

MARTIN ASIEDU-PEPRAH

Johannine Sabbath Conflicts As Juridical Controversy

*Wissenschaftliche Untersuchungen
zum Neuen Testament 2. Reihe*

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Mohr Siebeck

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Martin Hengel und Otfried Hofius

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Peter Ambrose Kwame Peprah
(alias Baffour Kwame Fosu)
1934-1994

In Memoriam

Preface

The following study was presented as a doctoral dissertation at the Australian Catholic University (St. Patrick's Campus, Melbourne) in the first semester of the 2000 academic year. My interest in the Johannine Sabbath Conflicts (5 and 9:1-10:21) which are the object of this study goes back to my student days at the Pontifical Biblical Institute in Rome (1993-97). As part of my personal reading on the Fourth Gospel, I became aware of the widely held position that the Johannine controversy narratives correspond to a "trial," but I found the reasons advanced in support of this position less than convincing and felt the desire to research further into this area. This vague initial interest in the juridical aspect of the Fourth Gospel began to take shape during my third year at the Biblicum following a course I did with Prof. Pietro Bovati, S.J., on the Old Testament "Prophetic *rîb*-pattern." The course not only introduced me to a new interpretation of the OT *rîb*-pattern, but it was also to shape in a very significant way my understanding of the juridical metaphor of the Fourth Gospel, and was to lead eventually to the doctoral research which has resulted in the interpretation of the Johannine Sabbath Conflicts presented in this book.

I am very pleased to acknowledge the help and encouragement of the many people who have been influential in my academic pursuit, and especially in the doctoral research which has resulted in the book being published.

I am grateful to my Ordinary, Rt. Rev. Joseph Osei-Bonsu, Bishop of Konongo-Mampong (Ghana), for his encouragement and assistance during my years of study. I thank him especially for making it possible for me to spend three months in Rome in order to avail myself of the vast resources of the Biblical Institute research library. I would also like to acknowledge here his keen interest in my academic work which has always been a great source of motivation for me, as well as his commitment to the formation of a diocesan clergy capable of responding adequately to the challenges of our times. I would also like to express my thanks to Rt. Rev. Peter Sarpong, Bishop of Kumasi, for sending me to the Biblical Institute for the licentiate programme.

I am profoundly indebted to Prof. Francis J. Moloney, S.D.B., and Dr. Mary Coloe, P.B.V.M., who supervised my doctoral research at the Australian Catholic University. Not only have I benefited greatly from Prof. Moloney's excellent exegetical insights and his erudition as a Johannine scholar, but also from the many critical issues he raised and discussed with me in the course of the work. It is also a particular pleasure to acknowledge his

friendship and encouragement. Dr. Mary Coloe always read my work attentively and I thank her sincerely for her pertinent suggestions and observations. Gratitude must also be expressed to the great teachers with whom I was privileged to study at the *Facultés Catholiques de Kinshasa* (Democratic Republic of Congo) and at the Pontifical Biblical Institute in Rome for their tireless and excellent teaching. I would like to single out in particular Prof. Pietro Bovati, S.J., of the Biblical Institute to whom I am most grateful for accepting generously to read through the first chapter of the present study.

My thanks are due to the Research Degrees Committee of the Australian Catholic University for awarding me the necessary scholarships to undertake the research which has resulted in the present thesis. In the course of its elaboration, sections of this work were presented at two Postgraduate Seminars of the School of Theology (Victoria). I would like to acknowledge here the helpful comments and observations offered by those in attendance. I am also grateful to the members of the Redemptorist community in Kew with whom I lived during my years of study in Melbourne. I thank them for the congenial surroundings in which this doctoral dissertation was written and also for their support and friendship. I thank in particular Fr. John Carnie, C.Ss.R, for his careful reading of the final draft of this book. However, I am responsible for all that appears in the pages that follow and therefore any remaining errors are my own.

The examiners of this dissertation, Prof. Brendan Byrne, S.J., Prof. Raymond F. Collins and Prof. Dorothy A. Lee, have all offered insightful comments and I am grateful to them. I would also like to express my thanks to Prof. Dr. Martin Hengel for his observations and for his recommendation that this work be included in the series *Wissenschaftliche Untersuchungen zum Neuen Testament 2. Reihe* (WUNT II). My thanks also goes to Herr Georg Siebeck and his staff at Mohr Siebeck who oversaw the production of this book. I am particularly indebted to Frau Ilse König for her professional and expert assistance.

I am particularly grateful to my family and circle of close friends who have been special all along and have always been a source of great inspiration and encouragement. May all of them, especially my mum Cecilia Adu-Peprah, Akwasi Peprah, Rose Achiaa-Peprah, as well as Sr. Adwoa, Obaa Yaa Ohenewaa, Gabby, Herr Dekan Herbert Lang (Wemding, Germany), Rev. Matteo Rizzo (Brooklyn, N.Y.) and all my many good and loyal friends know that what I owe them is beyond anything words can express.

Melbourne, October 18, 2000

Martin Asiedu-Peprah

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Abbreviations

The system of abbreviations for Periodicals, Reference Works and Serials used in this study is the standard one found in S. M. Schwertner, *International Glossary of Abbreviations for Theology and Related Subjects*. 2nd ed. Berlin: W. de Gruyter, 1992. Accordingly, the list given below contains only those abbreviations which are not found in the 1992 edition of Schwertner's work.

<i>ABD</i>	<i>The Anchor Bible Dictionary</i> . D. N. Freedman, ed. 6 vols. New York: Doubleday, 1992.
<i>ABRL</i>	Anchor Bible Reference Library.
<i>BAGD</i>	W. Bauer, W. F. Arndt, F. W. Gingrich, and F. W. Danker, <i>A Greek-English Lexicon of the New Testament and Other Early Christian Literature</i> . 2nd ed. Chicago: University of Chicago Press, 1979.
<i>EDNT</i>	<i>Exegetical Dictionary of the New Testament</i> . H. Balz, and G. Schneider, eds. 3 vols. Grand Rapids: Eerdmans, 1990-93.
<i>OPTAT</i>	<i>Optional Papers in Translation And Textlinguistics</i>
<i>T&S</i>	<i>Theology and Sexuality</i> .

