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## Jesus's Courtroom in John

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# JESUS'S COURTROOM IN JOHN

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John Gee

**Abstract:** *John Gee gives us a sketch of the divine judgment as presented in the gospel of John. “In John’s gospel, the individual is the defendant; Jesus is the judge; the devil is the prosecuting attorney; and the Holy Ghost is the defense attorney.” Somewhat surprisingly, this model “fits more closely the Roman model of judgment than the Jewish one.” He concludes with a lesson for the reader: “Since all will have to stand before the judgment bar, all of us will need to heed the counsel of our defense attorney.”*

[**Editor’s Note:** Part of our book chapter reprint series, this article is reprinted here as a service to the LDS community. Original pagination and page numbers have necessarily changed, otherwise the reprint has the same content as the original.

See John Gee, “Jesus’s Courtroom in John,” in *“To Seek the Law of the Lord”: Essays in Honor of John W. Welch*, ed. Paul Y. Hoskisson and Daniel C. Peterson (Orem, UT: The Interpreter Foundation, 2017), 135–50. Further information at <https://interpreterfoundation.org/books/to-seek-the-law-of-the-lord-essays-in-honor-of-john-w-welch-2/>.]

Given Jack Welch’s propensities, I would expect any topic that I might write for him would trigger in him a desire to produce a forty page treatise on the subject that would far outdo anything I might do. So I thought that I would provide a sketch of a legal subject that he could fill in with greater detail and more expertise at another time.

While the final judgment is mentioned in each of the standard works,<sup>1</sup> the picture of what it is like has some subtle differences across the various texts.<sup>2</sup> Some of these differences reflect the difference in legal procedures of the various writers and their various audiences.

The situation of the judgment in the Gospels provides an interesting picture reflecting ancient society. I will concentrate on the gospel of John. Scholars have noted that “differences emerge in John’s view of eternal life and judgment” by comparison with the synoptic gospels,<sup>3</sup> though similarities exist as well.<sup>4</sup> Because we believe the Bible as far as it is translated correctly (Article of Faith 8), I will provide my own translations of all relevant texts. As I presume that the original language versions of biblical texts will be readily available, I will quote the texts in the original only for non-biblical sources.

### Judgment under Roman Law

Roman law, like most legal systems, had specific procedures dealing with legal cases. These differed between civil and criminal procedures. In civil procedures, “the bringing of an action began with an extra-judicial summons, *in jus vocation*, by which the plaintiff personally summoned the defendant to follow him before the magistrate.”<sup>5</sup> The meeting before the magistrate was for the *in iure* portion of the trial, which “was devoted to defining the issue” and ended with a *litis contestatio*, a list of the points

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1 Deut. 32:36; Judg. 11:27; 1 Sam. 2:10; 24:12, 15; 1 Chron. 16:33; 2 Chron. 20:12; Job 9:15; 21:22; Ps. 7:8, 11; 9:4, 8, 19; 10:18; 26:1; 35:24; 43:1; 50:4, 6; 51:4; 54:1; 58:11; 67:4; 68:5; 72:2, 4; 75:7; 82:1–2, 8; 94:2; 96:10, 13; 98:9; 110:6; 135:14; Eccles. 3:17; Isa. 3:13; 33:22; 51:5; Jer. 11:20; Lam. 3:59; Ezek. 7:2–3, 8, 27; 11:10–11; 16:38; 18:30; 21:30; 34:17, 20, 22; 35:11; 36:19; Matt. 7:2; Luke 6:37; John 5:22; 12:48; Acts 10:42; 17:31; Rom. 2:16; 3:5–6; 1 Cor. 4:4; 2 Tim. 4:1, 8; Heb. 10:30; 12:23; 13:4; 1 Pet. 1:17; 4:5–6; Rev. 6:10; 11:18; 18:8; 19:2, 11; 20:12–15; 1 Ne. 12:9–10; 15:32–33; 2 Ne. 2:10; 8:5; 9:15, 44; 13:13; 25:18, 22; 28:23; 29:11; 30:9; W of M 1:11; Mosiah 2:27; 3:10, 18, 24; 16:10; 27:31; Alma 10:20; 11:41, 44; 12:8, 12; 24:15; 33:22; 36:14–15; 40:21; 41:3; 42:23; 3 Ne. 26:4; 27:14–16, 25–27; Morm. 3:18–20; 6:21; Ether 5:6; Moro. 10:34; D&C 19:3; 20:13; 29:12; 64:11; 76:68, 73, 111; 77:12; 88:99–100; 128:6–8; 137:9; 138:10, 34; Moses 6:57.

