

BOOK REVIEW

Mermelstein, Ari, and Shalom E. Holtz (eds.), *The Divine Courtroom in Comparative Perspective* (BINS, 132; Leiden: Brill, 2015). vi + 308 pp. Hbk. USD149.00.

The Divine Courtroom in Comparative Perspective compiles some of the papers presented at The Divine Courtroom Conference held at the Benjamin N. Cardozo School of Law on 5–6 February 2012. In the Introduction, Mermelstein and Holtz note that the motif of the divine courtroom is found in a vast array of religious traditions, and thus serves as a helpful lens for understanding how different faiths interpret God. In many cases, the divine courtroom is a place where God's justice is questioned, making the ever-relevant question of theodicy present. The various essays in this volume investigate the divine courtroom in different ways, with an emphasis on readings of primary sources.

In chapter 2, 'Divine Judges on Earth and in Heaven', Tzvi Abusch examines the *Maqlû* tablets, which record the longest Mesopotamian anti-witchcraft ritual from the first century BCE. Abusch's investigation focuses on 'magical incantations in which an individual god or group of gods is asked to render a judgement' (p. 6), but also pays attention to the evolution of the descriptions of the divine court throughout the tablets. Abusch's description of the functions of the various gods operative in the courts as recorded in the *Maqlû* tablets is excellent, although some readers may wish to see some interaction with other traditions, Mesopotamian or otherwise.

Joseph L. Angel's essay in chapter 3 is entitled, 'The Divine Courtroom Scenes of Daniel 7 and the Qumran *Book of Giants*: A Textual and Contextual Comparison'. Angel first compares the notably similar depictions of the divine courtroom in Daniel 7 and 4Q530 2.2.16–20, even though these courtrooms function in remarkably different contexts. He observes various differences between the two accounts at the textual level and contextual level. While containing

useful observations, this section would have been strengthened if he had identified a methodology with clear criteria for the comparison. Regarding their diachronic relationship, he concludes that the *Book of Giants* was in some way deliberately modifying Daniel 7, although both existed in a larger thought world that contained texts such as *1 Enoch* 14. Next, he delineates how the two texts are ‘in the service of two very different apocalyptic orientations’ (p. 28). Unlike the *Book of Giants*, Daniel 7 shows little interest in early history and varies between spatial planes (heaven and earth), while the *Book of Giants* varies between temporal planes (the original judgment of the giants being a promise of their eschatological defeat). Of slight disappointment is the final section of the essay, where he comments on the social location of these two apocalyptic works; the only conclusion he draws is that the fluidity of apocalyptic traditions precludes our ability to state definitely that the considerable theological differences between the two accounts indicate their dissimilar origins and settings.

Chapter 4, written by Chaya Halberstam, is entitled ‘Justice without Judgement: Pure Procedural Justice and the Divine Courtroom in *Sifre Deuteronomy*’. Halberstam notes that *Sifre Deuteronomy* (or *Sifre*) describes the divine courtroom in coldly detailed terms, inquiring into what ‘these images of heavenly procedure are doing’ (p. 50). She applies John Rawls’s categories of procedural justice to the legal situations in this rabbinic text. Regarding *Sifre* 307, she argues that the first half of the passage, which describes the uprightness of God’s judgment in both the earthly life and afterlife, corresponds to Rawls’s model of ‘perfect procedural justice’ (p. 56). Conversely, the second half of this text, in which a person is confronted by his or her deeds, corresponds to ‘pure procedural justice’ (p. 57). In the ‘pure’ model, the law is a factor inhibiting the reconciliation of God and Israel, necessitating a shift to an ‘imperfect’ model, where love between God and Israel is paramount. Halberstam’s account of this multifaceted view of the function of the law in connection with the relationship between God and Israel would have been much more robust if she had placed her analysis in the larger context of the tensions between God and the other nations in light of the Torah as portrayed in the overall backdrop of *Sifre* (see Fraade 1991).