Introduction

Justification and Purpose of the Research

There is unanimity among Johannine scholars that one distinctive characteristic of the Fourth Gospel is the fact that the evangelist presents Jesus as caught in long-drawn out juridical confrontations between himself and “the Jews.”¹ It is generally acknowledged in this regard that Théo Preiss was the first to have drawn attention to the importance of the Johannine juridical metaphor for a correct understanding of the theological thought of the Fourth Gospel.² The importance of the juridical metaphor as a hermeneutical key to Johannine thought can be seen in the fact that much of what the Fourth Gospel has to say concerning the identity of Jesus as well as his soteriological significance is embedded in episodes in which legal terminology and imagery is frequently used. This is especially evident in the long episodes found in 5:1-10:42.

Over the last fifty or so years since the work of Preiss, scholars have studied the Johannine juridical metaphor and have invariably described it as corresponding to the narrative genre of “judicial proceedings,” or “trial scene.” In the words of de la Potterie, “the whole life of Jesus is presented in the Fourth Gospel within the juridical framework of what is called ‘the great trial’.”³ On his part, V. C. Pfitzner is of the opinion that “the whole Gospel develops a courtroom scene in which the Son of God, who has come to earth,

¹ The term “Jews” is understood throughout the present study as a reference to one of the characters within the narrative world of the Fourth Gospel. It does not refer to the Jewish people and will therefore always be placed within quotation marks. See below, 67-68, n. 67 for a further comment on this issue.

² T. Preiss, “La justification dans la pensée johannique,” in *Hommage et reconnaissance*. (FS. Karl Barth). Cahiers Théologiques de l'Actualité Protestante, hors-série no. 2. (Neuchâtel: Delachaux et Niestlé, 1946) 100-118; English translation: “Justification in Johannine Thought,” in *Life in Christ*. Studies in Biblical Theology 13. (London: SCM Press, 1954) 9-31. All references to this article will be to the English translation. The term “Johannine” is used throughout this study without intention to imply anything about the precise identity of the author(s) of the Fourth Gospel.

³ I. de la Potterie, “The Truth in Saint John,” in *The Interpretation of John*, 2nd ed. ed. J. Ashton, 67-82. (Edinburgh: T & T Clark, 1997) 76. See also S. Pancaro, *The Law in the Fourth Gospel: The Torah and the Gospel. Moses and Jesus, Judaism and Christianity according to John*. NT.S 42. (Leiden: E. J. Brill, 1975) 1, who describes the confrontation between Jesus and “the Jews” as “an impressive juridical trial.” A more detailed discussion of this point will follow in chapter one of the present study.

is on trial for his Sonship.”⁴ However, this interpretation of the Johannine juridical metaphor as a forensic process is fraught with many difficulties and inconsistencies. For instance, the fact that a forensic process presupposes a trilateral procedure consisting of an accuser, a defendant and a judge leaves this interpretation vulnerable to severe and justified criticism, since the juridical confrontations between Jesus and “the Jews” appear to be essentially bilateral in nature. This and many other difficulties associated with the current interpretation justify the need for a new scholarly investigation on the precise nature of the Johannine juridical metaphor. This is what the present study proposes to do.

The study intends to take a fresh look at the Johannine juridical metaphor by examining the two Sabbath conflict narratives in Jn 5 and 9:1-10:21.⁵ In doing so, the study will attempt to pursue a three-fold objective:

- i. to determine the precise nature of the juridical metaphor used in the two narratives and on the strength of it, to undertake a critical reading of the texts under study with the view to shedding new light on their meaning.⁶

⁴ V.C. Pfitzner, “The Coronation of the King: Passion Narrative and Passion Theology in the Gospel of John,” *LITJ* 10 (1976) 2.

⁵ I consider Jn 9:1-41 and 10:1-21 as constituting a single narrative unit. Firstly, from the literary point of view, there is no change of place or time between the two narratives and the use of the “amen-amen” formula in 10:1 clearly shows that there is no break between 9:1-41 and 10:1. See H. van den Bussche, *Jean. Commentaire de l'Evangile Spirituel*. (Bruges: Desclée de Brouwer, 1976) 326-327, who rightly emphasizes that “la formule solennelle d'introduction ‘en vérité, en vérité, je vous le dit’ (10:1) ajoute toujours dans Jean à ce qui précède un argument nouveau et plus vigoureux, mais n'introduit pas un autre sujet. L'allégorie suivante est donc rattachée à l'histoire de l'aveugle-né.” Secondly, from the thematic point of view, the discourse in 10:1-18 is addressed to the Pharisees whom Jesus accuses of being blind in 9:40-41. Thirdly, Jn 10:1-21 ends with a reference to the miracle in 9:1-41 and to the division which it occasioned among the Pharisees (Jn 10:19-21. cf. Jn 9:16). E. C. Hoskyns is therefore right when he asserts that “the two chapters... stand in the closest possible relationship, and the Evangelist presupposes the ability of his readers to recognize it.” See E. C. Hoskyns, *The Fourth Gospel*. 2nd ed. (London: Faber and Faber Limited, 1947) 366. See also G. R. Beasley-Murray, *John*, WBC 36. (Waco: Word Books, 1987) 148; F. J. Moloney, *Signs and Shadows. Reading John 5-12*. (Minneapolis: Fortress Press, 1996) 129-130. R. Schackenburg however disagrees with the idea that 10:1-21 can be separated from 10:22ff and maintains that “no hiatus of any kind occurs subsequent to v. 21, since the metaphor and subject of shepherd and sheep (vv. 26-29) link up so closely with vv. 1-18.” See R. Schackenburg, *The Gospel according to St John*. 3 vols. HTC 4/1-3. (London: Burns & Oates, 1980) 2: 275. See also G. Mlakuzhyil, *The Christocentric Literary Structure of the Fourth Gospel*, AnBib 117. (Rome: Biblical Institute Press, 1987) 205-208. He is of the opinion that, given the difference in the characteristic vocabulary and literary genre between Jn 9 and 10:1-21, they should be understood as two distinct literary units (see 208, and n. 344).

⁶ By “critical reading of the text,” I intend a systematic “analysis of the developing responses of the reader in relation to the words as they succeed one another in time.” See S.

- ii. to examine the role of this specific juridical metaphor in the two narratives. The question here is: for what purpose and how is this specific juridical metaphor used within the framework of the two narratives?
- iii. to explore the historical setting of the two narratives and to infer from it the social function which the juridical metaphor would have played within the Johannine *Sitz im Leben*.

