

Job's Summons to Yahweh: The Exploitation of a Legal Metaphor

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Legal metaphors are extremely popular in the theological language of the Old Testament.¹ In part this popularity of legal language merely reflects Israel's Near Eastern background, where the idea of the deity as judge was both ancient and widespread.² Partly it is a more uniquely Israelite phenomenon, stemming from early Israel's creative adaptation of the international treaty form to give institutional expression to her new relation with Yahweh.³ Much of the legal imagery of the Psalms comes out of the first background,⁴ while the legal terminology of the prophets, particularly in the prophetic *rib*, must often be traced back to covenantal theology.⁵ Nevertheless, the imagery from both backgrounds is often mixed, so one must be wary of pushing for pure forms.

This warning is especially appropriate in connection with the book of Job, where the legal imagery flourishes, but often in unconventional ways. It is to such an unconventional usage of legal metaphor that this study, presented in memory of my friend and respected teacher the late Dr. J. W. Roberts, is directed.

¹ B. Gemser, "The *rib*-or controversy-pattern in Hebrew mentality," *SVT* 3 (1955), 120-137.

² Arnold Gamper, *Gott als Richter in Mesopotamien und im Alten Testament, zum Verständnis eines Gebetsbittes*, Innsbruck: Universitätsverlag Wagner, 1966.

³ The vast literature on covenant is still expanding and cannot be listed here. For the sake of the novice, however, one should mention Delbert R. Hillers' *Covenant: The History of a Biblical Idea* (Baltimore: The Johns Hopkins Press, 1969), which is undoubtedly the best introduction to the subject. i

⁴ Gamper, *op. cit.* I

⁵ Julien Harvey, *Le plaidoyer prophétique contre Israël après la rupture de l'alliance* (*Studia travaux de recherche*, 22; Bruges-Paris: Desclée de Brouwer/Imontreal: Les Editions Bellarmin, 1967).

If I say, "I will forget my complaint,
 I will relax my face and smile,"
 I become afraid of all my sufferings.
 I know you will not acquit me.
 I am already found guilty;
 Why should I struggle in vain.
 Were I to wash myself with soapwort,
 Cleanse my hands with lye;
 You would dunk me in filth,
 And my clothes would abhor me.
 For he is not a man, like me, whom I could challenge:
 "Let us go to court together (*nbw' yhdw bmt'pt*)."
 Would there were an umpire between us
 That he might place his hand on us both.
 Let him put aside his club,
 And let his terror not dismay me.
 Then I would speak and not fear him,
 Though I am not just before him.⁶ (Job 9:27-35)

This passage is loaded with unconventional thoughts, but let us focus first on the expression Job uses in his hypothetical summons to God, "Let us go to court together (*nbw' yhdw bmspt*).⁶ This expression, while unexceptional when used of two humans, runs counter to normal usage when applied to God. *Bw' bmspt 'm'/t*, "to enter into litigation with," or *hby' bmspt*, "to bring into litigation," when used with God as the subject, normally designates an experience to be avoided if possible. The Psalmist prays to be delivered from it: "Do not enter into judgment with your servant (*w'l tbw' bmspt 't 'bdk*), for no living being can be in the right before you;" (Ps. 143:2). Isaiah threatens the leaders of Israel with its imminence, "Yahweh is about to take the stand to prosecute, He is about to stand to judge his people, Yahweh is entering into litigation with the elders of his people and their princes (*yhw' bmspt ybw' 'm. . .*)" (Isaiah 3:13, 14).

⁶ For the rendering of this last line see Anton C. M. Blommerde, *Northwest Semitic Grammar and Job* (Biblica et Orientalia, 22; Rome: Pontifical Biblical Institute, 1969), 57, 58. There are other difficulties in the text as well, but for the sake of economy I have limited my textual notes to those places where my rendering departs radically from any of the commonly accepted translations. For the rest the reader should consult the commentaries, especially Marvin Pope's in the *Chor Bible* series.