In chapter 5, ‘Rabbi Nissim of Girona on the Heavenly Court, Truth, and Justice’, Warren Zev Harvey observes that the divine courtroom, in addition to being a place where God is questioned, ‘also [has] a

philosophic or epistemological use' (p. 69), as God, unlike humans, possesses perfect sense of truth and justice. For Rabbi Nissim (c. 1310–1376), legal judgments are applicable even if they fall short of ultimate justice. In his analysis of a dispute between Rabbah bar Nahmani and the heavenly council, he decided that the council's decision to execute Rabbah bar Nahmani was just due to the overriding principle of majority rule. However, in the case of Abraham's defense of Sodom and Gomorrah, he interpreted Abraham as accepting God's justice, but questioned his mercy for allowing the property of the righteous to be destroyed. Harvey concludes that Rabbi Nissim's treatment of Abraham was an anomaly, because for him, 'God does not have regular judicial powers' (p. 75).

Chapter 6 is entitled, 'The Divine Courtroom Motif in the Hebrew Bible: A Holistic Approach', and it is written by Job Y. Jindo. Jindo asserts that the divine courtroom, as part of the heavenly council, was a means 'through which biblical authors grasped the operation and meaning of the world and the self' (p. 76). This council had two purposes—maintaining order in the cosmos and administering justice when this order is transgressed. He notes that these 'appointive and judicial functions' (p. 83) bring consistency to a number of topics in the Hebrew Bible. One weakness of this essay is that it makes the divine courtroom motif an all-encompassing background to the Hebrew Bible as a whole. Jindo concludes by remarking that the final effect of the mysterious workings of the divine council may be calculated to instill a sense of 'self-uncertainty' (p. 93).

In chapter 7, 'Getting Perspective: The Divine Courtroom in Tertullian of Carthage's *Apologeticum*', Meira Z. Kensky examines the function of the divine courtroom in Tertullian's *Apologeticum* (c. 197 CE), which was ostensibly written to Roman officials and served as a defense of North African Christians. In many places, Tertullian implicitly puts the readers in the judge's seat and forces them to assess various issues at stake, such as the morality of the public games and the inevitability of resurrection, if a final judgment is to take place. Kensky concludes that these different scenes serve practically to 'continually dislocate the readers' and 'remind readers of God's all-encompassing vision' (p. 126).

Chapter 8 is co-authored by Victor Bers and Adriaan Lannni and is entitled, 'Disqualified Olympians: The Skeptical Greek View of Divine Judges'. Bers and Lanni explore the curious phenomenon of the general

absence of deities from the legal process in Greek literature. After conducting a helpful review of the primary sources for Greek religion from 750–330 BCE, they sketch the development of Greek law. From early dispute resolution practices, to the codification of formal laws, and to the Athenian popular courts; these were all fundamentally human institutions and operated with little need for divine intervention. The authors conclude that this surprising lack of Greek gods in the law court is due to the fact that humans were seen as better equipped to make decisions, as they lived with the weight of impending mortality.

In chapter 9, ‘A Life of Jesus as Testimony: The Divine Courtroom and the Gospel of John’, Andrew T. Lincoln explores the pervasiveness of the divine courtroom motif throughout the Gospel of John. Essential to Lincoln’s argument are the many cross-references he finds to the divine courtroom motif in Deutero-Isaiah, where Israel accuses YHWH of unfaithfulness. Lincoln’s argument here could have been strengthened by considering other occurrences of this motif in the Hebrew Bible and by detailing why the Deutero-Isaiah tradition was specifically being used. He finds that the Gospel of John alters these themes by having God confront the world as well as Israel and using the death of Christ as a means of expressing God’s glory. Lincoln ties this usage of Deutero-Isaiah’s themes to the fact that John’s audience faced expulsion from the synagogue, a situation that could be paralleled with the exile. He concludes by raising the question of how a non-Christian, Jewish audience would react to John and what readings can be generated when the clues given to the ‘implied reader’ are deliberately transgressed.

