaning "to recompense, requite" does not appear to be derived from this same root. And in spite of the similarity of form between the Accadian word and Hebrew יְהֹוָו I agree with M. Streck\(^1\) that there is no etymological connection between the two.

Paul Haupt attempts to connect יְהֹו directly with the Accadian ṛābu (stem ryb). He thinks that יְהֹו originally meant "to seek a recompense" and that the personal name Jerušaalm means "Baal recompenses (or requites)".\(^2\) However Haupt offers no further proof of this etymological connection, and his attempt to show what was the original signification of the verb יְהֹו by reference to the name Jerušaalm is suspect, for it is very doubtful if this name has anything to do with the verb יְהֹו. M. Noth\(^3\) is of the opinion that the first part of this name is an imperfect, not of יְהֹו, but of יְהֹו used here with the meaning "to be great".

Another attempt to establish an etymological connection between Hebrew יְהֹו and Accadian ṛābu (stem ryb) is made by Hommel in an article in Hastings' Bible Dictionary. He refers to a phrase used in the Nabonidus' cylinder inscription - "Vengeance took (irība tukti) the fearless king of Wanda", and infers that in I Sam. 25:39, Hebrew יְהֹו is used in exactly the same sense in which irība is used in this inscription.\(^4\)

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In the verse to which Hommel refers, David is blessing Yahweh for causing the death of Nabal after this rich farmer has refused hospitality to David and his servants. He says: 

At first glance, the phrase as it is used in this verse, seems to mean "to take vengeance" or "to render a recompense", and this phrase is used several other times in similar contexts. In Proverbs 22:22-23, judges are warned not to rob the poor, nor to crush the afflicted in the gate, " ." And in Jeremiah 51:36, Yahweh's word to the Jewish exiles oppressed by Babylon is: .

If these references actually constitute proof that as it is used in these places means "to render a recompense", then we may have to assume that there are actually two Hebrew words with the stem - one of them derived from the primitive Semitic root signifying an agitation, the other derived from Accadian (stem ryb).

But the assumption that actually means "to render a recompense" in the cases we have just cited is unjustified. In each of these cases the verb is used to refer to Yahweh's activity as Advocate. However, the authors of those passages are well aware of the fact that Yahweh the Advocate is at the same time Yahweh the Judge who has the power and the will to pass sentence against and execute judgement upon those who oppress or insult his servants. That is sufficient reason why is used in the same breath with verbs referring to Yahweh's activity as Avenger.

There is no etymological connection between Accadian (stem ryb) and Hebrew . is derived rather, like Syriac , Arabic and Accadian (stem ryb) from a primitive Semitic root signifying an agitation. All of the meanings of Hebrew are developments from this primitive concept.
As we have already noted, some of the meanings of Hebrew מְנַחֲשֶׁה are almost synonymous with those of Syriac مَنْقَض. The simplest, and I think the most primitive meaning of מְנַחֲשֶׁה is quarrel or dispute (i.e. an agitation amongst men). The verb is used in the Covenant Code (Exodus 21:18) to describe a quarrel between two men involving physical violence. In other places (e.g. Numbers 20:3; Neh. 5:7), it refers primarily to a verbal battle, and according to the context, it may be translated by such words as "complain" or "rebuke". Similarly, there are many places where the noun is correctly translated by such words as "quarrel", "dispute", or "strife".

מְנַחֲשֶׁה is used secondly in a juridical sense, the noun meaning a case being tried in a lawcourt, and the verb referring to the activity of the plaintiff, the advocate for the defence, or the defendant. This is a natural extension of the primary meaning, for a case which is being tried in a lawcourt is really only a dispute which is being settled by the decision of an impartial tribunal on the basis of the arguments of the plaintiff and the defendant, and the statements of the witnesses, rather than by physical violence. Even in modern English, we use the language appropriate to the duel in reference to the proceedings of a lawcourt when we speak of a lawyer fighting and winning a case.

When the verb מְנַחֲשֶׁה refers to the activity of the plaintiff, it is followed by the preposition ה (Job, 13:19; 23:6; 40:2), by the preposition ח (Job, 33:13; Jer. 12:1), by the preposition יָח (Is. 50:8; Jer. 2:9), or by the accusative (Job, 10:2). When it refers to the activity of the advocate for the defence, it is followed by the preposition י (Judges, 6:31; Job, 13:8), by the noun מְנַחֲשֶׁה with the appropriate suffix (Ps. 43:1; Jer. 50:34), by a phrase such as יָי מְנַחֲשֶׁה יָי מְנַחֲשֶׁה (I Sam. 25:39; cf. Lam. 3:58), or by the simple accusative (Is. 51:22). Such phrases as יָי מְנַחֲשֶׁה (Judges 6:31) יָי מְנַחֲשֶׁה (Judges 6:32) and מְנַחֲשֶׁה מְנַחֲשֶׁה (cf. Ps. 74:22) describe the activity of the defendant who pleads his own case.
Besides the verb יָּסַר which occurs 66 times in the Old Testament, and the noun יָּסַר which occurs 63 times, there are two other Hebrew words - namely יָּסַר and יָּסַר derived from the same root. יָּסַר is used only twice as a common noun. In Gen. 13:8, it refers to the strife between the herdsman of Abram and the herdsman of Lot, and in Num. 27:14, it refers to the striving of the people of Israel against Moses. According to early tradition, however, a place in the desert was called Meribah because it was there that the people found fault with Moses, and there are several references in the Old Testament to this place and to the event which was said to have occurred there. Some of these references (e.g. Ex. 17:7; Num. 20:24; Dt. 32:51; Ps. 95:8; Ps. 106) suggest that for religious leaders in Israel, the name Meribah became almost synonymous with godlessness.

The noun יָּסַר means an adversary either in a lawcourt or in everyday life. It occurs in three verses - Ps. 35:1; Is. 49:25; Jer. 13:19. There is some doubt about what was the original text of Is. 49:25 and Jer. 13:19 because the LXX, Targum and Syriac have all read the noun as יָּסַר rather than יָּסַר in these places, and in the case of Is. 49:25 the 'Ain Feshka manuscript supports the evidence of the versions. Nevertheless I think that the M.T. of these verses makes good sense and should be retained. It is much more probable that scribes have substituted the familiar word יָּסַר for the unfamiliar word יָּסַר in a number of scrolls than that the reverse has happened.
CHAPTER II

Disputes in Israel

The simplest meaning of the word כָּרָא is "quarrel" or "dispute". There are approximately 38 places where the verb כָּרָא or one of the nouns derived from it refers to a dispute amongst men. Our word never loses this simple meaning. It is used in this sense in the Covenant Code (Ex. 21:16) and it is still used in this sense in post-exilic works such as Third Isaiah (56:4). In this chapter, we shall discuss briefly the causes of disputes in Israel, the types of disputes to which the word כָּרָא is applied, the judgements passed by Hebrew sages on their quarrelsome neighbours, and the ways in which disputes were settled.

A - CAUSES OF DISPUTES

1 - Hardships of Life in a Dry Land

During the nomadic period of Israel's history, the biggest single cause of disputes seems to have been the hardships of life in a dry land. The first occurrence of כָּרָא in the book of Genesis is in the story of the separation of Abram and Lot (Gen. 13:1-13). These two rich cattle nomads were sojourning in the central part of Palestine in the hill country which later became Benjamite territory. The story tells us that the Canaanites and the Perizzites were then dwelling in the land, and it is very probable, as Von Rad suggests, that these nomads were pasturing their cattle by permission on the harvested fields of the natives. Because there was not sufficient good pasture for the two nomads on these harvested fields, a quarrel (כָּרָא) broke out between the herdsmen of Abram's cattle, and the herdsmen of Lot's cattle.

1 - G. Von Rad - Das Erste Buch Mose - Part II - 1952 - p.143
Another story of quarrels arising out of the exigencies of nomad life is related briefly in Genesis 26:17-22. When Isaac's servants dug wells in the Valley of Gerar, the natives coveted them and quarrelled with Isaac's servants over their possession. Because of this quarrelling, the first two wells were called "Contention" and "Enmity", and when there was no quarrelling over a third well, it was called "Broad Places".

The Books of Exodus and Numbers contain several stories of how the people of Israel grumbled and criticised their leaders on account of the hardships which they were forced to endure in the desert. According to the parallel narratives in Ex. 17:1-7 and Num. 20:2-13, the people of Israel found fault (םדפנ) - Ex. 17:2; Num. 20:3) with Moses because they had no water. And on another occasion, we are told that they murmured (לֶבַע) - Ex.15:24) against their leader when they discovered that the water which was available was too bitter to drink. Then there are the stories of the complaints which moved Yahweh to send the manna and the quails, slightly different versions of which have been preserved in Exodus 16 and Numbers 11.

2 - Resentment over Injury to One's Honour

Many Israelites prized their honourable position very highly and could become resentful and angry if they thought they were being slighted. According to Genesis 4, this was the cause of the first murder. Yahweh "had regard for Abel and his offering, but for Cain and his offering he had no regard" (vv. 4-5). Therefore Cain, in sullen anger, went out into the field and killed his brother.

Similarly each of the tribes in the Israelite confederacy was anxious to maintain its honourable position, and the members of the tribe could become very angry if they thought that a leader of the confederacy
was only allowing their tribe to play a minor role in a military campaign.

The best example is the dispute between the men of Ephraim and Gideon reported in Judges 6:1-3. According to Judges 6:34-35, Gideon had summoned the men from his own clan Abiezer and from his own tribe Manasseh, and also from the tribes of Asher, Zebulon and Naphtali to take part in the battle against the Midianites. Many of the men who had come at first had been dismissed (7:2ff.), but had been called out again later (7:23) to pursue the enemy. The men of Ephraim, on the other hand, had been called out only at the last minute (7:24) to seize the waters against the Midianites. The Ephraimites, proud of their position as the leading tribe of the Israelite confederacy, resented the small share Gideon had allowed them in the campaign. Hence the story tells us that they upbraided (Jud 8:1) Gideon violently (8:1).

3 - Righteous Wrath

The causes of disputes which we have noted so far - the privations of desert life and resentment over an injury to one's honour - do not indicate very admirable traits in the character of the disputants. But there was another much better cause of quarreling which we see exemplified in the lives of Israelite prophets and religious leaders. These men knew the meaning of righteous wrath, and in the name of the moral God of the desert, who would not permit His people to share their allegiance with any other god, they frequently entered into violent disputes with immoral or idolatrous people. Of this nature was Elijah's quarrel with Ahab (I Kings 21:17-24) in which he condemned the king for having had Naboth put to death so that he might take possession of his vineyard, and announced the terrible fate which was to befall Ahab's house.

Similarly, the prophets who followed Elijah often had to rebuke or remonstrate with corrupt leaders and corrupt people. The last of
the pre-exilic prophets calls himself "a man of strife and contention" (Jer. 15:10). Yahweh had made Jeremiah "a fortified city, an iron pillar, and bronze walls, against the whole land, against the kings of Judah, its princes, its priests and the people of the land". (1:16) Obedient to his divine calling, he tested the lives of the people of Jerusalem, and was unable to find even one person "who does-justice and seeks truth" (5:1ff).

The people had forsaken Yahweh to serve the false gods (8:19; 11:9ff; 16:1ff.). Jeremiah spoke out several times against the false prophets who were leading the people astray and predicted their imminent destruction (5:30-31; 14:14-15). He did not hesitate to condemn rulers for their vacillating foreign policies (2:19), nor for the injustice they practised in the lawcourts (5:28; 22:16-17). Probably with the strong encouragement of priests and cultic prophets, the people were putting their trust in the temple, and in the sacrifices which were carried out there. But Jeremiah told them that at Sinai Yahweh had commanded not sacrifice but obedience (7:21-26), and that if they continued in their rebellious ways, the temple would be destroyed (7:1-15; 26:4-6) - a prediction which brought down upon him the wrath of those who had a vested interest in the temple services (26:7ff).

His prophesies of the destruction of the cities of Judah and of the exile made him so unpopular that it is probably not much of an exaggeration when he says that all men curse him (15:10). He was ridiculed (20:7-8), and slandered (18:8), and his life was threatened (11:21; 26:7-9). Yet, in spite of all this, he continued his quarrel against a sinful and impenitent nation.

But the leader concerning whom the Old Testament reports the most frequently that he had a ribb with his people is the reforming governor
of the post-exilic community, Nehemiah. Four times in his memoirs (5:7; 13:11; 13:17; 13:24), Nehemiah reports that he contended against the leaders of the people because of the sins against God and man which they permitted or engaged in.

The occasion of the first of these disputes is reported in Neh.5:1-5. The common people had become greatly impoverished because of the famine, and because of the service on the wall which took them away from their work for weeks at a time. These people were complaining loudly to Nehemiah about their hardships. Nehemiah names three classes of complaints which the people were bringing to him. There were some people who had no property, and had to sell their children into slavery so that they could buy food to stay alive (vs. 2). There were others who had property which was not producing sufficient food for their own needs, and who therefore had to mortgage it to obtain more food (vs. 3). A third group was free from anxiety about food but had to borrow money to pay the king's tax on their fields, giving their land as security. Because they were thus losing control of their property, they were afraid that they would soon be in the same dire straits as the poorest class, selling their sons and daughters as slaves. Indeed, some of their daughters had already been enslaved (vs. 4-5). The rich ruling classes were making profit out of the poverty of the common people, and these common people could expect no relief until the rich agreed to grant a redemption from debt.

In an effort to help the people Nehemiah began to upbraid (v. 7) the noblemen for their practice of lending upon pledge. When he was unsuccessful talking to them privately, he called a great assembly to put them to shame publicly for their outrageous conduct. Nehemiah and his friends had endeavoured to buy back Jews from slavery in foreign lands. But these noblemen had been selling their brothers in Judaea into slavery, so that they had to be redeemed once more (v.8). They should walk in the fear of God who was concerned for the poor and the
oppressed (cf. Prov. 22:22-23), and avoid the justifiable taunts of the enemy (v.9). They should leave off this taking of pledges, and restore to its original owners the property which they had taken in pledge (v.10).

The R.S.V. translation of verse 7 - "and I brought charges (יָלַע מְנָאֶה מַאִזּוּ) against the nobles" - gives the impression that legal charges were laid against the offenders, and then a judicial assembly was called to convict them. This translation is quite wrong. The main part of the complaint seems to have been that the rich classes were taking the property of the people in pledge - something which was certainly legal (Dt. 24:10ff). Neither the LXX (ἐμαχωράομεν) nor the Vulgate (increpavi) understand יָלַע מְנָאֶה in a juridical sense here. I think that Jerome's translation, increpavi (i.e. I rebuked, chided, upbraided) indicates accurately the meaning intended by the Chronicler. Nehemiah's action was to rebuke the nobles at first privately, and then publicly for their shameful conduct.

The verb יָלַע is used in exactly this same sense three times in Nehemiah 13. Nehemiah, upon his return from Persia, had discovered that all was not well in the Jerusalem temple. Two things were wrong. First of all, the tithes for the Levites were not being brought into the temple so that the Levites had left the temple and returned to their land. Secondly, Tobiah the Ammonite was living in a large chamber in the very place to which the tithes had previously been brought. Nehemiah, shocked by these abuses, first threw Tobiah out of his apartment, and then remonstrated (יָלַע - v.11) with the leaders of the government about their failure to see that the tithes were brought to the temple. Under Nehemiah's energetic leadership, the Levites were soon brought back to their rightful place in the temple, the tithes were brought in, and it was arranged that one priest, one scribe and two Levites should undertake the distribution and control of the tithes.

The next evil to which Nehemiah turned his attention was the
desecration of the Sabbath. When he was in the country on a Sabbath, he noticed that the local farmers were disregarding the command to rest on the seventh day. They were not only treading the wine-press, but also bringing their produce to the city to sell it on God's holy day. Nehemiah warned them to stop, but without effect. Just as serious a menace as the local traders was a trading colony from Tyre living in the city which carried on business on the seventh day without interference from the authorities. Once again, Nehemiah called before him the leading families which lived in the town and rebuked them (2.17 v.17) for allowing this trading in Jerusalem on the Sabbath. And not content with merely rebuking the leaders, Nehemiah saw that the gates were closed on the Sabbath to keep the traders out.

The final evil which Nehemiah tried to obliterate was that of marriages with foreigners. Many Jewish men had married Philistine, Ammonite, or Moabite women. The marriages with the Philistines were especially dangerous in Nehemiah's eyes, for the children of the Philistine mothers spoke their mother's language rather than Hebrew, and therefore, "they could no longer follow either the reading of the Torah or the hymns of the cult". The marriages with the Ammonites and the Moabites did not carry with them this particular danger, since these peoples spoke a language which was only slightly different from the Hebrew of the Judeans. Nevertheless Nehemiah was firmly opposed to defiling the race by mixed marriages with any foreigners. And so, in his anger, he called before him the men who had contracted such marriages, and gave them a stern rebuke (2.17 v.25) accompanied by physical violence in the form of beating and pulling out of hair. Then he required them to take an oath that they would not permit their sons or daughters to marry foreigners.

B - TYPES OF DISPUTES TO WHICH ד"ז IS APPLIED

1 - ד"ז Used Mainly to Refer to Disputes Between Groups

The reader will have noticed that, in all the instances we have examined of the use of the word ד"ז in the sense of dispute amongst men, only one - namely Gen. 31:36ff - refers to a dispute simply between one individual and another. A number of other ribbototh in which only two individuals are involved may be cited. In the Covenant Code, there is a legal provision for the case of a quarrel (ד"ז - 21:18) in which one man strikes another with a stone, or with his fist, and the man who is struck gets better. Proverbs 3:30 seems to refer to disputes between two individuals, and ד"ז may also have this meaning in a few other passages in Proverbs such as 20:3 and 26:17.

More often ד"ז refers to a dispute between groups of people. We have already dealt with Genesis 13:7-8 which refers to a quarrel between the herdsmen of Abram's cattle and the herdsmen of Lot's cattle, and with the story of the disputes between the herdsmen of Gerar and Isaac's herdsmen recorded in Genesis 26:20-22.

In Psalm 18:44 which is almost identical with II Samuel 22:44, God is said to have delivered the Psalmist from the strivings of the people. The Masoretic text in Psalm 18:44 reads ד"ז ד"ז while the reading in II Samuel 22:44 is ד"ז ד"ז. If either of these versions is correct, the reference is probably to civil war. God has delivered the Psalmist from the dangers of civil war, and has also helped him to conquer other nations and to become their head. Possibly the text should read "strivings of the peoples" in which case

1 - Perhaps a better translation of the Hebrew would be "spade".
the whole verse would refer to war with foreign nations and their conquest. The writer of Psalm 55 finds himself "in a city of inner upheaval where the guardians of the walls are violence and strife (277 0/γ) and where misery is in her heart." It is probably a scene of civil strife between various power-hungry factions to which the prophet Habakkuk refers when he complains that "Destruction and violence are before me; strife and contention (277 0/γ 277) arise." (Hab. 1:3). In Judges 21:22, there is a reference to an impending quarrel between the men of Shiloh and the elders of Israel, or, if the LXX represents the correct text, between the men of Shiloh and the Benjaminites, after the men of Benjamin have stolen some girls from Shiloh for wives.

In other cases, 277 can refer to disputes, or to wars between tribes or even between nations. Just before Jephthah has a battle with the Ammonites, he sends a message to the king of Ammon, in which he asks him if he thinks he is a better man than Balak, king of Moab, who at the time of the Israelite conquest, did not attempt to recover his land from Israel. "Now, are you any better than Balak the son of Zippor, king of Moab? Did he ever strive against Israel (βλαστήσαντες) or did he ever make war (οίδαν τοιοῦτον) with them?" (Judges 11:25). After Jephthah has defeated Ammon, the Ephraimites complain that he did not call them to take part in this battle. But Jephthah claims that they were called and did not respond when he and his people had a great feud with the Ammonites, (12:2) The verse reads literally, "...a man of strife (βλαστήσαντες) I was, I and my people, and the sons of Ammon exceedingly, and I called you and you did not deliver me from their hand". Deutero-Isaiah refers to Judah's enemies as the men of thy strife (οίδαν τοιοῦτον) and prophesies that these enemies of Judah will be "as nothing and perish". (Is. 41:11)

2 - E.A. Leslie - The Psalms - 1949 - p.332. At this point, Leslie is dependent on H. Gunkel (Die Psalmen 1925-1926- p.36ff). Gunkel translates vs. 10c-12a as follows:- "Denn ich muss Gewalttat immerdar schauen und Hader in der Stadt; die umwaldein sie Tag und Nacht auf ihren Mauern, Unheil und Mühsal ist in ihrem Innern, Verderben in ihrer Mette." He says that 277 (11a) is "Terminus von den Wächtern, die Stadt durchstreifen Cant 3:3 und ihre Mauern unwandeln".
Similarly the author of Psalm 35 appeals to Yahweh as a mighty warrior who is able to defeat all his enemies:

"Contend, O Yahweh, against my adversaries (יהוה וָלָי תֵּבֵּר הַשָּׁמַיִם) fight against my foes (יהוה והמשנים עַל נְכְרִיִּים) (Ps. 35:1)"

In I Samuel 15:5, we are told that Saul contended (יהוה והמשנים עַל נְכְרִיִּים) in the valley. Many commentators think that, in this place, the original reading was not יִתְנָה but יִתְנָה. However, in view of the cases we have just cited where יִתְנָה refers to inter-tribal or to international war, it is by no means improbable that this text is correct as it stands, and means simply that Saul fought a battle in the valley.

2 - Ribnoth Sometimes Involving Words only, Sometimes Physical Violence

We stated in Chapter I that יִתְנָה sometimes refers to verbal quarrels, sometimes to disputes involving physical violence. There is at least one case in the Old Testament where it is apparent that a ribh is purely verbal. In Psalm 31:21, the Psalmist sings praise to God who keeps him safe from the strife of tongues (יהוה והמשנים עַל נְכְרִיִּים). This phrase probably means false accusations and slander. In many of the cases we have examined, the dispute seems to have been primarily verbal. Nehemiah's ribnoth with the leaders of the people were verbal rebukes, and the people's ribh against Moses in the wilderness was a complaint about the hardships which they had to endure.

On the other hand, Nehemiah's ribh against the men who had taken foreign wives became quite violent, involving beating and pulling out of hair (13:25), and Moses could say concerning the people who were contending against him in the wilderness, "They are almost ready to stone me" (Ex. 17:4). Similarly the ribh supposed in the Book of the Covenant involves not only words, but also stones and fists (or spades?)
(Ex. 21:18).  

In the cases where $\text{ד''}^7$ refers to inter-tribal or to international war, the verbal element is almost entirely forgotten, and the emphasis is on the physical force.

C - ATTITUDE OF THE SAGES TO QUARRELING

The quarrelsome members of the Israelite society were never without their critics. Occasionally a prophet might raise his voice against quarreling, especially when it took place in the context of sacred religious observances. For instance, Third Isaiah condemns the people who "fast only to quarrel and to fight (ד''^7ד''^7) and to hit with wicked fists. Fasting like yours will not make your voice to be heard on high" (Is. 58:4).

However, the really consistent critics of quarrelsome people are those peace-loving men who are responsible for our Book of Proverbs. In this book, there are at least twenty-four admonitions against quarreling. One of the sages thinks that quarreling is occasionally right and necessary, but only for a good cause (3:30). And another says that a man is better to have a quarrel with his neighbour in private (25:9) than to bring the dispute out into the publicity of the judicial assembly where his neighbour may gain the case and he may be put to shame (25:8). With the exception of these two verses where the author sanctions a private quarrel for a good cause, the proverbs preserved in the canonical book demonstrate the Hebrew wise man's complete opposition to quarreling and strife. It is instructive to note the classes of people which the sages associate with quarreling.

1 - see note 1, p. 14.

2 - Another possible interpretation of the Hebrew consonantal text is advocated by C.H. Toy (Proverbs, I.C.C. 1899, p.461) and accepted by B. Gemser (Sprueche Salamos, H.A.T., 1937, p.71). They think that we should read $\text{ד''}^7$ instead of $\text{ד''}^7$. If this is correct v. 8 is a warning not against lawcourts but against gossip.
The fool (חֲלִי -20:3) is always quarreling, and it is the lips of the stupid man (חָלָה -18:6) that is, his thoughtless and malicious words, which involve him in disputes, which, since he is always in the wrong, entail punishment. If only the scoffer (חָלָה -22:10) and the tale-bearer (יָדֵּל -26:20) were out of the way, quarreling and strife would cease. It is the quick-tempered or angry man (וּשְׁפָחָה -15:18; דְּשֶׁת -29:22) who stirs up strife (cf. 30:33).

Other undesirable characteristics which are associated with quarreling are hatred (10:12) and greed (28:25). One of the evil effects of excessive consumption of wine is that it involves the drunkard in strife (23:29). It is those who love transgression or rebellion (17:9) who love strife, and it is the utterly perverse man (יִשְׁפָּת - 16:28) who spreads strife.

There are some people in the community who seem to enjoy contention, and who will start quarrels just as readily as wood or coal will cause a fire to blaze up (26:21). With these people, and with all whom he associates with quarreling, the Hebrew sage has no sympathy. The man whom he admires is the patient man - the man slow to anger (15:18) who quiets contention and restores peace to the community.

A number of metaphors are preserved in the Book of Proverbs which illustrate how undesirable a thing is contentiousness in the eyes of the sage. The contentious woman is twice (19:13; 27:15) compared to a continual dripping of rain - that is, to water leaking through a poorly-repaired roof. Quarreling is compared to the bars of a castle (18:19) creating between those who were once friendly a partition which cannot be broken. The beginning of strife is compared to the letting out of water (17:14). The reference here seems to be "to making a small aperture in a dam or in anything which prevents the flow of water: it is easy to let the water out, hard to stop it - the aperture grows
larger and the flow of water stronger. " And the man, who "moddles in a quarrel not his own" (26:17) is in just as dangerous a position as the man who seizes a dog by the ears. He will almost certainly be bitten.

The sages, for their part, want to live in a society free from contention. They would much rather live in a desert (21:19) or even in the corner of a house top (21:9; 25:24) than with a quarrelsome woman in a luxurious house. And they would rather eat a dry morsel of bread in quietness than partake of a large banquet with a family which is always squabbling (17:1).

D - HOW WERE DISPUTES SETTLED IN OLD TESTAMENT TIMES?

In the stories of disputes between the people of Israel and Moses recorded in the Books of Exodus and Numbers, we are told that the people were pacified by means of a miracle which provided the physical sustenance which they were craving. When they complained because they had no water, Moses obeyed Yahweh's command to strike a rock and water came forth from it (Ex. 17:6; Num. 20:8ff). When they murmured because their water was bitter, Yahweh showed Moses a tree which he threw into the water to make it sweet (Ex. 15:25). When they complained about the lack of food he sent manna (Ex. 16:4ff) and when they grew tired of manna he sent quails (Num. 11:31ff).

But quarrelsome people could not always expect their wants to be satisfied by means of a miracle. In everyday life, complaints that one was not being fairly treated were sometimes settled by the judicious use of flattery. For example, Gideon silences the complaints of the Ephraimites who are convinced that he has allowed them too small

1 - C.H. Toy - Proverbs - I. C. C. - 1899 - p. 344
2 - Ibid.
a part to play in the war against the Midianites by making up a new proverb or giving a new twist to an old one: "What have I done now in comparison with you? Is not the gleaning of the grapes of Ephraim better than the vintage of Abiezer?" (Judges 6:2). Abiezer and the other clans which fought by its side had the honour of pursuing the Midianites. But Ephraim could claim the even greater honour of having put to death Oreb and Zeeb, the two princes of Midian.

When Abram's herdsmen quarrel with Lot's herdsmen because they do not have sufficient pasture, the settlement reached is based on Abram's generosity. Believing that it is unseemly for there to be strife (לָלוֹת - Gen. 13:8) between the herdsmen of men who are closely related, he suggests that they separate. And although he is the elder and therefore entitled to first choice, he generously gives that privilege to Lot. Thus Lot goes to find pasture in the Jordan Valley while Abram remains in the hill country.

At other times, a settlement was based on the weakness of one of the parties to the quarrel. When Isaac is unable to defend his rights to the wells which his servants have dug in the Valley of Gerar, he is forced to move, letting the natives have their own way (Gen.26:19ff.)

The other way in which disputes could be settled was through judicial proceedings, and with this aspect of Israelite life we shall now deal.
CHAPTER III

Lawcourts in Israel

A - JUSTICE IN THE NOMADIC PERIOD

Three passages in the Pentateuch purport to give an account of a judicial system inaugurated by Moses in the wilderness. It was probably several centuries after the tribes had settled in Canaan before any of these narratives were written down, and they are all coloured by the conditions of the times in which they were written. Nevertheless, we must examine these accounts to see what light they may throw on the judicial system of the period with which they purport to deal. The narratives in question are: Exodus 18:13-26; Numbers 11:16, 17, 24b-25; Deuteronomy 1:9-16.

According to Exodus 18:13, Moses is holding a judicial session to settle the disputes which the people are constantly bringing to him. This verse probably depicts quite accurately Moses' function as leader and therefore chief judge of his people. Modern travellers in the Bedouin areas of the Near East report that the settlement of his subjects' disputes is still one of the chief duties of the sheikh. Roderig Owen describes a visit which he paid to Sheikh Saqr of Sharjah on the Persian Gulf. During the afternoon of the day which Owen spent in the Sheikh's palace, the Sheikh was holding a sitting outside, and "was being approached by his subjects, some of whom wanted to lay complaints before him. Sheikh Saqr listened and gave judgement on the spot."1

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1 - Roderig Owen - The Golden Bubble - 1957 - p.158
The scene which Jethro witnessed in the wilderness of Sinai must have been similar to that witnessed by Owen at the palace of the Sheikh of Sharjah. Yet the author of Exodus 18 regards Moses not simply as a secular leader, but as one who is in contact with the Deity. When the people come to Moses, they are really coming to enquire of God (vs.15), and when he decides their cases he is really declaring God's decisions (vs.16).

This picture of Moses as the Man of God to whom the people turn to hear the divine decision is, I think, historically accurate. The summons which Moses received from Yahweh at the burning bush was a summons to declare the divine will to Pharaoh and to warn the king of the terrible consequences of disobedience. The service "on which he returned to Egypt was in essence analogous with that reported by those prophets of Israel whose existence is historically incontestable", and therefore we may regard Hosea's statement that Israel was led out of Egypt by a prophet (Hos. 12:14) as historically true.¹ The people of Israel in the wilderness turn to Moses not just because he is their leader but also because he is the man of God, and it is probably chiefly because he is a prophet who knows the will of God that the people turn to him in such large numbers.

Jethro, Moses' father-in-law, watches Moses holding a judicial session, and decides that the work of judging which Moses has undertaken is far too great for any one man. Therefore he advises Moses to share his judicial responsibility with capable laymen. He agrees with Moses' policy of bringing cases to God, and declaring the divine decisions. But Moses should not try to settle all the cases himself. There were many hard cases for which no precedent existed, and Moses should continue to bring these cases to God. But he should delegate responsibility for

¹ - M. Buber - Moses - 1946 - p.62
the easy cases - the cases for which a precedent had been established -
to a group of capable men selected out of all Israel.

The men he selects are to be \( \text{strong, able and wealthy men.} \)
and wealthy men. But the emphasis here is on their moral qualities.
They are to be men of \( \text{reliable men who cannot be bribed.} \)
Moses is to place these men over the people as commanders (\( \text{vs. 21} \)) of thousands, of hundreds, of fifties, and of tens.

The judicial arrangement described in Deuteronomy 1; 9-18 is
almost exactly the same as that described in Exodus 18. Here also
men are appointed as \( \text{men of thousands, of hundreds, of fifties, and of tens.} \)
But alongside of these \( \text{there are subordinate} \)
officials - the \( \text{Other important differences between the} \)
Elohist's version (Ex. 18:13-26) and the Deuteronomist's version (Deut.
1:9-18) are the following: In E. Jethro sees that Moses is wearing
himself out settling the disputes of the people, and suggests this
system of judicial assistants; in D. Moses himself realises that he
cannot bear alone "the weight and burden of you and your strife"
(\( \text{Dt. 1:12} \)), and Jethro does not appear; in E. the
assistants are selected by Moses from all the people; in D. the judicial
officers are chosen by the people themselves according to their tribes
(v.13), and are merely installed by Moses (vss. 13,14); in E. the
criteria of selection for judicial officers are primarily moral; in D.
they are primarily intellectual (Deut. 1:13).

The Elohist is probably correct in his contention that the Midianite
priest suggested to Moses a reform of the Israelite judicial system.
I can only think of two possible ways of accounting for the discrepancy
on this point between Ex. 18:13ff. and Deuteronomy 1:9ff. Either Moses
was given the credit for the judicial reform in the earlier form of
the story, and Jethro was introduced only later, the earlier form of
the story being preserved only in the later document; or Jethro played an important role in the earlier form of the story, and later writers, unable to believe that the Midianites had influenced Israel in this way, omitted all mention of Jethro and gave all the credit to Moses. The latter theory is much more plausible than the former.

On the other hand, D's. view that the judicial officers were appointed by the people themselves according to their tribes is intrinsically more probable than B's. view that Moses made the selections from amongst the whole people without regard to tribal divisions. The difference between the criteria for the selection of the judicial officers in the two documents is more apparent than real. Undoubtedly the מַשְׁגַּלְתֵּן mentioned in Ex. 16:21 would possess not merely the moral qualities mentioned in that verse, but also the wisdom, understanding and experience mentioned in Deut. 1:13.

We must now try to determine whether a judicial system such as is described in these passages is likely to have been in operation in Israel during her nomadic days. One fact that cannot fail to strike the attentive reader is that the number of judges appointed seems excessive. The nomadic Hebrews may have been very quarrelsome people, but it is hardly conceivable that they would require a judicial officer over every ten individuals. And, even if we solve this problem by supposing that the numbers ten, fifty, etc. "are intended to denote not individuals but heads of families" we still have a very cumbersome system in which "each individual Israelite would apparently belong to four groups, and be under the jurisdiction of four judges..."¹. It is difficult to see how such a system would have worked in the nomadic period, or for that matter, in any period of Israel's history.

The phrase "commanders of tens" is found only in Exodus 16:21 and 25 and Deuteronomy 1:15. But "commanders of thousands", "commanders

¹ - S.R. Driver - Exodus - C.B.S.C. - 1918 - p.167
of hundreds" and "commanders of fifties" are found elsewhere (eg. I Samuel 3:12; II Kings 1:9) as the designations of military officers during the period of the kings. The Elohist regards the people of Israel as a great army divided into much the same units as the army of his own day, with the commanding officers of the army acting as judicial officers. We do have evidence in II Chronicles 19:5 that at least one of the early kings of Judah appointed judges in the fortified cities where he had soldiers garrisoned, and it is not unreasonable to suppose that these judges were simply the soldier's commanding officers. But the picture the Elohist gives us of the whole people of Israel in the wilderness constituting one vast army with its commanders acting as judges looks like the idealization of a later age. Israel's judicial system during the nomadic period was certainly not so highly developed as these accounts of a five-level judicial system imply.

The Elohist's narrative gives the impression that, until the commanders of thousands, commanders of hundreds, etc. were appointed, Moses was the only judicial authority to whom the people could turn. It is difficult to believe that this was the situation. It is much more probable, that, even in a very remote period of Israel's nomadic history, the clans and tribes had elders whom they regarded as their natural leaders, and that they would turn not only to Moses, but also to those elders for the settlement of their disputes.

Some scholars point to such passages as Gen. 36:24ff. as evidence that "all jurisdiction among the Hebrews was originally vested in the family and administered by its head". Nevertheless, I think it is extremely unlikely that there ever was a time when it was possible for the head of the family to exercise all jurisdiction. In the simplest of societies, there must have been a council with authority to settle
the disputes between the various families in a clan. And since it is well-known that the head of the family is the absolute ruler over his own family in nomadic society, it is natural to suppose that the earliest clan council consisted of some or all of the heads of the families in the clan.

When Laban accuses Jacob of stealing his gods (Gen.31:30) Jacob invites him to search the tent and state (יַעֲפֹר) in the presence of their clansmen what belongs to him (v.32). These clansmen are to constitute a jury to decide who is in the right (v.37).

Even if this means that all of Jacob's clansmen and all of Laban's clansmen were present, the opinions of the heads of families would be regarded as much more important than those of the other adults. Possibly this clan council is really a council of the elders of the clan. Most scholars who have examined this question are convinced that "the institution of the elders of the tribe goes back to the period before the occupation when the clans were still nomadic units, and it was introduced into Palestine with them."²

It is unlikely therefore, that Moses created any new judicial authority to help him. No judicial officers were needed other than the people's natural leaders, the elders of the tribes and of the clans. Probably what Moses did, following the advice of Jethro, to lighten his judicial burden, was not to appoint any new judicial officers but rather to send those people whose case was easy back to the elders of their clan or their tribe to have their disputes settled, reserving for his own decision only those cases for which no precedent existed. Possibly,

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1 - David Daube (Biblical Law, p.6) says that this word was "technical of the formal finding out of and making a statement to the other party about a fact of legal relevance, be it one on which a claim might be based or one on account of which a claim must be abandoned or one on account of which the other party's claim must be admitted".

2 - Martin Noth - The History of Israel - 1958 - p.108
   also A. Bertholet - The History of Hebrew Civilization - translated by
   A.K. Dallas - 1926 - p.266
indeed, this story in its original form was told to account for the origin, or at least for the judicial responsibility of the elders, the judicial officers than whom the story-teller knew there were none more ancient.

In Exodus 24:14, which also comes from E., Moses addresses the elders who are to be identified, if the theory I have suggested above is correct, with the commanders of thousands, etc., and who, at any rate, Moses here regards as the leaders of the people to whom they turn when they have disputes. While Moses and Joshua are up on the mountain, Aaron and Hur are to act as Moses' personal representatives, and the elders are to send whoever has a case - literally "whoever is the owner of matters (אֲלֵהֵי כָּלֵי מִסֵּכָן)" - to Aaron and Hur to have it settled. Probably this text is not meant to be taken quite literally. The elders are not merely middlemen who send all disputants who come to them on to Aaron and Hur. They settle a case themselves if they are able. But, if they are not able, they send the contending parties to Moses' personal representatives.

The other passage in the Pentateuch which purports to give an account of a judicial system instituted by Moses is Numbers 11:16,17, 24b-25. This chapter involves some rather difficult problems of source analysis. It is fairly obvious that the compiler has separated vv.16-17 from their natural sequel in vv. 24b-30. G.B. Gray contends further, I think correctly, that the connection between vv. 11-15 and these verses is very loose. In vv.11-15 Moses is complaining about the heavy burden which Yahweh has placed upon him, in calling him to lead the people of Israel to the promised land. It is Yahweh, not Moses, who has conceived this people, and Moses needs Yahweh's help. Verse 17b - "and they shall bear the burden of the people with you, that you bear it not alone." - seems to be Yahweh's way of saying that the spirit is poured out on the seventy in order that they may share Moses' burden.

