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**LAWSUIT GENRE ON TRIAL: PRESENCE AND FUNCTION  
OF LAWSUIT GENRE IN ISAIAH 40-48**

by

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**B.Sc., University of New Brunswick, 1994**

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## ABSTRACT

This thesis examines the form critical unit designated as *lawsuit genre* or *trial speech*, specifically within Isaiah 40–48. A survey of various scholars who have written on the subject reveals that they have not reached a consensus as to its form, or even its existence. A form critical study of the so-called trial speeches in Deutero-Isaiah must first establish that such a form exists. The analysis of non-Deutero-Isaian texts establishes this. The characteristics revealed in that study assist the form critical analysis of Isaiah 40–48. The discovery of trial speeches in Deutero-Isaiah leads to the question addressed by rhetorical criticism—what is the function of the *trial speech*? This exploration led to conclusions concerning the style and intent of Deutero-Isaiah.

## LIST OF ABBREVIATIONS

<b>BDB</b>	<b>Francis Brown, S.R. Driver and Charles A. Briggs, <i>A Hebrew and English Lexicon of the Old Testament with an Appendix Containing the Biblical Aramaic.</i></b>
<b>BHS</b>	<b><i>Biblia Hebraica Stuttgartensia</i>, ed. K Elliger and W. Rudolph.</b>
<b>BWANT</b>	<b><i>Beiträge zur Wissenschaft vom Alten und Neuen Testament</i></b>
<b>CBQ</b>	<b><i>Catholic Biblical Quarterly</i></b>
<b>HALOT</b>	<b><i>The Hebrew &amp; Aramaic Lexicon of the Old Testament</i> by Ludwig Koehler and Walter Baumgartner.</b>
<b>JBL</b>	<b><i>Journal of Biblical Literature</i></b>
<b>JSOTSup</b>	<b>Supplements to the <i>Journal for the Study of the Old Testament</i></b>
<b>LXX</b>	<b>Greek version of the Old Testament</b>
<b>NICOT</b>	<b>New International Commentary on the Old Testament</b>
<b>PGHAT</b>	<b><i>Die Psalmen (Göttinger Handkommentar zum Alten Testament)</i></b>
<b>VT</b>	<b><i>Vetus Testamentum.</i></b>
<b>VTSup</b>	<b>Supplements to <i>Vetus Testamentum.</i></b>
<b>WMANT</b>	<b><i>Wissenschaftliche Monographien zum Alten und Neuen Testament</i></b>

## INTRODUCTION

Those undertaking a study of Deutero-Isaiah begin a difficult journey. Any ancient document provides researchers with challenges related to comprehending an ancient language, deciding on text critical matters and grasping the historical context of the document. These questions are part of biblical studies in general, and of the study of Deutero-Isaiah in particular. However, with Deutero-Isaiah the researcher also confronts another problem. What is the basic nature of this work? Is it a compilation of short fragments of ancient oral speeches delivered by a prophetic messenger, or is it a finely crafted literary creation by an outstanding ancient rhetorician? The answer to this question determines the course of the researcher when he/she reaches the inevitable "fork in the road." Beginning with form critical analysis, it is possible to dissect Isaiah 40-55 into various component parts, just as if one was disassembling a table in order to move it. The fork in the road occurs once the disassembly is complete--is it necessary to reassemble the pieces in some logical order?

Many scholars have studied the component parts of Deutero-Isaiah. One scholar's designation has been debated by another, but most agree that it is possible to identify various form critical units. Some scholars (e.g., Muilenburg) have sought to go beyond form criticism and the fragmentary nature of such an analysis to understand a broader literary context created by the interaction of these units. This study is designated as rhetorical criticism.

This project looks at the rhetorical structure of Isaiah 40-48 with a narrowed focus. The form critical unit dubbed the *trial speech* has been identified by various scholars to reside within Isaiah 40-48. While various scholars have sought to define these speeches, there has been only broad agreement as to which passages properly fall into that category. It is the goal of this paper to explore these so-called trial speeches. This exploration will determine each speech's legitimate designation as well as its proper limits. After this determination, the literary context of the authentic trial speeches will be examined in order to determine the role of the trial speeches in the overall message of Isaiah 40-48.

This study rests upon the assumption that Isaiah 40-48 (and also to 55) is a literary creation of one author whose work has descended to the modern era intact. This assumption is not made without the backing of competent scholars who have created this road in previous years. To these pioneers this present work is greatly indebted.

## CHAPTER 1

### HISTORICAL APPROACHES TO LAWSUIT GENRE

#### Form Criticism

The development of form criticism was an important breakthrough in the study of the history of the biblical texts. Literary critics to the nineteenth century attempted to study the biblical material as a collection of hypothetical written sources that pre-dated the final forms. These critics sought the "historical setting" that gave rise to these documents. Beginning with Hermann Gunkel, form criticism attempted to look beyond the documents, and find within these records those texts that showed a stylized similarity. According to Erhard Gerstenberger, "the basic idea [behind form criticism] is that human interaction tends to be ritualized, and that ritualized interaction produces patterns of speech that can be classified."<sup>1</sup>

Indeed, the realization became clear that literary criticism<sup>2</sup> was inadequate to deal with the complex questions raised by the biblical documents themselves.<sup>3</sup> As form criticism began to separate larger texts into individual

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<sup>1</sup> Erhard S. Gerstenberger, "Canon Criticism and the Meaning of *Sitz im Leben*," in *Canon, Theology and the Old Testament*, ed. G.M. Tucker, David L. Peterson and Robert R. Wilson (Philadelphia: Fortress Press, 1988), 23.

<sup>2</sup> Literary criticism in this case is the nineteenth century approach that is also termed source criticism.

<sup>3</sup> C.E. Armerding, *The Old Testament and Criticism* (Grand Rapids: Wm. B. Eerdmans Publishing Company, 1983), 44. See also G. von Rad *The Problem of the*

literary units, it became necessary to label and group each sub-unit. The common features of the units defined the genre. The discovery of the proper *Sitz im Leben* (setting in life), for both the genre and the individual unit, was the next crucial step.<sup>4</sup>

Hermann Gunkel began his form critical work in the passages of Genesis and the Psalms.<sup>5</sup> His followers continued his methodology, with some modification, to the prophetic corpus. The "lawsuit genre" was a product of this study. An examination of the major contributors to the search for lawsuit genre is in order.

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*Hexateuch and other essays*, trans. E.E. Trueman Dicken (New York: McGraw-Hill Book Company, 1966). Though von Rad's concern was primarily the Hexateuch, his point is also true of Deutero-Isaian study: "On almost all sides the final form of the Hexateuch has come to be regarded as a starting point barely worthy of discussion, from which the debate should move away as rapidly as possible in order to read the real problems underlying it."<sup>(1)</sup> Although von Rad recognizes the place of redactors in the final form of the text, he believed that a proper understanding of the text comes from an informed understanding of each stage.(78)

<sup>4</sup> According to Gene Tucker the four step process of form criticism involves: 1 Analysis of the structure, 2 Description of the Genre, 3 Definition of the setting or settings, and 4 Statement of intention, purpose and/or function. See *Form Criticism in the Old Testament*, Guides to Biblical Scholarship, Old Testament Series, ed. J. Coert Rylaarsdam (Philadelphia: Fortress Press, 1975), 11.

<sup>5</sup> Gunkel's pioneering work on the subject is *The Legends of Genesis*, trans. W.H. Carruth (New York: Schocken Books, 1964). In this work he set forth to demonstrate the oral traditions that gave rise to the sagas of the patriarchs and sought to portray them as icons of religious piety. Also see *The Psalms: A Form Critical Introduction*, trans. Thomas M. Homer, Biblical Series, no. 19 (Philadelphia: Fortress Press, 1972) from Volume 1 of the second edition of *Die Religion in Geschichte und Gegenwart* (Tübingen: J.C.B. Mohr, 1930).

## Lawsuit Genre

Gunkel, Gressmann and Begrich

H. Gunkel's conviction that the study of biblical texts must begin with the historical traditions that lay behind the text, rather than the text itself, opened a new window through which to scrutinize the Scriptures. Gunkel's first initiative was to seek out various literary units (genres) and define them. Gunkel saw genres as being characterized by three criteria: the presence of similar thoughts and moods; elements containing a similar linguistic framework; a similar interconnectedness with life.<sup>6</sup> The genres became a means of expression for particular spiritual experiences.<sup>7</sup> Gunkel did his most extensive form critical work in Genesis and the Psalms. However, he noticed that prophetic writers employed reproaches against Israel and the nations that took the style of a courtroom drama.<sup>8</sup>

Gunkel's associate H. Gressmann carried his form critical ideas into the study of Deutero-Isaiah. He found 49 independent utterances within Isaiah 40-

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<sup>6</sup> J.H. Hayes, ed., *Old Testament Form Criticism* (San Antonio: Trinity University Press, 1974), 1.

<sup>7</sup> Herbert Hahn, *Old Testament in Modern Research* (Philadelphia: Muhlenberg Press, 1954), 120.

<sup>8</sup> Hayes, 145. Taken from Gunkel's "The Israelite Prophecy from the time of Amos," in *Twentieth Century Theology in the Making*, ed. J. Pelikan and trans. R.A. Wilson (New York: Harper & Row, 1969).

55, most of which were promises of salvation.<sup>9</sup> However, Gressmann also found a series of passages he called "rebukes." Some of these will be under investigation in Chapter 3,<sup>10</sup> though it is unlikely that Gressmann would have understood these as "lawsuits." Aside from the rebukes and promises, Gressmann also found trial speeches which he recognized as being marked by introductions (e.g. "Let us draw near for judgment") or by technical language (e.g. עַד, יָדָה). The foreign nations were the defendants of the trial speeches, and not the nation of Israel.<sup>11</sup>

While Gressmann directed his efforts to the whole of Isaiah 40-55, J. Begrich was the first to provide a systematic treatment of the lawsuit genre.<sup>12</sup> He was also the first to clearly distinguish between "disputations" and "trial speeches."<sup>13</sup> The former was an argument between two parties over a matter of personal interest, while the latter stemmed from covenant disagreements.<sup>14</sup> With

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<sup>9</sup> Antoon Schoors, *I Am God Your Saviour: A Form-Critical Study of the Main Genres in Is. XL-LV* VTSup vol. XXIV (Leiden: E.J. Brill, 1973), 6 from H. Gressmann, "Die literarische Analyse Deuterocesajas," *ZAW* 34 (1914), 254-297.

<sup>10</sup> Gressman included Isaiah 42:18-25; 45:9-13; 43:22-28; 48:1-11; 50:1-2a as 'rebukes.' Isaiah 42:18-25 and 43:22-28 will be further examined in Chapter 3.

<sup>11</sup> Schoors, 8. Gressman saw Isaiah 41:1-13, 21-29; 43:8-13; 44:6-20; 45:20-21; 48:12-16 as trial speeches. Isaiah 41:1-5, 21-29; 43:8-13; 44:6-8; and 45:18-25 will be examined in Chapter 3.

<sup>12</sup> Schoors, 182 from J. Begrich *Studien zu Deuterocesaja*, BWANT 77 (Stuttgart: W. Kohlhammer, 1938).

<sup>13</sup> Eugene H. Merrill, "Literary Genres in Isaiah 40-55." *Bibliotheca Sacra* 144 (April-June, 1987): 149.

<sup>14</sup> *Ibid.*, 22. Begrich studies Isaiah 43:22-28; 41:1-5; 50:1-2; 44:6-8; 41:21-29; 43:8-13 as trial speeches. See Gunkel-Begrich *Einleitung in die Psalmen* (Göttingen: Vandenhoeck & Ruprecht, 1933).

the assistance of Gunkel, Begrich developed two possible outlines into which *trial speeches* fell. These are diagrammed below in Table 1.1. Yahweh acted as both judge and plaintiff.

**Table 1.1 Trial Speech Characteristics as Presented by Gunkel-Begrich<sup>15</sup>**

Outline 1	Outline 2
Description of the Judgment Scene The Speech of the plaintiff Heaven and Earth judges Summons to defendant Address in 2nd person to defendant Accusation Refutation Specific Indictment	Description of the Judgment Scene The Speech of the Judge Address to defendant Reproach Statement of no defense Pronouncement of guilt Sentence (2nd or 3rd person)

Scholars discussed the *Sitz im Leben* in two ways. Begrich followed Gunkel and related the origin of the lawsuit genre to the legal courts of the Ancient Near East. The second line related the lawsuit passages to cultic ceremonies in which Yahweh was judge.<sup>16</sup> The second was the less popular, and was followed by scholars such as E. Würthein.<sup>17</sup>

Gunkel, Gressmann and Begrich provided the method and foundation work for the exposition and delineation of the lawsuit genre. Many others followed up their work either to redefine it, or criticize it.

<sup>15</sup> These outlines may be found in Huffmon, 285-86 and also in Schoors, 182. Taken from Gunkel-Begrich, *Einleitung in die Psalmen* (Göttingen: Vanderhoeck & Ruprecht, 1933), 364-365.

<sup>16</sup> See Psalms 50, 75, 76, 96 and 98.

<sup>17</sup> Hayes, 154 taken from *Wort und Existenz: Studien zum Alten Testament* (Göttingen: Vanderhoeck & Ruprecht, 1970).



from these Köhler made the conclusion that disputations had a secular, as opposed to a cultic, origin.<sup>21</sup>

Köhler also developed a list of characteristics that a disputation speech could contain. These include the assembly of witnesses, summons to accused, declarations, quotations of the accusation, questions to the defendant, and judgments.<sup>22</sup> Since Köhler viewed Isaiah 40-55 as having a strongly rhetorical character,<sup>23</sup> these individual components of disputation units need not follow a fixed form, allowing for the evolution of the genre for its rhetorical purpose.

C. Westermann sought out and defined prophetic speech forms, including disputations and trial speeches. In Westermann's judgment, the prophets used two basic forms of judgment speeches. The first was the judgment upon the individual, and the second, which is a later development of the first, was the judgment upon the nations.<sup>24</sup> Westermann saw the basic structure of the judgment speeches to individuals and nations as shown below in Table 1.3.

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<sup>21</sup> Merrill, 149.

<sup>22</sup> Ibid., 181.

<sup>23</sup> Ibid., 10.

<sup>24</sup> Hayes, 152. See also Claus Westermann's *Basic Forms of Prophetic Speech*, trans. by H.C. White (Louisville: Westminster/John Knox Press, 1991) sections C (129ff) and D (169ff).

**Table 1.2 Trial Speech Characteristics as Presented by H.J. Boecker<sup>25</sup>**

<p><b>A Utterances before the lawsuit</b></p> <p>I Types of the private discussion before the lawsuit</p> <p>1 Formula of accusation</p> <p>2 Formula of defense</p> <p>II Transition to the lawsuit</p> <p>1 in the mouth of the accused</p> <p>2 in the mouth of the accuser</p> <p>3 appeal to a judge</p>
<p><b>B Utterances during the lawsuit</b></p> <p>I Accusations</p> <p>1 joined to a request for condemnation</p> <p>2 by witness</p> <p>3 by the account of the injured</p> <p>II Defense</p> <p>1 self defense</p> <p>i with counter-attack</p> <p>ii proof of innocence only</p> <p>2 defense of others</p> <p>III Formulation of avowal</p> <p>IV Proposals for a settlement</p>
<p><b>C Decisive pronouncements</b></p> <p>I Judgment</p> <p>1 pronouncement of guilt</p> <p>2 pronouncement of innocence</p> <p>3 settlement (in case of legal contest)</p> <p>II Penalization</p>

Of course, Westermann found many variations of these basic forms, as can be seen in his discussion in *Basic Forms of Prophetic Speech*. Concerning Isaiah 40-48 specifically, Westermann saw the use of trial speeches in which Yahweh attacks the nations, and the nation of Israel.<sup>26</sup> The general structure

<sup>25</sup> Schoors, 184 from Boecker's *"Redeformen des israelitischen Rechtslebens"* (diss., Bonn, 1959) and republished as *Redeformen des Rechtslebens im Alten Testament*, WMANT 14 (Neukirchen: Neukirchener Verlag, 1964).

<sup>26</sup> Schoors, 185. Also see Claus Westermann's *Isaiah 40-66*, Old Testament Library, trans. by David M.G. Stalker (Louisville: Westminster/John Knox Press, 1969), 15-18.

that he gave to these trial speeches included a summons, a trial (words of parties and witnesses) and the final judgment. However, Westermann saw in Deutero-Isaiah a blurring of the distinctions between disputations and trial speeches.<sup>27</sup>

**Table 1.3 Judgment Speeches as Presented by C. Westermann<sup>28</sup>**

Individual	Nations
Summons to hear Accusation Introduction to announcement includes messenger formula Announcement of judgment	The Reason Accusation Development of accusation The Messenger Formula The Announcement of Judgment Intervention of God Results of the intervention

The analysis of the Lawsuit genre advanced under the examination of Begrich, Köhler and Westermann. Their work did much to define the characteristics, outline, language and presence of the genre within Deutero-Isaiah and the greater Old Testament corpus. The next group of scholars to examine the genre further defined "genre" characteristics and attempted to trace it to its sources in the Ancient Near East.

#### Schoors, Harvey and Huffmon

A. Schoors has contributed to the study of the polemic genres through his study *I Am God Your Saviour*. While this work deals with all the main genres of

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<sup>27</sup> Westermann, *Basic Forms*, 201.

<sup>28</sup> Westermann, *Basic Forms*, 131 and 171.

Isaiah 40-55, he finds a major role played by the disputation speeches. Schoors was adamant that the overall title "disputation" has two different sub-categories: the disputation proper (e.g., Is. 40: 12-31, 45:9-13, 44:24-28), and the trial speech (e.g., 43:22-28, 42:18-25, 41:1-5).<sup>29</sup>

Schoors found that the polemic genres are a method of defending the oracles of salvation that the prophets spoke before the people. While this seems to give a *Sitz im Leben* within the religious life of Israel, Schoors believed that these genres do not belong to the cult *per se*.<sup>30</sup> The structure of the disputation speeches (proper) is very loose. It is a "contestation" rather than a "disputation" in which one would expect two voices rather than one (i.e., a "dispute" usually needed two parties).<sup>31</sup>

The trial speeches themselves follow the lines of Boecker's outline above. However, Schoors wanted to keep a division within the trial speeches so that the categories of Yahweh versus nations and Yahweh versus Israel remain. In the first category, he saw the trial speeches as establishing a fact (e.g., Yahweh's superiority to foreign gods). The second category pleads with the people to change their behavior.<sup>32</sup>

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<sup>29</sup> Schoors, 18.

<sup>30</sup> *Ibid.*, 25.

<sup>31</sup> *Ibid.*, 27. See Harvey's works "Le Rib-Pattern, réquisitoire prophétique sur la rupture de l'Alliance," *Bib.* XLIII (1962), 172-196 and *Le Plaidoyer prophétique contre Israël après la rupture de l'alliance*. (Bruges: Desclee de Brouwer, 1967).

<sup>32</sup> *Ibid.*, 241.

J. Harvey contributed to the study of trial speeches in two distinct manners. First, he sought to define the *Sitz im Leben* of the trial speeches in terms of the international suzerainty treaties. G. Ernest Wright also argued with this position. The Mosaic Law forms the basis of this *suzerainty treaty*.<sup>33</sup> Second, Harvey provided a classification and outline of the trial speeches (Table 1.4). Harvey's two classes of trial speeches are those of condemnation and warning. The speech of warning "amounts to an ultimatum," while the speech of condemnation is a declaration of war.<sup>34</sup>

H. Huffmon probed the significance of the calling of heavenly bodies in the trial speeches. He has concluded that two different types of trials occur. The first involves the heavenly bodies as witnesses, Yahweh as the plaintiff, and the indictment is against the nation of Israel with the covenant as the basis of the argument.<sup>35</sup> Huffmon makes it clear that the natural elements were not called because they were in any way deified, but because they were often regarded as agents of divine punishment.<sup>36</sup>

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<sup>33</sup> Hayes, 167.

<sup>34</sup> Schoors, 187.

<sup>35</sup> H. Huffmon, "The Covenant Lawsuit in the Prophets," *JBL* 78 (1959), 295. See also Hayes, 156.

<sup>36</sup> Huffmon, 291.

**Table 1.4 Trial Speech Outline as Presented by J. Harvey<sup>37</sup>**

Introduction Interrogation Implicit accusation Address by Prosecutor References to vanity of cult	
Condemnation Announcement of guilt Threat	Warning Demand to change attitude

The second class of trial speech involves Yahweh as judge against the foreign nations, in which there is little mention of heavenly elements and has its background within the international treaties of the suzerain.<sup>38</sup>

Schoors, Harvey and Huffmon sought to define more fully the form critical genre of "lawsuit." This refinement used the methods of Gunkel, Gressmann and Begrich, but elaborates the works of Köhler and Westermann. However, there are those who disagree with much of the work done with the so-called lawsuit literature. Attention turns to these opponents.

#### DeRoche and Daniels

Michael DeRoche protested the use of the terms "prophetic lawsuit" or "covenant lawsuit." He advised abandoning these terms. He took for his thesis a study by S. Roberts that described three manners of handling disputes.<sup>39</sup> First,

<sup>37</sup> Taken from Hayes, 166 and Schoors, 187 as found in J. Harvey, *Le Plaidoyer prophétique*, 54.

<sup>38</sup> Huffmon, 295.

<sup>39</sup> S. Roberts, *Order and Dispute: An Introduction to Legal Anthropology* (Hammondsworth: Penguin, 1979), 17-29.

two parties independently reach a mutually satisfactory agreement. Second, the parties can call a mediator. Third, a judicial system handles the case.<sup>40</sup> In the opinion of DeRoche, a "lawsuit" necessitates the third case.<sup>41</sup> Citing texts that often typify the so-called "lawsuit genre," he shows that these are often bilateral disputes between Yahweh and Israel. Lawsuits must be trilateral.

DeRoche does accept that the vocabularies of civil lawsuits, cultic processes and international affairs are present within the "so-called" lawsuit passages. However, as he states:

If these oracles share some vocabulary with civil lawsuits, cultic processes, and international diplomacy, it is because they, like *rib* oracles, deal with disagreements. All four groups, however, adapt and formalize the language of everyday controversy to their own purposes. It seems unlikely that any one group is the result of direct borrowing from another.<sup>42</sup>

DeRoche rejected the term "covenant lawsuit" to describe the Yahweh versus Israel disputes. However, he appreciated the legal nature of Yahweh's dispute with the foreign nations in passages such as Isaiah 41:21-27 and 43:8-13.

According to DeRoche the trilateral nature of a trial is present in which, "Yahweh

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<sup>40</sup> Michael DeRoche, "Yahweh's Rib Against Israel: A Reassessment of the So-called 'Prophetic Lawsuit' in the Pre-exilic Prophets," *JBL* 102 (December 1983), 569. All three methods are employed in the Old Testament. Examples given are Genesis 13:7ff, Genesis 31:28 and Deuteronomy 25:1f.

<sup>41</sup> *Ibid.*, 564.

<sup>42</sup> *Ibid.*, 570.

is... the plaintiff, the idols are the defendants, and Israel plays the role of the judge."<sup>43</sup>

Dwight Daniels attacked lawsuit genre at its foundation. He stated that "Genre was defined... as a unique set of structural elements. The term set is used to indicate that the structural elements stand in a certain relationship to one another."<sup>44</sup> Through the examination of various accepted "lawsuit" texts,<sup>45</sup> Daniels demonstrates that there are no similar structural ingredients among these passages.<sup>46</sup> Therefore, in his opinion, the genre of "lawsuits" does not exist.

#### Summation

The above discussion reveals a wide diversity as to the characteristics of the form critical unit *trial speeches* (or lawsuit speeches). However, within this variety of opinion, there are some points of agreement, at least among those who agree the genre does exist. First, trial speeches will employ a vocabulary of disagreement. This vocabulary will not define uniquely these passages but judicial terminology is expected. Second, if the genre is truly to be considered a trial speech, there must be more than two parties present. Properly, a

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<sup>43</sup> Ibid., 571.

<sup>44</sup> Dwight R. Daniels, "Is There a Prophetic Lawsuit Genre?" *ZAW* 99 no. 3 (1987), 341.

<sup>45</sup> Daniels explores Isaiah 1:2-3, 18-20; Jeremiah 2:4-13; Micah 6:1-8 and Hosea 4:1-3.

<sup>46</sup> Daniels, 360.

defendant, a plaintiff and a judge are the minimum requirements of any trial.

These must be implied if not explicitly named.

Third, related to the above, pronouncements are parts of the trial scene. In order to set the scene for the calling of witnesses properly, a general summons goes forth to "hear" or "observe" the proceedings. Boecker, Gunkel-Begrich, Westermann and even DeRoche called for the presence of some pronouncement. There is debate as to whether the formula should exist at the beginning (Boecker, Gunkel-Begrich) or the end (Westermann), but the necessity of its presence is standard.

Lastly, the trial speech must have an outcome. Harvey notes the presence of different outcomes (warning, punishment), while others identify a general penalty (Boecker, Westermann). It is reasonable to have a diversity of results to the speeches. They are not unique to one situation, but are adapted to fit the needs of the hearers.

Before proceeding to examine non-Deutero-Isaian passages, note a few potential dangers. First, according to the rules of form criticism, defining the boundaries of a given passage demonstrating the form in question is of utmost importance. However, there is little agreement from the above scholars on the limits of various passages cited as representing trial speeches. Therefore, in any following discussion, defining the limits is a priority.

Another point of contention is the precise structure of the trial speech. The Tables presented in this chapter give an adequate demonstration regarding the lack of consensus in structural matters. However, the creators of the

passages in question have modified a particular form to meet situational needs. The need to have a perfectly categorizable similarity is a modern convention not followed by writers in the Ancient Near East. Therefore, in the search for definitive genre characteristics, each passage retains its individual stylistic integrity.

The above discussion necessitates a thorough examination of the biblical text. This occurs in two parts. Chapter 2 will deal with non-Deutero-Isaian texts, while Chapter 3 will deal exclusively with so-called trial speeches found in Deutero-Isaiah.

## CHAPTER 2

### A STUDY OF TRIAL SPEECHES OUTSIDE OF DEUTERO-ISAIAH

#### Introduction

There are a number of reasons to study supposed trial speeches apart from Deutero-Isaiah before attempting a study of their presence and use in 40-48. First, it is the study of these non-Deutero-Isaian passages that will give the researcher an idea of what he or she should be looking for concerning language and characteristics. Second, the study of passages that predate Deutero-Isaiah will allow the researcher the opportunity to observe the evolution and/or the adaptation of the genre by the later author. Lastly, it contributes to the overall understanding of form and its use in the history of Israelite writing. It assists the researcher to answer questions such as "When did a form originate?" or "What religious idea gave rise to the development of a particular form?" While this last area is of considerable value, the scope of this chapter, and indeed this thesis, lies within the first two.

The passages explored herein have been chosen because the works presented in chapter 1 refer to them or there is general agreement by commentators that these exhibit trial speech characteristics. Three of the four are prophetic texts that pre-date Deutero-Isaiah and demonstrate the historical use of the form. The other passage is a liturgy from the Psalter. This piece

represents an adaptation of the prophetic form to the life and worship of Israel and this warrants its inclusion here.

The analysis of these passages will include "vocabulary", "forms and formulas", and "verdicts," in accordance with the conclusions of chapter 1. The analysis also includes a discussion of the limits of each passage and its structure. The final discussion will synthesize the data and generalize, if possible, characteristics of biblical trial speeches.

### Hosea 4:1-10

Hosea 4 begins the second movement of the book. After the living parable of Israel's unfaithfulness through Hosea and his wife Gomer, chapter 4 presents the direct accusation of God against the nation of Israel.