The basic thesis of the study may be summed up as follows:

- i. Jn 5 and 9:1-10:21 correspond in a general way in their *form and content* to the *controversy as a juridical procedure* as found in the Old Testament.
- ii. This distinctive narrative genre is used for the rhetorical purpose of the christological persuasion of the reader.
- iii. The juridical controversy would have functioned, among other things, as an *appeal* to non-Christian Jews within the Johannine *Sitz im Leben*.

The two narratives under study have each been separately the subject of a number of monographs and a considerable number of scholarly articles.⁷ However, to my knowledge, no attempt has been made at an in-depth monographical study of the two narratives together, nor has there been a study of the juridical aspect of the Sabbath conflict motif as a hermeneutical key to the understanding of the purpose and social function of the christology of the two narratives within its historical context.⁸ The present study therefore attempts to fill this gap.

Fish, *Is There a Text in This Class? The Authority of Interpretive Communities*. (Cambridge MA: Harvard University Press, 1980) 26.

⁷ See for example J. Bernard, *Jean V et le Jésus de l'histoire: critique de la religion ou histoire des religions?* diss. Université de Lille, III, 2 vols., 1978; A. Duprez, *La guérison du paralytique en Jn 5: Iss et les dieux guérisseurs du Proche-Orient, d'après les textes et l'archéologie*. diss. Pontificio Istituto Biblico, Roma, 1966; V. Bacinoni, *L'aveuglement face à la lumière du Christ. Révélation, foi et non-foi en Jn 9:1-41*. diss. Pontificia Università Gregoriana, Roma 1982; A. D. Brooks, *Responses to Light: sight and blindness in the characters of Jn 9*. diss. Baylor Univ. 1991; A. J. Simonis, *Die Hirtenrede im Johannes-Evangelium. Versuch einer Analyse von Johannes 10:1-18 nach Entstehung, Hintergrund und Inhalt*. AnBib. 29. (Roma: Editrice Pontificio Istituto Biblico, 1967).

⁸ There have been two recent monographs on conflict and christology in the Fourth Gospel: R. R. Creech, *Christology and Conflict. A Comparative Study of Two Central Themes in the Johannine Literature and the Apocalypse*. diss. Baylor Univ., 1984; J. L. Stevens, *Conflict in the Fourth Gospel. Its Relation to an Understanding of Messiah*. diss. New Orleans, 1991. While Creech undertakes a comparative study of the theme of conflict and christology in the whole of the Johannine literature, Stevens is concerned with the theme of conflict in the whole of the Fourth Gospel. The present study focuses on two specific narratives which deal with the Sabbath conflict motif. It seeks to elucidate the precise nature

Jn 5 and 9:1-10:21 form part of the section 5:1-10:42 of the Fourth Gospel. This latter section is itself part of the first major section of the Gospel, namely, 1:19-12:50.⁹ The section 5:1-10:42 deals with several controversies between Jesus and his opponents within contexts of Jewish feasts on the issues of Jesus' origin and identity. Its content may be presented briefly as follows. The section begins with Jn 5 which deals with the healing of a sick man at the pool of Bethesda (5:1-9b). The fact that the healing takes place on a Sabbath triggers off a controversy between Jesus and "the Jews" on Jesus' identity and his relationship with God (vv. 9c-47). The following chapter (Jn 6) distinguishes itself from Jn 5 by the change in place and time, as well as in *dramatis personae*, and deals with the feeding of the five thousand (6:1-15), the walking on the sea (6:16-21), and Jesus' self-revelation as the bread of life (6:22-71) amidst signs of opposition and unbelief (see 6:41-42, 52).

A new subsection begins with 7:1 and goes to the end of chapter 8.¹⁰ Not only do Jn 7 and 8 share the same temporal and geographical settings (the feast of Tabernacles and the Temple), but also from the thematic point of view, they both deal with Jesus' self-revelation in the context of conflict and increasing hostility. Jn 9:1-10:21 forms the next subsection of Jn 5-10.¹¹ Once again, Jesus' healing activity on the Sabbath leads to a christological controversy between Jesus and his opponents on his identity and origin, and ends with the shepherd discourse (10:1-18) and the reaction of "the Jews" to Jesus' revelation through word and deed (10:19-21). The section 5-10 ends with 10:22-42 during the feast of the Dedication. The confrontation between Jesus and "the Jews" on this occasion leads to two crucial affirmations by Jesus (10:30, 38) which substantiate all the christological arguments presented during the other feasts (5:1-10:21). Thus, 10:22-42 may be considered as a

of the juridical metaphor of the Sabbath conflict narratives and the use of the juridical motif for a christological purpose in the Johannine *Sitz im Leben*.

⁹ For a survey of a considerable number of scholarly opinions regarding the overall literary structure of the Fourth Gospel, see for instance, Mlakuzhyil, *Christocentric Literary Structure*, 17-85. Most Johannine scholars accept, with slight variations, that 1:19-12:50 constitutes the first major section of the Gospel. See for instance, H. van den Bussche, "La structure de Jean I - XII," in *L'Evangile de Jean. Etudes et Problèmes*, Recherches Bibliques III. (Bruges: Desclée de Brouwer, 1958) 61-109; C. H. Dodd, *The Interpretation of the Fourth Gospel*. (Cambridge: University Press, 1963) 289-291; R. E. Brown, *The Gospel According to John*. 2 vols., AncB 29, 29A. (New York: Doubleday & Co., 1966, 1970) 1: CXXXIX-CXLI; F. J. Moloney, *The Gospel of John*. Sacra Pagina 4. (Collegeville: The Liturgical Press, 1998) 23-24; Mlakuzhyil, *Christocentric Literary Structure*, 152-156. See however, C. H. Giblin, "The Tripartite Narrative Structure of John's Gospel," *Bib* 71 (1990) 449-467.

¹⁰ On Jn 7-8 as a literary unit, see for instance, Mlakuzhyil, *Christocentric Literary Structure*, 201-205.

¹¹ On 9:1-10:21 as a single literary unit, see above, 2, n. 5.

kind of conclusion to the whole section of 5:1-10:42. Hence, it may be argued that in 5:1-10:42, there are the feasts between the two Sabbath conflicts in which Jesus' origin and his unique relationship with the Father are extensively developed (5:1-10:21), and the feast in which Jesus' affirmations constitute the closure of his claim of oneness with the Father (10:22-42).