Chapter 10, by F. Rachel Magdalene, is entitled ‘Trying the Crime of Abuse of Royal Authority in the Divine Courtroom and the Incident of Naboth’s Vineyard’. At 78 pages, it is three times the length of the other essays in the book. Magdalene ‘explores the role of the divine courtroom in effecting a remedy for abuse of royal authority in ancient Israel and argues that this aspect of divine justice was a critical factor in maintaining its entire system of social justice’ (p. 168). She states that, in the ancient Near East, suffering was thought to be a legal punishment from the gods for sin and observes that abuse of royal authority was widely discussed as well. There is room for some pushback in her discussion of the abuse of royal authority (pp. 191–208), as some of her proof texts simply discuss oppressive behavior in general (e.g. Jer. 5.26–29), and do not deal with cases where abuses of royal authority

were described without retribution (1 Sam. 8.10-18). She also provides an insightful close reading of the story of Naboth, before comparing Jezebel's case against Naboth and Satan's case against Job. She concludes that the Naboth story follows the premise that, when royal authority is abused, the divine judge must step in.

In chapter 11, 'The Invention of the Divine Courtroom in the Book of Job', Carol A. Newsom observes that the use of legal language in the context of a personal relationship with God is unique to Job. While throughout the book Job's yearning for a divine trial leads to it becoming a reality, the 'awefulness' (p. 258) of God makes such a trial absurd, and the sublimity instead of the justice of the divinity is emphasized. As the conclusion to the book is ambiguous, Newsom decides the central point is the importance of trust, rather than the articulation of a solution to the problem of evil. While her commentary on the way the form of lament is modified by legal language is insightful, she neglects the substantial amount of scholarship noting that the book's predominance of lament eventually transitions into a penitential framework. Her observation that, 'in the end, the book turns away from the legal metaphor' (p. 247), would have benefitted from a contrast between the legal language in the body and the penitential forms near the conclusion.

Chapter 12, by Mathieu Tillier, is entitled 'The *Qadi* before the Judge: The Social Use of Eschatology in the Muslim Courts', and it explores the theme of Muslim judges (*qadis*) being judged by God in the afterlife. Significantly, the stories of these judges appearing before God served as a plea for the powerful judges to act justly. While different iconography surrounded the *qadis* at different times, these warnings did lead to some judges taking on a more humble or 'ascetic' (p. 275) appearance.

In chapter 13, 'Lawsuits against God in Rabbinic Literature', Dov Weiss analyzes three midrash texts from the sixth and seventh centuries CE that utilize the device of the divine courtroom, in order to better understand how this device was used to protest divine decisions. For example, in *Midrash Tanhuma*, a pregnant Leah demands that God give her a girl instead of a boy, so that Rachel will not be placed in the shameful situation of bearing fewer sons than the maidservants. From this, God learns to be merciful from Leah. Weiss concludes that the courtroom both 'legitimizes the right of confronter to challenge God' and protects God as judge (p. 286). Two issues that one wishes Weiss

would have touched upon would be exactly why this theme of boldness before God appeared rarely in these texts, and an examination of the characteristics of the communities that produced these texts.

While it is difficult to make a sweeping evaluation of a collection of such divergent work, a couple of comments on the volume as a whole are in order. While most of the essays are roughly twenty pages in length, the contributions of Magdalene and Harvey are drastically longer and shorter, respectively, than the other chapters, making the span and depth of the papers within somewhat uneven. The back matter of the book includes only an index of primary sources, and the absence of an author index makes it difficult for a curious reader to track down the contribution of a particular scholar mentioned throughout. Regarding the content of the book, while the inclusion of the study of ancient Near Eastern, Jewish, Hellenistic, Christian and Islamic sources throughout lends it a comprehensive scope, some of these traditions are addressed only in a highly selective way, making the relative space assigned to these literary streams unbalanced. The logic behind the ordering of the chapters is also unclear. Finally, in a work that emerged from a conference, it would have been helpful to allow some space for critiques or responses. This would have done much to lessen the moderately disjunctive feeling throughout the various essays.

David J. Fuller
McMaster Divinity College
Hamilton, ON