### Translation

- <sup>1</sup> Hear a word of Yahweh O Israel,  
 for Yahweh has a controversy with those dwelling in the land,  
 for there is no faithfulness,  
 and there is no covenant loyalty,  
 and there is no knowledge of God in the land.
- <sup>2</sup> Swearing, deception, murder, stealing and adultery break out;  
 bloodshed follows bloodshed.
- <sup>3</sup> On this account, the land mourns with all those dwelling in it;<sup>1</sup>  
 the wild animals of the field, the birds of the air,  
 and even the fish of the sea, perish.
- <sup>4</sup> Surely no one will contend, no one will reprove.  
 But with you is my contention, O priest.<sup>2</sup>

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<sup>1</sup> The MT reads **וְאֶמְלֵל בְּלִי-יֹשֵׁב בָּהּ** ("and the inhabitants in it are weak"). The editors of BHS suggest to read as **בְּקָל** or **עַם-קָל** and are supported by the LXX reading of **ὁσὺν πᾶσι**. The latter reading is followed here.

<sup>2</sup> MT reads **וְעַמְדָּךְ בְּמַרְיָבִי כִהֵן** BHS suggests a corruption here, and emends to read **וְעַמְדָּךְ רִיבִי כִהֵן** or **וְעַמְדָּךְ אֲנִי רַב (ה)כִּהֵן** [the reading taken here].

- <sup>5</sup> You will stumble by day, and also the prophet will stumble with you by night.  
I will destroy your mother.
- <sup>6</sup> My people are destroyed because of a lack of knowledge,  
For you yourselves have rejected knowledge,  
so I reject you as my priests.  
Since you forget the torah of your God,  
I will destroy your sons.
- <sup>7</sup> The greater they became, the greater their sins against me.  
They exchanged their honor with dishonor.<sup>3</sup>
- <sup>8</sup> They eat the sin of my people,  
and they long for their iniquity.
- <sup>9</sup> It will become as people, as priest. I will punish him for his ways,  
and his deeds I will bring back to him.
- <sup>10</sup> They will eat and not be satisfied.  
They will commit fornication and not increase,  
for they have forsaken Yahweh to give themselves to fornication.<sup>4</sup>

### Boundaries

Various commentators recognize that a break occurs in Hosea between chapters 3 and 4.<sup>5</sup> The prose of chapters 1 and 3 set them apart from the exclusively poetic section of 4-14. The boundary occurring between chapter 3 and 4 is seldom debated and is a fixed starting point. The division of v. 10 from 11 and following requires more careful analysis.

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<sup>3</sup> The MT reads כְּבוֹדָם בְּקִלּוֹן אָמִיר ("I will change their glory into shame"). The suggestion of the editors of BHS is to read as כְּבוֹדָם בְּקִלּוֹן הַמִּירוֹ ("they exchanged their honor for dishonor"), supported by the Syriac and Targum. The latter provides substantially better parallelism and is taken as the reading here.

<sup>4</sup> In the MT this is the beginning of v. 11. However, it fits better into the context of v. 10 (compare to LXX and Syriac). J.L. Mays (*Hosea*, 72 note a) suggests that 'fornication' is needed to complete v. 10, but it also fits with the proverb at the beginning of v. 11. He suggests that a collector brought the two sayings together, and one of the words was lost.

<sup>5</sup> See, for example, Wolff, *Hosea*, Hermeneia Commentaries (Philadelphia: Fortress Press, 1974), xxx, and Mays, *Hosea* (Old Testament Library), 72.

Yahweh indicts all those dwelling in the land (v. 1) for the various acts described in v. 2. This indictment is the focus of the entire chapter (vv. 1-19),<sup>6</sup> which easily breaks into smaller units. Clearly, vv. 1-3 stand as one sub-section ending with the summary statement in v. 3 introduced by עַל־כֵּן ("on this account"). While it is common in Hosea to switch both the grammatical gender and number of the intended subjects,<sup>7</sup> the priesthood is the central subject of vv. 4-10. However, with v. 12 the central subject switches to "my people" and that subject carries to the end of the chapter. The wisdom saying of v. 11 provides a fitting metaphor concerning the conduct of the priesthood. However, its function is editorial and smoothes the transition from the lawsuit of vv. 4-10 to the next unit of vv. 11 and following. It is outside from the trial speech form critically. While vv. 1-19 can be taken as an entire rhetorical unit, the lawsuit formulation is contained within 1-10, and will be the boundaries for this examination.

### Vocabulary

There are a number of important vocabulary words in this passage. The most obvious are the presence of *רִיב* and its cognates. The verb form occurs in both 4:1 (perfect) and 4:4 (imperfect). Yahweh, as the subject of v. 1, has a *רִיב* with those dwelling in the land. The verb *רִיב* has the basic meaning of "to strive,"<sup>8</sup> but its use in the Old Testament is almost entirely "contention" or

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<sup>6</sup> Wolff, *Hosea*, 74.

<sup>7</sup> Mays, 73.

<sup>8</sup> See HALOT, 1224.

“accusation” as a noun, or the corresponding verb form (“to accuse”). It carries with it the entire concept of “bringing one into a lawsuit situation.”<sup>9</sup> It occurs both in legal and non-legal situations, but the vast majority of occurrences arise in legal contexts. Daniels suggested that **רִיב** connotes more than a verbal contestation but involves a physical act (Exodus 2:13f and 21:18f). He wrote that **רִיב** “more precisely refers to activity, irrespective of location, which disrupts or restores the proper order of things or relationships among people, groups or nations.”<sup>10</sup> This definition, however, is too encompassing to appropriately describe the use of **רִיב**, and it is difficult to see how the **רִיב** of v. 1 could be anything other than a verbal contention. James Limburg in his article on **רִיב** and prophetic lawsuit states that except for Deuteronomy 33:7, the root **רִיב** always refers to speech activity in the Old Testament.<sup>11</sup> This is indeed the case. Nevertheless, the debate over the term **רִיב** highlights the fact that the presence of the term in a passage does not automatically make the passage a formal legal proceeding. For example, the presence of **רִיב** in the dispute between Abram’s herders and Lot’s herders (Genesis 13:7) does not imply that they went to court. The clear contextual meaning is that they **רִיב** (“disputed”) over the rights of their flocks to graze in a given area. However, while the use of

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<sup>9</sup> James Limburg, “The Root **רִיב** and the Prophetic Lawsuit Speeches,” *JBL* 88 (September 1969): 301.

<sup>10</sup> Daniels, 353.

<sup>11</sup> Limburg, 299.

ריב in this case does not imply a formal trial, it is a situation that could involve a court.

The use of מריב (v. 4), a *hapax legomenon*, expresses a *dispute* between Yahweh and his priesthood. It relates closely to מריבה, which, in its two occurrences, does not refer to courtroom proceedings.<sup>12</sup> Both terms mean “strife” but do not refer to a legal trial.

Verse 4 also uses the term יוכח. Its use is not particularly remarkable for it occurs fifty-nine times, chiefly in wisdom literature and the Psalms, and has the meaning of “to decide” (major usage) or “to rebuke (by judging).”<sup>13</sup> However, of its thirteen uses in prophetic literature, it is present in a variety of passages often referred to as representing the “lawsuit” genre.<sup>14</sup>

Besides those terms that describe the dispute, there are a number that express the reasons for the dispute. Many of the terms used in v. 2 relate to the law. The decalogue forbids רצח (“murder”), גנב (“theft”) and נאץ (“adultery”).<sup>15</sup> The Israelites were forbidden from בקוש (“to deceive”) in Leviticus 5:21 and

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<sup>12</sup> See HALOT 635. מריבה occurs in Genesis 13:8 and Numbers 27:14. The Genesis passage presents a disagreement over grazing land (see above) that is not carried out in a law court. The use in Numbers is within a proper name (Meribath-kadesh).

<sup>13</sup> See HALOT 410.

<sup>14</sup> For example, besides its use in Hosea 4, it is present in Isaiah 1:18 (Niphal), Jeremiah 2:19 (Hiphil), and Micah 6:2 (Hithpael, a *hapax legomenon*).

<sup>15</sup> See רצח in Exodus 30:13 and Deuteronomy 5:17, גנב in Exodus 20:15, Deuteronomy 5:19 and Leviticus 19:11, and נאץ in Exodus 20:14, Deuteronomy 5:18 and Leviticus 20:10.

19:11. Israel had violated the religious and moral code that regulated Israelite life. These violations form the basis for the trial against them.

### Formulas

The use of the formula “Hear a word of Yahweh” brings the listener into the forum of Yahweh’s speech. It is attested a number of times throughout prophetic literature, and will be observed numerous times below. It is not a formula that occurs exclusively in conflict situations, but its general usage fits this pattern.<sup>16</sup>

The change from third to second person is also an important feature of this passage. Israel is called as a witness in its own trial (v. 1). The introductory statements of vv. 1-3, in the third person, are followed by a confrontation in vv. 4-6, directed to the priesthood in the second person. The “I-Thou” style is an important feature of covenant agreements,<sup>17</sup> and further reflects the covenantal background of this passage. However, in pronouncing judgment, Yahweh returns to the third person, indicating that the judgment speech is spoken to the witnesses called in v. 1.

Hosea 4:1-10 does not contain an abundance of references to courtroom procedure. As is noted by Westermann, outside of the introductory sentences of

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<sup>16</sup> The expression *שמעו דבר-יהוה*, used 22 times in the prophetic literature, introduces 19 conflict speeches (e.g. Is. 1:10, Jer 2:4, Ez 6:3 and Hos 4:1) and 3 that exclusively offer hope (Is. 66:5, Jer 31:10 and Ez 37:4).

<sup>17</sup> James Muilenburg, “The Form and Structure of the Covenantal Formulations,” *VT* 9 (1959): 355.

vv. 1 and 4 “one does not encounter any other single feature of the court procedure.”<sup>18</sup> However, he stresses that the judgment procedure is present in the presentation of the scene rather than in the actual form/ vocabulary of the proceeding. It may be a possibility that the “lawsuit” genre may be a function of content rather than strictness in form, and this possibility will be taken up in the conclusion to this chapter.

### Verdict

The verdict of this passage is clear. Using Harvey's terms, this is a “*rib* of condemnation.” Yahweh rejects his priests (v. 6b) and, consequently, they will not prosper. They will not be satisfied with food, although they eat. The birthrate will not increase though they give themselves over to the practice of fertility rituals (v. 10).

One interesting feature of the verdict is the failure of the prophet to mention outright destruction. The attempts of the priesthood to stimulate prosperity through Baal worship and participation in the fertility cult do not lead to their annihilation. Instead, their punishment will be the failure of their endeavors that leads, in turn, to the suffering of the land (v. 3b) and those descendants who will occupy the land (v. 6b). The resultant chastisement is very light considering the severity of the priestly sin.

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<sup>18</sup> Westermann, *Basic Forms*, 199.

## Structure

The following is a proposed structure of Hosea 4:1-10.

**Table 2.1 Structural Outline for Hosea 4:1-10**

Narrator's prologue	1-3
calling of Israel as witness	1a
indictment	1b-3
Speech of the Prosecutor	4-6
focus of controversy (priests)	4
indictment	5-6a
sentence recommendation	6b
Verdict	7-10

The *trial speech* of Hosea 4 conforms to the basic outlines given by various scholars indicated in chapter 1. Prophets used this form of speech to address Israel in the eighth century. Micah 6 will demonstrate that the prophets to Judah also employed the same form.

### Micah 6:1-16

Micah addresses both Samaria and Jerusalem (Israel and Judah) contending that both have become corrupted. Yahweh will bring punishment upon his people that will lead to a new found obedience. Micah 6 indicts the people of God for their misunderstandings regarding worship, and the breakdown of civil society.

### Translation

<sup>1</sup> Hear now what Yahweh is saying!  
 "Arise, contend with the mountains,  
 and let the hills hear your voice."

- <sup>2</sup> Mountains and ever-enduring foundations of the earth,  
hear the contention of Yahweh.  
For Yahweh has a contention with his people,  
and with Israel he shall argue.
- <sup>3</sup> "My people, what have I done to you,  
and what have I done to exhaust you? Answer me!
- <sup>4</sup> For I brought you up from the land of Egypt;  
from the house of slavery I ransomed you.  
I sent before you Moses, Aaron and Miriam.
- <sup>5</sup> My people, remember what Balak, King of Moab, counseled,  
and what Balaam, son of Peor, answered him.  
From Shittim to Gilgal,  
that you may know the saving acts of Yahweh.
- <sup>6</sup> With what shall I come before Yahweh,  
and bow myself before the High God?  
Shall I come before him with burnt offerings,  
with calves a year old?
- <sup>7</sup> Shall Yahweh be pleased with a thousand rams,  
with a multitude of rivers of oil.  
Shall I give my firstborn for my transgression,  
the fruit of my body for the sin of my life.
- <sup>8</sup> He has announced to you, O mortal, what is good,  
and what does the Lord require from you,  
but to do justice, to love covenant loyalty,  
and to make a humble walk with your God.
- <sup>9</sup> The voice of Yahweh calls to the city, (and he is saved who fears his name),<sup>19</sup>  
"Hear, O Tribe, and the counsel of the city.
- <sup>10</sup> Who has,<sup>20</sup> O house of evil, a treasury of offense  
and a cursed lean measure?
- <sup>11</sup> Can I be pure with evil balances,  
and bags of deceitful weights?
- <sup>12</sup> Whose rich men are full of violence,  
and those dwelling in it speak deceptively,  
for their tongues are treacherous in their mouth.
- <sup>13</sup> Also, I have begun to strike you down,<sup>21</sup>

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<sup>19</sup> MT READS וְתוֹשִׁיָהּ יִרְאֶה שְׁמִךָ BHS suggests that this is an addition. The LXX reads καὶ σώσει φοβουμένους τὸ ὄνομα αὐτοῦ (and he will save those who fear his name).

<sup>20</sup><> MT READS וּמִי יַעֲדָה: עוֹד The LXX reads καὶ τίς κοσμήσει πόλιν (and who adorn the city). BHS suggests to read as וּמוֹצֵד הָעִיר (and the counsel of the city).

<sup>21</sup> MT READS הֵחֵלֵיתִי BHS suggests to read הֵחֵלֵיתִי (I have begun) referencing the LXX, Aquila text, Theodotion text, Syriac, and Vulgate.

- to devastate on account of your sins.
- <sup>14</sup> You yourselves shall eat, but you will not be satisfied,  
and your emptiness will be in your inner parts,  
and you shall bring into safety (valuable), but you shall not save,  
and that which you save I shall give to the sword.
- <sup>15</sup> You yourselves shall sow, but you shall not gather,  
You yourselves shall press olives, but shall not have oil,  
and you shall tread, but you shall not drink wine,
- <sup>16</sup> You will keep the statutes of Omri,  
and all the works of the house of Ahab,  
and you will walk in their plans.  
in order that you will be given as a waste,  
and its inhabitants as a hissing,  
and the scorn of my people you will lift up.

### Boundaries

Micah 6:1-16 differs from those passages presented above in that the *řib* structure is not contained within one form critical unit; it is found throughout three units operating as one rhetorical section. Differences arise among scholars as to the length of the theoretical "original oral units," and the extent to which these were redacted to fit into the present canonical form.<sup>22</sup> However, it is the final form that is of concern to this author and questions of original units are left to others.

Various commentators have viewed Micah 6:1-8 as one unit. Gemser sees these verses as an "impressive *řib*,"<sup>23</sup> while H.W. Wolff views them as an "artistically shaped rhetorical piece which appropriates the prophetic lawsuit (vv.

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<sup>22</sup> Charles Shaw (*The Speeches of Micah: A Rhetorical-Historical Analysis*, JSOTSup, vol. 145) understands the prophets to have spoken in longer discourses to persuade his listeners to a desired action. Mays (*Micah*, 23-33) defends the shorter prophetic unit as the original composition.

<sup>23</sup> B. Gemser, "The *Řib* or Controversy-Pattern in Hebrew Mentality," in *Wisdom in Israel and the Ancient Near East*, VTSup, vol. 3 (Leiden: E.J. Brill, 1960), 130.

2-5) and then turns to problems connected with the cult (vv. 6, 7), in order to teach 'what is good' with stronger focus at the end (v. 8).<sup>24</sup> Leslie Allen<sup>25</sup> and Herbert Huffmon<sup>26</sup> also regard 6:1-8 as one unit.

Charles Shaw takes a different approach and views 6:1-7:7 as belonging to one rhetorical section, though consisting of three different forms.<sup>27</sup> While others do not follow his rhetorical conclusions, some have observed similar features spanning these 24 verses. Mays, for example, observes that 6:1a is a general introductory summons to the two major sections that follow. Micah 6:2-7:6 portrays the estrangement between Yahweh and Israel while 7:8-20 deals with reconciliation.<sup>28</sup> Allen outlines 6:1-7:7 together under the broad heading of "Messages of Reproof and Lament."<sup>29</sup>

It is this author's contention that while there are similarities in 6:1-7:7, it is chapter 6 alone which forms a lawsuit unit. It is recognized that 7:1-7 is a lament

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<sup>24</sup> H.W. Wolff, *Micah: A Commentary*, Continental Commentaries, trans. by Gary Stansell (Minneapolis: Augsburg, 1990), 23. Wolff (166) also saw the close of the entire rhetorical unit to be at v. 8 "for in v. 9 we find an unusual but unambiguous new beginning that introduces a new addressee (v. 9aα), with a new summons to hear (v. 9b) and a different theme (vv. 10ff)."

<sup>25</sup> Leslie C. Allen, *The Books of Joel, Obadiah, Jonah and Micah*, NICOT (Grand Rapids: Wm. B. Eerdmans Publishing Co., 1976), 364.

<sup>26</sup> Huffmon, "The Covenant Lawsuit in the Prophets," 287.

<sup>27</sup> Shaw, 166.

<sup>28</sup> Mays, *Micah*, 9. Verse 7:7 represents a personal introjection (uses first person pronouns) into transition between estrangement and reconciliation.

<sup>29</sup> Allen, 261.

which arises from the proclamation of judgment (6:9-16), but this arises after the courtroom scene has ended and the verdict has been pronounced.

The presence of the imperative "Hear" (vv.1 and 9) is reminiscent of Hosea 4:1. It was shown above on page 21 that this imperative marks the beginning of that unit. The imperative in Micah 6:1 serves a similar function. Micah 5:10-15 pivots upon a prophecy concerning "that day" stressing the destructive future that will befall the remnant of Jacob. With the introduction of 6:1, the focal point is not upon destruction, but upon the benevolent acts of Yahweh (vv. 3-5) and the resultant misunderstanding of that benevolence (vv. 6-7).

The oracle of judgment found in 6:9-16 (see below under "Formulas") contains a new summons "to hear" (v. 9b). While this formula indicates the beginning of a new oracle (an oracle of judgment) it does not necessitate cutting this oracle off from the context immediately before. A link with the preceding courtroom scene occurs through the unified notion that a covenant agreement has been broken.<sup>30</sup> Hillers agrees that there are points connecting these two units, including the "extravagance in ritual rejected in 6:7-8 and the accumulation of unjust wealth which is the theme vv. 9-11."<sup>31</sup>

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<sup>30</sup> Allen, 377. However, Allen views these as two units. The previous unit ends in a warning, while 9-16 ends with "dire threats."

<sup>31</sup> Hillers, 81.

## Vocabulary

There are a number of uses of the term רִיב near the beginning of this passage. The verb occurs in v. 1 and the noun occurs twice in v. 2. Wolff translates the verb in v. 1 "to accuse." He refers the nouns of v. 2 to the dispute as a whole.<sup>32</sup> This meaning of the noun is supported by H.J. Boecker. Boecker understands the noun, either when used alone or in conjunction with אִתּוֹ or אֶת ("with"), to refer to a whole process.<sup>33</sup> Such a suggestion accords with the usage in Micah 6:2 where רִיב is used with אֶת (v. 2a) and alone (v. 2b). Still, the basic meaning of the noun is "accusation,"<sup>34</sup> and the noun form in v. 2b forms a parallel with the verb יִתְרַבֵּה (Hithpael of יָרָב), which clearly means "to argue with."<sup>35</sup> The accusation, in this case, leads to the יִתְרַבֵּה ("argument").

The use of קָוָה in this passage relates to courtroom situations. While in non-legal contexts it often refers to rising and going to a distant place,<sup>36</sup> it may

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<sup>32</sup> Wolff, 166.

<sup>33</sup> Limburg, 292 referencing H.J. Boecker *Redeformen des Rechtslebens im Alten Testament*, 54.

<sup>34</sup> See discussion above in Hosea "Vocabulary."

<sup>35</sup> As mentioned above in Hosea, יָרָב in the Hithpael is attested only here. See HALOT 410. It is close in meaning to the Niph. which will be seen in Isaiah 1:18. B. Gemser gives a larger semantic domain to the root יָרָב including to start a dispute (Micah 6:2, Job 22:4), complaining, arguing (Isaiah 1:18), reproving, rebuking, defending, confuting and to the actual doing of justice (124, note 4).

<sup>36</sup> For example Genesis 38:19, 43:15, Deuteronomy 17:8, Jonah 1:2, 3:2.

also refer to the "rising" of witnesses<sup>37</sup> or judges.<sup>38</sup> In this case, it is the defendant "rising" to plead his/her case before the mountains.<sup>39</sup>

The language of vv. 6-8 is bound to the religious tradition of Israel. The language of sacrifice and worship recalls the instruction of sacrifice found in Leviticus 1-7. The term **מִשְׁפָּט** ("righteousness," v. 8) is part of the legal tradition of the Old Testament,<sup>40</sup> and also of the covenant tradition.<sup>41</sup>

The language used in 6:10, 11 concerning the dishonest scales and measures was part of the moral/religious code. Israelite law, as demonstrated in Leviticus 19:35, 36<sup>42</sup> and Deuteronomy 25:13-15,<sup>43</sup> forbade using false

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<sup>37</sup> For example Deuteronomy 19:15f, Psalm 27:12, Zephaniah 3:8. See HALOT 1086, 3b, i.

<sup>38</sup> For example Psalms 94:16, Isaiah 2:19, 21, Jeremiah 2:27. See HALOT 1086, 3b, ii and Wolff, 172.

<sup>39</sup> Wolff (166) indicates that this phrase, which is a redacted opening statement originally separate from the agendum following, refers to a group **אֶת רֵיב אֶת** ("contending with") the mountains. This seems very unlikely considering the context, and Hillers (75) suggests a rendering of "before" for **אֶת**. This is suggested by the LXX rendering of **πρὸς**.

<sup>40</sup> Allen, 369.

<sup>41</sup> It is interesting that the term **מִשְׁפָּט** is used throughout the Pentateuch to mean "ordinance." In this sense it is a "code of righteousness" that allows for a proper relationship between Yahweh and humankind (related to the passover in Numbers 9:2ff, especially v. 3), and among humans as well (Leviticus 19, and use of **מִשְׁפָּט** in 37). The term is also used to reference the conducting of righteousness (justice) in the Abrahamic covenant of Genesis 18:19.

<sup>42</sup> The Israelites are commanded to have **מֶאֱזוּנֵי צֶדֶק** ("scales of honesty") but in Micah 6:11 they have **מֶאֱזוּנֵי רָעָע** ("scales of wickedness"). The Israelites were also to have **אֲבָנֵי צֶדֶק** ("weights of honesty"), but they had **אֲבָנֵי מִרְמָה** ("weights of deceit") in Micah 6:11.

<sup>43</sup> In order for the Israelites to have "weights of honesty" it was necessary for them to have one standardized weight for which to conduct their legal transaction.

measures. The moral and religious norms established in Israel become the basis of accusation and dispute as was observed in Hosea 4:1-10.

### Formulas

There are two main views of the units found in Micah 6:1-16. One view, represented by Mays, finds the appearance of four units, begun at 6:1, 2, 6, and 9.<sup>44</sup> The other, represented by Shaw, would see two units, beginning at 6:1 and 9.<sup>45</sup> If one sees all of chapter 6 as a rhetorical lawsuit unit, then the separation of vv. 6-8 from vv. 1-5 poses no problem. It actually makes more sense in accounting for the difference in person and perspective (vv. 3-5 is a plea to listen while vv. 6-7 contains probing questions) between vv. 5 and 6. On this basis, the units as found in chapter 6 are an introduction (6:1), the *rib* unit (vv. 2-5), torah instruction (vv. 6-8),<sup>46</sup> and an oracle of judgment (vv. 9-16).<sup>47</sup>

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They were not to have אָבֹן גְּדוֹלָה וְקִטְנָה (weights both large and small, Deuteronomy 25:13). While the crime in Micah 6 is not referenced to having two different weights, having these would constitute having “weights of deceit.”

<sup>44</sup> Mays, 30. These units are 6:1 Introduction

6:2-5 Covenant Lawsuit Speech

6:6-8 Torah Exchange

6:9-15 Judgement Announcement by Yahweh.

Wolff would also agree to these units.

<sup>45</sup> Shaw, 165. For Shaw 6:1-8 forms the *rib* and vv. 9-16 forms the oracle of judgement. Supporting the inclusion of 6-8 with 1-5 is Hillers (77) who sees the need for some sort of answer to Yahweh's call in 2-5. Without 6-8, the *rib* is truncated.

<sup>46</sup> Wolff (167) believes that this is similar to a speech that belongs to priestly instruction. Also, Gunkel, *The Psalms*, 22 indicates that these verses are an imitation of the Torah Interrogation and related to the Liturgy of Entrance. In this case, a woshipper who would enter the Temple would approach a priest and ask questions

Two other features of Micah 6:1-16 call for comment. It is important to note the comprehensive accusation laid against Israel, which is a striking form of the legal procedure.<sup>48</sup> The cult (vv. 6-8), the economic systems (vv. 10-12) and the governing body (v. 16) are all implicated. The same feature occurred in Hosea 4:1-10, though in that case the accusation began with the priesthood (v. 4) and the totality of the people was brought into the indictment later (v. 9). The trial of God does not divide his people, for they all stand before him to answer for their guilt.

The calling of witnesses is also a significant aspect of lawsuit speeches. In Hosea 4:1, the people of Israel are witnesses against the priests, and are, then, indicted themselves. However, in Micah the "mountains and ever-enduring foundations of the earth" are called as witnesses to Yahweh's *rib*. This will also be the case in Isaiah 1:1-31. Treaties of the ancient Near East often contained lists of deities who would serve as witnesses to the treaty.<sup>49</sup> Yahweh, as Israel understood him, would not need any outside deity to approve or enforce his covenant treaties. However, "heaven and earth" were part of the Deuteronomistic tradition,<sup>50</sup> and are associated with the covenant.<sup>51</sup> The

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similar to 6:6-7. The liturgical response of the priest would be v. 8. The worshipper is properly instructed of God's internal requirements before the religious rituals of sacrifice are performed.

<sup>47</sup> Supported by Wolff (188), Mays (9) and Shaw (165).

<sup>48</sup> Westermann, *Basic Forms*, 200.

<sup>49</sup> Dennis J. McCarthy, *Treaty and Covenant* (Rome: Biblical Institute Press, 1978), 66.

<sup>50</sup> See Deuteronomy 4:26, 30:19, 31:28 and 32:1.

creations of God, that often are depicted as giving praise to him,<sup>52</sup> also serve to provide credible witnesses in his trials. The need of witnesses, in earthly and heavenly proceedings,<sup>53</sup> was an important feature in the conduct of fair and binding trials.

### Verdict

Those who take the lawsuit to consist of 6:1-8 have little evidence of a verdict, and at best have only evidence of a warning.<sup>54</sup> However, the statement of judgment in 9-16 most fully clinches the terminus of the lawsuit. Yahweh has prosecuted his people, and they have answered unwisely (vv. 6,7). The judge (who is also Yahweh) announces judgment upon his people for their deceitful acts (vv. 9-16). The punishment given in vv. 14f is similar to the punishment found in Hosea 4:10, and strengthens the argument that 9-16 should be included as the conclusion of the lawsuit passage.

### Structure

Taking into account the arguments presented above, the following is a proposed structure for the lawsuit found in Micah 6:1-16.

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<sup>51</sup> McCarthy, 192.

<sup>52</sup> See Psalm 19:1, 50:6, and 69:34.

<sup>53</sup> See Deuteronomy 19:15 and Numbers 35:30.