On the basis of this brief analysis of the content of 5:1-10:42, the structure of the section may be presented as follows:

- | | |
|-----------|--|
| 5:1-47 | <i>Sabbath</i> healing leading to a christological controversy (Unnamed feast). |
| 6:1-71 | Feeding of five thousand leading to Jesus' self-revelation as the bread of life amidst signs of opposition and unbelief (close to Passover). |
| 7:1-8:59 | Jesus as source of living water and light of the world in a context of controversy and increasing hostility (Tabernacles). |
| 9:1-10:21 | <i>Sabbath</i> healing leading to a christological controversy (Tabernacles). |
| 10:22-42 | Confrontation between Jesus and "the Jews:" two crucial affirmations substantiating the christological arguments of the other feasts (Dedication). |

The above structure demonstrates that the section of controversies within the contexts of Jewish feasts (5:1-10:42) is almost enclosed within the two Sabbath conflicts (5 and 9:1-10:21). This not only shows the importance of the Sabbath theme for the literary structure of the section, but also that the two narratives (5 and 9:1-10:21) are closely related to each other and should be studied together as the present study proposes to do. Additionally, there are several other reasons which justify the basic assumption of the study that 5 and 9:1-10:21 have deliberately been designed as matching narratives, and thus suitable for sequential analysis. The following may be noted:

a) *Structure*

The Johannine Sabbath conflict narratives have an identical structure which places them in the closest possible relationship. They both exhibit a basic structure comprising a healing account, a dialogical section and a discourse:¹²

¹² On this sequence of narrative, dialogue and discourse, see Dodd, *Interpretation*, 356.

healing account	5:1-9a;	9:1-7
dialogical section	5:9b-18;	9:8-38
discourse	5:19-47;	9:39-10:18

In both narratives, the transition from one major division to the other is marked in similar ways. Thus, the passage from healing account to dialogue is made by means of an exchange between the beneficiaries of Jesus' healing activity and a group of people ("the Jews" in 5:9b-10 and "the neighbours" in 9:8-12). Again, the transition from dialogue to discourse is marked by the same emphatic formula Ἀμὴν ἀμὴν λέγω ὑμῖν in both narratives (5:19; 10:1).¹³

b) *Common Motifs*

The two narratives share an impressive number of common motifs which clearly place them in the closest possible relationship.¹⁴ Among these motifs, the following may be noted:

- i. The two narratives both contain a healing account in which two anonymous characters are described as having long-term disabilities (the lame man in Jn 5:5 has been sick for 38 years while the man in Jn 9:1 has been blind from birth) and in which Jesus himself takes the initiative in the healing.
- ii. They both have the same geographical setting, i.e., in and around Jerusalem in proximity to the temple.
- iii. The healings take place on a Sabbath. It is interesting to note that in both narratives, the Sabbath motif is introduced in a similar manner (Jn 5:9b and 9:14).

¹³ The only difference is that while in 5:19 the formula is provided with a transitional phrase, Ἀπεκρίνατο οὖν ὁ Ἰησοῦς καὶ ἔλεγεν αὐτοῖς, no such transitional phrase is found in 10:1. However, this difference should not be overemphasized. The same situation is encountered one more time in 12:24 where a discourse which follows upon an introductory dialogue, is introduced by the formula ἀμὴν ἀμὴν λέγω ὑμῖν without a transitional phrase. See Dodd, *Interpretation*, 356.

¹⁴ This fact has long been observed by Johannine scholars. See for instance: H. Windisch, "John's Narrative Style," in *The Gospel of John as Literature. An Anthology of Twentieth-Century Perspectives*, ed. M. W. G. Stibbe, 25-64. (Leiden: E. J. Brill, 1993) 40. Windisch's original article in German dates to 1923; R. Mackintosh, "Two Johannine Miracles," *ET* 37 (1925-26) 43-44. See also Hoskyns, *The Fourth Gospel*, 360-362; R. Bultmann, *The Gospel of John. A Commentary*. (Oxford: Basil Blackwell, 1971) 239; A. Duprez, *Jésus et les dieux guérisseurs. A propos de Jean V*, CRB 12. (Paris: Gabalda, 1970) 151-153; M.-E. Boismard, and A. Lamouille, *L'Evangile de Jean: Synopse des Quatre Evangiles en Français*. Tome III. 2nd ed. (Paris: Les Editions du Cerf, 1977) 262; M. Gourgues, "L'aveugle-né (Jn 9). Du miracle au signe: typologie des réactions à l'égard du Fils de l'homme," *NRT* 104 (1982) 381-382.

iv. Most importantly, the healing on the Sabbath, on both occasions, leads to a conflict with “the Jews” which has a strong christological content.¹⁵ There can be no doubt that this Sabbath conflict motif occupies an important place in both 5 and 9:1-10:21. In both instances, it is closely related to the christological question which is at the heart of the two narratives and indeed of John's story about Jesus as a whole.¹⁶ It is Jesus' activity on the Sabbath which leads to the confrontation with “the Jews” on the issues of his relationship with the Law and of his identity. Since the evangelist uses the Sabbath conflict motif as a hermeneutical key to the correct understanding of the person of Jesus and his work, it can be said that the two issues crucial to both Jn 5 and 9:1-10:21 are the Sabbath and the identity of Jesus.¹⁷

c) *Common juridical context*

Another important element is that both narratives are placed within the same specific juridical context of a conflict centred around the Sabbath law. This identical juridical context, coupled with the fact that the two major parties in the conflicts are the same in both narratives, strengthen the assumption of the present study that the two narratives can and should be studied together as a guide to a better understanding of their content and function within the section 5:1-10:42.

¹⁵ For more extensive parallels between the two narratives, see R. A. Culpepper, *Anatomy of the Fourth Gospel. A Study in Literary Design*. (Philadelphia: Fortress Press, 1983) 139-140; M. Rein, *Die Heilung des Blindgeborenen. Tradition und Redaktion*, WUNT 73. (Tübingen: J.C.B. Mohr [Paul Siebeck], 1995) 223-225; D. R. Beck, *The Discipleship Paradigm. Readers & Anonymous Characters in the Fourth Gospel*. (Leiden: Brill, 1997) 86.

¹⁶ See H. Weiss, “The Sabbath in the Fourth Gospel,” *JBL* 110 (1991) 311-321. See especially 311. The utmost importance of the Sabbath conflict motif for John's christology in 5 and 9:1-10:21 is clearly established by a simple comparison with the treatment of the Sabbath conflict motif in the Synoptic Gospels. While John has intertwined the Sabbath conflict motif with the christological question, the synoptists “are concerned with the question[of] how far the law of the Sabbath is valid for *men* and how far it is limited (by the law of love)” (Bultmann, *The Gospel of John*, 247).