2 e.g., in Matt. 19:28, the twelve apostles will judge the world; in 1 Cor. 6:2, it is the saints.

3 Craig L. Blomberg, *The Historical Reliability of the Gospels*, 2nd ed. (Downer’s Grove, IL: IVP Academic, 2007), 197.

4 Blomberg, *Historical Reliability of the Gospels*, 200–01.

5 Barry Nicholas, “Law and Procedure, Roman, 2. Civil Procedure,” in *The Oxford Companion to Classical Civilization*, ed. Simon Hornblower and Anthony Spawforth (Oxford: Oxford University Press, 1998), 403.

at issue in the suit.<sup>6</sup> The magistrate would issue a *condemnatio* (ὑπόμνημα) “by which the judge was directed to condemn the defendant if he found after hearing the evidence and the arguments that the plaintiff’s case was good, otherwise to acquit him.”<sup>7</sup> At this point the parties were required to make “a formal wager between the parties as to the validity of their claims, each party depositing as his state a fixed sum of money (*sacramentum*).”<sup>8</sup> From there, the suit was assigned by the magistrate to a particular *iudex*, a judge who would preside “in the second stage (*apud iudicem*) when the case was heard and argued. He was a private person empowered by the magistrate’s order to give judgement, but he was more than a mere private arbitrator, because that judgement was recognized by the state and gave rise to execution proceedings, though in the last resort it was the successful plaintiff who had to put these into effect.”<sup>9</sup> The magistrate could also assign hearing of the case to himself.<sup>10</sup> Originally Roman criminal procedure did not differ from civil procedure,<sup>11</sup> the state merely became the plaintiff, and magistrates were invested with the authority to try the cases themselves.<sup>12</sup>

In the Roman judicial system, lawyers appear not to have been routinely used by either parties. There were lawyers. “They gave opinions to people who consulted them (*respondere*), helped them to draft documents (*cavere*), and advised on litigation and its proper forms (*agere*). They were consulted by magistrates such as the urban *praetor* on the formulations of his edict and by lay judges (*iudices*) on the law they should apply in the cases before them.”<sup>13</sup> They seem to have functioned more as experts advising judges than as litigants: “Advocacy was not in the republic and early empire a normal part of a lawyer’s career, rhetoric being a separate discipline, but was not ruled out.”<sup>14</sup> Advocacy was discouraged by not allowing payment. “In principle their services were free. ...Unlike other professionals such as surveyors and doctors there

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6 Ibid., 404.

7 Ibid., 402; Raphael Taubenschlag, *The Law of Greco-Roman Egypt in the Light of the Papyri*, 2nd ed. (Warszawa: Państwowe Wydawnictwo Naukowe, 1955), 498–502.

8 Nicholas, “Civil Procedure,” 402.

9 Ibid., 401–02.

10 Taubenschlag, *The Law of Greco-Roman Egypt in the Light of the Papyri*, 500.

11 Adolf Berger, Barry Nicholas, and Andrew William Lintott, “Law and Procedure, Roman, 3. Criminal Law and Procedure,” in *The Oxford Companion to Classical Civilization*, 405.

12 Ibid., 408.

13 Tony Honoré, “Lawyers, Roman,” in *The Oxford Companion to Classical Civilization*, 410.

14 Ibid.

was even in the empire no procedure by which they could sue for a fee (*honorarium*).<sup>15</sup> Yet, advocacy was practiced anyway. “The appointment of representatives was a matter of private agreement between the parties.”<sup>16</sup>

If the final judgment were based on Roman notions of law — which would have been the model for all the Gentiles in Jesus’s day — the final judgment would be arraigned before a magistrate, assigned out to a judge, who would render his verdict after an informal hearing without lawyers.

### Judgment under Jewish Law

Under Jewish law, most civil cases, and some criminal cases, were decided by a panel of three judges,<sup>17</sup> with capital cases requiring twenty-three judges,<sup>18</sup> and certain rare cases by seventy-one judges.<sup>19</sup> In the three judge panel, each litigant was entitled to choose one of the judges,<sup>20</sup> but certain nepotistic relations were prohibited from serving as a judge.<sup>21</sup> Each party brought forth witnesses who were examined.<sup>22</sup> The verdict went with the majority of the judges.<sup>23</sup> The litigants were brought in and the judges proclaimed one of the parties guilty.<sup>24</sup> Either party could ask for a rehearing if new evidence or witnesses came to light.<sup>25</sup>

Thus the courtroom procedure differs under Jewish and Roman law. If the final judgment were according to Jewish law then a panel of judges would be convened and they would examine the witnesses themselves and conduct the case. These two legal systems form a background that readers of John’s gospel would have been familiar with.

