

# Taking God to Court: Was Job Wise in His Use of the Legal Metaphor?

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**Abstract:** In this essay, Lindsay Wilson, Senior Lecturer in Old Testament at Ridley College, explores a key topic in the Book of Job—Job’s use of the legal metaphor. He concludes that Job’s main interest was in his relationship with his Creator and not in taking God to court.

## Introduction—Metaphor in the Book of Job<sup>1</sup>

In order to set the context for the legal metaphor, it is useful to say something about the extensive use of metaphor more generally in the book of Job. This frequency is not surprising in poetry, which, more than prose, relies on metaphor.<sup>2</sup>

Examples of metaphorical ideas and expressions in Job include such things as the courtroom scene and the role of *hāssâtân* in the prologue; the 3 friends sprinkling themselves with dust in 2:12; the undoing of the date of his birth in 3:3-10 (as a way of expressing the extent of his pain and loss); images of God’s activity (e.g. God shooting arrows in 6:4); the descriptions of humanity in chapters 7 and 14; God appearing in a whirlwind in 38:1, indeed using metaphorical expressions about part of his natural creation (e.g. stars singing for joy in 38:7, shutting up the sea with doors in 38:8), and even moreso when describing Behemoth and Leviathan (and the fire-breathing Leviathan in 41:18-21 at least must be understood as either a hyperbolic description of a natural creature, or a symbolic/mythological creature).<sup>3</sup>

For some, this raises an important question for this meeting. Can there be metaphors in Scripture which we variously hold to be true, infallible, authoritative or inerrant? My answer is yes, for Jesus himself conveyed truth by using metaphor. For example, he says ‘I am the good shepherd’ (John 10:11). Truth can be conveyed by language that is metaphorical, and not just by what we might call ‘literal truths’. It is easy to trump someone (I am using the word ‘trump’ in its card-playing context) in a debate by playing the inerrancy card, but I think that a stronger view of

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<sup>1</sup> An earlier form of this article was originally presented in an invited session on ‘Metaphor in wisdom literature’, part of the Evangelical Theological Society annual meeting, Denver, 2018.

<sup>2</sup> D. Robertson, *The Old Testament and the Literary Critic* (Philadelphia: Fortress, 1977), 5, comments that ‘Everything in a work of literature, whether actions, dramatis personae, thoughts, or objects, is essentially metaphoric.’

<sup>3</sup> On metaphor in the book of Job, see Leo. G. Perdue, *Wisdom in Revolt. Metaphorical Theology in the Book of Job* (Sheffield: Almond, 1991) and, more recently, Lance R. Hawley, *Metaphor Competition in the Book of Job* (Journal of Ancient Judaism Supplement 26; Vandenhoeck & Ruprecht, 2018).

Scripture is to let the Bible text (not our evangelical sub-culture) determine whether a view about the text is right or wrong. The text of Job uses metaphor, God himself in the book does so, and these metaphors convey truth—in the context of the whole book they are useful for teaching, reproof, correction, and training in righteousness. I want to argue that the end of the book endorses Job’s basic stance of protesting engagement with God (done significantly through the legal metaphor), since not just once but twice, God tells Eliphaz that Job has spoken about him, or to him, what is right (42:7, 8).

### **The Legal Metaphor in the Book of Job**

The most sustained use of metaphor in the book is the litigation motif, which has also been called the ‘legal metaphor’ (e.g. Habel).<sup>4</sup> Magdalene has noted that this was identified formally as early as Cyrus Gordon in 1928,<sup>5</sup> but in more recent times was strongly promoted in Norman Habel’s commentary. Wells and Magdalene have noted the variety of understandings of the legal metaphor in the book, differing over matters such as ‘who brings the legal action in Job, the nature of the action, the bases of the charge, when the charge is brought, who is the trial’s judge, and so forth’.<sup>6</sup> In this article, I am proposing to quickly outline Habel’s view, mention the suggested modifications by Sylvia Scholnick, explain Rachel Magdalene’s proposed different understanding, and then finish with my own conclusions.