1 - G.B. Gray - Numbers - I.C.C. - 1903 - pp.109 and 111
But such provision of human help is scarcely an answer to Moses' plea for divine help. Moreover, "although vv. 24 and 25 mention point by point how the commands and promises of v.16, 17a, were carried out and fulfilled, no further notice is taken of any assistance rendered to Moses, quite the reverse; v.29b gives the actual result of the spirit resting on the elders: and that result was that the elders received not the power of assisting Moses but of prophesying." ¹

For these two reasons, and possibly also because the mention of in verse 16 seems to indicate an already existing organization of judicial assistants to Moses, Gray would regard verse 17b as an editorial gloss. If we omit verse 17b, what we have left is not the story of the appointment of a special group of judicial assistants, but rather of a special privilege given to some of the judicial officers. I think we may regard this narrative as a sequel to Exodus 18:13-26. According to Exodus 18, Moses had installed "D'γυ of thousands, D'γυ of hundreds, etc." as his judicial assistants, and according to the account in Deuteronomy 1:9-18 there were subordinate officers (D'γυ') associated with these D'γυ. The elders and D'γυ of Numbers 11:16 are to be identified, I think, with the D'γυ and D'γυ of Exodus 16 and Deuteronomy 1. Moses is to select seventy of these men whom he has previously chosen as his judicial assistants for the special privilege of receiving a part of his spirit. The selection is made, and the spirit is bestowed upon these seventy men who immediately fall into a prophetic frenzy.

The story in its original form did not concern the appointment of judicial assistants. It was the story of a special privilege bestowed upon seventy of the elders. Similar in this respect is the story recorded in Exodus 24 of seventy privileged elders who had a vision of God upon the mountain. These stories which are not really relevant to our present inquiry need not detain us further.

¹ - G.B. Gray - Numbers - I.C.C. - 1903 - p.111
We have seen that nomadic Israel had lay judges who settled easy cases, while hard cases were brought to Moses the prophet for a divine decision. Similarly, throughout the pre-exilic history of Israel, there existed side by side a secular judicial system presided over by the village elders and the political leaders of the nation, and a sacred judicial system in which the judges were priests.

B - THE ELDERS IN ISRAELITE TOWNS

1 - Composition of the Council of Elders and its Duties

The judicial officers with whom the pre-exilic Israelites probably had dealings the most frequently were the village elders. Long before the settlement in Canaan, the people of Israel had had clan associations of elders made up of the heads of the largest and most important families of the clans. The members of one clan tended to settle in the same village in Canaan, and thus the elders of the clan became the elders of the town. The number of elders in a town naturally varied according to the size of the community, but possibly ten constituted a quorum (Ruth 4:2).

The elders were the most respected men in the community, and its natural leaders. "They were the living storehouses of the ancient customs and of the common law of their communities ... They knew the judgement (Job. 32:9), their age and great experience gave them wisdom (Ps. 119:100): 1 They were old enough or rich enough not to have to work for a living, and so they were able to move constantly about the gate of the town, the place of public concourse.

They constituted the town council, and everything of importance had to take place in their presence. If a field was bought and sold,

1 - D.W. Amram - The ZeKenim or Council of Elders - J.B.L. - Vol. XIX - Pt. 1 - p. 39
the buyer and seller had to go to the elders to have the purchase ratified (Ruth 4:1-12). If the community was involved in war, the elders were responsible for the conduct of the war. They appointed the generals to lead the army (Judges 11:4-10), and they could conclude a peace treaty (I Samuel 11:3). After the institution of the monarchy, it was the kings who fought the wars. But it was the elders of the various towns assembled together who appointed the first of the kings (II Samuel 5:3).

When the men of the town went out to the fields in the morning and when they came in at night, the elders were standing near the gate where they could hear any disputes which had arisen and settle them according to the common law of the community. They probably did not attempt consciously to introduce new legislation to cover new cases. But "the uninterrupted interpretation of old laws in a living community under changing conditions of life in the course of time interpreted them out of existence."¹

The Book of Deuteronomy cites several examples of cases which were tried by the village elders. All of these cases concern the rights of various members of the family. This fact probably reflects the Israelite conviction that the stability of the family is basic to the stability of the community. Children had been commanded in the fifth commandment of the Decalogue to obey their parents, and disobedience to parents was punishable by death (Ex. 21:15, 17; Lev. 20:9). However, parents could not execute the death sentence on disobedient sons. Only the members of the community could do this after a judicial decision by the elders. If a son was stubborn and rebellious, and would not obey his parents, the parents could bring the son out to the elders at the gate of the town, and if the parents succeeded in convincing the elders that their charges against the son were true, the elders ordered the son

¹ - ibid., p. 36
to be stoned to death by the community (Deut. 21:16-21).

When a newly-married man accused his bride of unchastity, he had to bring the girl out to the elders at the gate. They conducted an investigation with the young girl's mother and father acting as witnesses on her behalf (22:13-17). If the charge was false, the husband was chastised by the elders, was compelled to pay a fine of 100 shekels as a "compensation to the father for the malicious defamation of his daughter" and the right of divorce was denied him (22:18-19). On the other hand, if the elders discovered that the charge was true, they saw that the young woman was stoned to death in front of her father's house which she had disgraced by her shameful conduct (22:20-21).

Verse 22 of this chapter decrees that the death punishment is to be administered for adultery to both the man and the woman involved - presumably by the community under the direction of the elders as in the above case. Then, verses 23-29 deal with three cases of seduction which are to be tried by the elders, and punished with varying degrees of severity according to the differing circumstances.

According to Deuteronomy 25:5ff., the elders also concerned themselves with the enforcement of the duty of levirate marriage. The man who refused to enter into such a marriage was cursed in the presence of the elders by the woman whom he refused to take as wife. She expressed her curse not in words, but by the act of pulling off his sandal and spitting in his face. The man received no punishment

1 - S.H. Driver - Deuteronomy - I.C.C. - p. 256
2 - J. Pedersen (Der Eid bei den Semiten - 1914 - pp. 96-97) explains the significance of these acts as constituting an acted curse by reference to the Arabic curse-formula - "May God extinguish his light and pull off his sandal." This Arabic curse is said to mean, "May God make of him a blind man and a cripple." He thinks that "the pulling off of the sandal perhaps obtains its significance through the fact that it belongs to the honour of the man to be clothed as the ordinary normal man. A change of the normal clothing brings the person concerned into the sphere of the curse (cf. II Sam. 10:4)".
at the hands of the community. The curse was simply allowed to take its dread effect.

In 1 Kings 21:8-14, we are told that Naboth was stoned to death after having been convicted by the elders on the charge of cursing God and the king. This story probably indicates that the curse - especially the curse against God - was a very serious offence in the eyes of the village elders. Jezebel, who could have had Naboth accused of any crime, would naturally order the elders to have him accused of one of the most serious crimes they could imagine. According to Leviticus 24:10ff, anyone who cursed God was to be stoned to death by the community. And the result of Naboth's trial indicates that in the time of Ahab this law was part of the common law of the town of Jezreel which the elders of that town were expected to enforce.

The cases mentioned in Deuteronomy and the one case mentioned in 1 Kings are only a few of a large variety of cases tried by the elders. They were probably regarded as competent authorities to try any case so long as a precedent existed and witnesses were available. If no precedent existed, the case might be taken to the Judge of Israel, to the priest, to the king, or to the supreme court after it was established. If no witnesses were available, the case could be tried by the priests at the sanctuary by one of several means which we will examine shortly.

2 - The Refuge Towns and their Elders

According to the Books of Numbers (35: 9-28), Deuteronomy (4:41-43 and 19:1-13) and Joshua (20:1-9), there existed in Israel from the earliest times a number of cities of refuge. Anyone who killed a man accidentally could flee to one of these cities to escape from the wrath of the avenger of blood. According to Joshua 20:4-5, there were elders in each city of refuge who had the responsibility of admitting the manslayer and protecting him from the avenger of blood until his case had been heard. Although these elders are not mentioned in
Deuteronomy 19, some such officers would have been necessary and no doubt the Deuteronomist pre-supposed their existence. According to Numbers 35:24 and Joshua 20:6, the case was tried by the congregation. If the accused man was found to be guilty of murder, he was handed over to the avenger of blood. If he was found to be innocent, he was protected in the city of refuge until the death of the high priest, at which time he was free to go home. On the other hand in the much earlier account, Deut. 19:1ff., we are not told who tried the case. However, we are told that if the man was found guilty, the elders of his city had to take him from the refuge town to hand him over to the avenger of blood. Probably we are meant to infer that the elders of the refuge town tried the case, then sent for the elders of the homicide's town if they believed he was guilty of murder. When the elders of the homicide's town arrived, it would be necessary for the elders of the refuge town to persuade them of his guilt before they consented to hand him over to the avenger of blood.

Now, it is a debatable point whether the institution described above is really an ancient one. Several modern scholars believe that the cities of refuge are a very old institution. G. Ernest Wright believes that "the whole institution of cities of asylum bears the stamp of antiquity and was undoubtedly premonarchical in origin". H.W. Hertzberg, in commenting on Joshua 20:1-9 says that even if the text is understood to be late, "so sind die in ihm beschriebenen Tatbestände nur aus alter Zeit zu erklären", while John Bright thinks that, although the ancient law of Exodus 21:12-14 had already provided sanctuary at the shrine, "the establishment of the cities of refuge represents a further restraint

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of desert custom in that it sets up definite machinery for handling cases of homicide." He thinks that a stable monarchy such as David's would certainly have taken such a step.

Now, in opposition to these scholars, we may cite excellent reasons for denying that there was such an institution as cities of refuge at any early period of Israel's history. According to the Covenant Code, the altar was the ancient place of refuge for the manslayer (Ex. 21:12-14). So long as there were many altars in the land, I am convinced that the law which guaranteed refuge at the altar to the man who committed manslaughter was quite sufficient to protect the innocent from the avenger of blood.

A.C. Welch contends that those who doubt the existence of cities of refuge in early Israel have really misunderstood their purpose: "The intention in setting up a place of refuge was not to provide a sanctuary where he (the homicide) could be safe from the immediate pursuit of the avenger of blood. It was to provide some place where he could live until he was brought to trial. ... In the new asylum, he could at least be secure until the trial had determined as to his guilt or innocence." 2

I am very doubtful, however, if this argument is based on a realistic estimate of conditions in early Israel. I think we may assume that, in early Israel, the .requires markup here] was always anxious to avenge the death of his near-kinsmen, that an altar where the manslayer could take refuge was never more than one or two hours' journey from the scene of the killing, and that the local authorities were normally anxious to see that justice was done. Granted these three conditions, we need not suppose that more than two days ever elapsed before a homicide case was


settled. The suspected murderer would certainly not find it difficult to live at the sanctuary for this brief period. If necessary, the priests who resided there could offer him food and a place to sleep.

Moreover, although there are at least two references in the Old Testament to the use of the altar as a place of refuge for a suspected murderer (I Kings 1:50; 2:28), there is no record whatsoever of a town as such being so used. I think, therefore, that it is only right to infer that the oldest law concerning cities of refuge was devised by the compiler of the Deuteronomic Code. The Deuteronomist, when he ordained the destruction of all altars except the altar at Jerusalem, felt that he must make this new arrangement to replace the old custom of refuge at the local sanctuary. However, there is no record that Josiah or one of his successors set aside refuge towns in Judah, and we have no way of knowing whether such towns were ever established or ever used.

When a man sought refuge at the sanctuary in the early days, he would be under the protection of the priests who resided there, and no doubt those priests took part, perhaps in conjunction with the elders of the accused man's town in the trial. The Deuteronomist is probably right that it was the elders of the town of the man judged guilty (Deut. 19:12) who took him away from the place of refuge to hand him over to the avenger of blood. The Deuteronomist's law may be based, in part, on a much older law governing the procedure for the occasions when the manslayer fled to the altar. An ancient law requiring the elders of the guilty man's town to hand him over to the avenger of blood would have been an excellent way of putting an end to the blood feud. "When the avenger of blood slays the man, he is no longer carrying out the blood-feud, he is executing the orders of the murderer's own clan. After this, they cannot pursue the blood-avenger who had been merely their instrument for fulfilling their order".1 Although the priests were

1 - Ibid. - p.142
probably the chief judges in homicide cases, the elders were certainly vitally interested in preventing murder. According to Deuteronomy 21:1-9, when a murder had been committed, and it was impossible to discover who was the murderer, the elders of the town nearest to the scene of the crime performed a rite of expiation. The priests who are present at this ceremony (v.5) have nothing to do except perhaps "to supply the liturgy which must be repeated by the elders over the slaughtered animal". The elders are the responsible guardians of the community, and it is they who must "purge the guilt of innocent blood" from its midst. (Dt. 21:9).

3 - Judicial Procedure at the Village Gate

We have noted the main responsibilities of the elders, especially their judicial responsibility. Now let us try to picture exactly what took place when the elders sat at the gate of an Israelite town to judge between two of their fellow townsmen. Let us note the posture and position assumed by the various interested parties, the words used to describe these parties and to describe the various parts of the judicial proceedings. Let us suppose that it is the evening of an ordinary working day. The men of the town who have been working in the surrounding fields are returning home. As they approach the town, their paths converge. Let us focus our attention on two of the men whom we will call Pedaiah and Delaiah. I have chosen named beginning with the letters P and D for our two imaginary Israelites because Pedaiah is to play the role of plaintiff, and Delaiah is to act as defendant in a lawsuit which is about to take place.

Pedaiah has suffered some injury. Perhaps someone has stolen his most valuable ox, or removed his boundary stone, or attempted to seduce his wife. He has reason to suspect that Delaiah is the culprit. They come within hailing distance of one another, and Delaiah greets Pedaiah

1 - ibid.- p.149
with the traditional greeting - "יְהַבְּיָה יִדְיָוִי". Pedaiah, however, does not return the greeting. Instead he begins to make violent accusations against Delaiah. The latter vehemently denies them, and soon a heated argument is in progress, with the other men returning from the fields joining in the argument. Pedaiah will not withdraw his charges, and Delaiah steadfastly affirms his innocence so that no private settlement seems possible.

Pedaiah decides that he would like to present his case to the elders at the gate of the town, and so he suggests to Delaiah that they should let the elders try the case. There are several different phrases which he may use to express his desire to start judicial proceedings. He may say, "קַוְיַויִת תַּעֲלָה" (Job. 9:32; 22:4), or "קֹּוְיַויִת בֵּי עִדִּים" (Dt. 25:1), or "קֹּוְיַויִת רָתַץ יְרֵךְ" (Is. 41:1; Mal. 3:5); or perhaps he will simply use the niphal of קַוְיַויִת (I Sam. 12:7; Ps. 37:33; Is. 59:4; Jer. 25:31) etc. In any case, his suggestion that they start legal proceedings is almost certain to contain either the verb קַוְיַויִת or its derived noun קַוְיָיִת.

According to Oskar Grether¹ and J. Van der Ploeg, the primary meaning of the verb קַוְיַויִת, from which all other meanings are derived is the juridical meaning. Van der Ploeg says that the primitive idea of קַוְיַויִת "included all the actions which accompanied the primitive lawsuit. A lawsuit took place when two disputants presented themselves before the competent authority, each one to claim his right. This authority let the litigants plead their cases, investigated the matter, and if he had the power saw to it that the sentence was carried out. All that is included in the simple word 'judge'."² The noun קַוְיָיִת can mean

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¹ O. Grether - Die Bezeichnung Richter - ZAW 1939 - p.110ff.
² J. Van der Ploeg - Shaphat et Mishpat - O.T.S. Deel II - p.146
the decision of the judge (Prov. 16:10; Zech. 7:9), the guilt of the person condemned (Jer. 49:12), the whole of the judicial proceedings, (Dt. 1:17), or, most frequently simply justice.

Delaiah agrees readily to Pedaiah's suggestion that they should go to the elders. He is certain that he will easily convince the elders of his innocence. They set a time, perhaps two or three days hence, when they will lay their case before the elders at the gate. During those days, each of the litigants speaks to his friends and persuades some of them to bear witness on his behalf. When the appointed time arrives, Pedaiah and Delaiah go before the elders, accompanied by the friends whom they have persuaded to give testimony on their behalf. Although there is no word in Hebrew corresponding to English "defendant", there are several terms for a plaintiff, adversary or accuser in court: יבש (Ps.109:6), יבש (Job 31:35), יבש (Is. 50:8) יבש (Ex. 24:14), יבש (Is. 49:25) The reason why there is no special word for "defendant" is possibly that the accused man did not think that his task consisted merely in proving that he was innocent of the charges laid against him. He could also use the opportunity provided by the lawsuit to accuse his accuser. (cf. Gen. 31:41).

Delaiah lays his case against Delaiah before the elders. The expression for this action is יבש יבש (Job. 13:18; 23:4). The elders take their seats (Prov. 21:23; Job 29:7 and Ruth 4:2). Delaiah, perhaps dressed in mourning garb (Zech. 3:3) is given a prominent place (I Kings 21:9) and Pedaiah stands to his right (Zech. 3:1; Ps. 109:6). Presumably the witnesses are seated beside the man on whose behalf they are to testify.

There is nothing private about this trial, for it is taking place


in the public market-place, and many of the town's inhabitants are there watching the proceedings with intense interest. If a case was considered to be especially important, the citizens were summoned to attend (I Kings 21:9).

One of the elders announces that the trial is about to start, using the phrase, יִשְׁתֶּחֶב יִתְנֹחַ לִי (cf. Hos. 4:1); (Hos. 12:3; Mic. 6:2), or יִשְׁתֶּחֶב יִתְנֹחַ לִי (cf. Jer. 25:31). Then Pedaiah rises to state his case against Delaiah (Jer. 26:11). He contends (לִי) against Delaiah, stating the offence - יִשְׁתֶּחֶב or יָשְׁחֹת (Gen. 31:36; Dt. 21:22; 22:26) which he believes Delaiah has committed, and perhaps also the punishment which he should suffer (Jer. 26:11). Often the plaintiff's case must have sounded very good, for the Hebrew sage observes that he who states his case (לִי) first (i.e. the plaintiff) seems right until the other (i.e. the defendant) comes to examine him (Prov. 18:17).

After Pedaiah and Delaiah have both been heard, the elders summon the witnesses (יִשְׁתֶּחֶב - Dt. 4:26) to give testimony. They rise (Deut. 19:16; Ps. 35:11) to bear witness (יִשְׁתֶּחֶב - Ex. 20:16; 23:2; or יִשְׁתֶּחֶב - I Kings 21:10,13). These witnesses are not in any sense merely objective informants. Their role is similar to that played in a modern lawsuit by the advocate for the defence and the counsel for the prosecution. The one Hebrew word יִשְׁתֶּחֶב is used to refer both to a witness on behalf of the accused (i.e. his advocate - e.g. Job 16:19) and to a witness against the accused (e.g. Numbers 5:11). Several times in the prophets where Yahweh is called יִשְׁתֶּחֶב he appears to be Plaintiff, witness against the sinful nation and Judge all at the same time (Mic.1:8; Zeph.3:8; Mal.3:5) The witnesses "put their authority into one or other of the parties and place themselves by his side"...

Before the proceedings have finished, we may hear from Pedaiah

1 - J. Pedersen - Israel, its Life and Culture I, II, p.408
and Delaiah and from the witnesses on both sides several times. After Pedaiah and the witnesses have finished speaking, Delaiah rises once more to assert his innocence and to appeal to the judges (cf. Job. 29-31). Then the elders speak. They discuss the matter amongst themselves, paying most attention to those who have a good reputation for making wise and just decisions. (cf. Job. 29:7-12).

When common agreement has been reached, they rise (Ps. 3:8; 35:2) to give the verdict (יָשְׁתֵן - Joel 4:14 or יָשְׁתֵן - I Kings 20:40). The elders may declare Delaiah innocent (יִשָּׁתֵן - Dt. 25:1; I Kings 8:32) or they may declare him guilty (יָשְׁתֵן - Dt. 25:1; I Kings 8:32). If the verdict is innocent (יִשָּׁתֵן or יִשָּׁתֵן), this means that Delaiah is free, and is restored to the place in the community which is his by right.1 If the verdict is guilty (יִשָּׁתֵן or יִשָּׁתֵן) the elders must go on to say what punishment is to be imposed. The assembled people may shout out the verdict in a chorus after the elders (cf. Jer. 26:16).

Immediately after the verdict has been given, the punishment is carried out. The punishment may be death, or a fine given to the person who has been injured (Dt. 22:19), or chastisement by beating (Dt. 25:2), or a fine and beating (Dt. 22:18). If the punishment decreed is beating, the convicted man must lie down in the presence of the elders who count the stripes to see that no more than forty are given, lest "your brother be degraded in your sight". (Dt. 25:2). "To give him the due punishment of his crime was not to take away his honour as a brother, i.e. Israelite; but to flog him indiscriminately was to treat him like an animal".2 If Delaiah has been convicted of a capital crime (יִשָּׁתֵן - Dt. 21:22, or יִשָּׁתֵן - Dt. 22:26), and the avenger of blood does not have a claim (e.g. II Sam. 14:7) the witnesses must cast the first stone at the condemned man (Deut. 17:7). Then the rest of the people assembled for the trial share in the privilege of stoning the culprit to death. (Deut. 17:5; 21:21).

1 - K. Hj. Fahlgren - Sedaka - 1952 - p.117
We have already seen that the manslayer in early Israel took refuge at the altar. There he would be under the protection of the priests. It must have been they who first heard his case, and it was they—perhaps in conjunction with the elders of the accused man's town—who decided whether he should be handed over to the avenger of blood. However, most of the cases tried by the priests were those for which no evidence was available. The priests had three special methods which they used in trying such cases. These were: trial by urim and thumim; trial by oath; and trial by ordeal.

1 - Urin and Thumim

From very early times one of the prized prerogatives of the priestly class was the right to manipulate the urin and thumim (Deut. 33:8). Priests used these sacred lots to discover the divine decision on a number of important questions such as whether or not to go to war (I Samuel 28:6). The fact that they were also used occasionally in the lawcourt is proved not only by I Samuel 14:36-42, but also by a verse in Proverbs where the sage highly recommends the lot as a means for putting an end to a dispute and deciding between powerful contenders (Prov. 18:18).

Although the derivation of the words, urim and thumim, is uncertain, those scholars are probably correct who claim that "urim must be connected with '77X 'to curse", while thumim means blamelessness, acquittal. Whatever may be the correct etymology of the words, there seems to be fairly general agreement that urim signified an unfavourable omen, thumim, a favourable omen, so that in a lawsuit, urim would mean guilty, thumim innocent.

1 - F. Haupt - Babylonian Elements in the Levitical Liturgy
J.B.L. Vol. XI, 1900, pt. 1, p.58.

   cf. F. Schwally - Miscellenen - ZAW, 1891, p.272
There are no statements in the Old Testament which indicate clearly of what material the sacred lots were made or what they looked like. Richard Press believes that they were made of wood. However, the only evidence he can give for this belief is Hosea 4:12, and it is extremely improbable that the יֹיעַ and יֹיעַ mentioned here are names which Hosea applies to the urim and thummim. On the contrary, the context suggests that what the prophet is condemning is a pagan method of obtaining oracles to which the people resorted when the priests refused to obtain Yahweh's answers to their questions by means of legitimate oracular media.

Several scholars believe that urim and thummim were names for two different lots. If their theory is correct, the procedure when a priest was asked to discover the divine answer to a question by means of urim and thummim was probably as follows: He would shake the pouch in which the lots were contained; then, if the thummim lot came out first, the answer was "yes" or "innocent"; if the urim lot came out first, the answer was "no" or "guilty"; if the two lots came out simultaneously he had to say that Yahweh refused to answer (e.g. I Sam. 28:5).

Another theory which has the advantage of giving a plausible explanation of the plural form of the words "urim" and "thummim" is that each of the two lots had an "urim" side and a "thummim" side.

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1 - R. Press - Das Ordal im Alten Israel II - ZAW 51, Heft 3/4 1933, p.229
2 - F. Kuechler - Das Priesterliche Orakel in Israel und Juda - BZA W 33, 1918, p.290
According to this theory, if both lots fell with the "thummim" side upward, the answer was "yes" or "Innocent"; if both lots fell with the "urim" side upward, the answer was "no" or "guilty"; if the two lots gave conflicting evidence, the priest had to say that there was no answer.

When Saul decided to enquire by means of urim and thummim who had eaten the forbidden honey (I Sam. 14: 36-42), he first said that the people should be on one side, the royal family on the other (v.40). Then he prayed to Yahweh, beseeching him to give urim if the guilt was in the royal family, thummim if the guilt was in the people (v.41). When Saul made this prayer, he was saying in effect, "Let us suppose that the royal family is the accused party". Then the priest shook the pouch in which the sacred lots were enclosed, and when the answer was "urim", this showed that the accused - i.e. either Saul or Jonathan - was guilty. When it had been decided that the guilt lay in the royal family, Saul placed himself once again in the position of the accused. When the priest shook the pouch this time the answer was thummim and thus it was clear that Saul was innocent, Jonathan guilty.

The procedure in this case was quite simple. But what would they have done if thummim had been the answer the first time? They must have had some way of deciding by lot which of the tribes was guilty, then which clan within the tribe, then which individual. A case of the discovery by lot of one guilty man amongst the whole people is reported in Joshua 7:16ff, and according to I Samuel 10:20ff, Saul was chosen by lot out of all Israel to be king. It has been suggested that when Joshua enquired by lot who was guilty of violating the ban, the tribes volunteered to come forward in turn until one was "black-balled", and then the clans of that tribe in turn until one was "black-balled", and then the individuals of that clan until the culprit was found.1 But this would be a grossly unfair system. If such was

1 - P. Haupt - Babylonian Elements - Note 61 - p.73
the practice, a "guilty" person would nearly always be found amongst the first three or four individuals of the first three or four clans of the first three or four tribes to come forward, and it is difficult to see how even the most credulous could accept such a system for long. Another possible way would be for six tribes to stand on one side and six on another, then three on one side, three on the other, then two on one side, one on the other, etc. until the culprit was discovered.

Once God had given the decision by lot, the people were responsible for carrying out the sentence. According to Joshua 7:25ff all Israel took part in stoning Achan and his family to death. Occasionally they might refuse to carry out the punishment, for, according to I Samuel 14:45, Jonathan escaped unharmed when the people succeeded in persuading Saul that Jonathan's bravery far outweighed his disobedience. Although before the exile any Levite could use the sacred lots (Dt. 33:8) in post-exilic times only the high priests could use them (cf. Ex. 28:30; Lev. 8:8; Num. 27:2).

2 - Trial by Oath

Another method used by the Israelite priests was trial by oath. The oath was used mainly, or perhaps exclusively in cases for which evidence was not available. The practice of requiring an oath of an accused person when the case is being tried in the sanctuary is mentioned in three passages in the Old Testament: Exodus 22:9-10; Numbers 5:5-28; and I Kings 8:22. Exodus 22:9-10 indicates one type of case which was settled by oath in early Israel. A delivers some animals to his neighbour B to keep them while he is away. While B is keeping the animals, some of them die, or are hurt, or are driven away. Because no-one has seen what has happened, there is no-one to bear witness on behalf of B when A brings charges against him, so that the case cannot be tried by the village elders. Therefore B is required to take an oath before the Lord - i.e. in the sanctuary - that he is innocent, and
the oath settles the matter.

No provision is made for the possibility that B may swear falsely. The presupposition is that the oath is a self-cursing, and that God will bring the curse down upon the head of the man who commits perjury. In their lawsuits even to-day, Bedouins use oaths which are in essence prayers to Allah to inflict grievous injury upon the man who swears falsely. According to Alois Musil, the simplest type of oath in use amongst the Rwala Bedouin runs as follows: "I swear by Allah and eight camels laden with grain that I did not say ..." By thus swearing the accused man "calls on Allah to punish him and to do him an injury equal to the loss of eight loads of grain which he has bought in settled territory, he would then die of hunger in the desert." ¹ In a more serious case, the accused is required to swear by his belt which signifies his wife, his sexual organ which indicates children, and "by that which lies down to sleep before the tent at night" (i.e. herds). ² Then he calls upon Allah to deprive him of his wife, his children and his herds if his oath is false.

It is certain that the ancient Israelites used self-imprecations much like these when they underwent trial by oath. The oaths of innocence recorded in Psalm 7:3-5 and in Job 31 are of this nature. And the law recorded in Numbers 5:1f stipulates the self-imprecation which the woman suspected of adultery must use when she is on trial in the sanctuary.

I think that Julius A. Bewer is right when he contends that, in Numbers 5:11-31, two originally distinct procedures, the trial by oath and the trial by ordeal, have been combined, and that later still, when the law was inserted amongst the religious laws and Yahweh was regarded

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1 - Alois Musil - The Manners and Customs of the Rwala Bedouins 1928 - p. 429-430
2 - ibid. - p. 430
as one of the offended parties, the requirement of the offering was added. No offering was required in the law concerning the trial by oath which we have already examined (Ex. 22:9-10). In my discussion of Numbers 5:11-31, I shall follow Bewer's analysis.

The law concerning the trial by oath for suspected adultery originally read as follows:

"(18) And the priest shall set the woman before Yahweh, and let the hair of the woman's head go loose. (21) And the priest shall cause the woman to swear the oath of cursing, and the priest shall say to the woman, Yahweh make thee a curse and an oath among thy people, (in that Yahweh maketh thy womb to miscarry and thy body to swell). (22) And the woman shall say, Amen, Amen. (27) And the woman shall be a curse among her people." If the part of verse 21 which Bewer has bracketed was part of the original law, the curse was very definite. The priest called upon Yahweh to punish the woman by miscarriage if she was guilty. If these words were not part of the original law, the punishment was left indefinite, but was to be so terrible that people wishing to curse anyone would say, "Yahweh make so-and-so like this woman". The priest pronounces the curse, the woman assents to it by saying, "Amen, Amen", and then, if she is guilty the curse takes its effect, whereas, if she is innocent, she suffers no harm.

In this case, the woman simply assents to the curse pronounced by the priest. In the case presupposed in 1 Kings 8:31-32, on the other hand, we are probably to think of the man repeating the imprecation (יִרָוֹל—v.31) after the priest. Yahweh is expected to hear the oath in heaven and judge, condemning the man if he is guilty by fulfilling the terms of the oath, and vindicating him if he is innocent "by rewarding him according to his righteousness".

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1 - J.A. Bewer - The Ordeal in Numbers, Chapter 5 - A.J.S.L. Vol. 30, 1913-14, pp.40-41
2 - ibid.- pp. 45-46
W.E. Barnes thinks that these verses refer to the fulfilment of the law in Exodus 22:7-11, and that the meaning of the first clause is "If a man cause (or seem to cause) his neighbour a loss ..."\(^1\) I am doubtful if the author of Kings intended such an explicit reference. No doubt, there were many other ways in which a man could injure his neighbour without anyone seeing it. The author is thinking of any charge laid against a man when no evidence is available. Any such charge may be cleared up by an oath before Yahweh, and Yahweh will be the judge.

These verses, coming from the list of prayers men will make in the temple, probably indicates that a judicial settlement by oath was frequently made in the Jerusalem temple. Hans Schmidt assumes from the context of these verses that a prayer such as we find in some of the Psalms was part of the proceedings when a settlement was made by oath.\(^2\) I think that this is an unjustified assumption. The oath itself is a short prayer, spoken by the accused man beseeching Yahweh to bring down a certain specified curse upon his head if he is guilty.

Schmidt believes that he finds evidence in several of the Psalms that the accused and the accusers spent the night in the sanctuary (17:3; 57:5; 4:5 and 9), and that the innocent party received his vindication in the morning (Ps. 27:4; 17:5; 5:3).\(^3\) However, even if other evidence were available to prove that the ceremony of vindication by oath actually involved a sleep in the temple, the passages cited do not necessarily refer to such a practice, for none of them state definitely that the sleep referred to takes place in the temple. The desire of

\(^1\) W.E. Barnes - The Two Books of Kings, C.B.S.C. - 1908 - p.76
\(^2\) Hans Schmidt - Das Gebet der Angeklagten im Alten Testament BZAW - 1928 - p.2
\(^3\) ibid. - pp.20,21,22,24,26,28.
the Psalmist to appear before God in the morning, which Schmidt regards as proof that the morning was the time when he received his vindication, can be adequately accounted for by the fact that the chief offering of the day was presented in the morning.

I think that for some of the Psalms which Schmidt treats as prayers of the falsely accused man, the trial by oath in the temple may have served as a model. But I am very doubtful if any of them were ever used at such a trial. The authors of these Psalms did have enemies who were spreading slanderous tales, false accusations against them, and they were praying to God to vindicate them. But they were not really on trial in the temple, and the vindication they looked for would take place in every-day life as God rewarded men according to their deserts. "In the background here there stands above all the dogma of Judaism, that Yahweh so directs the destinies of men that things go well for the good and badly for the bad. What we are concerned with in the Psalms is not ordeal prayers (Ordalgebete), but the common thought of the judgement of God on all men." 2

3 - Trial by Ordeal

The other main method used in lawsuits in the sanctuary was trial by ordeal. An ordeal may perhaps be defined as the subjection of an accused party to some painful or disagreeable test, the decision whether the accused is guilty or innocent being made according to his reaction to the test. Such tests have been imposed on suspected persons in nearly every country at some time in its history, and they are still used by the Bedouin of Palestine and other parts of the Middle East. O.E. El-Barghuthi, in describing the judicial procedures which were used by the Bedouin of Palestine early in this century, lists two types of ordeals to which the judge resorted when he was unable to decide by normal means which of several suspects was guilty. The accused might be required to

1 - R. Press - Das Ordal im Alten Testament - ZAW 51 -Heft 2 -p.140
Note 3
2 - ibid -p 140
lick a hot iron and "he who shrinks back, cries, or shows signs of pain is considered as the culprit." In the second type of ordeal listed by Mr. El-Barghuthi, the accused persons were compelled to swallow something hard, nauseating, or disagreeable, and "the one that hesitates, complains, or vomits, is accused..."  

The trial by ordeal, the regulations for which are found in Numbers chapter 5, is of this second type but with one important difference. Whereas the modern Palestinian ordeals are merely intended to indicate whether the accused is guilty or innocent, the ordeal water which the Israelite woman accused of adultery was required to drink was believed to bring about the appropriate punishment if she was guilty.

According to Bewer's analysis, the ordeal law contained in Numbers 5 originally read as follows:

"(16) And the priest shall bring her near and set her before Yahweh, (17) and the priest shall take holy water in an earthen vessel, and of the dust that is on the floor of the sacred dwelling the priest shall take and put it into the water (18b) and the water of the ordeal shall be in the hand of the priest) (19) and (the priest shall adjure her and) shall say to the woman, If no man has lain with thee and if thou hast not gone aside to uncleanness while married to thy husband, thou shalt be free from the water of the ordeal. (20) But if thou has gone aside while married to thy husband, and if thou art indeed defiled, and some man has lain with thee besides thy husband (22) then this water of the ordeal shall go into thy bowels, and make thy body to swell and thy womb to miscarry. (23) And the priest shall write the curse in a book, and shall blot it out into the water of the ordeal. (24) and he shall make the woman drink the water of the ordeal, and the water of the ordeal shall go in her to the bowels, and it shall come to pass if she is really defiled, (and has committed a breach of faith against her husband) that the water of ordeal shall go in her to
the bowels, and her body shall swell, and her womb miscarry. (28) But if the woman is not defiled but clean, then shall she be free and bring her seed to birth.¹

The essential element in this ceremony is the requirement that the suspected woman must drink this water of ordeal. The chief ingredients of this "ordeal water" are to be water from the holy well of the sanctuary and dust from the sanctuary floor. The priest is required to put dust into the water not merely because this makes the water extremely unpleasant to drink, but also because the Semites believed that making a person eat dust (cf. Gen. 3:14) was a very effective way of expressing a curse.²

To increase the potency of this ordeal water, the ink with which the priest has written a curse against the woman is blotted out into it. Before the curse is written, the priest has already spoken the curse, threatening the woman with miscarriage if she is guilty. El-Barghuthi cites, as a parallel to this, the practice of the modern sheikh in Palestine, who, when he requires an accused person to undergo the ordeal of swallowing something disagreeable, frightens him by repeating some magic words and prayers over the articles to be swallowed, pretending that they thus attain a special potency which has a different effect upon the guilty and the innocent.³

The woman drinks the curse-laden water. The theory is that, if she is innocent she will suffer no harm but will bring forth a normal child. If she is guilty, however, her pregnancy will end with a miscarriage.

Richard Press is possibly right when he sees another account of a trial by ordeal in Exodus 13:20 where it is said that Moses burnt the

2 - J. Pedersen - Der Eid bei den Semiten - 1914, p.97ff
golden calf, ground it to powder, and scattered the powder upon the water which he forced the people to drink. The result of this ordeal is to be seen in the plague which God sent upon the people. (Ex. 32:35).  

Press also believes that the figure of the cup of Yahweh's wrath mentioned in Jeremiah 25:15ff, and in many later passages is a reflection in metaphor of the practice of trial by ordeal. He says that "the drink has its catastrophic effect because it is full of the wrath of Yahweh. But that can only be a paraphrase meaning that the drink is laden with the curse of Yahweh which penetrates into the man with the liquid."  

I am doubtful if this explanation of the "cup of wrath" metaphor will commend itself to many scholars, for the true explanation is simple and obvious. The origin of the metaphor is to be sought not in any judicial procedure in the sanctuary, but in great feast days such as the Feast of Tabernacles.  

No doubt, from the earliest times Israelites thought of such days as joyous occasions, and in Isaiah 25:6ff, a feast with plenty of fat things to eat and lots of wine to drink is a symbol of the glorious future which all nations are to enjoy. Yet one did not need to be an acute observer of human affairs to notice that feasts where wine flowed freely were not only joyous occasions. They were also times when unfortunate or even tragic things happened to men. They staggered (Jer. 25:16; Is. 51:22; Ob. 1:16; Ps. 60:5). They acted as if they were insane (Jer. 25:16) so that

1 - R. Press - Das Orandal im Alten Israel I, ZAW Band 51, Heft 2, 1933, p.126  
2 - ibid. p.128  
so that others laughed at them (Ez. 23:32). Sometimes they took off all their clothes (Hab. 2:15f; Lam. 4:21; cf. Gen. 9:21ff.). They fell asleep, and occasionally it was the sleep of death (Ob. 1:16; Jer. 51:39).

It was for these reasons, and not because of any connection with a trial by ordeal that the wine-cup came to be the symbol of Yahweh's wrath against a sinful world.

Gray gives some good reasons for his conviction that, in spite of the paucity of references to it in the Old Testament records, the ordeal was used frequently in early Israel. First, the Hebrews used other methods of obtaining the decision of deity which amongst other peoples are found closely connected with the ordeal - e.g. the trial by oath. Secondly, in Numbers 5, the offering is called the "offering of jealousy" and the "offering of memorial bringing guilt to remembrance", and the second term sounds like "the offerings covered by it were made when a decision was required of deity in cases of doubt of which the doubt of jealousy is but one". Thirdly, he refers to W.R. Smith's interpretation of the names En Mishpat and Me Meribah with reference to the use of springs at Kadesh in decision by ordeal. "The names outlived the practice and are possibly not of Hebrew origin...; yet their significance taken in connection with the foregoing considerations is not to be overlooked."1

If the ordeal was used frequently in early Israel, it was used very seldom in later times. The best explanation of the fact that the priestly code preserves only the one example of a trial by ordeal is that, by the time P was writing, the ordeal was used only for cases of suspected adultery.

