The Case for Adversarial *yahad*

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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 *’lm* (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-s ’l* (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).2

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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.

2) For the expression *’b-k* (G-stem) *lammilhāmā ’et* indicating an alliance see 1 Kgs 22:4. Note that the expression *y-j* (G-stem) *lammilhāmā ’im* always describes opposition, rather than alliance.

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DOI: 10.1163/156853309X413327
expression y-r-d (G-stem) bammilhāmā ʿim 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 weʾimmrākā bammilhāmā (2 Chr 18:3). Thus, when 2 Kgs 8:28 states (regarding Ahaziah of Judah) wayyēlek ʾēt yôrām ben ʾāb ʾāb lammilhāmā ʿim hṛʾēl melek “rām, additional context is required to determine that Ahab and Ahaziah are allies fighting against Aram.

Given that the words ʾēt and ʿim are used in descriptions of warfare, it is not surprising to find that the words yahad and yahdāw, meaning “together”, are used in this context, as well. However, unlike ʾēt and ʿim, which can refer to the relationship between both allies and opponents, when the words yahad and yahdāw 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 yahad (1 Sam 17:10) or yahdāw (Deut 25:11, 2 Sam 2:13). Thus, despite the English translation “together”, which admits either opposition or alliance, in these contexts the Hebrew words yahad and yahdāw refer to opposition.

In addition to their use in descriptions of physical warfare, the words yahad and yahdāw 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 yahad or yahdāw 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 yahad refers to the joint status of the parties, equality before the law and identity of (Jud 20:14, 20, 28). This contrast between ʾēt and ʿim should not be automatically applied to other locations, however, since the two words are otherwise synonymous and appear in descriptions of either opposition or of alliance.

punishment". 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. 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.

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

�דנָה לַמִּשְׁפָּט יַחְדָּו יַדְבִּרוּ אָז יִגְּשׁוּ כֹּחַ יַחֲלִיפוּ וּלְאֻמִּים אִיִּים אֵלַי הַחֲרִישׁוּ

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”, 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),

4) TDOT, s.v. yahad, p. 46.
5) For specific references, see the discussion in section II below.
6) 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.
but instead of presenting their case, they tremble in fear and only encourage each other.8

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).9 The two parties will appear “together” (yahdāw). K. Baltzer comments on the use of this word, rather than the word bēn (as in Deut 25:1). Baltzer suggests that the use of bēn 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.’”10 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

ה깝יטני נפשיה תודสำรวจ אתמה נתשא

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


10) K. Baltzer, Deutero-Isaiah (Hermeneia), M. Kohl, Trans. (Minneapolis, 2001), p. 87 n. 1. See also Hakham, Sēper Yeʾṣayāhū, 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. 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.

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. Instead, it points to their status as opponents.

Isaiah 50:8

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 (maṣdiq), is near (qārôb). The remainder of the verse consists of two parallel challenge clauses, in which the servant calls out to any hypothetical opponents and challenges them to a legal dispute. Each challenge clause consists of a three-word question followed by a two-word volitional phrase. The three-word question begins with mî and refers to the hypothetical opponent (yārîb ʾitti/
ba’al mišpāṭ). In the two-word volitional phrases that follow, the servant issues the challenge itself (na’amādā yāḥad/ yiqgišî ’elāy).

In the first challenge clause, the words ʾittî 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 ʾittî ("with me"). Similarly, the phrase naʿamdā yāḥad in the second part of the challenge clause does not simply mean that the servant and his adversary will “stand together (in court)”. Like ʾittî, the word yāḥad expresses the opposition between the two parties, and reinforces the verse’s image of confrontation in court.

Job 9:32

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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. 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. Job employs the forensic locution b-w-ʾbammišpāṭ ("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”. In context, however, the

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14) See the discussion of adversarial ‘et and ‘im in section III below.
15) For the specifically forensic connotation of ‘-m-d compare Deut 19:17.
16) See NJPS ad loc (note d, p. 964) and Ehrlich, Mikrâ, p. 120.
The 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 of *ʾēt* and *ʿām* in the forensic sphere. Like *ʾēt* and *ʿām* in descriptions of physical conflict, the words *ʾēt* and *ʿām* 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 *ʾēt* (eleven cases) or *ʿām* (ten cases). The noun *rîb* also occurs with adversarial *ʾēt* and *ʿām* to denote an argument “against” another individual. Similarly, the roots *y-k-h* (“to argue”) and *d-y-n* (“to litigate”) occur with adversarial *ʿām*.

