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THE ROOT רִיב AND THE PROPHETIC LAWSUIT SPEECHES

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OF special interest in recent OT study have been those prophetic texts in which Yahweh and people are represented as participants in a legal process.¹ As a convenient listing of these “lawsuit speeches” or *Gerichtsreden*, we take that given by Claus Westermann: Isa 1 2–3, 1 18–20, 3 13–15, (5 1–7); Mic 6 1–5; Hos 2 4–17, 4 1–3, 4 4–6, 12 3–15; Jer 2 5 ff., 25 31; Mal 3 5.²

A glance at these texts indicates that the thematic vocable running through them is רִיב, with the verb occurring in Isa 3 13, Mic 6 1, Hos 2 4 (*bis*) and 4 4, Jer 2 9 (*bis*) and 2 29. The noun occurs in Mic 6 2 (*bis*), Hos 4 1, 4 4,³ 12 3, and Jer 25 31. We offer here some observations on the sense and settings of this root in the OT and the third Sefire stele in an effort to shed light on two issues which remain debated as one works through the literature on the lawsuit speeches: 1) What is the precise meaning of the root רִיב in these texts? 2) Did these legal forms of speech originate in the sphere of the court at the gate (Boecker), the cult (Würthwein), or international relationships (Harvey)?

I. *The Primary Sense of the Root רִיב in the OT*

A. A survey of the lexicons and literature indicates that three different primary senses have been suggested for the verb and the derivative noun.

The Brown-Driver-Briggs lexicon gives a rather broad primary meaning for the verb, defining it as “strive, contend,” which may involve bodily struggle as well as verbal contention. The primary sense given for the noun, similarly, is “strife, dispute.”

¹ For a history of research on these texts, see J. Harvey, “Le RIB-Pattern, réquisitoire prophétique sur la rupture de l’alliance,” *Bb*, 43 (1962), pp. 172–96 and, in more detail, Harvey’s recent *Le Plaidoyer prophétique contre Israël après la rupture de l’alliance*, Studia, No. 22, first chapter. Among the literature, note especially E. Würthwein, “Der Ursprung der prophetischen Gerichtsrede,” *ZThK*, 49 (1952), pp. 1–16, and H. J. Boecker, *Redeformen des Rechtslebens im Alten Testament*, WMANT, 14, pp. 91 f. and throughout. I have reviewed the literature on these texts in the opening chapter of my Union Theological Seminary (Va.) dissertation, “The Lawsuit of God in the Eighth-Century Prophets,” 1969.

² Westermann, *Basic Forms of Prophetic Speech*, pp. 199 ff. The Isa 1 2–3 text is discussed on pp. 202 f., where Westermann says that the text has features of both a judicial complaint and a lament.

³ Accepting the common emendation yielding רִיבִי; see H. W. Wolff, *Dodekapropheton 1: Hosea*², ad loc. For a thorough discussion of the pericope, see N. Lohfink, “Zu Text und Form von Os 4:4–6,” *Bb*, 42 (1961), pp. 303–32.

Koehler-Baumgartner's definitions are more narrow, connecting both verb and noun with a legal process. The primary sense given for the verb is "(mit Worten, Anklagen, Behauptungen, Vorwürfen) einer Rechtsstreit führen; rechten," and for the noun, "Rechtsstreit." J. Begrich understands the root in a similar manner, saying that רִיב "ist die technische Bezeichnung der Verhandlung des Streites vor Gericht."⁴ H. J. Boecker also understands רִיב as in most cases a term for the conducting of the legal process as a whole. He sees this as frequently the sense of the root when used with נָאָם, אָתָּה, or absolutely, but believes it has the narrower sense "accusation" (*Anklage*) when used with בָּ and the sense "bring an accusation before" (*Anklage erheben bei*) when used with אָל.⁵

Würthwein believes that the primary sense of the root may be described still more narrowly. He says:

Natürlich ist zuzugeben, dass es Stellen gibt, die רִיב in dem von Begrich bezeichneten Sinn gebrauchen. Aber diese Bedeutung scheint sekundär aus der Bedeutung "Anklage" entwickelt. Zu einem Prozess kommt es dadurch, dass Anklage erhoben wird: so kann aus dem Wort für Anklage schliesslich eine Bezeichnung für den ganzen Prozess werden.⁶

Also to be categorized here is Harvey, who understands the primary sense of the root as "legal complaint":

La notion fondamentale sous-jacente au verbe comme au nom, dans les textes bibliques, est "réclamation du droit."⁷

Thus the lexicons and literature understand the primary meaning for רִיב as ranging from the broad "strive, contend" through a more restricted "conduct a legal process" to a most restricted "accuse, make an accusation."