### **Norman Habel**

Most scholars agree that the legal metaphor starts with the court or courtroom setting of the prologue. There is *hāssâtân*, the accuser, who proposes that Job is only serving God because he is so amply rewarded. Thus he raises the substantive issue of the book—does Job serve for nothing? Is he a person of genuine integrity? Habel notes that Job, in response to the silence and apparent absence of God, begins to call out for God’s justice by some tentative thoughts about litigation in chapters 9-10. Job is a strong believer in justice, and especially in the aspect of retributive justice (that God rewards the righteous and punishes the wicked) that is so clearly

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<sup>4</sup> N. C. Habel, *The Book of Job* (OTL; London: SCM, 1985), 54-57.

<sup>5</sup> As noted in F. Rachel Madgalene, *On the Scales of Righteousness. Neo-Babylonian Trial Law and the Book of Job* (Brown Judaic Studies 348; Providence: Brown University, 2007), 1.

<sup>6</sup> B. Wells & F.R. Magdalene, ‘Law’, in T. Longman & P. Enns (eds), *Dictionary of the Old Testament: Wisdom, Poetry & Writings* (Nottingham: IVP, 2008), 422.

presented in Proverbs. Job and his friends agree that God justly rules the world. Eliphaz (chapters 4-5) observes that no-one is perfectly righteous, and therefore all must expect to suffer a little from time to time; Bildad insists that justice is the core truth about God (chapter 6); while Zophar expresses his frustration at Job by suggesting that Job is not even being punished as much as he deserves (chapter 11).<sup>7</sup> Job holds just as strongly to the idea of retributive justice, but argues that it has been wrongly applied in his case, for he is apparently being punished for being wicked rather than being rewarded for being righteous (a truth that the narrator in 1:1 and God in 1:8 and 2:3 have already attested to).

Since justice is such a crucial category for both Job and his friends, it is not surprising that legal terms and imagery are so prominent in the book. In chapter 29, as Job surveys his involvement in the community before he was hit by suffering, we see that he had a prominent role in the legal affairs of his town. Habel sees each of the friends as trying to prove Job's failures—and therefore God's just actions to punish him—but each is pushed back by Job as he defends his former way of life.

Habel argues that the debate grinds to a halt in chapter 27, as the friends have run out of arguments to pursue. Eliphaz has moved to a more extreme position in chapter 22; Bildad's speech in chapter 25 is very short; and there is no third speech by Zophar. After a wisdom poem in chapter 28, Job sums up his case, outlining in chapter 29 his former righteous way of life, in chapter 30 his current reversal of fortunes, and climaxes in a legal procedure, an oath of clearance in chapter 31, calling on his accuser to answer or he will be vindicated. After this there is no more evidence about Job's former way of life. Elihu steps forward to give what Andersen calls the 'human estimate'<sup>8</sup> or verdict (that God does not appear to humans, and that Job has not spoken of God what is right), but this is overruled by God's verdict in chapters 38-41.

While God's two speeches by God do not deal explicitly with Job's life, they serve metaphorically to expand Job's horizons, reminding him and the readers of the book that God's sovereign ruling of the world is wider than simply administering justice. Once Job understands this truth (42:3, 5), he realizes that his presupposition (that God can only be motivated by justice and no other principle) is too narrow an understanding (I spoke of things I did not fully understand,

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<sup>7</sup> D. J. A. Clines, 'The Argument of Job's Three Friends', *Art and Meaning: Rhetoric in Biblical Literature* (eds. D. J. A. Clines & ors; JSOTSup 19; Sheffield: JSOT, 1982), 199-214.

<sup>8</sup> F. I. Andersen, *Job* (TOTC; Downers Grove: Inter-Varsity Press, 1976), 53.

42:3), and so in 42:6 Habel suggests that Job is withdrawing his litigation. That verse, 42:6, is a crucial in the book. The verb *mā'as*, commonly translated 'despise myself' has a core meaning of 'reject', and Habel argues that the last time Job spoke (chapter 31), he used *mā'as* in the sense of rejecting a legal case (31:15).<sup>9</sup> He therefore suggests that Job is in 42:6 not rejecting or despising himself but rather rejecting or more precisely retracting his legal case, thus closing off the legal metaphor. I have outlined Habel's view in detail because I think it has much merit, though I will suggest a different way to understand 42:6.