<sup>54</sup> Allen, 363. He states, "whereas most messages of accusation in the prophetic literature culminate in an announcement of disaster, there are some that end by issuing a warning and providing an explicit opportunity for the miscreant to mend their ways. This is a notable example of the latter."

**Table 2.2 Structural Outline of Micah 6:1-16**

General Prologue (Call to Hear)	1
Prosecutor's Opening Remarks	2-5
Herald's prologue	2
Rhetorical questions of self defense	3
Historical Recollections for self defense	4,5
Defense of the Plaintiff and Response	6-8
The Defense-Ignorance	6,7
The Response-The Covenant is known	8
Judgment Speech (Verdict)	9-16
Call to Hear	9
Specific Indictments	10-12
Punishments	13-15
Further Indictment	16a
Conclusion	16b

Aside from the priestly instruction given in Micah 6, the style and vocabulary agree with those of Hosea 4. The form remained consistent in the two different contexts, as did its function. Isaiah 1 provides more evidence that the *trial speech* was a highly stereotypical form that remained constant even after the Northern Kingdom fell.

#### Isaiah 1:2-31

Isaiah is addressed to Judah and Jerusalem. It represents a tradition to which Deutero-Isaiah's work was likened, and provides a framework to judge Deutero-Isaiah's work.

#### Translation

<sup>2</sup> Hear, O heavens and give ear, O earth, for Yahweh speaks. Sons I bring up and I raise, but they rebel against me.

<sup>3</sup> An ox knows its purchaser, and an ass his master's feeding trough. Israel does not know, my people do not behave intelligently.

- <sup>4</sup> Alas, O sinful nation,<sup>55</sup> O people heavy with guilt,  
a race of evildoers; children who act corruptly...  
They forsake Yahweh. They treat with disrespect the Holy One of Israel  
They turn aside.
- <sup>5</sup> Why are you still being beaten? Why are you still being obstinate?  
All the heads are sick, and all the hearts are faint.
- <sup>6</sup> From the sole of the foot to the head there are no healthy parts.  
A wound, a slash and a fresh wound-  
they are not pressed, they are not bound up and they are not soothed with oil.
- <sup>7</sup> Your land is destroyed, and your cities are burning by fire,  
and before your eyes your property is devoured by strangers..  
It is destroyed as overthrown by strangers.<sup>56</sup>
- <sup>8</sup> The house of Zion is left over as a hut in a vineyard,  
as the framework in a field of cucumbers,  
as a city guard.<sup>57</sup>
- <sup>9</sup> If Yahweh of Hosts had not left us as a small remnant,  
we would be as Sodom,  
and we would resemble Gomorrah.
- <sup>10</sup> Hear a word of Yahweh, O leaders of Sodom,  
Give ear to the law of our God, people of Gomorrah
- <sup>11</sup> What is the multitude of your sacrifices to me? says Yahweh.  
I am weary of the whole burnt offering of rams,  
and the fat of raised steers;  
the blood of young bulls, and the lambs and he-goats,  
I do not delight in.
- <sup>12</sup> When you come to see my face, who seeks this from your hand-  
and so trample my courts?
- <sup>13</sup> Do not bring vain sacrifices anymore. Incense is an abomination to me.  
The new moon ceremony, Sabbath and the calling of the assembly-  
I am not able to endure wicked assemblies.
- <sup>14</sup> Your new moon ceremonies and your assemblies I loath deeply.  
They have become a burden for me-I am weary of carrying them.
- <sup>15</sup> And when you pray, I will conceal my eyes from you.  
Also, when you make your prayers numerous, I will not be listening.  
Your hands are full of blood.
- <sup>16</sup> Wash yourselves. Cleanse yourselves.  
Remove your evil works before my eyes.  
Cease to do that which is evil.

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<sup>55</sup> Davidson, ¶ 157 for the use of the participle here as a form of address.

<sup>56</sup> MT reads **זָרִים** . BHS and HALOT (744) suggest to read as **סְדֹמ** ("Sodom").

<sup>57</sup> MT reads **נְצוּרָה** . BHS and HALOT (716) suggest to read **נְצוּרָה** giving "a besieged city."

- 17 Learn to do right. Seek justice. Reprove the oppressed.  
Justly judge the orphan. Contend for the widows.
- 18 Come now, let us argue together, says Yahweh.  
If your sins be as scarlet,  
will they will become white as snow?  
If they show red as scarlet,  
will they will be a white as wool?
- 19 If you will are willing, and hear, you will eat the good of the land.
- 20 But if you refuse, and you rebel, you will be consumed by a sword,  
for the mouth of Yahweh has spoken.
- 21 How the faithful village has become a prostitute!  
Full of justice-righteousness dwelt in her, but now savage murderers.
- 22 Your silver is as dross; your beer is watered down.
- 23 Your leaders are stubborn and companions of thieves.  
Each one is loving a bribe, and running after reward..  
The orphan they do not treat with justice,  
and the widow's complaint does not come unto them.
- 24 Therefore-an oracle of the Lord Yahweh of Hosts, the Powerful One of Israel-  
"Alas, I will gain satisfaction from my foes,  
and I will take revenge on my enemies.
- 25 I will bring back my hand against you.  
I will smelt your dross as potash.  
I will remove all your slag.
- 26 I will bring back your judges, as at the first,  
and your advisors as in the beginning.  
Afterwards, you will be called 'A city of the righteous;  
a village of faithfulness.'
- 27 Zion will be ransomed with justice,  
and those who return her with righteousness.
- 28 But broken rebels and sinners together,  
and those who abandon Yahweh-they will perish.
- 29 For they will be ashamed because of a mighty tree,  
in which you take pleasure,  
and you will be abashed because of the gardens,  
which you have chosen.
- 30 For you will be as a massive tree, withering its foliage,  
and as a garden that has not water for it.
- 31 The strong one will be as flax tow,  
and his achievement as a spark.  
They will burn, the two of them together,  
and there will be no one to extinguish them.

## Boundaries

Many commentators divide Isaiah 1:2-31 into six sections.<sup>58</sup> Some of these sections originally may have been independent units,<sup>59</sup> but have been woven into the piece as it now stands. Both Gemser<sup>60</sup> and Sweeney<sup>61</sup> have noted that these verses are unified by a legal proceeding theme.

It is the contention here that vv. 2-31 form a rhetorical unity that presents a lawsuit. The courtroom arguments occur in vv. 2-23, while vv. 24-31 form the specific indictments and the judge's verdict.

There is little doubt that the section begins at 1:2, following the general introduction to the book of Isaiah in 1:1. Wildberger argues that vv. 2-3 "set forth Isaiah's major accusation against Israel; all of the reprimands which will follow can be nothing but a host of concrete examples detailing this fundamental faithlessness over against Yahweh."<sup>62</sup> The end of the section certainly cannot go further than 1:31, for 2:1 begins with a new superscription formula ("The word that Isaiah son of Amoz saw concerning Judah and Jerusalem") which separates

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<sup>58</sup> For example, Kaiser (OTL) and Oswalt (NICOT).

<sup>59</sup> Hans Wildberger, *Isaiah 1-12: A Commentary*, Continental Commentaries, trans. by Thomas H. Trapp (Minneapolis: Fortress Press, 1991), 9. These independent units are 2-3, 4-9, 10-17, 18-20, 21-26 and 29-31. Vv. 27 and 28 are seen as emendations to the original oracles.

<sup>60</sup> Gemser, "The Rib...", 130.

<sup>61</sup> Marvin A. Sweeney, *Isaiah 1-39 with an Introduction to Prophetic Literature*, The Forms of the Old Testament Literature, vol. XVI (Grand Rapids: Wm. B. Eerdmans Publishing Co., 1996), 66.

<sup>62</sup> Wildberger, 16.

chapter 2 from chapter 1. The internal unity of the passage spanning 1:2-31 will be defended below (see Formulas).

### Vocabulary

The presence of the term **רִיב** is found only in vv. 17 and 23 in which the people are encouraged to **רִיב** for the widow (argue on her behalf). However, there are a number of vocabulary elements that relate this passage to those already discussed. The term **יָבַח** ( **וְיִבְחָהּ** in the Niphal, v. 18) means “argue” or “reason.”<sup>63</sup> This root has been seen above in both Hosea 4:4 (Hiphil) and Micah 6:2 (Hithpael).

The use of expressions involving Yahweh’s speaking are common in prophetic speech, but are also integral to the so-called prophetic trial speech. “The word of Yahweh” appeared in Hosea 4:1, and the expression “Yahweh speaks” occurs in Micah 6:1. Isaiah 1 uses many expressions, such as “for Yahweh has spoken” (v. 2), “the word of Yahweh” (v. 10), “says Yahweh” (v. 18), and “an utterance of the Lord Yahweh of Hosts” (v. 24).

The verb **יָדַע** (“to know”) is used twice in v. 3. Knowledge of the torah of Yahweh is vital for a proper relationship with him, and lack of knowledge of the torah can lead to destruction (Hosea 4:6).

The sacrifices mentioned in v. 11 recall the vocabulary of Micah 6:6,7. The term **מִשְׁפָּט** (“justice”) appears in vv. 17, 21 and 27. The presence of the root **חָטָא** (relating to sin) occurs numerous times not only in this passage (vv. 4, 18,

and 28) but also in Micah 6 (vv. 7, 13) and Hosea 4 (vv. 7 and 8). The vocabulary of this passage therefore has many similarities to other passage found to be of the lawsuit genre.

### Formulas

The presence of different form critical units within vv. 2-31 must be taken up. First, vv. 2-3 can be considered a judgment speech,<sup>64</sup> which is clearly related to Hosea 4:1-3, and Micah 6:1-2 (though both of these speak of Yahweh in third person). The people are condemned for a lack of knowledge (cf. Amos 3:9-12). The heavens and earth are called as witnesses to the proceeding.

The term "heaven and earth" is attested thirty-eight times in the Old Testament. Many of those references pertain to Yahweh's being their creator and ruler.<sup>65</sup> However, in some cases, heaven and earth are invoked as witnesses of Yahweh's dictates to his people.<sup>66</sup> A parallel is found in Micah 6:2 with the reference to the mountains and ever enduring foundations of the earth. As was discussed above, these references provide a connection with ancient Near Eastern vassal treaties. As witnesses to the treaty between Yahweh and

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<sup>63</sup> BDB 407.

<sup>64</sup> John Oswalt, *The Book of Isaiah, Chapters 1-39*, NICOT (Grand Rapids: Wm. B. Eedmans Publishing Co., 1986), 84. Also see Wildberger, 9.

<sup>65</sup> For example, Genesis 14:19, 22, Exodus 20:11, 2 Kings 19:15, and Isaiah 37:16.

<sup>66</sup> For example, Deuteronomy 4:26, 30:19 and 31:28.

Israel, they are called upon to demonstrate how Israel has broken that treaty bond.

The judgment speech leads into what Westermann terms a “woe oracle,” (vv. 4-9),<sup>67</sup> which presents rhetorical questions, and describes the situation in the land (cf. Micah 6:10-12). The land is in a desperate condition, and the people may not be able to stand more punishment. According to Wildberger, God provides the central theological theme of vv. 4-9.<sup>68</sup>

The desperate condition of the land obligates the court to explain the basics of covenant relationship. The priestly torah (vv. 10-17) demonstrates to the defendants that there is a way out of the drastic situation in which they have found themselves. This priestly torah is similar to the content of Micah 6:6-8 (concerning sacrifice), yet in structure it differs greatly. While the Mican instruction is presented as a first person inquiry, the present text mounts a stinging instruction aimed at belittling the offender’s attempt to approach Yahweh with multitudes of sacrifice (v. 11), yet without moral purity (vv. 15-17). The instruction is also part of the accusation as the unfaithfulness of the offenders towards the יתום (“orphan”) and אֵלֶּיֶם (“widow”) is mentioned again in the indictments of vv. 21-23.

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<sup>67</sup> Westermann, *Basic Forms*, 189.

<sup>68</sup> Wildberger, 32. “The covenant of God—that is, the proclamation concerning Yahweh as the merciful Lord who inclines himself toward his people and lays claim to Israel, and then, his threat of coming curses against his people—apparently provides the central theological theme.”

The renewed lawsuit charge of vv. 18-20 marches the defendants toward the impending judgment. The statements of v. 18 are accusing questions indicating the futility of any attempt of Israel to cleanse themselves. Kaiser translates these statements as "If your sins are like a glittering garment, are they at the same time as white as snow? If they are red like crimson material, are they at the same time like the wool?"<sup>69</sup> Yahweh gives an ultimatum. The land lies in ruin (vv. 7,8) and it is only by Yahweh's mercy that anyone has been left (v.9). Again, Yahweh's mercy is shown as the defendant is given the opportunity to change his/her ways.

However, this opportunity is rejected by the people. The indictments against them are clearly seen (vv. 21-23) in the form of an accusation.<sup>70</sup> Therefore, the judge issues the judgment upon them (vv. 24-31). Sweeney would like to include vv. 21-26 as one portion of the announcement of judgment in order to call it "an announcement of rehabilitation,"<sup>71</sup> and this is reasonable though it would be better to see the last eight verses as the whole speech of the judge which seasons justice with mercy.

### Verdict

It is interesting to note that even the sentence given here is tempered with mercy. Rebels and sinners are destroyed (v. 28), but the city of Zion (a

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<sup>69</sup> Kaiser, 36.

<sup>70</sup> Wildberger, 61.

<sup>71</sup> Sweeney, 67.

remnant) shall be redeemed (v. 27). The inclusion of a message of mercy, which is unlike either Hosea 4 or Micah 6, does necessarily indicate that Isaiah 1 is a different genre. The redactor of vv. 2-31 has simply used an existing, legitimate form of literature (the *trial speech*) in order to bring both a message of impending destruction and mercy.

### Structure

The following is the proposed structure for Isaiah 1:2-31 taking into account the arguments as presented above.

**Table 2.3 Structural Outline of Isaiah 1:2-31**

General Prologue (Call to Hear)	2a
Prosecutor's Opening Remarks	2b-3
Prosecutor's Speech	4-17
Address to the defendants	4-9
questions concerning conduct	4-6
results of conduct (desolation)	7-9
Instructions to the defendants	10-17
rebuke of present practice	10-15
instruction for future practice	16-17
The Ultimatum	18-20
Ultimatum Rejected: Judgment	21-31
Indictments	21-23
Verdict and Punishment	24-31

The examination of the trial speeches of Hosea, Micah and Isaiah show a remarkable consistency in vocabulary, content and method. The evidence gathered from this study will greatly assist the examination of Deutero-Isaiah. Before this is attempted, however, one passage remains. The psalmic quality of

Deutero-Isaiah's work is one of its more remarkable features. While it is most certainly prophetic, the hymnic quality also makes it more than prophetic rhetoric. It is the work of a great poet and rhetorician.

Psalm 82 is a poetic adaptation of the *trial speech* form. An analysis of it will prove useful regarding the adaptation of prophetic forms for different purposes. An adaptation of this type occurs in Isaiah 40-55 and warrants the inclusion of Psalm 82 in this context.

### Psalm 82

Psalm 82 addresses immorality through the imagery of a divine court. Yahweh takes his seat as judge in the divine counsel in order to meet out justice upon those whose moral conduct has come into question.

#### Translation

- <sup>1</sup> A Psalm of Asaph.  
 God is taking a stand in the divine assembly,  
 in the midst God will judge.
- <sup>2</sup> How long will you judge with injustice,  
 and favor the face of the wicked? Selah.
- <sup>3</sup> Judge the helpless and the orphan!  
 Obtain rights for the afflicted and the poor!
- <sup>4</sup> Deliver the helpless and the needy.  
 Liberate them from the hand of the wicked.
- <sup>5</sup> They do not know. They do not understand.  
 They walk about in darkness.  
 All the foundations of the earth are made to totter.
- <sup>6</sup> I myself have said, "You are gods,"  
 and all of you are sons of the Most High.
- <sup>7</sup> However as a human you will die,  
 and as one, O princes, you will fall.
- <sup>8</sup> Rise up, O God. Judge the earth  
 for you yourself possess all the nations.

## Boundaries

Psalm 82 pictures God addressing the "heavenly assembly" in order to question the actions of those divine beings present.<sup>72</sup> It is clear from a cursory reading that all eight vv. of Psalm 82 form a unit. There is no dispute that this passage forms a unified whole.

## Vocabulary

While Psalm 82 does not fit into the category of the prophetic *rîb*, it does share similar vocabulary and setting with passages that fall into that category. According to Gunkel, this psalm is an imitation of a prophetic speech.<sup>73</sup> Wright was correct in stating that the *rîb* passages presuppose a belief in a heavenly assembly of divine beings in both Israel and Canaan.<sup>74</sup> Consequently, those passages depicting a heavenly council deserve examination for the presence of the *rîb* genre.

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<sup>72</sup> Kenneth M. Craig, Jr. "Psalm 82" *Interpretation* 49, no. 3 (July 1995): 281.

<sup>73</sup> A.A. Anderson, *The Book of Psalms Volume II: Psalms 73-150*, The New Century Bible Commentary (Grand Rapids: Wm. B. Eerdmans Publishing Company, 1972), 592 referring to Gunkel *PGHAT*, 361. Also, see Hermann Gunkel, *The Psalms: A Form-Critical Introduction*, 31.

<sup>74</sup> G. Ernest Wright, "The Lawsuit of God: A Form-Critical Study of Deuteronomy 32." in *Israel's Prophetic Heritage: Essays in honor of James Muilenburg*, eds., Bernhard W. Anderson and Walter Harrelson (New York: Harper and Brothers, 1962), 42.

The psalmist employs various terms to describe the heavenly courtroom scene. The term שָׁפֵט ("to judge") occurs four times in the eight verses,<sup>75</sup> but is utilized in two different ways. In vv. 1, 2 and 8 it indicates the action of one who acts as lawgiver or judge.<sup>76</sup> The same term occurs in v. 3, but carries with it the connotation of "executing discriminating judgment."<sup>77</sup>

The use of the verb יָדַע ("to know") is also important (v. 5). As will be shown below, this term became important in Yahweh's accusation against Israel. The action of "not knowing" an important aspect of living life in Yahweh's presence becomes a focus of Yahweh's indictment. The same indictment is made against the heavenly council in Psalm 82:5 and is the basis of the judgment against them.

Finally, the use of קָוַם ("to rise") in v.8 describes the process of a judge "rising" in order to pronounce judgment. While this feature is foreign to many modern court settings, it was a common practice in ancient Israel,<sup>78</sup> and reflects the authority that the judge carries in his/her passing of sentence.

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<sup>75</sup> It is use four times in verbal form. The imperfect is used in v. 1 (3ms) and v. 2 (2mp), while the perfect is used in v. 3 (3cp), and the imperative in v. 8.

<sup>76</sup> These three incidences are in the Qal form. See BDB 1047,1. Twice it refers to Yahweh (vv. 1, 8) and once to the actions of those attending the divine counsel (v. 2).

<sup>77</sup> This is also in the Qal form. See BDB 1047, 2. The term here is often translated as "give justice." Thus NRSV translates it "give justice" while the NIV renders "defend."

<sup>78</sup> See HALOT 1086, 3, b, ii.

## Formulas

Two items need mention here. First, the עֲדַת-אֱלֹהִים ("divine assembly") has been a difficult term to understand. This assembly of gods, or divine assembly, could refer to an ancient Near Eastern pantheon of gods and goddesses. It could also refer to the assembly of the divine spirits created by Yahweh as in Job 1-2.<sup>79</sup> Whatever the intent, the feature of a divine council in which Yahweh arises to pronounce judgment is an important feature of Yahweh's role as judge. As will be shown below, the heavens and earth are also present in Yahweh's divine council as witnesses for the prosecution.

Second, rhetorical questions also recur in passages below. In Psalm 82, rhetorical questions serve to heighten the irremediable liability of the defendants. By asking the question "How long will you judge with injustice and favor the face of the wicked?" Yahweh both accuses the defendants and silences them so they are incapable of response.

## Verdict

The defendants' position is indefensible because they knew the expectations placed upon them (v. 5). Therefore, Yahweh pronounces judgment. While Yahweh had conceded that those present were indeed divine (v. 6), their actions betrayed any element of moral superiority owing to their divinity. Their sentence is the loss of divinity and subjugation to human

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<sup>79</sup> Anderson, 592.

mortality. This scene is reminiscent of a monarch in an earthly court executing his courtiers for rebellion.<sup>80</sup>

Whereas the verdict of death is a most serious punishment, the defendants also lose the privilege of being involved in the affairs of the world. The gods of Psalm 82 had some control over the nations of the earth. Yahweh himself now arises to judge the earth, and takes the entire earth as his possession (v. 8). The power of the other divine beings disappears.

It is necessary to note that Psalm 82 does not mention a treaty or covenant between Yahweh and the other members of the divine assembly. The nature of the relationship in the passages below is clearly covenantal, with responsibilities that are readily discernible. The indictment of Psalm 82 is the lack of justice shown by the other divine beings. This psalm presents an ethical dimension (i.e., justice) similar to that presented in the covenant. The necessity of defending the widow, the poor and the orphan is a feature of Yahweh's instructions to his people.<sup>81</sup>

### Structure

According to George Ramsey, the three steps of the legal process were: a pretrial encounter (asking rhetorical questions); speeches before the court;

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<sup>80</sup> Michael D. Goulder, *The Psalms of Asaph and the Pentateuch: Studies in the Psalter III*. JSOTSup, vol. 233 (Sheffield: Sheffield Academic Press, 1996), 165.

<sup>81</sup> For example, Exodus 22:25, 23:6, Deuteronomy 24:14f, 17-21, Leviticus 19:9f.

and the announcement of the decision of the court.<sup>82</sup> While Psalm 82 does not depict any other scene except within the divine council, Ramsey's elements are all present. A structural outline for Psalm 82 occurs below.

**Table 2.4 Structural Outline for Psalm 82**

Heading	1a
Narrator's Prologue	1b
Yahweh's Speech	2-7
pretrial encounter- accusation	2
requirements of divine position	3-4
accusation	5
verdict	6-7
Narrator's Epilogue	8

The adaptation of this Psalm into the life of Israel's worship accounts for many of the changes made in the light of the other examined prophetic passages. Even so, there are a great many similarities considering its intended purpose. Its analysis has demonstrated the pliable nature of forms while retaining their most central characteristics.

### Summary

Two summary charts are provided here to summarize the findings of the research of this chapter. A number of conclusions can be drawn.

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<sup>82</sup> George W. Ramsey, "Speech-Forms in Hebrew Law and Prophetic Oracles." *JBL* 96, no. 1 (1977): 49.

First, is there a common vocabulary among the lawsuit passages? A table has been established presenting all those terms which were found to be important in any one of the passages, and comparing these to the others.

**Table 2.5 Common Vocabulary Among Selected Lawsuit Passages**

Term	Hosea 4:1-10	Micah 6:1-16	Isaiah 1:2-31	Psalms 82
שָׁפַט			3X	4X
מִשְׁפָּט		1X	3X	
יָדַע		1X	2X	1X
דָּעַת	3X			
קוֹם		1X		1X
רִיב (verb)	2X	1X	1X	
רִיב (noun)	1X	2X	1X	
מְרִירָה	1X			
יָכַח (verb)	1X	1X	1X	
חָטָא (verb)	1X		1X	
חָטָא (noun)	1X	2X	2X	
Terms related to law <sup>83</sup>	Yes	Yes	Yes	Yes
Terms for the destitute <sup>84</sup>			Yes	Yes

Table 2.5 shows that while there is certainly a commonality of language among the various passages, it in no way represents a stereotypical vocabulary for lawsuit passages. It can therefore be concluded that lawsuit passages may contain some of the vocabulary present above, but that their presence does not necessarily indicate a trial speech. Deutero-Isaiah will be examined for the presence of these expressions.

<sup>83</sup> These were discussed in the above sections, and are terms such as רָצַח ("to murder"), אָבָן ("weights"), מִשְׁפָּט ("righteousness"), etc. This category is present simply to reinforce the strong ties each passage has to important covenant themes.

<sup>84</sup> Such as יָתוֹם ("orphan"), אֲבִיּוֹן ("poor"), תְּמוּז ("oppressed"), אֵלְמְנָה ("widow").

Second, are there similar structural features among the four passages examined? A list of features observed in at least one of the passages is found in Table 2.6, and these are compared to the other passages considered.

**Table 2.6 Common Features Among Selected Lawsuit Passages**

<b>Feature</b>	<b>Hosea 4:1-10</b>	<b>Micah 6:1-16</b>	<b>Isaiah 1:2-31</b>	<b>Psalms 82</b>
Presence of a Prologue	vv. 1-3	v. 1	vv. 2-3	v. 1
Presence of Witnesses	v. 1a	vv. 1,2	v. 2	v. 1
Indictments	vv. 5-6a	vv. 10-12	vv. 21-23	v. 5
Rhetorical Questions		vv. 3, 6-7, 10-11	vv. 5, 12	v. 2
Verdict of Punishment	vv. 7-10	vv. 13-15	vv. 24-31 <sup>85</sup>	vv. 6,7
Theme of Reconciliation			vv. 26-31 <sup>130</sup>	
Yahweh Speaks or is Heard	v. 1	vv. 1,2, 9	vv. 10, 11, 18, 20, 24	v. 1
An "I-Thou" Style	vv. 4-6	vv. 3-5, 8, 12-16	vv. 5-20, 22-26, 29-30	vv. 2-4, 6-7
Presence of Priestly Instruction		vv. 6-8	vv. 10-17	vv. 3,4

The lawsuit passages have many similar features. The prologue, presence of witnesses (though notice the witnesses are not all the same), indictments, verdict of punishment, the presence of Yahweh speaking or being heard, and the "I-Thou" style are common marks. It would seem of first importance to examine the passages of Deutero-Isaiah for the presence of these distinguishing marks.

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<sup>85</sup> The themes of punishment and reconciliation are intertwined in the verdict of vv. 24-31.

The use of rhetorical questions and the presence of priestly torah are features generally found in those passages examined. While it is not possible to make binding assumptions based upon the examination of four passages, the presence of priestly torah and of rhetorical questions will assist in the evaluation of Deutero-Isaian passages.

Authors used the convention of the trial speech in order to make their own theological points. For example, the presence of reconciliation in the Isaiah 1:2-31 passage suggests that the situation the author addressed needed a hope of restoration. The adaptation of a particular style to meet particular needs is both understandable and common among the biblical authors. The presence or absence of this theme will be noted in Deutero-Isaiah, though it will not be a criterion of the lawsuit motif.

The presence of common elements and vocabulary among the pericopes examined will provide a starting point for the analysis of Isaiah 40-48. This analysis is the focus of Chapter 3.

**CHAPTER 3**  
**TRIAL SPEECHES IN DEUTERO-ISAIAH**

**Trial Speech Limits**

The delimitation of a passage is the first step in form critical study. A comparison of passage boundaries designated by various scholars who have studied Deutero-Isaiah occurs in Table 3.1. Many of the form critics hold many boundaries in common. The notable exceptions include Melugin's enlarged text of 41:1-7 (compare to vv. 1-5), Schoor's extended boundaries of 45:18-25 (as opposed to vv. 18-21), Westermann's expanded limits of 43:8-15 (compare to vv. 8-13) and his redefinition of 45:20-25 (as opposed to 45:18-21). One major item of note is the inclusion of 42:18-25 by Schoors and Westermann.

**Table 3.1 Comparison of Scholars and Their Defined Trial Speeches in Deutero-Isaiah<sup>1</sup>**

<b>Melugin</b>	<b>Schoors</b>	<b>von Waldow</b>	<b>Westermann</b>
<i>41:1-7</i>	<i>41:1-5</i>	<i>41:1-5</i>	<i>41:1-5</i>
<i>41:21-29</i>	<i>41:21-29</i>	<i>41:21-29</i>	<i>41:21-29</i>
	<i>42:18-25</i>		<i>42:18-25</i>
<i>43:8-13</i>	<i>43:8-13</i>	<i>43:8-13</i>	<i>43:8-15</i>
<i>43:22-28</i>	<i>43:22-28</i>	<i>43:22-28</i>	<i>43:22-28</i>
<i>44:6-8</i>	<i>44:6-8</i>	<i>44:6-8</i>	<i>44:6-8</i>
<i>45:18-21</i>	<i>45:18-25</i>		<i>45:20-25</i>
<i>48:12-15</i>			

This chapter seeks to address a number of key issues. First, what are the best boundaries definable for the passages listed in Table 3.1? Second,

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<sup>1</sup> It should be noted that these passages are all in the same general range of verses. Where there are differences, these are indicated by *italicized type*.

according to the results of chapter 2, do these passages reflect a "typical" prophetic lawsuit? Third, do these passages reflect the workings of a legal proceeding? If these passages warrant the designation of a "trial speech," Chapter 4 will explore the use of these in the message of Deutero-Isaiah.

