

The Case for Adversarial yahad

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In his discussion of the words yahad and yahdaw for TDOT, H.-J. Fabry asserts that "only rarely" do these words clearly mean 'against one another.'¹ In support of this specific definition, he cites the use of the word yahad or yahdaw in Deut 25:11, 1 Sam 17:10 and 2 Sam 2:13. All three verses describe physical conflicts between two rival parties: men fighting each other (Deut. 25:11), Goliath and a hypothetical Israelite opponent (1 Sam 17:10), and the armies of Ishbosheth and David (2 Sam 2:13).² The opponents are said to be yahad (1 Sam 17:10) or yahdaw (Deut 25:11, 2 Sam 2:13), even though these words are usually translated "together."

Fabry, however, separates this "rare" oppositional usage from the meaning of the terms in "forensic" contexts. He writes that "in the forensic realm yahad refers to the joint status of the parties, equality before the law and identity of punishment."³ It follows, then, that yahad or yahdaw denote opposition only between parties engaged in physical conflict. Once the parties enter the courtroom, other terms express their opposition.

Is it correct to distinguish between the oppositional meaning of yahad or yahdaw in descriptions of physical conflict and their meaning in forensic contexts? Answering this question requires turning to the books of Isaiah and Job, both of which make extensive metaphoric use of forensic terminology. The terms yahad or yahdaw occur in four verses that employ the metaphor of

arguing a case in court: Isa 41:1; 43:26; 50:8 and Job 9:32. Commentators on these verses who do not ignore the words altogether (Fabry himself cites only Isa 50:8 in his list of "forensic" examples) interpret them along the lines suggested by Fabry.⁴ A closer examination of these verses, however, reveals that the words yaḥad and yaḥdaw denote the opposition between the parties to these metaphoric lawsuits, as they do in cases of physical conflict. In this way they function like other terms for togetherness in Biblical Hebrew and other Semitic languages.

I. The Four Verses

Isaiah 41:1

הַחֲרִישׁוּ אֵלַי אַיִם וְלְאֻמִּים יַחֲלִיפוּ כַחַּ יְגִשׁוּ אֶזְרָא יְדַבְּרוּ יַחֲדוּ לְמִשְׁפָּט נִקְרָבָה.

Oh islands, fall silent to me, let nations renew their strength. Let them approach, then speak, let us draw near together for trial.

This verse is a summons that opens a "trial scene" between the Lord and foreign nations. The first three clauses refer to the presentation of arguments during the trial: the Lord orders the nations to fall silent as he presents his case, to "renew their strength,"⁵ and then to approach and present their own case. This is indeed the order of events as the trial itself unfolds in the following verses. In verses 2-4, the Lord describes his role as the one who has granted victory to the heroic conqueror "from the East." The foreign nations respond to the Lord's statement in verses 5-7. They arrive at the trial (v. 5), but instead of presenting their case, they tremble in fear and only encourage each other.⁶

Unlike the first three clauses of verse 1, the fourth clause does not refer to the presentation of arguments. Instead, it refers to the initial stage, when both parties will first appear in court. The Lord issues a cohortative call to his opponents to "draw near for trial" (q-r-b lammišpāt).⁷ The two parties will appear "together" (yaḥdāw). This word should be understood in light of the adversarial relationship between the Lord and the nations in this verse and in the subsequent trial scene. The Lord and the nations will indeed draw near for trial at the same time, but they will be on opposing sides.

Isaiah 43:26

הַזְכִּירֵנִי נִשְׁפֹּטָה יְחַד סִפֵּר אֶתְּךָ לְמַעַן תִּצְדָּק.

Remind me-- let us have a trial together! You state your case, so that you may be vindicated!

Isaiah 43:22-28 form a speech by the Lord in which the Lord impugns Israel's sacrificial worship and reminds them of their sinfulness since the beginning of history.⁸ This particular verse follows the Lord's indictment of Israel's sacrifices. The Lord summons Israel to state their case in a trial. J. Goldingay paraphrases the verse as follows:

If Jacob-Israel wishes to dispute what Yhwh has said in vv. 22-24 and to avoid the conclusion that Yhwh's self description in v. 25 is its only hope, it is invited to draw matters to the attention of Yhwh and the court.⁹

Thus, this verse evokes the image of a hypothetical trial in which the Lord and Israel are the opposing parties. They will have the trial (š-p-ṭ, N-stem) "together" (yāḥad). The word yāḥad, then, expresses their relationship as they appear for the trial. Given the adversarial context established by the verse, the word yāḥad should be translated "against one another."