¹⁷ Thus, I cannot but disagree with those scholars who maintain that the Sabbath motif is secondary and was only appended as an afterthought to make the healing narrative a suitable introduction to the discourse. See for instance: C. H. Dodd, *Historical Tradition in the Fourth Gospel*. (Cambridge: Cambridge University Press, 1963) 178 and 185; Bultmann, *The Gospel of John*, 239, n. 2 and 242; Schnackenburg, *The Gospel according to John*, 2: 96-98; B. Lindars, *The Gospel of John*. NCB. (London: Oliphants, 1972) 52, who categorically states that in both Jn 5:9b-18 and 9:14ff, “the issue of the Sabbath is arbitrarily attached to a tradition in which originally it played no part.” For what in my opinion is a more balanced view, see Brown, *John*, 1: 210; Moloney, *Signs and Shadows*, 3-4. In relation to Jn 5, the latter rightly insists on the fact that “The Sabbath theme dominates the account of the miracle and its aftermath” (p. 4).

Methodology and Plan of the Research

The present study is undertaken from a narrative-critical perspective (synchronic). The issue of the pre-history of the text is therefore not taken into consideration; an attempt is made to make sense of the final transmitted text.¹⁸ The narrative-critical analysis is carried out within the framework of the *reader-response criticism*. The Sabbath conflict narratives with their central characters are particularly “open to the concerns of Reader Response Criticism - that is, ones that are sensitive to the successive unfolding judgments that take place during the reading experience.”¹⁹ It is assumed that, as a first time reader, the implied reader responds to the text in terms of its temporal flow, and always performs the response the text calls for.²⁰ The reader has no prior knowledge of the Johannine version of the Jesus event and therefore knows only what has been read so far at any given moment. However, he/she is credited with some knowledge of the story of Jesus and indeed everything that the narrator takes for granted and therefore does not explain to the reader. These include the koinè Greek, Jewish theology, the Old Testament, etc.

In addition to the narrative-critical analysis of the Sabbath conflicts, attention will also be paid to the historical and social context that is implied in the two narratives. In this regard, an attempt will be made to establish the historical setting of the narratives, to identify their intended historical reader, as well as to suggest a plausible social function within the Johannine *Sitz im Leben* for the use of the juridical metaphor in 5 and 9:1-10:21. The taking into consideration of both “narrative” and “historical” concerns enables the text to be studied in a way which is both respectful of the narrative world in the text, as well as the historical and cultural context which helped to shape the text.

The structure of the study is determined by its three-fold objective, namely, the nature of the Johannine juridical metaphor, the how and why of

¹⁸ By “final transmitted text,” I mean the Greek text of the Fourth Gospel as found in K. Aland *et al.*, *Novum Testamentum Graece*. 27th ed. (Stuttgart: Deutsche Bibelgesellschaft, 1993), and K. Aland *et al.*, *The Greek New Testament*. 4th ed. (Stuttgart: Deutsche Bibelgesellschaft, 1993). However, the text is not accepted uncritically.

¹⁹ J. L. Staley, “Stumbling in the Dark, Reaching for Light. Reading Characters in John 5 and 9,” *Semeia* 53 (1991) 56. See also P. P. A. Kotzé, “John and Reader’s Response,” *Neotest.* 19 (1985) 50-63.

²⁰ On the implied reader, see J. L. Staley, *The Print’s First Kiss: A Rhetorical Investigation of the Implied Reader in the Fourth Gospel*. SBLDS 82. (Atlanta: Scholars Press, 1988) 30-37. See especially 34-35; F. J. Moloney, “Who is ‘The Reader’ in/of the Fourth Gospel?” in *The Interpretation of John*, ed. J. Ashton, 219-233, 2nd ed. (Edinburgh: T & T Clark, 1997) 219-220. While not being a person, since the implied reader is credited with certain qualities, capacities and tastes, it sometimes becomes necessary to use a personal pronoun (he/she). Henceforth, the implied reader will simply be referred to as “the reader.”

its use in 5 and 9:1-10:21, and its historical setting as well as its social function within the Johannine *Sitz im Leben*. The first chapter will therefore be devoted to the narrative genre of the two narratives under study. It will examine the assertion of previous Johannine scholarship that these narratives correspond to the narrative genre of “judicial proceedings,” or “trial scenes,” and highlight the difficulties and inconsistencies inherent in this position. It will then go on to show that, in the light of recent understanding of the Old Testament *rib*-pattern as a two-party juridical controversy, the genre of the two narratives in 5 and 9:1-10:21 is best understood *not as a trial*, but *as a two-party juridical controversy* as found in the Old Testament.

The second chapter will examine both the immediate and overall contexts of the two narratives. The aim will be to elucidate how they relate to their narrative context, as well as their function within the entire Gospel narrative. In this latter perspective, an attempt will be made to establish the importance of the Sabbath motif both in 5 and 9:1-10:21 and in the overall literary construction of the Fourth Gospel.

Chapters three and four constitute the heart of the research. They will be devoted to the exegetical reading of 5 and 9:1-10:21 respectively. The exegetical reading will be preceded each time by the examination of both the narrative setting and structure of each narrative. An attempt will be made to propose a structure for each passage using criteria based on their nature as a juridical controversy, and needless to say, this structure will each time serve as the basis for the exegetical reading of the text. The exegesis of the text will seek firstly to show that in terms of their *form* (structural elements) and *content*, both narratives correspond to the OT juridical controversy, and secondly to offer some new insights into their meaning.

Chapter five will examine *why* and *how* the juridical controversy is used as a narrative strategy in the two narratives under study. In this regard, an attempt will be made to demonstrate the fact that the juridical controversy is used for the christological persuasion of the reader. The narrator places the rhetorical techniques of the juridical controversy at the service of his/her attempt to persuade the reader about the identity and significance of Jesus.

The sixth and final chapter will attempt to relate the use of the juridical controversy for a christological purpose to the history of the Christian community behind the Fourth Gospel. The aim will be to find out the historical circumstances which made the Johannine Christians resort to this distinctive narrative genre to express their christology, as well as the function that the juridical controversy christology would have played within the Johannine *Sitz im Leben*.