### Potential Legal Passages in Deutero-Isaiah 40-48

#### Isaiah 41:1-7

Scholars have debated vigorously the text of Isaiah 41:1-7. First, some scholars view the expression of v. 1a, reading "and peoples renew strength", as a copyist's error duplicating a phrase from 40:31.<sup>2</sup> All versions and 1QIsa<sup>a</sup> support the reading of the MT,<sup>3</sup> and weigh heavily against making a textual emendation at this point. Second, a more substantial case exists for an emendation at vv. 6-7. According to the editors of BHS, 40:19-20 should transpose to the beginning of v. 6. Westermann agrees with this modification, though he also suggested that 44:9-20 gives the verses their proper context.<sup>4</sup> Aloysius Fitzgerald suggested linguistic evidence exists to substantiate the emendation. According to Fitzgerald:

V. 20b says only that the worker in precious metals... searches out a skilled worker to set the statue on its base so it won't fall down. More text is expected to

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<sup>2</sup> For example, Westermann believes that this expression has arisen from dittography of 40:31. BHS suggests that *יְקַוּ וְיִסְמְךָ* ("wait before me") as one possible emendation, and Westermann supports this rendering (Westermann, *Isaiah 40-66*, 62 note a).

<sup>3</sup> Watts, 99 note 1<sup>b-b</sup>.

<sup>4</sup> Westermann, *Isaiah 40-66*, 66.

explain exactly how the wood worker does that, and this continuation is found in 41:6,7.<sup>5</sup>

While some find reasons for rearranging the text, others hold such emendations to be arbitrary and prefer to leave the text as it now stands.<sup>6</sup> Indeed, the proposed emendations rely more on a desire for literary clarity rather than solid textual evidence. Therefore, these verses remain where they occur in the MT.

A cursory reading of vv. 6-7 indicates that these verses cannot stand alone within their present context. However, was Melugin correct when he suggested they belong to the so-called trial speech of vv. 1-5? A new section clearly begins with 41:1, as the jussive of 41:1 replaces the imperfects of 40:31. The use of the "coastlands" and "peoples" signal that the subject has changed from the previously referenced "those who wait for Yahweh." The subject "coastlands" occurs again in v. 5 and parallels "ends of the earth," which may in fact provide a summary statement to the thought of vv. 1-5.<sup>7</sup>

A new addressee also begins in v. 8: "But/and you O Israel my servant." The presence of the conjunction indicates that v.8 cannot begin an entirely new unit. The writer intended v. 8 to relate to something before it. The subjects of vv. 6-7 are the "idol maker" and the "smelter." These two persons (or groups of

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<sup>5</sup> Aloysius Fitzgerald, "The Technology of Isaiah 40:19-20 + 41:6-7", *CBQ* 51 (July 1989): 442.

<sup>6</sup> Muilenburg (452) suggests that the transfer of these verses is "neither necessary nor wise." Watts (98) and Melugin (93) also leave the text as it stands.

<sup>7</sup> Muilenburg (451) suggests that v. 5 is an end of a strophe in a much longer poem (41:1-42:4).

persons) provide a substantial contrast to v. 8 (but you O Israel), but are not complete parallels to the coastlands and peoples of vv. 1-5. Therefore, vv. 6-7 form a contrast statement to v. 8 and this occurs outside the context of vv. 1-5.

Moreover, Melugin defeated his own argument by dubbing the structure of vv. 1-7 as unique while maintaining that the trials between Yahweh and the nations are highly stereotyped.<sup>8</sup> There is no grammatical or stylistic reason to place vv. 6-7 with vv. 1-5, and the contrast with v. 8 indicates that these verses suit the latter piece best.

The vocabulary of vv. 1-5 does not conform to those lawsuit passages found in chapter 2 of this thesis. The only similar word in this passage is **שָׁפֵט**. Its use in v. 1 as "judgment" may denote a legal setting. Of the possible stylistic features mentioned in Chapter 2, this passage displays very few. It is possible that the "peoples" of v. 1 are called as witnesses against the "coastlands."<sup>9</sup> However, this is by no means clear. The presence of rhetorical questions in vv. 2 and 4 was observed as a feature of lawsuits. However, Isaiah 40 contains many examples of rhetorical questions apart from the so-called *trial speeches* (vv. 12, 13, 14, 18, 21, etc.). Alone, their presence in 41:1-5 is not enough to warrant the designation of a *trial speech*. Certainly Yahweh speaks in this passage, but this, once again, is a feature of many prophetic oracles that are not trial speeches. Therefore 41:1-5 does not conform convincingly to the general criteria established above in chapter 2.

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<sup>8</sup> Compare statements of Melugin, 93 to those of 57.

Is this passage, then, displaying "legal" characteristics? It has been suggested that the differences between Deutero-Isaiah's trial speeches and those of other writers arise from a different desired effect by the author. The trial speeches explored in chapter 2 arose against Israel in order to point out a criminal element (sin) and bring about a change of heart. The criminal activity of Israel is not the primary concern of the Deutero-Isaian speeches as much as establishing the claims made by Yahweh (i.e., being the only God).<sup>10</sup>

Yahweh claims to be the one who "sets into motion one from the east" (v. 2), and has called "the generations from the beginning" (v. 4). Yahweh is the first and the last (v. 4). These statements occur in the presence of the coastlands and the peoples so that they may witness to their validity. An outline for vv. 1-5 is as follows.

Summons	1
Questions concerning Yahweh's Claim	2-4a
Answer to Yahweh's Claim by Yahweh	4b
Response to Answer Given	5

This outline is very similar to a simple outline given by Westermann<sup>11</sup> that included:

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<sup>9</sup> This is the opinion of Schoors (209).

<sup>10</sup> Westermann, *Isaiah 40-66*, 63.

<sup>11</sup> Schoors (185) using C. Westermann, "Sprache und Struktur der Prophetie Deuterjesajas", in *Forschung am Alten Testament. Gesammelte Studien, Theologische Bücherei*, vol. 24 (München: Chr. Kaiser, 1964), 72-170.

Summons  
 The Trial  
     words of the parties  
     interrogation of the witnesses  
 Judgment

If Deutero-Isaiah had a certain form in mind while constructing this passage, the basic outline defined here would undoubtedly find similarities with other passages below.

Schoors suggested that the coastlands and peoples are witnesses between Yahweh and foreign gods. This struggle is a recurring motif in the writing of Deutero-Isaiah.<sup>12</sup> If this were the case, then the *trial speech* is not disputing the legitimacy of a "claim" but disputes the rival claims of two parties. Since no other party besides Yahweh and the coastlands are present, to project this "Yahweh versus foreign gods" concept is unwarranted.

Instead, this trial seems to be one of self-defense.<sup>13</sup> Riding on the tails of chapter 40, Yahweh calls witnesses to defend his claim that he is active in the world. This claim is in stark contrast to the opinion of Israel that their "path is hidden from Yahweh" (40:27). Tentatively, therefore, this passage does display some legal form, though other passages below will substantiate or reject this conclusion.

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<sup>12</sup> Schoors, 209.

<sup>13</sup> Melugin (94) stated that the purpose of this trial speech was "to persuade doubters that Yahweh is responsible for Cyrus's victories." However, Melugin also believed that this trial speech shares with others the intent to "deride the gods." This element is present because of vv. 6-7, which, if excised from this pericope, does not support such an conclusion.

## Isaiah 41:21-29

The second *trial speech* of Deutero-Isaiah addresses the אֱלֹהִים ("foreign gods" described in v. 23). Yahweh commands the foreign gods to "approach" with their dispute, and to "draw near" with their defense. The tone differs considerably from 41:1-5. The coastlands and peoples of 41:1 are commanded to stand before Yahweh. The foreign gods of v. 21 must speak, if they are able. The coastlands were witnesses to a proceeding. The foreign gods are the defendants.

Most commentators agreed that a new unit begins at v. 21. Melugin proposed that 41:1-20 form one rhetorical unit comprised of smaller form critical units. Watts followed Melugin's lead, though Watts did less to describe the character and form of the sub-units.<sup>14</sup> According to Melugin, repeated words and phrases, including "from the ends of the earth" (40:28, 41:9) and "justice" knit 41:1-20 together and provide catch words linking this unit to chapter 40.<sup>15</sup> The *trial speech* of vv. 21-29 becomes part of another form critical unit, extending from 41:21-42:13 (for Melugin,<sup>16</sup> but to 42:12 for Watts).<sup>17</sup>

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<sup>14</sup> Watts, 97-109 and Melugin, 93-98.

<sup>15</sup> Melugin, 97.

<sup>16</sup> *Ibid.*, 98.

<sup>17</sup> Watts, 109.

Muilenburg described vv. 21-24 and 25-29 as two strophes of a longer poetic piece beginning at 41:1.<sup>18</sup> Even though Muilenburg did not define vv. 21-29 as a self-contained unit, his proposed boundary between v. 20 and v. 21 and at the end of v. 29 assist the process of defining the proper form critical boundaries.<sup>19</sup> Westermann identified 41:17-20 as a salvation utterance. If this designation was correct, which this author believes is indeed the case, the salvation utterance fixes the trial speeches boundary at v. 21.<sup>20</sup> Schoors did not attempt to deal with 41:17-20, but clearly identified the *trial speech* as occurring within vv. 21-29.<sup>21</sup>

Commentators uniformly set the boundary at the end of v. 29. The formula "Behold my servant whom I will support" introduces a new unit dealing with the servant.

Within the boundaries of vv. 21-29 there are two significant vocabulary words. The term *רִיב* is found in v. 21. This is one of the two uses of the noun, and the only case, noun or verb, where it is present in a so-called *trial speech*. Yahweh instructed the people to "Bring your *רִיב* ("case, lawsuit")." Its use

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<sup>18</sup> Muilenburg, 458-462. Muilenburg did not attempt to show 41:21-29 as a complete trial speech, for his goal was rhetorical and not form critical unity. However, his analysis helps demonstrate that v. 21 and v. 29 do form unit boundaries.

<sup>19</sup> Muilenburg's analysis was not concerned primarily with form critical limits. However, Muilenburg was aware of these boundaries and they did figure into his overall analysis of Isaiah 40-66. Therefore, where he set his boundaries is of importance even though his analysis of larger units infringes upon the ability to draw a one to one correlation between his units and the form critical boundaries in question.

<sup>20</sup> Westermann, *Isaiah 40-66*, 79. Also Hiebert, 42.

<sup>21</sup> Schoors, 213.

demonstrates the presence of a conflict situation. The verb יָדַע is used three times in this passage (vv. 22, 23, 26). Its form is cohortative in each instance (translated as “so that we may know”), and is a reference to Yahweh and “his counsel”. The usage of יָדַע in the texts of chapter 2 emphasized the “lack of knowledge” exhibited by the defendants. It was often expressed in the third person (Psalm 82:5, Isaiah 1:3). The emphasis upon missing knowledge is also present in Isaiah 41:21-29. The defendant is unable to present to the court a detailed understanding of future events so that the court members “may know” as well. This inability is due to a lack of knowledge on the part of the defendant rather than an inability to present the information properly.

This passage has more features in common with the passages examined in chapter 2 than did 41:1-5. First, v. 21 forms a prologue. The prologue was an important part of trial speeches observed in chapter 2, but was absent in 41:1-5. Second, witnesses are not overtly mentioned, though the whole discussion takes place in the first person plural, indicating that Yahweh was not alone in this accusation. The plural indicates a setting in the heavenly court. Third, rhetorical questions are present in v. 26. Finally, the “I-Thou” style is present throughout vv. 22-24, and Yahweh is clearly indicated to be the speaker (v. 21).

The presence of both vocabulary and stylistic elements allows a tentative conclusion that 41:21-29 demonstrates a legal style. An outline of the passage is as follows.

Summons	21
Invitation to Defense	22-23
Yahweh's Claim and Question	24-26
An Answer to Yahweh's Claim by Yahweh	27-29

The structure is similar to 41:1-5. The summons, which is a feature common to most lawsuits, is present here (cf. 41:1). Both speeches have questions and answers, though 41:21-29 is more highly developed. The speech of 41:1-5 focused upon Yahweh's claim that he has undertaken action in history. The present speech has two functions. First, it testifies to Yahweh's action in history (vv. 26-27). Second, it also debases any others who would claim that they have done anything of the same magnitude. The similarities between the two trial speeches lend considerable weight to the conclusion that Deutero-Isaiah was conscious of form while constructing these so-called trial speeches. Both 41:1-5 and 21-29 appear to contain this legal style.

#### Isaiah 42:18-25

The form of this passage needs to come under close scrutiny. Only Westermann and Schoors identified it as a *trial speech*, and then only tentatively.<sup>22</sup> Others preferred the designation "disputation" and relate 42:18-25 to a lament accusing Yahweh of being deaf and blind to Israel's suffering.<sup>23</sup>

Of the scholars surveyed, only Watts kept an ambiguous designation of vv. 14-25. The others agreed that vv. 18-25 form one unit, though the

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<sup>22</sup> Westermann, *Isaiah 40-66*, 109 and Schoors, 202. See Table 3.1.

<sup>23</sup> Melugin, 41. See also Hiebert, 45.

designation of that unit is debated. Westermann, Schoors, and Melugin identified the immediately preceding passage, 42:14-17, as an Announcement (or Pronouncement) of Salvation.<sup>24</sup> Muilenburg classified 42:18-25 as a sub-unit concerning judgment within the larger rhetorical unit of 42:18-43:7. The beginning of the unit uses the imperatives "hear" and "look."<sup>25</sup>

All the scholars surveyed agreed that a new unit, designated as an Oracle of Salvation by many, begins at 43:1. This unit extends through v. 7 and may encompass one integrated unit,<sup>26</sup> or two smaller sub-units.<sup>27</sup> The oracle also borders the potential *trial speech* of 43:8-15 that is discussed below. There is significant support to designate 42:18-25 as one unit.

The vocabulary demonstrates *trial speech* characteristics in two cases. First, the use of  $\text{עָרַף}$ . Verse 25 states that Yahweh poured upon Jacob the heat of his anger, but the latter did not know it ( $\text{עָרַף}$ ). In this case it is not that Jacob showed a lack of understanding concerning Yahweh's expectations. Instead, it is a lack of knowledge regarding the significance of Yahweh's action in history. Second, the people of Israel admit that they have sinned ( $\text{אָפְּרָה}$ ) against Yahweh

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<sup>24</sup> Westermann, *Isaiah 40-66*, 105; Schoors, 90; Melugin, 102. See also Hiebert, 45.

<sup>25</sup> Muilenburg, 475. It is interesting that Muilenburg chooses to compare the imperatives that mark the beginning of the new section at v. 18 to those of 41:1 and 43:8, which are both generally considered as trial speeches. Melugin (41) disagrees that v. 18 has a similarity to other summons to trial, such as in 41:1.

<sup>26</sup> E.g., Westermann, *Isaiah 40-66*, 115 and Hiebert, 46.

<sup>27</sup> E.g., Melugin, 105 and Schoors, 68.

(v. 24). There is a reference to the breaking of his torah. The terms of sin and torah breaking were common features of the lawsuits of chapter 2.

There are five elements of style consistent with the criteria of chapter 2. First, witnesses partake in the proceeding against Yahweh's blind and deaf servant (v. 18). These witnesses are also, figuratively, "deaf and blind." Second, the servant's inability to observe and hear (even with healthy eyes and ears) serve as indictments against him (v. 20). Third, the author poses rhetorical questions in vv. 19, 23 and 24. Fourth, there is a mention of punishment, though it is stated using the imperfect consecutive that is best translated, in this case, as the past tense (v. 25). Last, the "I-Thou" style of lawsuit speeches occurs throughout 42:18-25. The text does not directly name Yahweh as the speaker, though the context makes this clear (e.g., use of "my servant"). The presence of these five stylistic elements would indicate the presence of some conflict situation.

An outline of this passage would be:

Summons	18
Questions of accusation	19-20
Current state of affairs	21-22
Question and answer of Yahweh	23-24
Judgment	25

The use of a summons, questions and answers are common features observed in 41:1-5 and 21-29. The judgment of v. 25 and the comment on the "current state of affairs" of vv. 21-22 do not occur in either 41:1-5 or 21-29. However, these embellishments are used to address a particular situation. It is not

necessary to accuse Deutero-Isaiah of altering a form because of this site-specific alteration.

This being said, there are a number of problems with designating this passage as a *trial speech*. While many of the so-called trial speeches of Deutero-Isaiah make use of rhetorical **קָ** questions (e.g., 41:4, 26),<sup>28</sup> so too do the disputations.<sup>29</sup> Westermann did tentatively support this passage's designation as a *trial speech* in an earlier writing,<sup>30</sup> but in a later writing designated this as a disputation.<sup>31</sup> Evidently Schoors was unaware of this fact when he stated that "I therefore agree with Westermann: Is. [42] 18-25 is a *trial speech* in the line of [43] 22-28 and [50] 1-3."<sup>32</sup>

The clue to the passage's disputational character, according to Westermann, was its relation to the lament.<sup>33</sup> Laments have a general form, but may be sub-classified according to the cause of the lament. One of these categories accuses God of causing harm.<sup>34</sup> Isaiah 42:18-25 answers this category of lament. Israel has complained that Yahweh was blind to Israel's hardship. Yahweh counter-argued that Israel was blind (v. 18) to Yahweh's work

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<sup>28</sup> Melugin, 57.

<sup>29</sup> Melugin, 60. See also Isaiah 40:12, 13, 14, 18, 25 and 26 for examples of **קָ** questions in disputation speeches.

<sup>30</sup> See Westermann, *Sprache und Struktur*, 141.

<sup>31</sup> Westermann, *Isaiah 40-66*, 109.

<sup>32</sup> Schoors, 207.

<sup>33</sup> Westermann, *Isaiah 40-66*, 112.

<sup>34</sup> For example, Psalms 10, 13 and 22.

in the world.<sup>35</sup> Trial speeches deal with a matter of law (a claim or broken contract).<sup>36</sup> The relation of 42:18-25 to the lament demonstrates that this is not the case with these verses.

There are some features of 42:18-25 that are indicators of a *trial speech*. Nevertheless, the overall evidence and the general consensus of scholars in light of the difficulties is not to designate these verses as a *trial speech*, but as a disputation.

#### Isaiah 43:8-15

The fourth candidate *trial speech* begins after the oracle of salvation in 43:1-7 (see above concerning the limit between 42:25 and 43:1). There is widespread agreement that a new section begins with 43:8.<sup>37</sup>

Most scholars surveyed end the unit after v. 13, although Westermann includes vv. 14-15. Schoors, following Begrich's suggestion, observed a tight structure in 8-13 that included a summons (8-9), witnesses (10, 13) and judgment (11, 13).<sup>38</sup> Muilenburg found a self-contained poem in vv. 8-13 containing an introduction (v. 8) followed by three strophes (vv. 9, 10, 11-13).<sup>39</sup> Melugin concluded that the messenger formula of v. 14 begins a new section

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<sup>35</sup> Melugin, 42.

<sup>36</sup> See the discussion on 59.

<sup>37</sup> Melugin, 106; Watts, 129; Westermann, *Isaiah 40-66*, 120; Schoors, 233; Muilenburg, 486. See also Hiebert, 46.

<sup>38</sup> Schoors, 233.

<sup>39</sup> Muilenburg, 486.

deemed a “word of salvation.”<sup>40</sup> However, he admitted that there is a great difficulty translating vv. 14-15 due to their fragmented nature.<sup>41</sup> Therefore conclusions concerning their original intent and relation to vv. 8-13 must be cautious.

Westermann appreciated the difficulty that vv. 14-15 present. He suggested two different approaches to understand these verses. First, these verses may have become dislocated from their original context. Westermann suggested that 43:1-7 provides an appropriate context for these verses, and could be moved back to that location. The second possibility, and the one that he evidently followed, proposed that the messenger formula was a later addition. Before the addition of this formula vv. 14-15 was part of vv. 8-13.<sup>42</sup> The difficulty with this approach is that vv. 14-15 add very little to the substance of the trial itself, and are out of step with the theme of Yahweh being above the foreign gods. It is best, therefore, to keep the messenger formula on v. 14, and separate it from vv. 8-13. This requires some explanation of vv. 14-15 and their relation to vv. 8-13 and v. 16. Chapter 4 presents that discussion.

This passage lacks the common vocabulary found in the lawsuit passages of chapter 2. The verb *יָדַע*, occurs in v. 10, but its use here differs from the indicative use in other lawsuit passages. In v. 10 the reference is to a future

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<sup>40</sup> Melugin, 110. See also Hiebert, 46.

<sup>41</sup> Melugin, 110.

<sup>42</sup> Westermann, *Isaiah 40-66*, 125.

time when Yahweh's servant "will know" and trust him. In this case, Yahweh is not directly accusing the servant for any misdeed or breach of covenant.

Certain stylistic elements correspond to those observed in other trial speeches. First, the theme of witness is very strong. The term עֵד ("witness") occurs three times. Yahweh asks who has witnesses to prove their claim of divinity in v. 9. With no witnesses available to defend the case of the claiming deities, Yahweh announces that the servant is his collaborating witness (vv. 10 and 12). Second, a rhetorical question is posed to the gathered peoples of v. 9, who are seemingly the defendants of this speech. Third, Yahweh is the speaker (v. 10), giving emphasis to the pronounced "I-Thou" style. The presence of these three features accentuate the legal dimension of this passage.

A brief outline of this passage is as follows.

Summons	8-9a
Questions and Challenge	9b
Bringing of Israel as witness	10
Yahweh meets his own challenge	11-13

Isaiah 43:8-15 issues a challenge to the foreign nations to produce a witness to the deeds of their gods. These witnesses will prove or disprove any claims of the peoples' deities (v. 9). The intent of vv. 8-13 is to disparage those who claim divine status, and is thus similar to 41:21-29. The element that sets this speech apart is the call of witnesses. The summons of "deaf and blind" witnesses (vv. 8, 10) betrays the strength of Yahweh's position. The acts of Yahweh are easily

apparent even to those who cannot see or hear. The inability of the foreign gods to bring witnesses further strengthens Yahweh's claim.<sup>43</sup>

The style and intent of 43:8-13 reflect a legal proceeding. Therefore, this passage is among Deutero-Isaiah's trial speeches.

#### Isaiah 43:22-28

If 43:22-28 reflects a *trial speech*, it occupies a unique place in chapters 40-48. It is the only *trial speech* that addresses Israel as the defendant.<sup>44</sup> This proceeding begins after the Announcement of Salvation (43:16-21),<sup>45</sup> which Melugin deemed 43:16-21 as a "complete form critical unit."<sup>46</sup> The references to Jacob and Israel in vv. 22 and 28 provide a further clue to the boundaries of this *trial speech*.<sup>47</sup>

Melugin, Schoors, and Westermann all stipulated that 43:28 marks the end of the *trial speech* and 44:1 begins a new unit.<sup>48</sup> Watts suggested that 44:1-5 stands as an announcement of judgment associated with 43:22-28.<sup>49</sup>

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<sup>43</sup> *Ibid.*, 121.

<sup>44</sup> Westermann, *Isaiah 40-66*, 130.

<sup>45</sup> Westermann, *Isaiah 40-66*, 126. See also Hiebert (47) though the heading should read 43:16-21 instead of 43:16-20.

<sup>46</sup> Melugin, 111.

<sup>47</sup> Schoors, 190. See also Hiebert, 48.

<sup>48</sup> Melugin, 111; Schoors, 77; Westermann, *Isaiah 40-66*, 134. See also Hiebert, 48.

<sup>49</sup> Watts (143) describing R.P. Merendino, *Der Erst und der Letzte: Eine Untersuchung von Jes 40-48*, VTSup 31 (Leiden: E.J. Brill, 1981), 367.

Muilenburg classified 43:22-44:5 as the final five strophes (43:22-24, 25-28; 44:1-2, 3-4, 5) of a nine strophe poem beginning at 43:14. However, he also indicated that 44:1-5 forms a parallel structure to 43:16-21 which leaves 43:22-28 as one sense unit. Muilenburg remarked that these verses are reminiscent of a legal process.<sup>50</sup> Melugin suggested that a compiler placed 43:22-28 side by side with 44:1-5 and concluded that "the images of the two units are not closely intertwined," and each could easily stand alone.<sup>51</sup> These observations stand opposed to Watt's understanding of 44:1-5. The use of "but now hear" (44:1) and the messenger formula (v. 2) signal the start of a new unit. The text clearly distinguishes chapter 44 from the end of chapter 43, at least at the form critical level.

These verses contain a number of terms observed in previous trial speeches. The verb **נָסַף** occurs in v. 26 as a Niphal first person plural cohortative meaning "let us enter judgment." The word **זָבַח** occurs in both vv. 24 and 25. There are a number of references to sacrifices in vv. 23 and 24 (your burnt offerings, your sacrifices, fat of your sacrifices). These are terms related to the law, and form an important part of the trial speeches observed in chapter 2.

There are four key features of 43:22-28 that show similarities to features noted in chapter 2. First, there are a number of indictments made against Jacob. These include the absence of required sacrifices (vv. 23-24), the

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<sup>50</sup> Muilenburg, 497-501.

<sup>51</sup> Melugin, 116.

presence of sin and iniquity among the people (v. 24), and the long history of disobedience that can be traced to the nation's ancestors (v. 27). Second, punishment is evoked and includes a profaned nobility, and a defamed nation (v. 28). However, Yahweh promises that he is the one who can blot out sin, and provides a note of reconciliation (v. 25). Third, while Yahweh's name is absent, it is clearly he who speaks in the first person singular. His comments to the nation of Israel in the second person give this passage an "I-Thou" style. Finally, Yahweh's words in vv. 24-25, while serving as an indictment against the people, also give guidance concerning proper sacrifice. It is not a formal torah instruction (cf., Micah 6:6-8) but is instructional in character.

An outline of this passage is as follows.

Introduction	Israel's lack of effort	22a
	Israel's displaced effort	22b
Specific indictments of Israel's lack of effort		23-24a
Specific indictments of Israel's displaced effort		24b
Yahweh's actions		25
Yahweh's challenge and rebuke		26-28

There are a number of differences between this passage and those trial speeches seen elsewhere in Deutero-Isaiah. Most noticeable is the lack of **קָרָא** questions, and the introductory summons. While the imperatives of v. 26 are in the form of a summons, their placement---four verses into the speech---preclude them from acting as a summons to the entire unit. This present unit contains some of the elements found in other trial speeches, and lacks others. But what of the purpose of the passage?

The speech is one of accusation and its message implies that if the situation between Yahweh and Israel does not improve, a trial will result. Melugin designated this as an "appeal-to-trial speech"<sup>52</sup> though inconsistently referred to it in another place simply as a "trial speech."<sup>53</sup> Schoors referred to vv. 22-28 as a "defense speech of the accused,"<sup>54</sup> following such passages as 1 Samuel 24:10-16 and Genesis 31:32, 37, 41-42. The 1 Samuel passage, representing a speech in narrative, appears outlined below.

Righteous acts of David	10-11
Plea to Yahweh to judge David	12-13
Plea to Yahweh to judge Saul	14-15

The elements of 1 Samuel 24:10-15 and Isaiah 43:22-28 are similar. The righteous acts of Yahweh are in 43:25 while the shortcomings of Israel are in vv. 22-24, 27. However, 1 Samuel appeals to the judgment of Yahweh, thereby providing an implied literary court setting. Isaiah 43 reads as a list of charges that will, if unresolved, lead to a legal proceeding.