B. In his *Theologie des Alten Testaments*, Ludwig Koehler has written:

According to a tried and tested rule, one begins, in illuminating a theological concept, with the sense which the concept has in its nontheological and pretheological use. And the more important the theological concept, the more binding is this rule.⁸

In an effort to understand the meaning of רִיב in those prophetic texts where Yahweh and people are involved in a legal process, then, we begin by calling attention to a number of occurrences of the root in nontheological contexts. In each of these examples the root occurs in what may be described as a framework to direct quotation or direct speech, and because of this speech-framework position, the meaning may be determined quite precisely.⁹

⁴ *Studien zu Deuteriojesaja*, ed. by W. Zimmerli, p. 37.

⁵ *Op. cit.*, p. 54, n. 2, where he summarizes German discussion on the meaning of the root.

⁶ *Op. cit.*, p. 4.

⁷ *Le Plaidoyer*, p. 117.

⁸ 2nd ed., p. 43.

⁹ For form-critical analyses of most of the texts discussed in the following, see Boecker, *op. cit.* His *Register* indexes passages discussed.

1. We consider first three examples from the book of Nehemiah. In ch. 5 we are told that certain wealthy Jews were oppressing their poorer brethren during the postexilic economic crisis in Judah. The poor were being forced to sell their children as slaves and to borrow at interest from fellow Jews in order to pay the king's taxes (Neh 5 1-5). Nehemiah heard of the situation and reports:

And I was very angry when I heard their outcry and these words . . .

וְאָרִיבָה אֶת־הָחַרִים וְאֶת־הַסְּגָנִים

and I said to them, "You are exacting interest, each from his brother" (Neh 5 6 f.).

In ch. 13 we are told that after a trip back to the Persian court, Nehemiah returned to find matters in Jerusalem in a sorry state. The Levites were not being properly paid and had resorted to earning their living by farming. Nehemiah reports:

וְאָרִיבָה אֶת־הַסְּגָנִים

and I said, "Why is the house of God forsaken?" (Neh 13 11).

He also found the sabbath being violated, and reports:

וְאָרִיבָה אֶת חֲרֵי יְהוָה

and I said to them, "What is this evil thing which you are doing, profaning the sabbath day?" (Neh 13 17).

In each of these examples, the verb רִיב occurs in narrative material which introduces direct quotation. To רִיב is to say, "You are exacting interest, each from his brother," or "Why is the house of God forsaken?" or "What is this evil thing which you are doing, profaning the sabbath day?" Since each of these statements may be described as a complaint or accusation, the sense of the verb in each instance is "make a complaint, accusation." Here Nehemiah speaks as the aggrieved party, making a complaint against the aggrieving nobles and officials.

2. We turn next to two contexts in Judges where the verb again occurs in narrative material framing direct quotation. Judg 8 1 ff. reports that the men of Ephraim are angered because Gideon had not called them to join in battle against the Midianites. They say to Gideon:

"What is this which you have done to us, not to call us when you went to fight against Midian?"

וְרִיבֹנָם אֹתוֹ בְּחִקָּה (Judg 8 1).

To רִיב in this context is to say, "What is this which you have done to us?" that is, to make a complaint or accusation. The Ephraimites are the aggrieved and Gideon is the aggrieving party.

Judg 6 25 ff. tells the story of Gideon breaking down Baal's altar and the consequences of this act. The verb רִיב occurs four times in this context, in each case again in narrative material framing direct quotation. The men of the town come to Joash, Gideon's father, and demand:

"Bring your son out, for he must die! For
he has broken down the altar of Baal and he
has cut down the Asherah beside it!" (Judg 6 30).

Joash then addresses the mob:

"הֲאִתָּם תְּרִיבוֹן לְבַעַל
Or will you save him?
Whoever הֲרִיב for him shall be put to death by morning!
If he is a god, הֲרִיב for himself,
because he has broken down his altar!"
And on that day they called him "Jerubaal," that is to say,
"הֲרִיב בּוֹ הַבַּעַל"
because he broke down his altar (Judg 6 31 f.).

Once again the clue to understanding the sense of the verb lies in the fact that it stands in narrative material framing direct quotation. To **רִיב** in this context is to say, "... he has broken down the altar of Baal and cut down the Asherah beside it." Thus, again, the sense of the verb is "make a complaint, accusation." In this context the townsmen play the rôle of advocate, speaking for (ל) Baal, the aggrieved party, and taking up his cause against Gideon's father as the one held responsible for the grievance.

3. There are two instances in nontheological contexts in Genesis where the verb occurs in narrative materials framing direct speech. Gen 31 33 ff. describes Laban rummaging through Jacob's tents in a fruitless attempt to find his missing household gods. The narrative reports:

Then Jacob became infuriated
וַיִּרְבֶּה בְּלִבּוֹ
And Jacob said to Laban,
"What is my offence? What is my wrong, that
you have so hotly pursued me?
... what have you found of all your household goods?" (Gen 31 36 f.).

The clue to the sense of **רִיב** is again found in its position adjacent to direct quotation. Since what Jacob says may be described as a series of accusing questions, the verb again has the force, "make an accusation, complaint," with the preposition indicating the one against whom the accusation is made. Jacob, falsely accused by Laban (Gen 31 26, 30) speaks as an aggrieved party.