1 - G.B. Gray - Numbers, I.C.C., 1903, p.45f.
D - THE JUDGE OF ISRAEL

The Deuteronomic editor of the Book of Judges has given to his heroes the collective title of הָעָבָדָה (Judges 2:16-19), and most of them are said to have judged Israel. Recognising that the Book of Judges is mainly a record of military exploits, many scholars assume that the verb חֲשֹׁבָה and the substantive חֲשֹׁב as they are used here do not have their juridical meaning, but another special meaning.

In an interesting and important essay, O. Grether examines the various opinions which are current concerning the meaning of חֲשֹׁב in the Book of Judges. Some (e.g. Koehler) have said that the חֲשֹׁב was one who helped a people to justice by defeating their enemies in battle. It is true, of course, that the verb is used to describe the activity of several men who were military heroes; Othniel - 3:10; Tola - 10:2; Jephthah - 12:7; Samson - 15:20; 16:31. Nevertheless it is very doubtful if the Deuteronomist is referring to their military exploits when he says that these men "judged" Israel. There are several verses in the Old Testament where חֲשֹׁב means "to help to justice in a lawcourt" (e.g. Is. 1:17). But there is no indication outside the Book of Judges that this verb ever meant "to help to justice by defeating an enemy in battle."

Others (e.g. Benzinger) have said that the heroes of the Book of Judges are called חֲשֹׁב because they were the forerunners of the kings who were the supreme judges. It is quite clear from various accounts in the Books of Samuel and Kings that the kings did fill an important judicial role. But this was only one part of their activity, and it is difficult to see why the term "judge" which described only one part of the king's task should be applied to their predecessors unless it were known that these predecessors were judges in the literal sense of that word.

The most popular theory to account for the use of the verb $\text{in the Book of Judges}$ is that this verb has a double meaning; (a) to rule; (b) to judge. But this hypothesis surely should not be accepted unless there is clear evidence in other parts of the Old Testament that $\text{can mean }$ "to rule". Grether examines all the occurrences of this verb in the Old Testament and discovers that "only in 3 of the round 200 places in which $\text{stands is the meaning }$ "to rule" preferred, but not clearly required". His final conclusion, which, in my opinion, is undoubtedly correct, is that $\text{always has the meaning }$ "to judge" or another meaning which may be directly derived from this primary meaning.

In Judges 4:4, where we are told that Deborah was judging Israel, it is clear that the author means that she was giving case decisions. Yet, according to the story which follows, she was also a military heroine. I think, therefore, that the true explanation of the use of the verb $\text{and the substantive }$ $\text{to refer to the activity of the military heroes of the pre-monarchic period is that the Deuteronomistic editor of this book believed, rightly or wrongly, that like Deborah, these men filled both a military and a judicial role.}$

In Judges 10:1-5 and 12:7-15, we have the two parts of a list of six men whose work it was to judge Israel. Two of the men mentioned here, namely Tola and Jephthah, were not only judges but also deliverers who defeated Israel's enemies in battle. But there is no evidence that the other four were military leaders.

We are told very little about these men. For the person who first compiled the list, only four facts seem to have been important: first, the name of the judge; second, his tribe or home-town; third, the number of years during which he judged Israel; fourth, the place where

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1 - ibid. - p.114
he was buried. In the cases of the second, fourth and sixth judges, we are told also that they had numerous children and grandchildren, and the thirty sons of Jair are said to have ruled thirty cities.

The references to the numerous posterity of some of the judges has been taken to mean that we are dealing here not with individuals, but with "extensive clans with numerous branches and alliances." Support for this theory has been seen in the fact that the names of Tola, Jair, and Elon occur elsewhere in the geneological systems: Tola - Gen. 46:13; Num. 26:23; I Chron. 7:1ff; Elon - Gen 46:14; Num. 26:26; Jair - Num. 32:41; Deut. 3:14; I Kings 4:13; I Chron. 2:21-23.

Yet the evidence for this theory is inconclusive. The data concerning Tola here and in the geneological lists do not agree. In the geneological lists, he is a brother of Puah; here a son of Puah. And there is no reference anywhere else in the Old Testament to either Abdon or Ibzan - a fact which is surprising if they are really extensive clans. Moreover Jephthah, who is clearly an individual, appears in this list. Therefore we probably should regard the other 5 men as individuals also.

Possibly the references to the villages of Jair and to the numerous posterity of the second, fourth and sixth judges are early additions by some one who wished to show that these men's labours on behalf of Israel had been amply rewarded. According to M. Noth, the "villages of Jair" were probably not in existence at the time when the judge Jair is said to have lived.²

1 - e.g. G. Moore - Judges, I.C.C. p. 271
If we omit these references, what we have left certainly looks like an official, carefully-preserved record of the essential details concerning six men who occupied the office of judge in early Israel.

Four important facts concerning the office of judge may be deduced from the list: first, that it was valid for all Israel, i.e. for the whole of the Israelite Confederacy; second, that it was not hereditary, but was occupied by men from various tribes; third, that the Judge, once he was appointed, held office for life; fourth, that men held this office in unbroken succession.

The number of years during which a man held the office of judge varied greatly: 23 years; 22 years; 6 years; 7 years; 10 years; 8 years. The fact that the Deuteronomic historians have tried to fit the early part of the history of Israel into a neat chronological scheme based on the number 40, and that these numbers do not fit into this or any other conceivable scheme is a strong argument for the historical reliability of these numbers, and hence, for the historicity of the office of judge of Israel. Such numbers as those cited above have obviously not been invented. Each of the six men probably died after occupying the office of judge for the number of years mentioned in the list, and the number of his years in office was preserved because his contemporaries regarded this information as important.

In my opinion, the verb וֹּעַי is used in this list in precisely the same sense as in Judges 4:4. If that is correct, the judge of Israel was a man who was consulted in difficult cases by Israelites from all twelve tribes. He may also have had other duties such as the proclamation at regular intervals of the law - either the specifically Israelite law or the law which the Israelites had taken over from the Canaanites. There is very little Biblical evidence to indicate

1 - M. Noth - The History of Israel, translated by S. Godman, 1958- p.102
2 - A. Alt - Kleine Schriften - Teil I, p.300
precisely what his duties were.

Men may have been appointed to this office because they were legal experts or because, like Deborah and Samuel, they possessed supernatural insight which enabled them to determine whether a man was guilty or innocent, and, if he was guilty, what was the appropriate punishment.

According to 1 Samuel 7: 15-17; 8:1ff., Samuel was the last judge of Israel. Until he was a very old man, he went on a circuit of four of the chief sanctuaries in the central part of Palestine - Bethel, Gilgal, Mizpah and Ramah (7:15-17), and heard the cases which were brought to him in those places. Probably when he was younger, he had gone on a much more extensive circuit. But when the work became too strenuous for him, he delegated his judicial responsibility for part of the country to his two sons. According to 8:2, as it now stands, the two sons were both made judges in Beersheba. However, it is reasonable to suppose that something has dropped out, and that the two sons were appointed as judges in two different places, Beersheba in the far south and perhaps another town in the far north. Josephus says that the two sons acted as judges in Bethel and Beersheba. ¹

According to 1 Samuel 8:3ff., it was when Samuel's sons proved to be corrupt judges that the elders came to Samuel and asked him to appoint a king "to judge us (מְלָכָה) like all the nations" (v.5). Of course the task of judging the people was to be only part of the new king's responsibility. According to verse 20 of the same chapter, he was expected to judge his people in peacetime and fight their enemies in a time of war.

These two verses are a clear indication that when Samuel anointed

¹ - Josephus - Antiquities, VI, 3,2.
Saul to be king, the office of judge of Israel passed from Samuel to Saul. From this time onward, it was the king who acted as the chief judge of the people. In Micah 4:14, the king reigning in Israel is called "the judge of Israel" - a title which perhaps reflects the claims of the Davidic kings that they were the sole legitimate rulers of Israel. Deuteronomy 17:8-13 may be based in part on a much older law in which "the judge who is in office in those days" (v.9) would refer to the judge of Israel of the pre-monarchic period. However, the compiler of the Deuteronomistic Code would certainly understand this phrase to mean the king ruling in Jerusalem.

E - THE JUDICIAL ACTIVITY OF THE KING

Oskar Grether believes that the king was a legal adviser rather than a judge with power to pass sentence and to see that it was carried out. He says that "at the best, the position of the Israelite king in judicial practice (Rechtspraxis) may be compared with that of the Icelandic law-speaker, who exercised no judicial activity and had fundamentally no influence on the course of legal proceedings but whom the parties concerned in a trial could ask for a legal direction."¹ He thinks that "II Samuel 15:2 is scarcely concerned with disputing parties, who were summoned to Jerusalem for trial, but rather with persons engaged in a lawsuit (Prozessierende) who lay their case before the king for an expert opinion (Begutachtung) in the hope of receiving a legal direction favourable to them, which can be made of value (geltend) in the lawsuit."² In Grether's opinion, this function of the king as would be most important in the days when Israel was taking over sedentary ways, and adopting Canaanite laws, but would be much less important in later days.

Now, let us examine the narratives in the Books of Samuel and

1 - ibid. - p.117
2 - ibid. - p.117
Kings which refer to the king's judicial activity to see how accurate this assessment of his position really is. There are three stories in these books about a person with a bona fide grievance against a neighbour appealing to the king for a judicial decision. The first of these is the well-known story of the two harlots who came to Solomon (I Kings 3:16-28). These two harlots were living in the same house. One gave birth to a child, and then three days later the other had a child. One of the children had died in the night. Harlot A who came to the king with the complaint, believed that harlot B had killed her own child by lying on it, and was now making a false claim to be the mother of the surviving child. B, however, protested that the living child really was hers; and they were unable to agree. By the stratagem of ordering the living child to be cut in two, the king discovered which of the harlots had true mother-love for the child, and the case was immediately settled.

The other two cases occurred during the reign of King Jehoram in the northern kingdom. One of these is the gruesome story of how, during a severe famine in Samaria, two neighbouring women had entered into a solemn agreement to eat each other's sons on succeeding days to keep themselves from starving. After the first woman had given her son to be eaten, the second woman broke the agreement and hid her son. Therefore the first woman appealed to the king for help (II Kings 6:26-28). We are not told that the king did anything to help the woman, but rather that he went into mourning (6:29ff). The story-teller's interest in this case was not to describe a judicial decision of the king, but to depict vividly the terrible conditions which prevailed in Samaria during the siege.

The other case from the reign of Jehoram concerns a woman who had gone to sojourn in the country of the Philistines during a famine. When she returned, she discovered that her land had been taken by others. Therefore she appealed to the king who immediately appointed one of his high officials to restore to the woman all that belonged to her (II Kings 8:3-6).
Three other stories tell of how a king's well-known custom of giving judicial decisions was used to teach the king a lesson. The best known of these is Nathan's parable of the rich man who stole the poor man's one ewe lamb to prepare for a traveller who had come (II Samuel 12:1-4). The parable moved King David to give as his sentence death and four-fold restitution of the stolen property (12:5-6). This, of course, was the occasion of Nathan's stern denunciation of David's own conduct in seeing that Uriah was killed in order that he might have Bathsheba.

On another occasion, Joab was anxious to secure Absalom's return from banishment, and to obtain this end, he hired the wise woman of Tekoa to help him (II Samuel 14:1-3). The woman went into the king's presence pretending that she was coming to obtain a judicial decision to upset the decision already made by her clansmen. Her one son had murdered the other, and now the clansmen had decreed that the murderer should die. The woman sought the king's help to save her one surviving son (14:4-7). The king replied that he would give orders concerning her, and after the woman had pleaded for the king's assurance that he would stop the avenger of blood from killing her son, he gave that assurance (14:11). The king's willingness to help the woman was made the pretext for bringing forcefully before him Joab's demand that Absalom should be brought home. In a similar manner, a prophet in the northern kingdom brought an imaginary case before King Ahab, and used Ahab's judicial decision to condemn the king for allowing Ben-Hadad of Syria to escape (I Kings 21:38-42).

In the light of the Biblical evidence, let us examine Grether's statements that (a) those who came to the king for judgment were persons engaged in a lawsuit and (b) that they sought to obtain from the king merely an expert legal opinion which they hoped would be of value in their lawsuit. The only case brought before the king which, according to the records, seems to have been first brought before another court is the imaginary case of the wise woman of Tekoa. But
this wise woman was not still engaged in a lawsuit. The verdict of
the local court had already been given, and what the woman of Tekoa
sought and obtained was a reversal of its verdict. The other cases
were all, so far as we can tell, cases brought directly to the king by
the disputing parties. The two harlots came directly to the king for
a decision, and he settled their case then and there. Similarly,
the Shunammite woman appealed directly to the king for the restoration
of her property and the king immediately sent out a royal official to
see that she got her property back. The woman of Samaria saw the king
passing by and appealed to him to vindicate her claim against the
neighbour who had hidden her son.

The evidence we have just examined indicates that sometimes an
individual went to the king after his case had already been decided
by a local court, and the king was sufficiently powerful to reverse the
decision of that court. But probably more frequently an individual
appealed directly to the king, the king gave his decision and saw that
it was carried out. Only two of the Biblical accounts namely Nathan's
parable and the story told to Ahab by the prophet - could possibly
be interpreted as appeals to the king merely for an expert legal opinion.
And that interpretation of these narratives is by no means necessary.
Generally speaking, then, people appealed to the king either directly
or after a lower court had handed down an unsatisfactory verdict. And
when the king had given his verdict, he had the power to carry it out.

F - JUDGES APPOINTED BY THE KING IN FORTIFIED TOWNS

The judicial responsibility of the Israelite king was very great.
Solomon, when he ascended the throne, felt himself inadequate for this
responsibility, and prayed to God to give him wisdom to discern between
good and evil that he might know when an applicant deserved his help,
and when he did not - "for who is able to judge this, thy great people?"
(I Kings 3:9). David was not able to deal with all the cases which
were brought to him, for Absalom was able to win the people's support
by insinuating that his father was not fulfilling his judicial
responsibility (II Sam. 15:1-4). When the work of judging the people became too great for the kings to handle, they dealt with the situation in two different ways. Sometimes they sent judges out into the towns to represent them there, and sometimes they appointed a council to assist them with the administration of justice in the capital city.

In II Chronicles 19:5ff., it is said that King Jehoshaphat appointed judges in all the fortified towns of Judah. Now, it is possible that the Chronicler ascribed the appointment of these judges to Jehoshaphat because he did not know who appointed them, and Jehoshaphat was a good king whose name meant, "Yahweh has judged". But there is no reason to deny that such judges were appointed by one of the early kings of Judah. That the Chronicler tells us that the judges were appointed in all the fortified towns, not in all the towns, proves that he was using some source other than Deuteronomy 16:18-20.

In these fortified towns, Jehoshaphat had garrisoned soldiers, (17:2), and Rudolph has advanced the very plausible suggestion that these judges had to settle disputes between soldiers and civilians. "Clearly the commanders of the local garrisons of soldiers did not recognise the competence and jurisdiction of the local court consisting of elders, so that the king saw that it was necessary to create a special court for the disputes between soldiers and civilians." ¹

These judges have constituted a special court which dealt only with these cases which the elders could not handle. On the other hand, they may have sat with the elders. ² If this was the arrangement, they probably interfered with the elder's jurisdiction not only over disputes between soldiers and civilians, but also over purely civilian disputes.

² - D.W. Amram - The Zekenim or Council of Elders - J.B.I.
   Vol. XIX - Pt. I - 1900 - p.44
There is no indication in the text of the classes from which Jehoshaphat chose his judges. But it is quite possible that the king simply entrusted the commanding officers of the local garrisons with this special judicial responsibility. These men would have been accustomed to settling disputes between soldiers, and Jehoshaphat may have given them the special task of sitting with the elders to help settle disputes between soldiers and civilians.

There is no definite indication in the Old Testament that judges appointed by the king were ever sent out into all the towns of Judah. According to one interpretation of Deuteronomy 16:18, this law is one of the consequences of the centralization of the cult. The local elders still constituted the judicial tribunal for the easy cases. "But other provisions had to be made for the superior procedure hitherto carried out at the local sanctuaries, and it is effected first as here by the appointment of local lay judges, and second in 17:8f by the constitution of the priests of the One Altar as a court of final reference." It is more probable that "the judges here mentioned were simply the leaders of the local council of elders," in whom resided all local authority. The elders are recognized as the proper judicial authorities in all the cases whose procedure is described for us in Deuteronomy 21-22, and there is no definite indication that the Deuteronomist recognized any judicial authority other than elders and priests. If Deuteronomy 16:18 is really a special command that judges other than the elders should be appointed in every town, there is no indication in the historical books that such an injunction was ever obeyed.

G - THE SUPREME COURT IN JERUSALEM

The second way in which the kings sought to ease the heavy burden

1 - G.A. Smith - Deuteronomy - C.B.S.C., 1918 - p. 215
of judicial responsibility which was laid upon them was by appointing a special supreme court to assist them. Such a supreme court may well have been appointed quite early in the history of the monarchy. The narrative dealing with the rebellion of Absalom seems to indicate that not even at that early date was the king expected to deal personally with all the cases which were brought to him. When Absalom criticized his father for carelessness in the administration of justice (II Samuel 15:2ff.), he did not say that the king should be present at the gate of the palace to hear personally all the cases which were brought there for trial. He said "...there is no man deputed by the king to hear you (גָּבַהוּ אָשֶׁר גָּבַהוּ בְּיָדֶךָ)." It is probable that a regularly constituted court to assist the king was established both in Samaria and in Jerusalem by the early kings. We hear nothing about the establishment of a supreme court in the northern kingdom, but Exodus 18:13-26 is possibly in part a reflection of the judicial arrangements in Samaria at the time when the Elohist was writing. The otherwise complete silence of the Old Testament on the subject of a supreme court in Samaria is probably to be attributed to the fact that the Old Testament is primarily a Judean book.

The Chronicler gives us a detailed account of a supreme court established in Jerusalem by Jehoshaphat (II Chron. 19:8-11), and there is no reason to doubt that a supreme court was established in Jerusalem as early as, if not earlier than his reign. However, we cannot accept the Chronicler's account in all its details, for it is probable that he has attempted to harmonize his ancient source not only with the conditions of his own time, but also with Deuteronomy 17:8-13.

Let us note what the Jerusalem supreme court was like as the Chronicler understood it, and then perhaps we can try to discover which elements in the description are really old, which elements are a result of his attempt to harmonize an ancient institution with the Deuteronomic legislation, and which elements show the influence of the conditions of his own time. The court consisted partly of clergy
and partly of laymen - "certain Levites and priests and heads of families of Israel" (vs. 8). Some of the cases which came before the tribunal were religious - מֲנָה לֹא וּבֵפֹרֶת - and some were merely civil disputes - לֹא כַּפֹּרֶת (vs. 8). Corresponding to the phrases "the judgment of the Lord" and "disputed cases" in verse 8 are the phrases "in all the matters of the Lord" (מִכָּל הָעֵנֶךְ ה’ וֹקֵדֵמָה) and "in all the king's matters" (כִּכְלַל הָעֵנֶךְ הָמַלְאָכֶה) in verse 11.

By the "matters of the Lord", we are probably to understand the requirements of the Jerusalem cult, while "the king's matters" means every kind of case which would previously have been brought to the king for a judicial decision. The chief priest was to act as president of the court when it was dealing with religious matters, the 7727 of the house of Judah was to be its president when it was dealing with secular matters, and the Levites were to serve the other members of the court as subordinate officers (דָּוִיד וְגוֹךַ)(vs. 11).

The versions indicate that the last three words of verse 8 may originally have been "and for the disputes of the inhabitants of Jerusalem (דָּוִיד וְגוֹךַ וּלְכִכְלַל הָעֵנֶךְ הָמַלְאָכֶה)". However, according to verse 10, cases were brought to this court from the other cities of Judah also. Possibly this was the one lawcourt for the city of Jerusalem, and also the supreme court for the whole kingdom.

Verse 10 enumerates the matters which were to be brought before the supreme court from the other towns of Judah. There were first of all the cases concerning bloodshed (lit. between blood and blood). Exactly the same phrase is used in Deuteronomy 17:8, and it seems to mean that the court had to decide whether a man who had killed his neighbour had committed murder or manslaughter. The second group of cases were those concerning "law or commandment, statutes or ordinances"—that is, cases involving self-contradictory laws, or laws whose interpretation was disputed. The cases of the Jerusalemites, and these

special cases from the towns of Judah were to come before this court consisting of priests and laymen who should make their decisions, and then instruct their brethren, that they might not incur guilt.

Now, which elements in this description of the supreme court can we ascribe to a fairly early period in the history of the Judean monarchy, and which elements betray the influence of a much later period? One element which we can confidently regard as post-exilic is the subordination of the Levites to the priests. The Deuteronomist apparently knew no distinction between the two classes, for he speaks frequently of the Levitical priests. Only in the post-exilic period is the priesthood divided into the two ranks - the priests and the Levites, with the latter definitely subordinate to the former. This subordination of the Levites to the priests is clearly shown in verse 11 where the judges are told that the Levites are before them as ֑֓. The ֑֓ who are mentioned many times in the Old Testament were subordinates officials whose job was to assist judges, army commanders, organisers of forced labour, etc.¹

Another element which I would regard as almost certainly post-exilic is the excessive concern with "matters of the Lord" - i.e. with the requirements of the Jerusalem cult - which would create a special branch of a judicial court to deal with these matters. During the days of Jehoshaphat, there were many sanctuaries in the land, and the requirements of the cult would be looked after by the priests who resided at these sanctuaries. If by "matters of the Lord" we are to understand what some commentators say the Chronicler meant by that term, namely those cases to be decided according to the Pentateuch,² it is certain that a special branch of a court to deal with these matters is a late-post-exilic phenomenon.

¹ - J. Van der Ploeg - Les Shotermim d'Israel (in O.T.S. Deel X, 1952)
² - E.L. Curtis and A.A. Madsen - Chronicles - I.C.C., 1910, p.402
It is likely that a supreme court instituted by Jehoshaphat or one of the other early kings of Judah would consist primarily, or perhaps exclusively of laymen - the heads of families - that is, certain of the elders from various Judean towns whom the king appointed as his special judicial assistants (cf. Ex. 18:13-26). This court would probably concern itself exclusively with the king's matters - that is, with those cases which would formerly have been brought directly to the king. These cases would include all the cases of the inhabitants of Jerusalem, for Jerusalem was the king's personal property.

The president of the supreme court was to be the אֱלֹהִים of the house of Judah. The term, אֱלֹהִים, is used several times in the Old Testament as a synonym of אֱלֹהִים. However, in this passage, we are told explicitly that the אֱלֹהִים was not Jehoshaphat who had apparently withdrawn into the background, but Zebediah the son of Ishmael. Probably Rudolph is right when he says that the אֱלֹהִים mentioned here was the "chief of the tribe (stammesaeltester) of Judah"1. If the chief of the tribe of Judah assumes the presidency of the Jerusalem supreme court, this means, as Rudolph also points out, that this court must have been established at a relatively early period in the history of the monarchy when the office of tribal chief was still important in society.

It is possible that, after this court was established, some cases were still attended to by the king himself. But we do not know that for certain, for there is no record of a case being brought directly to the king of Judah after the division of the kingdom.

When Jeremiah was brought to trial (Jer. 26:7-19), it was the אֱלֹהִים (vss. 10,11,12,16) who conducted his case and acquitted him (vs.16). J. van der Ploeg believes that "in the

trial of Jeremiah, the were above all the high-ranking civil servants present at the king's court, the ministers, but it is certainly possible that some of the heads of families were joined to them to form a sort of king's council." He draws attention to the fact that, after the exile, the heads of the ancient families are called, by preference (cf. for example the expression in Ezra 8:29).

If the council which tried Jeremiah was made up primarily of the king's civil servants, it is likely that these civil servants themselves were made up of the descendants of certain heads of families whom some of the early kings of Judah had brought to Jerusalem to form a supreme court and to perform other important duties. In any case, it is plain from the narrative that Jeremiah's case was tried by laymen. The fact that the priests, who, along with the prophets are Jeremiah's accusers (vs. 11 and 16), had to submit to the decision of a court made up of laymen indicates that the priests did not have the power of judges in the Judean supreme court until after the exile.

H - THE REQUIREMENT OF A PRIESTLY TRIBUNAL IN JERUSALEM

Before the centralization of worship at Jerusalem, a case which was too difficult for the town elders might be brought either to the priests at the local sanctuary or to the superior secular authority. The superior secular authority during the period of the Judges was the Judge of Israel, and after the institution of the monarchy it was the king who was also called the Judge, or a tribunal appointed by him.

When the Deuteronomist decreed that all the sanctuaries except the one at Jerusalem should be destroyed, he desired that the priests

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who had been employed at these sanctuaries should go to Jerusalem not only to share in the performance of the sacrificial ritual, but also to constitute a central priestly judicial tribunal. Thus he envisages a time when all difficult cases will be brought to Jerusalem to be tried either by this tribunal of priests or by the Judge. The Judge would be the king, or in practice, a judicial tribunal appointed by him (17:9).

17:8 does not limit the tribunal of priests and the judicial officers appointed by the king to dealing only with certain specified types of cases. The verse gives a comprehensive description of the types of cases which might be brought to any judicial tribunal, and says that any of these cases which were too hard for the local authorities should be brought to the priests at Jerusalem or to the Judge. However, II Chron. 19:10 which lists the cases which came before Jehoshaphat's court is possibly a paraphrase of the first part of this verse.

One type of case which the Deuteronomist wanted to reserve for the priestly tribunal was that of the malicious witness (Deut. 19:16ff.). According to 19:17, the malicious witness and the man against whom he has brought false accusations are to stand for trial. This phrase is usually taken to mean that the tribunal is to consist partly of priests, partly of lay judges. Yet we are also told that the case is to be tried in the sanctuary and it is improbable that the priests would allow lay judges to sit with them in the sanctuary to try a case. Moreover, if this passage refers to a mixed tribunal, one would expect verse 18 to mention both priests and judges, not simply judges. If we are to make sense of this passage without resorting to the scissors, I think we must regard the in the middle of verse 17 not as a conjunction, but as an exegetical. The phrase should be translated "before the priestly judges". It is these priestly judges who are to inquire

1 - Reading instead of in v.9 - see B.H.
diligently and to declare their verdict (v.16).

There is nothing in this law about the one central sanctuary. It is probably a very old law which gave the priests at the local sanctuary authority to try malicious witnesses, and which was capable of being applied without any change of wording to conditions at the Jerusalem temple after the centralization of worship.

Ezekiel, in his programme for the future Jewish state, seems to have envisaged a time when all judicial responsibility would be in the hands of the priests (44:24). And the same point of view is reflected in Deuteronomy 21:5. Some commentators claim that the whole verse has been inserted into the old law for the expiation of the unknown murderer either by the compiler of the Deuteronomic code or by a later interpolator. We have seen that it was probably necessary for the priests to be present at this ceremony to supply the liturgy which must be repeated by the elders over the slaughtered animal. But the last seven words which claim that the priests are there partly because every dispute (v.17) and every assault must be settled by their word look out of place in this context, and were probably added by an exilic or post-exilic scribe who believed that priests were the only legitimate judges.

I - EXILIC AND POST-EXILIC PERIOD

The power of the priests at Jerusalem probably grew considerably after the exile. But, in spite of the wishes of the Ezekiel, and others, there never was a time when the Jerusalem supreme court consisted entirely of priests.

Throughout the pre-exilic period, and even after the exile, (Ezra 10:14), the town elders retained their jurisdiction in the provincial towns of Judah. But there also seems to have been a
special group of elders who were regarded as the leaders of the whole Jewish community in exile. It is these elders who are spoken of as the leaders of the people in the visions of Ezekiel, and in Jeremiah's letter to the exiles.

Who were these elders? D.W. Amram is probably correct when he says that this council of elders included the surviving members of the nobility, of the royal family and of the chief priestly families and other leading heads of families. This new form of the old council of elders was carried back to Judah after the exile, and formed the supreme executive and judicial council of post-exilic Judah.

We know very little about the development of the judicial system after the exile. But if Amram is correct in suggesting that the heads of the priestly families became associated with the other heads of families in the council of elders during the exile, then it is probably this council of elders, consisting partly of priests, partly of laymen, which constituted the Judaean supreme court throughout the post-exilic period.

In II Chronicles 19:6-11, I think that the writer was trying honestly to describe what the supreme court of Jehoshaphat must have been like by harmonizing an ancient source which described a tribunal of laymen with the Deuteronomist's requirement of a priestly tribunal. But the tribunal which he actually describes - a court consisting of laymen and priests presided over alternately by the high priest and the of the tribe of Judah - probably resembles the tribunal of his own day more closely than it resembles any ancient lawcourt.

According to several scholars, the lawcourt which the Chronicler

1 - D.W. Amram - The Zekenim or Council of Elders
    J.B.I. Vol XIX Pt. 1, 1900 - p.47

2 - e.g. Curtis and Madsen - Chronicles - I.C.C. - p.402
describes here is really an early form of the Sanhedrin which was the
supreme court of justice in Judaea in the days of our Lord. In the New
Testament, the elders are named several times along with the chief
priests and scribes (Mt. 27:47; Mk. 11:27; 14:43,53; 15:1), and this
probably indicates that the members of the Sanhedrin were recruited from
these two leading groups. However, the chief priests are almost
invariably mentioned first, and the chief priests and elders are mentioned
together in many places where the scribes are not mentioned (Mt. 21:23;
26:3,47; 27:1, 3, 12, 20; 28:11, 12; Acts, 4:23; 23:14; 25:15) and
these facts show that the priestly element was predominant in the
Sanhedrin of the first century A.D. 1

According to several statements in the New Testament (Mt. 26:3, 57;
Acts 22:5; 23:2,4; 24:1) and in Josephus (Ant. 14:9.4f.; Ant. 20.9.1) -
statements whose historical accuracy there is no reason to doubt - the
high priest conducted the meetings of the Sanhedrin. On the other hand,
the tradition literature claims that the Sanhedrin had its own president -
the γαβής υἱοί (Rosh hashana 2:7; 4:4) or γάβης ἅβιγτον (Taanith 2:1)
and it is not impossible that "the heads of the scribal body took first
place side by side with the high priests ... and that perhaps the
Pharisaic heads of schools were even formally invested with a certain
rank in the Sanhedrin, approaching closely to that of the president." 2

From time immemorial, the clergy and the laity had shared in the
administration of justice in Israel, and in the time of our Lord, it
was the chief priests and the leading members of the laity who sat
together on the Sanhedrin, the judicial and executive council of Judaea.

1 - E. Schuerer - The Jewish People in the Time of Jesus Christ
Div. II, Vol. I - transl. by S. Taylor and P. Christie -
1885 - pp.177ff.

2 - W. Bacher - Sanhedrin - in James Hastings's Dictionary of the Bible,
Vol. IV - 1902 - p.400
One thing which cannot fail to impress us as we read the numerous Old Testament passages which mention the lawcourts is the extremely high moral standard which the Hebrews set for judges and witnesses. In the secular lawcourts, everything depended upon the testimony of the witnesses. Fully aware of the fact that a truthful witness could easily save a man's life, while a false witness could condemn an innocent man to death (Prov. 14:25), the Hebrew sages spoke out frequently against the crime of bearing false witness. They regarded the false witness breathing out lies as one of the seven things which were abominations to the Lord (6:19). He was as dangerous to the welfare of the community as a war club, or a sword, or a sharp arrow (25:18). He would not go unpunished (19:5; 19:9). Amos condemned those who administered justice in Israel because they did not appreciate the truthful witness, but in fact abhorred him in their desire to vindicate whoever would give them the most money (Amos 5:10ff.). But long before Amos, and probably before any of the Proverbs cited above had been coined, injunctions against false witness had been included in two of the oldest Hebrew law codes, the Ten Commandments and the Covenant Code. The Decalogue commands the witness in a lawsuit not to testify (דנ) against his neighbour as a witness of falsehood (Ex. 20:16), and the Covenant Code warns against assisting the evil-doer by being a malicious witness (ל Nairobi) (Ex. 23:1b).

In spite of these admonitions, there were always some people who wanted to have an innocent man condemned on a false charge. These people could bear false witness themselves, or they could hire base fellows (I Kings 21:10) to do the dirty work for them. In order to put a stop to this practice, a law preserved in Deuteronomy required that any man whose testimony was called into question, must go to the sanctuary along with the man he was accusing for a trial "before the Lord". (19:16ff.). If it was proved that his

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testimony was false, he was to be punished according to the wrong which he had meant to do to his neighbour.

Even commoner than the warnings to witnesses to tell the truth in a lawsuit are the injunctions to judges to be strictly impartial in rendering their decision. There was always pressure on the elders to give a verdict favourable to the rich and powerful. Sometimes this pressure was subtle, but often it was not so subtle, taking the form of wholesale bribery. The legislators responsible for the Covenant Code knew that "a bribe blinds the officials and subverts the cause of those who are in the right" (Ex. 23:8; cf. Dt. 16:19), and the Elohist knew that judges must be men who hate bribes. (Ex. 18:21). Frequent warnings were issued by the prophets and the sages against the taking of bribes (Prov. 15:27; 17:23; Is. 1:23; 5:23; 33:15; Amos 2:6; 5:12; Mic. 3:11; 7:3; Ez. 22:12) and the man who took bribes to slay an innocent person was regarded as a fit object for a curse (Deut. 27:25).

In spite of the temptation to do otherwise, the Hebrew judges were constantly exhorted to administer justice fairly to rich and poor alike (Ex. 23:2-3; 6-7) (Deut. 1:16-17; Jer. 21:12; Amos 5:15 etc.), and were condemned unhesitatingly by the prophets and the sages when they gave unjust decisions (Prov. 17:15; Mic. 3:9; Hab. 1:4 etc.).

There were many people in the Israelite community who were weak and friendless, and for these people the judges should have a special concern. If a widow came before the court, and there was no one to act as her advocate, the judges should plead her case (Is. 1:17) and make sure that she obtained justice. Job, the righteous village elder, regarded himself as a "father to the poor", and he was always willing to investigate a case even though he had no previous knowledge of the person claiming to be wronged (Job. 29:16). It was the mark of a good king that he judged the poor of the people, and gave deliverance
to the needy (Ps. 72:4; cf. Jer. 21:12; 22:3; 22:16). The Psalmist pictured Jehovah holding judgement in the midst of the gods, ordering the gods to amend their ways - to judge the weak and the fatherless, to vindicate the poor and the needy (Psalm 82:2-4). Frequently the prophets condemned the religious leaders of the people because they "turn aside the needy from justice" (Is. 10:17; cf. Is. 1:23; Jer. 5:28; Amos 5:12, etc.)

Such high ideals for those who administered justice were by no means unknown to Israel's neighbours. Long before the time of Isaiah, the good kings of both Babylon and Ugarit believed that it was their duty to "defend the fatherless, plead for the widow" (Is. 1:17). And King Keret's son Yassib regarded his sick father's inability to carry out this duty as sufficient reason why he should abdicate and let his son become king.  

The most significant thing about Israel's ideals for judges and witnesses was not that they were unique, but that they were believed to be based ultimately on the character of Israel's God. In the Covenant Code, the judges are commanded to imitate Yahweh who does "not acquit the wicked" (Ex. 23:7). And in Deuteronomy 10:17f, all the characteristics which are ascribed elsewhere to the good human judge are ascribed to God himself. God is not partial. He does not take bribes. And he provides justice for the weak and the defenceless. This divine example should provide the highest motive for Israel's obedience. Similarly, the pious Jehoshaphat warns the judges whom he appoints in the fortified towns of Judah, to take heed what they do "for there is no perversion of justice with the Lord our God, or partiality, or taking bribes". (II Chron. 19:7)

1 - cf. The Code of Hammurabi, Col. XL
2 - cf. Aqhat II, Col. I, lines 23-25; Aqhat II, Col. V, lines 6-7
3 - Keret II, Col. VI, lines 41-54
When righteous Job's slaves bring a complaint against him (Job 31:13), he does not turn them away contemptuously, but examines their cases realizing that God is not only his Creator, but also their Creator. He knows that he must answer for all his actions before the tribunal of a God who lavishes equal care in the womb upon those destined to be slaves and those destined to be free (Job 31:13-15).

The one all-sufficient reason why the judges should have a special concern for the poor and defenceless is that Yahweh himself is concerned about these people. If the judges crush the afflicted in the gate, Yahweh will be their advocate. The same God who redeemed a band of slaves from the land of Egypt (Dt. 24:17-18) will plead their case (Prov. 17:7) and will despoil their despoilers of life (Prov. 22:22-23).
CHAPTER IV

God as Plaintiff and Judge

A - EARLY BELIEF IN YAHWEH AS ADVOCATE OF THE RIGHTOUS INDIVIDUAL

In the preceding pages, we have noted several times that the God of Israel was regarded as an important party — indeed the most important party involved in an Israelite lawsuit. He was the supreme Judge, and when men acted as judges, they were merely acting as his deputies (Dt. 1:17; II Chron. 19:6). When a case was decided in the sanctuary, it was believed that the verdict came directly from Yahweh. He heard the prayers offered by the accused parties, and judged his servants "condemning the guilty by bringing his conduct upon his own head, and vindicating the righteous by rewarding him according to his righteousness." (I Kings 8:32).

Similarly, in everyday life, when the righteous man had a grievance against a neighbour, even though the case was not being tried in a lawcourt, he spoke of his grievance in "lawcourt" terms, and believed that Yahweh was on his side contending for him.

Psalm 35 is written by a man who is a member, probably a leader of the religious party known as the "quiet in the land". He has taken sick, and because sickness is regarded as a proof that he is sinful, some men have risen against him as witnesses of violence (v.7) accusing him of crimes which he has not committed (v.11).

According to Hans Schmidt's theory to which we referred in chapter 3, these false accusations have been made at a judicial proceeding in the temple, and this Psalm is a prayer spoken by the accused man at this judicial proceeding. However, there is no clear evidence in this Psalm that the Psalmist is in the temple or in any kind of law-court. Therefore I think it is better to understand the false accusations
as slanderous statements made against the Psalmist in everyday life.

The Psalmist is sick, and as he lies on his sick bed men gather about him to mock him and slander him, apparently rejoicing in his calamity which they regard as God's punishment for the sin which he must have committed. Yet the Psalmist knows that he is innocent, and his enemies' rejoicing in his calamity is completely incomprehensible to him, for he remembers that when they were sick he prayed for them and went into mourning (vv.13-14).

He appeals to God whom he believes to be a righteous Judge, beseeching him to wake up and defend his case:

"Bestir thyself and awake for my right ( ), for my case ( ), my God and my Lord. Judge me according to thy righteousness, O Yahweh my God". (v. 23f.).

Although this is not explicitly stated, such a divine intervention on behalf of the Psalmist would almost certainly involve the curing of the disease which has led men to accuse him falsely. If Yahweh will demonstrate that he is the righteous Advocate and Judge of the innocent by curing his disease, then those who have rejoiced in his calamity will be put to shame (v. 26), the members of the "quiet in the land" who desired his vindication ( ) will rejoice (v.27), and the Psalmist will praise Yahweh's righteousness continually (v.28).