And Qohelet uses it as a warning to temper any libertine misunderstanding of his philosophy of life:

Rejoice, young man, in your youth,
And let your heart cheer you in the days of your
youth.
Walk in the ways of your heart and in the sight of
your eyes,
But know that for all these things God will bring
you into judgment (yby' k h'lhym bmspt)
(Ecclesiastes 11: 9).⁷

The reason for this rather negative evaluation of such an experience is clearly expressed in Eliphaz's sharp rebuke to Job: "Is it because of your piety he reproves you (*ykyhk*)? That he enters into litigation with you (*ybw' 'mk bmspt*)" Job 22:4)? Up to this point in the dialogue God has not deigned to speak with Job, so the reference cannot be to an oral rebuke. The only tangible expression of Yahweh's reproof or litigation lay in the sufferings Job was enduring. Such suffering was interpreted in traditional Israelite thought, as in Near Eastern thought in general, as God's judgment on a sinner. Thus the metaphor "to bring/enter into judgment," when used with God as the subject, meant, translated into literal prose, "to suffer some kind of pain or disaster." Naturally that is an experience to be avoided and one, which invites its use as a warning.

Job follows this normal usage of the metaphor when he complains that man is too ephemeral a creature, his life too brief, for God to waste time bringing him to court (14:1-3), but in the passage quoted earlier (9:32), the poet has Job express a quite different sentiment. Under certain circumstances he would actually initiate litigation with God! Obviously Job is using the expression with a different meaning here—he certainly does not want more suffering. And if one considers the circumstances in which this summons would be offered, one can see what Job has done to the metaphor. He has simply transferred it, untranslated, out of the realm of

⁷ The other occurrence of this expression in Ecclesiastes 12:14 obviously has a somewhat different implication.

metaphor into that of literal prose. While traditional language spoke metaphorically of God entering into judgment with man, Job pleads that he literally do so in a tangible, equitable fashion.

This implies, among other things, that God make himself visible to his opponent at law. Part of Job's complaint is his inability to find God. He touches on this problem of God's invisibility earlier in the same chapter, "Lo, he passes by me, but I cannot see him; He moves on by, but I cannot perceive him" (9:11), but his clearest exposition of it is in Job 23:3-9:

Would that I knew where to find him
That I might come to his tribunal.
I would lay my case before him,
Would fill my mouth with arguments.
I want to know what words he would answer me.
I want to consider what he would say to me.
Would he contend with me in his great strength?
No, he would pay attention to me.
There the upright could reason with him,
And I could carry my case through successfully.
Lo, I go forward, but he is not there,
Backwards, but I cannot perceive him.
I turn left, but I cannot see him,
I turn right, but I do not spy him.⁸

It is not enough, however, for God to show himself to his opponent. He must restrain himself, forego the use of his awesome, intimidating power, in order that Job may reason with him unafraid, as an equal:

Only two things do not do to me,
Then I will not hide from your face:
Remove your hand from upon me,
And let your terror not dismay me.
Then call, and I will answer,
Or let me speak, and you reply. (13:20-22)

⁸ It would also be possible to translate the terms "forward," "backwards," "left," and "right," in accordance with their use in Hebrew to designate the cardinal points of the compass, as "east," "west," "north," and "south," respectively.

Otherwise justice cannot be achieved, for God would simply terrorize his opponent into accepting his verdict:

If he carries off, who can challenge him,
 Who can say to him, "What are you doing?"
 A god could not turn back his anger;
 The helpers of Rahab grovelled beneath him.
 How then could I challenge him?
 Choose my words with him?
 Though in the right I could not answer;
 I would have to entreat my judge.⁹
 If I summoned, and he answered,
 I do not believe he would heed my voice.
 He would bruise me with a tempest
 And multiply my wounds without cause.
 He would not permit me to catch my breath.
 Yea, he would sate me with bitterness.
 Be it power, he is strongest;
 Or litigation, who could arraign him?
 Though I were innocent, his mouth would declare me guilty.
 Though I were blameless, he would pronounce me perverse.
 (9:12-20)

In stressing this need for Yahweh to exercise self-control, the poet appears to have picked upon a logical weakness in legal imagery dear to the prophets. The whole presentation in Job 9 may, in fact, be read as a critical reflection on the famous passage in Isaiah 1:18-20:10

Come and let us reason together, says Yahweh.
 If your sins be as scarlet, shall they become white

⁹ This translation follows the MT vocalization *lmsop tl*, but takes the mem as the enclitic expansion of the preposition, i.e. *lm s'pty*. Cf. the use of *lmw* in 27:14; 29:21; 38:40; and 40:4.