In the general conclusion, a summary of the findings of the study will be presented. In the light of these results, an attempt will be made to examine very briefly the entire section of 5:1-10:42 to see if the presence of the

juridical controversy pattern can be discerned in other texts. Finally, the use of the juridical controversy pattern in the Fourth Gospel will be related to one crucial issue in Johannine research, namely, the purpose of the Gospel in its present form.

Chapter One

Narrative Genre of the Johannine Sabbath conflict narratives

The precise determination of the narrative genre of a text is of great importance for its correct understanding, given that narrative form and meaning are inseparable. In relation to the Johannine Sabbath conflicts (5 and 9:1-10:21) which are the object of the present study, the question of narrative genre is closely linked to the issue of the nature of the juridical metaphor which is used in these narratives. As stated earlier,¹ the current scholarly position on the Johannine juridical metaphor is that it corresponds to the narrative genre of “judicial proceedings,” or “trial scene.” The present chapter examines this position and attempts to show that, given the difficulties and inadequacies associated with it, it must be considered as untenable. An attempt will be made to demonstrate that the Johannine juridical metaphor, as reflected in the Sabbath conflict narratives, corresponds in a general way in its *form* (structural elements) and *content* to the *controversy as a juridical procedure* in the Old Testament, and that the Old Testament juridical controversy should be considered as its literary and historical antecedent.²

The understanding of the Fourth Gospel within the framework of judicial proceedings is usually traced back to the ground-breaking article of Théo Preiss.³ In this article, Preiss reacts against what he sees as the one-sided emphasis on the spiritual character of the Fourth Gospel which in his view has resulted in the complete disregard of another important aspect of Johannine thought, namely, its juridical aspect. He maintains that even though the juridical aspect of the Fourth Gospel affords a more coherent system of ideas, it has long been disregarded because John has been made to live on his over-systematized reputation of a mystic.⁴ Preiss' point of departure for his analysis of the Fourth Gospel's juridical character is the frequent use of the terms “witness” and “to witness.” He observes that, with the exception of Jn 4:44 and 13:21, the terms “witness” and “to witness” always connote an act that is both religious and juridical, conceived in the framework of a contest in

¹ See above, 1-2.

² I consider this thesis as one of the fundamental elements which gives my study its originality and at the same time justifies the need to submit the Johannine Sabbath conflict narratives to a fresh scholarly investigation.

³ See above, 1, n. 2.

⁴ See Preiss, *Justification*, 9-11.

law. This observation leads him to draw the conclusion that “the earthly career of Jesus consists of a gigantic juridical contest.”⁵

The position of Preiss has more recently been re-stated and forcefully defended by A. E. Harvey.⁶ He claims that the disputes between Jesus and “the Jews” in the Fourth Gospel “have much of the formal character of a case at law.”⁷ He specifically refers to the several episodes in the Gospel which “are deliberately reported in the form of legal proceedings and to characteristic Johannine terms such as ‘evidence’ and ‘witness’ [which should] have their full technical force.”⁸ Thus, he maintains that there is a succession of trial scenes in the Fourth Gospel in which Jesus is brought to trial by “the Jews” again and again for the same offences, namely, his alleged breach of the Sabbath observance law and his claim of a unique relationship with God.⁹ On each of these occasions, Jesus is found guilty and condemned by his accusers who are at the same time his judges. However, they are prevented from carrying out the sentence by a combination of special circumstances such as the sympathies of the crowd and the very elusiveness of Jesus.¹⁰

It is within this context of the general description of the dramatic framework of the Fourth Gospel as a series of trial scenes that the Sabbath conflict narratives are also considered as trial scenes dealing with issues which were contentious between Jesus and “the Jews.”¹¹ In the words of Harvey, “the author of this Gospel has presented these incidents as actual ‘trials’

⁵ Preiss, *Justification*, 17. See also N. A. Dahl, “The Johannine Church and History,” in *The Interpretation of John*, 2nd ed. ed. J. Ashton, 147-167. (Edinburgh: T. & T. Clark, 1997) 161.

⁶ A. E. Harvey, *Jesus on Trial: A Study in the Fourth Gospel*. (London: SPCK, 1976).

⁷ See Harvey, *Jesus on Trial*, 15. See also E. Cothenet, “Le témoignage selon Saint Jean,” *EeV* 101 (1991) 401-407. See especially 402.

⁸ Harvey, *Jesus on Trial*, 14.

⁹ See Harvey, *Jesus on Trial*, 62-65.

¹⁰ See Harvey, *Jesus on Trial*, 55.

¹¹ On Jn 5:16-47 as a “trial in which Jesus is in the dock,” see M. W. G. Stibbe, *John. Readings: A New Biblical Commentary*. (Sheffield: Academic Press, 1993) 76-80; On his part, Becker considers Jn 5:31-47 as corresponding to “die literarische Gattung des Rechtsstreits.” J. Becker, *Das Evangelium des Johannes*. 2 vols., ÖTBK 4/1-2. (Gütersloh: Gerd Mohn; Würzburg: Echter-Verlag, 1979, 1981) 1: 249; J. H. Neyrey, *An Ideology of Revolt: John's Christology in Social-Science Perspective*. (Philadelphia: Fortress Press, 1988) 9-36. He describes the dominant form of Jn 5 as “a forensic process in which Jesus did or said something (claim), which led to a formal charge, and a defence” (p. 36). On Jn 9:1-41, see D. Mollat, “La guérison de l'aveugle-né,” *BVC* 23 (1958) 22-31; especially 22, 24, and 30. See also H. Weiss, “The Sabbath in the Fourth Gospel,” *JBL* 110 (1991) 311-321, who speaks of “the trial of Jesus in *absentia*” (319); Pancaro, *The Law in the Fourth Gospel*, 16-17, who maintains that Jn 9 “gives rise to a regular judicial hearing... [which] takes place in his [Jesus'] absence;” Dodd, *Interpretation*, 354, who affirms that Jn 9 “contains a narrative - that of the healing of the blind at Siloam - and a dialogue in the form of a trial scene,” and Zevini, *Vangelo secondo Giovanni*. 2 vols. Commenti Spirituali del Nuovo Testamento. (Roma: Città nuova, 1984, 1987) 1: 287: “al segno-miracolo segue un discorso-dialogo in forma di processo, in cui appaiono giudici, accusatori ed accusati.”

rather than merely as points of controversy.”¹² Jesus is said to have been put on trial and condemned by “the Jews” for breaking the Sabbath law. However, in the law court of John’s story, the tables are turned in the course of the trial and Jesus becomes “both the judge and one of the parties in the dispute.”¹³