In Gen 26 17 ff. we are told that Isaac camped in the territory of Gerar and had his servants dig wells there.

וַיִּרְיבוּ רְעֵי יִצְחָק עִסְרֵי יָחֶק
saying, "The water is ours!" And he called
the name of the well Esek ... Then they dug another well,
וַיִּרְיבוּ גַּם־עַל־יָהּ
and he called its name Sitnah. And he moved from
there and dug another well,
וְלֹא־רָבוּ עָלָיָהּ
and he called its name Rehoboth ... (Gen 26 20 ff.).

The *RSV* translates רִיב in each of these instances as “quarrel.” This would mean that the subject of the first occurrence would be the herdsmen of Gerar and the subject of the second and third occurrences both the herdsmen of Gerar and the shepherds of Isaac. But several factors dictate against such a translation. First, a bilateral or reciprocal force for the verb, as would be required in the second and third occurrences, is very rare, occurring only in Exod 21 18. In all other instances in the OT, the subject of the verb is always only *one* of the parties to a dispute. Second, translating “quarrel” would mean that the subject of the first occurrence of the verb is the herdsmen of Gerar, the subject of the second and third occurrences both the herdsmen of Gerar and the herdsmen of Isaac. But the וַיִּבֹּא (“again”) points toward continuation of the same subject, i. e., the herdsmen of Gerar. Third, the precise content of the verbal activity is indicated here. The verb רִיב again occurs in a framework introducing direct speech. The content of that speech is “The water is ours!” with “and you have taken it!” implied. Thus, to רִיב in this instance is to say, “You have taken that which belongs to us,” or to make a complaint. Finally, we note that the word “Sitnah” occurs in only one other place in the OT, where it clearly means a complaint (Ezra 4 6).

It would seem that the verb again denotes an oral complaint made by an aggrieved party (the herdsmen of Gerar) against the party held responsible for the grievance (Isaac’s herdsmen). The translation, “made a complaint against,” would fit the first occurrence. In the second and third “complained about” would fit, with the subject remaining the herdsmen of Gerar throughout.

4. To this point we have examined occurrences of the verb in non-theological contexts in frameworks for direct speech. In Job 13 6 we find an example of the noun in a similar speech-framework position. In the context of his third speech, ending the first round of debates with his friends, Job declares that he would like to argue his case directly with God (Job 13 3). But first he turns to his friends, saying:

“Hear my argument,
 רִיבוֹת שְׁפָתַי הִקְשִׁיבוּ” (Job 13 6).

This opening call for attention, then introduces the following speech of Job, the substance of which is the “argument” and the רִיבוֹת שְׁפָתַי:

“Will you speak wickedness for God,
 or will you speak deceit for him?
 Will you show partiality for him,
 or plead the case for God?
 Will it be well with you when he examines you,
 or, as one deceives a man, will you deceive him?” (Job 13 7–9).

Since this speech consists of a series of accusing questions, the force of the plural noun appears to be “*accusations* of my lips.” Job speaks as the aggrieved party, his friends are the aggrieving parties.

C. The sense of **ריב** may be described quite precisely in these eight nontheological contexts. We submit, furthermore, that what has been discovered in these instances is actually the primary sense of verb and noun, that sense from which all other meanings in the OT derive.¹⁰ We have thus arrived at a position on the primary sense of the root which is similar to that of Würthwein and Harvey.

Observation of the prepositions with which the verb is used enables us to speak of what may be described as two different "shapes" of activity which the verb describes. In the majority of these examples, the subject of the verb is an aggrieved party making an accusation against an aggrieving party (Nehemiah examples, Judg 8 1, Genesis examples). In these instances the constructs **אֶת רִיב** (Nehemiah texts and Judg 8 1),¹¹ **רִיב בְּ** (Judg 6 32, Gen 31 36)¹² and, according to our interpretation, **רִיב עִם** (Gen 26 20)¹³ are used with equal semantic value. The sense of the verb-preposition combination in each case is "make an accusation or complaint, against." In Judg 6 30, however, the subject of the verb is not an aggrieved party but a third party or *advocate* (the townsmen), taking up the cause of the aggrieved (Baal). Here the verb is used with the preposition **לְ** which has the sense "for, on behalf