Isaiah 50: 8

קרוב מַצְדִּיקִי מִי יָרִיב אֶתִּי נֶעֱמְדָה יַחַד מִי בְעַל מִשְׁפָּטִי יִגַּשׁ אֵלַי.

My vindicator is near! Who will oppose me-- Let us stand together! Who is my adversary-- Let him approach me!

This verse forms part of the "servant speech" (vv. 4-9), in which the servant expresses confidence in the Lord. The first two words of the verse form a nominal sentence, in which the servant declares that his vindicator (maṣḏîq), is near (qārôb). The remainder of the verse consists of two parallel challenge clauses, in which the servant calls out to any hypothetical opponents and challenges them to a legal dispute. Each challenge clause consists of a three-word question followed by a two-word volitional phrase. The three-word question begins with mî and refers to the hypothetical opponent (yārîb ² ittî/ba'al mišpātî). In the two-word volitional phrases that follow, the servant issues the challenge itself (na'amdā yāḥad/ yiggaš ³ elāy).

In the first challenge clause, the words ʔittî and yāḥad express the relationship of the servant to the hypothetical adversary. Given the usual meaning of ʔittî, a simple, technically correct translation of the first part of the challenge clause would be "Who would argue with me?" This translation, however, misses the image of the servant confronting the adversary throughout the verse, as well as the oppositional meaning of the verb r-y-b ("to argue"). Instead, the word ʔittî should be understood as "against me."¹⁰ Similarly, the phrase naʿamdâ yāḥad in the second part of the challenge clause does not simply mean that the servant and his adversary will "stand together (in court)."¹¹ Like ʔittî, the word yāḥad expresses the opposition between the two parties, and reenforces the verse's image of confrontation in court.¹²

Job 9:32

כִּי לֹא אִישׁ כְּמוֹנִי אֶעֱנֶנּוּ נְבוּא יַחְדּוּ בַּמִּשְׁפָּט.

For He is not a man like me that I might answer Him, that we might come together to trial.

Throughout Job 9, Job despairs of having a fair trial at which he could present his case against the omnipotent God.¹³ In this particular verse, Job declares that because he and God are not on equal footing, there is no possible way for them to argue fairly against each other in court.¹⁴ Job employs the forensic locution b-w-ʔ bammišpāt ("to come to trial") to describe the impossible proceedings. The word yāḥdāw ("together") describes Job's

relationship to God if the two of them had actually "come to trial." This word expresses Job's unfulfilled wish that he and God could come to court as opponents.

In all four of these verses, the central image is a legal dispute between two litigants. In each, the speakers-- God, the prophet, or Job-- imagine facing their opponents in a lawsuit. The term yaḥad or yaḥdaw denotes the relationship between the two parties to the lawsuit. Based on the meaning of these terms in most other contexts, they might be translated as "together" in these verses, as well. Closer examination, however, shows that in these verses the words yaḥad and yaḥdaw are better rendered as "against one another."

II. Adversarial 'Togetherness' in Biblical Hebrew

Besides the contextual arguments just presented, support for the adversarial translation of yaḥad and yaḥdaw also comes from the use of other Hebrew terms denoting togetherness in adversarial contexts. In Biblical Hebrew the words ʔet and ʕim, which usually mean "with," also denote the adversarial relationship between opposing parties. Thus, in the semantic range of warfare, ʔet and ʕim directly follow the verb lḥm (N-stem)¹⁵ and the related constructions ʕ-ś-y (G-stem) or ʕ-r-k (G-stem) milḥāmâ. All of these terms denote "fighting against." These well-attested locutions exist alongside other, synonymous ones that employ what might be considered more obviously adversarial prepositions, such as l-h-m b, l-h-m ʕal, and h-y-h (G-stem) milḥāmā bēn.