### The Defendant

Jesus announced that there would be a judgment:

Do not marvel at this because the hour is coming in which all who are in the tombs will hear his voice and come forth, those that have done good (οἱ τὰ ἀγαθὰ ποιήσαντες) in the

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15 Ibid.

16 Taubenschlag, *The Law of Greco-Roman Egypt in the Light of the Papyri*, 506.

17 mSanhedrin 1:1, 3:1,

18 mSanhedrin 1:1, 4.

19 mSanhedrin 1:5–6.

20 mSanhedrin 3:1.

21 mSanhedrin 3:4–5; cf. mBekhoroth 4:10, 5:4.

22 mSanhedrin 3:6.

23 mSanhedrin 3:6.

24 mSanhedrin 3:7.

25 mSanhedrin 3:8.

resurrection of life (εἰς ἀνάστασιν ζωῆς), and those who have done evil (οἱ δὲ τὰ φαῦλα πράξαντες) in the resurrection of judgment (εἰς ἀνάστασιν κρίσεως). (John 5:28–29)

The basic situation is that every mortal, each individual, whatever role they played in this life, will have to face a judgment to account for their deeds in this life. The individual is the defendant.

The judgment has the following basis:

For God loved the world in this way: he gave his only begotten Son so that all who trust in him would not be lost (μὴ ἀπόληται) but would have eternal life. For God did not send his Son to the world in order to condemn the world (ἵνα κρίνῃ τὸν κόσμον) but that the world might be saved (ἵνα σωθῇ ὁ κόσμος) through him. He who trusts in him is not condemned (ὁ πιστεύων εἰς αὐτὸν οὐ κρίνεται), but he who does not trust is already condemned (ὁ δὲ μὴ πιστεύων ἤδη κέκριται), because he has not trusted (ὅτι μὴ πεπίστευκεν) in the name of the only begotten son of God. This is the judgment (ἡ κρίσις), that the light came to the world and men preferred the darkness to the light because their works were wicked (ἦν γὰρ αὐτῶν πονηρὰ τὰ ἔργα). For everyone who does evil (πᾶς γὰρ ὁ φαῦλα πράσσων) hates the light and does not come to the light so that his works might not be examined (ἵνα μὴ ἐλεγχθῇ τὰ ἔργα αὐτοῦ), but he who does the truth comes to the light so that his works might be manifest that they were done for God. (John 3:16–21)

The criteria listed here are mainly doing good versus doing evil.

The judgment is also discussed in the following passage:

He who sets me aside (ὁ ἀθετῶν ἐμὲ) and does not receive my sayings has the thing that will condemn him (ἔχει τὸν κρίνοντα αὐτόν); that account that I spake will judge (κρινεῖ) him in the last day. (John 12:48)

Each individual will therefore be judged on whether he or she trusted God, received his sayings, and refrained from doing evil, or set God aside, did not receive his sayings, and did evil.

Jesus's criteria for the judgments differ somewhat from the Jewish standards of the Mishnah:

כל ישראל יש להם חלק לעולם הבא

All of Israel has a portion in the world to come.<sup>26</sup>

The exceptions are the following:

ואלו שאין להם חלק לעולם הבא--האומר אין תחיית המתים מן התורה,  
ואין תורה מן השמיים, ואפיקורוס

These are those who do not have a portion in the world to come: Whosoever says that there is no resurrection of the dead in the Torah, or that the Torah is not from heaven, or an Epicurean.<sup>27</sup>

In Aramaic, Epicureans referred to those who were “irreverent of authority or religion,” were sceptics, or hedonists “without restraint.”<sup>28</sup> It did not necessarily refer to followers of the philosophical school of Epicurus.

So in John’s gospel, unlike the Mishnah, all humans will eventually stand to be judged according to their works.

