



BRILL

*Vetus Testamentum* 59 (2009) 1-11Vetus  
Testamentum  
www.brill.nl/vt

## The Case for Adversarial *yahad*<sup>1</sup>

**Shalom E. Holtz***Yeshiva University, New York*

### Abstract

The words *yahad* and *yahdāw* regularly denote the relationship between opponents in physical warfare. Evidence from Hebrew and Akkadian shows that they have a similar function in descriptions of legal disputes, as well.

### Keywords

*yahad*, *yahdāw*, 'et, 'im, forensic terminology

### I. The Problem: The Ambiguities of Adversarial Togetherness

In descriptions of warfare, the Biblical Hebrew words 'et and 'im present the same ambiguities as their English equivalent, "with". In English, the phrase "fighting with someone" can describe an alliance or a dispute between two parties. In Biblical Hebrew, 'et and 'im most often denote the relationship between adversaries. Thus, when the verbs *lhm* (N-stem) and the related constructions 'ś-h (G-stem) or 'r-k (G-stem) *milhāmā* are followed by 'et and 'im the resulting expressions mean "to fight against", rather than "to fight alongside". In some cases, however, 'et and 'im describe the relationship between allies, rather than enemies. For example, King David's men use the locution *y-š'* (G-stem) *lammilhāmā 'et* when they tell their aging leader that he should no longer fight at their side in their own wars (2 Sam 21:17).<sup>2</sup> The

<sup>1</sup> Abbreviations follow P. H. Alexander, et al., eds. *The SBL Handbook of Style* (Peabody, Mass., 1999), §8.4 (p. 89-152). Abbreviations of Assyriological literature in section IV follow *CAD*. Versions of this article were read at the Yeshiva College Jewish Studies Faculty Colloquium and at a session on Biblical Law at the 2007 annual meeting of the Society of Biblical Literature. I thank the audiences at both these forums, as well as my father, A. Holtz, for their comments. I am also grateful for the comments of the anonymous *VT* referee.

<sup>2</sup> For the expression *h-l-k* (G-stem) *lammilhāmā 'et* indicating an alliance see 1 Kgs 22:4. Note that the expression *y-š'* (G-stem) *lammilhāmā 'im* always describes opposition, rather than alliance

expression *y-r-d* (G-stem) *bammilḥāmā 'im* occurs when the Philistines warlords tell Achish of Gath that David must not fight among their own ranks (1 Sam 29:4). In the Chronicler's version of the alliance between Ahab of Israel and Jehoshaphat of Judah, Ahab declares the alliance by saying *wē'immēkā bammilḥāmā* (2 Chr 18:3). Thus, when 2 Kgs 8:28 states (regarding Ahaziah of Judah) *wayyēlek 'et yōrām ben 'ah'āb lammilḥāmā 'im ḥ'zā'el melek 'arām*, additional context is required to determine that Ahab and Ahaziah are allies fighting against Aram.

Given that the words *'et* and *'im* are used in descriptions of warfare, it is not surprising to find that the words *yaḥad* and *yaḥdāw*, meaning “together”, are used in this context, as well. However, unlike *'et* and *'im*, which can refer to the relationship between both allies and opponents, when the words *yaḥad* and *yaḥdāw* occur in the context of physical conflict, they always refer to the relationship between opponents. Men fighting each other (Deut 25:11), Goliath and a hypothetical Israelite opponent (1 Sam 17:10), and the armies of Ishbosheth and David (2 Sam 2:13) are said to be *yaḥad* (1 Sam 17:10) or *yaḥdāw* (Deut 25:11, 2 Sam 2:13).<sup>3</sup> Thus, despite the English translation “together”, which admits either opposition or alliance, in these contexts the Hebrew words *yaḥad* and *yaḥdāw* refer to opposition.

In addition to their use in descriptions of physical warfare, the words *yaḥad* and *yaḥdāw* also occur in descriptions of non-physical arguments. Specifically, they occur in four verses that employ the metaphor of arguing a case in court: Isa 41:1; 43:26; 50:8 and Job 9:32. Perhaps because these words usually denote actions performed “together”, the possibility that these words describe opposition in the courtroom context has not been explored. The regnant position separates the oppositional meaning of *yaḥad* or *yaḥdāw* in descriptions of physical conflict from their meaning in the context of non-physical conflict. Thus, H.-J. Fabry writes that “in the forensic realm *yaḥad* refers to the joint status of the parties, equality before the law and identity of

(Jud 20:14, 20, 28). This contrast between *'et* and *'im* should not be automatically applied to other locutions, however, since the two words are otherwise synonymous and appear in descriptions of either opposition or of alliance.