One other point worth noting is Harvey’s suggestion that the Fourth Gospel’s use of the literary form of a trial to present an important part of his Gospel material may well have been influenced by the literary form of “law-suit or *ribh*” since the latter had already entered the realm of religious thought as exemplified by its use in the Old Testament.¹⁴ In other words, for Harvey, the Old Testament *rib*-passages considered as trial scenes should be seen as the literary antecedent of the Johannine Sabbath conflict narratives. This latter point is corroborated by Stibbe who thinks that the literary form of John 5:16-47 as a trial narrative should be traced to the trial scenes in Deutero-Isaiah which suggest a kind of “cosmic law court ...[in which] Yahweh is the presiding Judge as well as being one of the parties in dispute.”¹⁵ It is therefore important for our study of the narrative genre of the Johannine Sabbath conflicts to take a closer look at the Old Testament legal procedures as reflected in the *rib*-patterns.

Old Testament *rib*-patterns

It is generally accepted that the study of the Old Testament *rib*-patterns goes back to Hermann Gunkel’s attempts to delineate the various literary forms present in Israel’s literature and his designation of a number of texts as *Gerichtsreden* (“lawsuits”).¹⁶ He describes the basic structure of the lawsuit as follows:

¹² Harvey, *Jesus on Trial*, 81.

¹³ Stibbe, *John*, 76-77; see also Harvey, *Jesus on Trial*, 58; Neyrey, *Ideology*, 14.

¹⁴ See Harvey, *Jesus on Trial*, 15-16; 126-127. Harvey refers explicitly in footnotes 28 & 30 (p. 15-16) to the following authors: B. Gemser, “The *rib*- or Controversy Pattern in Hebrew Mentality,” in *Wisdom in Israel and the Ancient Near East*, eds. M. Noth - D. Winston Thomas, 120-137, VT.S 3. (Leiden: E. J. Brill, 1955), and J. Harvey, *Le plaidoyer prophétique contre Israël après la rupture de l’alliance. Etude d’une formule littéraire de l’Ancien Testament*, Studia 22. (Montréal: Bellarmin, 1967).

¹⁵ Stibbe, *John*, 77.

¹⁶ See for instance H. Gunkel’s introduction to H. Schmidt, *Die großen Propheten übersetzt und erklärt*, Die Schriften des AT in Auswahl, II, 2. (Göttingen: Vandenhoeck & Ruprecht, 1915). See the section entitled: “Die Propheten als Schriftsteller und Dichter,” XXXVI-LXXII. See especially LXV-LXVI. The texts mentioned by Gunkel include: Isa 1:18-20; Mic 6:1ff; Jer 2:4-9; Hos 2:4ff (see LXV, n. 16). See also H. Schmidt, *Die großen Propheten übersetzt und erklärt*, Die Schriften des AT in Auswahl, II, 2. zweite Auflage. (Göttingen: Vandenhoeck & Ruprecht, 1923) XXXIV-LXX.

- a. Description of the trial scene
- b. The prosecutor's address
- c. The judge's address.¹⁷

Gunkel observes that the prophetic lawsuit bears a close resemblance to the forms of address used in the secular courts at the city gate, and explains the similarity as being the result of direct borrowing.

The pioneering work of Gunkel led to an avalanche of research on the *rib*-patterns' literary genre as well as its *Sitz im Leben*.¹⁸ While divergent views have been expressed in relation to the *Sitz im Leben* of the *rib*-patterns, there has been a broad agreement among scholars with Gunkel's basic assertion that they reflect the proceedings of a lawsuit in which Israel appears as a defendant, and Yahweh as the accuser.¹⁹ The only divergent point between Gunkel's position and the research after him concerns the role of natural phenomenon such as "earth, heaven, mountains, hill," etc. While Gunkel maintains that the latter play the role of judges in passages like Isa 1:2-3; Jer 2:12 and Mic 6:1-2,²⁰ most scholars note that they are simply called upon to hear the *rib* and should therefore be considered as witnesses, not judges.²¹ The role of the judge is played by Yahweh himself who thus becomes both the accuser and the judge.²²

¹⁷ "Die Schilderung der Gerichtsszene; die Rede des Anklägers vor Gericht; die Rede des Richters." See H. Gunkel - J. Begrich, *Einleitung in die Psalmen. Die Gattungen der religiösen Lyrik Israels*. (Göttingen: Vandenhoeck & Ruprecht, 1933) 364-366; see also H. B. Huffmon, "The Covenant Lawsuit in the Prophets," *JBL* 78 (1959) 285-286; K. Nielsen, *Yahweh as Prosecutor and Judge. An Investigation of the Prophetic Lawsuit (Rib-Pattern)*, JSOT.S 9. (Sheffield: JSOT Press, 1978) 5.

¹⁸ For an overview of the history of research on the so-called lawsuits, see C. Westermann, *Grundformen prophetischer Rede*. fünfte Auflage. (München: Chr. Kaiser Verlag, 1978) 7-63; J. Harvey, "Le 'Rib-Pattern': réquisitoire prophétique sur la rupture de l'alliance." *Bib* 43 (1962) 172-177; Nielsen, *Yahweh as Prosecutor and Judge*, 5-26.

¹⁹ See for instance, Gemser, "The Rib-Pattern," 128-133; H. B. Huffmon, "The Covenant Lawsuit in the Prophets," *JBL* 78 (1959) 292-293; J. Limburg, "The Root רִיב and the Prophetic Lawsuit Speeches," *JBL* 88 (1969) 301-304; Harvey, "Le Rib-Pattern," 177-180, and *Le Plaidoyer prophétique contre Israël* 143; H. J. Boecker, *Redeformen des Rechtslebens im Alten Testament*, WMANT 14. (Neukirchen-Vluyn: Neukirchener Verlag, 1964) 86-87; E. von Waldow, *Der traditionsgeschichtliche Hintergrund der prophetischen Gerichtsreden*, BZAW 85. (Berlin: Töpelmann, 1963) 4-19; Nielsen, *Yahweh as Prosecutor and Judge*, 74-83.

²⁰ Gunkel - Begrich, *Einleitung in die Psalmen*, 364: "In der Rede des Anklägers werden Himmel und Erde zu Richtern bestellt."