### **Sylvia Scholnick**

Habel's argument has been subject to some criticism. Firstly, Susan Scholnick has proposed a different interpretation of the legal metaphor in the Yahweh speeches.<sup>10</sup> In two important articles, she has suggested that God is not urging Job to discontinue the process, but is actually presenting evidence to counter Job's arguments. Her most useful insight is that the root *šāpat* which commonly means 'to judge' can also be used in a wider sense of 'to rule', as with the leaders in the book of Judges, whose function is more leading or ruling rather than making rulings in legal cases at the gate.

Scholnick therefore proposes that what God is doing in his two speeches is arguing that Job's view of God's justice is too narrow, and that it is actually as broad as how he runs his universe—his sovereign rule. At first sight, this is an attractive suggestion, but I think it falters on 42:7-8, where God says that Job has spoken of him what is right. Scholnick's view is that Job has not spoken about God what is right because he has misunderstood justice, and so the book concludes with this very broad understanding of what God's justice is. 42:7-8, by way of contrast, insists that Job has spoken of God what is right, although in 42:3, Job concedes that his understanding of how God rules the world was too narrow, telescopic rather than panoramic. He spoke truth about God's justice, but his understanding of how God rules the world was too limited. Nevertheless, Scholnick's contribution remains very worthwhile.

### **Rachel Magdalene**

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<sup>9</sup> Habel, *The Book of Job*. 576.

<sup>10</sup> S. H. Scholnick, 'The Meaning of *mišpaṭ* in the Book of Job', *JBL* 101 (1982): 521-529; and especially 'Poetry in the Courtroom: Job 38-41', *Directions in Biblical Hebrew Poetry* (ed. E. R. Follis; JSOTSup 40; Sheffield: Sheffield Academic, 1987), 185-204.

A further investigation by Rachel Magdalene is based particularly on parallels with Neo-Babylonian trial law.<sup>11</sup> She thinks that the legal processes in the book can be described as follows: The trial is complex but seems to begin when the Satan brings a formal legal accusation against Job in the divine council that Job possesses a blasphemous mind (Job 1:11; 2:5). God must permit the trial to proceed in order not to corrupt or circumvent the existing divine legal system. Thus, Job endures a torturous legal investigation. The Satan's hope is to hear Job blaspheme God to his face, an act that would serve as the best evidence on the charge before the council (Magdalene 2007b, chap. 5). Job assumes, though, that God is the accusing party and decides to countersue God (Habel, 38; Westbrook 1988, 35 n. 134). He claims that God is guilty of abuse of authority (Job 10:2–7; 19:6–7), primarily for bringing a suit that lacks sufficient justification.<sup>12</sup>

Magdalene argues that Job is looking for a second accuser of God (hence Job's call for a 'redeemer' in 19:25), but he finds none. Instead, she understands Elihu as a second accuser of Job, seconding and completing the Satan's earlier claims. In addition, she views the end of the book as an out of court settlement, in which God gets no victory but implicitly concedes that he was wrong to allow the charge against Job to proceed. This is why Job's possessions are doubled at the end. Her conclusion is that 'the book falls short of refuting the claim that God justly controls the suffering of humankind, but it opens the door for critical assessment of that proposition.'<sup>13</sup>

### **My view of the legal metaphor**

While Magdalene's view is based on a careful study of Neo-Babylonian parallels, I find the substance of Habel's view to be more persuasive in that it better accounts for what we find in the book. I would, however, want to make two major modifications.

Firstly, I think that the legal parallels need to be understood more broadly. Not only is there a call for justice and therefore the pursuit of litigation, but there is also the longing for a legal figure variously described. Thus, in 9:33, there is a call for a mediator (*môkîah*); in 16:19, there is a call for a 'witness' (*'ēd*); in 19:25, a call for a 'redeemer' (*gō 'ēl*) and in 31:35 a call for a 'hearer'

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<sup>11</sup> For her views see her PhD thesis, 'On the Scales of Righteousness: Law and Story in the Book of Job' (Iliff School of Theology/University of Denver, 2003), the book based on this, F. Rachel Magdalene, *On the Scales of Righteousness: Neo-Babylonian Trial Law and the Book of Job* (Brown Judaic Studies; Providence, 2007) or more briefly, an article on 'Law' which she co-authored with B. Wells, cited in footnote 6 (pages 422-423).