<sup>3</sup> For this observation and the examples, see H.-J. Fabry, *TDOT*, s.v. *yaḥad*, p. 45. Jer 13:14 may be a fourth example. See A. B. Ehrlich, *Mikrā ki-Pheschutō* Vol. 3 (Berlin, 1901), p. 205 and the translation offered in W. McKane, “Jeremiah 13:12-14: A Problematic Proverb”, in J. G. Gamme, et al. (eds.), *Israelite Wisdom* (New York, 1978), p. 107, and in W. McKane, *A Critical and Exegetical Commentary on Jeremiah* (ICC) (Edinburgh, 1986), p. 292. Fabry cites this verse as an example of the use of the term “in the forensic realm”, where the term *yaḥdāw* does not have this meaning (*TDOT*, p. 46).

punishment”.<sup>4</sup> Commentators on the four verses who do not ignore the words altogether (Fabry himself cites only Isa 50:8 in his list of “forensic” examples) interpret them along similar lines.<sup>5</sup> A note in NJPS acknowledges the adversarial meaning of *yahdāw* in Isa 50:8; otherwise, English versions of all four verses obscure it by translating both *yahad* and *yahdāw* as “together”. Dictionaries list some of these verses as examples, but do not comment on the adversarial nuance.<sup>6</sup>

A closer examination of the four verses that employ the metaphor of arguing in court, however, reveals that the words *yahad* and *yahdāw* function much as they do in descriptions of physical conflicts. In other words, the “togetherness” they describe does not imply “joint status” or “equality”, but rather the adversarial relationship between opponents in a case.

## II. Four Forensic Verses

### *Isaiah 41:1*

הַחֲרִישׁוּ אֵלַי אִיִּים וְלְאֻמִּים יַחֲלִיפוּ כַח יִגְשׁוּ אֹז יִדְבְּרוּ יַחֲדוּ לְמִשְׁפָּט נִקְרְבָה.

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

This verse is a summons that opens a “trial scene” between the Lord and foreign nations. The first three clauses refer to the presentation of arguments during the trial: the Lord orders the nations to fall silent as he presents his case, to “renew their strength”,<sup>7</sup> and then to approach and present their own case. This is indeed the order of events as the trial itself unfolds in the following verses. In verses 2-4, the Lord describes his role as the one who has granted victory to the heroic conqueror “from the East”. The foreign nations respond to the Lord’s statement in verses 5-7. They arrive at the trial (v. 5),

<sup>4</sup> *TDOT*, s.v. *yāhad*, p. 46.

<sup>5</sup> For specific references, see the discussion in section II below.

<sup>6</sup> Both *BDB* and *HALOT*, s.v. *yahad* cite Isa 43:26. *HALOT* s.v. *yahad* also cites Isa 50:8. Neither dictionary mentions the adversarial nuance outside the legal sphere.

<sup>7</sup> For discussion of this term, its place in the structure of the verse and defense of MT, see J. G. Janzen, “Another Look at *yah’lipū kōah* in Isaiah xli 1”, *VT* 33 (1983), pp. 429-430.

but instead of presenting their case, they tremble in fear and only encourage each other.<sup>8</sup>

Unlike the first three clauses of verse 1, the fourth clause does not refer to the presentation of arguments. Instead, it refers to the initial stage, when both parties will first appear in court. The Lord issues a cohortative call to his opponents to “draw near for trial” (*q-r-b lammišpāt*).<sup>9</sup> The two parties will appear “together” (*yahdāw*). K. Baltzer comments on the use of this word, rather than the word *bên* (as in Deut 25:1). Baltzer suggests that the use of *bên* in Deut 25:1 denotes “a legal dispute between different parties”, which is not the case here, where the parties are “told to approach the court ‘together.’”<sup>10</sup> This suggestion, however, does not account for the adversarial relationship between the Lord and the nations in this verse and in the subsequent trial scene. The word *yahdāw* indicates that the Lord and the nations will be on opposing sides, even as they draw near for trial at the same time.