### The Judge

Each individual faces this judgment and faces a judge or judges at that tribunal. At various times in its history, Israel had had different tribunals ranging from individual judges to multiple judges forming a council.<sup>29</sup> Although the gospel of John does not use the word for judge at all, it does talk about judgment. Jesus says:

For the Father does not judge anyone (κρίνει οὐδένα) but all judgment (τὴν κρίσιν πᾶσαν) he has given to his Son so that all might honor the Son as they honor the Father. One who does not honor the Son does not honor the Father who sent Him. (John 5:22–23)

So, according to the gospel of John, Jesus is the judge. Gentile readers of John’s gospel would think of the Father as the magistrate assigning Jesus to be the judge in the case. In the gospel of John, the final judgment

26 mSanhedrin 10:1.

27 mSanhedrin 10:1, cf. 10:1–6.

28 Marcus Jastrow, *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature* (Leipzig: W. Drugulin, 1903), 104; F. F. Bruce, *New Testament History* (New York: Doubleday, 1969), 42–43.

29 For an overview, see Ze’ev W. Falk, *Hebrew Law in Biblical Times*, 2nd ed. (Provo, UT: Neal A. Maxwell Institute for Religious Scholarship, 2001), 47–50.

set forth by Jesus resembles more the courts of the Romans than it does those of the Jews. Jesus is the only judge mentioned.

### The Prosecutor

Since no judge is assigned if no complaint is filed, a final judgment presumes a complaint. The complaint is the διαβολή, and the person filing it is the διάβολος.<sup>30</sup> In the modern American legal system, the prosecutor is an attorney, but in the Roman system it is simply someone who has a complaint against someone else. A letter from the third century BC, for example, says:

γίνωσκε δὲ καὶ  
παρὰ τοῖς κεραμεῦσιν  
διαβολὴν ἔχοντά με· φασὶ  
γὰρ πρὸς σὲ γράφειμ με ἀεί-  
τι καθ' αὐτῶν ἀλυσιτε-  
λές.

You should know that the potters have lodged a complaint (διαβολήν) against me, for they say that they wrote to you alleging against me prejudice against them.<sup>31</sup>

A guild ordinance from Tebtunis about the time of Christ stipulates:

ἐάν τις τοῦ ἑτέρου κατη-  
γορήσῃ ἢ διαβολὴν ποιήσῃται, ζημι(ούσθω) (δραχμὰς) η  
If anyone condemns or files a complaint (διαβολήν) against  
another, he shall be liable for eight drachmas.<sup>32</sup>

This ordinance is to provide a disincentive for guild members to take each other to court. This sort of provision has its antecedent in earlier Demotic guild ordinances; for example:

[p3 rm̄ n-im=n] nt iw=f gm rm̄ n-im=n hn mlh n3 sw.w nt hry  
mtw=f iy r bwl hr dr̄t=f mtw=f c̄hc r-r=f iw=f rh c̄hc mtw=s  
c̄hc r rd.wy r-r=f p3y=f qns h̄d qt 4

30 Foerster, "διαβαλλω, διαβολος," in *Theological Dictionary of the New Testament*, ed. Gerhard Kittel (Grand Rapids, MI: William B. Eerdmans, 1964), 2:72.

31 PSI IV 441 lines 17–22.

32 P. Mich. 5 243 lines 7–8.

[The man among us] who will find a man among us in a lawsuit during the above mentioned time and he leaves without assisting and he testifies against him when he can testify, and it is proved against him, his penalty is 4 kite of silver.<sup>33</sup>

The gospel of John does not use the term διαβολή, but it does use the term διάβολος twice. In one case, Jesus says:

“Have I not chose you twelve even though one of you is an accuser (διάβολός)?” He was talking about Judas Simon Iscariot, for he, who was one of the twelve, intended to betray him (ἔμελλεν αὐτόν παραδιδόναι). (John 6:70–71)<sup>34</sup>

In the other case, an altercation in the temple at Jerusalem, Jesus tells his interlocutors:

You are from your father, the devil (accuser, τοῦ διαβόλου), and you wish to do the desires (τὰς ἐπιθυμίας) of your father. He was a murderer (ἀνθρωποκτόνος) from the beginning, and has never stood in the truth, because there is no truth in him. Whenever one tells a lie, he speaks from himself, because he is a liar as is his father. But I, because I tell you the truth, you do not believe (οὐ πιστεύετε) me. (John 8:44–45)

So in Jesus’s courtroom, the devil plays the role of the prosecutor or plaintiff. While Jesus refers to Judas as an accuser, in the eighth chapter the reference is clearly back to the supernatural accuser from the first chapter of Job using the vocabulary of the Septuagint, the ancient Greek translation of the Old Testament:

καὶ ὡς ἐγένετο ἡ ἡμέρα αὕτη καὶ ἰδοὺ ἦλθον οἱ ἄγγελοι τοῦ θεοῦ παραστῆναι ἐνώπιον τοῦ κυρίου καὶ ὁ διάβολος ἦλθεν μετ’ αὐτῶν. καὶ εἶπεν ὁ κύριος τῷ διαβόλῳ πόθεν παραγέγονας καὶ ἀποκριθεὶς ὁ διάβολος τῷ κυρίῳ εἶπεν περιελθὼν τὴν γῆν καὶ ἐμπεριπατήσας τὴν ὑπ’ οὐρανὸν πάρεμι.