When David is suffering under Saul's persecution, he is convinced that Yahweh is on his side. Therefore in the presence of Saul whose life he has spared he can confidently pray, "May Yahweh therefore be judge, and give sentence between me and you ( ) and see to it and plead my case ( ) and deliver me from your hand" (I Sam. 24:16).

On another occasion, the rich farmer Nabal refuses to feed David's men. Feeling that he has a case against Nabal, David is about to take
revenge when Abigail placates his anger. Hearing on the following
day that Nabal has died, he is convinced that it is Yahweh who has
done this. Yahweh has seen the righteousness of his case and has
pleaded for him. He cries out, "Blessed be Yahweh who has pleaded
the case of my insult from the hand of Nabal, and has kept back his
servant from evil; Yahweh has returned the evil-doing of Nabal upon
his head" (I Saml. 25:39).

B - EARLY BELIEF IN YAHWEH AS ADVOCATE AND CHAMPION OF HIS PEOPLE

Frequently the relationship between Israel and the nations was
conceived as a lawsuit. And from Israel's earliest days onwards,
most people were convinced that in this lawsuit, Yahweh was always
on their side. He was Israel's Advocate, pleading her case, and
contending against her enemies. At the beginning of Israel's history,
Yahweh executed great judgments against the people of Egypt (Ex.7:4)
and against the gods of Egypt (Ex.12:12) and brought his people out
from the land of bondage. Yahweh made a covenant with his people,
and the common understanding of this covenant was that he would be the
Champion of his covenant people - that he would contend against their
enemies. God's righteousness meant faithfulness to the covenant
relationship, and this faithfulness had a double significance. "It
means not only that his $\beta_r \gamma$ as helping love remains with all
those who are united with him, but also that he abandons to their fate,
or ordains judgment and destruction over all those who through their
own guilt, or for another reason stand outside the community with him". 1
The covenant people could expect Yahweh's help. The nations outside
the covenant could expect only judgment.

When the tribe of Judah was suffering at the hands of the enemy,
probably the Philistines, it was natural for the author of the ancient

1 - K. Hj. Fahlgren - Sedakah, Nahestehende und Entgegengesetzte Begriffe -
1952 - p.98
Blessing of Moses to pray to Yahweh, "With thy hands contend for him, and be a help against his adversaries." ¹ When the quarrel was between Israel and the nations, Israel was confident that she was the righteous party in Yahweh's eyes and that Yahweh was contending for her against her enemies.

C - AMOS AND THE NEW YEAR FESTIVAL

The great prophets of the eighth and following centuries constantly endeavoured to rid the people's minds of this firmly embedded belief that Yahweh was always on their side. According to them, Israel was sinful, and therefore Yahweh was no longer pleading for the nation. He was contending against her.

Yahweh's case against Israel is Amos's main theme. However, it is significant that he first gained a hearing by declaring the divine verdict against Israel's neighbours. If we omit a few later additions, I think we may regard Amos 1:2 - 2:16 as a faithful record of a poem recited by Amos at a New Year Festival at the beginning of his prophetic ministry. According to Mowinckel, there is in the New Year Festival a definite element of judgment primarily against the enemy nations and against the gods of these nations, but also against sinners within the chosen people itself.² Similarly the poem recorded in the first two chapters of the Book of Amos contains first Yahweh's judgment against Israel's enemies, and then his judgment against Israel.

¹ - The Masoretic text - "" - "His hands contended for him" is difficult to understand in the midst of a prayer. G.E. Wright (Deuteronomy - I.B. Vol. II - 1953 - p.529) favours the emendation originally proposed by Stade - "\(\text{rby} \text{yib } \text{yir}\)" (Deuteronomy - I.C.C., Vol. II - 1902-p.396) although preferring the Masoretic text, thinks that this conjecture is also plausible. On the other hand, Cross and Freedman (The Blessing of Moses, J.B.L. Sept. 1940) read the verb as rabbe, the piel imperative of rby - "to increase, multiply". They also insert the divine name, and translate, "His strength, O Yahweh, increase for him".

² - S. Mowinckel - Psalmenstudien II - pp.65-77 and pp.268-276
The monotonous repetition in these chapters suggests that Amos fitted his oracles into a predetermined framework, and there is some evidence that not only the form of the individual oracles, but also the order of the oracles was in accordance with a fixed ritual. A. Bentzen compares the order of the divine judgments in these chapters with the order in the Egyptian execration texts. In the Egyptian texts, the curses are directed: first against the southern nations; second, against the northerners; third, against the westerners; and finally against individual criminals in Egypt. If we accept all of the oracles contained in chapters 1 and 2 as authentic utterances of Amos, their order is: first, against the north-eastern neighbour, Aram; second, against the south-western neighbour, Philistia; third, against the north-western neighbour, Phoenicia; fourth, against the south-eastern neighbours, Edom, Ammon, and Moab; finally, against the two kingdoms which were at the centre of Amos's world.

This is a conceivable, but rather complicated order. However, there are good reasons for omitting as later additions the oracles against Phoenicia, against Edom, and against Judah. The authentic oracles of Amos against the foreign nations may be distinguished from these later additions by the following criteria: the former consist of ten lines each; the latter of eight lines each; the former elaborate the punishment which is to befall the sinful nation; the latter merely say that it is to suffer destruction by fire; the former end with 'יִשָּׂא בָּא יַעֲשֶׂה, the latter lack this concluding formula; in the authentic oracles of Amos, the prophet portrays vividly specific evil deeds which have been committed by the nations; on the other hand, in the oracle against Edom, we read a comparatively colourless description of Edom's pursuit of his brother and his perpetual anger, the charge against Judah is framed in very general terms, and the accusation against Tyre (v.9) looks very much like an imitation of Amos's indictment of Gaza (v.6).

2 - We probably should read יִשָּׂא בָּא יַעֲשֶׂה at the end of verse 8 following the LXX instead of יִשָּׂא בָּא יַעֲשֶׂה.
If, on these grounds, we omit as later additions, the oracles against Phoenicia, Edom and Judah, the original order of the oracles was: first, against the north-eastern neighbour; second, against the south-western neighbour; third, against the eastern neighbours; finally against Israel. This is a fairly simple order which, on the analogy of the Exe­cration Texts, may well have been the order customarily adhered to at the New Year Festival when oracles against foreign nations, and against criminal elements in Israel were pronounced.

It is probable, therefore, that when Amos uttered these oracles he was following a stereotyped ritual pattern with which the people of Israel were quite familiar. And while their nationalistic hopes were aroused by the oracles of doom against nations from which they had suffered grievously, they must have known that Amos would also pronounce judgments against Israel. The new thing in Amos is the emphasis which this part of his preaching received.

Mowinckel is undoubtedly right when he claims that the judgment against Israel at the New Year Festival in early times was not taken very seriously. The people as a whole were righteous and the judgment expressed in such Psalms as 14, 50, 94 was directed not against the community as a whole, but against certain criminal elements. The community was urged to purify its life by removing such criminal elements from its midst and to renew the covenant.1

Amos's oracle against Israel, on the other hand, is a proclamation of the total corruption of the nation and the terrible fate which it must suffer. Whereas for Amos's contemporaries, judgment against their enemies constituted the most important feature of the great feast day, for Amos, the oracles against the foreign nations merely prepared the way for his central message, the message of judgment against Israel.

1 - see S. Mowinckel - Psalmenstudien II - pp.72-74; p.268ff
       Psalmenstudien III - p.43ff.
The foreign nations are brought before the divine bar of justice one by one to hear God's sentence against them. As each nation comes forward, it receives the same monotonous warning:

"For three transgressions of ____________________

and for four, I will not revoke the punishment."

Then the judge names the crime of which the nation has been convicted in a clause beginning with בַּיָּן. Finally the punishment is announced in a sentence beginning with the waw consecutive plus the first person singular perfect of the appropriate verb. As each nation comes forward, the judge condemns it for its own specific crime and pronounces the death sentence against it. The fact that the Arameans, the Philistines and the Ammonites are each condemned for evil deeds against Israel must have pleased Amos's hearers immensely. However, at the end of the series of oracles against the nations, Amos gives expression to his own conviction that God is absolutely impartial by condemning Moab not for anything done against Israel but for a crime against Edom.

The most important element in the sentences pronounced against the foreign nations is the prediction that Yahweh will send fire against them (1:4; 1:7; 1:14; 2:2). At one period of his ministry, Amos was preoccupied with the idea of fire as Yahweh's agent of destruction. According to Amos 7:4ff., the prophet saw and heard Yahweh calling "to contend by fire" (וָיְזָרָה פֶּרְעַה). In response to the divine summons, a supernatural fire "devoured the great deep and was eating up the land". The verb יָכַנֹּ ל the end of 4b - words which have probably been copied accidentally from 4a.
Many scholars are unable to understand precisely what the phrase "to contend by fire" (שָׂרָה נַחֲלָתָה) means. Morgenstern thinks that this phrase is incomprehensible chiefly because the context would suggest for מִשְׁתַּכֵּף a connotation "to punish" - a meaning which מִשְׁתַּכֵּף never has. It might equally well be argued that מִשְׁתַּכֵּף never means "to punish", but always "to litigate". Yet in Isaiah 66:16, where we read - מִשְׁתַּכֵּף מִשְׁתַּכֵּף מִשְׁתַּכֵּף מִשְׁתַּכֵּף מִשְׁתַּכֵּף - it is clear that fire and sword are Yahweh's instruments for punishing the nations.

I think there is a simple psychological explanation of such passages as Is. 66:16 and Amos 7:4. The prophet is absolutely certain that when Yahweh has a controversy against the nations he will find them guilty. Therefore he does not feel it to be even necessary to mention the verdict against them, and telescopes the description of the legal proceeding in such a way as to suggest that the instruments of punishment are actually instruments of litigation. Similarly in Mic. 1:2ff. and Zeph.3:5, the prophet thinks of Yahweh the witness as the destroyer of sinful nations.

Amos 7:4b really means that Yahweh is approaching to contend against the nations; to convict them and to punish them by fire. It is this same idea which is in the prophet's mind, when in Amos 1:3-2:3 he expresses the divine verdict against the nations one by one, and declares in Yahweh's name:

"I will send fire upon ____________
and it will devour the strongholds of ____________"

This manifestation of Yahweh's absolute righteousness in his dealings with Israel's neighbours prepares the way for the presentation of his case against Israel. The oracle against Israel may be divided into three parts. In verses 6-8, we hear Yahweh's indictment against Israel. Verses 8-12 gives the history of the case - a history of divine saving activity and human ingratitude. And in verses 13-16, Yahweh pronounces his sentence against Israel. These three elements - the

indictment, the history of the case and the sentence - are found, along with other elements in most of the ribhoth which we shall be examining.

The first part of the indictment concerns the maltreatment of the poor. The judges were not only failing to show mercy toward those who owed trifling debts (v. 6f.) but were also taking bribes to condemn those who were completely innocent (6e). And in various other ways, men were oppressing the poor and turning aside the humble from his rights (7ab).

The second count of the indictment concerns the offence of cultic prostitution (7cd). This practice, immoral in itself, appeared absolutely intolerable to Amos for two special reasons. First, a man and his father were resorting to the same maid, thus destroying the moral basis of family life. And secondly, men were lying down with the cult prostitutes on top of the very garments which they had taken in pledge from the poor.

Even if the worshippers might claim that they believed the Deity required cultic prostitution, the hypocrisy of men who lay down in the sanctuary on garments which they should have restored to the poor was absolutely inexcusable. A further example of such hypocrisy is given in 8cd where we are told that men were using the fines which they had obtained unjustly to purchase wine to drink at sacrificial meals. These things they did in the house of their god. Any god who would be pleased with such acts was not the moral God of Amos even if they might call him Yahweh.

In verses 9-12, Amos gives the history of the case. He shows how heinous were these immoral and hypocritical acts by placing in opposition to them Yahweh's saving acts in times past and Israel's special relationship to Yahweh. Yahweh's graciousness to Israel in the past was revealed in three ways. He destroyed the Amorites although they were a very powerful nation (v. 9). Then he brought Israel out of Egypt, and led her for forty years in the wilderness, so that she
might possess their land (v.10). The rather peculiar order of these verses is perhaps an attempt to counteract any boasting on the part of Israel that she has conquered the Amorites by her own strength. Yahweh first destroyed the Amorites, and then he led the Israelites in to take over a vacant land. Finally Yahweh raised up prophets and Nazirites to be exponents and examples of his holy will (v.11).

But Israel has been supremely ungrateful for Yahweh's saving deeds. This is clearly what is meant by the placing of vv.9-11 alongside of vv.6-8. And there is an even plainer reference to Israel's ingratitude in verse 12 where it is said that they forced the Nazirites to drink wine and forbade the prophets to prophesy.

Verse 9 not only emphasizes Yahweh's saving acts on Israel's behalf, but also stresses his ability to destroy even the most powerful of nations. This stress on Yahweh's might is an excellent preparation for the announcement of the sentence (vv.13-16) which Yahweh is imposing upon Israel.

The precise meaning of verse 13 is uncertain. However the following verses, especially verse 15, indicate clearly that Israel is to suffer complete and irreversible overthrow in battle. Yahweh destroyed the Amorites in spite of their astonishing greatness and strength. And now that he has determined to inflict a terrible punishment upon Israel, swiftness, strength (vs. 14), skill in battle (v.15) and courage are all vain.

If the foreign nations must be punished for their transgressions, Israel who has continually rebelled in spite of Yahweh's revealing and saving acts in her midst must receive an even more severe punishment. Israel's special relationship to Yahweh brings with it a special responsibility to obey him, and since Israel has not obeyed, her doom is certain. "You only have I known of all the families of the earth: therefore I will punish you for all your iniquities". (3:2) The main
burden of the following chapters is the irrevocable finality of the doom which must befall a privileged, yet rebellious nation.

D - YAHWEH'S CONTROVERSY AGAINST HIS PEOPLE IN HOSEA

Yahweh's ribh against his people is probably Hosea's favourite metaphor. It is found in three out of the fourteen chapters of this little book. The Hosea passages with which we are concerned are as follows: 4:1-14; 12:2-14; 2:4-22. In chapter 4:1-14 at the beginning of the main section of the Book of Hosea, the prophet proclaims Yahweh's case against the inhabitants of the land, but especially against her religious leaders. The passage may be divided into four parts. In verses 1-3, Yahweh brings charges against the people as a whole (lc-2) and declares that they are already being punished for their sins (v.3). Verses 4-6 are directed to the chief priest and to a prophet associated with him. In verses 5-6, he brings charges against them and threatens them with punishment to fit their crimes. Verses 7-10 are directed to the priestly class as a whole. Verses 7-8 contain Yahweh's indictment against the priests, and verses 9-10, the sentence imposed upon them. Finally, in llff., the prophet indicted the people once more, this time primarily for their cultic sins, and the passage concludes with a prediction of their downfall.

In his indictment of the people, the prophet mentions first the positive virtues which are lacking in the national life. There is no S.J.K. - i.e. fidelity, honesty, constancy - and there is no love for the fellowman in the land. The basic cause of this undesirable situation is that the people have "no knowledge of God". By this phrase, the prophet means not only that the people are ignorant of God's law through lack of instructors (cf. v.6), but also that they are wilfully disobedient to God, and are not experiencing the personal communion with God in which the other virtues may take root.

Instead of possessing these positive characteristics which should
mark Yahweh's covenant community, the land is defiled by every imaginable sin. The people are breaking four of the ten commandments. Swearing and lying (i.e., perjury), the opposite of נַעַם is common, and those who have no love for their fellowmen steal, commit adultery, and even murder one another. Israel is already being punished for her wickedness by a severe drought (v. 3) which is bringing suffering upon men, but also upon the beasts, the birds and the fish.

Nearly every modern scholar is convinced that 4c is corrupt. As verses 4 and 5 now stand, it is not at all clear what is the subject of 5a. However, one naturally infers from what follows that priest is its subject. Therefore 4c or 5a must have been worded originally in such a way as to make this plain. The most reasonable conjecture is that the original wording of 4c was: יָאִיתֶהוּ דְּבַרֶה. Later scribes have added the letters ד and נ before the word יָאִיתֶהוּ, thus changing the meaning of the verse entirely. Probably the letter ד was added intentionally to make what was originally an oracle condemning a priest - "with you is my controversy, 0 priest" - into an oracle condemning the people for opposing the priest - "your people are adversaries of a priest (ךֵּלֶךְ יָאִיתֶהוּ יִהְיֶה)." I think that the second ד was introduced into the text by dittography.

The word יָאִיתֶהוּ is the hiph'il participle plural, construct state of יָאִית used like the same participle in I Samuel 2:10 as a substantive meaning "adversary". The phrase יָאִית דְּבַרֶה cannot mean "as a priest who contends" as Nyberg claims, but only "as adversaries of a priest". It is extremely improbable that, in the original form of the text, a clause condemning the people for opposing the priest came before a section condemning the priest.

If we accept יָאִית דְּבַרֶה יִהְיֶה as the original text of 4c, the meaning of verse 4 is that no one is to contend against or make a complaint

1 - H.S. Nyberg - Studien aum Hoseabuche - p.27f.
against the people because they are not really to blame. The real culprit is the priest, that is, the high priest of the sanctuary, who, however, is regarded as the representative of the priestly class. It is against this priest, and against the cultic prophet who works with him at the sanctuary that the prophet now states Yahweh’s case.

5ab anticipates the sentence against this evil pair. They shall both fall (מִלְזֵ֑ה) from their high positions as a result of their sin. Commentators have had difficulty interpreting 5c and various emendations have been suggested. I think that the passage as a whole makes better sense if we transfer this clause to after יִשָּׁהוּ (6b). In 5c and 6 then, accusations alternate with threats of punishment, and the punishment is always one which fits the crime. The people are destroyed through lack of the knowledge which the priest should be teaching them. Therefore Yahweh will destroy "your mother" - i.e. the caste or clan of priests. The priest has rejected the knowledge of God and has forgotten God’s law. Therefore Yahweh will remove the priest from office and forget the priestly family (cf. I Samuel 3:12-14).

In vv. 7-8, the prophet proclaims Yahweh’s indictment against the priestly class as a whole. The number of the priests has been increasing, and their sinfulness has been increasing just as quickly as their numbers. They have changed their glory (i.e. their honourable position) for shame. They are not anxious to reform the people, but instead encourage them in their sinful ways. The more sins the people commit the more offerings they must bring and the better the priests live (v.8). Priests who act thus bring down upon themselves the divine punishment. "And it shall be like people, like priest...." (v.9). As the people are suffering for their sins (v.3, 6a) so the priests must suffer also. Priests and people will eat food in abundance at the sacrificial meals at the sanctuary, but they will find no

2 - reading יִשָּׁהוּ instead of יִשָּׁהוּ following the Targum and Syriac
They will continue to take part in cultic prostitution, and the penalty which they will suffer is the denial of the fruit of legitimate marital intercourse.

In verse 11f., the prophet turns once again to the people as a whole to condemn them for the cultic offences which they have committed. Even though it is the religious leaders who have led the people astray, the people themselves must still bear part of the blame. Verse 11 describes "the result of a cult characterized by the sensual orgy of alcoholism and sexual ecstasy". The people lose all understanding. The priest and the prophet are no longer declaring God's will, and so the people resort to pagan methods of obtaining oracles (v.12). The Canaanite practice of sacrifice on the high places has led the young women into licentiousness (v.13). Yet their guilt is not primary. They are merely following the example of their husbands who commit adultery with the female cult prostitutes (v.14). The final sentence against this people without understanding is that they will be trodden down (v.14).

Verse 14 marks the end of this formal ribh against the people and their religious leaders. However, in the succeeding chapters, the prophet continues to announce the divine accusations against corrupt leaders and corrupt people and occasionally we find other elements of the lawsuit metaphor. In 5:5 and 7:10, the pride of Israel is brought forward as a witness against her. According to 5:13, in a time of "sickness", "Ephraim went to Assyria and sent to King 2:7,7. The event described is probably that referred to in 1 Kings 15:19. We are told there that "Pul the king of Assyria came against the land; and Menahem gave Pul a thousand talents of silver that he might help him to confirm his hold of the royal power". I imagine that when King Menahem decided to give this money to the Assyrian king, he said something like this to his counsellors: "Let us go to the king of Assyria that...

he may contend for us (נָּשְׂנַ֣מְתִּי ֹ֔יִ֫יקּ֨וֹק). These words of the king became widely known, and so Hosea uses this word כִּֽיְּקֹ֖נָה as a sarcastic epithet for the king of Assyria, as he warns the people that Assyria cannot help them when Yahweh has decided to destroy them (5:14). In chapters 9 and 10, Yahweh announces the punishment which will befall an unfaithful people. They will be carried into exile to Egypt and Assyria (9:3) and the calf which they have idolotrously worshipped will be carried to Assyria as tribute to this same King כִּיְּקֹ֖נָה (10:6).

In 12:3-15 Hosea again proclaims Yahweh's case against Israel, comparing the conduct of the nation Israel in his day to that of the revered ancestor Jacob. The structure of the passage is as follows:-(a) Introduction and anticipation of result, v.3; (b) indictment of Jacob-Ephraim - 4a, 8; (c) Ephraim pleads innocence - v.9; (d) threat of punishment - v.10; (e) history of the case 14,11,12; (f) verdict and sentence - v.15.

It will be noticed that, in the above analysis, I have omitted verses 4b-7 and verse 13. I agree with Harper¹ that these verses are a later addition. Whereas 4a is an accusation against Jacob, 4b-6 is occupied in praising the patriarch, whose example the people are called upon to follow (v.7) and verse 13 is certainly out of place in its present position. I have also transferred verse 14 to between verses 10 and 11. That is certainly its logical position, and I think it has been accidentally misplaced.

12:3a as it now stands, says that Yahweh has a case against Judah. This reference to Judah sounds very strange since it is clear from what follows that the case is not against Judah at all but only against Jacob-Ephraim. It therefore seems probable that a Judaean scribe has substituted כִּֽיְּקֹ֖נָה for the original reading טָרַ֖י. If then, we follow Nyberg who regards כִּֽיְּקֹ֖נָה as "an independent verbal

¹ - W.R. Harper - Amos and Hosea - I.C.C., 1905 - p.380
form in the sense of an imperfect"¹, we may translate verse 3:

"Yahweh has a case against Israel
and he will punish Jacob according to his ways
require him according to his deeds".

3a introduces the trial scene while 3 bc anticipates its results.

The indictment against Jacob-Ephraim is that he deceives and cheats people. The patriarch acted treacherously to cheat his brother of his birthright (4a). Ephraim acts as a trader in whose hands are deceitful balances to cheat his customers (v.8). Ephraim denies this charge. He claims, that although he is very wealthy, he has obtained his wealth honestly. One cannot find with him "the iniquity of sinful wealth".² (v.9).

Yahweh knows that Ephraim's plea of innocence is false. Therefore in verse 10, he threatens the sinful nation with punishment. Yahweh who has been their God since they left Egypt (10ab) will force them to dwell in tents once more as in the days of the appointed feast."³ It is probable, however, that Hosea is not referring to such feast days, but rather to the days of Israel's first meeting with Yahweh in the wilderness.² Israel is to be reduced to the poverty which she knew in the wilderness days. Yet the privations which she will be forced to endure will not be punishment for punishment's sake, but rather disciplinary action designed to purify Israel for God's service once more - a point which is fully developed in chapter 2.

The following verses give the history of the case - a history of

1 - H.S. Nyberg - Studien zum Hoseabuche - p.95
2 - following Nyberg who points the second last word of v.9 - ה/ח
op. cit. - p.98
3 - cf. P. Humbert - La Logique de la Perspective Nomade Chez Osee
(in B.Z.A.W. 41, 1925, p.162)
divine saving, revealing and chastising activity and human failure to respond. Yahweh led the people out of Egypt and preserved them in the wilderness by the hand of Moses, the prophet (v.14); cf. Am.2:10. But they were utterly ungrateful. He kept raising up prophets to teach them his will (vs.11; cf. Am. 2:11). But they paid no attention to these prophets. When men committed iniquity in Gilead and sacrificed to demons in Gilgal, the people of these districts suffered the due rewards of their deeds (vs.12). But the rest of the people did not heed the lesson.

Yahweh has lost patience with this people which fails to respond to his saving acts, which shuts its ears to the words of his prophets, and does not heed the lessons of history. In verse 15a, he pronounces the verdict against this people, declaring that she has offended him bitterly. Then he sentences her to hear her own blood-guilt (15b) and to suffer for the reproach which she has brought upon the name of Yahweh.

By far the most interesting of the trial scenes in Hosea, and the one which most clearly expresses Hosea's hard-earned conviction that Yahweh is primarily a God of love, is the one found in chapter 2:4-22. There are three participants in the lawsuit depicted in this chapter. Yahweh is the Plaintiff, bringing his case against Israel. The mother (i.e. the nation as a whole) is the Defendant. And the children, (i.e. the individual Israelites) are called upon to act as counsel for the prosecution.

The passage may be divided into two parts. In the first (4-7, 10-15), the emphasis is on judgment, in the second (8-9,16-22) on reconciliation with God. The progress of the legal proceeding depicted in the first part may be outlined as follows:- (a) Counsel for prosecution summoned - 4a; (b) Announcement of divorce (4bc) and reason for divorce (4de); (c) Threats of punishment for the divorced

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1 - reading  דִּּוֹנֶּ יָ instead of  דִּּוֹנֶּ יָ and  דִּּוֹנֶּ יָ instead of  דִּּוֹנֶּ יָ 

emendations which are accepted by several scholars.
Hosea thinks of Israel as a woman whom Yahweh married at Sinai, and whom he has now reluctantly divorced because she has committed adultery with the Baals. The phrase "ונשא יב קנה" in 4b is probably an official divorce formula¹. Yet Yahweh still hopes to reform the divorced woman and therefore he appeals to the sons of Israel who must suffer the social stigma attaching to their birth (v.6) to contend against their mother (4a), threatening her with the punishments she must endure (v.5) if she does not turn from her adulterous ways (4de).

The first part of verse 5 continues the metaphor of Israel as an adulterous woman. The woman convicted of adultery in the Hebrew lawcourt was first stripped naked and shamed publicly and then stoned to death (Dt. 22:21; Ex. 16:38-40), and thus Israel is to suffer the normal penalty of the adulterous woman. In the second half of the verse, Hosea explains what he means by the image of the woman stripped naked. He does not say, as scholars sometimes claim, that Palestine is to be changed into a נִבְּלָה but rather that the land is to become unproductive like the נִבְּלָה. According to verse 12, the vines and fig trees are to be replaced by forest. If she does not repent, Israel must endure once more the arduous conditions which she knew "in the day she was born" in the wilderness of Sinai.

¹ - P. Humbert (in BZAW 41, 1925 -p.162) compares this phrase to the Babylonian divorce formula - "ul assati atta".
In verse 7, the charge of harlotry is elaborated. Israel has been worse than the ordinary harlot. Whereas the ordinary harlot waits for lovers to come to her, Israel runs after the Baals, believing that by serving them in the fertility cult or by amalgamating this cult with the Yahweh religion she obtains the necessities of life. Verse 10 is Israel’s plea of ignorance, quoted by the divine Judge. She has been ignorant of the fact that the products of the land and her great riches have come to her not as the hire paid by Baal (cf. v. 7,14) but as Yahweh’s gifts.

The Judge quickly dismisses this plea of ignorance and pronounces sentence against the adulterous woman (vv.11-15). At harvest time, when Israel thinks that the fruits of the earth are here, Yahweh will take back his grain, his wine, his wool and his flax. When Israel, the divorcee, has been stripped bare of the necessities of life, she will have nothing to offer to her old lovers, the Baals, and therefore none of them will be willing to cover her nakedness - i.e. to enter into a marital union with her (cf. Ez. 16:8)¹ Israel’s vineyards and orchards will be laid waste, and in their place, a forest inhabited by wild beasts will grow up (v.14). This transformation of Palestine into a forest will put an end to Israel’s feast days (v.13) which cannot take place without sacrificial gifts.

Verses 8-9 show that this punishment is not an end in itself, but the means which Yahweh must use to redeem adulterous Israel. Among the trees and thorn-bushes which are taking the place of vineyards and orchards, she is unable to find her old lovers. And in disillusionment, comparable to that experienced by the prodigal son in Jesus’ parable, Israel decides to return to Yahweh her first husband. She realises that it was better for her in the days when she was faithful to Yahweh than it is now.

¹ - transferring §§y from the end of verse 11 to end of verse 12 following Humbert (op. cit. - p.163f.)
Because of Israel's decision to return to Yahweh, Yahweh leads her gently into the wilderness. There he makes love to her once more (v.16), and by a miracle creates vineyards for her (v.17). Then Israel responds to Yahweh as she did in the days when she was brought out of the land of Egypt. It is the introduction of the fertility rites of the Baal religion into Israel's worship which has made the divorce necessary. But now all traces of this pagan religion are removed from Israel's life (vv.18-19). Therefore Yahweh makes a new covenant with the nation which embraces the whole of creation (v.20) and betroths her to him once more (vv.21-22). The marriage which now takes place is based on Yahweh's righteousness, justice, covenant love and faithfulness, and it will last for ever.

In Hosea, as in the other prophets, there are normally only two participants in the trial scene, Yahweh who is both Plaintiff and Judge, and Israel who is the defendant. In 2:4, the sons of Israel are summoned to act as counsel for the prosecution, but the prophet does not tell us that they obey this summons, and the accusations and threats against Israel are apparently all spoken by Yahweh. A witness against Israel (5:5; 7:10) and Israel's advocate (5:13; 10:6) are introduced elsewhere in the book, but not in the trial scenes. In 12:9, we read Israel's plea of innocence, and in 2:10 there is a reference to her plea of ignorance, but these are the only references to words spoken by the Defendant. Two of the three trial scenes are introduced by the words - יִבְנֵי רְאוּ הָאֵדֶר - an introductory formula which we find elsewhere in the prophets, and which is probably based on the formula used by the elders when they opened a trial at the town gate.

Although 12:3ff. is the only one of the three passages in which a special section is devoted to the history of the case, tracing its origin back to the wilderness, 2:4ff. speaks about the marriage between Yahweh and Israel at Sinai - a marriage which ended in divorce, but is now to be entered into once more. Except in 12:15a, there is no
formal announcement of the verdict, and the reader is left to assume that Israel is guilty from the punishment imposed upon her. Hosea 4:1ff. is an unusual trial scene in that the accused is constantly changing, first the people, then the priest, then the priestly class, then the people again.

In Hosea 4 and 12, just as in Amos, the punishment which is announced appears to be an end in itself. However, in Hosea 2, clear expression is given to the prophet's hard-earned conviction that Yahweh is primarily a God of love who uses punishment as a means to redeem Israel, the adulterous woman, and thus to restore the harmonious personal relationship with her which he once enjoyed.

E - YAHWEH'S CONTROVERSY AGAINST HIS PEOPLE IN ISAIAH

In the preaching of the eighth century prophets of Judah, the theme of Yahweh'sribh against his people is at least as prominent as it was in the preaching of Amos and Hosea.

The Book of Isaiah begins with the summoning of the heavens and the earth to hear Yahweh's charges against his rebellious sons (vv.2-3). It has sometimes been argued that these verses constitute the introduction of a trial scene which continues to the end of the chapter. According to Ewald whose theory was accepted by Cheyne, the description of the lawsuit may be divided into four strophes. Strophe I (vv.2-9) contains the charge and an appeal to witnesses; strophe II (vv.10-17) meets a preliminary objection to the production of a charge; in strophe III (vv.18-23) the people are given a chance to defend themselves and since they offer no defence, the prophet raises a strain of lamentation over the city which has become so utterly corrupt; finally, in strophe IV (vv.24-31) "the storm of the threat of new punishments can no longer be repressed, which are nevertheless such divine punishments which will lead back the kingdom to its original destination, and open to it the
However, the belief that this chapter has such unity as is presupposed by the above theory is rejected by nearly all modern scholars. Two of the almost unanimously agreed conclusions of modern research concerning this chapter are that verses 27-28 are not Isaianic, and that the final section (vv.29-31) is a fragment of another oracle which has no connection with what precedes it.

If these conclusions of modern scholarship are accepted, one might still regard verses 21-26 as the conclusion of a trial scene which begins at verse 2. However, it is extremely improbable that a lawsuit which begins with the indictment of the entire nation would end with an oracle which is concerned solely with Jerusalem.

Another point in Ewald's theory which is hardly convincing is the connection which he tries to establish between what he regards as the first and second strophe. If v. 10ff. actually presupposes and answers a preliminary objection to the production of the charge, one would expect this section to come immediately after the indictment instead of after the announcement of the punishment which the nation is already enduring.

I think that this chapter should be divided into seven sections as follows: (a) vv.2-3; (b) vv.4-9; (c) vv.10-17; (d) vv.18-20; (e) vv.21-26; (f) vv. 27-28; (g) vv.29-31. Only two of these sections, namely (a) and (d) are concerned with a lawsuit. In my opinion, these two sections originally stood together to form a complete trial scene, and were only isolated from one another by the later compiler who inserted (b) and (c) in their present position. Possibly the ribh contained in sections (a) and (d) formed the original introduction to the series of oracles which Isaiah himself arranged before he went into temporary retirement (8:16f).

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The development of this ribb may be summarized as follows;  
(a) summoning of the jury - 2 a-c; (b) history of case and indictment - 2d-3; (c) invitation to the accused to state his side of the case - l8ab; (d) scornful summing up of Israel's defence - l8c-f; (e) the accused is admonished and let out on probation (vv,19-20).

The trial begins with the calling of heaven and earth to hear Yahweh's case against his people (2a). The heavens, the earth, the mountain, etc. are listed amongst the witnesses to Hittite international covenants ¹, and they are probably regarded as the official witnesses to Yahweh's covenant with Israel (cf. Dt. 4:26; 30:19; 31:28; 32:1). Therefore, when the prophet proclaims Yahweh's ribb against the people for breach of covenant, the heavens and the earth are called to constitute the jury (cf. Mic. 6:1-2; Ps. 50:1 and 4).

After the jury has been called, the divine Plaintiff turns to the accused, the sons of Israel, and presents his charge against them. The charge is in the form of a contrast between what Yahweh has done and what the sons have done. Therefore it is at one and the same time indictment and history of the case. Yahweh adopted these sons at Sinai and has cared for them from childhood to maturity. But, instead of responding to his loving care by obeying his parental commands, they have rebelled against him. Dumb animals have sufficient intelligence to recognize their master's care, and to find their way back to the place where they are fed. Therefore Israel, who constantly rebels against her divine Master and Father is showing less intelligence than these animals. Just as the Israelite father and mother who had a rebellious son might bring their case against him before the village elders for their verdict (Dt. 21:18-21), Yahweh brings his case against his rebellious sons before a tribunal consisting of the heavens and the earth.

¹ - G.E. Mendenhall - Covenant Forms in Israelite Tradition  
B.A. XVII - 3 - p.60
Immediately after Yahweh has expressed his indictment against Israel, he turns to the accused nation and says, "Come, let us argue together (נִבְנַאֲדֵנִי)". Israel, the defendant, is to argue with Yahweh the Plaintiff, and to state her side of the case. Israel attempts to defend herself by claiming that any wrong she may have done is not nearly so bad as the Plaintiff is saying. What we have in 18c-f is the Plaintiff's scornful summing up of the defendant's argument.¹

The two lines in question should perhaps be translated as follows:

"Although your sins are like scarlet,
(you pretend that) they are as white as snow;
Although they are red like crimson,
(you claim that) they are like wool."

Yahweh will not condone such hypocrisy, and in his office of Judge, he places clearly before the accused nation the alternatives which are open to it. Although the people have sinned grievously, they may still have a second chance. They are out on probation. If they change even now, and obey the divine commands, they may eat the good of the land (v.19.) But if they continue to rebel, they shall be eaten by the sword (v.20).

In Isaiah 3:13-15, we are shown a picture of Yahweh, the universal judge, contending against the elders and officials (דנֵם) of Judah. The oracle consists of three parts: (a) introduction 13-14b; (b) the indictment - 14cd; (c) a strong reprimand -15.

An important feature of the introduction to this ribh is the placing of Yahweh's case against the leaders of Judah within the context of his universal judicial responsibility. It is Yahweh who stands to judge peoples (דנֵם -13b)² who enters into judgment with the leaders of Judah (14ab). Similarly, Amos regarded Yahweh's judgment against Israel as no isolated phenomenon, but rather the most important

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² Many scholars reject the M.T. in favour of the LXX reading - However, the 'Ain Peshka Isaiah manuscript testifies for the correctness of the M.T.
part of his activity as judge of the nations. And the author of Psalm 7 believed that Yahweh who "judges peoples" had a special concern for the Psalmist's own case.

Immediately after the introduction, Yahweh states his indictment against the elders and officials. They ought to be the guardians of the vineyard - i.e. the people. But instead of protecting them, they have used them for their own profit. The spoil which they have obtained by giving unjust decisions against the poor is in their houses. According to verse 9 of this chapter, the partiality of these rulers has witnessed against them, and they have admitted their guilt. In verse 15, we expect to read Yahweh's sentence against them. But instead, the divine Judge merely administers a strong reprimand in an attempt to put these leaders to shame for their cruel acts of injustice. The prophet believes that Yahweh's purpose is not to destroy them, but to reform them.

In Isaiah 5:1-7, Yahweh's case is not just against the leaders of Judah, but against the whole people. Isaiah states Yahweh's case against Judah in the form of a song-parable about a friend's vineyard. The following elements of a lawsuit are present in this parable: (a) history of the case and indictment - v.1-2; (b) summoning of the jury to state the verdict - v.3; (c) interrogation of the accused nation which at the same time constitutes the jury - v.4; (d) sentence - vv.5-6.

In the introduction and the first part of the parable, Isaiah carefully avoids the use of any juridical terms. The subject of the parable and the audience who heard it are both best explained by supposing that the prophet sang this song to a large crowd gathered in the temple court during the Feast of Tabernacles. Isaiah, who is already known as a prophet of judgment, gains the interest of the crowd by pretending that he is going to forsake his usual role for the day. He is going to join in the merry-making by singing a vintage song - his friend's song concerning his vineyard.
Isaiah tells of all the trouble which this friend has taken with his vineyard. He has selected for it a very fertile hill. He has carefully prepared the ground by digging it and clearing it of stones. He has planted the choicest vines, has built a watch-tower so that they might be protected and has hewn out a wine-vat to hold the produce. He has done everything any man could do for a vineyard, and has every right to expect a good yield of sweet grapes. But no! All he gets is sour grapes.

Isaiah concludes his song-parable, turns to his hearers, and appeals to them to constitute the jury to decide this case. As Nathan called upon David to decide the case of the rich man who stole the poor man's lamb, Isaiah calls upon the men of Judah to judge between the owner and the vineyard. V. 4 is at one and the same time Yahweh's interrogation of the accused nation - his demand that they should explain their ungrateful behaviour - and the continuation of the appeal to the jury to decide who is in the wrong. Is there something more the owner should do or is the vineyard irremediably bad?

After verse 4, we must assume a pause in which the listeners silently acknowledge that nothing more could have been expected of the owner - that the fault lies entirely with the vineyard. Then, in verses 5 and 6, the owner pronounces sentence against the vineyard. It has not responded to care and protection. Therefore care and protection will be denied to it. Hedge and wall will be torn down so that wild animals can trample it. It will receive no more pruning or hoeing, and even the blessing of the rain will be denied to it.