¹⁰ Both have a summons to litigation (Isa. 1:18//Job 9:32), both stress the impossibility of man's cleansing himself before God (Isa. 1:18 [see next note]//Job 9:30-31), and both make it evident, though in radically different ways, that Yahweh's will cannot be thwarted (Isa. 1:19-20// for Job, see below).

as snow?¹¹

If they are red like crimson, shall they become as wool?

If you are willing and obedient, you will eat the good of the land,

But if you refuse and rebell, you will be devoured by the sword,

For the mouth of Yahweh has spoken.

The late President Johnson once quoted the first line of this text in an appeal for national unity only to have a querulous critic point to its conclusion. The appeal to sweet reasonableness ends in a threat! Agree with me or be damned!

Actually the word translated "reason together" (*nwkh*) properly means "to dispute together in court," but that only gives more point to the critic's cynicism. Yahweh is both an interested party in the lawsuit and the judge! This is hardly a fair arrangement for Yahweh's opponents at law, yet this rather bizarre pattern constantly appears in the prophetic *ribs*. It can only be explained, I think, by the covenantal background to these prophetic lawsuits. In the international treaties the gods who served as witnesses also acted as judges, in the event the treaty was broken, either by deciding the outcome of the battle which was almost sure to follow, or by afflicting the guilty side with natural disaster.¹² But Israel,

¹¹ For this rendering of this and the following line see Hans Wildberger, *Jesaja* (BK XII; Neukirchen-Vluyn: Neukirchener Verlag, 1972), 52-53, especially the following:

Since Yahweh summons to a clarification before the judgment, he must say why that is necessary. Against the prophet's preaching one will have raised the objection that the possibility of reparation for the guilt of sin exists, and indeed through cultic rites, be they sacrifice or ritual washings. It is not the forgiveness of sins, but the possibility of expiation that stands under discussion. Now it is fully in line with [vss.] 10-17 if here also Isaiah opposes the sharpest "No!" to a confidence rooted in the performance of cultic rites and thus destroys the certainty of salvation, so understood, as an illusion. One cannot be finished with the guilt of sin so easily, and man should not attempt to play so sacrilegious a game with God's patience (p. 53).

¹² For the first note the appeal to Shamash in the Tukulti-Ninurta Epic and in Yarim-Lim's letter to Yashub-Yahad (both conveniently included in the appendix to Harvey's work, op. cit., 170-173), and for the latter see Mursilis's plague prayers (ANET, p. 395, para. 4-10).

when it adapted this political form to express its religious commitment to Yahweh, obviously could not assimilate these pagan gods-one finds only attenuated accommodations to the pressure of the form.¹³ Thus Yahweh, one party to the treaty, also had to assume the responsibility of the gods to see that it was observed. As a result, the lawsuits based on this covenant model place Yahweh in this same invidious dual role. This is sometimes obscured by the appeal to various parties as witnesses, but ultimately it is always Yahweh, the litigant, who pronounces judgment on the guilty.

One can see that the flaw lies at the metaphor's roots, in imperfect analogy between the original political form and the religious use to which it was put. Other metaphors for God's relation to man such as the language of father and son do not harbor this particular weakness. Job, however, who appears to have read the Isaiah passage with the same cynical eye as Johnson's critic, is interested in exploiting the metaphor, not in explaining its flaw. How can he hope for a fair trial, if God is to be both his opponent and his judge? Thus Job presses for a third party to adjudicate his dispute with God.

This third party, variously referred to as an "umpire" (*mwkyh*),¹⁴ "witness" (*'d and shd*),¹⁵ "interpreter" (*mlys*),¹⁶ and "redeemer" (*g'l*),¹⁷ has been the source of endless discussion, and the passages where this figure occurs are some of the most difficult in the book of Job. One cannot deal with them here except to say that all these terms take on more than ordinary significance when applied to this third party.

That is entirely in keeping with our poet's method. He has produced Job's summons to Yahweh with its concomitant features by exploiting ambiguities and logical weaknesses in the traditional legal metaphors. It is not surprising that these terms suffer the same creative fate.

¹³ The prophetic appeal to heaven and earth as witnesses must be read as such.

¹⁴ Job 9:33.

¹⁵ Job 16:19.

¹⁶ Job 16:19; 33:23.

¹⁷ Job 19:25.

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