And as it dawned that day, and behold, the angels of God assembled before the Lord and the accuser (διάβολος) came

33 P. Lille 29 15, in Françoise de Cenival, *Les associations religieuses en Égypte d’après les documents démotiques* (Caire: Institut Français d’Archéologie Orientale, 1972), 6–7, planche I–II.

34 For the manuscript variants here I am following p<sup>66</sup> and x rather than p<sup>75</sup> and B.

among them. And the Lord said to the accuser: Where have you come from? And the accuser said to the Lord: I am one who goes about the earth, walking around that part under heaven. (Job 1:6–7, LXX)

The Hebrew text has the children of God (*b<sup>e</sup>nê-’elohîm*) rather than angels. The idea of a supernatural being playing the role of a prosecutor is attested at least as early as the eighth century BC when a number of deities are attested as prosecutors in a fragmentary Luwian inscription erected by Runtiyawari found at Tuleil in modern Lebanon:

*á-pa-ti-pa-wa* (DEUS) *ku+AVIS* (DEUS) *LUNA-sa hara-na-wa-ni-i-sa*[(URBS)] *LIS-li-sa á-sà-tu*

And let Kubaba and the moon-god of Haran be the prosecutor there.<sup>35</sup>

The idea of a divine prosecutor, in turn, derives from covenant texts where various gods serve as witnesses of the covenant. “The gods served as witnesses and appeared under the guise of the patron of the treaty. Moreover, the gods were invoked not only as guarantors but also as potential litigants (*bēl dīni*) in case of breach of contract. The gods will call the violator to account for his perjury.”<sup>36</sup> Those who violate the covenant will have various gods serve as witnesses against them,<sup>37</sup> and act against them:

nu ma-a-an ki-iš-ša-an ut-tar i-e-[ši] nu-ut-ta ki-e NI-IŠ  
DINGIR<sup>MEŠ</sup> le-e da-li-ia-an-zi nu-ut-[ta] a-pu-u-un-na an-tu-  
uḫ-ša-an le-e da-li-an-[zi] zi-ik ku-e-da-ni EGIR-an ti-ia-ši  
nu a-pu-u-un-na ḫar-ni-in-ká[n-du] nu-uš-ma-aš ki-i ut-tar  
NI-IŠ DINGIR<sup>MEŠ</sup> EGIR-an le-e tar-na-an-zi nu-uš-ma-at-ša  
le-e a-a-ra i-en-zi nu-uš-ma-aš ták-ša-an ḫar-ni-in-kán-du

35 TULEIL 2 šd, in John D. Hawkins, *Corpus of Hieroglyphic Luwian Inscriptions* (Berlin: Walter de Gruyter, 2000), I.2:382–83.

36 Bustenay Oded, *War, Peace and Empire: Justifications for War in Assyrian Royal Inscriptions* (Wiesbaden: Dr. Ludwig Reichert Verlag, 1992), 12.

37 For examples, see Kenneth A. Kitchen and Paul J. N. Lawrence, *Treaty, Law and Covenant in the Ancient Near East* (Wiesbaden: Harrassowitz, 2012), 1:192–93, 212–13, 218–19, 222, 224, 226–27, 236–41, 348–49, 358–59, 376–79, 394–97, 414–17, 424–25, 436–37, 442–43, 462–63, 478–81, 488–91, 502–03 524–25, 534–37, 544–45, 560–63, 588–91, 604–07, 624–27, 636–39, 918–19, 946–47, 964–65, 1010–11, 1014–15, 1022–23, 1039–40, 1047, 1075; Gary Beckman, *Hittite Diplomatic Texts*, 2nd ed. (Atlanta: Scholars Press, 1999), 14, 28–29, 36, 40, 46–48, 51–54, 57–58, 63–64, 68–69, 73, 81–82, 85–86, 91–93, 111–13, 121–22.