In the second half of verse 6, the attentive hearer receives the first hint that Isaiah's friend is no human friend. It is only God who can command the clouds to withhold the rain. Then, in verse 7, all is made plain. Yahweh is the Friend who has planted his vineyard Israel, on the fertile hills of Canaan. He bestowed his loving care
and protection upon her, and hoped that she would respond by producing the good fruit of justice and righteousness. But when he looked for 

\[ \text{good fruit of justice and righteousness.} \]

he found only \( \text{the blood of the innocent.} \) When he expected \( \text{he heard only the cry of the oppressed.} \) The ultimate conclusion is left to the audience to draw. Yahweh will abandon his unresponsive vineyard to destruction.

Special features of the ribh theme in Isaiah which we have not found in Amos or in Hosea are the following: (a) summoning of the jury; (1:2; 5:3f); (b) the interrogation of the accused (5:4); (c) the combination of the indictment with the history of the case (1:2c-3; 5:1c-2); (d) the divine reprimand instead of the sentence (3:15); (e) the dismissal of the accused on probation (1:19-20). These last two features are very important, for they testify to the prophet's conviction that Yahweh is unwilling to destroy his people so long as there appears to be some hope that they will amend their ways. In 5:1-7, sentence is not pronounced against the vineyard until judge and jury are both satisfied that it is irremediably bad.

F - Yahweh's Controversy Against His People in Micah

In Micah 1:2-7, where we are shown a picture of Yahweh executing judgment upon condemned nations, his judgment against Israel is regarded, just as in Amos and in Is. 3:13-15, as only one very important part of his world judgment.

The prophet bids all his peoples to hearken to him as he warns them that Yahweh is about to come down from his heavenly temple as witness (i.e. accuser) against them. Yet, in spite of the use of the word witness (\( \text{witness} \)) to refer to Yahweh's activity, no specific accusations are levelled against Israel or against the nations. Yahweh the Witness, is also Yahweh the Judge, and the prophet is so certain that when he enters into judgment with the nations he will find them
guilty that he does not feel it to be necessary even to describe the judicial process. Therefore he merely gives us a description of Yahweh the Witness striding through the world as Destroyer of the Nations, his destructive power being made manifest in the melting of the mountains and the cleaving of the valleys (v. 4).

In verses 5-7, the prophet pictures Yahweh, the Destroyer, coming to Samaria to execute judgment against her. It is generally recognized that there is something wrong with the text of verse 5. If  הֲיַעַל is the original reading in 5b, it is almost certainly an addition from the time when the high places were condemned. And if we retain this line, emending  הֲיַעַל  הֲיַעַל to  הֲיַעַל  הֲיַעַל following the LXX, we are forced to change  הֲיַעַל in 5b to  הֲיַעַל. It is better to delete 5ef as a later addition. But, if 5ef must go, it is extremely probable that 5cd which is of similar construction is also a later addition. I think that a later compiler has added 5cd as an explanation of 5ab, and 5ef as an application of Samaria's lesson to Judah.

The phrase  הֲיַעַל in 5a does not refer to the general world destruction reported in verse 4, but rather to the destruction of Samaria reported in verses 6 and 7:

"Because of the transgression of Jacob, all this (is to happen) and because of the sins of the house of Israel."

Samaria will be utterly destroyed and will become a place where men plant vineyards (v. 6). Her images will share in the general destruction. She has used the "hire of a harlot" - i.e., the gifts which men contributed for the services of the temple prostitutes - for the adornment of the idol-gods. These adornments will return to the hire of a harlot once more when they are "carried away by her destroyers and used by them for impure purposes similar to those in connection with

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1 - J. Lindblom - Micha Literarisch Untersucht (Acta Academiae Amoensis), 1929 - p. 25
which they were originally procured.\textsuperscript{1a} V.8ff. indicates the anguish which has been aroused in Micah's heart by the doom which he has foreseen for Samaria. He knows that the southern kingdom is about to suffer a similar fate.

In Micah 6:1ff., we have the record of Yahweh's controversy against his people on the subject of weariness of him.

In verse 1, Yahweh commands the prophet to act as counsel for the prosecution - to undertake the task of presenting his case against the people before the jury which is to consist of the mountains and the hills. The foundations of the earth which are mentioned in 2b are identical with the mountains (cf. Dt. 32:22; Ps. 18:8). A controversy between Yahweh and his people means a disturbance of the covenant relationship, and therefore the mountains and the hills which are regarded as witnesses to the covenant are called to constitute the jury.\textsuperscript{2} Verse 2 shows how the prophet obeyed the divine command by calling upon the mountains to hear Yahweh's case, and introducing this case with a traditional formula - "Yahweh has a case against his people (יְהוָ֑ה דָּיְ לָוֹן בְּנֵיהֶנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּn ) and with Israel he will enter into argument" (cf. Hos. 4:1; 12:2; Jer. 25:31).

Yahweh's indictment against Judah is not formally stated, but is implied in the cross-examination of the accused which follows in verse 3. The people have grown weary of Yahweh and have left him to follow the false gods. In verse 3, therefore, Yahweh cross-examines the people to discover the reason for their apostasy. What has Yahweh done to make them so weary of him (v.3: cf. Jer. 2:5)?

\textsuperscript{1a} Probably we should read הֵמְלִיכָם יְהוָ֑ה instead of הֵמְלִיכָם יְהוָ֑ה following Haupt (A.J.S.L. XXVI - p.222) and J. Lindblom - op. cit., p.99

\textsuperscript{2} See above p. 99

\textsuperscript{99} G.W. Wade - Micah, Obadiah, Joel, Jonah, W. C. 1925, p. 7
When the people make no reply, Yahweh gives the history of the case. He lists the saving acts which he has performed on behalf of this ungrateful people: the Exodus from Egypt under the leadership of Moses, Aaron and Miriam (v.4); the blessing they received from Balaam who refused to obey Balak's command to curse them (5a-d); their crossing of the Jordan to enter Canaan (5e). The people are to remember all these things that they may know the saving acts of Yahweh.

This list of God's saving acts awakens true penitence in the people's hearts. Therefore a representative Israelite turns to the prophet and begs him to show him what sacrifice will be sufficient to atone for the people's sins. Will the burnt offerings and year-old calves such as even relatively poor people can give be sufficient (v.6)? Will Yahweh be satisfied with the myriads of offerings which only rich rulers such as Solomon or Hezekiah can afford (v.7ab; cf. I Kings 8:63; II Chron.30:24)? Will he be pleased with the most costly offering any man can give - the offering of his own first-born son (v.7cd)?

In response to these serious questions of a penitent people, the prophet tells them that they have been shown long ago what God requires - not sacrifices or ritual acts, but only justice, mercy, humility before God (v.8; cf. Mt. 23:23). Now that the penitent people have been shown what Yahweh requires, their case is dismissed that they may go out to fulfil these requirements.

New elements in this ribh are: (a) the formal command to the prophet to act as counsel for the prosecution; (b) the dialogue at the end of the trial scene in which the people express their desire to return to Yahweh and the prophet tells them what they must do. This second element which occurs in the place where we would expect to hear Yahweh's sentence against Israel is very important. It indicates, like the idea of probation in Isaiah, that the prophet's purpose in
declaring God's case against his people is not to call down upon them the divine punishment, but rather to turn them from their wicked ways. In this case, when the people show signs of repentence immediately after they have heard the history of the case, there is no need for sentence to be pronounced against them.

G - YAHWEH'S CONTROVERSY AGAINST THE PEOPLE IN ZEPHANIAH

For approximately two generations after the deaths of Isaiah and Micah, the voice of prophecy seems to have been silent in Judah. Then, during the early part of Josiah's reign, both Zephaniah and Jeremiah began their prophetic missions.

In Zephaniah 3:1-8, the prophet proclaims Yahweh's case both against Jerusalem as a whole and against her leaders. The progress of this ribh may be outlined as follows: (a) indictment against Jerusalem - vv.1-2; (b) indictment against her leaders - vv.3-4; (c) history of the case - vv.5-7; (d) announcement of punishment - v.8.

Just as Hosea brings charges first against Israel as a whole (4:1-2), then against the priests (4:6ff), so Zephaniah announces first Yahweh's indictment against Jerusalem, then his indictment of her political and religious leaders. Jerusalem is accused of rebellion, pollution, oppression, obstinacy, lack of trust and irreligion (vv.1-2). However, it is the officials, judges, prophets and priests who have taken the lead in the general rebellion against Yahweh. Executive and judicial power is in the hands of greedy men who act like beasts of prey, using their power for their own personal enrichment (v.3; cf. Is. 1:23), while the poor suffer. The prophets are proud treacherous men who do not declare Yahweh's will, but their own fabricated oracles (v.4a). The priests profane the sanctuary by permitting alien cults and interpret the law arbitrarily (v.4bc; cf. Mic. 3:11; Jer. 6:13).
In verses 5-7, the prophet gives the history of the case - a history of Yahweh's faithfulness, and attempts to teach this people which continues to rebel. Although Yahweh is (and always has been) righteous and faithful to his people, the unjust rulers pay no attention to his example. Jerusalem has failed to heed the lessons of history. Yahweh has reduced many proud rebellious nations to ruin (cf. Hos. 12:12). But instead of reforming her life to avoid a similar fate, Jerusalem has become even more corrupt.

In verse 8, Zephaniah announces that Yahweh is about to come as a witness who will quickly bring this trial to an end and punish convicted nations. Because this verse does not speak specifically about Yahweh's punishment of Jerusalem, but rather of his wrath against the whole world, many scholars doubt that it belongs with the preceding verses. However, the י' at the beginning of this verse indicates clearly that, unless verse 8 has been displaced from its original context, it does belong with verses 1-7. K. Elliger thinks that verse 8 belongs with the immediately preceding verses, but that we should read דֶּת instead of תֶּת and omit the last line of the verse. Thus he would make the nations into Yahweh's instruments for executing wrath upon Jerusalem rather than the objects of Yahweh's wrath. These changes are attractive, but are not supported by the versions, and if we can make sense out of the Hebrew text as it now stands, I think it is unwise to resort to such conjectural emendations.

The fact is that Zephaniah, like the prophets who preceded him, did not regard Yahweh's judgment against Judah as an isolated phenomenon.

1 - following the LXX and Syriac which have read י' rather than י' 2 - K. Elliger - Nahum, Habakuk, Zephania, Haggai, Zecharia, Malachi A.T.D. 1950, p.73.
It was part of his activity as world judge. Yahweh is here regarded as a witness against all nations, but Judah is one of those nations, and Jerusalemites who have just heard the prophet indict them for their crimes do not need to be specifically reminded that they cannot escape in the day of Yahweh’s wrath against the whole world.

H - Yahweh’s Controversy Against His People in Jeremiah

In his earliest words, Jeremiah characterizes the whole relation of Yahweh and his people in generations past, present, and future as a ribh (2:9). Most of the elements of the ribh theme with which we are familiar, as well as others with which we are not familiar occur in Jeremiah chapter 2: (a) history of the case including charges against Judah - vv. 2b-3, 5-8, 20-21, 30-32; (b) appeal to jury - v. 12-13; (c) cross-examination of the accused - vv. 5, 17-18, 28-29, 31-32; (d) the oath of innocence - 22-23b; 35a; (e) announcements of punishment - vv. 15, 16, 19, 36-37.

There is very little in the history of the case and in the indictments against the nation in this chapter with which we are not completely familiar from our examination of similar passages in earlier prophets. It is the old, old story of Yahweh’s loving care for Israel in the wilderness, and the apostasy of leaders and people, Yahweh’s attempts to correct Israel by smiting some of her sons, and Israel’s failure to accept correction.

In this passage, just as in Isaiah 1:2, the heavens are regarded as constituting the jury. The prophet is convinced that the heavens must shudder (v. 12) as they contemplate the folly of a people which forsakes Yahweh, "the fountain of living waters" to hew out for themselves leaky cisterns which do not even hold their stagnant waters (v. 13).

An element of the ribh theme which we have noticed twice before (Is. 5:4; Mic. 6:3) namely the cross-examination of the accused, is a
major feature of this chapter. Yahweh requires the accused people to give a reason for their fathers' apostasy and for their own apostasy. Was it because of something which Yahweh did against the fathers that they forsook him to follow the profitless fertility gods (v.5)? Why does this present generation bring a complaint (לְאִמָּ֣ר) against Yahweh (v.29)? Do they think that the suffering which they have endured is a sign that Yahweh has become like an inhospitable desert which no one wants to frequent (v.31)? Are they unable to recognize in this suffering the punishment for their apostasy (v.17) – a punishment which Yahweh is using to correct them (30ab)? Do they think it is to their advantage to serve the false gods? Where are those gods in the day of trouble (v.28)? Do they think that military alliances with Egypt or with Assyria will help them (v.18)?

Because Jeremiah was a member of the priestly family at Anathoth he had probably watched many people being tried by oath in the sanctuary. Therefore, it is not surprising that we find in his oracles a reference to the oath of innocence – a judicial procedure which has not been mentioned by any of his prophetic predecessors. Israel, he says, swears that she has not gone after the Baals, and washes her hands in demonstration of her innocence (22-23ab). It is obvious to everyone who has eyes to see that she is swearing falsely. Nevertheless Israel clings to her oath. She thus commits perjury, and Yahweh must enter into judgment with her and punish her for this crime (v.35).

Verse 15 refers to the punishment which the nation suffered when Assyria invaded the land while verse 16 refers to the punishment which she will receive in the imminent future when the land is devastated by the Egyptians. Her sin of seeking alliances at one time with Assyria, at another time with Egypt instead of trusting in Yahweh will bring its own punishment (vv.18-19). She will be put to shame by Egypt as she has already been put to shame by Assyria (v.36c-37). It was Israel's political and religious leaders - her kings, her priests and her prophets -
who led the people astray, and these leaders cannot hope to escape unharmed in the coming invasion (v. 26).

In 3:1-5; 19-25; 4:1-2, we have a formal ribh in which Yahweh's case against Israel is compared, in successive metaphors, to that of a husband against his faithless wife, and to that of a father against his faithless sons. The development of this ribh may be outlined as follows: (a) indictment - 3:1-2; (b) punishment already received - v.3ab; (c) elaboration of the charge - vv.3c-5; (d) history of the case - vv.19-20; (e) Yahweh's gracious invitation and Israel's repentance - vv.21-25; (f) divine admonition - 4:1-2.

Appealing to the natural instincts of ordinary men, Jeremiah compares Israel's case to that of a woman who leaves her husband to become another man's wife, either of her own free will or because her husband divorces her (ia-c). Would any of the men in his audience be willing to take back such a wife, knowing that she is defiled (ld-f)? Yet Israel who has never been divorced but has committed adultery with numerous lovers on the bare heights thinks that Yahweh will be willing to take her back as his wife without asking for some clear indication that she has changed her behaviour (lg-2).

In punishment for Israel's harlotry, the rain has been withheld from the defiled land (3ab; cf. Hos. 4:3). Yet she still plays the harlot and does not feel any shame (3cd). With a sudden change of metaphor, Jeremiah tells us that the nation is addressing Yahweh as "my father...the friend of my youth"(4) and is treating his anger which is indicated by the drought as a mere passing mood. Although the metaphor has changed, the charge against the nation has not changed. She is still hoping to win back the divine favour far too cheaply. She thinks that all she needs to do to restore the old relations is to use endearing words in speaking to Yahweh while her conduct remains utterly bad (5cd).

1 - reading /̱'y̱x̱/ following the LXX and Vulgate instead of /̱y̱x̱/.
In verses 19-20, the divine Plaintiff outlines the history of the case. When he brought the Israelites out of Egypt and treated them like sons, giving them "a heritage most beauteous of all nations", he thought that they would respond by calling him "my father", and by never departing from him (v.19). But the people have not lived up to his expectations. While they are calling him father, they are forsaking him and doing all the evil of which they are capable (vv.4-5). As a woman departs treacherously from the husband who loves her (מַחְשָׁבָתָם יִמָּשֵׁךְ), so Israel has departed treacherously from Yahweh (v.20).

Just as in Micah 6, the listing of God's saving acts on behalf of his people awakens in them a desire to return to him, so this contrast between the behaviour which Yahweh had a right to expect from his people and the way they are actually behaving causes the people to weep over their sins (v.21). Yahweh hears their wordless weeping and offers them his gracious invitation. If they will return, he will heal their faithlessness (v.22ab). Then the people respond, confessing that they want to give up the orgies on the mountains, and to return to Yahweh (vv.22c-23). Yet they feel morally impotent, unable to change their lives completely. The impression one gains from reading vv.24-25 is that they have decided to give up the sensual worship of the fertility cult, but not to put anything positive in its place.

In 4:1-2, Yahweh warns this penitent people that it is not enough merely to repudiate Baal worship. They must replace it with a steadfast unwavering faith in Yahweh, and when they take oaths in Yahweh's name they must mean what they say, no longer confusing the moral God of the desert with the nature gods of Palestine. The verses in question should be translated as follows:

"If you are turning (from the Baal cult), O Israel, says Yahweh, unto me you must turn."
If you are removing your abominable idols, from my presence you must not wander, and you must swear, 'As Yahweh lives' in truth, in justice and in uprightness.

Now that the penitent people have heard Yahweh's demand for their total allegiance, their case is dismissed that they may obey this demand (cf. Mic. 6:3).

From the two Jeremianic passages which we have examined, it would appear that this prophet, unlike most of his prophetic predecessors, thought of Yahweh's judgment against his own people as an isolated phenomenon not intimately connected with his activity as world judge. However, there is another passage, namely Jeremiah 25:15, from which it is clear that he regarded Yahweh's judgment against Jerusalem and Judah as only the first act in a drama of judgment which would include many nations. In the original form of this passage it is certain that Jeremiah was sent only to a few specific nations (cf. v. 15 and 17) of which Judah was the first. He was to cause these nations to drink from the cup of Yahweh's wrath which was regarded as his instrument for punishing them. In post-exilic times, however, a number of additions were made to transform the passage into a description of a world judgment.

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1 - reading χ’ instead of χ’ following the LXX
2 - Unless one accepts the purely conjectural emendation of 7 to 7 in both 2c and 2d, it is scarcely possible to regard this line as an original part of the oracle. I think that a scribe was reminded by the oath formula in 2a of his own conviction that Judaism would find universal acceptance and added "Nations shall bless themselves in it (i.e. in the name of Yahweh) and in it they shall boast".
I - YAHWEH'S CONTROVERSY AGAINST HIS PEOPLE IN EZEKIEL

The theme of God's lawsuit against his people finds expression in the first part of the Book of Ezekiel, sometimes in oracles against Jerusalem and her leaders, sometimes in oracles against the exiles.

When Ezekiel began his prophetic ministry, Judah had already suffered a severe punishment for her sins through the exile in 597 of the youthful King Jehoiachin along with the aristocracy of Judah. Although Ezekiel himself had probably been carried to Babylon along with this first group of exiles, he bore no ill will towards his captors. He firmly believed that Babylon was Yahweh's instrument for the punishment of Judah, and that, since she had not repented after the first exile, she would receive an even more severe blow.

In Ezekiel 11:5ff., the prophet condemns the leaders in Jerusalem in language just as strong as that used by his prophetic predecessors for the judicial murders which they have committed. The leaders who have committed these murders are afraid for their lives. They know that destruction is coming upon Jerusalem and they feel like flesh within a cauldron which is about to be cooked. But Ezekiel says that they are wrong. The bodies of their slain will be the only bodies within Jerusalem when it is destroyed. The leaders will be brought out of Jerusalem to be judged at the border of Israel. They will be slain by the sword of the Babylonians who are Yahweh's instruments for executing his judgment upon them.

In Ezekiel 17:1ff., the prophet expresses the divine verdict against Zedekiah in the form of an allegory and its interpretation. When Nebuchadnezzar set up Zedekiah as king, he put him under oath to remain as his vassal. But, not being content with the lowly status of vassal, Zedekiah sent to Egypt for military help. Nebuchadnezzar will surely punish him for his unfaithfulness. Yet Ezekiel is convinced that
Nebuchadnezzar's act will really be the act of Yahweh. Because Zedekiah took the oath in the name of Yahweh to remain submissive to Babylon, Yahweh will punish him for breaking this oath. He will spread his net over him and bring him to Babylon where he will start legal proceedings against him (vv.19-20). Some of his soldiers will fall by the sword, and the rest of them will be scattered (v.21).

Several scholars believe that the LXX which omits the second line of verse 20 represents the correct Hebrew text. However, it is not easy to see why a later editor would have added a "prophecy" concerning a trial at Babylon, since Zedekiah's case actually was tried not at Babylon but at Riblah. It is better to assume that Ezekiel believed that Zedekiah would be tried at Babylon, and that a later editor who was followed by the LXX omitted part of the verse to make the prophecy historically accurate. In any case, the important point in this passage is the prophet's insistence that when Nebuchadnezzar tries, convicts and punishes Zedekiah, he is really acting as the agent of Yahweh.

In Ezekiel 20:33-38, the divine judgment is an instrument for sifting, refining and purging the people. This is the first time the idea of a judgment to separate the faithful from the unfaithful finds expression in a trial scene. However, the idea itself is old, being derived from Isaiah who said in Yahweh's name:

"I will turn my hand against you
and will smelt away your dross as with lye
and remove all your alloy". (1:25).

The oracle is addressed to members of the dispersion who have exchanged faith in Yahweh for strange cults or have worshipped Yahweh with strange forms. Yahweh, acting as king, will bring them out of the countries where they are scattered into the wilderness of the peoples where he will enter into judgment with them. This idea of the second Exodus may be derived from Hosea 2:16-17. But whereas
Hosea thinks of the wilderness as the place where Yahweh will be reunited with Israel, the woman whom he has divorced. Ezekiel regards the wilderness as a giant lawcourt where the people must undergo a judgment of purification. He causes the homecoming exiles to pass under his staff in order that he may separate the rebels from his faithful people (v.37) - a picture which is possibly in Jesus' mind when he says that the Judge at the Last Day will separate the sheep from the goats, placing the sheep at his right hand and the goats at his left (Mt. 25:32f.).

Richard Press believes that the staff in this passage is not merely a harmless shepherd's staff. It is a staff with a mysterious power used in a trial by ordeal. "Unheimliche Kräfte sind in diesem Stabe konzentriert. Wenn das Volk unter dem Stabe Jahwes hindurchgehen soll, so soll dem ganzen Zusammenhang nach durch diese Zeremoniell die Bestrafung und Aussöhnung der Schuldigen bewirkt werden. Von dem Stabe Jahwes muss also eine geheimnisvolle Fluchkraft ausgehen, die jeden, der sich des Bundesbruches schuldig gemacht hat, ergreift".1

This suggestion would be attractive if there were any evidence in the law codes or the historical narratives that a rod or staff was ever used in a trial by ordeal in the sanctuary. Since there is no such evidence, I think it is best to regard the staff mentioned in this oracle as a simple shepherd's staff used to separate the good from the bad, the punishment inflicted on the rebels being simply their exclusion from the future restoration. The rebels are brought out from the lands of their exile, but they are not allowed to share in the future restoration. They die in the wilderness as did the generation of Moses.

The year 587 B.C. when the Babylonians burned the temple and palace in Jerusalem, carried the population of that city into exile, and put an end to the Judaean monarchy, was one of the greatest turning points in the history of the Jewish race.

Subjection to a foreign power was of course no new experience for the people. Ever since the eighth decade of the eighth century, with the exception of a brief period of independence under Josiah, the kings of Judah had been vassals of one or other of the imperial powers. And even the deportation of the population of Jerusalem was merely a repetition on a larger scale of what had taken place in 598. Nevertheless, so long as the temple and the monarchy were in existence, there were still hopes that Judah might regain her independence.

In 587, all such hopes were shattered. Those who were in exile could not forget their native land, and longed to return home (cf. Ps. 137). And no doubt many of them would have said "Amen" to the prayer of a lonely exile by Mount Hermon (Ps. 42:7) that God might intervene on his behalf as the righteous Judge, who because he is righteous, must act as the Advocate and Deliverer of the oppressed:

"Judge me, 0 God, and plead my case
against an ungodly people;
from deceitful and unjust men deliver me.

Oh send out thy light and thy truth,
let them lead me,
let them bring me to thy holy hill
and to thy dwelling" (43:1,3).

However, when after about 50 years, many of those who had been exiled to Babylon did return home, they discovered what those who had remained behind had known for a long time - that life was very hard in
the small province of Judaea. A large part of the former kingdom of Judah had been overrun by the Edomites so that the Jews could barely exist on the meagre resources of the land that was left. Moreover they were still under the control of a foreign power.

Whether they were in Palestine or in other lands, the Jews now regarded themselves as an oppressed race. But it had always been a part of the faith of Israel that Yahweh was on the side of the poor and the oppressed. If judges robbed the poor or crushed the afflicted at the town gate, Yahweh would plead their case and despoil their despoilers of life (Prov. 22:22-23). He would act as the Advocate and Redeemer of the fatherless, pleading their case against all who would harm them (Prov. 23:10f.; Ps. 140:13). Therefore, now that the Jews were an oppressed people, they believed that they could count on Yahweh to intervene on their behalf.

**K- YAHWEH AS JUDAH’S ADVOCATE AND BABYLON’S ADVERSARY (Jer. 50-51)**

An exilic prophet whose words have been incorporated in the Book of Jeremiah (50:2-51:58) predicted that Babylon would soon be destroyed because of her oppression of the people of Israel and of Judah. Yahweh of Hosts saw the low estate to which his people had fallen and promised to intervene on their behalf. "The people of Israel are oppressed and the people of Judah with them; all who took them captive have held them fast; they refuse to let them go. Their Redeemer is strong; Yahweh of Hosts is his name. He will surely plead their case that he may give rest to the inhabitants of the earth, but unrest to the inhabitants of Babylon". (50:33-34). When Yahweh intervened on behalf of his people, his people and the other nations which were in exile in Babylon could go home (51:6ff), but Babylon would be utterly destroyed.

This prophet agreed with Jeremiah that the people were carried into exile because of their sins (50:6-7). But, unlike the post-exilic author of Micah 7, he did not regard the continued oppression of his people as the "indignation of the Lord because I have sinned against
thee", and he was unwilling to wait patiently until he "pleads my case and executes judgment for me" (Mic. 7:9). Believing, like his contemporary, the Second Isaiah, that the Jews had already received far more punishment than was their due (cf. Is. 40:2), he regarded the oppression which they were then enduring at the hands of the Babylonians "as the deed of violence of an insatiable one (51:34f) as presumption and impudence against Yahweh himself (e.g. 50:24, 29, 31f.; 51:24) which provokes Yahweh's revenge." Very soon, Yahweh would intervene to plead the case of his people and to take vengeance for them (51:36). When that happened, Babylon would become "a heap of ruins, the haunt of jackals, a horror and a hissing, without inhabitant." (51:37).

L - THE CASE OF THE JEWS IS YAHWEH'S CASE - Psalm 74

Combining his conviction that the Jews are God's chosen people with his knowledge that they have suffered, the author of Psalm 74 claims that their case is really Yahweh's own case. The people who are suffering are Yahweh's congregation (v.2). The sanctuary which has been destroyed is Yahweh's own sanctuary (vv.4, 7, 8). The enemy is scoffing not only at the Jews, but also at their God (vv.10, 18, 22). Therefore Yahweh must intervene, not only for the sake of the poor and needy (v.21) but also for his own sake. Knowing that, unlike Baal (cf. Judges 6:31) Yahweh needs no one to plead his case, this Psalmist cries out in confidence:

"Arise O God, plead thy case; Remember how the impious scoff at thee all the day. Do not forget the clamour of thy foes, the uproar of thy adversaries which goes up continually." (vv.22-23).

In the work of the poet-prophet of the exile which we find in Isaiah 40-55, the ribh metaphor is frequently used. Yahweh's controversy in Second Isaiah is almost always against the nations or against the gods of the nations. Only once (43:26ff) is his controversy against Israel mentioned.

The gods of the nations appear as participants in a lawsuit only in Second Isaiah and in Psalm 82 - one of the psalms of the New Year Festival. The prophet may well have been present during his youth at a number of New Year Festivals in Jerusalem at which, perhaps in the very words recorded in Psalm 82, Yahweh's death sentence against the gods who act unjustly towards the afflicted was pronounced.

If so, he must have spent many hours meditating upon the meaning of this ceremony; for he was a member of an oppressed people who were painfully aware of the apparent might of the gods of Babylon, and who longed to see a tangible demonstration that Yahweh was more powerful than these gods. Second Isaiah also was aware of the apparent greatness of the gods of the oppressing power. Nevertheless he was absolutely convinced that this greatness was only apparent. Gods made by men's hands were really profitable for nothing and their worshippers would soon be put to shame (44:10f.).

The chief theme of his poems is the incomparable superiority of Yahweh, the Creator and Lord of history to the idol-gods - a superiority which he believes is even now being manifested in the victorious career of Cyrus whom Yahweh has raised up to destroy Babylon and to set his people free.

Isaiah 41:1-4 is the first part of a trial scene in which Yahweh acts as Plaintiff and Judge while the nations play the part of defendant. According to 40:27, Israel has been complaining that her
has been passed over by God. And it is at least part of the answer to this complaint when Yahweh bids the nations draw near - i.e. for a judicial contest (41:1). In the course of this trial, it will be seen who is in the right - the nations and their gods, or Israel and her God.

In verses 2-4a, Yahweh cross-examines the nations about the explanation of Cyrus's victorious career. Who is responsible for the swift advance of his armies? Can any of their gods claim the credit for making his conquests possible? Since there is no response Yahweh answers his own questions. It was He, Yahweh, the first and the last, who stirred up Cyrus from the east and gave up nations before him. He, Yahweh, is the Creator and director of history who calls "the generations from the beginning".

The prophet seems to lose sight of the trial scene in verses 5 to 20 where he assures Israel in the name of Yahweh, that she will have a victorious future.

When the trial scene is resumed in verse 21, Yahweh addresses not the idolators who have shown that they are unable to answer his questions, but the idol-gods themselves. They are called upon to set forth their case ( ) and to bring forth their strong arguments( ) v.21. If they are gods, they should be able to explain the significance of recent events ( ) and they should be able to predict the future ( ). Since they are unable to obey these commands, Yahweh says to them, "Do good or do evil...", i.e. do something to prove that you are alive (v.23cd).

Because these Gods can do nothing at all the judgment goes against them by default. Verse 24 expresses the verdict of Yahweh, now speaking as Judge, both against the idol-gods and their worshippers:

"Behold you are nothing,
and you can do nothing;
he who chooses you goes astray." ¹

After he has given this verdict, Yahweh using the question and answer form (cf. vv. 2-4) sums up the evidence in favour of his claim to be the Lord of history. He stirred up Cyrus from the north. None of the heathen gods even prophesied his victorious career. But Yahweh gave to Jerusalem a herald of good tidings. Verse 29 repeats in different words the verdict against the heathen and their idols, and thus brings the lawsuit to a close:

"Behold they are all a delusion;
their works are nothing;
their molten images are empty wind."

Isaiah 43:9-13 depicts a lawsuit between Yahweh and the idol-gods on the subject of the uniqueness of Yahweh as Revealer and Saviour. The heathen nations are the false gods' witnesses (v. 9e) and the Israelites are Yahweh's witnesses (v. 10a and 12c).

Verse 9 a-d is best interpreted as a conditional sentence². "Were all the nations gathered together
and the peoples assembled,
who among them could declare this,
and show us the former things?"

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¹ - adopting C.C. Torrey's (The Second Isaiah, 1928, p. 318) emendation of the last three words to OQQ : יָמִי יָמִי יָמִי
Yahweh is addressing Israel, asking her what would happen if the nations were gathered together to be interrogated by Yahweh. If Yahweh questioned these nations regarding the power of their gods (cf. 41:2-4), which one of those gods could foretell the imminent redemption of Israel which Yahweh has predicted in verses 1-8 (v.9c) and which one of them could interpret the meaning of Cyrus's recent victories (v.9d)?

If the gods stood up to defend themselves, they would have to call upon their witnesses - i.e. the nations - to confirm what they have to declare (9ef). The prophet implies that these witnesses would be utterly unable to say, "It is true", with regard to any of the claims made by their idols.

The Israelites, on the other hand, who are Yahweh's witnesses know from their experience that all of his claims are true. Although the people of Israel have known many strange gods, they can bear witness that Yahweh is the only Saviour (v.11), and that at the beginning of their history when they knew no strange gods, Yahweh predicted and saved (v.12) - things which no other so-called god could do. Israel is to look once again at the events of her history and is to realize that, in the past, in the present, and in the future Yahweh is the one true God and that he is omnipotent (v.13).

In 45:20-21 the prophet imagines a trial which will be held in the future after the world-wide judgment which is now about to take place. The "survivors of the nations" - i.e. those who have not been killed in the world judgment - are summoned to draw near to argue their case with Yahweh (v. 20 a-c). V.20 d-g is an "aside" addressed to Israel about the ignorance of these nations who still pray to a god made of wood. The meaning of v.21a is not absolutely certain because the two verbs lack an object. Probably we should supply some such words as \( \delta \xi \gamma \eta \gamma \nu \gamma \) or \( \delta \xi \gamma \gamma \nu \) as the object of these verbs. The nations are to tell

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1 - J. Skinner - Isaiah xl - lxvi, C.B.S.C., 1917, p.73
their side of the case - the reasons why they still worship gods of wood.

In 21cd, the accused are interrogated in much the same terms as in the passages we have already examined about the ability of their gods to foretell the future. When the nations are unable to answer Yahweh's question, Yahweh supplies the answer in the form of a rhetorical question and an affirmation of his uniqueness as a righteous God and a Saviour (v.21 e-22).

We have examined all the passages in Deutero-Isaiah which could be called trial scenes. However, this prophet was so powerfully influenced by the thought of Yahweh as the Judge, Advocate, and Vindicator of his people that elements of the ḫibh form and lawcourt terms occur in several other passages in his work.

An element of the ḫibh form which is a regular part of the trial scenes in Second Isaiah is the cross-examination of the accused. Other passages in Second Isaiah which at least remind us of this element are 40:12-16; 40:21-26; 50:1-2.

When the Servant of Yahweh is discouraged with the apparent failure of his mission, he appeals to God, his righteous Judge, confident that his is with Yahweh (v.49c) and his recompense with his God (v.49d). And in the third Servant Song, the Servant challenges his legal opponent ( ) to contend with him. He knows that Yahweh his - i.e. the one who proves him to be in the right - is near. Therefore no one can declare him guilty (50:6-9).

In 43:26, Yahweh invites Israel to argue her case against him, and reminds her of the punishment which she has already suffered for her sins. However, for Deutero-Isaiah, Yahweh's controversy against Israel and his punishment of Israel is a thing of the past. Jerusalem has
drunk to the dregs from the cup of Yahweh's wrath, the bowl of staggering (51:17). But now, Yahweh who pleads the case of his people has taken this cup from their hand and will put it into the hand of their tormentors (49:14ff.).

Hosea claimed that even though Israel had been divorced because of her adultery, Yahweh would re-betroth her after she had undergone remedial punishment. (Hos. 2:4ff.). But Second Isaiah says that it is because Israel has neither been sold to a creditor nor given a bill of divorce that Yahweh can and will take her back (50:1ff.). He will give Egypt as her ransom, Ethiopia and Seba in exchange for her (43:3).

The prey cannot ordinarily be taken from the mighty, nor the captives of a tyrant be rescued. But Yahweh is Israel's mighty Advocate and Saviour who "will contend against your adversaries (49:24-25). When Yahweh has acted to deliver his people, all flesh shall see Israel's prosperity (49:19ff.) and the terrible fate of her oppressors (49:26ab; 47:1ff. etc.), and they shall come to know and honour Yahweh (49:26c-e; 45:14ff. etc.).

1 - reading instead of in v. 44 following the ' Ain Pesheka Isaiah manuscript, the LXX, Syriac and Vulgate.
In Jeremiah 50-51, when Yahweh pleads the case of his people, he takes vengeance on one specific nation, Babylon. Similarly, in Second Isaiah, although it is the nations and the gods of the nations who are addressed in the trial scenes, it is quite clear that the tyrant Babylon is the primary object of the divine judgment. Another group of people who, according to post-exilic writers were a special object of the divine wrath were the Edomites who had overrun Judaean territory at the time of the exile.

At the beginning of Isaiah 34, Yahweh summons all the nations to draw near, as if for a lawsuit, but really to hear their doom (v.1 ab.) Universal nature is also summoned to hear the divine verdict against the nations (v.1 cd; cf. Is. 1:2). Yahweh is enraged against the nations and has devoted them to destruction. (דָּאָ֣ה נַחֲלָתֵ֑ךְ - v.2). However, just as in the pre-exilic prophets the thought of Yahweh as world judge was combined with a proclamation of his controversy against his own people, in these passages we witness first his fury raging through heaven and earth (vv.2-4) and then his reeking sword being turned against Edom, the nation which in a special sense is the people of his דָּאָ֣ה נַחֲלָתֵ֑ךְ (v.5). He carries out a frightful sacrifice of appeasement in the land of Edom, exterminating the inhabitants of the land (vv.5-7). This is the day when Yahweh settles accounts with Edom because of the cruel way in which she has treated Judah.

"For Yahweh has a day of vengeance, a year of recompense for the case of Zion "(v.8).

The fate of the land of Edom is next described in two incompatible pictures; first, that of a perpetual conflagration (v.9ff.); second, that of a dreary solitude inhabited only by wild animals (v.11ff.). However the idea of Yahweh's loving care for the wild creatures in the desolate city (vv.16-17) prepares the way for the prediction of the
Marvellous transformation of nature (35:1-2). When nature is transformed, Yahweh shall appear as Redeemer of his people (vv.3-4), human infirmities shall be ended (vv.5-7) and a highway shall be raised for the redeemed of the Lord to return to Zion (v.8ff). While Edom is utterly desolate, the Jews in Zion shall experience everlasting joy.

N - A TWO-ACT TRIAL SCENE IN MALACHI

We have noted that, in contrast to the pre-exilic prophets who proclaimed Yahweh's controversy against his people as a whole, Ezekiel predicted a judgment of purification (Ez. 20:33-40) whereby the rebels would be separated from Yahweh's faithful people.

Similarly, post-exilic prophets such as Malachi and Third Isaiah divided the people of their day into two classes, the wicked and the righteous, the apostates and the faithful. They believed that not only foreigners but also wicked Jews were Yahweh's enemies. Therefore Yahweh would enter into judgment with these wicked Jews, and after they were annihilated, the righteous would enjoy a happy, prosperous future.

The people of Malachi's day are complaining that Yahweh is no longer just - that "every one does evil is good in the sight of Yahweh, and he delights in them". (2:17). The prophet's answer to these complaints is that even if the evil seem to fare just as well as the righteous in the present time, a day of judgment is about to dawn when everyone will receive the due reward of his deeds. In this coming judgment, there are to be two acts. First the messenger will come to purify the temple cult and the priesthood, and then Yahweh himself will come to judge his people according to their deserts.