<sup>12</sup> Wells & Magdalene, 'Law', 422.

<sup>13</sup> Wells & Magdalene, 'Law', 422.

(*šōmēa*). These are all varieties of legal figures and roles in the ancient world, and none of them is outlined in detail. I have argued elsewhere that they are not four different legal figures but rather four expressions of a desperate longing for some solution to his circumstances, using a variety of legal terms in what might best be described as ‘imaginative explorations’.<sup>14</sup> This has implications for identifying Job’s redeemer in 19:25. It shows that Job is driven by his desperate desire for justice, but equally by a longing to experience the presence of God, as the pathway to a resolution of his dilemma.<sup>15</sup> So there are two strands to the legal metaphor—the verbal, metaphorical pursuit of litigation against God, and the hypothetical expressions of a desire for some kind of legal figure to right the wrongs that have occurred. Both of these seem to be grounded in a belief that God is committed to justice, and that the presence of God (even if imagined to be in a ‘court’) would lead to speedy resolution. These underlying longings and assumptions are what in the end lead to God’s commendation of Job.

The second modification of Habel’s view is in relation to his rendering of 42:6, and it can be dealt with more quickly. While Habel sees a retraction of litigation (based on its last use by Job in 31:15), that is a long way before its occurrence in 42:6, and the verb *mā’as* has been used several times in a different sense by Elihu in the meantime (34:33; 36:5). I have argued elsewhere that both *mā’as* and *niḥam* have a single object (dust and ashes, or lamenting) and that *mā’as* should have its more frequent (core) meaning of ‘reject’, so that Job now rejects this lament once God has appeared to him and shown that Job’s presupposition (that God is bound to act only on a narrow principle of human retributive justice in running the world) was too restrictive. So this is not a formal retraction of litigation, even though 42:2-6 makes it very clear that Job has moved on from his pursuit of litigation.

### **Evaluating the legal metaphor**

Having given this sampling of views on the legal metaphor in Job, what can be said about the rightness or wrongness of Job’s stance? Is not the idea of taking God to court at worst blasphemous, or at least disrespectful? And, even if it was permissible for him, how should Christian believers respond to it in our situations? We will look at each of these questions in turn.

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<sup>14</sup> J. G. Janzen, *Job* (Interpretation; Atlanta: John Knox, 1985), 125.

<sup>15</sup> My view is outlined in more detail in L. Wilson, *Job* (THOTC; Grand Rapids: Eerdmans, 2015), 230-243.

Many will know the oft-quoted adage, ‘God will forgive me. That’s his job’. Is the legal metaphor a variation of this—‘God will grant me justice. That’s his job’. Job and his friends seem to accept that as a given. But is it Job’s job to get God to do his job in relation to Job, and is the pursuit of litigation a legitimate way of doing so? In the movie *The Man Who Sued God* (2001), the character played by Billy Connolly seeks to sue God for the damage caused by a natural disaster, called by insurance companies an ‘act of God’. Billy Connolly—not known for his reverence—plays the character well, but it is a different scenario than the book of Job. There is no belief in God’s justice, no longing for God’s presence, no past relationship of closeness and care. Connolly is trying get back at God, to make him pay. Job is ultimately looking for a restored relationship with God (as in 14:15, ‘you would call and I would answer’), and the pursuit of litigation is only a metaphor.

Of course, a number of scholars do conclude that Job is guilty of hubris (e.g. in 31:37, *like a prince I would approach him*).<sup>16</sup> I have argued elsewhere argued that the book does not deny that (retributive) justice is important to God, and is used by God in his active kingly rule of the world.<sup>17</sup> The book of Job rejects, however, that it is the only principle God uses (that God is simply just, and nothing else), but insists it is a key part of his toolbox. So calling out to God for justice is expressing a concern close to God’s heart, whether for others or ourselves. Our consideration of the legal metaphor suggests that it was based on this laudable commitment, rather than on something else. Job was not motivated by payback or revenge; indeed, he was not primarily interested in changing his circumstances. So, in chapter 30, when he outlines what he has lost, his focus is on relationships with God and others, and not on his possessions or health. Furthermore, Job is fully satisfied with God in 42:2-6, even though there is no mention of his wealth being restored or his physical suffering removed. Something different is motivating Job, and it is this longing for a restored relationship with God that makes even his imaginative pursuit of litigation part of his response of faith.