#### Isaiah 43:26

הַזְכִּירֵנִי וְשִׁפְטָה יַחַד סִפֵּר אֶתָּה לְמַעַן תִּצְדָּק.

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

<sup>8</sup> J. Goldingay and D. Payne, *Isaiah 40-55*, Vol. 1 (ICC) (London, 2006), pp. 151-153, characterize verses 5-7 as the “reaction to the challenge”. For similar interpretations of these verses, see E. S. Hartom, *Sēper Yēs' ayā* (Tel Aviv, 1969), p. 132 (Hebrew); J. D. W. Watts, *Isaiah 34-66* (WBC) (Waco, Texas, 1983), pp. 102-104; W. Grimm and K. Dittert, *Deuterojesaja: Deutung—Wirkung—Gegenwart* (Calwer Bibelkommentare) (Stuttgart, 1990), pp. 91-93; J. T. Walsh, “Summons to Judgement: A Close Reading of Isaiah XLI 1-20”, *VT* 43 (1993), p. 359; J. N. Oswalt, *The Book of Isaiah: Chapters 40-66* (NICOT) (Grand Rapids, Michigan, 1998), pp. 79-85. Others, including Rashi, Ibn Ezra, and Qimḥi, have suggested that the nations’ fear in verses 5-7 is a response to the approach of the hero from the East (described in verses 2-4), rather than their response during the trial. See A. Ḥakham, *Sēper Yēs' ayāhū (Da'at Miqrā)* (Jerusalem, 1984), pp. 428-429 (Hebrew); E. J. Young, *The Book of Isaiah* (Vol. 3) (Grand Rapids, Michigan, 1993), pp. 78-80; B.S. Childs, *Isaiah* (OTL) (Louisville, 2001), p. 318. For the possibility that verses 6-7 are not integral to the scene, see C. Westermann, *Isaiah 40-55* (Philadelphia, 1969), pp. 62-66; Baltzer, *Deutero-Isaiah*, pp. 91-93; J. Blenkinsopp, *Isaiah 40-55* (AB) (New York, 2002), p. 196.

<sup>9</sup> See Y. Hoffman, “The Root QRB as a Legal Term”, *JNSL* 10 (1982), p. 68. Compare Deut 25:1 (*n-g-s 'el hammišpāt*).

<sup>10</sup> K. Baltzer, *Deutero-Isaiah* (Hermeneia), M. Kohl, Trans. (Minneapolis, 2001), p. 87 n. 1. See also Ḥakham, *Sēper Yēs' ayāhū*, p. 426.

Isaiah 43:22-28 form a speech by the Lord in which the Lord impugns Israel's sacrificial worship and reminds them of their sinfulness since the beginning of history.<sup>11</sup> This particular verse follows the Lord's indictment of Israel's sacrifices. The Lord summons Israel to state their case in a trial. J. Goldingay paraphrases the verse as follows:

If Jacob-Israel wishes to dispute what Yhwh has said in vv. 22-24 and to avoid the conclusion that Yhwh's self description in v. 25 is its only hope, it is invited to draw matters to the attention of Yhwh and the court.<sup>12</sup>

Thus, this verse evokes the image of a hypothetical trial in which the Lord and Israel are the opposing parties. They will have the trial (*š-p-t*, N-stem) "together" (*yāḥad*). The word *yāḥad*, then, expresses their relationship as they appear for the trial. Given the adversarial context established by the verse, the word *yāḥad* should not be taken as an indication of the parties' arrival at the same time, joint status, or the like.<sup>13</sup> Instead, it points to their status as opponents.

*Isaiah 50:8*

קְרוֹב מַצְדִּיקִי מִי יִרִיב אֶתִּי נִעְמְדָה יַחַד מִי בְּעַל מִשְׁפָּטֵי יְגֹשׁ אֱלֹהִים.