If you do things as follows, these oath-gods will not leave you alone, nor on your account will they leave alone that man with whom you stand. Let them destroy him. These oath-gods will not forgive you for these things; they will not make them right for you. Let them completely destroy you.<sup>38</sup>

Divine witnesses appear first in the early second millennium BC in the Old Assyrian period and the Old Babylonian period.<sup>39</sup> These witness deities in treaties and covenants parallel the witnesses in legal documents. These human witnesses can serve to convict or exonerate the accused.<sup>40</sup> In Old Babylonian times, for example,

the records of court proceedings make it clear that evidence was sought and carefully examined. It could be oral or written. Oral testimony was usually taken from the two contestants in a dispute, backed up by the oral statements of witnesses on either side. These statements may have been generally that they know something to be true (e.g. that A was a slave, or that Y was chaste), or more specifically that they saw something happen, whether this was a transaction between two individuals, or the perpetration of a crime. If the facts are unclear, the judges will take steps to seek clarification. They may write to the local authorities, to have witnesses sent, or they may request that the matter be further investigated locally. [Texts show] the judges summoning before them the original witnesses to a house sale, as listed in the deed, and a long-running lawsuit at Nippur saw the witnesses to one court case recalled to reaffirm the evidence they had given seventeen years earlier in a case of disputed paternity, and to bear witness to oral testimony given then by the grandmother, now deceased.<sup>41</sup>

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38 Treaty between Suppiluliuma of Hatti and Huqqana of Hayasa (CTH 42), in Kitchen and Lawrence, *Treaty, Law and Covenant in the Ancient Near East*, 1:444–45; Beckman, *Hittite Diplomatic Texts*, 29.

39 Kitchen and Lawrence, *Treaty, Law and Covenant in the Ancient Near East*, 1:193; 3:247.

40 Codex Hammurapi 7, 9–11, in E. Bergmann, *Codex Hammurabi* (Roma: Pontificium Institutum Biblicum, 1953), 4–5; Martha T. Roth, *Law Collections from Mesopotamia and Asia Minor*, 2nd ed. (Atlanta: Scholars Press, 1997), 82–84; Kitchen and Lawrence, *Treaty, Law and Covenant in the Ancient Near East*, 1:116–19.

41 J. N. Postgate, *Early Mesopotamia: Society and Economy at the Dawn of History* (London: Routledge, 1992), 279.

Earlier, in Neo-Sumerian times, witnesses (and even women and slaves could act as witnesses) swore oaths,<sup>42</sup> but the oaths were in the name of the king,<sup>43</sup> as well as by various deities or their symbols.<sup>44</sup> By Old Babylonian times this had changed; “when taking the oath it was usual to swear on the symbol of a god — like the dog of Gula, or the weapon of Marduk.”<sup>45</sup>

A supernatural prosecutor is thus an ancient idea and not some sort of Christian innovation.<sup>46</sup>

### The Defense Attorney

So there they stand, the prosecutor and the defendant before the judge. Fortunately, there is the possibility of summoning a defense attorney, a παράκλητος. Demosthenes illustrates this usage well:

δεήσομαι δὲ πάντων ὑμῶν, ἃ καὶ τοῖς μὴ δεηθεῖσι δίκαιόν ἐστιν ὑπάρχειν, μηδεμίαν μὴτε χάριν μὴτ’ ἄνδρα ποιεῖσθαι περὶ πλείονος ἢ τὸ δίκαιον καὶ τὸν ὄρκον ὃν εἰσελήλυθεν ὑμῶν ἕκαστος ὁμωμοκῶς, ἐνθυμουμένους ὅτι ταῦτα μὲν ἐσθ’ ὑπὲρ ὑμῶν καὶ ὅλης τῆς πόλεως, αἱ δὲ τῶν παρακλήτων αὐταὶ δεήσεις καὶ σπουδαὶ τῶν ἰδίων πλεονεξιῶν εἵνεκα γίνονται, ἅς ἵνα κωλύηθ’ οἱ νόμοι συνήγαγον ὑμᾶς, οὐχ ἵνα κυρίας τοῖς ἀδικοῦσι ποιῇτε.

I ask all of you that — which is just to be granted even to those who do not ask it — that nothing be done (neither for favor, nor personal influence) more than justice and the oath which each of you who entered here swore, considering that justice and the oath are on your own behalf and on behalf of the whole city, while the requests and advocacy of the attorneys (τῶν παρακλήτων) are on behalf of their own special interests — which the law urges you to thwart, not to enact for the advantage of the unjust.<sup>47</sup>

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42 Adam Falkenstein, *Die neusumerischen Gerichtsurkunden* (München: Bayerischen Akademie der Wissenschaften, 1956–57), 1:68–69.