¹⁰ This suggested primary sense will fit all occurrences of the verb in nontheological contexts except for Exod 21 18, where the verb has a reciprocal sense, "quarrel (with one another)." We count some 20 of the 66 occurrences of the verb as in nontheological contexts. In addition to the 12 instances already examined, and Exod 21 18, these are: Judg 11 25 (*bis*; see the discussion below), Judg 21 22, Isa 1 17 where the sense is "make a complaint for" or "plead the cause of," Job 13 19, 31 13, Prov 25 9 where the cognate accusative construction has the sense "complain your complaint" or "argue your case." In looking at the occurrences of the noun in nontheological contexts, we may note the following correlation between syntax and sense: When the noun is syntactically bound to one party involved in a dispute, the meaning, with one exception, is clearly, "complaint, accusation." The noun is bound to one party by a construct relationship in Isa 1 23, Job 13 6, 29 16; by a pronominal suffix in Exod 23 3, 6, Prov 18 17, 25 9, Lam 3 36; by the locution **יְהִי לִי רִיב** in II Sam 15 2, 4. The single exception is Prov 26 17 where the sense of the noun appears to be "quarrel, dispute." In this syntactical situation, then, we have what we have argued is the primary sense of the noun. For a full discussion on the meaning of the root, see the second chapter of the writer's dissertation.

¹¹ This construction occurs six more times (Num 20 13, Isa 45 9, 50 8, Jer 2 9 *bis*, Mic 6 1) for a total of ten in the OT. It has the sense "complain against" in all but Mic 6 1, where the value of the preposition is clearly "before."

¹² This construction also occurs in Hos 2 4 with the sense "make a complaint against." The only other occurrence of the root with the preposition **בְּ** is Amos 7 4, which may refer to a legal process involving fire or perhaps should be emended out of the text, as is suggested by Delbert R. Hillers, "Amos 7,4 and Ancient Parallels," *CBQ*, 26 (1964), pp. 221–25.

¹³ This construction occurs also in Exod 17 2 (*bis*), Num 20 3, Judg 11 25, Job 13 19, 23 6, 31 13, 40 2, Neh 13 25, all of which have the sense "make a complaint against." Prov 3 30 could be translated "complain against" or "quarrel with," while of all the examples of this verb-preposition combination in the OT, Job 9 3 seems to be the only one where "quarrel with, argue with" is best.

of.” Implications of these observations for the prophetic lawsuit speeches will be spelled out in the final section of this paper.

II. The Root רִיב in the Sphere of International Relationships

In his exemplary study of “knowledge about God” in Hosea, H. W. Wolff has said:

Because of the character of the Hebrew language it is advisable, in defining Old Testament concepts, to begin by determining the sphere of life (*Lebenskreis*) in which a word originally functions, in order to establish the concrete situation out of which its use is most clearly understandable.¹⁴

The root רִיב functions in at least three separate “spheres of life” in the OT. Quite common is its occurrence in the sphere of the court at the gate, where one individual makes a complaint against another.¹⁵ Of interest are some six instances where the verb is found in lament materials, presumably used in the sphere of the cult.¹⁶ But here we should like to call attention to three occurrences of רִיב in a sphere which has not been noticed in the literature: that of international relationships.

A. The root occurs twice in the context of the Jephthah story (Judg 10 17–12 6).¹⁷ According to the present form of the narrative, the Ammonites have made an attack upon Israel, and the Israelites prevail upon Jephthah, a “mighty warrior,” to be their leader (Judg 10 17–11 11).

Jephthah begins by seeking a negotiated settlement. He sends messengers to the Ammonite king, accusing him of attacking for no reason:

“What have you against me, that you have come to me to fight against my land?”
Judg 11 12).

The Ammonite king sends a counteraccusation to Jephthah, via messenger:

“Because Israel took my land on coming up from Egypt, from the Arnon to the Jabbok and to the Jordan. Now, therefore, give it back peaceably” (Judg 11 13).

¹⁴ “‘Wissen um Gott’ bei Hosea als Urform von Theologie,” *Gesammelte Studien zum Alten Testament*, p. 184.

¹⁵ See, for example, Exod 23 2, 3, 6, Prov 18 17, II Sam 15 2, 4.

¹⁶ Mic 7 9, Ps 35 1, 43 1, 74 22, 119 154, Lam 3 58. Note that in these instances Yahweh is always the subject of the verb and that he functions as advocate for the individual or the people.

¹⁷ For a thorough examination of the Jephthah material, see W. Richter, “Die Überlieferungen um Jephthah: Ri 10:17–12:6,” *Bb*, 47 (1966), pp. 485–556. Boecker deals with the legal forms of speech here, *op. cit.*, pp. 50 f. Westermann has provided an analysis of the messenger speech forms in 11 12–28, *op. cit.*, pp. 112 ff. A. H. van Zyl, “The Message Formula in the Book of Judges,” *Papers read at the second meeting of Die ou Testamentiese Werkgemeenskap in Suid-Afrika*, pp. 61–64, has also called attention to the messenger formula here. None of these works, however, comments on the occurrences of רִיב in the material.

Jephthah then sends his messengers back again with a denial of the charge:

"This is what Jephthah has said: Israel did not take the land of Moab or the land of the Ammonites" (Judg 11 15).