The use of ʔet and ʕim in the forensic sphere is similar. For example, when the verb r-y-b (G-stem) is used to describe one party's action "against" another, it is usually followed by the prepositions ʔet (eleven cases)¹⁶ or ʕim (ten cases).¹⁷ The noun rīb also occurs with adversarial ʔet and ʕim to denote an argument "against" another individual.¹⁸ Similarly, the roots y-k-h and d-y-n occur with adversarial ʕim.¹⁹

Given the wide attestation of adversarial ʔet and ʕim, it is not surprising to find yaḥad and yaḥdaw with similar adversarial meanings. In general, yaḥad and yaḥdaw are simply alternative ways of expressing the relationship expressed by ʔet and ʕim: if X is ʔet or ʕim Y, then X and Y are yaḥad or yaḥdaw. So, if one adversary can be ʔet or ʕim another, then the two adversaries can also be yaḥad or yaḥdaw.

The occurrences of adversarial yaḥad or yaḥdaw in Isa 43:26 and Job 9:32, two of the four verses discussed above, are perfect illustrations of the alternation of these terms with adversarial ʔet and ʕim. In Isa 43:26, yaḥad occurs in the locution niššāp^etâ yāḥad. The alternate expression š-p-t (N-stem) + adversarial ʔet, meaning "to litigate against," occurs in the description of the futile lawsuit between a wise man and a fool: ʔiš ḥākām nišpāt ʔet ʔiš ʔ^ewīl (Prov. 29:9).²⁰ In Job 9:32, yaḥdaw occurs in the phrase nābô yaḥdāw bammišpāt. This is simply an alternative form of the expression b-w-ʔ (G-stem) bammišpāt + adversarial ʕim, which means "to enter in litigation against." This expression occurs in Eliphaz's question to Job (Job 22:4), "Is it because of your piety that He arraigns you, that he enters into litigation against you (yābôʔ ʕimm^ekā bammišpāt)?" The expression also occurs without the definite article in Isa 3:14,

and with adversarial ʔet instead of ʕim in Ps 143:2. Thus, in both Isa 43:26 and Job 9:32, the forensic locutions with yahad or yahdaw are simply alternatives for attested equivalent locutions with adversarial ʔet or ʕim. Just as one should translate ʔet or ʕim in these locutions as "against," one should translate yahad or yahdaw as "against one another."

This demonstrable alternation between expressions with adversarial yahad or yahdaw in Isa 43:26 and Job 9:32 and those with adversarial ʔet or ʕim attested elsewhere suggests that similar alternatives for the use of yahad or yahdaw in Isa 41:1 and 50:8, the remaining verses, also exist. Ideally, one would expect to find the locutions q-r-b (G-stem) lammišpāt + adversarial ʔet or ʕim as an alternative for yahdaw lammišpāt niqrābâ in Isa 41:1 and ʕ-m-d (G stem)+ adversarial ʔet or ʕim as an alternative for naʕamdâ yāḥād in Isa 50:8. These specific expressions are not attested in the Hebrew Bible, although it is entirely possible that they did exist in ancient Israel's legal lexicon.²¹ One does find nearly equivalent forensic locutions that do employ adversarial ʔet or ʕim. The expression q-w-m (G-stem) lammišpāt + ʔet is found in Isa 54:17. It might be translated as "arise against for trial," which would make it quite close to q-r-b (G-stem) lammišpāt + adversarial ʔet or ʕim, the hypothetical alternative for yahdaw lammišpāt niqrābâ in Isa 41:1. Furthermore, the verb q-w-m is synonymous to the verb ʕ-m-d, so that the expression is nearly synonymous with ʕ-m-d + adversarial ʔet or ʕim, the hypothetical alternative to naʕamdâ yāḥād in Isa 50:8.