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

This verse forms part of the "servant speech" (vv. 4-9), in which the servant expresses confidence in the Lord. The first two words of the verse form a nominal sentence, in which the servant declares that his vindicator (*maṣḏīq*), is near (*qārōb*). The remainder of the verse consists of two parallel challenge clauses, in which the servant calls out to any hypothetical opponents and challenges them to a legal dispute. Each challenge clause consists of a three-word question followed by a two-word volitional phrase. The three-word question begins with *mî* and refers to the hypothetical opponent (*yārīb 'ittî*/

<sup>11</sup> For thorough discussion of the passage, see J. Goldingay, "Isaiah 43, 22-28", *ZAW* 110 (1998), pp. 173-191.

<sup>12</sup> Goldingay, *ZAW* 110 (1998), p. 187.

<sup>13</sup> An interpretation along these lines is implied in J. Goldingay, *The Message of Isaiah 40-55* (London, 2005), p. 224.

*ba'al mišpātī*). In the two-word volitional phrases that follow, the servant issues the challenge itself (*na'amdâ yāḥad/ yiggas' elāy*).

In the first challenge clause, the words *'ittī* and *yāḥad* express the relationship of the servant to the hypothetical adversary. The appearance of the verb *r-y-b* ("to argue") confers the oppositional meaning to the word *'ittī* ("with me").<sup>14</sup> Similarly, the phrase *na'amdâ yāḥad* in the second part of the challenge clause does not simply mean that the servant and his adversary will "stand together (in court)".<sup>15</sup> Like *'ittī*, the word *yāḥad* expresses the opposition between the two parties, and reenforces the verse's image of confrontation in court.<sup>16</sup>

*Job 9:32*

כִּי לֹא אִישׁ כְּמוֹנִי אֶעֱנֶנּוּ נְבוֹא יְחַדוּ בְּמִשְׁפָּט.

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

Throughout Job 9, Job despairs of having a fair trial at which he might present his case against the omnipotent God.<sup>17</sup> In this particular verse, Job declares that because he and God are not on equal footing, there is no possible way for them to argue fairly against each other in court.<sup>18</sup> Job employs the forensic locution *b-w-<sup>2</sup> bammišpāt* ("to come to trial") to describe the impossible proceedings. The word *yahdāw* ("together") describes Job's relationship to God if the two of them had actually "come to trial". According to D. J. A. Clines, the word expresses Job's hope that he and God might "go to court together, each of them equal before the law".<sup>19</sup> In context, however, the

<sup>14</sup> See the discussion of adversarial *'et* and *'im* in section III below.

<sup>15</sup> For the specifically forensic connotation of *'-m-d* compare Deut 19:17.

<sup>16</sup> See NJPS ad loc (note d, p. 964) and Ehrlich, *Mikrā*, p. 120.

<sup>17</sup> B. Zuckerman, *Job the Silent* (New York, 1991), pp. 106-107; E. L. Greenstein, "A Forensic Understanding of the Speech from the Whirlwind", in M. V. Fox, et al. (eds.), *Texts, Temples, and Traditions: A Tribute to Menahem Haran* (Winona Lake, Indiana 1996), pp. 242-243.

<sup>18</sup> D. J. A. Clines, *Job 1-20* (WBC) (Dallas, 1989), p. 242 and F. R. Magdalene, *On the Scales of Righteousness: Neo-Babylonian Trial Law and the Book of Job* (Providence, 2007), pp. 233-234.

<sup>19</sup> D. J. A. Clines, *Job 1-20*, p. 242. For similar interpretations, see A. Ḥakham, *Sēper 'Iyyōb (Dā'at Miqra)* (Jerusalem, 1970), p. 77 (Hebrew) and J. Klein, ed., *'Iyyōb ('Ōlam Hatanak)* (Tel Aviv, 1996), p. 74 (Hebrew).

word *yahdāw* denotes the opposition, rather than the equality, between Job and God.

In all four of these verses, the central image is a legal dispute between two litigants. In each, the speakers—God, the prophet, or Job—imagine facing their opponents in a lawsuit. The term *yahad* or *yahdāw* denotes the relationship between the two parties to the lawsuit. Simply translating these words as “together” has led some commentators to ignore their adversarial connotation, well attested in the context of physical conflicts. This adversarial connotation, however, serves the imagery in all four verses quite well. Thus, there is no reason to suggest that *yahad* or *yahdāw* indicate anything but the opposition between the parties.