Westermann<sup>55</sup> and Melugin<sup>56</sup> agreed that this passage has its roots in an accusation brought by Israel against Yahweh. Melugin pinpointed this as being a cultic lament. Both agreed that this passage is closely akin to disputation

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<sup>52</sup> *Ibid.*, 48

<sup>53</sup> *Ibid.*, 115.

<sup>54</sup> Schoors, 191. See also Hiebert, 48.

<sup>55</sup> Westermann, *Isaiah 40-66*, 130.

<sup>56</sup> Melugin, 49.

speeches and its function as a *trial speech* heightens because it occurs within a pocket of salvation speeches.<sup>57</sup> The placement, however, is ultimately unconvincing for Deutero-Isaiah could arrange and re-arrange the pieces of his work to fit any number of purposes. The determining factors of this passage's designation are the features present in the speech, and its thrust.

Isaiah 43:22-28 does not exhibit those same features as 41:1-5 or 41:21-29 which led to their designation as trial speeches. The context of the complaint is different, the parties are different, and the background of the present speech is best described as a cultic lament as opposed to a claim or law. The designation as an "appeal-to-trial speech" precludes linking it form critically to other trial speeches. While containing an element of similarity, this passage is not a *trial speech*.

#### Isaiah 44:6-8

The form critical units of Isaiah 44 have presented a challenge to interpreters. The challenge for scholars is relating vv. 9-20 to the verses immediately preceding and following. This also raises the question of how verses on either side of vv. 9-20 relate to each other. Schoors understood that the limits of a *trial speech* falling in chapter 44 were exceedingly problematic to define.<sup>58</sup> These problems have led to a number of different possible solutions.

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<sup>57</sup> Melugin, 50.

<sup>58</sup> Schoors, 232.

Watts did not seek to define the form of vv. 6-8. He states only that these verses seemed to be a "challenge to Israel in its Babylonian setting to affirm against the first commandment (Exod. 20:3-4)."<sup>59</sup> Melugin believed that the *trial speech* occurred only within vv. 6-8, with the messenger formula of v. 6 beginning the new unit.<sup>60</sup> Melugin made it clear that the form critical unit of vv. 6-8 does not include vv. 9-20, nor does it continue after that section.

Vv. 6-8 the trial speech is a response to the hearer's doubt that Yahweh is God, and the purpose of the arguments in the trial is to persuade them of it on the ground that only he can predict the future. In vv. 9-20, however, not a word is said about the power to declare the future. Instead, the idols are ridiculed because they 'do not profit' (v. 9).<sup>61</sup>

While vv. 9-20 do not relate form critically to vv. 6-8, Muilenburg and Westermann proposed that vv. 9-20 was an interpolation into a unit that includes 21-22.<sup>62</sup> Unfortunately, this textual emendation has only conjecture to commend it. Schoors did not think it necessary or acceptable to perform this textual surgery.<sup>63</sup> Lacking significant textual evidence, therefore, it is best to leave the text as it stands. It will be left to Chapter 4 to demonstrate that these units make good sense as they now occur.

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<sup>59</sup> Watts, 143.

<sup>60</sup> Melugin, 118. See also Hiebert, 49.

<sup>61</sup> Melugin, 120.

<sup>62</sup> Westermann (*Isaiah 40-66*, 139) following B. Duhm, *Das Buch Jesaja*, 4th ed. (Göttingen: Vandenhoeck & Ruprecht, 1922); Muilenburg (505) connected vv. 6-8 with vv. 21-23 on the basis of the redemption theme and the entirely prosaic form of vv. 9-20 in the midst of poetry.

<sup>63</sup> Schoors, 232.

The short passage of vv. 6-8 lacks vocabulary similar to the passages observed in chapter 2. The presence of יָדַע in v. 8 is not comparable for in this case the referent is Yahweh.

The similarity of this passage's features to those observed in other speeches eclipses the lack of vocabulary. The prologue of v. 6 leads into the rhetorical questions of v. 7 spoken by Yahweh himself. There is no direct accusation mentioned, though it appears that Yahweh addresses someone who has challenged his place as the only High God. Israel, addressed as the "you" of v. 8, is to serve as a witness and offer testimony that there is no other God beside Yahweh. The remainder of vv. 6-8 takes place in third person and addresses an outside party or a heavenly court.

An outline of this passage would be as follows.

Introductory Formula	6
Questions concerning Yahweh's claim	7
Exhortation and answer to questions	8

The prophetic introduction of this passage is unique among the trial speeches. It serves not to summon "them" (v. 7 referring to the foreign gods) but is a signal that Yahweh is about to confer information. The references to "do not fear" in v. 8 indicate that this speech changes addressee in mid-stride. This speech begins in the form of a *trial speech* and ends as a salvation oracle. According to Melugin, this combination of a *trial speech* and a salvation oracle was unique to Deutero-Isaiah.<sup>64</sup> Westermann used this example to show that the two forms are

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<sup>64</sup> Melugin, 119.

similar, for since Yahweh is declared the supreme God in the *trial speech* he has the authority to command Israel, "Fear not!"<sup>65</sup>

The elements of the other trial speeches found in Deutero-Isaiah are consistent with 44:6-8. A similarity is also shown with those trial speeches observed in chapter 2 even though the vocabulary element is entirely lacking. These verses do form a *trial speech*. However, the complexity of this passage is magnified by the intrusion of other stylistic elements into it. The purpose of this modification will be discussed in chapter 4.

#### Isaiah 45:18-25

Scholars also debate the limits of this passage, as Table 3.1 indicates. However, the presence of the messenger formula at v. 14 and v. 18 give an indication that vv. 14-17 can be separated from v. 18 and following. On this, the scholars surveyed agree. While scholars have dealt with the same ballpark, they have often landed on different bases.

Melugin began this unit with the messenger formula of v. 18, and ends it with the *כִּי* question and its answer at v. 21.<sup>66</sup> He understood 45:22-25 as an exhortation. Since an exhortation is an unlikely element within a *trial speech*, Melugin believed that a new unit was begun.<sup>67</sup>

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<sup>65</sup> Westermann, *Isaiah 40-66*, 139.

<sup>66</sup> Melugin, 127. See also Hiebert, 53

<sup>67</sup> Melugin (128) insists that the two units can and must be separated form-critically. See also Hiebert, 53.

Westermann differed in his assessment of the unity of vv. 14-17, but nevertheless began a new unit at 45:18.<sup>68</sup> After 45:18, Westermann believed the units in Deutero-Isaiah were larger and much harder to define according to form. Westermann saw 45:18-19 serving as a hymnic introduction to both 45:20-25 and 46:1-13.<sup>69</sup> Formally, Westermann designated only Isaiah 45:20-25 as the so-called *trial speech*.

Muilenburg believed making vv. 18-25 a separate unit was precarious for all of vv. 14-25 have been "fused into a larger literary whole."<sup>70</sup> The "for" of v. 18 inseparably ties it to the lines coming before. Muilenburg, however, did indicate that 45:20-25 contained the imagery of a court setting.<sup>71</sup>

Schoors was frank to admit that one may doubt whether vv. 18-19 are part of the *trial speech*, for the whole genre occurs in vv. 20-25. However, Schoors also doubted that vv. 18-19 could stand alone.<sup>72</sup> For this reason they are included in his definition of the *trial speech*.

Concerning vv. 18-19, the high incidence of participles confers a hymnic quality. These verses announce the creative power and impeccable ethical uprightness of Yahweh. This lyrical interlude declaring Yahweh's noble character generalizes the gracious example of mercy declared toward Israel in v.

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<sup>68</sup> Westermann, *Isaiah 40-66*, 169.

<sup>69</sup> *Ibid.*, 172.

<sup>70</sup> Muilenburg, 528.

<sup>71</sup> *Ibid.*, 531-532.

<sup>72</sup> Schoors, 234.

17. Moreover, it also leads into the declaration of v. 22-"turn to me and be saved." The hymn provides a tie between vv. 14-17 and vv. 20-25 without belonging to either section. The imperatives "assemble" and "come" in v. 20 mark the beginning of some action, and are the best indicators of the *trial speech*. Even if one agreed with Westermann's conclusion that vv. 20-25 in some way belonged with 46:1-13, there is a clear distinction in form-critical units. The *trial speech* ends at v. 25.

The use of the term יָדַע in this passage is consistent with the usage in other explored trial speeches (v. 20, "they do not know"). However, as was the case elsewhere, this speech lacks other terms noted as important in chapter 2.

The prologue seen in other trial speeches is missing here. However, the placement of vv. 18-19 directly before this unit provides that function to the larger rhetorical unit. There are yet four other *trial speech* indicators. First, the indictments are in the form of ridicule against those who follow other gods who cannot save (v. 20). Second, punishment occurs against those who raged against Yahweh (v. 24). Nevertheless, this punishment is tempered with the note of reconciliation for all those who would turn to Yahweh (v. 22). Third, there are three rhetorical questions in v. 21. Fourth, the presence of an "I-Thou" style occurs with the use of the imperatives in vv. 20, 21 and 22.

An outline of this passage would be as follows.

Summons	20
Questions asked by Yahweh	21a
Answers given by Yahweh	21b
Verdict	22-23
Prophet's Perspective	24-25

Schoors was correct writing that these verses do not form a "pure" *trial speech*. Instead, Deutero-Isaiah has used a combination of the lawsuit (vv. 20-21) and a salvific element (vv. 22-25) to fit his overall message.<sup>73</sup> Deutero-Isaiah was not a slave to form.

This passage is consistent with others examined above. It fits many of the characteristics developed in chapter 2. It supports the same theme as other Deutero-Isaian trial speeches--Yahweh is the God who saves. While it fits closely to the verses that precede it, vv. 20-25 is certainly a *trial speech*.

#### Isaiah 48:12-15

Only Melugin accepted this passage as a *trial speech* based upon the summons to trial in v. 14 and the question introduced by יִשְׂרָאֵל.<sup>74</sup> He also identified 48:1-11 and v. 16 as unrelated disputations. The messenger formula of v. 17 introduced another new unit.

Westermann had difficulty analyzing this passage form critically. He observed that vv. 12-17 have affinity with trial speeches, but Israel is the intended audience. Deutero-Isaiah only addressed the nations with references to Yahweh being the "one and only" God and the creator of the world.<sup>75</sup> The

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<sup>73</sup> *Ibid.*, 237.

<sup>74</sup> Melugin, 137. See also Hiebert (56) who agrees with Melugin's analysis.

<sup>75</sup> Westermann, *Isaiah 40-66*, 200.

theme of this speech differs considerably from the other trial speeches observed above.

These verses contain none of the common vocabulary words described in Table 2.5.

Of the common features, 48:12-15 has only three, and these are not the most crucial. First, the call to "Hear" (v. 12) begins the prologue outlining Yahweh's work in the creation of the universe. Second, a rhetorical question occurs in v. 14. It is the same question asked at various locations throughout 40-48 (e.g., 45:21, 44:7). Last, the "I-Thou" style occurs with the use of the imperative in vv. 12 and 14.

An outline for this passage is as follows.

Call to hear	12a
Claims of Yahweh	12b-13
Renewed call to hear	14a
Questions of Yahweh	14b
Answer of Yahweh	14c-15

This passage lacks any reference to accusation. While a reference to "them" (some outside party) turns up in v. 14, the thrust of this passage is not upon the tearing down of another's claim (45:20, 21 and 44:6-8) but concerns Yahweh's calling of Cyrus. These verses do contain a few instances of *trial speech* characteristics. However, these characteristics are not unique to trial speeches and rhetorical questions and imperatives occur frequently in Deutero-Isaiah's writings (e.g. 40:18, 28; 48:6). In this instance, the purpose and thrust of the

speech differs considerably from other confirmed trial speeches. This passage is not a *trial speech*.

### Conclusions

Using Table 3.1 as a starting point, each passage has been examined for both limits and content. In some cases, the limits discovered in this chapter challenge those proposed by other scholars. In other cases, passages that some scholars considered trial speeches do not conform to a consistent *trial speech* form. These results of this chapter's examination may be found in Table 3.2.

The criteria established in chapter 2 to identify lawsuit speeches were used to analyze Deutero-Isaiah's so-called "trial speeches." In all cases some elements of those speeches occurred in the speeches of Isaiah 40-48. It was not possible, however, to judge the trial speeches of Isaiah 40-48 only by these criteria. The analysis of this chapter demonstrates that the trial speeches of Deutero-Isaiah are different in language and, in some respects, form. Elements appear or were excluded depending upon the particular need of the author and the message. The crucial factor to determine whether a passage was a *trial speech* was the point of disagreement and the tripartisan nature of the proceeding (i.e., prosecutor, defendant and judge). In the case of Deutero-Isaiah, there is clear evidence that form is subservient to message and intent. It may be adjusted and changed in order to fit a larger purpose.

**Table 3.2 Findings Concerning the Presence of Trial Speeches in Deutero-Isaiah**

<b>Melugin</b>	<b>Schoors</b>	<b>von Waldow</b>	<b>Westermann</b>	<b>WHITE</b>
<b>41:1-7</b>	<b>41:1-5</b>	<b>41:1-5</b>	<b>41:1-5</b>	<b>41:1-5</b>
<b>41:21-29</b>	<b>41:21-29</b>	<b>41:21-29</b>	<b>41:21-29</b>	<b>41:21-29</b>
	<b>42:18-25</b>		<b>42:18-25</b>	
<b>43:8-13</b>	<b>43:8-13</b>	<b>43:8-13</b>	<b>43:8-15</b>	<b>43:8-13</b>
<b>43:22-28</b>	<b>43:22-28</b>	<b>43:22-28</b>	<b>43:22-28</b>	
<b>44:6-8</b>	<b>44:6-8</b>	<b>44:6-8</b>	<b>44:6-8</b>	<b>44:6-8</b>
<b>45:18-21</b>	<b>45:18-25</b>		<b>45:20-25</b>	<b>45:20-25</b>
<b>48:12-15</b>				

This larger purpose of Deutero-Isaiah will be the topic of chapter 4.

Specifically, it is necessary to discuss how Deutero-Isaiah uses the five trial speeches in order to present the overall message of chapters 40-48.

## CHAPTER 4

### RHETORICAL ANALYSIS OF DEUTERO-ISAIANIC TRIAL SPEECHES

#### Introduction

It is unfortunate that some form critics sought to define form critical units so thoroughly that the wider contexts of these units were not taken into account. Many of the scholars who contributed to early form critical studies of Deutero-Isaiah viewed all the various form critical units as independent from one another.<sup>1</sup> Mowinckel was the first to understand the arrangement of the various units into a unified whole. However, even his analysis concerned primarily the redaction of these units according to theme rather than an understanding of Deutero-Isaiah as a literary work.<sup>2</sup>

Later, Muilenburg and others observed the need to look beyond individual form critical units. According to Muilenburg, Deutero-Isaiah was neither a random nor an arranged collection of singular units. The work is a literary creation that resulted in the fusion of various literary types and forms.<sup>3</sup> Strict form critical methodology was at an impasse because it could not relate the

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<sup>1</sup> Melugin, 2.

<sup>2</sup> Ibid., 3.

<sup>3</sup> Muilenburg, *The Book of Isaiah*, 385.

various form critical units. This deficiency led to the birth of rhetorical criticism.<sup>4</sup> This new technique did not replace form critical study. Rather, rhetorical criticism builds on the raw material gained from adequate form critical analysis. Form criticism supplies the building blocks for rhetorical criticism.

The new emphasis on the literary character of Deutero-Isaiah made it possible to speak of the work's thrust and purpose. Since individual units working together create thrust and purpose, the study of how individual units relate becomes vitally important. The investigation of the individual *trial speech* was the purpose of chapter 3. The current chapter will investigate the Deutero-Isaian *trial speech's* relationship to their literary context.

#### Overview of Deutero-Isaiah's Message

Certain form critics divided Isaiah 40–48 into multiple independent sections and concluded this anthology lacked a unified message.<sup>5</sup> Von Waldow was a more recent example of this approach. In his exposition of Deutero-Isaiah, he examined each form critical unit for its distinctive message. Only at the end of the exposition did he suggest that someone should examine how these independent oral units were put together.<sup>6</sup>

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<sup>4</sup> See Muilenburg, "Form Criticism and Beyond," *JBL* 88 (March 1969): 1-19 for a summary of the weaknesses of form criticism and the need for additional methodologies.

<sup>5</sup> Muilenburg ("The Book of Isaiah," 384) commenting upon the work of Gressman, Köhler, Mowinckel and Begrich.

<sup>6</sup> von Waldow, 287.

Those who have concluded that Deutero-Isaiah was a written work were quicker to suggest that it contained unified themes. James Smart believed that the main hope of Isaiah 40-66 was the "future intervention of God in the history of his people."<sup>7</sup> So imminent was this intervention that it was already beginning. George Knight, having written on the theology of chapters 40-55, denied that Deutero-Isaiah is simply the sum of all its form critical parts. According to Knight, Deutero-Isaiah "was, first of all, a theological giant. He conceived his work in terms of a literary and theological whole."<sup>8</sup> The central theme of Deutero-Isaiah is the revelation of God and his immanent work with the servant Israel.<sup>9</sup>

James Muilenburg outlined fifteen theological themes in Isaiah 40-66:<sup>10</sup> seven concern God and his attributes (e.g., The Holy One of Israel, the Redeemer, the Creator); seven concern Israel themselves (e.g., the people of God, the seed of Abraham, the covenant people); one concerns the eschatological perspective. Muilenburg believed that fourteen of these themes exist, at least in part, within Isaiah 40-48.<sup>11</sup> Muilenburg's theology of Deutero-Isaiah showed more refinement than either Smart's or Knight's. Muilenburg was

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<sup>7</sup> James D. Smart, *History and Theology in Second Isaiah* (Philadelphia: The Westminster Press, 1965), 38.

<sup>8</sup> George A. F. Knight, *Servant Theology: A Commentary on the Book of Isaiah 40-55* (Grand Rapids: Wm. B. Eerdmans Publishing Co., 1984), 2.

<sup>9</sup> *Ibid.*, 5.

<sup>10</sup> Muilenburg, "The Book of Isaiah," 398-414.

not content to place the theology of 40-55 into one statement, but made consistent use of the fifteen themes. However, Muilenburg's far-reaching descriptions encompass both the conclusions of Smart and Knight. The revelation of God and the work of the servant Israel (Knight) and the revelation of God to his people (Smart) both formed a part of Muilenburg's description. Therefore, Muilenburg's description of Deutero-Isaian theology will be the standard used in the following discussion.

### Rhetorical Context of Deutero-Isaian Trial Speeches

The work of form criticism must precede the discussion of rhetorical matters. Chapter 3 explored the form critical units named trial speeches. With this accomplished, the present chapter will explore the rhetorical structure of Deutero-Isaiah's message. Since this discussion will require an understanding of all of Deutero-Isaiah's forms, this author relies on the expertise of Westermann, Schoors and Melugin for units outside of the trial speeches. The integrity of the individual form critical units will be maintained during the following discussion.

Rhetorical analysis requires a number of steps. The first step in this analysis will be to define the outer rhetorical boundaries. Second, the relevant themes of the unit will be noted. Last, the function of the encompassed trial speeches will be observed.

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<sup>11</sup> The only exception is theme 10, *Israel, the Seed of Abraham*. This theme is centralized to 51:1-3 (404).

### Isaiah 41:1-5 and 41:21-29

Many scholars consider Isaiah 40:1-11 to form a prologue to the book of Second Isaiah.<sup>12</sup> Isaiah 40:12-31 is the first section of its body. Melugin and Muilenburg differed in their understanding of this text. Melugin believed that this section consisted of four form critical units.<sup>13</sup> Muilenburg's analysis found seven strophes whose theme was "Yahweh creator of the ends of the earth."<sup>14</sup> According to Muilenburg's criteria, vv. 29-31 occupy the end of the section because they offer a climatic assurance.<sup>15</sup> Nevertheless, even with their differences, both scholars agreed that a major unit ends with v. 31.

The *trial speech* addressed to the coastlands and peoples begins at 41:1, and opens the next rhetorical unit. This is an appropriate beginning. Deutero-Isaiah crafted this section so that it begins in contrast with the uplifting assurance of 40:29-31.

The function of this *trial speech* within the greater unit depends somewhat upon the position of the rhetorical unit's terminus. Muilenburg and Melugin proposed different end points. Muilenburg understood the larger poem to be an arrangement of nine triads ending at 42:4. The entire section is a rhetorical *trial*

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<sup>12</sup> Westermann, *Isaiah*, 32; Muilenburg, "The Book of Isaiah," 422; Melugin (85) does makes a distinction between vv. 1-8 and vv. 9-11.

<sup>13</sup> Melugin, 90. All four are disputations (31-35).

<sup>14</sup> Muilenburg, "The Book of Isaiah," 434.

<sup>15</sup> *Ibid.*, 392. Conclusionary criteria #6.

*speech* deemed as "trial of the nations."<sup>16</sup> In contrast, Melugin ended the entire unit at the hymn of 42:10-13.<sup>17</sup> A secondary break occurs at 41:20 and divides the entire unit into two sections of four form critical units each.<sup>18</sup> The *trial speech* of 41:1-5 begins the entire unit while the second *trial speech* beings the second movement. The first movement uplifts Yahweh as creator,<sup>19</sup> and the second concentrates upon the legal trial of the nations. Together, these units seek to juxtapose the nations with the function of the servant, Israel.<sup>20</sup>

Melugin's choice makes good sense, for even Muilenburg considered hymns to be a common form that ends a rhetorical unit.<sup>21</sup> This is the case for a similar hymn found at 44:23. However, in the case of 44:23, the next unit begins with the messenger formula (v. 24). The use of a hymn to end a section makes good sense if the next unit can support becoming an introductory unit. The unit that would begin at 42:14 (according to Melugin) does not support such a function. Moreover, the motifs of 42:5-9 concerning Yahweh's redemption and his jealousy of idols continue in vv. 14-17. The use of the imperative at v. 18 presents a much better alternative to begin the next unit. Therefore,

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<sup>16</sup> Ibid., 447-448.

<sup>17</sup> Melugin, 93.

<sup>18</sup> Ibid., 93-102. Melugin's units are: vv. 1-7 trial speech; vv. 8-13 and vv. 14-16 salvation oracles; vv. 17-20 communal laments; vv. 21-29 trial speech; 42:1-4 and vv. 5-9 servant songs; vv. 10-13 hymn.

<sup>19</sup> Ibid., 95.

<sup>20</sup> Ibid., 101.

<sup>21</sup> Muilenburg, "The Book of Isaiah," 392. A hymn ends the section of 44:23.

Muilenburg's suggestion of ending a rhetorical unit at 42:4 is valid. However, does the entire section of 41:1-42:4 have internal coherence? Melugin made a valuable point connecting the trial speeches to the work of the servant.<sup>22</sup> Taking this approach, 41:1-5 links to 41:6-10 and 41:21-29 to 42:1-4. However, are 41:1-10 and 41:21-42:4 rhetorically connected?

There is a remarkable similarity between 41:1-5 and 42:1-4. In both cases, the coastlands are part of the audience. In both cases, Yahweh deals with the nations. In both cases, there is a concept of servanthood, though only the second uses the noun "servant." In both cases Yahweh empowers or chooses the servant. The themes seen in 41:1-5 are summated in 42:1-4. The presence of the formula "thus says the god Yahweh" in v. 5 begins a new unit. Muilenburg was correct to observe a unit existing from 41:1-42:4.

The historical context of the Babylonian exile assists the understanding of this section. The exilic prophet spoke to his people and declared that not all was lost. The political situation looked bleak, but the prophet proclaimed that Yahweh knew his own purposes.

Yahweh proved that he continued to deal with humanity through the first *trial speech* for Yahweh has "set into motion one from the east." The artisans seek to help one another in their craft (vv. 6-7), but Yahweh is the help of Israel. Therefore, Israel is not to fear (vv. 8-13). Instead of being afraid of its captors and their political might, the worm Israel will itself become a mighty "threshing

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<sup>22</sup> Melugin, 101. 41:1-5 precedes a section addressing, "you, Israel, my servant" (v. 8). The trial speech of 41:21-29 precedes the servant song of 41:1-4.

sledge" (vv. 14-16). Yahweh will provide for all of Israel's needs so that it will know that the "Holy One of Israel has done this" (vv. 17-20). Turning momentarily from Israel, Yahweh announces to the gods of the nations that they are nothing (vv. 21-29). Lastly, Yahweh returns to the servant and sets forth the servant's mission whereby Yahweh will deal with humanity (42:1-4).

The two trial speeches perform different functions. The first lays Yahweh's case before the coastlands and nations. It performs a task similar to an opening argument in a modern trial. There is little evidence presented to support Yahweh's claim that he has roused the victor from the east, other than his own word. However, for the prophet, that is enough. Yahweh's very word causes the coastlands and ends of the earth to tremble (v. 5).

The second *trial speech* propagates the prophet's appeal. Following Yahweh is the only way because this second *trial speech* removes all other possibilities. The exiles knew that their present condition was either the work of Yahweh or the foreign gods. The idea that their exile was the work of foreign deities disappears as Yahweh declares that these foreign gods are nothing (v. 24) and their images are "a breath and an empty void" (v. 29). Thus, the exile must be Yahweh's work.

These two trial speeches vary in form and perform two different functions. Even so, they occur within one rhetorical unit. These speeches reinforce the prophetic message that Yahweh continues his work within the affairs of humanity.

### Isaiah 43:8-13

Both Muilenburg and Melugin indicated that a new unit begins at 43:8.

Again, however, the two scholars differed concerning the terminus. Muilenburg understood vv. 8-13 to form a complete poem. It exists in three strophes concerning the nations, Israel and Yahweh.<sup>23</sup>

Melugin placed 43:8-13 as the first section of a three section unit including both salvation oracles 43:14-15 and vv. 16-21. Melugin argued that salvation speeches often follow trial speeches in Deutero-Isaiah.<sup>24</sup> However, as 41:1-42:4 demonstrated twice, this is not necessary. The presence of salvation speeches following 43:8-13 does not persuade this author that the unit must continue to the end of 43:21.

The unit certainly begins at v.8. The previous section ends with a summary line (v. 7) describing all those who are gathered from afar.<sup>25</sup> The textual emendation suggested by BHS at this point (changing the imperfect to an imperative) is allowable based upon a non-pointed text, and would make good sense in this location. The imperative of v. 8 divides this verse from the proceeding.

The *trial speech* focuses upon Yahweh's ability to save and bring his plans to fruition. Yahweh invites the nations to bring witnesses to prove themselves, but they are unable. The servant of Yahweh serves as Yahweh's

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<sup>23</sup> Muilenburg, 485.

<sup>24</sup> Melugin, 112.

<sup>25</sup> Muilenburg, 392. Summary lines are criteria #5.

witness. Amazingly, this is possible though this servant is "deaf and blind" (41:8). This is metaphorical "deafness and blindness" that does not stop the servant from bearing witness to the "former things" (v. 9), but merely makes it impossible for the servant to comprehend their meaning.<sup>26</sup>

The formula "thus says Yahweh" in v. 14 indicates the beginning of a new form critical unit. This unit is a salvation speech, for Yahweh promises that Babylon will suffer and be overrun to the benefit of Israel. Is this passage rhetorically connected to the previous *trial speech*? It certainly can be if it is a speech of judgment upon the foreign gods as well as a salvation speech to Israel. The presence of verdicts and judgments was a common feature of trial speeches outside of Deutero-Isaiah,<sup>27</sup> though within Deutero-Isaiah it was absent. This does not preclude the possibility of incorporating a verdict into the rhetorical structure. Certainly, in this case the salvation speech provides such a verdict. The presence of the three "I am" statements (43:11, 13, 15) would also support such a conclusion, for it provides a link between the trial and the salvation speech.<sup>28</sup>

The same formula found at v. 14 also begins v. 16. According to Melugin, vv. 15-16 ends the unit spanning vv. 8-16. Melugin argued that the use of "first

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<sup>26</sup> *Ibid.*, 486.