43 Ibid., 1:63–64.

44 Ibid., 1:65.

45 Postgate, *Early Mesopotamia*, 280.

46 I think that treatments like Miguel A. De La Torre and Albert Hernández, *The Quest for the Historical Satan* (Minneapolis: Fortress Press, 2011) miss some key points by not knowing the ancient Near East better.

47 Demosthenes, *On the False Embassy*, 1.

Jesus mentions this defense attorney three times in the course of John's gospel:

If you love me, you will keep my commandments, and I will ask the Father and he will give you another defense attorney (ἄλλον παράκλητον) so that he may be with you forever: the spirit of truth, whom the world cannot receive because they neither see nor know it. But you will recognize it, because it will remain with you and be among you. (John 14:15–17)

So the same thing that will cause one to avoid condemnation will summon legal counsel to one's aid. That legal aid is identified as the spirit of truth.

When the defense attorney (ὁ παράκλητος) comes, whom I will send you from the Father, the spirit of truth which comes forth from the Father, he shall bear witness of me (ἐκεῖνος μαρτυρήσει περὶ ἐμοῦ) and then you too will bear witness (ὁμεῖς δὲ μαρτυρεῖτε) that it was with me from the beginning. (John 15:26–27)

Jesus here picks up the legal metaphor and expands on it. Both the defense attorney and the individual will bear witness in the legal proceedings. The spirit of truth which comes from the Father is the defense attorney.

Now then, I will go to him who sent me, and none of you should ask me, "Where are you going?" but because I said this to you, sadness has filled your hearts. But I tell you the truth that it is necessary for you that I leave. For if I do not leave, the defense attorney (ὁ παράκλητος) will not come to you; but if I go, I will send him to you. And when he comes he will cross-examine (ἐλέγξει) the world concerning sin, and justice, and judgment (περὶ ἁμαρτίας καὶ περὶ δικαιοσύνης καὶ περὶ κρίσεως): concerning sin, because they did not have faith in me (οὐ πιστεύουσιν εἰς ἐμέ); concerning justice, because I go to the Father and you shall no longer see me; concerning judgment, because the ruler of this world has been condemned (κέκριται). (John 16:5–11)

According to the metaphor expounded here, the attorney provided will also cross-examine the witnesses arrayed against the defendant. It will be shown that the defendant blessed with a defense attorney will have had trust in the Son of God, while the world will not. The ruler of this world, who is the prosecutor, will be condemned rather than the accused.

The idea of a divine defense attorney was not limited to Christians. A pagan example comes from Lydia in AD 235/236:

ἔτους τκ', μη(νός) Πανήμου βί'  
κατὰ τὸ ἐφρενωθεὶς ὑπὸ τῶν  
θεῶν ὑπὸ τοῦ  
Διὸς κὲ τοῦ <Μηνός> μεγάλου Ἀρτεμι-  
δώρου· ἐκολασόμην τὰ ὄματα τὸν  
Θεόδωρον κατὰ τὰς ἀμαρτίας, ἃς  
ἐπύησεν· συνεγενόμην τῇ πε-  
δίσχη τ<οῦ> Ἀπλοκόμα, τῇ Τροφίμῃ, τῇ γυ-  
ναικὶ τῇ Εὐτύχηδος εἰς τὸ πλετώ-  
ριν· ἀπαίρι τὴν πρώτην ἀμαρτίαν προβά-  
τῳ[[ν]], πέρδεικι, ἀσφάλακι· δευτέρα  
ἀμαρτία· ἀλλὰ δοῦλος ὢν τῶν θεῶν τῶν  
ἐν Νονου συνεγενόμην τῇ Ἀριάγνῃ τῇ  
μοναθλίᾳ· ᾤριμι χύρῳ, θείνῳ ἐχθύει· τῇ  
τρίτῃ ἀμαρτία συνεγενόμην Ἀρεθούσῃ  
μοναυλίᾳ· ᾤριμι ὄρνειθι, στρουθῷ, περισ-  
τερᾷ, κύ(πρῳ) κρειθοπύρων, πρό(χῳ) οἴνου· κύ(προν) πυρῶν  
καθαρὸς τοῖς εἰεροῖς, πρό(χον) α' ἔσχα παράκλητον  
τὸν Δεῖαν· “εἶδαι, κατὰ τὰ πυήματα πεπηρώκιν,  
νῦν δὲ εἰλαζομένου αὐτοῦ τοὺς θεοὺς κὲ στη-  
λογραφοῦντος ἀνερύσετον τὰς ἀμαρτίας”·  
ἡρωτημαίνος {ἡρωτημένος} ὑπὸ τῆς συνκλήτου· “εἴλεος εἶ-  
μαι ἀναστανομένης τῆς στήλῃν μου,  
ἥ ἡμέρα ὥρισα· ἀνύξαις τὴν φυλακὴν, ἐξαφίω  
τὸν κατάδικον διὰ ἐνιαυτοῦ κὲ μηνῶν ἰ' περι-  
πατούντων”