### III. Adversarial Togetherness in Biblical Hebrew

Besides the contextual arguments just presented, support for the adversarial meaning of *yahad* and *yahdāw* also comes from the use of *'et* and *'im* in the forensic sphere. Like *'et* and *'im* in descriptions of physical conflict,<sup>20</sup> the words *'et* and *'im* denote opposition between parties to legal conflicts, as well. For example, when the verb *r-y-b* (G-stem) is used to describe one party's action “against” another, it is usually followed by the prepositions *'et* (eleven cases)<sup>21</sup> or *'im* (ten cases).<sup>22</sup> The noun *rib* also occurs with adversarial *'et* and *'im* to denote an argument “against” another individual.<sup>23</sup> Similarly, the roots *y-k-h* (“to argue”) and *d-y-n* (“to litigate”) occur with adversarial *'im*.<sup>24</sup>

The adversarial meaning of *yahad* and *yahdāw* in forensic contexts follows directly from the widely attested adversarial *'et* and *'im*. In general, *yahad* and *yahdāw* are simply alternative ways of expressing the relationship expressed by *'et* and *'im*: if X is *'et* or *'im* Y, then X and Y are *yahad* or *yahdāw*. So, if

<sup>20</sup> See section I above.

<sup>21</sup> Num 20:13; Jud 8:1; Isa 45:9, 49:25, 50:8 (see above); Mic 6:1; Psa 35:1; Prov 25:9; Neh 5:7, 13:11, 13:17.

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

<sup>23</sup> Prov 23:11 (*'et*); Hos 4:1, 12:3; Mic 6:2 (*'im*). The preposition *bēn* fulfills a similar function in Gen 13:7 and Deut 25:11. See also Gen 13:8, with the related noun *m'ribā*.

<sup>24</sup> Job 23:7; Mic 6:2 (*ykh*); Qoh 6:10 (*dyn*). There are several instances of *ykh* + *'et*, but further research is required to determine whether *'et* in these cases is the accusative marker or an adversarial preposition.

one adversary can be *'et* or *'im* another, then the two adversaries can also be *yahad* or *yahdāw*.<sup>25</sup>

The occurrences of adversarial *yahad* or *yahdāw* in Isa 43:26 and Job 9:32, two of the four verses discussed in section II above, are perfect illustrations of the alternation of these terms with adversarial *'et* and *'im*. In Isa 43:26, *yahad* occurs in the locution *niššāp' t̄â yāhad*. The alternate expression *š-p-t̄* (N-stem) + adversarial *'et*, meaning “to litigate against”, occurs in the description of the futile lawsuit between a wise man and a fool: *'iš ḥākām nišpāt 'et 'iš 'ewil* (Prov 29:9).<sup>26</sup> In Job 9:32, *yahdāw* occurs in the phrase *nābô yahdāw bammišpāt*. This is simply an alternative form of the expression *b-w'* (G-stem) *bammišpāt* + adversarial *'im*, which means “to enter in litigation against”. This expression occurs in Eliphaz’s question to Job (Job 22:4), “Is it because of your piety that He arraigns you, that he enters into litigation against you (*yābô 'imm'kâ bammišpāt*)?” The expression also occurs without the definite article in Isa 3:14, and with adversarial *'et* instead of *'im* in Ps 143:2. Thus, in both Isa 43:26 and Job 9:32, the forensic locutions with *yahad* or *yahdāw* are simply alternatives for attested equivalent locutions with adversarial *'et* or *'im*. Just as one should translate *'et* or *'im* in these locutions as “against”, one should translate *yahad* or *yahdāw* as “against one another”.