<sup>27</sup> See the discussion of Psalm 82, Hosea 4:1-10, Micah 6:1-16 and Isaiah 2:2-31 in Chapter 2, or refer to Table 2.6.

<sup>28</sup> V. 11 אֲנִי אֲנִי יְהוָה ("I, even I, am Yahweh"). V. 12e (Eng. 13a) אֲנִי-אֵל ("I am God"). V. 13a (Eng. 13b) זָמַן-מִיּוֹם אֲנִי הוּא ("even from that day I am he"). V. 15 אֲנִי יְהוָה קְדוֹשֵׁכֶם ("I am Yahweh, your Holy One").

things" ties these two form critical units together by catchword.<sup>29</sup> However, Melugin overstated the comparison, for they appear in two different contexts. Within the *trial speech*, Yahweh invites the gods/nations to answer whether any of them were able to declare the "former things." The declaration of these "former things" is of utmost importance. In the salvation speech, Yahweh instructs *his people* to forget the "former things," for Yahweh is about to do a new thing.

It is surprising that Melugin does not make a connection between the summary statement of v. 21 ("this people whom I formed for myself that they may announce my praise") and the summary statement of v. 7 ("all those called by my name, and created for my glory, and formed"). Both the wording and thought are the same, yet they are in separate units. However, catchwords occur throughout Deutero-Isaiah but are often found in various rhetorical units. This, in itself, is not sufficient to relate v. 16-21 to the *trial speech* of v. 8-13.

There also seems to be little reason to separate v. 21 from v. 22 considering their similar thrust. Verse 22 begins with a simple conjunction that best translates as an adversative ("but" or, as NIV and NRSV, "yet"). This indicates that v. 22 intimately connects to v. 21. The theme of vv. 16-21 concerns Yahweh's dealing with Israel. The trial and salvation speeches of vv. 8-15 concern Israel only to the extent that their testimony is necessary for

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<sup>29</sup> Melugin (112) states: "In our search for pattern of arrangement we are struck immediately by the importance of *nîsonôt* in both 43,8-13 and 43,16-21."

Yahweh to deal with the foreign gods/nations. To connect vv.8-15 with vv. 16-21 is unnatural to the purposes of both passages.

Therefore vv. 8-15 read as one rhetorical unit, and v. 16 begins another that continues at least as far as v. 24 (vv. 22-24 are connected). This reads against both Muilenburg and Melugin, but does so with supporting evidence and shows indebtedness to both scholars.

The unit that proceeds v. 8 concerns the punishment and restoration of Israel from exile. It was Yahweh who sent this nation into exile and "poured upon him his great wrath" (42:25). Yahweh's new promise was to bring back his sons and daughters from the end of the earth (43:6). The unit beginning at 43:8 changes character, but not focus. The *trial speech* introduces the nations to the fray. Yahweh challenges them to match his style and plan that he has set in motion with Israel's exile. The *trial speech* serves to introduce another act and a new character onto the scene that had just finished. It is only after finishing his speech to the foreign gods in v. 15 that Yahweh returns to address Israel in v. 16.

The *trial speech* of 43:8-13 builds upon 41:21-29. In the latter case, Deutero-Isaiah said the nations are nothing. This scene provides clear evidence from the history of Israel that they are nothing. No foreign god has directed Israel's path. It was always Yahweh. The *trial speech* of 43:8-13 heightens several themes-Yahweh as judge, Yahweh is the only God, Israel is chosen by Yahweh, and Israel as witness for Yahweh.

## Isaiah 44:6-8

The main difficulty with this section was the authenticity of vv. 9-20. The editors of BHK displayed these verses as prose between two poetic sections. This printing changed with BHS and the entire unit displayed in poetic verse. Muilenburg debated the authenticity of the section and chose to rearrange the text in order to place 44:6-8 and vv. 21-23 together.<sup>30</sup> Melugin understood 44:6-20 to form one rhetorical unit though the relation of vv. 6-8 to vv. 9-20 is lost.<sup>31</sup>

Richard Clifford argued for the rhetorical unity of 44:6-22. He understood vv. 9-20 as an interrogation of the idol makers that fits within the court scene.<sup>32</sup> In essence, this was similar to Muilenburg, though Clifford made a greater attempt to show the relation of vv. 9-20 to the *trial speech*.

Chapter 44 begins with the expression "but now." The use of this expression requires that this unit connects to that coming before it. The messenger formula "thus says Yahweh" in v. 6 is the nearest indication of a break in units. The summary statement of v. 5 also signifies that something new is beginning in v. 6.

The *trial speech* of vv. 6-8 concerns Yahweh's claim to be God over and against the claims of the foreign gods or nations. Yahweh himself declares his pre-eminence in v. 8—"there is no other rock, none other that I know." After this claim, vv. 9-20 describe the process of idol making. According to the prophet, it

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<sup>30</sup> Muilenburg, "The Book of Isaiah," 505.

<sup>31</sup> Melugin, 120.

<sup>32</sup> Richard J. Clifford, "The Function of Idol Passages in Second Isaiah," *CBQ* 42 (October 1980): 463.

is a fruitless endeavor for the image has no power to save. It is a created image whose power lies in the worker's imagination.

The denunciation of images, and the fruitlessness of their creation, occurs in other Deutero-Isaian passages (cf. 40:19-20, 41:6-7). The theme of vv. 9-20 is not foreign to Deutero-Isaiah, so any deletion of this passage is unwarranted. Even the placement of these verses is not as strange as it first appears. There is a strong connection between the *trial speech* and the anti-idol polemic. The *trial speech* attempts to prove that there exists no other gods aside from Yahweh. The description of idol making reinforces the absurdity of placing created images above Yahweh, the living God. The theme of vv. 9-20 provides a concrete example for the warning of the *trial speech*. The present context of vv. 9-20 is both explainable and understandable. It easily fits next to vv. 6-8.

What of vv. 21-22? The inclusion of these verses within the section of vv. 6-20 rests on the referent of "these things" (v. 21). The immediate antecedent to "these things" is the passage concerning the creation of idols. If this were the case, then the verse would mean

remember the absurdity of idol creation, O Jacob,  
and Israel, for you are my servant.  
I created you and you are a servant to me;  
*you have not been forgotten by me, O Israel.*

The portion in italics creates confusion. The main idea forthcoming from v. 21 is that Yahweh will remember Israel. It is difficult to see how this reinforces the polemic against idol making. Clifford believes vv. 21-22 bring the reader back to the trial scene of vv. 6-8 for Yahweh tells Israel that "it is witness of an

imageless, uniquely powerful God who has fashioned them, rather than having been fashioned by them."<sup>33</sup> The expression "you have not been forgotten by me" does not stand as a reasonable conclusion to this line of thought either. Even if the verb תִּשְׁכַּחַנִּי was changed to a Qal form (תִּשְׁכַּחַנִּי -you will not forget me), it is difficult to see how this connects vv. 21-22 to any discussion concerning the futility of idol worship.

This idea of "not forgetting" lends itself more naturally to the idea of Yahweh the Redeemer that is a feature of 44:23-45:8. The Cyrus oracle of chapter 45 demonstrates how Yahweh remembers Israel for Cyrus comes as Yahweh's anointed (45:1) to set his people free. The expressions "I have redeemed you" (v. 22), "Yahweh has redeemed Jacob" (v. 23) and "your redeemer" (v. 24) form a triad concerning Yahweh's redeeming function. This triad demonstrates a unity among vv. 21-28. Ultimately, these verses are part of a rhetorical unit continuing to 45:8.

Thus, 44:6-20 is a transition point. Up to this point, the prophet sought to assure the people of Israel that Yahweh was powerful enough to bring about his plan in history. This rhetorical unit provides a climax to this argument in the revelation of Cyrus as the anointed savior of Israel. The people need not concern themselves that Babylon's deities will thwart Yahweh's plan. They are fashioned sticks of wood and nothing more.

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<sup>33</sup> Ibid., 463.

The *trial speech* introduces this unit precisely because of the strong contrast it makes with the "do not fear" exhortation of 44:1-5. The use of a *trial speech* to open a new unit also occurred with two other trial speeches above. The strong and forceful language serves this purpose well.

#### Isaiah 45:20-25

Both Muilenburg and Melugin agree that the Cyrus oracle ends at 45:13.<sup>34</sup>

Both also agree that the section beginning with 45:14 continues through to verse 25 and a new rhetorical section begins with 46:1. This last *trial speech* appears to be the easiest to delineate.

The change in subject matter between v. 13 and v. 14 is readily apparent, and the messenger formula ("thus says Yahweh") demarcates a new beginning. A number of features that unify vv. 14-17 and the next hymnic section encompassed in vv. 18-19. The expression "there is no other" (vv. 14, 18) and the use of סָתָר (vv. 15, 19) provide catchwords. These catchwords extend into vv. 20-25 where ישׁע and its cognates appear in vv. 15, 17, 20, 21 and 22. Still more links include the use of negative absolutes (אֵין and אֶפְסֹס) in vv. 14, 18, 21 and 22 as well as the noun צָדֵק in vv. 19, 22, 24, and the verbal form in v. 25. These numerous bonds give clear evidence that vv. 14-25 form a unit.

Verse 25 forms a summary statement that gives closure to the unit. The salvation speech of vv. 14-17 addressed Israel through the indirect speech of the nations. The hymn (vv. 18-19) addresses Yahweh by the voice of the

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<sup>34</sup> Muilenburg, "The Book of Isaiah," 416; Melugin, 126.

prophet before becoming the first person speech of Yahweh at the end of v.19. This first person speech continues throughout most of the *trial speech*, but reverts to the prophet in vv. 24 and 25. Although the change of speaker makes for some difficulty, there is general unity of theme and purpose.

A problem occurs because 46:1 does not appear to begin a new unit. There is neither a messenger formula nor a vocative address. It is not possible to tell whether the speaker is the prophet (of 45:24-25) or Yahweh (of 46:3-4). In contrast, beginning with v. 3 the addressee is the "house of Jacob." The imperative, which begins the section and the remaining speech to v. 6, certainly comes from Yahweh.

The rhetorical unit spans 45:14-46:2. At first sight, it may appear this division breaks a form critical unit, but Melugin understands 46:1-6 as a composite of two unrelated themes placed as one unit. It is as likely that these verses are not to be understood together, and this author would argue that this is the case. The two short verses beginning chapter 46 end the unit showing the demise of the Babylonian gods. In Yahweh are "righteousness and strength" so that those who trust in him will not be ashamed. In contrast, the Babylonian gods are stooping and bowing down. These idols are unable to carry themselves let alone save those who worship them.

The *trial speech* of this unit, while not occurring at the end, provides a climax. The theme is the saving power of Yahweh. This power extends not to Israel alone, but to "all the ends of the earth" (v. 22). The trial is to convince the nations that Yahweh is the only source of their salvation. Israel knows this in the

previous trial speeches in chapters 41, 43 and 44. The *trial speech* of 45:20-25 extends this knowledge to the nations. The other trial speeches condemn, but 45:20-25 offers hope. Isaiah 46:1-2 serves to reinforce the concluding statements of 45:24-25 by providing a contrast to the cause for triumph and glory (v. 25).

### Conclusions

The various trial speeches were examined in their rhetorical context. The first two trial speeches of Deutero-Isaiah (Isaiah 41:1-5 and 41:21-29) occurred within the same rhetorical unit. Isaiah 41:1-5 begins the unit while 41:21-29 ends the polemic thought of the unit. The unit ends with 42:1-4 serving as a contrast to the contention of 41:1-29. The *trial speech* introduces this unit because of its strong vocative character and accusatory tone. This same character also gives it the grit needed to end the polemic and create the foil with the servant song of Isaiah 42:1-4.

The *trial speech* serves to begin the rhetorical units of 43:8-15 and 44:6-20 as well. In the latter case, the *trial speech* forces the conclusion that Yahweh is the only "rock." The verses following the legal speech go on to show that this fact makes the production and worship of idols from iron and wood a foolish endeavor. In the former case the *trial speech*, which takes up most of the rhetorical unit, leads into the judgement of Yahweh against Babylon. Yahweh's declaration in the trial that "there is no other who can deliver from my hand," (v.

13) assures the Israelites that he will indeed bring "down all their bars" (v. 15) raised presumptuously against Israel.

The last *trial speech* used by Deutero-Isaiah in 40-48 validates the promise that the enemies of Israel will bow down and prostrate themselves before the people of God. Although the trial of 45:20-25 reveals a great hope (i.e. in v. 22), it establishes the splendid truth of Yahweh's strength, righteousness and ability to save. Before this declaration foreign gods bow and are revealed as burdens to those who worship them (46:1, 2). The vigor of the *trial speech* enables promise (45:14) to become reality (46:1,2).

The lawsuit passages found in Isaiah 40-48 are dynamic movers for Deutero-Isaiah's thought. They provide needed thrust to shake preconceived notions and realize given promises. Much of Deutero-Isaiah's theology of a God who acts rests upon the ability of the *trial speech* to move the people's minds. The breaking of traditional patterns of thinking regarding the march of history needed a strong hammer. The trial speeches provided this weapon to battle the hearers' assumptions.

## CHAPTER 5

### CONCLUSIONS AND SUGGESTIONS FOR FURTHER RESEARCH

#### Conclusions

The trial speeches of Deutero-Isaiah have been examined in their rhetorical contexts. The purpose of this examination was to determine their purpose within the larger context of Deutero-Isaiah's message. This examination rests upon the assumption that Isaiah 40-48 was a literary creation of one author rather than a piecemeal collection of individual units by a redactor. The composition occurred during the time of the Babylonian captivity when the Yahweh cult waned. Deutero-Isaiah questioned the peoples' assumptions concerning Yahweh's power and plan. He challenged them to see their captivity not as a Babylonian victory, but as a stage in the development of Yahweh's plan. Deutero-Isaiah used the trial speeches to reestablish Yahweh's reputation amongst the captive Israelites.

The creative genius behind Isaiah 40-48 will forever compel both the "enlightened" and the casual reader. The casual reader readily understands the deep imagery of shepherd caring for sheep (40:7), eagles soaring through the sky (40:31) and the absurdity of idol crafters (41:7). These images speak a powerful message of great comfort about the God who never abandons those whom he has called. However, the "enlightened" reader has the opportunity to see much more. The reader who can understand the forms as well as the

images will see that the message of comfort lies within the forceful framework of legal rhetoric. Deutero-Isaiah's concept of God's grace was moving in its tenderness and yet commanding in its presentation. The strong language of the trial speeches made these seemingly opposed virtues fit together. Either, by itself, would produce a message that creates emotion or condemnation; instead, hearers of Deutero-Isaiah received inspiration.

Establishing criteria to judge the presence of the lawsuit genre in Deutero-Isaiah provided the framework for the form critical study. The exploration of passages typifying trial speeches outside of second Isaiah established guidelines to explore Isaiah 40-48. Within Deutero-Isaiah, however, these guidelines proved inadequate because of the literary nature and rhetorical quality of the piece. In order to appreciate fully the message of the exilic prophet, one must look beyond cold categories and sense the artistry in the movement from one crafted section to the next.

Chapter 3 of this work determined that there were five legitimate trial speeches in Isaiah 40-48 (41:1-5, 41:21-29, 43:8-13, 44:6-8, 45:20-25). These units have similar characteristics though they are by no means duplicates. Purpose, thought patterns and similar structural elements determined their inclusion as trial speeches rather than the presence of raw linguistic similarities. This further demonstrates Deutero-Isaiah's literary sophistication.

The structure of the trial speeches within Deutero-Isaiah differs from those occurring in other prophetic works. The language is vastly different for the most part. Chapter 2 of this thesis revealed a number of words that occurred

frequently in the trial speeches of some prophetic and literary works (Table 2.5). It was found that these words were often absent in Deutero-Isaiah. There were also a number of common structural features found in the trial speeches outside of Isaiah 40-48 (Table 2.6). These features were present in scant measure within the trial speeches of Deutero-Isaiah. They were apparent enough to define the genre but not enough to demonstrate that Deutero-Isaiah was dependent upon them for the content of his trial speeches.

It cannot be assumed, however, that Deutero-Isaiah was unfamiliar with these trial speeches. The explanation for the lack of similarity lies within the nature of Deutero-Isaiah's writing. His work was to demonstrate that Yahweh was superior to the idols and gods of the Babylonians. He contended that only Yahweh had the power to save. The idols of Babylon were "nothing" and their work was "nothing at all" (Is. 41:24). In this context, the trial speeches needed little introduction. Deutero-Isaiah soundly integrates these trial speeches into his lengthy written argument. They had little need to stand on their own, as would have been the case with the oral style found in Micah or Hosea. Those passages studied in chapter 2 occur within a literary context and yet stand out boldly. An anthology of oral messages elicits this expectation. For Deutero-Isaiah, the *trial speech* was merely one part of a greater literary creation.

Yet, the part played by the trial speeches is an important one. The writer placed them purposefully and wrote them forcefully. The strong language provided by the imperatives and vocative addresses allows the *trial speech* to form rhetorical boundaries between units. When coupled with the trilateral

judicial-based imagery, the force is even greater. The trial speeches often occur at the beginning or the end of a unit.

Chapter 4 demonstrates that the trial speeches at 41:1-5, 43:8-13 and 44:6-8 begin new rhetorical units. Deutero-Isaiah used the force of the *trial speech* to focus the reader's attention. For example, the rhetorical unit beginning at 41:1 deals with the continuing power of Yahweh. Yahweh did not fall with the defeat of Jerusalem. Instead, Yahweh uses the defeated nation of Israel to carry out his purposes. The *trial speech*, which begins the unit dynamically, demonstrates that Yahweh is active in history. It forces the reader to draw the conclusion that Yahweh is far from defeated but is, in fact, bringing about change on the world stage and not just upon the nation of Israel. This same power wrought by 41:1-5 is also seen in 43:8-13 and 44:6-8.

The trial speeches may also perform a different function. In the case of 41:21-29, trial speeches occur to end a line of thought. In this case, 41:21-29 concludes the polemic thought begun by the *trial speech* at 41:1-5. While the theme remains Yahweh's activity in history, another element enters for consideration. The *trial speech* claims that while Yahweh is active in history, other deities are not. Yahweh commands all challengers to bring forth proofs, but they are not able. The judgement of the court is that all idols are nothing and their images are but "empty wind" (v. 29). The second *trial speech* adds a theme while maintaining the other. Other units will take us the theme added by 41:21-29. The *trial speech* serves as a concluding address that sets a contrast with

the servant passage that begins chapter 42. The servant passage indicates how Yahweh continues to act in history- through his chosen people.

The composer of Isaiah 40-48 saw fit to use the *trial speech* in a third manner. The *trial speech* at 45:20-25 occurs within the body of a rhetorical unit. Remarkably, the composer not only varied its location but also its function. In all the other instances, the *trial speech* has stood as a pronouncement of condemnation. They have also served as a contrast either to units falling before or after. Those addressed are at the brink of disaster and require a forced change of direction. The converse is true of Isaiah 45:20-25. It does not condemn but offers hope and salvation. The place normally occupied with indictments offers assistance--"turn to me and be saved" (v. 22). The very nature of the *trial speech* makes this offer incredible. The form demands condemnation, but the content offers salvation. Deutero-Isaiah uses the *trial speech* form to contrast its own message. As the reader recognizes this the full force of Yahweh's amazing offer becomes clear.

Deutero-Isaiah used the form of the *trial speech* to communicate forcefully his message. The trial speeches often provided a forceful contrast to the units surrounding it, or in the case of 45:20-25, the unit itself. The message was generally one of condemnation, though even this function a skillful composer could manipulate. The trial speeches also bolster the truth of Deutero-Isaiah's claims. A statement or an oracle is debatable, but legal judgments are not open to discussion or mediation. According to Simon Roberts, a society that has rule-based adjudication expects a judge to decide a matter and not act as a

mediator.<sup>1</sup> Yahweh, as the supreme judge, makes pronouncements against the foreign gods and offers salvation to those who are willing to turn from those deceitful ways. The *trial speech* makes these declarations resolutely, and places this judgment beyond the realm of debate. It is to Deutero-Isaiah's credit as a rhetorician that he uses the trial speeches creatively and forcefully. They stand to show forth his message of truth and hope.

### Suggestions for Further Research

It is unfortunate that a project such as this must be limited in scope in order to arrive under the required maximum length. There are a number of areas whose addition would have added significantly to the overall understanding of Deutero-Isaiah's message.

First, the exploration of the "disputation" as a genre would have sharpened the characteristics of the *trial speech*. It could be conducted along the same line as this present project by first exploring its presence in the pre-exilic prophetic corpus, and then exploring it within Deutero-Isaiah.

Second, a study examining the disputations would be valuable in order to observe the functions of the two genres in a side-by-side comparison. This would require a greater rhetorical analysis of Deutero-Isaiah than this project presents.

Third, this project was unable to explore the function of the trial speeches in the context of the pre-exilic prophets. Such a rhetorical analysis would be

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<sup>1</sup> Roberts, 20.

helpful if it is possible. The difficulty would rely on the literary character of the texts involved. Those prophetic works that display a great deal of work by (an) editor(s) would prove more problematic. Understanding this difficulty, such an analysis would be interesting and beneficial.

Last, this project observed the use of the *trial speeches* by Deutero-Isaiah after the form had been well established by other more ancient authors. An examination of the post-exilic literature for the presence and use of the lawsuit genre could be very revealing. How did the prophets and poets of later centuries display their message? Was the use of polemic genres frequent? How has the use of the genre changed from the eighth century prophets?

Projects of this nature often raise as many questions as they seek to answer. Each attempt at finding answers adds to the understanding of the biblical texts, and ultimately to the faith that makes use of these texts. It is this author's hope that the present undertaking will be part of that growing understanding.

אֲשֶׁר־י אָדָם מֵצֵא חֵכְמָה וְאִזְמִיךְ יִבְנֶנָּה:

כִּי טוֹב סִחָרָה מִסִּחְרֵי-כֶסֶף וּמִחֲרוֹץ תְּבוֹאָתָה:

—Proverbs 3:13, 14

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## APPENDIX A

## TRANSLATION AND NOTES OF ISAIAH 40-48

Isaiah 40

- 1 "Comfort, comfort my people," says your God.  
 2 "Speak kindly to Jerusalem<sup>1</sup> and call to her  
 that she has completed<sup>2</sup> her service,  
 that her sin has been taken away  
 and that she received from the hand of Yahweh double according to  
 all her sins."  
 3 A voice is crying,  
 "In the wilderness clear a path for Yahweh;  
 make smooth in the desert-plain a raised highway for our God.  
 4 Every valley will be lifted up,  
 and every mountain and hill will become low.  
 The uneven ground will become a plain,  
 and the rough terrain as a valley,  
 5 and the glory of Yahweh will be revealed,  
 and all flesh together will see it,  
 for the mouth of Yahweh has spoken."  
 6 A voice says "Cry out," and I said<sup>3</sup> "What will I cry?"  
 "All flesh is grass, and all its loveliness<sup>4</sup> like the flower of the field.  
 7 <sup>5</sup>Grass dries out, a flower withers,  
 if the breath of Yahweh blows on it.  
 Surely the people are grass."

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<sup>1</sup> Literally this reads "speak to the heart of Jerusalem." The NRSV and NIV translate as "speak tenderly" and HALOT (515,8) suggests this expression means "speak kindly to."

<sup>2</sup> MT reads **מְלֵאָהּ**. 1QIs<sup>a</sup> reads **מְלֵא** which is a 3ms giving the reading "... that her service is complete." Either of these options makes good sense in the context and it is difficult to choose between them.

<sup>3</sup> MT reads **וְאָמַר**. 1QIs<sup>a</sup> reads **וְאָמַרְהָ** and the LXX (cf. Vulgate) **καὶ εἶπεν** (1cs). BHS suggests to read as **וְאָמַר** (1cs). The change is both reasonable and supportable.

<sup>4</sup> MT reads **חֲסִדוֹ**. The LXX (cf. Syriac and Vulgate) and 1 Peter 1:24 have **δόξα** (glory).

- 8 Grass dries out, a flower withers,  
but the word of our God will stand forever."
- 9 Go up upon a high mountain messenger of good tidings-Zion.  
Lift up with your powerful voice messenger of good tidings-Jerusalem-  
to declare, "Do not fear me!"  
Say to the cities of Judah, "Behold your God."
- 10 Behold, the Lord Yahweh will come as a strong one,<sup>6</sup>  
and his arm rules for him.  
Behold, his reward is with him,  
and his recompense is before him.
- 11 As a shepherd he takes care of his flock.  
In his arm he gathers the little lambs,  
and<sup>7</sup> into his bosom he lifts them.  
He gently escorts the mother sheep.
- 12 Who has measured the waters<sup>8</sup> in his hand,  
or measured the heavens with a span,<sup>9</sup>  
or all the third of the warriors<sup>10</sup> of the earth,  
or weighed mountains in a balance,  
or hills upon scales?
- 13 Who has measured the spirit of Yahweh,  
and who is the one<sup>11</sup> who taught Yahweh<sup>12</sup> his counsel?
- 14 Whom did he consult that he gave him understanding?

<sup>5</sup> Verse 7 is absent in the LXX.

<sup>6</sup> MT reads **בְּזֹקֶךָ**. The 1QIs<sup>a</sup> and various versions of MT have **בְּזֹק** (with strength). The editors of BHS suggest to read with the MT. The MT reading is retained in this translation.

<sup>7</sup> MT reads with a conjunction. Various manuscripts of LXX omit the conjunction.

<sup>8</sup> MT reads **יָמִים**. The 1QIs<sup>a</sup> reads **מֵי יָם** (water of the sea). The editors of BHS propose **יָמִים** (seas). The MT reading is retained here.

<sup>9</sup> MT reads **בְּזֶרְתְּךָ**. The 1QIs<sup>a</sup>, Syrohexaplar and the Syriac have **בְּזֶרְתְּוֹ** (in his span).

<sup>10</sup> MT reads **שְׁמֵרָה**. The LXX, Aquilla, Symmachus and Theodotion texts are missing this word.

<sup>11</sup> MT reads **וְאֵיִשׁ**. The LXX (cf. Syriac and Vulgate) reads **καὶ τίς** (and who). The editors of BHS suggests reading as **וְאֵיִשׁ** (and who is the one). The suggestion makes for ease of reading and is followed here.

<sup>12</sup> MT has 3ms suffix.

- and demonstrated to him concerning the way of justice,  
 and demonstrated to him knowledge,<sup>13</sup>  
 and taught him the path of understanding?
- 15 Behold, nations are like a drop from a bucket,  
 and are accounted as dust upon the scales.<sup>14</sup>  
 Behold, he bears<sup>15</sup> the islands as fine dust.
- 16 Lebanon is not sufficient for burning,  
 nor its wild animals sufficient for a whole burnt offering.
- 17 All the nations are as nothing before him;  
 they are accounted by him as less than nothing<sup>16</sup> and an empty void.
- 18 To whom will you liken God,  
 and what likeness will you compare to him.
- 19 The idol maker casts an idol,  
 and the smelter beats it out in gold,  
 and smelts a chain of silver.
- 20 The one poor<sup>17</sup> of offering<sup>18</sup> will choose a tree that does not rot;  
 he will seek for himself a skillful idol maker  
 to make an idol that will not be shaken.
- 21 Did you not know? Did you not hear?  
 Was it not declared to you from the beginning?  
 Did you not understand from the foundations of the earth?
- 22 The one who sits upon the horizon of the land,  
 and its inhabitants are as locusts.  
 The one who spreads out the sky as a veil,  
 and spreads them out as a tent to live within.
- 23 The one who brings the rulers to naught.  
 He makes the judges of the earth as an empty void.
- 24 Hardly are they planted, hardly are they sown.  
 Hardly their roots spread into the earth,

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<sup>13</sup> ↔ This phrase is absent in the LXX. The editors of BHS suggest this should perhaps be deleted.

<sup>14</sup> MT reads מאֲזֻנִים. 1QIs<sup>a</sup> reads מזונים (clouds).

<sup>15</sup> MT reads יטול. The LXX, Aquila, Symmachus, Theodotion and Syriac read as a plural.