The picture is complicated by the fact that 3:1 appears to mention three actors in the coming drama of judgment - namely, my messenger, the Lord, and the messenger of the covenant. According to J.M.P. Smith, the messenger of the covenant at the end of the verse 'can hardly be
identical with the forerunner, viz. 'my messenger', at the opening of the verse, for his coming is here made simultaneous with that of the 'Lord' who can hardly be other than Yahweh himself, and the coming of 'my messenger' is explicitly announced as preceding that of Yahweh. It is not at all unlikely, indeed, that the messenger of the covenant is here confused with Yahweh. F. Horst, on the other hand, reduces the actors to two by deleting v. 1 ef. 2

However, each of these solutions creates as many problems as it solves. Since the actor in vv.2-4 is referred to in the third person, it is natural to assume that this actor is the last person mentioned in verse 1, i.e. the messenger of the covenant if we follow the M.T. or Yahweh if we delete 1 ef. But Smith thinks that the messenger of the covenant is here confused with Yahweh, so that whichever of these two theories we accept, the actor in vv.2-4 is Yahweh. Yet, in verse 5, Yahweh speaks in the first person, saying that he is now drawing near to judgment - a clear indication that the actor in vv.2-4 is someone else. Horst recognizes this, and says that the actor in vv. 2-4 is the "Wegbereiter", in verse 5, Yahweh. This identification of the actors is undoubtedly correct, but it is contradicted by Horst's deletion of v.1 ef.

In my opinion, we should retain verse 1 as it stands in the Hebrew text and regard "the messenger of the covenant" as synonymous with "my messenger". I do not think that Smith is right when he claims that the coming of the messenger is here made simultaneous with the coming of the Lord. Malachi merely mentions "the messenger of the covenant" - an expression which is synonymous with "my messenger" after he has mentioned the Lord, in order to make it quite clear

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1 - J.H.P. Smith - The Book of Malachi I.C.C. - 1912 - p.63
3 - ibid. p.263
that the actor in vv.2-4 is the messenger, not the Lord.

The messenger comes to Jerusalem, and acts as a refiner or purifier (cf. Is. 1:25), purifying the Levites. The Levites have been criminally careless in their administration of the sacrificial system. They have despised Yahweh's name by offering to him blemished and diseased animals (1:6-14). After the messenger has purified them, however, they will offer right sacrifices to Yahweh. Then the sacrifices of Jerusalem and of Judah will be acceptable as in the former days (v.4).

There is a strong emphasis on sacrifice in this little book - an emphasis which is in striking contrast to the pre-exilic prophets' depreciation of the sacrificial ritual. According to Isaiah, sacrifice is of no value until men "cease to do evil, learn to do good" (Is.1:17). According to Malachi, the messenger must first purify the temple cult before Yahweh will appear to judge the sinners amongst the people.

When God finally appears (v.5) he enters the temple (cf. V.1), and sets up a lawcourt in which he is plaintiff, chief witness, and judge. He does not come to contend against the whole people, but rather to try the cases of the notorious evil-doers about whose immunity from punishment the rest of the people have been complaining (cf. 2:17) - the sorcerers, the adulterers, those who swear falsely, and those who oppress the weak - in other words, all the types of sinners which have been condemned in Israel from the earliest times. By trying their cases swiftly and imposing upon them the sentences which they deserve, he vindicates his reputation as a God of justice.

**0 - Yahweh's Controversy Against Apostates and Syncretists in Third Isaiah**

In Third Isaiah where the ribh metaphor is used several times, the controversy is between Yahweh and an apostate or syncretistic section of his people.
In 56:9 - 57:2, the prophet condemns the corrupt and greedy spiritual leaders who are unconcerned about the fate of the righteous. Then suddenly, in verse 3, he turns to a group of apostates, and calls upon them to draw near for judgment.

A prominent feature of this ribh is the interrogation. These "children of transgression" must explain their strange conduct. Of whom are they making sport? Whom are they deriding (v. 4)?

In v. 4d, the interrogation merges with the indictment, and in verses 5-10, we find a series of accusations against the apostates. They are taking part in the ancient fertility cult "under every green tree" (v. 5ab) and are committing immoral sex acts in the shrines of the fertility god (vv. 7-8). They sacrifice children (v. 5cd) and offer drink offerings and cereal offerings to the strange gods which they worship in the valley (v. 6). Not content with worshipping the gods which are native to Palestine, they send ambassadors to a foreign god (vv. 9-10).

In the midst of this series of accusations, the divine Plaintiff asks the apostates if they think he will be appeased concerning these things (v. 6e) - in other words, whether they think they will escape scot-free. Then, in verse 11, they are interrogated concerning the reason for their desertion of Yahweh. Who was the strange god that they feared (11 a-d)? Was it because Yahweh held his peace that they ceased to fear him (v. 11 ef)?

Although Yahweh has refrained from punishing them for a long time, a day of judgment is about to dawn. The prophet speaks ironically about their righteousness and doings which will not help them in that day (v. 12). Neither will the idols in which they have trusted deliver them (cf. Jer. 2:23), for these idols will be carried away by the wind (13 a-d). The idolaters will be destroyed along with their idols, but those who trust in Yahweh will inherit the land (13 ef).

A strong contrast to this trial scene is formed by verses 14-20,
especially verse 16 where we are told that, because man is God's special creation, he will not contend against him forever. Although God has seen Man's sinful ways, he will heal him (v.18). There will be "peace, peace, to the far and near" (v.19). Yet the God of Israel is still a moral God, and there are some men so irretrievably bad that there can be no peace for them (v.21).

Isaiah 63:7 - 64:11 is a confession of guilt and pleading prayer addressed by the prophet on behalf of the people to Israel's God (63:8) and the Father and Creator (v.16). The prayer begins with thankful remembrance of Yahweh's goodness to Israel in times past (vv. 7-9). The ideal relation which once existed between Israel and her covenant God has been broken through the rebellion and ingratitude of the people (v.10). Yet, in a time of distress, the better mind of the nation looks longingly to the Mosaic age when Yahweh fought for his people and made for himself a glorious name (vv.11-14). At the present, Yahweh seems to be remote (v.15), although it is he alone who is the Father and Redeemer of his people (v.16). The people are sinful, but this is at least partly because their "faint aspirations Godward were checked and baffled by the continued evidence of Jehovah's displeasure."¹ (v.17).

As the prophet looks at the desolate site of the temple, he pleads with God to rend the heavens and come down (64:1-5a). The people are sinful (vv. 5b-7), but Yahweh is their Father and Creator (v.8). Can he look upon the desolate cities of Judah and the temple which has been burned, and still remain silent (64:9-11)?

At last, in 65:1ff. Yahweh speaks. The people have accused him of aloofness and unwillingness to help. Therefore, the beginning of Yahweh's speech is his self-defence. Far from being aloof, He was always accessible to the people, but they did not call upon his name (v.1). As men spread their hands out to God in prayer, so Yahweh has

¹ - J. Skinner - Isaiah XL - LXVI - C.B.S.C., 1917 - p.194
spread his hands out to the people imploring them to return to Him, but his gracious invitation has been rejected (v.2).

Although there are several places in the Old Testament where men accuse God of treating them shamefully, this is the only place where we hear him defending his case. And it is significant that this self defence merges in v. 2c into his indictment of the rebellious people "who walk in a way that is not good following their own devices". In vv. 3-5 he levels his accusations against the apostates who have indulged in corrupt and superstitious cultic practices. The meaning of some of the phrases in this section are obscure. But "sacrificing in gardens" (v.3) seems to be a reference to a wide-spread nature cult, and the sitting in tombs (v.4ab) is probably for the purpose of consulting the dead. The devotees of this cult break Jewish food laws by eating swine's flesh and other unclean food in their sacrificial meals (v.4cd). It is a mystic cult, and the initiates tell the uninitiated to stay away from them (v. 5ab).

All these superstitious cultic rites have aroused Yahweh's wrath (v. 5b). His accusations against these apostates have been written on a scroll (v.6; cf. Job 31:35; Ps. 149:9), and their punishment is certain. Their fathers in past generations provoked Yahweh by their worship in the "high places", and the punishment which is now about to come upon the children is called forth both by their own guilt and by that of their fathers (v. 7; cf. Jer. 2:9; Mt. 23:29-36).

Yet Yahweh will not destroy the whole people. There is still a righteous remnant. There are still clusters in which are to be found a blessing, and he will save them from the general destruction (v.8). When a separation is effected, the elect will inherit the land - the whole land from the plain of Sharon in the west to the valley of Achor in the east (vv. 9-10), but those who forsake Yahweh to worship Gad and Meni are to be destroyed (vv.11-12). The faithful
shall eat while the apostates are hungry; the faithful shall drink while the apostates are thirsty; the faithful shall rejoice while the apostates are put to shame; the faithful shall sing for joy while the apostates wail for anguish (vv.13-14). These verses, like St. Luke's versions of Jesus' Beatitudes and Maledictions (Lk.6:20-26) are probably meant to indicate a complete reversal of present conditions. All that will be remembered of the apostates is the use of their name for a curse (15a). When the apostates have been destroyed Yahweh will create a new world for his servants (v.17) who worship only the true God (v.16). In the new world they will have no more sorrow (vv.18-19), their lives will be lengthened (v.20), they will enjoy undisputed possession of the land (vv.21-23), their prayers will receive an immediate answer (v.24), and harmony will prevail in the animal world (v.25.).

Isaiah 66:3-16 deals with three closely related themes; first, Yahweh's judgment against his enemies amongst the Jews (vv.3-6); second, the happy and prosperous future which his servants are to enjoy (vv.7-14); third, Yahweh's judgment against his own and his people's foreign enemies (vv.15-16).

Verse 3 is his indictment against certain Jews who fulfil the ritual requirements of the Yahweh cult, but at the same time worship idols and perform sacrificial rites connected with pagan cults. Because these people have chosen their own ways (3e) and delight in their abominable practices (3f), Yahweh will choose for them the appropriate punishment (v.4).

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1 - I agree with Volz (Jesaia II, K.A.T. 1932, p.288f), that vv.1-2 constitute a separate oracle from a different period. Whereas the "uproar" in v. 6 comes from the temple, and the indictment in v.3 presupposes the existence of a temple where men may sacrifice to Yahweh, vv.1-2, were written while the temple was in ruins and plans were being made to rebuild it.
The syncretists are mocking the faithful who believe that Yahweh is about to intervene on their side. But it is the syncretists who shall be put to shame (v.5). Very soon, a loud noise will be heard from the city and temple - a noise caused by Yahweh as he renders a recompense to these Jewish enemies (v.6).

After these enemies have been destroyed, Yahweh's faithful servants will enjoy a happy and prosperous future (vv.7-14) (cf. 65:12ff.). If foreign nations attempt to oppress them, Yahweh will be indignant against these foreign enemies (v.14d). On behalf of his servants, he will enter into judgment ( Jeremiah 9 ) with all flesh. He will use fire and sword as his instruments for executing the death sentence against them, "and those slain by Yahweh shall be many" (v.16).

P - YAHWEH'S CONTROVERSY AGAINST ALL NATIONS (Additions to Jer. 25)

Jeremiah 25:15ff. in its original form describes a vision in which Jeremiah was sent to certain specified nations to make them drink from the cup of Yahweh's wrath. This account, however, was changed into a description of a world judgment by a post-exilic editor who extended the list of nations until it included "all the kingdoms of the world which are on the face of the earth" (v.26). At the end of the list, this editor also added verse 27 which repeats the instructions in verse 16, verse 28 which provides for the possibility that a nation may refuse to drink, and verse 29 which gives the reason why, in his opinion, the nations must be punished. Like many post-exilic writers, he believed that Judah was relatively innocent so that if she must be punished first the other nations could not hope to escape unharmed.

The explanation of the cup vision (vv.30-38) is certainly post-exilic in its present form, although it is probable that in this section also there is a Jeremianic nucleus. According to the first part
of verse 30, Yahweh roars from his heavenly temple (cf. Am. 1:2; Joel 4:16) against his fold - i.e. Jerusalem. In v.30ef, however, the image changes to that of the treader of the grapes (cf. Is.63: 1-6) and the judgment is extended to embrace the whole earth.

Yahweh has a case (ר"פ) against all nations; he is entering into judgment against all flesh, and those who are proved to be guilty he puts to the sword (v.31). The shepherds and the lords of the flock (i.e. the rulers) cannot escape on the day of Yahweh's wrath (v.34ff.) when he uses a foe from the uttermost parts of the earth to execute his judgment upon all nations (v.32). On that dread day, the corpses "shall extend from one end of the earth to the other" and no one shall be left alive to bury them. (v.33; cf. Is. 66:16).

Q - YAHWEH'S CONTROVERSY AGAINST ALL NATIONS - Joel 4

The classical expression of the common post-exilic theme of Yahweh's judgment against the whole world is found in Joel 4. In this passage, however, as in Is. 34, the idea of a special judgment against certain specified nations is combined with the belief in world judgment. The coming judgment is to involve first Israel, second the Philistines and Phoenicians, and third the entire heathen world.

Not all Jews but only the true believers - those "who call upon the name of Yahweh" - shall be saved in those days (3:5). Then Yahweh will restore the fortunes of this remnant of Jerusalem and Judah and will enter into judgment with the nations in the valley of Jehoshaphat (4:1-2).

This is the only place in the Old Testament where the term, "Valley of Jehoshaphat" is used. And it is probable that the Kidron
Valley in Jerusalem was not called by this name until several centuries later. Joel does not have any particular valley in mind. He simply gives this name to the place where Yahweh will judge the nations because Jehoshaphat means "Yahweh has judged".

Verses 2e - 3 contain Yahweh's charge against all nations. They are to be judged because of the shameful way in which they have treated God's people. They have scattered the Jews among the nations, and have divided up their land amongst themselves (v.2ef). They have had no consideration for their captives, but have even sold the children so that they might buy wine and hire harlots (v.3).

Before he pronounces sentence against all nations, the prophet in Yahweh's name, interrogates two long-standing enemies of the Jews, the Phoenicians and the Philistines. Do they think that Yahweh should exempt them from the doom which is about to overtake all nations? Can they claim that they were merely seeking justice when they acted violently against Israel? Yahweh warns them with grim irony that, if they claim they were recompensing him, their so-called recompense will be repaid to them (v.4).

In verses 5 and 6, the charges against the Philistines and the Phoenicians are listed. They have plundered Israel, depositing the booty in their temples (cf. I Sam. 5:1f; 31:10; II Chron. 21:17), and they have sold Israelite slaves to the Greeks.

These nations must receive and will receive a punishment to fit their crimes. As in Psalm 149, the punishment is to be carried out by the Jews whom Yahweh is now stirring up from the places to which they have been sold (v.7). The Philistines and Phoenicians have sold the Jews as slaves to the Greeks, and the Jews will requite them by selling some of their sons as slaves to the Sabeans (v.8).

After these two nations have received their special punishment at the
hands of the Jews, Yahweh will execute judgment against the whole heathen world. All nations are summoned to prepare for a great war in which they will require all their manpower and every conceivable weapon (vv.9-10). They must come down to the Valley of Jehoshaphat where Yahweh's warriers, i.e. his angelic hosts, are ready to meet them (v.11) and where Yahweh sits as Judge (v.12).

The crimes of the nations have been listed, and their false pleas heard (vv.2-6). Now a verdict is quickly reached and the Judge orders the angels to carry out the death sentence. The heavenly executioners are referred to as reapers and as treders in the wine-press (v.13: cf. Is. 63:1-6; Jer. 25:30). The Day of Yahweh has come, and the sentence is being carried out in what the prophet now calls "the Valley of the Verdict" (v.14). Even the heavens and the earth are involved in this final Judgment (vv.15-16). "As in the chaos of the world's creation, the earth at the end lies in darkness."¹

On this terrible day, Yahweh is the refuge of his chosen people (v.16de). He protects them from the terrors of this day of judgment. From now on, Yahweh shall dwell in Zion blessing his people (v.17ab). He will no longer allow foreign pagans to violate the sanctity of Jerusalem (v.17cd), Judah shall enjoy extreme fertility (v.18) and the Holy Land and holy city shall be inhabited forever (v.20). But at the same time, the lands of Judah's enemies shall be desolate because of their crimes against Judah:

"Egypt shall become a desolation
and Edom a desolate wilderness,
for the violence done to the people of Judah,
because they have shed innocent blood in the land" (v.19).

Joel, like Third Isaiah and other post-exilic writers believes in a God who shows special favours to faithful Jews and punishes their enemies without mercy. Yet this is not a purely nationalistic eschatology. Not all Jews are saved, but only those who are faithful to Yahweh. And foreigners are punished not because they are foreigners but because of their sins. Therefore, in spite of the partiality towards the Jews which was felt and expressed by Joel and other post-exilic writers, it was still possible for some Jews of the first century A.D. to accept the universal implications of the moral and spiritual religion proclaimed by Jesus of Nazareth.

Bigotted Jews such as Simon Peter and Saul of Tarsus who were converted to Christianity were able to rid themselves of their inherited conviction that God had chosen the Jews for special privileges which the Gentiles might not enjoy. Following the Master who had said that "men will come from east and west, and from north and south, and sit at table in the kingdom" (Lk. 13:29; cf. Mt. 8:11), these men accepted as the basis of their mission to the Gentiles their new conviction "that God shows no partiality, but in every nation any one who fears him and does what is right is acceptable to him" (Acts. 10: 34-35).
chapter V

Man Contends Against his Divine Adversary;
Man Appeals to his Divine Advocate

A - THIS PEOPLE'S CONTROVERSY WITH GOD

(1) The Murmurings of the Israelites in the Wilderness -

In chapter II we referred to the dual tradition of the murmuring of the people of Israel against Moses in the wilderness (Ex. 17:2ff.) and (Num. 20:2ff.). The cause of the rebellion is clearly the hardships of life in the desert, specifically the lack of water. Therefore the story can be understood quite simply as the record of the Israelites' mutiny against Moses who has led them out of a fertile land into the wilderness - a desolate country where it is impossible to secure even the basic necessities of life.

Yet this story is important theologically because, in both versions we are told that this is not merely a dispute between the people and Moses - Yahweh is also involved. According to Exodus 17; 2 and 7, the people who grumble about their hard lot are testing (יהוה) Yahweh by acting as if they are uncertain whether he is in their midst and able to help them (v.7). And in Numbers 20:13, it is stated directly that complaints against Moses are complaints against Yahweh. The stream which comes forth from the rock when Moses strikes it is called "Waters of Strife" (יִשְׂרָאֵל יִשְׂרָאֵל וֹא יִשְׂרָאֵל), because the people of Israel have contended (יִשְׂרָאֵל), there against Yahweh.

Similarly, on another occasion, in response to the murmurings of the people of Israel, Moses is reported to have said, "At evening you shall know that it was Yahweh who brought you out of the land of Egypt, and in the morning you shall see the glory of Yahweh because he has heard your murmurings against Yahweh. For what are we that you murmur against us .... When Yahweh gives you in the evening flesh to eat and in the morning bread to the full, because Yahweh has heard
your murmuring which you murmur against him - what are we? Your murmuring are not against us but against Yahweh". (Ex. 16:8-10).

These statements to the effect that complaints against Moses are complaints against Yahweh are not merely theological interpretations of a later age. They correspond to the doctrine which was basic to the faith of Israel from the beginning - the belief that it was no mere man but Yahweh himself who had led Israel out of Egypt, and that Yahweh was responsible for everything, both good and evil, which happened to the nation from that time onward. The complaints which the Israelites in the wilderness direct against Moses are really complaints against Yahweh by whose power and in obedience to whose command Moses has led them out of Egypt into the wilderness.

Yahweh is occasionally aroused to anger by the murmuring of the people (cf. Num. 11:2) and frequently it is necessary for Moses to intercede on their behalf (Ex. 15:25; 17:4; Num. 11:2; 11:11-15; 20:6) before Yahweh acts to mitigate the hardships which have caused the people to contend against him. But ultimately he does hear the complaints of his suffering people and responds favourably. He who causes his people to hunger supplies them with food. He who causes his people to thirst supplies them with water. The adversary against whom they contend becomes their advocate.

(2) Psalm 44 - The theme of the people's controversy against Yahweh occurs not only in these early narratives but also in post-exilic complaint psalms such as Psalm 44.

Verses 2-16 of this Psalm might be called the history of the case. In vv. 2-9, we are told that it is because God has been the Deliverer of his people in times past that they still trust in him. Yet, in more recent times, he has ceased to save them from their foes. Therefore the next six verses are devoted to accusations against God, blaming him for all the evil things which have happened to the nation. He has failed to go out with Israel's armies so that the people have been
defeated (vv.10-11). He has scattered them among the nations demanding no high price for them (vv.12-13). He has made them an object of derision amongst the peoples (vv.14-15).

Then follows an affirmation of the people's innocence. They have not been false to the covenant (v.18). They have not departed from God's way (v.19). If they had forgotten the name of their God or worshipped a strange god, they would have expected God to discover this and punish them (vv.21-22; cf. Job 31:13-14). Since the Psalmist knows that there has been no such national apostasy for which God could justly punish his people, he concludes that they are suffering not as a result of unfaithfulness, but precisely because of their faithfulness.

"Nay, for thy sake we are slain all the day long,
and accounted as sheep for the slaughter". (v.23)

In the name of all the innocent sufferers, the Psalmist calls upon Yahweh (vv.24-27) confident that he who has brought all this evil upon the nation and who now seems to be asleep will deliver them.

(3) - Lamentations 3 - Some of the severest words of accusation against God in the Old Testament are found in Lamentations 3. It is uncertain whether this psalm should be understood individually or corporately. The subject of verses 1-24 and of verses 48-66 is "I" while the subject of verses 40-47 is "we". It is probably best to account for these changes of subject by supposing that "the author is quite beyond the distinction between the individual and the group and is simply giving the profoundest kind of expression to the long-recognized Hebrew category of corporate personality". ¹

The climax of the accusations against God found in the first part of the psalm comes in verses 10-13 where God is compared to a lion or a bear lying in wait, then leaping out upon its unsuspecting prey to tear it to pieces, and to an archer shooting arrows into his kidneys. Yet the poet reflects upon God's covenant love and mercy toward Israel, and is convinced that he will yet have compassion on the afflicted nation. He knows that, in spite of appearances, God is fundamentally just, and disapproves of all injustice (vv.34-36). Many times in the past, he has acted as Israel's Advocate and Redeemer, pleading her case (and redeeming her life (v.58). Therefore he is certain that, in the present crisis, he will judge the case of his people righteously (3:59) and will take vengeance upon all their enemies (vv.64-66).

B - JEREMIAH'S RIBROTH

In the midst of Jeremiah's oracles of doom against Judah, we find a number of prayers in which the prophet brings before Yahweh his complaints about the physical and spiritual suffering which he is called upon to endure. If we were able to ask Jeremiah to give a general title to this series of poems, I suspect that he would call them his ribroth, for, in them, it is clear that the prophet imagines he is standing in a lawcourt contending against his adversaries, and appealing for vindication.

Who are Jeremiah's adversaries? Against whom is he contending? It is clear that he has human enemies who are ridiculing him and even at times plotting to take his life. And in 18:19 he refers to the prophets, priests and wisemen as his .

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1 - It is obvious from the context that vv.34-36 do not mean that God is unable to see the acts of injustice which are being perpetrated in the land. Some scholars follow the Targum in regarding these verses as a rhetorical question. Yet there is no interrogative particle. In the exegesis given above I have accepted "approve" as a legitimate translation of Hebrew . As T.J. Meek (Exegesis of Lamentations, I.B. Vol. VI, 1956, p.27) says, this translation can perhaps be defended from the English "to countenance".
In a far deeper sense, however, Yahweh is Jeremiah's Adversary. Jeremiah was unwilling to become a prophet, but Yahweh prevailed against him (20:7) and forced him to declare the divine word which made him an object of reproach and derision (20:8cd; 15:15e). When he suffers at the hands of his enemies, he is convinced that Yahweh is on their side, not only refusing to act in anger against them (15:15d) but even causing them to prosper (12:1-2).

Yet Jeremiah also believes that Yahweh is the Judge of Righteousness (יהוה ישות) who knows that he is innocent because he tries the secret thoughts and the heart (11:20ab; 20:12ab; cf. 12:3ab). Therefore he commits his case to Yahweh (11:20d; 20:12d), appealing to Yahweh to vindicate him by taking vengeance on his enemies (11:20c; 12:3cd; 15:15bc; 17:16; 18:21-23; 20:12c).

These appeals do not remain unheeded. On two occasions, Jeremiah receives a divine assurance that the enemy shall not be able to overcome him (15:20; 12:11), and on two other occasions, Yahweh promises that he shall take vengeance on those who persecute his servant (11:21-23; 15:13-14).

The ribb recorded in 15:15-21 begins with a brief enigmatic phrase - "thou knowest". The omission of this phrase in the LXX may perhaps be accounted for by the translator's inability to understand its meaning. I think that we should retain it. The meaning is that Yahweh knows that Jeremiah is completely innocent, that the suffering which he has endured is entirely undeserved (cf. 17:16). Jeremiah is convinced that his suffering is not a result of any evil he has done, but rather of his faithfulness to Yahweh. For Yahweh's sake he has suffered reproach (v. 15e; cf. Ps. 44:23; 69:8). In spite of this, however, Yahweh is so slow to act in anger against Jeremiah's enemies that Jeremiah is afraid that he will not even prevent them from killing him (v.15d). Therefore he appeals to Yahweh to remember him, and to act quickly to take vengeance on these persecutors (v.15bc).
Verses 16-17 might be called the history of the case, for, in these verses, Jeremiah is pointing out the marked contrast between the joy which he has known and the utter misery which he is now experiencing. At one time, the possession of Yahweh's word was a source of joy to him and the delight of his heart (v.16). But this is the case no longer, for his faithful proclamation of Yahweh's word has excluded him from the company of merry-makers and has forced him to dwell alone (v.17).

In verse 16, the Prophet interrogates Yahweh about the reason why he does nothing to ease his pain:

"Why is my pain unceasing,
my wound incurable,
refusing to be healed?
Why wilt thou be to me like a deceitful brook,
like waters that fail?"

Finally Yahweh answers the impatient prophet's prayer. Jeremiah is warned that murmuring about his hard lot as a prophet is tantamount to rebellion against Yahweh. He must return to Yahweh, accepting the hard conditions of service which are offered to him if he would know the joy of standing in the divine presence once more (v.19bc). From now on, when he speaks in the name of Yahweh, he must surrender his own will and utter only the precious words which Yahweh gives to him (v.19de). Men will turn to him seeking oracular assurances that all is well (v.19f). But he must not turn to them to give them what they seek (v.19g). There is no promise here that Jeremiah's wounds will be healed, no assurance that Yahweh will take vengeance on his persecutors. He is merely promised that, if he will be faithful, Yahweh will strengthen him to endure the persecutions which will be his lot, and that Yahweh will deliver him out of the grasp of his ruthless adversaries (vv.20-21).

According to 17:14ff., the prophet is enduring both ridicule (v.15)
and persecution (v.16a). It is possible that the torture which he has endured at the hands of his persecutors has undermined his physical health so that he must pray for healing (v.14). However his main complaint here is about ridicule. Because his prophecies of disaster have not been fulfilled, men are mocking him saying "Where is the word of Yahweh? Let it come". (v.15). As is clear from what follows, the ridiculers believe that these unfulfilled prophecies have been invented by Jeremiah, and that he is now urging Yahweh to vindicate him by fulfilling them. Verse 16 is Jeremiah's assertion that he is completely innocent of any such crime. He has not urged Yahweh to send evil, nor has he longed for the desperate day (v.16ab). Yahweh knows that he has not concocted any worthless oracles out of his own head, but has faithfully proclaimed the precious words which came forth from before Yahweh's face (v.16cd: cf. 15:19). Although he has not longed for the day of evil, he is absolutely certain that it is coming, and he prays that, in that day, Yahweh will not be a terror to him, but will protect him (v.17).

The poem ends with a prayer that Yahweh may put Jeremiah's persecutors to shame and destroy them with double destruction (v.18). Some commentators doubt that Jeremiah could have uttered such a severe imprecation against his adversaries, especially so soon after he has said that he has not desired the day of evil. But the prayer for vengeance against his persecutors is a thoroughly characteristic element of Jeremiah's piety which we cannot honestly expunge from the record no matter how much we would like to make Jeremiah into a long-suffering "Old Testament Christian". Moreover there is no real contradiction between verse 16 and verse 18. It is true that he did not long for the desperate day - i.e., the day of national calamity. But his prayer for the downfall of his persecutors is a different matter. In Jeremiah's opinion, no punishment which Yahweh can inflict upon them will be too severe. He is convinced that their complete overthrow will be

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1 - reading הֶלְלָה instead of הָלָה - see B.H.
an essential part of his own vindication.

According to Jeremiah 18:18, the prophets, priests, and wise men have all turned against Jeremiah and are plotting to take his life. Probably the immediate cause of these plots is a prophecy by Jeremiah of the end of the state with all its institutions—especially the temple priests, the prophets, and the sages. The men against whom this prophecy is directed are convinced that it is false. But they are also aware that a man who makes such predictions weakens the public's confidence in them and thus endangers their livelihood. The assertion that the law shall not perish from the priest, nor counsel from the wise, nor the word from the prophet, is not only a denial of the truth of Jeremiah's prophecy. It is also the affirmation of the prophets, priests and wise men that they still have power, and that they are going to use this power against Jeremiah.¹ They plan to smite him with the tongue,—i.e. to circulate ruinous slanders about him—and to watch carefully² all his words to find some statement which they can report to the authorities so that he may be brought to trial and condemned to death.

Jeremiah finds out about the plots which these enemies are making to take his life and appeals to Yahweh to listen to what his adversaries are saying (Jer. 18:19) and to intervene on his behalf. Like the author of Psalm 109, Jeremiah claims that he has borne no ill-will toward these enemies, and has even prayed for them that Yahweh might turn back his anger from them (v.20cd.; cf. Ps.109:4). Yahweh is to remember these intercessions—to take them into account (Josh. 10:1) when he declares the verdict.³

²—omitting the negative before following LXX
³—D.P. Volz (op. cit. p.199) says "Josh. ist forensisch zu verstehen vom Anrechnen des Richters, wenn er seinen Spruch fällt".
The prophets, priests and wise men have turned against the man who prayed for them, and have made plots against him. Jeremiah has no patience with those who requite evil for good. He is anxious to see them punished with the punishment which they so justly deserve, and he believes, once again like the author of Psalm 109(v.6ff), that they deserve no less than complete annihilation (vv.21-23).

May Yahweh not forgive their iniquity, but deal with them in the time of his anger (v.23: cf. Ps. 109:14), blotting out their children by the sword or by famine, and leaving their women to die as childless widows (vv.21-22).

In the ribloth of Jeremiah which we have examined so far, although the prophet knew that he had powerful enemies who were seeking his life, there is no indication that he thought everyone was his enemy. He probably believed that he had some friends, who, if they were not doing anything to help him, at least were not in active opposition. But there were moments in his life when he was convinced that his prophecies of disaster had turned absolutely everyone against him. In one such moment, he cried out in anguish:

"Alas for me, my mother, that you bore me,
A man of strife and contention to the whole land;
I have not lent, nor have I borrowed, but they all curse me"

(15:10)

A person undergoing trial in the sanctuary was required, in certain circumstances to say "Amen" to the curses pronounced by the priest (cf. Num. 5:19-22). And, in a similar manner, Jeremiah declares that he would say "Amen" to the curses directed against him if it were not for the fact that he has made supplication to Yahweh for the welfare of those who have become his enemies (v.11).
13 and 14 as later additions here and some regard verse 12 as an addition also, I am convinced that it is possible to interpret these verses in their present context. It is true, of course, that there is an almost exact duplicate of 15:13-14 in 17:3-4. But this does not mean that the scholars are right who say that the oracle has been introduced here from chapter 17 where it properly belongs. On the contrary, the facts that what is generally recognized to be the better text of the oracle is preserved in 15:13-14 and that the LXX translator has omitted 17:1-4 indicate, I think, that the second version of the oracle is a later addition based on 15:13-14. There is no reason to doubt that this first version of the oracle could have been uttered by Jeremiah almost exactly as it stands in the M.T. I am convinced that verses 13-14 constitute the logical sequel to verse 12, and that these three verses are the divine response to Jeremiah's complaint. Verses 10-14 and verses 15-21, however, are two (mutually) independent sections.

The divine response to Jeremiah's complaint begins at verse 12 in the form of a reassuring oracle and continues in verses 13-14 in the form of an oracle of doom which Jeremiah is to address to the people who have cursed him. Verse 12 is Yahweh's assurance to Jeremiah that, just as it is impossible to break iron or bronze, so the enemies will be unable to break Jeremiah who has been made like an iron pillar and bronze walls against the whole land (cf. 1:18; 15:20).

The iron is called "iron from the north" because the iron obtained from Pontus was famous in the ancient world. But the reference to the north country reminds Jeremiah that the north is also the direction from which invasion is to break forth upon the land of Judah. He becomes convinced that Yahweh is telling him to prophesy the plundering of Judah by an enemy (v.13) and the exile of the people of Judah to a foreign land where they will be slaves of this enemy (v.14).

Jeremiah has often expressed a wish that Yahweh should take vengeance
upon his enemies. And, on previous occasions, Yahweh has not promised to execute such vengeance. But, on this occasion, when Jeremiah's faith is at the breaking-point as he believes that everyone is against him, he receives the assurance that, just as everyone has cursed him, so everyone will suffer in the coming invasion and exile.

There is one passage in Jeremiah, namely 12:1-6, where Jeremiah clearly regards the suffering which he is called upon to endure as only one example of the general problem of human suffering. In this passage he starts legal proceedings with Yahweh, not only on his own behalf, but also on behalf of all innocent sufferers.

However, before we can discuss 12:1-6 intelligently, it is necessary to take note of the fact that most scholars believe that the text of 11:18-12:6 is in disorder, and to try to arrive at our own solution to the problems which are inherent in the text as it now stands. In both 11:16-23 and 12:1-6, there are references to plots which are being made against Jeremiah's life. In 11:18, Jeremiah tells us that Yahweh has warned him of "their evil deeds" (יוֹרָם) and in 11:19, we are told that the evil deeds referred to are plots to take his life. But not until the beginning of the divine oracle in verse 21 are the plotters identified as men of Anathoth. Then, in verses 22 and 23, Yahweh promises Jeremiah that these men who have sought to take his life will be annihilated along with their entire families.

A new beginning is made in 12:1-2 where Jeremiah complains about the prosperity of the wicked. These verses, taken alone, could refer to the wicked in general. But it is clear from the prayer for vengeance in verse 3 that at least some of the wicked men are his personal enemies. Verse 4 is a lament about the suffering which men, birds and beasts are enduring because of the wickedness in the land. But in the divine response in verses 5 and 6, the problem is narrowed
down once more to Jeremiah's personal problem. The prophet is warned, that although he has had troubles already, even worse troubles are to come (v.5), for even his brothers and the household of his father have acted treacherously against him (v.6).

If the text is in the right order, 12:5-6 can be interpreted to mean that, although Jeremiah has already had severe troubles, specifically the plots of the men of Anathoth to take his life, worse troubles are coming, for he will soon discover that his foes are not merely men of his home town, but also his close relatives. However, the metaphors used in 12:5 of a race with men and a race with horses, travelling in a safe land and travelling in the jungle suggest a sharp contrast between experiences Jeremiah has just had and experiences he is about to have, and it is difficult to believe that Jeremiah would regard plots by his own family as sufficiently harder to bear than plots by his fellow-townsmen to justify these metaphors. I think that the majority of scholars are right when they claim that Jeremiah's brothers and the household of his father who are referred to in 12:6 are the men of Anathoth about whose plots Jeremiah is complaining in 11:18ff., and that both passages refer to the same event.

If this identification is correct, the text is clearly in the wrong order, for Yahweh's warning about the plots of Jeremiah's kinsmen against his life (12:6) must come before Jeremiah's description of these plots (11:19). We have already noted that 11:18 refers to "their evil deeds", and that we are told in 11:19 that "they" are making plots against Jeremiah. But we are not told to whom the pronominal suffix and the verb in the third person plural refer until verse 21. However any re-arrangement which places 12:6 next to 11:18 has two distinct advantages. If such a re-arrangement is made, we are informed in a suitable place of the identity of the plotters, and the problem of interpreting 12:1ff. is greatly simplified.

Modern scholars, believing that the sense of the passage is
greatly improved if we remove 12:6 and one or two other verses to new locations, have offered a number of suggestions for the re-arrangement of the text. Rudolph, Rowley and Weiser all place 12:6 between 11:18 and 11:19, while Volz and Noetscher prefer to place this verse in the middle of 11:18 immediately after the word "יִזְזָהוּ".

Another important suggestion made by both Volz and Rudolph is that 12:3 originally stood in the middle of 11:20. Noetscher, on the other hand, thinks that this verse is in its correct position in the received text.

Nearly all the scholars believe that 12:4ab which speaks of suffering during a drought belongs to a different context. One exception to this general rule is Weiser. However, he proposes a rather complicated scheme for the re-arrangement of verses 3 and 4. He thinks that we should place 12:4c between 12:2 and 3, and then remove 12:3cd to a position immediately after 11:20.

Rowley's suggestion for the re-arrangement of the entire passage is extremely ingenious. He thinks that the original order was: 11:16; 12:6; 11:19; 11:20; 12:1 - 3; 11:21-23. 12:4 and 5 are left over, and he thinks that these belong together, but not in their present context. Instead, he believes that 12:4 is the people's complaint about the drought and 12:5 is Jeremiah's warning to the people that even worse suffering is to come.

Each of these scholars has re-arranged the text into what seems to be a plausible order. But they all leave one question without a

5 - E. Noetscher - Das Buch Jeremias - 1934 - p.110
satisfactory answer, namely: "Why has the text come down to us in such a disorderly state?". Let us limit our discussion to one specific question. Three of the scholars whose opinions I have cited believe that the original position of 12:6 was in the middle of 11:18 while the other two think it originally stood between 11:18 and 19. But, if 12:6 ever stood in either of those two positions, why was it ever copied down in its present position? It is possible that this verse was omitted by a scribe, that it was later copied into the margin of a scroll, and that when a new scroll was made it was copied into the wrong place in the text. But, if we are dealing with a verse which at one time stood in the margin of a scroll, one would at least expect it to be copied into a new scroll near its original position, not 11 verses later.

A much simpler re-arrangement of the text is that originally proposed by Cornhill. According to his theory, 12:1-6 originally stood before 11:18-23. This re-arrangement solves the most serious difficulty in the passage by placing 12:6 in which Yahweh warns Jeremiah of the danger in which he stands just before 11:18 where the prophet tells us that Yahweh has warned him of their evil deeds. This re-arrangement also makes it quite unnecessary to remove any single verse or part of a verse to a new position. It is much easier to believe that two relatively long sections have been copied into a Jeremiah scroll in the wrong chronological order than that single verses have been copied into positions so far from the ones which they originally occupied.

I do not think we should understand the entire passage as one long poem. Rather, 12:1-6 and 11:18-23 are two separate poems both of which refer to the same situation. And 11:18-23 has clearly been

1 - C.H. Cornhill - Jeremia - 1905 - p.160
composed slightly later, possibly a few days later, than 12:1-6. I think that these two poems were written down by Jeremiah or by Baruch shortly after they were composed on two separate pieces of papyrus, and that when they were copied much later onto a scroll of Jeremiah's prophecies, they were copied down in the wrong chronological order.