This demonstrable alternation between expressions with adversarial *yahad* or *yahdāw* in Isa 43:26 and Job 9:32 and those with adversarial *'et* or *'im* attested elsewhere suggests that similar alternatives for the use of *yahad* or *yahdāw* in Isa 41:1 and 50:8, the remaining verses, also exist. Ideally, one would expect to find the locutions *q-r-b* (G-stem) *lammišpāt* + adversarial *'et* or *'im* as an alternative for *yahdāw lammišpāt niqrābâ* in Isa 41:1 and *'-m-d* (G stem) + adversarial *'et* or *'im* as an alternative for *na'amdâ yāhād* in Isa 50:8. These specific expressions are not attested in the Hebrew Bible, although it is entirely possible that they did exist in ancient Israel’s legal lexicon.<sup>27</sup>

One does, however, find nearly equivalent forensic locutions with adversarial *'et* or *'im*. The expression *q-w-m* (G-stem) *lammišpāt* + *'et* is found in Isa 54:17. It might be translated as “arise against for trial”, which would make it quite close to *q-r-b* (G-stem) *lammišpāt* + adversarial *'et* or *'im*, the hypothetical alternative for *yahdāw lammišpāt niqrābâ* in Isa 41:1. Furthermore,

<sup>25</sup> I thank my teacher and colleague, R. C. Steiner, for sharing this fundamental insight.

<sup>26</sup> This should be distinguished from other examples (such as Ezek 20:35-36) in which the same expression should be translated “to punish”.

<sup>27</sup> The expression *q-r-b* (G-stem) *lammišpāt* + *'el* occurs in Mal 3:5. It is not clear that the preposition *'el* would furnish an alternative to *yahad* or *yahdāw*.



the verb *q-w-m* is synonymous to the verb *‘-m-d*, so that the expression is nearly synonymous with *‘-m-d* + adversarial *’et* or *’im*, the hypothetical alternative to *ná’amdâ yāḥād* in Isa 50:8. One need only assume that the phrase in Isa 50:8 is an elliptical expression of a more complete (but unattested) phrase *ná’amdâ yāḥād lammišpāt*.

Another possible interpretation of Isa 50:8 presents itself in light of the collocation of the verb *‘-m-d* (G-stem) with the noun *rib* in Deut 19:17: the verb *‘-m-d* might refer to the verb *r-y-b* earlier in the verse. According to this possibility, the phrase *ná’amdâ yāḥād* is a shortened version of the more complete phrase *ná’amdâ yāḥād lārīb*, rather than *ná’amdâ yāḥād lammišpāt*. Thus, the hypothetical equivalent to *ná’amdâ yāḥād* would not be *‘-m-d* (G-stem) *lammišpāt* + adversarial *’et* or *’im*, but rather an expression along the lines of *‘-m-d* (G-stem) *lārīb* + adversarial *’et* or *’im*.<sup>28</sup> If so, then a nearly synonymous equivalent would be Mi 6:1, *qûm rib ’et hebārîm* (“Get up, argue against the mountains”), with *q-w-m* (G-stem) instead of *‘-m-d* (G-stem).

#### IV. Comparative Evidence

The use of the togetherness terms *’et*, *’im* and *yāḥad* or *yāḥdāw* as adversarial terms is not a phenomenon restricted to Biblical Hebrew. Aramaic and Akkadian legal documents provide cognate examples of the adversarial use of prepositions that usually denote togetherness. In Aramaic, adversarial *’m* occurs, for example, in quittance clauses in the legal documents from Elephantine. The speaker declares *dyn l ’yty ly ’mhm ’l znh ṭ’m* (“I have no case against them regarding this matter”).<sup>29</sup> Akkadian *itti*, cognate to Hebrew *’et*, typically denotes the adversarial relationship between litigants in the locution *dīna/dibba itti PN dabābu* (“to argue a case against PN”).<sup>30</sup>

In the context of a discussion of Biblical Hebrew *yāḥad* and *yāḥdāw*, the following two Neo-Babylonian examples of the Akkadian expression *dīna/dibba itti PN dabābu* are of particular interest. Both are from texts in which the opposing parties are summoned to make their case against each other:

<sup>28</sup> Compare *niššāb lārīb* (Isa 3:13).

<sup>29</sup> B. Porten and A. Yardeni, *Textbook of Aramaic Documents from Ancient Egypt* (Winona Lake, IN, 1986), B 8.9:2, 6 and B 2.3:27. For other examples from outside Elephantine, see M. Sokoloff, *A Dictionary of Jewish Palestinian Aramaic* (Ramat Gan, 2002), s.v. *dwn* 2 (p. 141) and *dyn* 6 (p. 147).

<sup>30</sup> *AHw*, s.v. *dabābu* 3b (p. 147); *CAD*, s.v. *dabābu* 4b (D, p. 9). See also the use of *itti* with verbs denoting war listed in *AHw*, s.v. *itti* 5 (p. 405).