²¹ See Huffmon, "The Covenant Lawsuit," 292: "The natural elements... are addressed because they are witnesses to the (prior) covenant;" B. Gemser, "The Rib-Pattern," 130: "[In Mic 6:1-2] the mountains and the foundations of the earth are cited as witnesses;" Nielsen, *Yahweh as Prosecutor and Judge*, 74.

²² See Boecker, *Redeformen des Rechtslebens*, 86-87; Nielsen, *Yahweh as Prosecutor and Judge*, 74-76; Huffmon, "The Covenant Lawsuit," 293; Gemser, "The Rib-Pattern," 129. It may be added here that the *rib*-pattern has also been studied in several OT narratives

There are several difficulties with this view of the Old Testament *rib*-pattern.²³ Firstly, none of the *rib*-passages correspond exactly to the form of the lawsuit;²⁴ many do not contain a judgment speech,²⁵ and none contain a defence speech. Secondly, the portrayal of Yahweh as both prosecutor and judge creates an unusual situation which is never encountered in a lawsuit. The explanation offered by K. Nielsen that "the dual role of prosecution and judge... can be explained by the fact that it is he [Yahweh] who has been wronged [and] this wrong is understood by the prophets as a breach of the covenant,"²⁶ is far from convincing. The difficulty with this and other explanations that seek to justify the portrayal of Yahweh as both prosecutor and judge is that they do not maintain a clear distinction between the *rib* which is essentially bilateral and the lawsuit which is by nature trilateral involving a plaintiff, a defendant and a judge.²⁷ Thirdly, the use of the term "lawsuit" to describe the OT *rib*-pattern creates grave misunderstandings. A lawsuit occurs when two disputants are unable to solve their dispute, and either of them refers their problem to the courts. It then becomes the duty of the judge to hear both sides of the case and to hand down a binding decision. It is only when the case is placed before the courts that it actually becomes a lawsuit. This means that whatever happens prior to this cannot be described as a lawsuit. Again a lawsuit ends with the handing down of the judge's verdict.²⁸ This is not what happens in the OT *rib*-passages where the two disputants deal with the problem themselves, with each party trying to convince the other of the justice of their position.

which have invariably been interpreted as reflecting a judicial process. See for instance C. Mabee, "Jacob and Laban: The Structure of Judicial Proceedings (Gen XXXI: 25-42)," *VT* 30 (1980) 192-207, where terms such as "judicial proceedings," "judicial encounter," "judicial authority," etc., are frequently used. Mabee also considers Laban as both the "accuser and [the] Judicial authority" (see 192).

²³ See M. de Roche, "Yahweh's Rib against Israel: A Reassessment of the so-called 'Prophetic Lawsuit' in the Preexilic Prophets," *JBL* 102 (1983) 563-574. See especially 564.

²⁴ See for instance, Deut 32:1-25; Isa 1:2-3, 10-20; Jer 2:2-37; Hos 2:4-25; 4:1-3; Mic 6:1-8. While this list is not exhaustive, it represents the texts which are generally recognized by OT scholars as belonging to the *rib*-pattern. See Gunkel's introduction to Schmidt, *Die großen Propheten*, LXV, n. 16; Harvey, "Le Rib-Pattern," 177; de Roche, "Yahweh's Rib against Israel," 570.

²⁵ For instance Isa 1:16-20; Mic 6:8; Ps 50:14-15.

²⁶ Nielsen, *Yahweh as Prosecutor and Judge*, 74.

²⁷ H. J. Boecker (*Redeformen des Rechtslebens*, 87-89) followed by G. W. Ramsey ("Speech-Forms in Hebrew Law and Prophetic Oracles," *JBL* 96 [1977] 51) maintains that Yahweh's so-called dual function as prosecutor and judge in the prophetic *rib*-passages have their secular parallels in passages such as 1 Sam 22:11-16. Saul is said to function as both prosecutor and judge in a lawsuit against Ahimelech. This is doubtful because the encounter remains bilateral and there is no indication that the King refers his accusations to a third party. It is a clear example of a situation in which the accuser refuses to accept the protestation of innocence on the part of the accused (1 Sam 22:14-15) and resorts to violence as a means of obtaining justice. See de Roche, "Yahweh's Rib against Israel," 572-573.

²⁸ See de Roche, "Yahweh's Rib against Israel," 564.

The above-mentioned difficulties undermine the contention that the OT *rib*-pattern reflects the judicial proceedings of a lawsuit or trial. There is therefore the need to examine other types of juridical procedures within Israel so as to classify more accurately the OT *rib*-pattern.

The Old Testament *rib* as a two-party juridical controversy

The above mentioned difficulties associated with the interpretation of the OT *rib*-pattern as a trial has revealed the need for an alternative understanding of the OT *rib*-pattern. It may be noted in this regard that contemporary Old Testament scholarship has argued convincingly that far from depicting a trial scene or being a judicial process, the OT *rib*-pattern belongs to the literary genre which may be designated as “juridical controversy.”²⁹ As a juridical procedure, the controversy is a two-party dispute on questions of law. It possesses its own juridical character and structure and can proceed to the resolution of conflict without outside mediation.³⁰ The primary objective is for each of the two disputants to try and *convince* the other party of the truthfulness of their position or claims, and to seek a solution which is mutually acceptable in order to effect reconciliation and restore peace. It can exist between two individuals, or two groups, or even between an individual and a group but the essential element is that in all these cases, the nature of the juridical controversy and its resolution is entirely bilateral. P. Bovati describes the structural elements of the controversy as a juridical procedure in three stages:³¹

- a) accusation
- b) response
- c) conclusion of controversy

a) *The Accusation*

The accusation signals the beginning of the controversy and at the same time indicates to the other party the reason for the dispute. It remains at the centre

²⁹ See P. Bovati, *Ristabilire la giustizia. Procedure, vocabulario, orientamenti*, AnBib 110. (Roma: Editrice Pontificio Istituto Biblico, 1986); English transl., *Re-establishing Justice. Legal Terms, Concepts and Procedures in the Hebrew Bible*, JSOT.S 105. (Sheffield: Sheffield Academic Press, 1994); de Roche, “Yahweh's Rib against Israel,” 563-574. While the term “judicial” implies specifically legal proceedings in a court before a judge, “juridical” is a more general term covering various types of legal issues and proceedings.

³⁰ For what follows, see especially Bovati, *Re-establishing Justice*, 30-166.

³¹ See Bovati, *Re-establishing Justice*, 30-33.