The suggestion that q-w-m (G-stem) lammišpāt + ʔet is a close synonym to ʕ-m-d (G-stem) lammišpāt + adversarial ʔet or ʕim assumes that its attested

equivalent in Isa 50:8, na^ʿamdâ yāḥād, is an elliptical expression of the more complete phrase na^ʿamdâ yāḥād lammišpāt, which is unattested. Based on the collocation of the verb ʿ-m-d (G-stem) with the noun rîb in Deut 19:17,²² however, there is another possible interpretation of Isa 50:8: the verb ʿ-m-d might refer to the verb r-y-b earlier in the verse. In other words, the hypothetical equivalent to na^ʿamdâ yāḥād would not be ʿ-m-d (G-stem) lammišpāt + adversarial ʔet or ʿim, but rather an expression along the lines of ʿ-m-d (G-stem) lārîb + adversarial ʔet or ʿim. If so, then a nearly synonymous equivalent would be Mi 6:1, qûm rîb ʔet hehārim ("Get up, argue against the mountains"), with q-w-m (G-stem) instead of ʿ-m-d (G-stem).

III. Comparative Evidence

The use of the 'togetherness terms' ʔet, ʿim and yahad or yaḥdaw as adversarial terms is not a phenomenon restricted to Biblical Hebrew. Aramaic and Akkadian legal documents provide cognate examples of the adversarial use of prepositions that usually denote togetherness. In Aramaic, adversarial ʿm occurs, for example, in quittance clauses in the legal documents from Elephantine. The speaker declares dyn lʔ ʔyty ly ʿmhm ʿl znh tʿmʔ ("I have no case against them regarding this matter").²³ Akkadian itti, cognate to Hebrew ʔet, typically denotes the adversarial relationship between litigants in the locution dīna/dibba itti PN dabābu ("to argue a case against PN").²⁴

In the context of a discussion of Biblical Hebrew yahad and yaḥdaw, the following two Neo-Babylonian examples of the Akkadian expression dīna/dibba itti PN dabābu are of particular interest. Both are from texts in

which the opposing parties are summoned to make their case against each other:

[^mPN₁ u ^mP]N₂ a-na TIN.TIR^{ki} il-la-ku-u₂-ma dib-bi-šu₂-nu ša₂ i-ba-aš₂-šu-u₂ it-ti a-ḥa-meš i-dab-bu-ub²⁵

^mPN₁ and ^mPN₂ shall come to Babylon and argue against each other whatever claims they have.

[^mPN₁ u ^mP]N₂ a-na . . . it-ti a-ḥa-meš il-la-ku-u₂-ma di-i-nu [ša₂] ^mPN₁ a-na ^mPN₂ iq-bu-u₂ um-mu DUMU-u-^a ta-an-da-ḥa-aš . . . i-dab-bu-ub²⁶

^mPN₁ and ^mPN₂ will go to . . . together, and they (!)/he will argue . . . the case [(in) which] ^mPN₁ said to ^mPN₂, "You struck my son!"

In both of these examples the expanded adverbial phrase itti aḥāmeš ("with one another, together") replaces the preposition itti as the expression of the relationship between the opponents. In the first example, the phrase modifies the verb dabābu and thus indicates that the two litigants will argue "against each other." In the second, the words itti aḥāmeš modify the verb alāku to indicate that the opponents will "go together" to argue their claims. Thus, the Akkadian phrase itti aḥāmeš in the examples above is functionally equivalent to yahad and yahdaw in forensic contexts. Like yahad and yahdaw, itti aḥāmeš usually refers to actions done "together." However, in the context of arguments

in court, the term actually refers to the adversarial relationship between the parties.

The functional equivalence of Biblical Hebrew yaḥad and yaḥdaw and Akkadian itti aḥāmeš is especially relevant to Isa 41:1. In this verse, yaḥdaw modifies the locution q-r-b lammišpāt ("to draw near for trial") which refers to the very beginning of the legal proceedings, when both parties first appear in court. In the second Neo-Babylonian example above, the expression itti aḥāmeš modifies the verb alāku, which refers to the same initial stage of the case, when the litigants "go" to court, but before they actually "argue" (dabābu). The parallel between Isaiah's yaḥdaw lammišpāt niqrābâ and the Neo-Babylonian text's itti aḥāmeš illakūma is, therefore, quite striking. In both, equivalent expressions of adversarial togetherness (yaḥdaw/ itti aḥāmeš) modify verbs of motion (q-r-b/alāku) to describe the opposing litigants' first appearance in court. Admittedly, the Neo-Babylonian term lacks an overtly forensic equivalent to Hebrew lammišpāt.²⁷ Nevertheless, the expression dīna dabābu ("to argue the case") in the following clause provides the forensic context to explain why the litigants are "going together."