The denial is developed in a lengthy statement which culminates in an appeal for Yahweh to decide between the two, apparently calling for a trial by war (Judg 11 27).¹⁸

The root **ריב** occurs in Judg 12 2. In 12 1 it is reported that the Ephraimites complain to Jephthah because he had not called them to join in the battle against the Ammonites. Jephthah answers these men:

אִישׁ רִיב הָיִיתִי אֲנִי וְבָנֵי־עַמּוֹן מֵאֲדָר

And I called you but you did not deliver me
from their hand" (Judg 12 2).

The expression that interests us here is Jephthah's description of himself as **אִישׁ רִיב**. If we see what we have argued is the primary meaning of the root here, the sense of the expression is "man with a complaint" or "legal adversary" (cf. Judg 31 35, Jer 15 10, Isa 41 11). We could translate, literally:

I was very much the legal adversary, I and my
people against the sons of Ammon.

But if **אִישׁ רִיב** means "legal adversary," in what sort of legal process were Jephthah and the Ammonites involved? The answer is a "lawsuit" involving breach of commonly acknowledged international law, with complaint and countercomplaint carried out by messenger, as reported in Judg 11 12–28.

In the course of the speech of Jephthah's messenger the root again appears to be used in reference to a complaint for breach of international law, a complaint which would of necessity be made by messenger. Jephthah's message climaxes with a barrage of rhetorical questions aimed at the Ammonite king and demanding a "No" answer:

"And now, are you any better than Balak, son of Zippor, king of Moab?

הֲרוֹב רָב עִם־יִשְׂרָאֵל

Or did he ever attack them?" (Judg 11 25).

But what is the meaning of **ריב** here? Brown-Driver-Briggs suggests "strive" in the sense of "public hostilities," and so the *RSV* translates.¹⁹

¹⁸ Cf. Westermann, *op. cit.*, p. 113. On war as a legal process, cf. Boecker, *op. cit.*, p. 51; V. Korošec, "The Warfare of the Hittites — From the Legal Point of View," *Iraq*, 25 (1963), p. 164; F. C. Fensham, "Ordeal by Battle in the Ancient Near East and the Old Testament," to be published in a *Festschrift* for E. Volterra. I am indebted to Professor Fensham for sending me a copy of this article.

¹⁹ Brown-Driver-Briggs counts three instances where the verb is used in reference to physical striving: Exod 21 18, Deut 33 7, and Judg 11 25. But Exod 21 18 can be explained as *verbal* disputing which erupts into physical violence (cf. Neh 13 25). The text of Deut 33 7 is difficult, and it may be that **ריב** should be emended out, as is sug-

But except for one textually doubtful passage, the root always refers to speech activity in the OT. And we suggest that here it has its suggested primary sense, "make a complaint"; with the preposition, "make a complaint against." The line may then be rendered, "Did he ever make a complaint against Israel?"

The root רִיב then refers to the verbal "attack" sent by messenger and reported verbatim in 11 13, i. e., the countercomplaint which the Ammonite king made against Jephthah and the Israelites. The sense of 11 25b is thus:

Did he ever make a complaint against Israel (as you have just done)?
Or did he ever attack them (as you have just done)?

Thus we have two biblical examples of רִיב used in connection with an international legal process, a process carried out through messengers.

B. The root רִיב occurs twice on the third of the eighth-century Sefire steles.²⁰ These inscriptions are in Aramaic and list stipulations which the treaty maker lays upon the king of Arpad.

The first occurrence is in line 17. Fitzmyer entitles this section, "Concerning one's duty in a strife for succession to the throne." We give his translation, underlining רִיב:

If [my] son, who sits upon my throne, strives (with) one of his brothers and he would put him away, you shall not interfere (18) with them and say to him, "Kill your brother or imprison him and do not let him go free."²¹

Donner gives the Aramaic text where the verb occurs as follows:²²

וְהוּן יִרִיב בְּרִנְיָ וְיִשָּׁב עַל כְּהָ(ל)סְאִי חֹר אַחוּהָ אוּ יַעֲבֹרנָה . . .

The subject of the verb is a future successor to the treaty maker ("my son") who presumably has some grievance against one of his brothers. Since the רִיב could result in deportation (cf. Zech 13 2 and II Chron 15 8 for the verb עָבַר) or death, we assume that the verb denotes some kind of legal process. A translation such as our suggested primary sense, "makes a complaint (against)" or "carries out a lawsuit (against)"

gested by F. M. Cross, Jr., and D. N. Freedman, "The Blessing of Moses," *JBL*, 67 (1958), p. 203. If a form of רִיב is to be read here, it is the only instance in the 134 occurrences of the root in the OT where reference is made to *physical* striving. The material is antique and could then preserve a sense which is out of the usual semantic orbit.