<sup>16</sup> MT reads כְּאֶפֶס. The editors of BHS suggest to read with 1QIs<sup>a</sup>, Syrohexaplar and the Vulgate כְּאֶפֶס. Davidson (46, Rem. 2) suggests that sometimes an adjective before כֵּן is omitted and must be understood when using the superlative.

<sup>17</sup> MT reads הַמִּטְבֵּן. This is missing in the LXX and Syriac. These have "mulberry tree", but this is perhaps a gloss for "a tree that will not rot."

<sup>18</sup> MT reads תְּרוֹמָה. This is missing in the Syriac, Targum and Vulgate.

- and he blows on them and they wither,  
and the storm wind carries them away like chaff.
- 25 To whom will you compare me <sup>19</sup>that I will be like them,  
says the Holy One.
- 26 Lift up your eyes on high and see who created these things.  
the one causing their host to come out by number,  
for all of them he calls by name.  
Because of the greatness of power, and tremendous<sup>20</sup> strength,  
not one is missing.
- 27 Why do you say, Jacob, and speak,<sup>21</sup> Israel,  
"My path is hidden from Yahweh,  
and my justice escapes from my God."
- 28 Have you not known, or not heard?  
Yahweh is the eternal God, creator of the ends of the earth.  
He will not become tired, and he will not grow weary.  
His understanding is without investigation.
- 29 He gives strength to the faint,  
and to those without strength he greatly increases might.
- 30 Young men will become faint, and they will grow weary,  
and young ones will eventually stumble.
- 31 But those who wait for Yahweh will renew their strength:  
they will be brought up on pinions as an eagle;  
they will run and not grow weary;  
they will walk and not become weary.

### Isaiah 41

- 1 Come silently to me, O coastlands,  
and peoples renew strength.  
Approach, then speak.  
Together, let us approach for justice.
- 2 Who is he who sets into motion one from the east?  
Rightness calls him to his feet.  
He will give away the nations before him,  
and kings he will beat down.<sup>22</sup>

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<sup>19</sup> <> MT reads וְאִשָּׁהּ. Davidson (106, d) reports that after interrogative clauses, the simple *vav* can express design or purpose. The 3mp pronoun is added for ease of translation into English.

<sup>20</sup> MT reads אֲמִיץ. The editors of BHS suggest to read with 1QIs<sup>a</sup> and the versions אֲמִיץ (and strength).

<sup>21</sup> MT reads וְתִדְבֵר. The LXX adds וְלִמְךָ.

- He will give out his sword<sup>23</sup> as the dust-  
his bow<sup>24</sup> as the driven chaff.
- 3 He will pursue them, and he will pass peaceably.  
He will not travel a path with his feet.
- 4 Who accomplished this and makes this happen,  
calling the generations from the beginning?  
I, Yahweh, was the first,  
and with the last I am he!  
I am he!
- 5 The coastlands see and they will fear.<sup>25</sup>  
The ends of the earth will tremble.  
They approach and they will come.
- 6 Everyone will help his friend,  
and to his brother he will say, "Be strong."
- 7 The idol maker encourages the smelter;  
the one making smooth by the hammer encourages the one striking  
the anvil.  
saying of the joint, "It is good."  
Then he will strengthen it with nails so that it will not be shaken.
- 8 But you, O Israel, are my servant.  
Jacob—you whom I have chosen.  
Seed of Abraham who was my friend.<sup>26</sup>
- 9 Whom I have taken hold of from the ends of the earth,  
and from her borders I have called you,  
saying to you, "You are my servant.  
I have chosen you, and I have not rejected you."
- 10 Do not fear for I am with you!

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<sup>22</sup> MT reads יִרְדּוּ. The editors of BHS suggest to read with 1QIs<sup>a</sup> and Theodotion יִרְדּוּ (Hiph 3ms impf from ירד to bring down), and insert תַּחְתִּי (lowest places). The LXX reads as εὐσεβήσασθαι = תַּחְתּוּ (Qal impf 3ms of חרד—to tremble). As Watts points out, the reading of the MT is as appropriate as the other possibilities (99, note 2c).

<sup>23</sup> MT reads חֶרְבוֹ. The editors of BHS propose to read as חֶרְבָם (their sword) as the LXX indicates.

<sup>24</sup> MT reads קֶשְׁתוֹ. The editors of BHS propose to read as קֶשְׁתָם (their bow) as the LXX indicates.

<sup>25</sup> MT reads וַיִּירָאוּ. The editors of BHS suggest to read וַיִּירֵא (a vav consecutive) as the LXX, Syriac and Vulgate indicate. The translation would then become "the coastlands see and they are afraid."

<sup>26</sup> MT reads אֶהְבֵּי. Aquila reads ἀγαπητοῦ μου (compare LXX, Symmachus and Vulgate). The editors of BHS have proposed אֶהְבֵּי (Qal passive ptcp with 1cs sf).

- Do not be astonished for I am your God.  
 I have strengthen you.  
 Surely I have helped you.  
 Surely I have supported you in my righteous right hand.
- 11 Behold, they will be ashamed and they will be put to shame—  
 all those incensed<sup>27</sup> against you.  
 The men contending against you will become as nothing,  
 and they will perish<sup>28</sup>.
- 12 You will seek the men who strive against you  
 but you will not find them.  
 Those who battle against you will become as nothing and as naught.
- 13 For I am Yahweh your God,  
 who strengthens your right hand;  
 the one saying to you,  
 “Do not fear. I myself am your help.”
- 14 Stop fearing me, O worm Jacob, O men<sup>29</sup> of Israel.  
 I am your helper—an oracle of Yahweh—  
 Your redeemer is the Holy One of Israel.
- 15 Behold, I place you as a sharp, new, doubled tooth threshing sledge.  
 You will thresh mountains  
 and you will pulverize them.  
 and you will make the hills as chaff.
- 16 You will winnow them,  
 and a wind will lift them away,  
 and a tempest will scatter them.  
 Then you yourself will rejoice in Yahweh;  
 in the Holy One of Israel you will glory.
- 17 When the afflicted and the needy<sup>30</sup> are seeking water,  
 and there is none so that their tongue is parched from thirst,  
 I, Yahweh, will answer them.  
 As the God of Israel, I will not forsake them.
- 18 I will open a river upon the bare heights,  
 and springs in the midst of the valleys.  
 I will establish wilderness <sup>as a troubled pool of water</sup><sup>31</sup>,

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<sup>27</sup> MT reads הַנִּצְחָרִים. The editors of BHS proposes that this read הַנִּצְחָרִים [Qal mp ptcp 'to snort'].

<sup>28</sup> MT reads וַיִּאֲבָרוּ. 1QIs<sup>b</sup> reads וַיִּבְשּׁוּ (they will be ashamed).

<sup>29</sup> MT reads מְתֵי. The Syriac version has (w)mnjnh. BHS proposes מַת which is the Akkaddian מַתוּ (a weaval).

<sup>30</sup> MT reads וְהַאֲבִיּוֹנִים. BHS suggests that this is an addition. Refer to Arabic version and Ethiopian version.

- and a land of drought as springs of water.
- 19 I will place in the wilderness a cedar,  
an acacia tree, a myrtle tree and an olive tree.  
I will place a cypress in the desert plain,  
an elm and an evergreen together,
- 20 in order that they will see and they will know.  
Then they will pay attention and ponder together,  
that the hand of Yahweh has done this,  
and the Holy One of Israel has created it.
- 21 Approach with your dispute, says Yahweh.  
Draw near with your defense, says the king of Jacob.
- 22 Let them bring evidences<sup>32</sup>, and let them declare to us  
those things that will happen.  
Of the former things, declare what they are,  
and we will consider these in our minds.  
and let us know the things occurring at the end  
and let us hear of the coming things."
- 23 Predict the things coming hereafter,  
and then we will know that you are gods.  
Yea, do good, or do evil.  
that we may gaze at one another<sup>33</sup>,  
and see<sup>34</sup> together.
- 24 Behold, you are nothing<sup>35</sup>,  
and your work is naught<sup>36</sup>.  
The one that will choose you is an abomination.
- 25 I have put into motion one from the north,

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<sup>31</sup> <> MT reads לְאָגְמִים-קִיָּים The Septuagint (see also Latin version and Syrohexaplat) reads as εἰς ἔλην (into marshes). The editors of BHS suggests reading as לְאָגְמִים (as troubled pools).

<sup>32</sup> MT reads וַיִּשְׁוּ The LXX (compare Targum and Vulgate) has ἐγγισάτωσαν. Therefore, the editors of BHS suggests reading as וַיִּשְׁוּ (Qal 3mp impf).

<sup>33</sup> MT reads וַיִּשְׁתַּעַבּוּ BHS proposes וַיִּשְׁתַּעַבּוּ (Let us be shocked) comparing to the Arabic وَتَشْتَعِبُّ [to be disturbed]. See also verse 10.

<sup>34</sup> MT reads וַיִּנְרָא The editors of BHS suggest to read with the Ketib וַיִּנְרָא (And let us fear).

<sup>35</sup> MT reads מֵאֵין The Syriac has לְמֵדָם (compare with Targum). The editors of BHS propose to read as מֵאֵין comparing with verse 29.

<sup>36</sup> MT reads מֵאֵפֶס The editors of BHS propose to read as מֵאֵפֶס (compare to Targum and verse 29).

- and he is coming.  
 From east of the sun he will be called<sup>37</sup> by my name<sup>38</sup>,  
 and he will trample<sup>39</sup> prefects as cement,  
 and as an artist tramples clay.
- 26 Who has declared it from the beginning that we may know?  
 and beforehand that we may speak of its correctness?  
 Yea, there does not exist such a declarer.  
 Yea, there does not exist such a proclaimer.  
 Yea, there does not exist one who heard your words.
- 27 First to Zion--'Behold, behold them'<sup>40</sup>.  
 and to Jerusalem I give a herald of good tidings<sup>41</sup>.
- 28 But I look<sup>42</sup>, and there is no one,  
 and among these there are no prophets,  
 that I may ask them and they will return an answer.<sup>43</sup>
- 29 Behold, all of them are nothing<sup>44</sup>.  
 There is nothing to their works.  
 A breath and an empty void are their molten images.

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<sup>37</sup> MT reads יִקְרָא. The editors of BHS propose that it should probably be pointed as יִקְרָא (Niphal-he is called). Compare to LXX. This emendation is accepted in this translation.

<sup>38</sup> MT reads בְּשֵׁמִי. The editors of BHS suggest this should read as the 1QIs<sup>a</sup> בְּשֵׁמוֹ (in his name).

<sup>39</sup> MT reads וְיִבֵּא. The editors of BHS propose וְיִבֵּס (he will trample from בּוֹס to trample) or וְיִבֵּס (Qal of to tread). The editors first suggestion is taken here with the support of the NRSV, Watts (110), and Westermann (82).

<sup>40</sup><> MT reads הִנֵּה הַנֶּחֱמָה. The editors of BHS propose to read הִנֵּחֵי [I cause rest] or הִכְיִנֵחֵי [I establish] or אָמְנָה [I assign, appoint]. Another possibility is הִגְדִּיתִי [I declare] and מְרֵאשׁ replaces רֵאשׁוֹן.

<sup>41</sup> MT reads מִבְּשֵׁר. Perhaps this should read as מִבְּסַר [Aramaic 'he has accused'].

<sup>42</sup> MT reads וְאֵרָא. Vulgate has 'And I see'. Compare with Syriac and Targum. BHS suggests to read as a vav consecutive.

<sup>43</sup> See BDB 999. רָבַר with שׁוּב gives 'bring back word' = answer.

<sup>44</sup> MT reads אֵין. It is proposed with 1QIs<sup>a</sup> and Syriac to read as אֵין [nothing]. Compare with Targum and verse 24.

Isaiah 42

- 1 Behold, my servant<sup>45</sup>, whom I will support.  
 My very being is pleased with my chosen.<sup>46</sup>  
 I placed my spirit upon him;  
 justice<sup>47</sup> he will send upon the nations.
- 2 He will not cry out,  
 nor lift up (his voice).  
 He does not make his voice heard in the streets.
- 3 A crushed reed he will not break,  
 and a dimming wick he will not extinguish.<sup>48</sup>  
 For truth's sake he will send out justice.
- 4 He will not grow faint,  
 and he will not be crushed.<sup>49</sup>  
 Until he establishes justice in the land,  
 and the coastlands wait for his instructions.
- 5 Thus says the God Yahweh,  
 creator of the heavens and stretching them out;  
 spreading out the earth and its produce;  
 giving breath to the people upon it,  
 and spirit to those walking on it.
- 6 I, Yahweh, I called you in rightness  
 and I will strengthen<sup>50</sup> your hands.  
 I will keep you<sup>51</sup> and I will give<sup>52</sup> you as a covenant people  
 and as a light to the nations.

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<sup>45</sup> MT reads יהוָה. The LXX adds Ιααωβ [Jacob].

<sup>46</sup> MT reads בְּחֵירִי. The LXX places Ισραηλ [Israel] before 'my chosen'.

<sup>47</sup> MT reads מִשְׁפָּט. 1QIs<sup>a</sup> has וּמִשְׁפָּט [and his justice].

<sup>48</sup> MT reads יִכְבֶּנֶה. 1QIs<sup>a</sup> has יכבה [without suffix]. Compare with the versions.

<sup>49</sup> MT reads יִרוֹן. The LXX has θραυσθήσετα [passive]. Compare with Targum. The editors of BHS suggest reading as יִרוֹן [Niphal]. The LXX rendering provides a appropriate parallel with the first line.

<sup>50</sup> MT reads וְאַתְּוֶק. The editors of BHS suggest reading as a vav consecutive. Compare with Syriac, Targum and Vulgate.

<sup>51</sup> MT reads וְאַתְּרֶךְ. The editors of BHS suggest reading as a vav consecutive. Compare with Syriac and Vulgate.

- 7 To open blind eyes;  
to bring out prisoners from the dungeon;  
those dwelling in darkness, from a house of confinement.
- 8 I am Yahweh—that is my name.  
My glory I will not give to another,  
nor my praise to idols.
- 9 The former things—behold—they have come,  
and new things I am announcing.  
Before these things occur I will tell them to you.
- 10 Sing to Yahweh a new song,  
his song of praise to the end of the earth.  
‘Those descending to the sea’<sup>53</sup> and all that fills it,  
the coastlands and those dwelling in them.
- 11 Let the wilderness and its cities lift up (their voices),  
the villages that Kedar inhabits,  
those dwelling in Sela give a ringing cry.  
Let them shout from the mountain tops.
- 12 Let them give honor to Yahweh,  
and his praises proclaim in the coastlands.
- 13 Yahweh comes forth as a strong man;  
as a man of war he awakes angry.  
He raises a war cry;  
indeed he utters a roar.  
Upon his enemies he shows himself to be mighty.
- 14 I have been silent for a long time.  
I remain silent; I will restrain myself.  
for as one that delivers I will groan,  
I will pant and gasp together.
- 15 I will lay desolate the mountains and hills,  
and all their green herbage I will wither.  
I will turn rivers into coastlands,<sup>54</sup>  
and ponds I will dry up.
- 16 And I will cause the blind to walk in a way ‘they do not know’<sup>55</sup>,  
and in paths they do not know I will make them tread.

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<sup>52</sup> MT reads וְאַתְּנֶנּוּ. The editors of BHS suggest reading this as a *vav* consecutive. Compare with LXX, Syriac and Vulgate.

<sup>53</sup><> MT reads יוֹרְדֵי הַיָּם (those descending to the sea) The editors of BHS propose reading יַאֲדִירֵהוּ יָם [the sea glorifies him]. Westermann (*Isaiah 40-66*, 101) proposed to read the verb as יָעַם as in Psalm 96:11 and 98:7 (Let the seas roar). The MT rendering is retained here.

<sup>54</sup> MT reads לְאֵיִם. The editors of BHS propose reading לְצִיּוֹת [drought, BDB 851] or תְּלַאֲבִים [drought, BDB 520].

- I will make the dark places before them as light,  
and a twisted path a straight one.  
These are the words—I am doing them,  
and I am not abandoning them.
- 17 They are driven back;  
they will be ashamed greatly,<sup>56</sup>  
those trusting in an idol.  
The ones saying to molten images<sup>57</sup>, "You are our gods."
- 18 O deaf ones, "Hear",  
and blind ones "Look and see!"
- 19 Who is as blind as my servant,  
and deaf like my messenger whom I will send.  
Who is blind as the one in a covenant of peace<sup>58</sup>,  
and blind<sup>59</sup> as the servant of Yahweh.
- 20 You see<sup>60</sup> much  
and you do not observe.<sup>61</sup>  
The ears are open,  
but he does not hear.
- 21 Yahweh was delighted for the sake of his rightness,  
to cause [his] torah to become great  
and to cause [it] to be glorious<sup>62</sup>.
- 22 But this is a people spoilt and plundered;  
all of them ensnared in holes<sup>63</sup>,  
hidden in a house of confinement.  
They are plunder without a deliverer;  
as booty<sup>64</sup>, and no one is present saying, "Return."

<sup>55</sup> <> MT reads לא ידעו. The editors of BHS suggest this is an addition.

<sup>56</sup> MT reads בשת. This is absent in one manuscript.

<sup>57</sup> MT reads למסכה. The LXX and Syriac have a plural [molten images].

<sup>58</sup> MT reads כמשלם. The editors of BHS propose reading לחי --[my sent one].

<sup>59</sup> MT reads ועור. The editors of BHS suggest reading with 2 manuscripts and Symmachus which have 'and deaf'.

<sup>60</sup> MT reads רעית. The Ketib reads as ראית .

<sup>61</sup> MT reads תשמר. The editors of BHS propose with 2 manuscripts to read as a third person singular [he/ it will not keep].

<sup>62</sup> MT reads ויאדיר. The editors of BHS suggest reading דה --[with 3ms suffix, as translated]. Compare with 1QIs<sup>a</sup>.

- 23 Who of you will give ear to this,  
 who will incline his ear and hear concerning the things to come?
- 24 Who gave Jacob to plunderers,<sup>65</sup>  
 and Israel to spoilers?  
 Was it not Yahweh,  
 against whom we have sinned.  
 and they were not willing to walk in his ways  
 nor did they hear his torah?
- 25 So he poured upon him his great wrath,  
 and the fierceness of battle.  
 It consumed him from round about,  
 and he did not know it.  
 It burned him,  
 and he did not take it to heart.

### Isaiah 43

- 1 And now thus says Yahweh,  
 your creator, O Jacob,  
 and your maker, O Israel.  
 Do not fear,  
 for I have redeemed you;  
 by your name<sup>66</sup> I called you-<sup>67</sup> you are mine.
- 2 When you will cross over the waters, I am with you,  
 and the streams will not overtake you.  
 When you will walk through fire you will not be scorched,  
 and the flame will not burn you.
- 3 For I am Yahweh your God;  
 the Holy One of Israel who saves you.  
 I give as your ransom, Egypt;

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<sup>63</sup> MT reads **הִפְתּוּ בְּחֹרִים** The editors of BHS propose reading **הִפְתּוּ** [Hoph 3mp pf, they have been ensnared]. Compare to Targum. Also read **בְּחֹרִים** [young men]. Compare with LXX.

<sup>64</sup> MT reads **לְשָׂה** The editors of BHS suggest reading with 1QIs<sup>a</sup>, a few manuscripts, Syriac, Targum and Vulgate which has **לָהּ** [as booty].

<sup>65</sup> MT reads **לְמַשׁוֹטָה** The editors of BHS propose reading **לְמַשׁוֹטָה** [plunderers].

<sup>66</sup> MT reads **בְּשִׁמִּי** The editors of BHS suggest reading **בְּשִׁמִּי** (by my name). Compare with verse 7.

<sup>67</sup> MT reads **קָרָאתִי** The versions add the 2ms suffix. The object is made clear.

- Cush and Saba in your place.
- 4 How precious you are in my eye!  
You are honored  
and I myself love you.  
I give humankind<sup>68</sup> in your place,  
and the peoples in place of your life.
- 5 Do not fear  
for I am with you.  
From the East I will bring your seed,  
and from the West I will gather you;
- 6 saying to the north, "Give back",  
and to the south "Do not resist."  
Bring my sons from a distance,  
and my daughters from the ends of the earth.
- 7 All those called by my name,  
and created for my glory,<sup>69</sup>  
and formed.<sup>70</sup>  
Yea, I made him.
- 8 Lead out<sup>71</sup> a people who are blind  
yet have eyes,  
and deaf  
yet have ears.
- 9 All the nations are assembled together,  
and the peoples will be gathered.  
Who among them has declared this,  
or has proclaimed to us<sup>72</sup> former things?  
Who has given us their witness that they may be right,  
and hear and speak the truth?

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<sup>68</sup> MT reads אָדָם. The editors of BHS propose reading אֲדָמוֹת [land, foreign territories]. See HALOT 15 under אֲדָמָה .

<sup>69</sup> MT reads וְלִבְבוּדֵי. Several Manuscripts, Syrohexaplar, Syriac and Vulgate omit the vav so as to make this two separate phrases.

<sup>70</sup> MT יִתְרָתָיו. The editors of BHS suggest this should be deleted.

<sup>71</sup> MT reads הוֹצִיא. 1QIs<sup>a</sup> reads יאוּ-[plural]. 1QIs<sup>b</sup> reads ארציא [High Impf 1cs]. The Vulgate reads *educ*. The editors of BHS suggest reading as הוֹצִיא [High Impv]. HALOT (426) also suggests reading as an imperative. This suggestion is followed here.

<sup>72</sup> MT reads יִשְׁמְעֵנוּ. The Vulgate reads *audire nos faciet* [announced before us]. Compare with LXX and Syriac. The editors of BHS suggest to read as נַנְּ- [3ms+1cp suffix].

- 10 You are my witness-an oracle of Yahweh-  
and my servant<sup>73</sup> whom I have chosen,  
in order that you will know and have trust in me.  
Then you will understand that I am he.  
Before me there was no other god formed,  
and after me<sup>74</sup> there will be no one.
- 11 I, even I, am Yahweh,  
and there is no other apart from me who can save.
- 12 I myself declared,  
and saved,  
and announced,  
and there was no strange god among you.  
You are my witnesses-an oracle of Yahweh-  
that I am God.
- 13 Even from this day forward, I am he,  
and there is no other who can deliver from my hand.  
I work, and who can reverse it?
- 14 Thus says Yahweh,  
the one redeeming you,  
the Holy One of Israel,  
For you sake I send against Babylon,  
and I bring down all their bars<sup>75</sup>  
and the Chaldeans in the ships<sup>76</sup> of their lamentation.<sup>77</sup>
- 15 I am Yahweh, your Holy One,  
creator of Israel, your king.
- 16 Thus says Yahweh,  
who makes a way by the sea,  
and by the waters a strong path;  
17 who leads chariots and horses,

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<sup>73</sup> MT reads וְעַבְדֵי [and servants]. The Syriac has a plural. The editors of BHS suggest reading וְעַבְדֵי [and servants].

<sup>74</sup> MT reads וְאַחֲרַי [and another after me]. The editors of BHS propose reading וְאַחֲרֵי אַחֲרֵי [and another after me]. Compare with LXX.

<sup>75</sup> MT reads בְּרִיחִים [youth, HALOT 1, p118]. The editors of BHS propose reading בָּר [superior]. Or perhaps as בְּרִיחֵי כָּל אַבְנֵי [all your bars].

<sup>76</sup> MT reads בְּאֲנִיּוֹת [with lamentations]. The editors of BHS propose reading בְּאֲ [with lamentations].

<sup>77</sup> MT reads בְּאֲנִיּוֹת רִנָּתָם [in ships they will be bound]. The LXX reads ἐν πλοίοις δεθῆσονται [in ships they will be bound]. BHS suggests inserting אֵי [where] at the end of the sentence, comparing to 51:13. The entire line is unclear, and is translated as literally as possible.

- men of status and mighty men.  
 Together<sup>78</sup> they lie down not to rise again;  
 they are extinguished,  
 and they go out as a wick.
- 18 Do not remember the former things,  
 and the previous events do not bring to mind.
- 19 Behold I am making a new thing.  
 Now it will spring forth;  
 do you not know it?  
 Yea, I will make a way in the wilderness,  
 and streams<sup>79</sup> in the desert.
- 20 The beast of the field will honor me,  
 jackals and daughters of ostriches.  
 For I give water in the wilderness  
 and streams in the desert,  
 to give drink to my people, my chosen.
- 21 This people whom I formed for myself  
 that they may announce my praise.
- 22 But you do not<sup>80</sup> call to me, O Jacob,  
 for you grow weary of me, O Israel.
- 23 You do not bring the sheep of your burnt offerings to me,  
 and with your sacrifices<sup>81</sup> you do not honor me.  
 I have not burdened you with gifts,  
 and I have not exhausted you with offerings of frankincense.
- 24 You have not bought me a silver spice reed,  
 and you have not satisfied me with the fat of your sacrifices.  
 Instead, you burdened me with your sins;  
 you have wearied me with your transgressions.
- 25 I myself am he who annihilates your sins<sup>82,83</sup> for my sake,  
 and I will not remember your sins.

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<sup>78</sup> According to the MT accents, the phrase ends with 'mighty men.' BHS suggests to transpose the accent onto the 'together' and thereby complete the phrase.

<sup>79</sup> MT reads נְהָרוֹת 1QIs<sup>a</sup> reads נתיבות [a pathway--see HALOT, 732].

<sup>80</sup> MT reads וְלֹא. Perhaps this should be read with Syriac, one Targum<sup>f</sup> manuscripts, and the Vulgate as לא [lacks the conjunction].

<sup>81</sup> MT reads וְזִבְחֵיךָ 1QIs<sup>a</sup> reads as וּבְזִבְחֵיכָה [and with your (pl) sacrifices].

<sup>82</sup> <> MT reads לְמַאֲנֵי חַטָּאתֶיךָ. This is absent in the LXX, Syrohexaplat, Latin, Arabic and Ethiopian versions.

<sup>83</sup> MT reads חַטָּאתֶיךָ. The editors of BHS propose to delete the vav..

- 26 Remind me. Let us go to court  
to size you up so that you may be proved right.
- 27 Your fathers were the first to sin,  
and your envoys break out against me.
- 28 So, I profaned<sup>84</sup> your holy<sup>85</sup> princes<sup>86</sup>,  
and I gave<sup>87</sup> Jacob to destruction  
and Israel to defamation.

#### Isaiah 44

- 1 But now hear, O Jacob my servant,  
and Israel whom I have chosen.
- 2 Thus says Yahweh,  
your maker, and your forming one;  
from the belly he will help you.  
Do not fear, my servant Jacob,  
and Jeshurun whom I have chosen.
- 3 For I will pour out water upon the thirsty land,<sup>88</sup>  
and streams upon the dry land.  
I will pour out my spirit upon your seed,  
and my blessing upon your descendants.
- 4 They will sprout out as the grass<sup>89</sup>  
as willows upon the watercourse of water.
- 5 This one will say "I am Yahweh's,"  
and this one will call<sup>90</sup> the name of Jacob.

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<sup>84</sup> MT וְאֶחָלְלִי The LXX has καὶ ἐμίανον [and they profaned]-compare Syriac. BHS suggests to read as וְיִחָלְלוּ [and they will profane].

<sup>85</sup> MT reads קִדְּשׁ The editors of BHS suggest this be read as קִדְּשֵׁי [my holiness]-compare to LXX

<sup>86</sup> MT reads שְׂרָיִי The Codex Marchalianus (and related Syriac) has οἱ ἀρχιστράτες σου [your rulers]. The editors of BHS suggest reading שְׂרָיִךְ [your rulers].

<sup>87</sup> MT reads וְיָאֲתָנָה LXX (and related Syriac and Vulgate versions) have καὶ ἔδωκα [and I gave]. The editors of BHS suggest that it be read as a *vav*-consecutive.

<sup>88</sup> MT reads צְמָא The editors of BHS suggest reading צְמָא [absolute form]. Compare Syriac and Targum.