The Akkadian evidence just presented converges with the evidence regarding yaḥad and yaḥdaw in Biblical Hebrew considered in the previous two sections. All three strands of evidence-- the use of yaḥad and yaḥdaw in metaphoric lawsuits, the complementary relationship between expressions with yaḥad and yaḥdaw and expressions with adversarial ʾet and ʿim, and the equivalent use of Akkadian itti aḥāmeš-- indicate that yaḥad and yaḥdaw can, in forensic contexts, mean "against one another." Thus, the distinction between

physical and legal conflict does not affect the use of the terms yaḥad or yaḥdaw.

In Biblical Hebrew, opponents in both physical fights and lawsuits are described as yaḥad or yaḥdaw.

¹ TDOT, s.v. yāhad, p. 45.

² Jer 13:14 may be a fourth example. See A.B. Ehrlich, Mikrâ ki-Peschutô Vol. 3 (Berlin, 1901), p. 205 and the translation offered in W. McKane, "Jeremiah 13:12-14: A Problematic Proverb," in J. G. Gamme, et. al., eds. Israelite Wisdom (New York, 1978), p. 107 and in W. McKane, A Critical and Exegetical Commentary on Jeremiah (ICC), (Edinburgh, 1986), p. 292. Fabry cites this verse as an example of the use of the term "in the forensic realm," where it does not have this meaning (TDOT, p. 46).

³ TDOT, s.v. yāhad, p. 46.

⁴ On Isa 41:1: A. Ḥakham, Sēper Yēš'ayāhû (Da'at Miqra) (Vol. 2) (Jerusalem, 1984), p. 426; K. Baltzer, Deutero-Isaiah (Hermeneia), M. Kohl, Trans. (Minneapolis, 2001), p. 87 n. 1. On Isa 43:26: J. Goldingay, The Message of Isaiah 40-55 (London, 2005), p. 224. Job 9:32: A. Ḥakham, Sēper ʿIyyôb (Da'at Miqra) (Jerusalem, 1970), p. 77; D. J. A. Clines, Job 1-20 (WBC) (Dallas, 1989), p. 242; J. Klein, ed., ʿIyyôb (ʿÔlam Hatanak) (Tel Aviv, 1996), p. 74.

⁵ For discussion of this term, its place in the structure of the verse and defense of MT, see J. G. Janzen, "Another Look at yah^{al}lîpû kōah in Isaiah xli 1," VT 33 (1983), p. 429-430.

⁶ J. Goldingay and D. Payne, Isaiah 40-55, Vol. 1 (ICC) (London, 2006), p. 151-153 characterize verses 5-7 as the "reaction to the challenge." For similar interpretations of these verses, see A.S. Hartom, Sēper Y^eš^cayâ (Tel Aviv, 1969), p. 132 (Hebrew); J. D. W. Watts, Isaiah 34-66 (WBC) (Waco, Texas, 1983), p. 102-104; J. T. Walsh, "**Summons to Judgement: A Close Reading of Isaiah XLI 1-20**," VT 43 (1993), p. 359; W. Grimm and K. Dittert, Deuterojesaja: Deutung--Wirkung-- Gegenwart (Calwer Bibelkommentare) (Stuttgart, 1990), p. 91-93; J. C. Oswalt, The Book of Isaiah: Chapters 40-66 (NICOT) (Grand Rapids, Michigan, 1998), p. 79-85. Others, including Rashi, Ibn Ezra, and Qimhi, have suggested that the nations' fear in verses 5-7 is a response to the approach of the hero from the East (described in verses 2-4), rather than their response during the trial. See Ḥakham, Sēper Y^eš^cayāhû, p. 428-429 (Hebrew); E. J. Young, The Book of Isaiah (Vol. 3) (Grand Rapids, Michigan, 1993), p. 78-80; B. S. Childs, Isaiah (OTL) (Louisville, 2001), p. 318. For the possibility that verses 6-7 are not integral to the scene, see C. Westermann, Isaiah 40-55 (Philadelphia, 1969), p. 62-66; K. Baltzer, Deutero-Isaiah (Hermeneia), M. Kohl, Trans. (Minneapolis, 2001), p. 91-93; J. Blenkinsopp, Isaiah 40-55 (AB) (New York, 2002), p. 196.