[<sup>m</sup>PN<sub>1</sub> u <sup>m</sup>P]N<sub>2</sub> a-na TIN.TIR<sup>ki</sup> il-la-ku-u<sub>2</sub>-ma dib-bi-šu<sub>2</sub>-nu ša<sub>2</sub> i-ba-aš<sub>2</sub>-šu-u<sub>2</sub> it-ti a-ḥa-meš i-dab-bu-ub<sup>31</sup>

<sup>m</sup>PN<sub>1</sub> and <sup>m</sup>PN<sub>2</sub> shall come to Babylon and argue against each other whatever claims they have.

[<sup>m</sup>PN<sub>1</sub> u <sup>m</sup>P]N<sub>2</sub> a-na . . . it-ti a-ḥa-meš il-la-ku-u<sub>2</sub>-ma di-i-nu [ša<sub>2</sub>] <sup>m</sup>PN<sub>1</sub> a-na <sup>m</sup>PN<sub>2</sub> iq-bu-u<sub>2</sub> um-mu DUMU-u-“a” ta-an-da-ḥa-aš . . . i-dab-bu-ub<sup>32</sup>

<sup>m</sup>PN<sub>1</sub> and <sup>m</sup>PN<sub>2</sub> will go to . . . together, and they (!)/he will argue . . . the case [(in) which] <sup>m</sup>PN<sub>1</sub> said to <sup>m</sup>PN<sub>2</sub>, “You struck my son!”

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

The functional equivalence of Biblical Hebrew *yahad* and *yahdāw* and Akkadian *itti aḥāmeš* is especially relevant to Isa 41:1. In this verse, *yahdāw* modifies the locution *q-r-b lammišpāt* (“to draw near for trial”) which refers to the very beginning of the legal proceedings, when both parties first appear in court. In the second Neo-Babylonian example above, the expression *itti aḥāmeš* modifies the verb *alāku*, which refers to the same initial stage of the case, when the litigants “go” to court, but before they actually “argue” (*dabābu*). The parallel between Isaiah’s *yahdāw lammišpāt niqrābā* and the Neo-Babylonian text’s *itti aḥāmeš illakūma* is, therefore, quite striking. In both, equivalent expressions of adversarial togetherness (*yahdāw/itti aḥāmeš*) modify verbs of motion (*q-r-b/alāku*) to describe the opposing litigants’ first appearance in court. Admittedly, the Neo-Babylonian term lacks an overtly

<sup>31</sup>) BE 8/1, 48:1-5.

<sup>32</sup>) BM 46660: 1’-7’ as transcribed with extensive commentary in C. Wunsch, “Du hast meinen Sohn geschlagen”, in C. Wunsch (ed.), *Mining the Archives: Festschrift for Christopher Walker* (Dresden, 2002), pp. 355-364.

forensic equivalent to Hebrew *lammišpāt*.<sup>33</sup> Nevertheless, the expression *dīna dabābu* (“to argue the case”) in the following clause provides the forensic context to explain why the litigants are “going together”.

The Akkadian evidence just presented converges with the evidence regarding *yahad* and *yahdāw* in Biblical Hebrew considered in the previous two sections. All three strands of evidence—the use of *yahad* and *yahdāw* in metaphoric lawsuits, the complementary relationship between expressions with *yahad* and *yahdāw* and expressions with adversarial *’et* and *’im*, and the equivalent use of Akkadian *itti aḫāmeš*—indicate that *yahad* and *yahdāw* can, in forensic contexts, mean “against one another”. Thus, the distinction between physical and legal conflict does not affect the use of the terms *yahad* or *yahdāw*. In Biblical Hebrew, *yahad* and *yahdāw* describe the relationship between opponents in both physical fights and lawsuits.

<sup>33</sup>) The word *a-na* (“to”), equivalent to Hebrew *l*, is followed by a break in the text. However, the remaining text precludes the restoration of a forensic equivalent to *mišpāt*. Wunsch’s suggested restoration of *mār banē* (see Wunsch, “Du hast”, p. 358), presumably the authorities “to whom” the litigants will go, provides some additional forensic context, but is not a forensic term *per se*.