<sup>89</sup> MT reads כְּבֵיין 1QIs<sup>a</sup>, a few manuscripts of MT, LXX and Targum have כְּבֵין [comparative]. The editors of BHS suggest reading כְּבֵין.

- This one will write upon his hand<sup>91</sup> "for Yahweh,"  
and with the name of Israel he is called.<sup>92</sup>
- 6 Thus says Yahweh, King of Israel,  
and his redeemer, Yahweh of Hosts.  
I am the first and I am the last,  
and apart from me there is no god.
- 7 Who is like me?<sup>93</sup> Let him call out.  
Let him declare it  
and let him set it out before me;  
from the establishing of my enduring people to the coming things<sup>94</sup>,  
and that which will come, declare to me.
- 8 Do not be startled and do not fear;<sup>95</sup>  
have I not proclaimed it to you<sup>96</sup>  
and declared it beforehand?  
You are my witnesses.  
Is there another god besides me?  
There is no other rock<sup>97</sup>,  
none other that I know.
- 9 Those forming idols are all nothing,<sup>98</sup>

<sup>90</sup> MT reads יִקְרָא. The Symmachus Greek Translation has κληθήσεται [a subjunctive]. BHS suggests to read as יִקְרָא [Niphal-to be called].

<sup>91</sup> MT reads יָדוֹ. The LXX Codex Vaticanus, Aquila, Theodotion (and related Latin Version and Vulgate) has τῆ χειρὸς αὐτοῦ [by/with his hand]. BHS suggests to read as בְּיָדוֹ.

<sup>92</sup> MT reads יִכְנֶה. The Syriac, Targum and Vulgate have a passive. Read as יִכְנֶה [a Pual--see HALOT,483].

<sup>93</sup> MT reads קְמוּנִי. The LXX adds στήτω καὶ [let him stand and]. BHS suggests to insert וְיַעֲמֵד [let him stand and...].

<sup>94</sup> MT reads מִשׁוּמֵי עַם-עוֹלָם וְאֶתִית. The editors of BHS propose reading מִי הִשְׁמִיעַ מְעוֹלָם אוֹתִיּוֹת [who has declared the things coming in the distant future].

<sup>95</sup> MT reads תִּרְהוּ. The 1QIs<sup>a</sup> scroll reads תִּירָאוּ and this is the reading taken here.

<sup>96</sup> MT reads with a 2ms suffix. The editors of BHS suggest to drop the suffix, but there is no textual evidence to warrant this change.

<sup>97</sup> MT reads וְאִין צוֹר. It is proposed this read as וְאִם צוֹר (compare to LXX and Vulgate) which is rendered as "If there is a Rock. . ."

- esteeming what does not profit.  
 Their witnesses do not see or know  
 so that they will be ashamed.
- 10 Who forms a god  
 and casts an idol that will not profit?
- 11 Behold, all of its companions will be ashamed,  
 and the craftsmen are but human.  
 Let them gather together and stand;  
 let them be startled and ashamed together.
- 12 The iron craftsman<sup>99</sup> uses a tool  
 and works with the fire.  
 With a small hammer he fashions it<sup>100</sup>,  
 and he works it with his strong arm.  
 He becomes hungry,  
 and has no strength.  
 He drinks no water,  
 and becomes faint.
- 13 The craftsman of wood spreads out a string,  
 and traces with a stylus.  
 He manufactures it with a carving knife,  
 and with a circle he traces it.  
 He makes it as a construction of a man,  
 as the glory humanity to dwell in a house.
- 14 He cuts<sup>101</sup> a cedar for himself,  
 and he takes a cypress or an oak.  
 And he lets the tree of wood grow strong--he plants a laurel  
 and the rain lets it grow.
- 15 It will be used as firewood for a human,  
 and he will take part and warm himself.  
 He also will kindle fire and bake bread.  
 He also will make a god and they will bow down;  
 he made it into divine image  
 and he will bow down before it.

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<sup>98</sup> MT reads תָּהוּ. The editors of BHS propose תָּהוּ. Compare to arabic *taha* "he has forgotten."

<sup>99</sup> MT reads תָּרַשׁ. The editors of BHS suggest to read as יָקַד (from חָדַד) meaning "to sharpen." Compare to LXX and Syriac.

<sup>100</sup> MT reads יִצְרֶהוּ. The editors of BHS propose יִצְרֶהוּ "to drill, bore." Compare with LXX and Targum.

<sup>101</sup> MT reads לִכְרֵת. The editors of BHS suggest reading as כָּרַד or וַיִּכְרֵת. Compare to LXX and Vulgate.

- 16 Half he burns with fire-upon this half he eats a meal,  
 roasts<sup>102</sup> a roast and eats his fill.  
 He also warms himself and says to a brother, "I warm myself in front  
 of<sup>103</sup> the light."
- 17 Its remainder is for a god;  
 he makes it for his idol.<sup>104</sup>  
 He bows down to it and they worship.  
 He prays to it and says, "Save me for you are my god."
- 18 They do not know, they do not understand  
 for their eyes are besmeared from seeing  
 and their hearts from having insight.
- 19 He does not bring to his mind,  
 nor does he know or understand saying,  
 Half I burn in my fire, and I even bake bread upon its coals.  
 I roast a meal and eat.  
 Its excess I make for an abomination;  
 to a block of fuel wood I bow in prayer.
- 20 He gets involved in dust;  
 they entice a heart which is deceived.  
 He is not able to save his life,  
 and he does not say, "Is there not a deceptive thing in my right  
 hand?"
- 21 Remember these things, O Jacob  
 and Israel, for you are my servant.  
 I created you and you are a servant to me;  
 you have not been forgotten by me<sup>105</sup> O Israel.
- 22 I have wiped out your rebellion like a cloud,  
 and you sins as a mist.  
 Return to me for I have redeemed you.
- 23 Rejoice O heavens for Yahweh has done it.  
 Shout in triumph O lowest parts of the land.  
 Break into cheerful jubilation O mountains  
 and forests and all the trees within it,  
 for Yahweh has redeemed Jacob,  
 and through Israel he has shown his glory.

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<sup>102</sup> MT reads יֵצֵלָה יֵאָכֵל The LXX and the Syriac reverse the order of these two verbs.

<sup>103</sup> MT reads רְאִיתִי The 1QIs<sup>a</sup> reads נגד (in front of).

<sup>104</sup> MT reads לְפָסְלוֹ The LXX (so follow Syriac and Targum) does not have the 3ms sf.

<sup>105</sup> MT reads תִּזְכְּרֵנִי The Versions have an active verb here.

- 24 Thus says Yahweh your redeemer,  
the one who formed you in the womb.  
I am Yahweh who made all things,  
stretching out the heavens by myself  
spreading out the earth—who was with me?<sup>106</sup>
- 25 foiling the signs of the oracle priests;  
making a mockery of the fortune tellers.  
refuting the wise,  
and their knowledge he makes to look foolish;
- 26 upholding the word of his servant;<sup>107</sup>  
and completing the counsel of his messengers;  
speaking to Jerusalem "She will be inhabited"<sup>108</sup>,  
and to the cities of Jerusalem, "They will be built  
and the ruins I will lift up;"
- 27 saying to the depths of the sea "Dry up,"  
and to the sea currents, "I will cause you to dry up."
- 28 saying to Cyrus "My shepherd,<sup>109</sup>  
and all my wishes will be complete,"  
and saying<sup>110</sup> to Jerusalem, "She will be built"  
and to the temple,<sup>111</sup> "She will be founded."

#### Isaiah 45

- 1 Thus 'Yahweh says<sup>112</sup> to his anointed one,<sup>113</sup>  
Cyrus, whose right hand I have grasped;  
to subjugate<sup>114</sup> before him the nations,

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<sup>106</sup> MT reads **מִי אֲתִי** Multiple manuscripts and the Syriac read with the *Qere* **מִי אֲתִי** (by myself). 1QIs<sup>a</sup>, multiple manuscripts, LXX and Vulgate have **מִי אֲתִי** (who was with me).

<sup>107</sup> MT reads **עֲבָדוּ** The Alexandrian Codex of the LXX, and the Targum read as a plural (followed by the Arabic version).

<sup>108</sup> MT reads **תֹּשֵׁב** The 1QIs<sup>a</sup> scroll reads **תֹּשֵׁב** (she will return).

<sup>109</sup> MT reads **רַעִי** The editors of BHS propose **רַעִי** (my friend). Compare to LXX.

<sup>110</sup> MT reads **וְלֵאמֹר** The Syriac omits the conjunction. The editors of BHS suggest omitting the conjunction or reading **הֵאמֵר** (the one saying). Compare to LXX. The Arabic equivalent is a Qal 3ms *vav* consecutive **وَأَمْرًا** .

<sup>111</sup> MT reads **וְהֵיכַל** The Vulgate (also Syrohexaplar) reads *et templo* . The editors of BHS suggest reading **וְהֵיכַל** .

- and I will lay bare the loins of kings;  
to open doors before him,  
and the gates will not be shut.
- 2 I myself will walk before you,  
and mountains<sup>115</sup> I will smooth over<sup>116</sup>.  
Doors of bronze I will shatter,  
and bars of iron I will cut down.
- 3 I will give to you treasures of darkness,  
and treasures in secret places  
in order that you may know that I am Yahweh,  
the one who calls you by your name, the God of Israel;
- 4 for the sake of my servant Jacob  
and my chosen one Israel;  
I call you by your name.  
I give you a name of honor  
though you do not know me.
- 5 I am Yahweh, and there is no other;  
except for me there is no god.  
I embrace you close,  
though you do not know me.
- 6 So that you may know  
from the rising of the sun to its setting<sup>117</sup>  
that there is no other besides me.  
I am Yahweh and there is no other;
- 7 forming light and creating darkness;  
making wholeness and creating evil;  
I am Yahweh, maker of all these things.

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<sup>112</sup> <> MT reads אָמַר יְהוָה. The editors of BHS propose reading אָמַרְתִּי (Qal Perfect 1cs of "to say").

<sup>113</sup> MT reads לְמִשְׁחוֹ. The LXX (Vulgate) read τὸν μου χριστὸν (my Christ). The editors of BHS suggest reading חִי-(add 1cs sf).

<sup>114</sup> MT reads לָרֶד. The editors of BHS suggest reading רָדַד (from רָדַד meaning to conquer), as this is the more common pointing of the construct form.

<sup>115</sup> MT reads וְהַרְדִּים (swellings) Read with 1QIs<sup>a</sup> and LXX וְהַרְרִים (mountains). 1QIs<sup>b</sup> reads וְהַרְרִים (mountains).

<sup>116</sup> MT reads אָשֶׁר. The Ketib reads אִשָּׁר (a Qal Impf 1cs "to be straight").

<sup>117</sup> MT reads וּמִצְרָכָה. The margin of the Marchaliani codex, Symmachus, and Theodotion (also followed by Syriac, one Targum F manuscript and the Arabic version) include a 3 person pronoun. The editors of BHS suggest that this suffix be included.

- 8 Trickle, O heavens, from above,  
and let the clouds rain righteousness.  
Let the earth open up<sup>118</sup>,  
and let the fruit of salvation be born;<sup>119</sup>  
and let righteousness sprout up also.  
I am Yahweh. I created it.
- 9 Woe to the one who contends with his maker,  
a potsherd among the pots of the ground.  
How can the clay say to his maker, "What are you making?"  
or "You work has no handles."<sup>120</sup>
- 10 Woe to the one saying to father, "What are you begetting?"  
and to a women, "With what are you laboring?"
- 11 Thus says Yahweh, the Holy One of Israel and its maker,  
Will you ask me the things to come concerning my children,  
and will you command me concerning the works of my hands?"
- 12 I myself made the land,  
and I created humans upon it.  
My hands stretched out the sky  
and commanded all their host.
- 13 I am the one exciting him into motion in righteousness,  
and all his paths I will straighten.  
He will build my city,  
and send away my exiles<sup>121</sup>  
without a purchase price and without a bribe,"  
says Yahweh of Hosts.
- 14 Thus says Yahweh,  
The acquisition of Egypt, the trading profit of Cush, and Sabeans, men  
of stature-  
to you they will cross over and they will be yours.  
After you they will walk; in fetters they will cross over;  
to you they will bow down, and to you they will pray,  
"Only God is with you, and there is no other, no other gods."

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<sup>118</sup> MT reads תִּפְתַּח. The Syriac, one manuscript of Targum and the Vulgate all read as a passive.

<sup>119</sup> MT reads יִפְרוּ. Manuscripts of LXX and the Vulgate read a singular. The 1QIs<sup>a</sup> scroll reads as ויפרח (3ms of "to sprout, shoot"). It is translated as a singular above though the verb remains the same as the MT.

<sup>120</sup> MT reads וּפְעָלָךְ אֵין-יָדַיִם לוֹ. BHS suggests to read as לְךָ . . . וּפְעָלוֹ following the reading of the LXX and Syriac texts.

<sup>121</sup> MT reads גְּלוּתַי. The LXX (followed by Targum) adds "my people." The editors of BHS suggest inserting "my people" into the text.

- 15 Surely  
You are a God who hides himself;  
the God of Israel who saves.
- 16 They are embarrassed  
and they are ashamed, all of them.  
Together they walk in shame, the makers of idols.
- 17 Israel is saved by Yahweh,  
an everlasting salvation;  
You will not be embarrassed  
and you will not be ashamed, until the end of time.
- 18 For thus says Yahweh,  
creator of the heavens, he is God;  
former of the earth, he made it, he established it.  
Not as a void did he create it;  
as a dwelling place he formed it.  
"I am Yahweh and there is no other."
- 19 Not in secret have I spoken,  
in place of the darkened earth.  
I did not say to the seed of Jacob, 'Seek me in the void.'<sup>122</sup>  
I am Yahweh, who speaks righteousness, who announces what is right.
- 20 Assemble yourselves and come;  
get moving together,<sup>123</sup> O survivors of the nations.  
They do not know, those lifting up their idols of wood,  
or those praying to an God who cannot save.
- 21 Announce and present;  
also consult together.  
Who has made this heard beforehand,  
from long ago announced it.  
Was it not I, Yahweh? There is no other god before me;  
a God of righteousness and salvation-  
there is no other except me.
- 22 Turn to me, and be saved;  
all the ends of the earth;  
for I am God and there is no other.
- 23 By myself I swear,  
righteousness goes forth from my mouth;

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<sup>122</sup> MT reads תהו בְּקִשּׁוֹנֵי. The editors of BHS propose בְּתהו. However, sense can be given from position and meaning in Hebrew poetry, so the emendation is not necessary. Watts suggests that the word תהו may be "an accusative of place" though that is unclear (160, note 19<sup>a</sup>).

<sup>123</sup> The MT has יָחִידוּ (together). The 1QIsa<sup>a</sup> scroll has ואתיו (and come). The NRSV moves the "together" to the first phrase—"Assemble yourselves and come together, draw near, survivors of the nations!"

- a word that will not return.  
 For to me all knees will bow,  
 all tongues will confess.
- 24 However,  
 in Yahweh, one said to me,  
 are rightness and strength.  
 To him they will come  
 and they will be ashamed,  
 all those incensed against him.
- 25 In Yahweh they will be right  
 and they will boast,  
 all the seed of Israel.

### Isaiah 46

- 1 Bel bows down, Nebu is stooping;<sup>124</sup>  
 their idols are <sup>^</sup>on beasts and animals.  
 These things you carry are burdensome;  
 a burden for the faint.<sup>>125</sup>
- 2 They stoop; they bow down together.  
 They are not able to deliver a burden  
 but they themselves go into captivity.
- 3 Listen to me, house of Jacob  
 and all the remnant of the house of Israel,  
 who were carried by me from birth,  
 who were carried by me from the womb.
- 4 Until old age I am he,  
 and until the time of gray hair I myself will bear the burden.  
 I, myself, made it<sup>126</sup>  
 and I, myself, will lift it up.  
 I, myself, will bear the burden  
 and I will deliver.
- 5 To whom will you compare me  
 and to whom will you liken me?  
 To whom will you compare me that we may be alike?
- 6 Those lavishing gold from a purse,

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<sup>124</sup> MT reads קרס Some versions have a finite verb (he stoops קרס ).

<sup>125</sup> MT reads לתיה ולבהמה נשאתיכם עמוסות משא לעיפה The editors of BHS propose reading לתיה במעמסות לבהמה עיפה—(their idols are) ] a burden, like a load for a beast, for a weary animal to carry.

<sup>126</sup> MT reads עשיתי It is proposed that this read "I carry a load" (Qal 1cs pf עמש).

- and weigh silver in the reeds with scales?  
 They hire a smelter  
 and he makes it into a god.  
 They prostrate themselves in worship,  
 indeed they bow down.
- 7 They will lift it up on shoulders and carry it.  
 Then they set it on its place, and it stands;  
 from its place it will not move.  
 Even though one should cry out to him,  
 it will not answer;  
 from his distress it cannot save him.
- 8 Remember this and consider,  
 bring it back to heart transgressing ones!
- 9 Remember the former things of long ago  
 for I am God, and there are no other gods,  
 God, and there is none other like me-
- 10 declaring the end from the beginning,  
 and from beforehand those things not yet done,  
 saying "My counsel stands and all my good pleasure I will do<sup>127</sup>,"
- 11 calling from the east a bird of prey;  
 from distant lands a man of my counsel.<sup>128</sup>
- Surely, I have spoken  
 and surely I will bring it about.  
 I have formed the plan,  
 and surely I will do it.
- 12 Listen to me, strong<sup>129</sup> of heart,  
 who are far from righteousness.
- 13 I bring near my deliverance;  
 it is not distant and my deliverance tarries not.  
 I will put salvation in Zion,  
 for Israel, my glory.

### Isaiah 47

- 1 Go down and sit in the dust, O maiden daughter of Zion.

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<sup>127</sup> MT reads אַעֲשֶׂה 1QIsa<sup>a</sup> reads יעשה, a 3ms Qal impf (he will do), or a Niphal (it will be done).

<sup>128</sup> MT reads עֲצָתוֹ 1QIs<sup>a</sup> and the Ketib read עֲצוֹתוֹ (his counsel). The LXX follows the Qere 'my counsel'.

<sup>129</sup> MT reads אֲבִיָּרִי The LXX reads οἱ ἀπολωλεκότες (those who are perished of heart).

- Sit on the ground; <sup>130</sup>there is no throne, O daughter of the Chaldeans.
- 2 Seize the handmill and grind flour.  
Remove your veil.  
Take off the skirt.<sup>131</sup>  
Uncover the legs.  
Wade through the rivers.
- 3 Your nakedness will be uncovered;  
your disgrace will be seen.  
I will take vengeance,  
and I will not consult<sup>132</sup> anyone.
- 4 Our redeemer-<sup>133</sup> Yahweh of hosts is his name,  
the Holy One of Israel.
- 5 Sit silently and go into hiding, daughter of the Chaldeans,  
for they will no longer call you the queen of kingdoms.
- 6 I was angry with my people;  
I profaned my inheritance,  
I gave into your hand;  
you showed them no mercy!  
Upon the aged you made a yoke exceeding heavy.
- 7 And she said,  
"Forever I will be queen mother."<sup>134</sup>  
Still, you did not take these things to heart,  
and you did not remember its end.
- 8 Now hear this, O lover of luxury,  
who dwells in security,  
saying in her heart, "I am and there is no other.  
I do not dwell as a widow.  
I do not know bereavement."
- 9 These two will come upon you abruptly in a single day;  
bereavement and widowhood.  
According to their full measure they will come<sup>135</sup> against you;

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<sup>130</sup> MT reads אֵין־כֶּסֶף This phrase is missing in the LXX Vaticanus.

<sup>131</sup> MT reads שָׁרָל 1QIs<sup>a</sup> reads שָׁרָיִךְ (your skirts).

<sup>132</sup> MT reads וְלֹא אֶפְגָּע Symmachus (also Vulgate) reads ἀντιστήσεται (he will oppose). The editors of BHS suggest reading וְיִפְגַּע (no one will oppose me).

<sup>133</sup> MT reads גַּאֲלוֹנוּ The LXX, the Old Latin version, Syrohexaplar, Ethiopic and Arabic all prefix this verse with "he said."

<sup>134</sup> MT reads וְעַד This is missing in the LXX. The accents of MT suggest this term be taken with the next line, though the line division (and BHS's suggestion) suggests the line should read "I will go on being queen forever."

- even in the multitude of your sorcery  
and in the strength of your many spells.
- 10 You continue to trust in your evil,<sup>136</sup>  
and say, "No one sees me."  
Your wisdom and your knowledge will led you astray.  
and you say in your heart, "I am and there is no other."
- 11 Calamity will come<sup>137</sup> upon you,  
and you will not know its dawning.  
Destruction will fall upon you,  
and you will not be able to avert it.  
Disaster will come upon you suddenly,  
and you will not know.
- 12 Stand up with your spells,  
and with the multitude of your sorceries  
by which you have striven for since your youth.  
Maybe you will be able to profit.  
Maybe you will inspire terror.
- 13 You wearied yourself with your counsel;<sup>138</sup>  
let the astrologers<sup>139</sup> and the star gazers stand and save you;  
informing at the new moon that which will come upon you.
- 14 Behold, they are like stubble;  
fire will burn them.  
They could not escape with their lives,  
from the hand of the flame.  
There will not be the glow of charcoal to grow warm,  
or a fire to sit in front of.
- 15 Thus are those with whom<sup>140</sup> you have striven,  
your fellow traders<sup>141</sup> from their youth.  
Each will wander in their own way;

<sup>135</sup> MT reads **בָּאוּ** The LXX (followed by the Syrohexaplar, Syriac, Targum and Arabic version) read as **ἦλθον**. The editors of BHS suggest to read as an imperfect and this fits well into the context here and is supported by the LXX reading.

<sup>136</sup> MT reads **בְּרַעְתֶּךָ** 1QIs<sup>a</sup> reads **בִּרְעַתְךָ** (in your knowledge).

<sup>137</sup> MT reads **וּבָא** The editors of BHS suggest to read with 1QIs<sup>a</sup> **וּבָאָה** (the 3fs form).

<sup>138</sup> MT reads **עֲצֹתֶיךָ** The LXX (followed by Syriac and Vulgate) have "in your counsel meetings." The Targum has the proper singular form (your counsel). HALOT suggests to read with the 1QIs<sup>a</sup> **עֲצֹתְךָ** (your counsel).

<sup>139</sup> MT reads **הַבְּרוֹ שָׁמַיִם** (literally "dividers of the heavens). The 1QIs<sup>a</sup> reads **חֹבְרֵי**. The Ketib reads **הַבְּרוֹ** (they divide).

there is none who can save you.

### Isaiah 48

- 1 Hear this, O house of Jacob;  
those who are called by the name Israel,  
and came forth from the loins<sup>142</sup> of Judah,  
who swear by the name of Yahweh,  
and remember the God of Israel,  
neither in truth or in righteousness.
- 2 For they call themselves after the Holy City,  
and they lean upon the God of Israel;  
Yahweh of Hosts is his name.
- 3 The former things I announced long ago,  
and they went out from my mouth,  
and I made them known.  
Suddenly, I did it,  
and they occurred.
- 4 Since I knew that you were stubborn,  
and your neck is a tendon of iron,  
and your forehead is bronze.
- 5 But I declared to you long ago,  
before it had come to pass I make it known to you,  
lest you say, "My idol<sup>143</sup> made them,"  
or "My idol and my cast statue commanded them."
- 6 You can hear, so hear all of it.  
But you, will you not declare it?  
I make known to you a new thing from now on;  
secret things that you have not known.
- 7 Now they are created,  
and are not from of old;  
before the day and you have not heard them,  
lest you say, "Behold I knew!"

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<sup>140</sup> MT reads אֱשֶׁר The editors of BHS suggest reading with 2 manuscripts, Syriac, Targum and Vulgate 'בָּא' .

<sup>141</sup> MT reads סִחְרִיךָ HALOT suggests to read as שִׁחְרִיךָ (your soccerers).

<sup>142</sup> MT reads וּמִמֵּי The editors of BHS propose reading as וּמִמְעֵי following 1QIs<sup>a</sup> rendering of Isaiah 39:7.

<sup>143</sup> MT reads עֲצָבִי The Cairo Geniza reads עֵצִי. The Targum reads *dhltj* and this compares to LXX, Syriac and Vulgate.

- 8 Neither did you hear,  
nor did you know,  
nor from long ago was your ear open;<sup>144</sup>  
for I know you are very treacherous,  
and you were called a rebel from the womb.
- 9 For the sake of my name I refrain from my anger,  
and for the sake of my praise I will restrain myself from you,  
lest I cut you off.
- 10 Behold, I am smelting you,  
but not as silver.  
I have examined you<sup>145</sup>  
in the smelting furnace of misery.
- 11 For my own sake, for my own sake I do it,  
for why should it be profaned.<sup>146</sup>  
I will not give my glory to another.
- 12 Listen to me, O Jacob,  
and Israel whom I have called.  
I am he; I am the beginning,  
even as I am the end.
- 13 Surely my hand established the earth,  
and my right hand established the heavens;  
when I call to them, they stand together.
- 14 <sup>147</sup>Assemble, all of you,<sup>147</sup> and hear;<sup>148</sup>  
who among them<sup>149</sup> has announced these things?  
Yahweh loves him,  
and he will do what he wishes against Babylon,  
and his arm<sup>150</sup> is against the Chaldeans.

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<sup>144</sup> MT reads פתחה פתחה. The editors of BHS suggest reading with Cairo Geniza, Syriac and Vulgate פ (Pual-a passive), or with 1QIs<sup>a</sup> and Targum פתחה (Qal Pf 2ms).

<sup>145</sup> MT reads בחרתיך בחרתיך. 1QIs<sup>a</sup> reads בזנתיכה (Qal 1cs Pf from בחר "to examine").

<sup>146</sup> MT reads כי אידל אידל. 1QIs<sup>a</sup> reads אידל (1cs-I will be profaned). The Syriac and Vulgate read as a 1cs-"I profane." The LXX adds "my name" as the direct object of the verb.

<sup>147</sup> MT reads הקבצו כלכם. 1QIs<sup>a</sup> reads יקבצו כולם (let all of them assemble). Compare to LXX.

<sup>148</sup> MT reads וישמעו וישמעו. 1QIs<sup>a</sup> and LXX read וישמעו (and let them hear).

<sup>149</sup> MT reads בהם. The editors of BHS suggest reading with multiple manuscripts, Syriac, and one Targum manuscripts as בכם (against you).

<sup>150</sup> MT reads זרעו. The LXX reads σπέρμα (seed).

- 15 I, even I, I have spoken;  
surely I have called him.  
I brought him, and his way was made successful.<sup>151</sup>
- 16 Draw near to me and hear this;  
I did not speak in secrecy from the beginning.  
From the time of its coming into being I was there;  
and now "the Lord Yahweh"<sup>152</sup> sends me and his spirit.
- 17 For thus says Yahweh, your redeemer,  
the Holy One of Israel.  
I am Yahweh your God,  
who teaches you for your own good,  
who leads you in the way you should go.
- 18 If only you would listen to my commandments.  
Then you would have peace as a river,  
and success as the waves of the sea.
- 19 Then your seed would be like the sand,  
and your offspring like its grains.  
Its name<sup>153</sup> would not be cut off,  
or destroyed before me.
- 20 Come forth from Babylon.  
Flee from the Chaldeans.  
With a voice of jubilation declare it;  
announce this thing;  
send it forth to the ends of the earth.  
Say, "Yahweh has redeemed his servant Jacob."
- 21 They did not thirst,  
when he led them in desert places.  
He made water flow from a rock;  
he split open the rock and water gushed forth.
- 22 There is no peace, Yahweh says, for the wicked!

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<sup>151</sup> MT reads וְהַצִּילֵיחַ The LXX (similarly Syriac and Targum) read καὶ εὐδόωσα (and I made [his way] prosper).

<sup>152</sup> MT reads אֲדַבְּרֵי יְהוָה This is absent in the LXX and Arabic.

<sup>153</sup> MT reads שְׁמוֹ The LXX reads with a 2ms sf.