⁷ See Y. Hoffman, "The Root QRB as a Legal Term," JNSL 10 (1982), p. 68.

Compare Deut 25:1 (n-g-š ʿel hammišpāt).

⁸ For thorough discussion of the passage, see J. Goldingay, "Isaiah 43, 22-28," ZAW 110 (1998), p. 173-191.

⁹ Goldingay, ZAW 110 (1998), p. 187.

¹⁰ See the discussion of adversarial ʿet and ʿim below.

¹¹ For the specifically forensic connotation of ʿ-m-d compare Deut 19:17.

¹² See NJPS ad loc (note d, p. 964) and Ehrlich, Mikrâ, p. 120.

¹³ B. Zuckerman, Job the Silent (New York, 1991), p. 106-107; E. L. Greenstein, "A Forensic Understanding of the Speech from the Whirlwind," in M. V. Fox, et. al., eds. Texts, Temples, and Traditions: A Tribute to Menahem Haran (Winona Lake, Indiana 1996), p. 242-243.

¹⁴ D. J. A. Clines, Job 1-20 (WBC) (Dallas, 1989), p. 242.

¹⁵ In Psa 35:1 the preposition ʿet follows the G-stem, as well.

¹⁶ Num 20:13; Jud 8:1; Isa 45:9, 49:25, 50:8 (see above); Mic 6:1; Psa 35:1; Prov 25:9; Neh 5:7, 13:11, 13:17.

¹⁷ Exod 17:2; Num 20:3; Jud 11:25; Prov 3:30; Job 9:3, 13:19, 23:16, 31:13, 40:2; Neh 13:25. Other prepositions that serve this function, but much less frequently, are: ʔel (Jud 21:22; Jer 2:29, 12:1; Job 33:13); b (Gen 31:36; Jud 6:32; Hos 2:4); and m: Ps 43:1 (see NJPS).

¹⁸ Prov 23:11 (ʔet); Hos 4:1, 12:3; Mic 6:2 (ʕim). The preposition bên fulfills a similar function in Gen 13:7 and Deut 25:11. See also Gen 13:8, with the related noun m^eribâ.

¹⁹ Job 23:7; Mic 6:2 (ykh); Qoh 6:10 (dyn). There are several instances of ykh + ʔet, but further research is required to determine whether ʔet in these cases is the accusative marker or an adversarial preposition.

²⁰ This should be distinguished from other examples (such as Ezek 20:35-36) in which the same expression should be translated "to punish."

²¹ The expression q-r-b (G-stem) lammišpāt + ʔel occurs in Mal 3:5. It is not clear that the preposition ʔel would furnish an alternative to yaḥad or yaḥdaw.

²² Compare also nissāb lārīb (Isa 3:13).

²³ TAD B 8.9:2, 6. See also TAD B 2.3:27. For other examples from outside Elephantine, see M. Sokoloff, A Dictionary of Jewish Palestinian Aramaic (Ramat Gan, 2002), s.v. dwn 2 (p. 141) and dyn 6 (p. 147).

²⁴ AHw dabābu 3b (p. 147); CAD dabābu 4b (D, p. 9). See also the use of itti with verbs denoting war listed in AHw. itti 5 (p. 405).

²⁵ BE 8/1, 48:1-5.

²⁶ BM 46660: 1'-7' as transcribed with extensive commentary in C. Wunsch, "Du hast meinen Sohn geschlagen," in C. Wunsch, ed. Mining the Archives: Festschrift for Christopher Walker (Dresden, 2002), p. 355-364.

²⁷The word a-na ("to"), equivalent to Hebrew ל, is followed by a break in the text. However, the remaining text precludes the restoration of a forensic equivalent to mišpāt. Wunsch's suggested restoration of mār banê (See Wunsch, "Du hast," p. 358), presumably the authorities "to whom" the litigants will go, provides some additional forensic context, but is not a forensic term per se.