Year 320, month of Panemos, day 12, as instructed by the gods, and by Zeus, and by the great wrath of Artemidoros. I, Theodore, was punished in my eyes because of the sins

that I committed (τὰς ἀμαρτίας, ἃς ἐπύησεν).<sup>48</sup> I slept with Trophime — the slave of Aplokoma, and wife of Eutyches — in the priestly council chamber. I got rid of my first sin (ἀπαίρι<sup>49</sup> τὴν πρώτην ἀμαρτίαν) with a sheep, a partridge, and a blind rat. The second sin: another time when I was the servant of the gods in Nonus, I slept with Ariagne, who was unmarried. I got rid of it (παίρι) by sacrificing a sacred pig. The third sin: I slept with Arethouse, who was unmarried. I got rid of it (παίρι) by a chicken, a sparrow, a dove, a measure of wheat and barley, an ewer of wine, a measure of wheat, 1 ewer winnowed grain for the priests. I had Zeus for a lawyer (ἔσχα παράκλητον τὸν Δεῖαν): “Behold, he has been maimed because of his deeds. But now, if he atones to the gods (εἰλαζομένου<sup>50</sup> αὐτοῦ τοὺς θεοὺς) and writes a stele, he will be saved from his sins (ἀνερύσετον τὰς ἀμαρτίας).” When asked by the council. “I am atoning (εἴλεος<sup>51</sup> εἶμαι) by setting up my stele on the appointed day. Open the prison, I have discharged the injustice (ἐξαφίω τὸν κατάδικον) I have walked around in for 25 years and 10 months.”<sup>52</sup>

Here Theodore has been blinded because of his immoral conduct, but follows the instructions of his divine lawyer to atone for his sins. Theodore’s talk of sin and atonement as well as divine legal aid sounds in many ways as though it were Christian. This is because when Christianity moved into a Greek speaking world and became Greek speaking, it borrowed the common religious vocabulary used by many religions in the Greco-Roman world to address similar concepts. When the early Christians translated the gospel, and probably the words of Jesus, into Greek, they would have needed to use vocabulary that was comprehensible to their audience much the same was that God told Joseph Smith that “these commandments are of me, and were given unto my servants in their weakness, after the manner of their language, that they might come to understanding” (D&C 1:24).

48 The normal Greek form of the word is ἐποίησεν. The form used in the inscription illustrates a common sound shift well underway in the third century.

49 The normal Greek spelling would be ἀπαίρει.

50 The standard Greek spelling would be ἰλαζομένου.

51 The standard Greek spelling would be ἴλεος.

52 SEG XXXVIII 1237.

The concepts of the divine legal aid in the gospel of John thus used similar vocabulary and concepts that would have been understood by John's Greek speaking readers.

### Conclusions

This is a mere sketch of the situation at the divine judgment and looks only at the situation in the gospel of John. In John's gospel, the individual is the defendant; Jesus is the judge; the devil is the prosecuting attorney; and the Holy Ghost is the defense attorney.

This is a very simple arrangement and differs from the situation encountered in other texts. It fits more closely the Roman model of judgment than the Jewish one. There are a few reasons why this is so. The Jewish model comes from the Mishnah which is a second century text rather than a first century one, but the trial of Jesus before the Sanhedrin shows that something like the prescriptions in the Mishnah was in use in Jesus's day. More importantly, the civil courtrooms of Jesus's day were Roman even in Judea,<sup>53</sup> hence the operative model to use is the Roman one, which is why Jesus would use it, and would have been understood whether John's audience were Jewish or Gentile.

Since all will have to stand before the judgment bar, all of us will need to heed the counsel of our defense attorney. Jack, with his background as an attorney, will appreciate the thought.

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53 John 18:28–31.