12:1ff. is Jeremiah's controversy with Yahweh on the subject of the prosperity of the wicked who persecute the righteous. This ribh begins with an assertion that Yahweh is always in the right or innocent (יהיה עב - v.1a) when Jeremiah brings a case unto him (יהיה עב - v.1b). A man cannot condemn God in order that he may be justified (cf. Job 40:8). Nevertheless he must stand before him like a plaintiff in a lawcourt to debate matters of right (יהיה עב) with him (v.1c) - to argue with him about his apparent failure to govern the world justly. W. Baumgartner compares Jeremiah, with his anxiety to start legal proceedings with Yahweh to the Oriental farmer who feels he must rebuke his cadi for his unjust and arbitrary decision. "Mag es ihn auch den Kopf kosten, es muss heraus, was er auf dem Herzen hat".¹

In vv. lc-2, Jeremiah interrogates Yahweh about the reason why he allows the wicked to prosper. The wicked of whom Jeremiah speaks here are outwardly religious men. Their professions of faith in Yahweh, however, are hypocritical, for he is far from their secret thoughts (יהיה עב). The prophet cannot understand why Yahweh allows these outwardly religious, but inwardly atheistic men to grow prosperous and to commit treachery against the righteous.

Verses 1 and 2, taken by themselves, can be understood as Jeremiah's question concerning the prosperity of the wicked in general. However,

¹ - W. Baumgartner - Die Klagegedichte des Jeremia, 1917, p.54
However, it is clear from verse 3 that at least some of the wicked men are Jeremiah's personal enemies. Although there is no clear indication in this poem of what these wicked people have done against Jeremiah, he believes that they deserve to be utterly wiped out because of their evil deeds. He appeals to Yahweh who knows his innocence because he sees all his deeds and examines the impulses of his heart (3ab) to "drag them away like sheep for the slaughter, and consecrate them for the day of slaughter".

In verse 4, Jeremiah appeals to Yahweh again, this time on behalf of all the innocent sufferers. The land is in the grip of a severe drought. Jeremiah believes that this drought is the punishment which Yahweh has inflicted on the land because of the wickedness of those who claim that God does not see "our ways". Men, birds, and beasts are suffering acutely because of lack of water. If the assumption of the majority of modern scholars that everyone, wicked as well as righteous - would suffer during a drought, were correct, this verse would contradict the picture of the prosperity of the wicked which Jeremiah paints in verses 1 and 2. But that assumption is not correct. The poor farmers who normally grew only enough food each year for that year's needs would suffer severely. But the rich might prosper precisely because of the poverty of their neighbours; for the poor would have to borrow from the rich, mortgaging their property or even selling their children as slaves to them in order to obtain the necessities of life, just as Nehemiah reports that they did in his time (Neh. 5:1ff.). If that was the situation when Jeremiah composed this poem, no doubt he was anxious to see the end of the drought which meant such bitter hardship to the majority of the people, and to see the wicked rich punished in their place.

1 - reading  with LXX and Vulgate instead of  

\[\text{[Translation]}\]
In this poem, we have noticed that Jeremiah's thought shifts back and forth from the general problem to the personal problem. In verses 1 and 2, he is considering the general problem of the prosperity of the wicked. In verse 3, he is thinking of the suffering which he has endured at the hands of the wicked in spite of his innocence. In verse 4, he is lamenting over the terrible suffering which the majority of the people are enduring because of the wickedness of some. Finally, in verses 5 and 6, Jeremiah receives a divine oracle as an answer to this ribh. He receives no answer to the general problem. Yahweh's silence with regard to the general question is perhaps an indication to Jeremiah that he should concern himself with his own personal difficulties. As for his personal problem, he is given a stern warning that, if he thinks he has suffered already, even worse suffering is coming. For even his close kin are devising plots against him to take his life.

A short time after it is revealed to Jeremiah that his kinsmen are devising plots against him, he composes another poem (11:18-23) in which he is concerned solely with the danger to his own life.

As he thinks about the plots which his relatives are making against him, he decides to submit his case against them to Yahweh the Judge of righteousness (יְהֹウェָה הָגְדוֹלָה) for a decision. He knows that Yahweh has tested his secret thoughts (תִּשְׁחְצֶה) and his heart and has found him to be innocent. But he also knows that Yahweh has examined the secret thoughts and the hearts of his relatives and has found them to be guilty. Therefore he can pray for vengeance against them, confident that his prayer will be answered:

"Yahweh of hosts, the Judge of Righteousness, who triest the secret thoughts and the heart,
let me see thy vengeance upon them,
for upon thee I have rolled my case (יֵעָלֵל חָשֶׁךְ)" (11:20)

1 - see bottom of next page
In 12:1ff., when Jeremiah complains about his troubles and prays for vengeance, he is warned to expect even worse troubles. But, when those worse troubles come, and he appeals to Yahweh to take vengeance against men who are threatening to take his life, he receives an oracle of an entirely different nature. Jeremiah regards vengeance against his enemies as an essential part of his own vindication, and at this crisis when his life is in danger, just as on that other occasion when he felt that everyone was cursing him (15:10ff.), he receives a divine oracle assuring him that Yahweh shall indeed take vengeance for him. Yahweh is about to bring evil on the men of Anathoth. The young men shall die by the sword, their sons and daughters shall die by famine (v.22) and not even a remnant shall escape on the dread day of Yahweh's visitation (v.23).

In 20:7, Jeremiah accuses Yahweh of taking advantage of his weakness to compel him to become a prophet, thus making him an object of ridicule. Yahweh has acted like a strong man who seduces (יָּבְדָה - v.7a) a weak virgin. Even if the virgin wants to retain her chastity, the man is so much stronger than she that finally she must give in (cf. Ii Sam. 13:14). Similarly Jeremiah did not want to become a prophet, but Yahweh forced him into it.

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1 - previous page
- reading בְּיוֹרָה which is more appropriate than בְּיוֹרַה - cf. Ps. 22:9; 37:5; Prov. 16:3. Jeremiah cannot reveals (בְּיוֹרַה) his case to Yahweh. Yahweh already knows that Jeremiah has a case against his kinmen. Indeed it is Yahweh who has revealed to Jeremiah the plots which they are making against his life. But Jeremiah can roll (יָּבְדָה) his case upon Yahweh, trusting him to judge it righteously.
In obedience to a divine constraint, he must always be prophesying national disaster, (v.6ab) and when his prophecies are not fulfilled men mock him (v.7cd, 8cd; cf. 17:15).

He tries to avoid ridicule by keeping silent. But when he does this, Yahweh's word becomes to him like "a burning fire shut up in his bones" - an inward torture to him. Like Paul later (I Cor. 9:16), he can experience no peace so long as he remains silent rebelling against the commission which Yahweh has given to him (v.9).

Yet, when he returns to his prophetic vocation, he experiences even worse troubles, for now a large crowd of people including many who were formerly his friends are trying to entangle him in his talk so that they may denounce him to the authorities, and perhaps have him condemned to death (v.10).

I agree with A. Weiser that verse 12 - a verse which many scholars delete because it is identical with 11:20 and is inappropriate in its present position - originally stood between verses 10 and 11. This verse combines an expression of Jeremiah's certainty that he is innocent with his appeal for vengeance. These two closely-related themes occur side by side in most of Jeremiah's other ribbototh (11:20; 12:12; 15:15; 19:20-23), and if 20:12 is deleted, 20:7ff. is the only one of these poems where neither of these themes finds expression. I think, therefore, that verse 12 belongs in this poem. However its original position is clearly before, not after, Jeremiah's assertion that Yahweh is with him as a mighty Warrior (v.11). The present order of verses 11 and 12 is probably due to a scribal error. Since both of these verses

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1 - The phrase יְהֵשׁ וְיִשְׂרָאֵל which occurs in several other places in Jeremiah is probably a later addition here.

begin with 11:17 it would have been very easy for a scribe to omit one of these verses, then copy it into the margin, and later insert it in the wrong place.

The situation described in 20:10 is similar to that described in 11:18-19. Therefore it is not surprising that Jeremiah submits this case to Yahweh using the same words as he has used on that previous occasion. He appeals to Yahweh who knows that he is guiltless because he tries the innocent and sees the secret thoughts and the heart to take vengeance upon his persecutors (v.12).

In chapter 11, this prayer is followed immediately by the divine oracle assuring Jeremiah that Yahweh shall indeed take vengeance (11:21-23). Similarly, on this occasion, Jeremiah has no sooner prayed for vengeance than he is sure that Yahweh is with him as a mighty Warrior ready to vindicate his prophet by causing his enemies to stumble and delivering him from their hands (v.11).

The poem ends with a song of praise in which the prophet, recognizing that many righteous men have had experiences similar to his own, calls upon the community of the righteous to rejoice with him over this example of Yahweh's deliverance of an innocent sufferer:

"Sing to Yahweh; praise Yahweh.
For he has delivered the life of the needy from the hand of evil-doers" (v.13).

C - JOB'S RIBH

(1) Introductory Remarks

In the Book of Job, the theme of the lawsuit between a man and
his God is more fully developed than anywhere else in the Old Testament. Job is the plaintiff who dares to contend against God Almighty, accusing him of ill-treating his faithful servant. The friends of Job act as God's advocates and Job's accusers. Job's afflictions are witnesses (10:17) and (16:7-8) - false witnesses in Job's opinion whom God has sent against him.

God is the accused. Yet he is never pictured in the role of Defendant who must prove that he is innocent of the charges laid against him. It is recognized that it is God who has started this legal proceeding. Long before Job started to contend against God, God was contending against Job in the language of suffering (10:2). But, in spite of the suffering which he endures at the hands of God, Job believes that a time is coming when God will no longer contend against him but will give heed to him (23:6). Even if he must die first, he will finally know God, no longer as an enemy, but as a Witness on his behalf (19:16-19), and his heavenly redeemer (19:25) who will plead the case of his oppressed servant and deliver him (cf. Jer. 50:34; Ps. 119:154; Prov. 23:11).

Finally, God speaks to Job out of the whirlwind, and the repentant Job sees God face to face (42:5) and knows him as the Judge of both him and his friends and his Vindicator.

In order to trace the development of this lawsuit, we shall have to examine briefly every part of the Book of Job except the Wisdom Poem (ch. 28) and the Elihu speeches (chs. 32-37) which are generally acknowledged to be later additions.

(2) The Prologue

The ancient prose story which serves as the introduction to the present Book of Job gives us the background for the controversy
between Job and God Almighty.

The author of this prose story first depicts for us the piety and good fortune of Job, then shows us a scene in heaven where the members of the heavenly court are gathered about Yahweh. One of the divine beings who is here called "the Satan" has been travelling all over the earth observing the conduct of men, apparently with the purpose of reporting their misdemeanors to Yahweh. When Yahweh asks the Satan if he has observed the righteous conduct of his servant Job, the Satan says to Yahweh, "Does Job fear God for nought? Hast thou not put a hedge about him and his house and all that he has on every side? Thou hast blessed the works of his hands and his possessions have increased in the land" (1:9-10).

In this question which the author puts into the mouth of the Satan, the basic theme of the entire book is set forth. For the purpose of the Book of Job is not to explain why the innocent suffer, but to demonstrate that there is such a thing as disinterested virtue.

When the Satan infers that Job only serves Yahweh in order that he may receive material blessings, Yahweh invites him to test his theory. He gives him authority to destroy Job's property, his servants, and his sons and daughters. And when Job retains his piety in spite of these losses, Yahweh allows the Satan to inflict him with a severe physical illness. Yet, in spite of all his suffering, Job does not lose faith.

The Satan has declared that Job would curse God as soon as he had to endure physical pain (2:5). Yet when Job's wife invites him to do just that, he says to her, "You speak as one of the foolish women would speak. Shall we receive good at the hand of God, and shall we not receive evil?" (2:10). The author concludes the first part of the story with the words, "In all this Job did not sin with his lips."
The story of Job is probably very ancient and may well have been in written form long before the dialogue was composed. Nevertheless the prose story is an integral part of the present Book of Job.

Some scholars claim that the ascription of Job's sufferings to the Satan in the Prologue, to God in the Dialogue, is proof that the two authors were writing from different theological stand-points. But this assertion is quite wrong. The fact is that, in the Prologue (cf. 1:21; 2:10) as well as in the Dialogue, men who know nothing of the wager between Yahweh and the Satan ascribe Job's sufferings to God. And, even in the scene in the heavenly council, we are told that Yahweh is ultimately responsible for Job's sufferings. He simply entrusts to the Satan his power to afflict Job in order to prove that the Satan's theory is false.

(3) The First Cycle of Speeches (chs. 3-11) - "Would that there were an Umpire between us."

At the end of the Prologue, we are introduced to Job's three friends who have heard of his afflictions and have come to comfort him. As they draw near, they see Job sitting on the ash-heap. Looking at the terrible sores on his body, and listening to the groans which come from his wordless lips, they know that his suffering is even worse than they have imagined. The conventional words of comfort which they have planned to say to Job seem utterly useless. Therefore they simply sit on the ground beside their friend for a whole week, hoping that their very presence will comfort Job in his afflictions.

Job is the first one to break the silence. During this week, he has been thinking deeply about his misfortunes and is completely unable to understand them. Therefore he breaks forth into a bitter
complaint which is really one long "Why" (Ch. 3). This complaint is not addressed to God who is not mentioned until verse 23, and there, as the enemy who has hedged him in. Nor is it addressed to the friends who are not mentioned at all. Like Jeremiah 20:14-18 - a passage which probably served as a model for this chapter - it is the outburst of a despairing soul, addressed to no one, and expecting no reply.

May the day of my birth be destroyed, reclaimed by chaos (3:3a; 4, 5)! May the night of my conception be stricken from the calendar (v.3b,6)! If I had to be born, why did I not die immediately and go to Sheol (vv.11,12,16)? The men in Sheol are much happier than I, for they know neither suffering nor oppression (vv.13-15, 18-19). Why does God allow miserable men like me to live - men whom he has hedged in (v.20ff)?

In the days of his prosperity, God had hedged Job in (יְדֹ) to protect him and his property, and Job was glad of this protection (1:10). In the time of his affliction, God has put a hedge about him once more (3:23). But now, he wishes that this hedge were removed so that he might escape, and God refuses to remove it.

Now that Job has broken the silence with this querulous complaint, the friends feel that they must answer him. Eliphaz is the first to speak. He is convinced that Job is suffering because of sins which he has committed. However, he does not claim that Job is worse than other men. All men are sinners. A man (יוֹ) cannot be righteous (or innocent) before God (יִָּּפְּ) nor can a strong man (יְָּּּּ) be pure before his Maker (יִָּּ) - 4:17. Job is suffering as all men must suffer, for sinful "man is born to trouble as the sparks fly upward" (5:7). If Eliphaz were Job, he would seek God, and unto God he would commit his
case). If Job will but regard his present sufferings as the chastening of the Almighty (5:17) and will return humbly to God, his possessions will be secure (5:18ff.), his posterity will be numerous (5:25) and he will come to the grave "in ripe old age as a shock of grain comes up to the threshing floor in its season" (5:26).

Eliphaz's reply is of no help to Job. He would not deny his contention that he has sinned as all men have sinned (cf. 7:20-21) and (13:23). His complaint is that his suffering is out of all proportion to his sin. While many wicked men prosper, Job, a relatively righteous man, is deprived of wealth, health and happiness. And as for Eliphaz's suggestion that Job should submit his case to God, Job is unwilling to humbly place his case before his Adversary for his decision. He wants to argue his case with God. Yet God seems far away and unwilling to listen to him.

Realizing that Eliphaz has not taken into consideration the terrible disparity between Job's sin and his suffering, Job begins his next speech with the words:

"O that my vexation were weighed,
and all my calamity laid in the balances!
For then it would be heavier than the sand of the sea." (6:2-3a)

If Eliphaz thinks that Job has spoken rashly (6:3b) this rashness is accounted for by the severity of the suffering which God has inflicted upon him. Since Eliphaz has not understood how severely he is suffering, his well-intentioned words have been utterly useless. In a moment of despair, Jeremiah felt that Yahweh had become to him "like a deceitful brook, like waters that fail" (Jer. 15:18), and here Job uses precisely the same metaphor to describe the way in which his friends have failed him (6:15ff.).

Finding no help in his friends, Job turns to God (7:1f.). But, whereas Job's friends have not taken him seriously enough, God takes
him too seriously. God acts as if he were the primeval sea or the sea-monster about whom he must set a guard (7:12). He visits him with punishment every morning, and tests him every moment (7:16). He will not leave him alone (7:19). In 6:8ff, Job expresses the wish that God might crush him and take him out of his misery. But in 7:7ff., he beseeches God to look upon him with pity, realizing that his days are few. His prayer is mainly a complaint about God's overzealous concern to punish his every minor transgression.

At the conclusion of chapter 7, a faint ray of hope shines through the gloom. Maybe God still intends to forgive his minor transgressions, and to restore him to favour (v.21ab.) This light soon vanishes, for Job realizes that he is about to die and lie in the dust (v.21c). If God seeks him there, his search will be in vain (v.21d).

The position which Bildad takes up in his reply to Job is almost identical with that of Eliphaz. Although he believes that Job's sons have sinned and have suffered the death penalty for their sins (8:4), he still regards Job as a fundamentally righteous man. Nevertheless Job has no right to question the justice of God and to claim that the Almighty perverts the right (8:3). If he will but humbly turn to God, clinging to his purity (8:5-6a), God will restore him to favour, and he will enjoy even greater happiness and prosperity than he has known in the past (8:6b-7, 20ff.).

Chapters 9 and 10 are two of the most important chapters in the Book of Job. In 5:8, Eliphaz has suggested that Job should seek God and submit his case to him. In chapter 7, Job has turned to God in prayer, but only to pour out his complaint before him. In chapters 9 and 10, he expresses for the first time his earnest desire to bring his case to God. However, he does not think of humbly submitting it to God for a decision as Eliphaz has suggested. He wishes to stand up and argue with God as one could argue with a human adversary
in a lawcourt. Yet, God is so strong and Job is so weak that he is afraid that, if he were to start legal proceedings with God, might would defeat right and he would be condemned. In chapter 9, therefore, he does little more than express his wish that it were possible to argue with God as one may argue with a man. But in chapter 10, in spite of his fear that he will be crushed by his mighty Adversary, he speaks boldly to God, and demands that he should give a reason for his conduct.

Job begins his speech by pretending to agree with statements which his friends have made. Bildad has just stated that because "God will not reject a blameless man, nor take the hand of evildoers" (6:20), Job's future will be happy (8:21) and his enemies will be put to shame (8:22). Job replies:

"Truly I know that it is so;
But how can a man be just before God?" (9:2)

(Taken by itself, this verse can be understood as an expression of Job's agreement with Eliphaz's conviction that all men are sinners before God (4:17), so that Bildad's blameless man whom God does not reject is really non-existent. However, Job's agreement with Eliphaz is verbal rather than real. Job's point, as it shown by the context, is not that all men are sinners, but rather that it would be impossible for a mere man like Job to win his case and prove himself innocent against an opponent as strong and as crafty as God Almighty.

Many scholars interpret verse 3 to mean that if a man wished to contend with God Almighty, that man "could not answer one of the innumerable questions which in his infinite superiority to man, He would put to him." If this is the correct interpretation, the author is probably thinking of the situation which developed when

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1 - S.R. Driver (in Driver and Gray - Job, I.C.C. 1921, p.84)
God spoke to Job out of the whirlwind (chs. 38-39) posing numerous questions to which Job's only response was a few words of repentance. But this is surely an unnatural interpretation of verse 3 which would not have occurred to a reader unless he was already familiar with chapters 38 and 39. I think it is better to regard man as the subject of the protasis, God as the subject of the apodasis.  

In chapter 10, Job actually does enter into controversy with God, and, in a series of questions (10:3-7), demands that God should explain why he has afflicted him. In 9:3, Job is contemplating asking these questions, and he is convinced that, if God would answer these questions honestly, he would be justified. But he is afraid that God will refuse to present himself at the bar of justice with a creature so insignificant as man to account for his actions. Because God is wise in heart and mighty in strength, no man who hardens himself against him to argue his case will be successful (9:4).

Beholding God's destructive power as it is made manifest in nature (9:5-13) - a power which sometimes appears to be purely arbitrary and capricious (9:12), puny man can only shrink back in awe. Even the primeval forces of chaos had to bow before God's mighty power (v.13). How then could weak Job stand up in God's presence even to testify (נַעַשְׁנָה) to his own innocence (v.14). Although he is innocent (יִשְׁפַּל), God will refuse to answer him and to declare him guiltless (v.15a). Job fears that he will never be vindicated unless he gets down on his hands and knees and begs God to grant as a favour what is his by right (v.15b).

2 - reading "I will not be answered" following LXX, Theodotion and Syriac instead of נַעַשְׁנָה
3 - reading instead of נַעַשְׁנָה
Job quickly rejects the idea that he should assume such a contemptible attitude of humiliation. God must respect him as an equal in right if not in might. Once again, he imagines that he is summoning God to trial, and even supposes for a moment that God might answer him (v.16a). Even if that did happen, Job could not believe his ears (v.16b), for God's deeds - his attempts to crush Job with afflictions which appear to indicate his guilt (vv.17-18) would speak more loudly than his words.

As Job thinks once more of God's might, he realizes that the lawsuit between him and God which he has just proposed could never take place. For, in real life, no one would dare to summon God to court. "God's might is such that he is ready for any contest and superior to the summons of any judge."

And, even if God would consent to stand trial, Job would be so overawed by his majesty that he would become flustered and his attempts to prove his innocence would prove the very opposite.

"Although I am innocent, my own mouth would condemn me; Although I am blameless, it would prove me perverse." (vs.20)

For a moment, Job decides to put aside the fear which thus far has prevented him from contending with God. He decides boldly to affirm his innocence, and to declare what he thinks of the God who is persecuting him. Even though such affirmations may cost him his life, he will speak freely, for he is now concerned about nothing except his vindication. His experience has led him to believe that God is completely amoral. He is not interested in whether a man

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1 - S.R. Driver (in Driver and Gray - Job - 1921 - p.91) He translates verse 19 as follows: "If (it be a question) of the strength of the mighty, 'Here (I am)' (saith he), and if of judgment (he saith), who will appoint me a time".
is blameless or wicked. He destroys both blameless and wicked together in natural catastrophes such as famine, even laughing derisively at the calamities of the innocent (vv.22-23). Job goes one step further in his condemnation of God, declaring that he actually favours the wicked who control the earth by covering the faces of the judges, so that they can carry out their evil schemes unmolested (v.24). Kemper Fullerton compares Job's situation at this point with that of Martin Luther at the Diet of Worms. "The main difference was that Luther stood before an immoral earthly potentate but with God to support him. Job stood in the presence of an immorally imagined heavenly potentate with nothing to support him except the consciousness of his own innocence."  

When Job tries to forget his troubles and to be cheerful (vs.27) he becomes afraid of all his pains which appear to indicate his guilt (vs. 28a). He knows that God will not declare him innocent (יִפְנָהוּ) and treat him as an innocent man deserves to be treated (vs. 28b). I think the context forces us to understand the first two words of verse 29 as an indirect report of words which Job imagines God will speak to him, and to translate the verse as follows:

"(He will say that) I am guilty (יִפְנָהוּ); why then do I labour in vain?" Even if Job undergoes trial by oath, washing himself with snow and with lye in testimony to his innocence (v.30), God will continue to treat him as if he were guilty.

Under the present conditions, Job believes that it is impossible for him to start legal proceedings with an opponent who is infinitely superior to himself. Job wishes that there were an umpire (עָבִיר) who could exercise authority over both God and himself and see that there was a fair trial. Such an umpire would keep God from taking advantage of his irresistible might to terrify

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1 - K. Fullerton - On Job 9 and 10 - J.B.L., Dec. 1934, p.348
2 - reading יִפְנָהוּ instead of יִפְנָהוּ at the beginning of verse 33 following, LXX, Syriac and several Hebrew manuscripts.
Job into silence (vv.33-34). If only there were such an umpire, Job would speak without fear (v.35).

His mood changes abruptly in 9:35b. He realizes that his wish for an umpire is merely a day-dream. "It is not so (יְהַלְחוֹל יִתְנָה); I am by myself (יִתְנָה יְהַלְחוֹל)." More keenly aware than ever that he is completely dependent upon his own resources, he decides that he must complain freely to God. He is weary of his life, and is willing to risk it (10:1a; cf. 9:21) in an attempt to appear before God to compel him to give a reason for his conduct - to explain why he is contending (יִתְנָה יִתְנָה) against him in the language of suffering (10:2).

Job's attitude toward God is different now than it was in 9:21ff. There, he accused God of acting capriciously or perhaps even immorally. Here, he believes that God must have a good reason for all his actions, and he intends to find out by means of a cross-examination what is God's reason for afflicting him. He suggests three possible reasons which might account for God's strange behavior toward him. Does God obtain any benefit or pleasure out of ill-treating a life which has cost him so much labour to produce (v.3)? Is God of limited vision so that he judges Job wrongly and afflicts him because he really believes he deserves such treatment (v.4)? Is God short-lived like men so that he must hurry to seek out and punish Job's sin even before he has committed it (vv.5-7)? Job quickly dismisses the second and third questions only to come back to the first. He thinks about the trouble which God has taken to create him in the womb, and the loving care which has preserved him (vv.8-12) and asks God if he is going to turn him to dust again (v.9b).

Job has contended against God, begging God to explain his strange conduct. But God refuses to answer any of Job's questions (cf. 9:3), and because he receives no answer, a terrible suspicion occurs to Job. Perhaps God was always Job's enemy and has merely used his loving
care as a mask to conceal his hostile designs (v.13). Now that God is actively expressing his hostility to Job, it does not matter how Job acts, for, in any case, God will treat him as if he were guilty (vv.14-15). If he attempts to lift up his head amongst men as a free man, God will hunt him as a lion hunts its prey (v.16; cf. Lam.3:10-11). He is continually sending new afflictions as witnesses against him (v.17).

Once again, Job expresses the wish that he had never seen the light of day (vv.18-19; cf. 3:16). But since God was not pleased to kill him in the womb, he should at least leave him alone now and let him have a respite from affliction before he goes to the land from which no traveller returns (vv.20-22).

The third friend Zophar has listened to Job's lament and to his two lengthy speeches and has become very impatient. He regards Job's earnest attempt to approach God and to find out the reason for his suffering as mere babble for which Job should be put to shame (11:3).

Zophar lays great stress upon God's infinity and the incomprehensibility of his motives (esp. v.7ff.), and he probably thinks that when Job accuses God of acting capriciously (9:22ff.) and of using his earlier loving kindness as a mask for his present hostile designs (10:13), he is claiming to know more about "the deep things of God" than any man is able to know. Yet Zophar is absolutely certain that God acts according to the law of retribution, punishing the wicked and rewarding the righteous (v.11,13ff.)

Verse 6c where we are told that God has punished Job less than his guilt deserves is almost certainly a later addition.

1 - reading ｝following Syriac instead of ｝. 
If Zophar actually asserted dogmatically in verse 6 that Job was very wicked, he would scarcely speak of his iniquity as hypothetical in verse 14. Zophar believes, like the other friends, that if only Job will pray to God (v.13) and put away any iniquity which may be in his hand (v.14), his future will be secure and happy. But in case Job has committed sins which he is unwilling to put away, Zophar concludes with a warning that there is no way of escape for the wicked.

As this first cycle of speeches ends, Job is more convinced than ever of the integrity of his ways and of the injustice of the afflictions which God has imposed upon him. The friends, on the other hand, are becoming more and more impatient with Job’s assertions that God has treated him unjustly. The friends are clearly anxious to justify God’s actions and they cannot conceive of him acting in any other way than according to the law of retribution. However, they have not yet taken the step which their theory will force them to take eventually. They have not yet asserted that Job is more sinful than other men, and they still believe that, if Job will but pray to God, God will grant him a happy future.

The words of the friends are of no help to Job, and he is turning increasingly to God, for, although God now appears to be his enemy, he also knows that God is the only one who can help him. In chapter 3, he cannot even pray, but can only pour forth his lament and wish for death. In chapter 7, having found the friends to be treacherous, he turns for the first time to God (v.11ff.) to remonstrate with him for continually afflicting him and refusing to leave him alone. At the end of this chapter, the first faint ray of hope shines through the gloom as he thinks that God may want to seek him after he is dead. But the light soon fades as he realises that such a search by God would be vain.

In chapter 9, except for the opening words, there is no indication
that he is speaking to the friends at all. The chapter is really a monologue expressing his desire to stand in court to contend against God, but also his fear that, if he were to meet God for a judicial contest, God would overcome him by his great power. At the end of the chapter, he thinks that his only hope is the appearance of an umpire who could keep God's might from overwhelming him. But this hope also is soon forsaken, and in chapter 10 Job stands alone with God, contending against him, questioning him concerning his behaviour, and hoping for an answer from the One whose loving care he has known in the past. When no answer comes, however, his hope sinks once more and he wishes only that the God who has always been his enemy may leave him alone during the short span of life which remains to him.

(4) - The Second Cycle of Speeches (chs. 12-20 - God as Job's Present Adversary and Future Advocate

Job has been irritated by Bildad's speech with its emphasis upon the infinity and unlimited power of God, and he has been deeply hurt by Bildad's inference that he is a stupid man (11:2). Therefore, in chapter 12, he insists that he possesses wisdom as well as his friends. He too has been impressed with the power of God. Yet, in his experience this power is not beneficent; it is destructive (12:13-25).

Far from trying to help Job by their speeches, the friends have actually been acting as God's advocates, pleading his case (13:8). Job believes that it is unfair for them to intervene in the debate on God's side, for God is the stronger party who should therefore be able to plead his own case (cf. Judges 6:31). Moreover he is convinced that the friends are really defending God's character from motives of self-interest. They are showing partiality toward God (vv.8 and 10) so that they may remain secure within their protective shell of orthodoxy and so that God may reward them. But God can see through their selfish schemes, and far from rewarding them, will punish them (v.9ff).
It is from these friends who have become traitors to his cause that Job turns to God that he may argue (הָלְךָ קָרָא) his case with him (13:3). As he prepares to take this drastic step, he has only one request to make of the friends— that they should listen in silence to his arguments (וְלֹא הָלְךָ קָרָא) and to the pleadings of his lips (וְלֹא הָלְךֶּם מְדָמֵהוֹ) - vv. 6, 13, 17. He knows that his life is in danger when he comes before God (13:14-15a; cf. 9:21; 10:1a) to contend with him. But the opportunity of defending his ways to God's face is worth the risk. His very willingness to approach God is an omen that he will be victorious (יִהְיוּ בִּקְשֵׁךְ מִיַּדְוֹ בָּעַה), for a godless man would not dare to take this risk (v.16). He is certain that his case is good and that he cannot fail to be vindicated when his trial takes place (v.16). But his time on earth is short. Therefore, if God does not enter the courtroom to contend with him (כֹּל יָהְיוּ מִיַּדְוֹ בָּעַה) soon, he will be reduced to silence and die (v.19; cf. 7:21cd.).

When Job was about to begin his last debate with God, he had hoped that an umpire would appear to remove the rod of God's anger from him and to prevent God from terrorizing him (9:34). However, he has long since given up the idea that there could be such an umpire. Therefore he must depend upon God himself to "withdraw thy hand far from me, and let not dread of thee terrify me "(v.21). If God will grant this favour, Job will be ready for the contest. He is willing to let God speak first if he wishes to take the initiative (v.22).

Since, however, God does not speak, Job opens the debate. As in 10:3ff., he cross-examines God about the reasons why he has afflicted him. He asks God first to declare to him the number and the nature of his transgressions (v.23). If God could demonstrate that Job really was a sinner, he would regard his suffering as a just punishment. But when God does not reply, he must assume that God knows him to be innocent. Why then does he hide his face from Job and regard Job as his enemy (v.24)? Why does he continue to pursue Job
who is as helpless before God's power as a dry leaf or chaff (v.25)?

Because God refuses to answer any of Job's questions, Job concludes that his present suffering is the result of God's unjust sentence. God has written bitter accusations against him (v.26; cf. Is. 10:1; Is. 29:6), and has condemned him without a trial. He knows that he has committed no grievous sins during his adult years, and can only assume that the punishment which he is now enduring "in the stocks" (v.27) is a punishment for the sins of his youth (v.26b)—sins for which no man should be held responsible.

His reflection concerning his own hard lot—continually watched by God and punished even for the iniquities of his youth—leads him to think about the frailty and transitoriness of human life in general:

"Man that is born of woman
is of few days, and full of trouble.
He comes forth like a flower, and withers;
he flees like a shadow and continues not.
He wastes away like a rotten thing,
like a garment that is moth-eaten."(14:1-2; 13:28)\(^1\)

In 14:3, Job is thinking about himself as a good example of frail human nature whose sins God takes too seriously, whose frailty not seriously enough.

"And dost thou open thy eyes upon such a one
and bring me into judgment with thee?"

Unlike a tree which may send forth shoots after it is dead (14:7-9) man dies and never wakes up (vv.10-12). But would that it were different! If God would only hide Job in Sheol during the time of his wrath, then look upon him in pity, restoring him to life and

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1 - reading 13:26 after 14:2. It is generally recognized that 13:26 is out of place in its present position. It is possible, as many scholars claim, that the verse is a later addition. However, since it fits in well after 14:2, I think it is more probable that that was its original position, and that it has been accidentally displaced.
forgiving all his sins. Job would gladly wait all the days of his military service (τῇ ἡμέρᾳ τῆς ἐν χήρω) there looking forward expectantly to his release (vv.13-17). Once before (7:21), Job has thought of the possibility that God would seek him after death only to quickly dismiss the thought as impossible of fulfilment. Now, however, he meditates upon what it would mean to him if he could be sure that, even after death, the God of love would triumph over the God of wrath.

Once again this hope vanishes, and Job sinks into the slough of despondency - a despondency deeper than any he has experienced before. He is now more convinced than ever of the inevitability of eternal death. And, instead of thinking of Sheol as a place where "the wicked cease from troubling and ... the weary are at rest" (3:17), he looks forward only to a continuation of his own bodily pain (14:22) unalleviated by any knowledge of events on earth (14:21).

Eliphaz, who has been listening impatiently to this, the longest of Job's speeches, is anxious to rebuke him for what he regards as his insolent rebellion against God. Whereas he began his first speech gently and tactfully, he begins this one abruptly with an attack upon Job, declaring that his long-windedness shows that he lacks the knowledge which he thinks he possesses:

"Should a wise man answer with windy knowledge, and fill himself with the east wind? Should he argue in unprofitable talk, or in words with which he can do no good?" (15:2-3).

Whereas he said in his first speech that Job's "fear of God" was his confidence (4:6), he now tells him that he is "doing away with the fear of God, and hindering meditation before God" (15:4). There is no need for Eliphaz to formulate a charge against Job for he can say, like Caiaphas to Jesus (Mt. 26:65), that he has uttered his own condemnation (15:6). When in chapter 9, Job was preparing
to meet God for a judicial contest, he expressed the fear that he would become so flustered in the presence of his mighty Adversary that his own mouth would condemn him in spite of his innocence (9:20). But Eliphaz, in using the same words, means that Job is a proud rebel against God. He has chosen the tongue of the crafty (חֵיֶרְיָה - v.5). This word is perhaps an intentional allusion to the story of the serpent who was more crafty (עֵצֵי יַעַר - Gen.3:1) than any other beast and "set himself as a judge of the Deity's purpose by casting doubts upon the Deity's motives."¹

If Job is wiser than the friends, he must have been brought forth before the hills (v.7b), or have had access to the divine council (v.8a). Job, in his impudence, has not only rejected the gentle words of the friends. He has also rejected God's consolations (v.11), and turned his spirit against God (v.13).

Eliphaz now speaks confidently of the lot of the wicked man as he has learned it from personal revelation (v.17) and from the traditions of the fathers (v.18f). The wicked man, who, like Job, plays the part of the strong man (ץָּרְגָּל) thinking he can contend against God Almighty (v.25) writhes in pain all his days (v.20). Or, if he enjoys prosperity, like Job, for a season "the destroyer will come upon him" (v.21).


his pain for their ease (vv. 4-5). Whether he speaks or keeps silent, his pain remains (v. 6). Therefore he will speak bluntly about the way in which God has afflicted him.

In verses 7 and 8, Job speaks about the false witnesses which God has sent against him. It is generally agreed that there is something wrong with the M.T. of these verses. The chief difficulty is the awkwardness of the transition from the 3rd person in v. 7a to the 2nd in v. 7b, 8a and back again to the 3rd person in verse 9. Most of the scholars try to solve this difficulty by emending the consonantal text and the masoretic pointing in several places. I am not satisfied with any of the emendations that have been proposed. However, I think that the sense and meter are both improved if we simply read at the end of verse 7 and transfer from its present position to the beginning of verse 8.

In verse 7, Job is speaking to God. He says:

"But now thou hast destroyed all my testimony ( ) and thou hast seized me ( )."

Then in verse 8, he turns to the friends to speak to them about God's ill-treatment of him:

"He has made me weary ( ); it (i.e. my weariness) is a witness and has risen against me; my leanness testifies to my face."

Formerly Job's prosperity and health testified on his behalf, declaring to all who knew him that he was a righteous man. But now that God has removed all these outward signs of his favour and has seized him to tear him to pieces, his extreme weariness and his leanness witness against him, convincing the friends that he is guilty.
In the following verses, Job speaks bitterly about God's hostility toward him. He has gnashed his teeth at him and sharpened his eyes against him (v. 9). He has caused men to gape at him (v. 10) and has cast him into the hands of the wicked (v. 11). When he was at ease, God seized him to tear him to pieces (v. 12ab). His archers shoot arrows at him (v. 12c-13a). He slashes open his kidneys so that his gall runs out on the ground and he is near to death (v. 13bc). He keeps attacking him like a mighty Warrior (v. 14).

At the end of this description of God's hostile actions against Job, we read Job's assertion that he is innocent. All this has happened to Job "although there is no violence in my hands and my prayer is pure" (v. 17).

In spite of his innocence, he is about to die at the hands of his Murderer. Therefore, in verse 18, he is thinking of the imminent future when he will be dead, his blood having been poured out on the ground and crying out for an avenger - a נַחַל וַאֱלֹהִים. He appeals to the earth not to cover his blood so that the avenger may hear the blood crying to him from the ground and may take action against the Murderer.

In verse 19, the image changes from that of the Avenger to that of the Advocate, and the time when Job expects help changes also from the future when he will be dead to the present while he is still living. Job says in effect that he does not want an Avenger after he is dead. He wants Someone to defend his case and he believes Someone is going to defend it immediately.

"Even now behold my Witness (יְבֵי יָדָה) is in heaven, and my Advocate (יְבֵי יָדָה) is on high." (v. 19).