²⁰ For texts, German translation, and full bibliography on the Sefire inscriptions, see H. Donner and W. Röllig, *Kanaanäische und aramäische Inschriften* I, pp. 41–45; II, pp. 238–74; III, tables xv–xxiii. For a transliterated text, English translation, photograph, and commentary on Sefire III, see Joseph A. Fitzmyer, "The Aramaic Suzerainty Treaty from Sefire in the Museum of Beirut," *CBQ*, 20 (1958), pp. 444–76. Franz Rosenthal, "Notes on the Third Aramaic Inscription from Sefire-Sûjîn," *BASOR*, 158 (1960), pp. 28–31, provides an annotated translation of the text. The writer has not yet been able to obtain a copy of Fitzmyer's, *The Aramaic Inscriptions of Sefire*.

²¹ *Op. cit.*, p. 451.

²² *Op. cit.*, I, p. 45.

seems preferable to either “strives (with)” (Fitzmyer) or “quarrels with” (Rosenthal).²³

Of special interest is an occurrence of the root in a final fragmentary section of the inscription having to do with the territory of TL'YM which belongs to the treaty maker. The section reads as follows, again in Fitzmyer's translation, with **ריב** underlined:

[If my son quarrels and (if) the son of m]y son quarrels
and (if) my offspring quarrels [with your offspring a]bout
TL'YM and its villages and its citizens, whoever will raise
[. the ki]ngs of Arpad [.], you will
have been false to this treaty.²⁴

Donner gives the Aramaic text where the verb occurs as follows:²⁵

והן ירב ברי וירב בר בורי וירב עקרי ועם עקרך עול חלאים

The situation envisioned here is that of a future time when a king of Arpad might make a claim upon the territory of TL'YM. Should this happen, the son of the present treaty maker would **ריב** [עם] the king of Arpad. We suggest that the verb-preposition combination here is again best translated “makes a complaint against” or “carries out a lawsuit against,” rather than “quarrels with” (Fitzmyer, Rosenthal).²⁶

But how would this complaint against a future king of Arpad be made? Obviously not in a face-to-face manner, like the **ריב** of a successor to the treaty maker against his brother, as reported earlier in the inscription. The complaint would rather be made through a royal messenger, sent by the treaty maker's successor to the future king of Arpad. The situation would then be strikingly similar to that recorded in Judges 11–12. Here again is a complaint made by the head of one nation against the head of another nation. In this case, the two nations are clearly bound by treaty. And again the carrying out of this complaint, which would of necessity be made by messenger, is designated by the root **ריב**.

C. Thus it appears that in addition to the *Lebenskreise* of the court and the cult, **ריב** also functions in the sphere of international relation-

²³ Donner understands the verb in such a legal manner, translating, “Und wenn [mein] Sohn, der auf meinem Throne sitzt, einen Rechtsstreit (mit) einem seiner Brüder hat . . .” (II, p. 265). He gives as another possibility, “Und wenn mein Sohn einen Rechtsstreit hat, weil einer seiner Brüder sich auf meinen Throne setzen will . . .” (II, p. 269). In his Aramaic glossary, Donner gives as the meaning of **ריב**, “prozessieren, einen Rechtsstreit führen,” listing only the two occurrences in Sefire III (III, p. 42).

²⁴ *Op. cit.*, p. 451; cf. the Aramaic text and note that **ריב** actually occurs only once in this section of the inscription, two of the occurrences being restorations.

²⁵ *Op. cit.*, I, p. 45.

²⁶ Donner again brings out the legal connotation of the verb, “und (wenn) meine Nachkommenschaft einen Rechtsstreit hat [mit deiner Nachkommenschaft wegen TL'JM . . .],” II, p. 266.

ships in the OT and the eighth-century world. In both the Jephthah pericope and Sefire III the root is used in connection with international complaints, complaints which were carried out through messengers. We shall consider the implications of these observations for the prophetic lawsuit speeches in the next section.

III. *The Root רִיב and the Prophetic Lawsuit Speeches*

The results of the investigation of the sense of the root, the “shapes” of the verbal activity, and the *Lebenskreise* in which רִיב functions may be brought to bear on the prophetic lawsuit speeches as follows:

A. We have argued that the primary sense of the noun is “complaint, accusation,” and have noted that in nontheological contexts, when the noun is syntactically bound to one party to a dispute, this primary sense is almost always evident. Interestingly, in each occurrence of the noun in our lawsuit speeches, it is bound by syntax to one party, Yahweh. In these texts the רִיב is always Yahweh’s רִיב. The most frequent locution is רִיב לַיהוָה, combined with the preposition עַם in Hos 4 1, 12 3, and Mic 6 2, and with בָּ in Jer 25 31. We suggest that each of these verb-preposition combinations has the sense “complaint against”: “For Yahweh has a complaint against . . .” This sense, of course, might be rendered with various translations. In Mic 6 2 the locution יְהוָה רִיב יְהוָה also occurs, with the noun bound to one party to the dispute by the construct relationship. The sense “complaint” again well fits the context: “Hear, mountains, the complaint of Yahweh . . .” If we read רִיבִי in Hos 4 4, the suffix binds the noun to one party to the dispute, and “complaint” again fits: “And against you is my complaint, O priest.”²⁷

In examining the occurrences of the verb in the lawsuit speeches, we discover that the suggested primary sense, “make a complaint, accusation” fits in each instance. In Jer 2 9 the construction רִיב אַת occurs twice. As in the Neh 5 7, 13 11, and 13 17 examples examined above, and as in all of the occurrences of this construction in the OT except Mic 6 2,²⁸ the sense “make a complaint against” again fits the context: “therefore I will still make a complaint against you — oracle of Yahweh — and against your children’s children I will make a complaint.” The value of אַת in Mic 6 2 is clearly “before,” as in Gen 20 16 and Isa 30 8. The colon then reads, “Up, make a complaint before the mountains,” with the prophet reporting the command Yahweh addressed to him.