It is also important that this is a metaphor explored by Job, not a legal case begun by him. This is where it is significant to see the twin strands of the legal metaphor—not simply the prospect of a legal case against God, but the clearly hypothetical grasping for any kind of legal figure who

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<sup>16</sup> So Habel, *Book of Job*, 64 proposes that ‘Job appears to overstep the boundaries of humble faith and assume a stature of Promethean arrogance’.

<sup>17</sup> L. Wilson, *Job*, 219-230.

might be able to resolve his crisis. Job's goal was not to best God, to punish him, to get payback—it was to have his relationship with God restored, and once he has exhausted the usual means (he turns to direct prayers to God throughout the book), he explores even the most unlikely of means. He refuses to give up on God, to take time off in his relationship with God, to live his life without God.

While Job feels that God's care is absent from his life, he does not want to turn anywhere else. He knows that God and God alone is the only one who will be able to help. His response to the silence and seeming absence of God is to keep on talking to God, and exploring whatever avenues he can think of, no matter how unrealistic. In part he does so through this legal metaphor, using figures and procedures that he is familiar with, to process his longing for God to speak, for God to vindicate him and to have his relationship refreshed. In the book of Job, I see this as endorsed not grounds for rebuking Job, and I think this is echoed in God's twice-given verdict (42:7-8) that Job has spoken of God what is right.

### *The legal metaphor today*

Even if it was appropriate for Job to speak like this in his time and circumstances, is it still permissible for Christian believers today? This is a fascinating and important question. We could argue, for example, that God has now revealed himself to be a God of grace as well a God of justice, so it is no longer appropriate. In Christ, God deals with us in mercy and forgiveness. Yet, while the story of Job was set before the Sinai expression of the covenant, God has already shown that he was a God of grace (in Eden, with Cain, with Noah, even at Babel). The OT is riddled with grace; it is not a theological idea only to be discovered in the NT.

It is clearly not the only possible response that Job could have made in his circumstances. For example, his responses in chapters 1 and 2, or even his protest in chapter 3, do not involve the use of legal language. So in patient acceptance or even in strongly-voiced protest it was possible to deal with God in non-legal or perhaps better, non-justice terms. Maybe the metaphor might be easier for evangelicals to understand if we described it as the justice metaphor or motif, rather than the legal or litigation metaphor. This is particularly the case if we realise that justice is one of God's key attributes, not the only one, and that justice can be understood relationally.<sup>18</sup> In Job's

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<sup>18</sup> See R. Laldinsuah, *Responsibility, Chastisement and Restoration. Relational Justice in the Book of Hosea* (Carlisle: Langham, 2015).



case there is a compelling argument that Job's cry for justice is not essentially about vindication of his stance, but rather relational restoration with God (and perhaps others).

### *Conclusion*

Where Job serves as a model for us is not in his use of legal language, or the litigation metaphor, but rather in his determination not to let go of God, even when he could not understand God's actions and when it seemed that God no longer cared for or honoured him. Job used legal metaphors to help him do this; we might pursue the same goals by different means. So when one of my students comes to me in a time of feeling abandoned by God, my first response to her would not be to say 'take God to court'. But neither would I think that Job's stubborn faith had nothing to offer contemporary believers. A closer look at the legal metaphor in Job—when understood as a metaphor rather than a course of action—is still important for followers of God in our vastly different world in which Christians are martyred for their faith, at a time when we have a much fuller understanding of God's plans and purposes climaxing in Christ. God is still God, and clinging to God, longing for a restored relationship is always of value.

Poetry without metaphor is like Thanksgiving without turkey; like peanut butter without jelly; or like a seminary without the Bible. So when the litigation motif of Job is rightly understood as metaphorical, Job is not actually trying to make God appear in a legal courtroom (or gate in an Ancient Near Eastern setting). It should not be criticized until the metaphor itself is understood. So even when Job's pursuit of litigation is not a practice to follow, it still contains truths that make it 'useful for teaching, reproof, correction and training in righteousness' (2 Tim 3:16).