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1 - reading נַחַל instead of נַחַל - see B.H.
It is generally recognized that Job's heavenly Advocate (16:19) is the same person as his $\mathfrak{x} \gamma$ (19:25; cf. 16:18). But who is this Advocate and $\mathfrak{x} \gamma$? S. Mowinckel\(^1\) claims that this mysterious figure is a special protecting god or protecting angel and S. Terrien\(^2\) accepts this theory. However several of the words used in 19:25 suggest that the $\mathfrak{x} \gamma$ is none other than God Almighty:

(a) $\mathfrak{m} \mathfrak{m} \mathfrak{r} \mathfrak{r}$ is used several times as a designation of Deity (e.g. Josh. 3:10; Hos. 1:10) and is also well-known for its use in the oath formula $\mathfrak{m} \mathfrak{m} \mathfrak{r} \mathfrak{r} \mathfrak{r} \mathfrak{r} \mathfrak{r}$; (b) $\mathfrak{m} \mathfrak{m} \mathfrak{r} \mathfrak{r} \mathfrak{r}$ is applied to Yahweh of Hosts, Israel's $\mathfrak{x} \gamma$ in Is. 44:6 (cf. Is. 43:12); (c) $\mathfrak{m} \mathfrak{m} \mathfrak{r} \mathfrak{r}$ is the technical term for the theophany (cf. Ps. 3:8; 7:7; 9:20; 46:11; 76:10). Moreover 16:20-21, as they now stand, clearly identify Job's Advocate with God, and there is no convincing reason for emending these verses.

While his friends scorn him (v.20a) Job weeps before God (v.21b) beseeching him to "argue ( $\mathfrak{m} \mathfrak{m} \mathfrak{r} \mathfrak{r} \mathfrak{r}$) for a man with God and for a son of man with his neighbour" (v.21). He has long since given up the idea that there could be a special umpire ( $\mathfrak{m} \mathfrak{m} \mathfrak{r} \mathfrak{r} \mathfrak{r}$) to exercise authority over both God and himself to see that there was a fair trial. And he has often wondered how it would be possible for him to stand up alone against the God of wrath who has been oppressing him. Yet, in a moment of faith, he realizes that God is not only a God of wrath. He is also a God of love, and this God of love will be his Advocate. He will plead Job's case against the God of wrath who is oppressing him and against the friends who are scorning him. "He appeals to the God in whom he seeks a friend against the God whom he sees as the enemy; his flight before God becomes flight to God".\(^3\) But his heavenly Advocate must intervene in his case very soon, for within a few years he will go to the land from which he will never return (v.22).

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1 - S. Mowinckel - Hiobs go'el und Zeuge im Himmel (in B.Z.A.W. 41, 1925 - p.207 ff.)
2 - S. Terrien - op. cit. p. 1026 and 1052
3 - A. Weiser - Das Buch Hiob, A.T.D. - p.17
Although the text and interpretation of chapter 17 is uncertain in a number of places, I think the following points emerge clearly from the obscurity: First, Job has given up all hope of help from the friends. They mock him when he complains about his troubles (17:2) and attempt to comfort him with the groundless hope that "light is near to the darkness" (v.12) - that prosperity is just around the corner (cf. 5:17-27; 8:20-22; 11:13-20). There is not a wise man among them (v.10). Second, at the beginning of the chapter, although he realizes that his time on earth is short, he still hopes that God will intervene on his behalf as a Guarantor of his piety (17:3). Third, in the latter part of the chapter, he becomes more and more preoccupied with the troubles with which God has afflicted him, and with the morbid thought that he is about to descend to Sheol, and that when he has gone there, all hope for a prosperous future will evaporate. Fourth, in spite of the mocking he endures from the friends and the imminence of death, "he will persist in the assertion of his integrity and even be stronger and stronger in maintaining his righteousness" (17:9).

Bildad who has been aroused to anger by Job's statement that there is not a wise man amongst his friends (17:10) protests vigorously:

"Why are we counted as cattle? Why are we stupid in your sight?" (18:3).

Does Job think that the law of retribution which, in Bildad's opinion is an immovable rock, will be removed for his sake? (v.4). Bildad then goes on to describe the inevitable doom of the wicked (vv.4-21) as he has already done in 8:11-19. However there is a very important difference between these two chapters. In chapter 8, Bildad believed that Job would escape the fate of the wicked and enjoy a happy and prosperous future if only he would turn to God in prayer. But, in

1 - S. Terriez - op. cit. p.1032
this speech, he has given up any such hope, and when in verse 13 he says that the skin of the wicked is consumed by disease, he clearly intends Job to regard this as a word-portrait of his own affliction. Bildad implies that Job is a wicked man who does not know God (21). Because of his irreligion, he has lost his prosperity, his happiness (v.5ff) and his sons (vv.17-19) and is now suffering from the disease (v.13) which will soon cause his death (v.14).

In chapter 19, as in chapter 16, Job descends into the depths of despair as he thinks about the afflictions which he is suffering at the hands of the God who has become his enemy only to rise to the absolute certainty that he will be vindicated by this same God even if he must die first.

At the beginning of the chapter, he turns to the friends to rebuke them for wronging him. The friends are unjustly arguing (his humiliation against him (v.5), concluding from his destitution and suffering that he is very wicked. Such an argument from suffering to sin is completely unjustified in his case, for, although he may have erred (v.4), his sins have not been of a sufficiently grievous nature to account for the terrible suffering he endures.

He is suffering not because of his sins, but because God has put him in the wrong (v.6). He cries out "Violence", but God refuses to answer him or to grant him justice (v.7). God has blockaded his way and has blinded him so that he cannot escape (v.8). God has robbed him of the riches and honour which he once possessed and has deprived him of all hope (vv.9-10). He sends an army to besiege

1 - reading }y instead of }y -see B.H.
Job as if he were a city (vv.11-12). But, even worse, God has caused Job to suffer social ostracism. He is alienated from those who should befriend him, despised by those who should respect him (vv.13-18). Even the three friends whom he has loved have turned against him (v.19b). He cries out to these friends to look upon the horror of his physical condition brought about by God and to have pity (vv.20-22).

He quickly realizes that he can expect no help from men. And, although he has just spoken about God as his Adversary, he now turns to him as the One who can and will vindicate him even if he must die first. He wishes that the words of his defence and the words of his complaint against God were inscribed on a rock for ever:

"O that my words were written!
O that in an inscription they were inscribed!
That with a stylus of iron and lead
For ever in the rock they were hewn"\(^1\) (vv.23-24).

Most commentators believe that these verses constitute an appeal to future generations who will read the words inscribed on the rock and declare that Job was a righteous man. However, I think that Weiser is right when he asserts that the inscription is to be read not by future generations, but by God himself.\(^2\) At present, God is inattentive to Job's declarations of innocence and his cries for help, and very soon Job will lie silent in the grave. But if his words are eternally graven on the rock, then some day God will read these words and declare Job innocent.

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2 - A. Weiser - Das Buch Hiob, A.T.D., 1951 p.147, says: "Im Sinne eines Votivsteins, der nach dem Tode des Hiobs die Funktion eines Klagepsalms vor Gott übernehmen und seine Erhebung und Recht fertigung durch Gott bewirken soll, wird man sich also den Wunsch des Hiobs nach schriftlicher Aufzeichnung seines Anliegens zu erklären haben."
Verses 25-27 taken by themselves, can refer either to a vision Job hopes to have during this life or to a post mortem experience. But, since he has just expressed the wish that his words were inscribed on a rock that they might testify to his innocence long after his death, it is probable that it is also after death that he hopes to see God. Although the noun י"ל which is used in v.26a normally means "skin", it can also mean "body" (cf. Ex. 22:26), and, in my opinion, this much-disputed clause refers to the destruction of the body in the grave. If we simply emend נתי to י"ל we may translate the clause, "And after this body of mine has been destroyed".

Job knows that he is about to die at the hands of God the Adversary. Nevertheless God the Advocate and בקיח will have the last word. The בקיח, coming later (י"ל) will stand up on the earth (v.25), and although Job's body has decayed in the grave, he will yet be enabled to see God for himself (vv.26-27). This vision of God will be the proof that God has given heed to the words inscribed on the rock, and regards Job as innocent (cf. Ps.17:15). No one who is a stranger to God is allowed to experience such a theophany (v.27b).

Verses 28-29 express Job's conviction that the same God who will eventually vindicate him will also take vengeance on his persecutors. He warns the friends to "be afraid of the sword, for wrath brings the punishment of the sword that you may know there is a judgment" (v.29; cf. 13:9ff).

1 - T.H. Meek (Job 19:25-27, V.T. 6, 1956, p.102) says: "It is true that י"ל immediately following the verb is unusual, but it is manifestly a demonstrative particle here and has the same force as would a demonstrative adjective with the noun 'this skin of mine'".
In his second speech (ch. 20), Zophar, like Eliphaz and Bildad before him, is pre-occupied solely with the inevitable doom of the wicked and he adds little, if anything, to what the other friends have said. Job has addressed the earth as his ally (16:18) and has appealed to his heavenly Witness (16:19) and (19:25ff) whom he is confident will vindicate him. And Zophar is probably referring to these statements when he says, concerning the wicked man, that "the heavens will reveal his iniquity, and the earth will rise up against him" (20:27). Thus Zophar implicitly identifies Job with the wicked man whom God punishes "in the day of his wrath" (v.26). Zophar believes that Job, in his greed (v.20) has oppressed the poor (v.19), and that he is suffering the due reward of his deeds.

In this second cycle of speeches, the friends have given up the hope which they once entertained, that Job would enjoy a happy and prosperous future. And, although they have not yet directly accused him of committing specific crimes, they have clearly come to regard him as a wicked man whose doom is certain.

Job's attitude to the friends is now one of utter contempt. They are worthless physicians (13:4) and miserable comforters (16:2). There is not a wise man among them (17:10). They argue Job's humiliation against him (19:5) and plead the case for God (13:8), hoping that they will receive a reward for their defence of God's character. But God is not deceived, and far from rewarding them, will punish them (13:9ff.; 19:28-29). Only once (19:21) does Job appeal to these friends to have pity on him.

Job's attitude to God, on the other hand, is continually oscillating between the black despair of a man who knows God only as an enemy and the sublime faith of one who is convinced that God will yet reveal himself as Friend, Advocate and Vindicator. When Job in 13:20ff., begins to question God concerning the reasons why he afflicts him, he has given up any hope that there could be an umpire
between them. Only if God himself will "withdraw" thy hand far from me, and let not dread of thee terrify me" can he approach God without fear (13:21). Only by the grace of God can he argue with God.

When God, however, refuses to answer his questions, he begins to complain about God's unjust sentence (13:26), and this complaint in turn gives way to reflections concerning man's frailty and the inevitability of eternal death (14:1-12). He rises above these gloomy reflections for a moment, and considers the possibility of reunion with God after death - all his sins having been forgiven (14:14-17). But he quickly realizes that this is impossible and sinks into black despair as he contemplates an eternity of pain in Sheol unmitigated by any knowledge of events on earth (14:18-22).

In 16:6-17, he thinks of God only as his Enemy who is about to murder him. The idea that he will be murdered, however, suggests to him the possibility of a blood-avenger (16:18), and this thought in turn, gives place to the hope that the God of love will yet act as his Advocate (16:19) and as the Guarantor (17:3) of his piety. Then, a glance at the horrible condition of his body convinces him that, although he must still affirm his innocence (17:9), he can look forward only to the hopelessness of Sheol.

In 19:6ff., he regards God as the enemy who attacks him and turns his friends against him. Yet he rises to the absolute certainty that the God of love will finally win the victory over the God of wrath, and that even though he must die first, he will finally see God as his Friend and Vindicator (19:23ff).

(5) - The Third Cycle of Speeches (chs. 21-27) "There an Upright Man could argue with him, and I should successfully carry through my case".

Before we begin our discussion of the third cycle of speeches, it is necessary to rearrange the text of chapters 24-27. For
most scholars believe, with good reason, that several sections in these chapters have been accidentally or intentionally removed from their original contexts. The chief reason for this belief is that in several places in these chapters Job is made to say precisely the same things as the friends have been saying and to blatantly contradict his own arguments.

Two such places are 24:18-20 and 27:13-23. Both of these sections, although they are ascribed to Job, teach doctrines which are not his, but the friends'. Since 27:13-23 stands in the place where we should expect the missing third speech of Zophar to stand and says the same sort of things as he has said in previous speeches, the critics are undoubtedly correct when they ascribe these verses to him. When one reads this passage carefully, however, it is clear that something has dropped out between verses 13 and 14. Immediately after verse 13, we should expect to read not about the fate of wicked men's children but about their own fate. Now, since 24:18-20 speak about the fate of wicked men in much the same way as the friends have spoken about their fate in previous speeches, it is a reasonable conjecture that these verses originally stood between 27:13 and 27:14.

Several scholars believe that not only 24:18-20, but also 24:21-24 were originally included in Zophar's third speech. However, if we may omit as a later interpolation the first four words of verse 24 which speak about the short duration of the wicked man's exaltation, 24:21-24 are appropriate, indeed necessary, on Job's lips after 24:17 and before 24:25.

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1 - The verse as it now stands, says that the prosperity of the wicked only lasts for a short time, and then they are brought low and die. But Job's opinion was precisely the opposite. However, if we omit the first four words of the verse, the meter is improved and the verse is appropriate on Job's lips. See my translation and explanation of the verse on p.193
Most recent critics believe that chapter 25, with its emphasis on man's inferiority to God is correctly ascribed to Bildad. But it is much shorter than any of the other speeches, and probably should be lengthened, as several scholars suggest, by adding to it 26:5-14 - a section which is much more appropriate after 25:6 than after 26:4.

We probably should omit 27:1, the second introduction to Job's speech, as an addition copied from 29:1 by an editor who knew that 27:2ff. were Job's words whereas the concluding verses of chapter 26 were originally spoken by one of the friends. We are left then, with 26:1-4; 27:2-12 as the ninth speech of Job. But can we really ascribe all of these verses to him? 26:1-4 and 27:2-6 are appropriate enough on his lips. But what about 27:7-12?

The person who is speaking in verses 7-10 clearly believes that the wicked normally fare badly. Yet Job has said plainly in chapter 21 and in 24:22-23 that they normally enjoy long life, happiness and prosperity and it is incredible that he could have changed his mind so quickly. I think we should regard these verses as a later addition.

Although there is no reason to doubt that verses 11 and 12 might have been addressed by Job to his three friends, it is obvious that they did not originally stand at the conclusion of his speech. I think that we must assume, following Hoelscher¹ and Terrien² that Job used these verses as an introduction to a new attack on God's character - an attack which an editor omitted. By omitting also the introduction to Zophar's third speech which must have stood before 27:13, this editor converted the Job of chapter 27 into an orthodox Jew who taught that God always requites men according to their deeds. It was probably this same editor who, in the interest

¹ - G. Hoelscher - Das Buch Hiob, H.A.T., 1932, p.63
of orthodox theology, transferred 24:18-20 and 26:5-14 to their present positions and added 27:7-10 and the first four words of 24:24.

Omitting the later additions which we havementioned, chapters 23-27 may be divided amongst Job, Bildad and Zophar as follows:

Job - 23; 24:1-17; 24:21-25;
Bildad - 25:1-6; 26:5-14;
Job - 26:1-4; 27:2-6; 11-12 (conclusion omitted by an editor)

I do not think that another speech of Job in which he replied specifically to Zophar ever existed. Job's next and final speech, which, if we follow the majority of scholars who regard chapter 28 as a later addition, once came immediately after 27:23, is the monologue found in chapters 29-31.

Job has listened to the friends' tireless reiteration of the ancient dogma that the wicked must inevitably suffer for their sins, and until now, he has never explicitly denied the validity of this doctrine. But since in the Second Cycle the friends have begun to apply it to him, implying that because Job suffers he is very wicked, the time has come for him to show how untrue to life this dogma really is. This Job sets out to do in Chapter 21.

He insists that, contrary to orthodox doctrine, the practical atheists who refuse to serve God, power (v.7), security (v.9), prosperity (vv.10,13) and happiness (v.12). They live long enough to see "their children established in their presence and their offspring before their eyes"(v.8), and at the end, they die a quick (J) painless death (v.13b). It is only very seldom that "the lamp of the wicked is put out" (v.17). If the friends should argue that the sons are punished for the iniquities of the fathers
(19a), this is an immoral argument. God should punish the wicked themselves (v.19b), for they do not care what happens to their sons after they are dead (v.21).

If the friends will not accept Job's testimony, they should accept the testimony of widely-travelled men. These men will tell how "the wicked is spared in the day of calamity" (v.30) and is even honoured after his death (vv.32,33). Since such is the fate of wicked men, Job contends - and this is the point of the speech - that his suffering is no proof that he is wicked. Indeed it may even suggest that he is righteous.

Eliphaz refused to recognize the truth in what Job has just said, and insists that the man who is suffering must be a sinner. It is not, as Job appears to think, because of his piety (v.4a), but rather because of his great wickedness (v.5a) that God contends (hiph. of נדם) against Job and enters into judgment (of החרז) with him.

To substantiate this statement, Eliphaz is forced to formulate an indictment against Job - to accuse him falsely of committing specific evil deeds. In chapter 20, Zophar has accused the wicked man whom he probably identifies with Job, of oppressing the poor (v.19) to satisfy his own greed (v.20). But not until Eliphaz takes this step has any one formulated a charge specifically against Job. According to Eliphaz, Job has harshly treated his fellow clansmen who have fallen into his debt (v.6); he has shown no mercy toward the faint and the hungry (v.7) and he has been the accomplice of the man with power (v.8) so that widows and orphans have been oppressed (v.9). These sins are sufficient reason why "sudden terror" now overwhelms him (v.10). Job himself is like the practical atheists whom he has just described (vv.12-15,17-18; cf. 21:14-16), and Eliphaz would warn Job that such wicked men have been snatched away before
their time". (v.16)

However Eliphaz does not end his speech on this note of condemnation. There is still hope for wicked Job. If he will return humbly to putting away all unrighteousness, he will again delight in (vv.23ff). God will then hear his prayers and accept his vows (v.27). He will accomplish whatever he decides to do (v.28a) and light will shine on his ways (v.28b). In their first speeches, both Eliphaz and Zophar urged Job in terms similar to those used here to turn to God putting away any iniquity which might be in his hand. But whereas at the beginning of the debate the friends regarded the injunction to put away iniquity as hypothetical - Job might be sinless (cf. 11:14) - Eliphaz has succeed in convincing himself that Job has committed grievous sins which he must put away before he can enjoy peace with God.

Now that Eliphaz has clearly stated his accusations against Job, Job is more anxious than ever to appear before God to prove his innocence. In chapter 9, he was afraid that if he stood up to contend against God, God would terrify him into making himself out to be guilty. And in chapter 13, he realized that, only if God would voluntarily abstain from using his great power against him could he win his case (13:21). In chapter 23, however, he is convinced that if only he could find God (v.3) to lay his case ( ) before him (v.4), right, not might, would prevail. God would not contend against ( ) him with his great might, but would give heed ( ) to him (v.6). Before the divine throne, an upright man like Job could argue with God ( ), and he would successfully carry through ( ) his case. 3 (v.7)

1 - reading either or instead of following LXX

2 - N.H. Tur-Sinai (in The Book of Job - 1957 - p.355) says that in this place is close to the meaning of - to be victorious.

3 - reading following LXX, Syriac, Vulgate and many Hebrew mss. instead of
Job's difficulty now is that God is inaccessible to him. Whether he looks in the east, in the west, in the north or in the south (vv.6-9), he cannot find him. His inability to find God raises in Job's mind the old fear that, even though God knows that he is innocent (vv.10-12), he will condemn him without a trial. He begins to think once more that God is a powerful and capricious Deity whose arbitrary decisions no one can prevent him from carrying out:

"He makes a decision and who can turn him? What he desires that he does. For he will complete what he appoints for me: and many such things are in his mind. Therefore I am terrified at his presence; when I consider, I am in dread of him". (vv.13-15).

In chapter 24, Job turns from his own personal problem to the more general problem of God's apparent indifference both to the suffering of the righteous poor and to the wickedness of those who oppress them.

It is uncertain how we should interpret 24:1. Some scholars think that the verb "Ø" means "to keep or observe" here and that "ØØ" are times of judgment. But it is doubtful if "Ø" can mean "to keep". Others such as Dhorme follow the lead of the LXX in omitting "ØØ". Dhorme translates the verse:

"Pourquoi à Shaddai les temps ont ils été cachés

1 - reading in stead of see B.H.
Et ceux qui le connaissent n'ont-ils pas vue ses jours?" 1

If that is the meaning of the verse, it is a good introduction to what follows. But Job has said in 23:10ff. that God is fully aware of his own righteous conduct. Therefore it is unlikely that he would say in 24:1 that the times - i.e. events such as the oppression of the poor - were hidden from him.

I think that the best translation of the verse is that given in the King James Version and accepted with only verbal changes as a marginal reading by the E.R.V. translators:

"Why, seeing times are not hidden from the Almighty, do they that know him not see his days?"

The 'times' are events on earth and the 'days' are days of judgment. God is fully aware of what is happening upon the earth. He sees the evil deeds of those who remove boundary stones (v.2a), seize flocks (v.2b) and oppress the poor (v.3ff) but he does not punish them. He sees the suffering of the poor (v.5ff) and hears the groans of the dying (v.12a), but he does not heed their prayers. 2 Just as God has hidden himself from Job so that Job cannot find him to argue his case with him, so he has hidden himself from these other sufferers also.

Murderers (v.14), Adulterers (v.15) and robbers (v.16) carry out their evil designs unhindered. What makes their crimes so intolerable in Job's eyes is that they are directed against the oppressed classes:

1 - Le P. Paul Dhorme - Le Livre de Job, 1926, - p.322
2 - reading נבון following the Syriac instead of נבון
"They act wickedly against the barren childless woman, and do no good to the widow . (v.21).

Yet, far from punishing these people, God actually gives them security (v.23) and prolongs their life (v.22). Only when they have reached a ripe old age do they die and go to Sheol.

"Like mallow they are plucked off,
And like a head of grain they are cut off." (v.24: cf. 5:26).

Job concludes his speech by challenging the friends who believe so firmly in the law of retribution to prove that he is wrong.

Bildad, in his reply to Job (25:1-6; 26:5-14) does not attempt to answer Job's argument that God is indifferent both to human wickedness and to human suffering. He tries to lift the discussion onto a higher plane by extolling the great power of God as it is made manifest in the universe, concluding with the statement that the universe only reveals "the outskirts of his ways". God's true nature is incomprehensible. When Job or Bildad or any man beholds God's works in nature he must feel insignificant. But Bildad apparently believes that because God is powerful he is righteous and because man is weak he is unrighteous. He says: "Is there any number to his armies?
Upon whom does his light not arise?
How then can man be righteous before God ( "?
How can he be that is born of woman be clean ?" (25:3-4).

1 - reading with Targum instead of
2 - Omitting the first four words of the verse (see footnote 1, p.186) and emending to and to
Eliphaz has spoken twice (4:17; 15:14) about man's impurity before God using almost the same words as Bildad uses in verse 4. And Bildad undoubtedly asks the old question again in an attempt to put Job to shame for claiming in 23:10ff. that God knows that he is righteous. But Bildad's argument involves a complete "non sequitur". God is not righteous because he is powerful, nor is man wicked because he is weak.

Job begins his next speech with a sarcastic exclamation directed specifically to Bildad:

"How you have helped him who has no power! How you have saved the arm that has no strength!" (26:2).

Bildad's glorification of God's power is of no help to Job who is troubled by God's apparent injustice in his dealings with himself and with other sufferers. Job has known God's power very intimately - God's power used against him.

It will be recalled that in 9:2, Job also had asked, "How can a man be righteous before God?". But whereas the friends really believed that man was sinful in God's presence, Job's point was that even though a man were innocent, if he were to meet God for a judicial contest, God with his great power would terrify him into making himself out to be guilty. Job overcame this fear for the first time in his eighth speech when he said that if only he could find God to lay his case before him, God would give heed to him. And now, when Bildad reminds him of God's great power, he complains bitterly that God has used this power to take away his right (יִשָּׁבַע) and to make his soul bitter (27:2).

The second part of Job's speech (27:2-6) is an oath. He swears first, that he will never tell a lie (v.4) and second, that in spite of the rebukes of his friends, he will not put away his integrity (נָשָׁל - v.5b), nor let go of his righteousness (נָשָׁל).
to which he has always clung. The oath never to lie gives added authority to his assertion that he will cling to his righteousness. "If he swears never to lie, it also follows that he does not lie in the assertion of his innocence and therefore really is innocent ..... conscious falsification through the lie is excluded." 1

27:11 marks a turning point in Job's discourse. He is about to teach the friends concerning the hand of God. Since the final section of Job's speech has not been preserved, we have no way of knowing for certain what he set out to teach the friends. But perhaps we may surmise from Zophar's answer (27:13; 24:18-20; 27:14-23) that he reiterated the conviction which he had stated in chapter 21 and in 24:22ff. that the wicked enjoy happiness, prosperity, security, and long life, and leave numerous children.

Zophar's third speech merely repeats the conviction which the three friends shared that the wicked man's prosperity is fleeting. When he is wealthy and thinks he is secure, terrors overtake him like a flood, in the night a whirlwind carries him off." (27:20) The punishment which is not meted out to him falls upon his survivors (27:14f.) and his name is forgotten (24:20).

In this third cycle of speeches, the way has gradually been prepared for Job's concluding monologue (chs. 29-31) with its appeal to the Almighty to answer him. In the second cycle, the friends came to the conclusion that Job was sinful, and stated this indirectly by insinuating that he belonged to the class of wicked men who suffer for their deeds. At the beginning of the third cycle (ch. 21), Job replies to these insinuations by arguing, that, far from suffering, the wicked actually enjoy health, prosperity,

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long life, etc. The friends do not heed Job's argument, but cling to their conviction that sin is the only adequate explanation of suffering such as Job endures. To back up this conviction, Eliphaz formulates specific charges against Job (22:6-10) - charges with which the other friends no doubt agree.

These accusations make Job the more anxious to appear before God to prove his innocence. He is convinced that, if only he could find God, God would give heed to him and he would successfully carry through his case (23:6-7). But his inability to find God even though God knows that he is innocent (23:10-11) together with Bildad's speech reminding him of God's power (25:2-6; 26:5-14) and his own reflections (ch. 24) about the injustice in the world causes him to stand in dread of the Power which has robbed him of his 

(6) Job's Concluding Monologue (chs. 29-31)

In Psalm 44 which we examined near the beginning of this chapter, we read: first, the history of the case, including a recital of God's mighty deeds on behalf of Israel in the past (v.2ff.) and accusations blaming God for the people's present evil plight (v.10ff.); second, an affirmation of innocence (v.18ff.); third, the appeal to God to intervene on behalf of his people (v.24ff). Job's monologue in chapters 29-31 follows this same pattern.

(a) The History of the Case -

In chapters 29-30, Job reviews the history of God's dealings with him - the past when he knew God as his Friend (ch. 29), the present when he knows him only as his enemy (ch. 30).
The source of all Job's happiness in days gone by was that God was with him (29:5) watching over him (v.2) and causing his light to shine upon him (v.3). Because men noticed that God had blessed Job with prosperity (v.6) and a happy family (v.5), he was highly honoured by his fellow-citizens of every age and rank (vv.7-10). Men listened eagerly for his words (v.21) and even his smile restored despairing men's confidence (v.24).

As God poured out his blessings upon Job, Job responded by carrying out deeds of mercy toward the poor and the oppressed (v.11ff). He thought that his good deeds would be rewarded by a long happy life (vv.18-19) and that he would maintain his youthful vigour to the end of his days (v.20).

But Job's fortunes have changed. Whereas he was once respected by everyone, he is now despised and ridiculed by even the most disreputable of men (30:1-15). Men's attitude to Job has changed because God has turned against him and has persecuted him (v.21). He cries to God for help, but although he has responded when men and women cried out in distress (v.25), God fails to answer his cries (v.20). When he looks for good, evil comes (v.26). His heart is in turmoil because of his afflictions (v.27), his body is disfigured by his disease (v.28ff.), and all he can do now is weep over his sad lot (v.31) and look forward to death (v.23).

(b) Job's final oath of innocence

Job's final oath of innocence begins at 31:5. The first four verses of chapter 31 must be judged to be a later addition not only because they are missing in the LXX, but also because they are different in form from the rest of the chapter. Whereas verses 1-4 consist of a statement and a series of questions, the rest of the chapter follows with only slight variations the pattern of the
oath formula used in the trial by oath in the sanctuary. "If I have done this, let this happen to me."

In every case except one (v.9ff), the oaths are arranged in a series of "if" clauses with one self-malediction coming after several of these conditional clauses. However, sometimes the series of "if" clauses is interrupted by questions (v.14f.) or statements (v.28) indicating that Job expects to receive an especially severe penalty if he has committed certain crimes.

The majority of modern scholars, noticing the incongruity of the present position of verses 38-40 after the challenge to Deity have concluded that these verses originally stood after verse 34. This conjecture is undoubtedly correct. If we restore these verses to this position, then the self-malediction in verse 40 is the apodosis for the entire series of "if" clauses beginning at verse 24. Such a self-malediction at the conclusion of this series of conditional clauses is absolutely essential. As the text now stands, Job is saying, "If I have committed these crimes, let the Almighty answer me!"

There is no need to examine the contents of the chapter. Job is simply mentioning all the sins he can imagine for which God could justly punish a man and swearing that he has committed none of them. He is absolutely innocent.

(c) The Challenge to Deity

After this final oath of innocence, Job is more anxious than ever to meet God and to hear his verdict. In chapter 19, he wishes that his words were written in an inscription on the rock where his *might read them and declare him innocent (19:23ff.). In this place, he imagines that his oaths of innocence have already
been written on a document. He has appended his signature to this document and he wishes that God would answer him (31:35ab).

If God his Adversary (יְהֵנָה הָאָדָם) will not answer him orally, then may he too write a document (v.35c). What was to be the content of this document written by God? Most commentators think that it would contain God's accusations against Job - accusations which would be of a very trivial nature. It is much more probable that Job expected God to write a document declaring him innocent. Such a certificate of innocence, Job could indeed carry proudly on his shoulder (v.36a) or even wear as a crown (v.36b) as he approached the God whom he would then regard no longer as his Enemy, but as his Friend and Vindicator (v.37).

(7) The Divine Response

In response to Job's challenge, God speaks to him from the whirlwind. (38:1ff.). But whereas Job expected that when God appeared, he would declare him innocent, or at least give a reason for the suffering which he is called upon to endure, the divine speech takes the form of a series of questions. Job is to explain the natural phenomena which God regulates and to declare whether he has sufficient wisdom and understanding to control nature as God controls it.

The purpose of these questions is to demonstrate to Job that when he dares to criticise God's treatment of him and of mankind in general, he is speaking from a position of ignorance. He is darkening "counsel by words without knowledge" (38:2). At the end of this divine speech, the man who contends with יְהֵנָה is given two alternatives. He may cease disputing with God or he

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1 - cf. J. Lindblom - La Composition du Livre de Job, 1945, p.81
2 - reading יְהֵנָה the interrogative participle plus the participle of יְהֵנָה (cf. Is. 45:9) following Symmachus, the Vulgate and the Targum, instead of יְהֵנָה.
3 - reading יְהֵנָה following Theodotion and the Vulgate instead of יְהֵנָה.

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may continue the debate. But if he chooses the second alternative, he must answer the questions which God has just put to him.

As the text now stands, the first speech of God merely causes Job to say that he is unable to continue the debate (40:3-5) and a second divine speech (40:6-41:26) is necessary before Job actually repents of what he has said (42:2-6).

However it is extremely probable that the second divine speech consists entirely of secondary material. Many reasons for rejecting this entire passage can and have been given, but the following will suffice: First, 40:10-14 imply that the author of this particular passage believed that God acted according to the law of retribution abasing the proud and treading down the wicked, whereas the author of the dialogue was clearly perplexed by the fact that God so often let the wicked prosper. Second, the descriptions of Behemoth and Leviathan, semi-mythological animals "exceed all the others in length and give the impression of having existed first as independent poems to be attached later to the long poem of chs. 38-39 about nature's marvels." Third, after Job's confession that he cannot continue the debate, Yahweh's second rebuke "comes perilously near nagging". Fourth, whereas in the first speech the emphasis is on Job's ignorance in comparison with God's wisdom, in the second, it is on Job's weakness in comparison with God's power (esp. 40:9; 41:10).

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1 - J. Lindblom - op. cit. - p.87
2 - A.S. Peake - Job. C.B. 1905, p.332
Now Job may have needed to be reminded of his own ignorance in comparison with God's wisdom, but he was well aware of God's power—a power which God could use to overwhelm him if he chose to do so. Fifth, if we omit the second Yahweh speech, Job's two confessions come together, and we discover that they fit together exceedingly well, 42:2-6 giving the reason for his statement in 40:4-5 that he will stop speaking.

(6) Job's Confession, Vindication, and Rehabilitation

To Yahweh's challenging question (40:2), Job replies that he cannot answer and will not continue the debate (40:3-5). As God speaks to him out of the whirlwind, Job experiences a personal confrontation with God such as he has several times longed for (42:5). He sees God as he really is, and in the light of this vision he confesses his sin. It is important to note, however, that the sin which Job admits—the sin of speaking confidently about a God whom he did not really know nor understand—is one which he has committed in the course of the debate. He is still absolutely certain that he has committed no sin which could be regarded as the cause of his suffering.

Moreover the very fact that Job is able to see God is an indication that God regards him as a fundamentally righteous man. No one who is a stranger to God can experience such a theophany (cf. Job 19:27b). Job now knows God more intimately than he has known him before and this intimate fellowship with God is sufficient for him. This is his vindication.

42:7 where Yahweh condemns the three friends and praises Job has puzzled many scholars. J. Lindblom imagines that in the ancient form of the story of Job, Job defended his god's character while
the friends denounced this god, and that the author of the present
Book of Job has taken over this verse from the ancient story "at
the price of real and logical coherence".¹ I find this theory
utterly unconvincing. It is surely unrealistic to suppose that
the author, who according to this theory, omitted the dialogue
which he found in the ancient book of Job in order to substitute
another dialogue which he himself had composed, would have retained
a verse from the ancient book which expressed a judgment concerning
the four chief characters inconsistent with the one which he himself
wished to express.

We should try to interpret 42:7 in its present context, and
I do not think this is so difficult as some scholars claim. Yahweh's
condemnation of Eliphaz and his two friends may be translated, "You
have not spoken unto me what is appropriate as my servant Job has."
The appropriate words which Job has addressed to Yahweh are his words
of repentance. But whereas Job has rightly repented of his speech
without knowledge, the friends have not repented of their sins:
their sins of arrogantly claiming that they know precisely how God
works, and their sin of falsely accusing Job. Yahweh's words of
condemnation are directed specifically to Eliphaz because, although
the other friends implied that Job was very sinful, it was Eliphaz
who levelled against him specific false charges.

According to verses 8 and 9, Job prays for the friends after
they have offered sacrifices for their sins. It would perhaps be
unfair to contrast this act of Job with Jeremiah's prayers for venge¬
geance against his enemies, for the story of Job is fiction, that
of Jeremiah history. Nevertheless it is important to note that the

¹ - J. Lindbom - op. cit. - p.17,29,34
author of Job believed that a righteous man should pray for those who wronged him. This ideal for a righteous man finds its fullest expression in the life of Him who, when men had done their worst, could still cry out, "Father, forgive them; for they know not what they do". (Lk. 23:34)

And just as Jesus said, "Forgive and you will be forgiven" (Lk. 6:37; cf. Mt. 6:12; 14-15 and parallels), our author tells us that only after Job has prayed for the men who have wrongly accused him are his health and possessions restored to him.

By refusing to give up his integrity in spite of his afflictions Job has proved that the Satan was wrong - that a man like Job would serve God even though he received no reward. Job now lives in intimate fellowship with God, his pride crucified and his character unblemished. This fellowship with God would have been sufficient for Job. Yet there are, I think, two very good reasons why God restores Job's health and possessions. First, he has compassion for the man whom he has afflicted. And second, Job's neighbours would not have believed that God had vindicated Job in the absence of these outward signs that God was with him once more.

D - THE ADVERSARY-ADVOCATE CONFLICT IN THE EXPERIENCE OF CHRIST

Throughout this chapter, we have drawn attention to the conflict which men like Jeremiah, Job and some of the Psalmists knew between the God of wrath and the God of love, God the Adversary and God the Advocate. This is a conflict which I think every monotheist must experience.

For our sakes, our Lord Jesus knew this conflict in a bitterer form than any man has ever experienced it. We remember how, as he
hung dying on the cross, he felt, like Jeremiah, like Job, and like the Psalmist whom he quoted, that the God of love whom he had known so intimately had completely forsaken him. "My God, my God, why hast thou forsaken me?" (Mt. 26:46; Mk. 15:34). Yet Jesus overcame even this bitter despair in the confidence that his Father was a righteous Judge who would vindicate his faithful Son (cf. Luke 18:1-7; I Peter 2:23). Jesus' dying words "Father into thy hands I commit my spirit" (Luke 23:46) remind one of Jeremiah's expression of trust in Yahweh the Judge of righteousness, "Upon thee I have rolled my case" (Jer. 11:20; 20:12).

On the following Sunday, the disciples discovered that God had indeed vindicated their Master. I believe that it is because Christ experienced this feeling of alienation from God and emerged triumphant that he is able to act as the sinner's Advocate with the Father (I Jn. 2:1).
The ribh metaphor as it is used in the Old Testament points to the following conclusions with regard to the Hebrew understanding of God and of God's relationship with men:

(1) There are divinely ordained laws governing the behaviour of men, and any individual, group or nation which persistently breaks these laws is bound to suffer for it.

(2) When God is judging a nation, he takes into consideration not only its deeds, but also the opportunities it has had to know God and his will. The pre-exilic prophets are convinced that Israel who has rebelled in spite of Yahweh's revealing, chastising, and saving acts in her midst must be punished even more severely than the other nations. And if, in the exilic and post-exilic periods, Hebrew prophets came to believe that Yahweh was about to show his partiality toward the Jews by granting them a prosperous future and punishing their enemies without mercy, this is accounted for by the low estate to which the Jews had fallen and the terrible oppression which they had endured at the hands of foreign nations.

(3) The God of Israel is a Person who entered into a personal relationship with his people at Sinai, and is now anxious to maintain this relationship. In Hosea 2, he is conceived as the Husband who has been forced to divorce his adulterous wife; In Isaiah 1:2-4, he is thought of as the Father of rebellious sons; and in Jeremiah 3:1-5,19ff., both of these metaphors are used. The controversy against the adulterous wife or the rebellious sons is for the purpose of restoring the harmonious relationship which once existed between Israel and her God.

In spite of the sternness of the moral law which Yahweh, the
God of justice, must uphold, he is unwilling to punish his people unless this is absolutely necessary. And when he does punish them, the punishment is not an end in itself, but the means which he must use to redeem adulterous Israel.

(4) When God's servants complain about the suffering which he forces them to endure, he may sometimes rebuke them (Jer. 15:19); (Job 38:1-40:2) or warn them to expect even worse troubles (Jer. 12:5-6). Nevertheless he finally does hear and heed their complaints. Because God is a Person with a heart of compassion, a comparison between a man's past happiness and present wretchedness (Job 29-30; cf. Ps. 44:1-16) will move him to intervene on his behalf as Advocate and Vindicator.
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