The verb occurs twice in Hos 2 4, first with the preposition בָּ and then with no following preposition.²⁹ As was the case in Judg 6 32 and Gen 31 38 as examined above, this verb-preposition combination has the

²⁷ See n. 3 above.

²⁸ See n. 11 above.

²⁹ See n. 12 above.

sense “make a complaint against,” with the second verb exhibiting a parallel sense. Here the “children” are commanded to lodge a complaint against their faithless “mother”: “Make a complaint against your mother, make a complaint . . .”

In Jer 2 29 the verb is used with the preposition לְ (cf. Judg 21 22, Jer 12 1, Job 33 13 for the other occurrences of this combination in the OT). The primary sense of רִיב is still evident, but the precise value of the preposition is difficult to fix. Boecker, arguing on the basis of an emended Judg 21 22 text, would translate the verb-preposition as “bring an accusation before” (*Anklage erheben bei*). In a case such as Jer 2 29 where the object of the verb-preposition combination is God, the sense is “bring a complaint before, about,” because God is at the same time judge and accused. Thus Boecker paraphrases Jer 2 29, “Why do you bring an accusation before me against me?”³⁰ In any case, the drive of the colon is clear. The people think that they have a complaint against Yahweh, but in reality Yahweh is the one who has the complaint. A translation such as “Why do you make a complaint against me?” would come quite close to catching the sense of the expression. The verb is used in an absolute manner, with no succeeding preposition, in Hos 4 4. The suggested primary sense again fits well: “Yet let no one make a complaint . . .” Again the verb occurs with no succeeding preposition in Isa 3 13. The suggested primary sense fits, with the colon reading: “Yahweh is taking his place to make an accusation.” Here the root רִיב is found in the familiar speech-framework position, with the substance of the accusation against the elders and leaders articulated in 14b and 15:

For you! You have devoured the vineyard!
 What was robbed from the poor is in your houses!
 What's the matter with you? You crush my people
 and you grind the faces of the poor!

B. We have spoken of two basic “shapes” of the activity denoted by the verb, depending on whether the subject is an aggrieved party making a complaint against an aggrieving party or an advocate taking up the cause of the aggrieved against the aggrieving party. In all but one of the prophetic lawsuit speeches as listed above, Yahweh appears as an aggrieved party with a complaint against an aggrieving party. Thus the situation may be Yahweh *vs.* an unfaithful priest (Hos 4 4–6), Yahweh *vs.* his people (Isa 1 2–3, 1 18–20, 5 1–7 under the figure of the vineyard-keeper/unfruitful vineyard, Mic 6 1–5, Hos 2 4–17 under the figure of the husband/unfaithful wife, Hos 4 1–3, 12 1–3,³¹ Jer 2 5 ff.), Yahweh *vs.* the nations (Jer 25 31) or Yahweh *vs.* the wicked and godless (Mal 3 5).

³⁰ *Op. cit.*, pp. 36 f.; 54, n. 2; 98. Boecker also emends the Mic 6 1 passage to this preposition, p. 102, n. 6.

³¹ Understanding Hos 12 3 as connected with the foregoing, rather than the following, against Westermann, and Wolff's commentary. Vs. 3 makes good sense as the

The exception to these instances where Yahweh appears in the rôle of the aggrieved party is Isa 3 13–15. Here Yahweh is not accuser of his people, but rather *advocate for* them (cf. the “my people” of 15a). The subject of רִיב is an advocate for the aggrieved, as in Judg 6 30. When we recognize the rôle of Yahweh as advocate for his people, then it becomes clear that the reading “his people” of 13b, found in the LXX and favored by many recent commentators³² and translations,³³ goes against the sense of the passage. The MT should be retained:

Yahweh is taking his place to make an accusation,
and is standing to judge nations.³⁴

Yahweh is not making an accusation against “his people” at all, but rather is acting as their advocate.

C. At the outset of this paper we said that one of the debated questions concerning these lawsuit speeches was that of the origin of the legal forms of speech. Did they originate in the sphere of the court at the gate, the cult, or international relationships?