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

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20) See section I above.
22) 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: *ʾel* (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).
23) Prov 23:11 (*ʾēt*); Hos 4:1, 12:3; Mic 6:2 (*ʿām*). The preposition *bēn* fulfills a similar function in Gen 13:7 and Deut 25:11. See also Gen 13:8, with the related noun *mîʾābā*.
24) Job 23:7; Mic 6:2 (*ykh*); Qoh 6:10 (*dyn*). There are several instances of *ykh* + *ʾēt*, but further research is required to determine whether *ʾēt* 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.\(^{25}\)

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 nīšāṭ ‘tā yāḥad. The alternate expression š-p-t (N-stem) + adversarial ‘et, meaning "to litigate against", occurs in the description of the futile lawsuit between a wise man and a fool: ‘îš hākām nimṣṭāp ‘et ‘îš ‘ewîl (Prov 29:9).\(^{26}\) In Job 9:32, yahdāw occurs in the phrase nābō 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 (yābō ‘immekā 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 niqrābā in Isa 41:1 and ‘m-d (G stem)+ adversarial ‘et or ‘im as an alternative for na‘amdā yāḥad 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.\(^{27}\)

One does, however, find nearly equivalent forensic locutions with adversarial ‘et or ‘im. The expression q-u-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 niqrābā in Isa 41:1. Furthermore,

\(^{25}\) I thank my teacher and colleague, R. C. Steiner, for sharing this fundamental insight.

\(^{26}\) This should be distinguished from other examples (such as Ezek 20:35-36) in which the same expression should be translated "to punish".

\(^{27}\) 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 *ʾ-m-d*, so that the expression is nearly synonymous with *ʾ-m-d + adversarial *ʾe* or *ʾim*, the hypothetical alternative to *nā amdā ḷāḥād* 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 *nā amdā ḷāḥād lammispaṭ*

Another possible interpretation of Isa 50:8 presents itself in light of the collocation of the verb *ʿ-m-d* (G-stem) with the noun *rîb* in Deut 19:17: the verb *ʿ-m-d* might refer to the verb *r-y-b* earlier in the verse. According to this possibility, the phrase *nā amdā ḷāḥād lařīb*, rather than *nā amdā ḷāḥād lammispaṭ*. Thus, the hypothetical equivalent to *nā amdā ḷāḥād would not be *ʾ-m-d* (G-stem) lammispaṭ + adversarial *ʾe* or *ʾim*, but rather an expression along the lines of *ʾ-m-d* (G-stem) lařīb + adversarial *ʾe* or *ʾim*.28 If so, then a nearly synonymous equivalent would be Mi 6:1, *qûm rîbʾet behārim* (“Get up, argue against the mountains”), with *q-w-m* (G-stem) instead of *ʾ-m-d* (G-stem).

**IV. Comparative Evidence**

The use of the togetherness terms *ʾe*, *ʾim* and ṣāḥad or ṣāḥdāw 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 *ʾm* occurs, for example, in quittance clauses in the legal documents from Elephantine. The speaker declares *dyn lʾyy bʾyyhm lznib ṣāʾm* ("I have no case against them regarding this matter").29 Akkadian *itti*, cognate to Hebrew *ʾe*, typically denotes the adversarial relationship between litigants in the locution *dīna/dibba itti PN dabābu* (“to argue a case against PN”).30

In the context of a discussion of Biblical Hebrew ṣāḥad and ṣāḥdāw, 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:

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28) Compare *nisāḥ lařīb* (Isa 3:13).

29) 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. *saw* 2 (p. 141) and *saw* 6 (p. 147).

30) 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).
mPN1 and “mPN2 shall come to Babylon and argue against each other whatever claims they have.

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

In both of these examples the expanded adverbial phrase *itti ahāmeš* (“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 ahāmeš* modify the verb *alāku* to indicate that the opponents will “go together” to argue their claims. Thus, the Akkadian phrase *itti ahāmeš* in the examples above is functionally equivalent to *yahad* and *yabdāw* in forensic contexts. Like *yahad* and *yabdāw, itti ahāmeš* 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 *yabdāw* and Akkadian *itti ahāmeš* is especially relevant to Isa 41:1. In this verse, *yabdāw* 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 ahāmeš* 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 *yabdāw lammišpāt* niqrabā and the Neo-Babylonian text’s *itti ahāmeš illakūma* is, therefore, quite striking. In both, equivalent expressions of adversarial togetherness (*yabdāw/itti ahāmeš*) modify verbs of motion (*q-r-balāku*) to describe the opposing litigants’ first appearance in court. Admittedly, the Neo-Babylonian term lacks an overtly

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31) BE 8/1, 48:1-5.
forensic equivalent to Hebrew lammišpāt. Nevertheless, the expression dina dabhāt ("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 metaphorical lawsuits, the complementary relationship between expressions with yahad and yahdāw and expressions with adversarial 'et and 'im, and the equivalent use of Akkadian itti ahāmeiči—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.

33) 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.