Such questions are notoriously difficult to answer, since similar situations call forth similar responses.³⁵ In noting the spheres of life in which the root רִיב which is so central to these texts functions, we have discovered that it appears in both the Jephthah story and Sefire III in connection with a complaint made for breach of international law. Such a complaint would necessarily be made by messenger. We might also note that when we follow other key vocables in these texts into the non-theological *Lebenskreise* in which they function, we again find ourselves in the sphere of international relationships. Thus the root יִרַע (Isa 1 3, Hos 4 1, Mic 6 5) may be understood alongside parallel terminology in ancient international treaties.³⁶

The root חָטָא (Isa 1 18) is also at home in the sphere of international relationships. It occurs in the Jephthah story when Jephthah, through his messenger, says to the Ammonite king, “As for me, I have not

end of the unit, with vs. 2 referring to Israel's diplomatic flirtations with Assyria and Egypt and vs. 3 declaring, “So Yahweh has a complaint against (Israel).”

³² So G. Fohrer, *Das Buch Jesaja*, 1; O. Kaiser, *Der Prophet Jesaja*, ATD, 17; H. Wildberger, *Jesaja*, BK, 10/1.

³³ So the RSV, *Jerusalem Bible*.

³⁴ Cf. R. Fey, *Amos und Jesaja*, WMANT, 12, p. 62. Among recent commentators retaining the MT “nations,” W. Eichrodt, *Der Heilige in Israel*.

³⁵ This point has been well made by D. J. McCarthy, “Covenant in the Old Testament: The Present State of Inquiry,” *CBQ*, 27 (1965), p. 229, and *CBQ*, 29 (1967), p. 607.

³⁶ See Herbert B. Huffmon, “The Treaty Background of Hebrew *yāda'*,” *BASOR*, 181 (1966), pp. 31–37, and “A Further Note on the Treaty Background of Hebrew *yāda'*,” *BASOR*, 184 (1966), pp. 36–38.

wronged you . . ." (Judg 11 27). II Kings reports that the vassal Hezekiah has revolted against Sennacherib (18 7) and the Assyrian army is on its way to Jerusalem. Hezekiah sends his messenger to the Assyrian king, saying, "*I have done wrong!* Withdraw from me!" (II Kings 18 14). Finally, we note that the Akkadian cognate *ḥaṭṭu* occurs in a seventh-century treaty of Esarhaddon with his vassal, Ramataia. The stipulations regulating future relationships between the vassal and crown prince Ashurbanipal say to the vassal:

That, you will not *sin* against him,
that you will not bring your hand against him with evil intent.³⁷

All eight of the occurrences of the verb פשע (Isa 1 2) in non-theological contexts in the OT are found in the sphere of international relationships. The verb is always used in connection with the rebellion of one treaty partner against another (I Kings 12 19=II Chron 10 19, II Kings 1 1, 3 5, 3 7, 8 20, 8 22 *bis*).³⁸ The root זכר (Mic 6 5) occurs in reference to treaty keeping in Amos 1 9³⁹ and Sefire I C:2.⁴⁰

Thus our examination of ריב and also of other key words in the lawsuit speeches reveals that these vocables are very much at home in the sphere of international relationships, particularly in connection with international treaties. We suggest that this word-study investigation points in the same direction on the question of the origin of the legal forms of speech as does the work of Harvey. While each lawsuit speech must be examined on its own, at least in such instances as Isa 1 2-3, 1 18-20, and those speeches where ריב is used in reference to the complaint of Yahweh against his people (Hos 4 1-3, 12 1-3, Mic 6 1-5, Jer 2 5 ff.), it appears that the prophet, speaking as Yahweh's messenger, is employing forms of speech which originated in the sphere of international relationships. The figure of the royal messenger, bringing a complaint against a people, provides a kind of model for understanding the figure of the prophet, announcing that Yahweh has a complaint against *his* people.⁴¹

³⁷ D. J. Wiseman, "The Vassal-Treaties of Esarhaddon," *Iraq*, 20 (1958), 1, pp. 33 f.

³⁸ Wildberger (*op. cit.*, p. 14) observes that the verb is, "von Haus aus ein politischer Begriff."

³⁹ Note Willy Schottroff's comment on this text: "Positiv gewandt, ist demnach der Ausdruck זכר בריח Terminus für die Wahrung des Bundes," in "*Gedenken*" *im alten Orient und im Alten Testament*, WMANT, 15, p. 159.

⁴⁰ Cf. Schottroff, *op. cit.*, p. 64, who says that the root here refers to the literal keeping of the treaty itself.

⁴¹ On the messenger in the ancient world, see J. M. Munn-Rankin, "Diplomacy in Western Asia in the Early Second Millennium B.C.," *Iraq*, 18 (1956), pp. 102 ff. For the prophet as Yahweh's messenger, see the works listed by R. C. Clements, *Prophecy and Covenant*, p. 24; note especially Westermann, *op. cit.*, pp. 98 ff. Add to this H. W. Wolff, *Amos*, BK 14/6, pp. 109, 165 f.