

STEPHEN'S SPEECH AS A MODIFIED PROPHETIC *riḅ* FORMULA

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I. INTRODUCTION: THE PROBLEM STATED

For generations scholars have struggled with the purpose, content, and uniqueness of Stephen's extended speech in Acts 7, especially his select abridgement of Israel's history.¹ Among the dominant higher-critical approaches, scholars have relied heavily, although not exclusively, upon redaction, rhetorical, and source-critical theory in an attempt to answer some basic queries in relation to the speech.² For example, what sources informed or lay behind Stephen's historical rendition?³

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¹ An earlier version of this paper was presented at the 2012 Annual Meeting of the ETS in Milwaukee, Wisconsin. As of 1979, Earl Richard, "The Polemical Character of the Joseph Episode in Acts 7," *JBL* 98 (1979) 255, noted, "It seems clear that scholars are still puzzled by this part of Acts regarding its historical character, the seeming irrelevance of the long speech, and the purpose it serves in the scheme of the author." (See further his comments on pp. 255–56 n. 4.) For more recent, but similar appraisals, see Peter Dschulnigg, "Die Rede des Stephanus im Rahmen des Berichtes über sein Martyrium (Apg 6,8–8,3)," *Judaica* 44 (1988) 195–96; J. C. O'Neill, *The Theology of Acts in its Historical Setting* (2nd ed.; London: SPCK, 1970) 77–81; Luke Timothy Johnson, *Septuagintal Midrash in the Speeches of Acts* (Milwaukee: Marquette University Press, 2002) 25; H. Alan Brehm, "Vindicating the Rejected One: Stephen's Speech as a Critique of Jewish Leaders," in *Early Christian Interpretation of the Scriptures of Israel: Investigations and Proposals* (ed. C. A. Evans and J. A. Sanders; JSNTSup 148; Sheffield: Sheffield Academic Press, 1997) 266; James D. G. Dunn, *The Parting of the Ways: Between Christianity and Judaism and Their Significance for the Character of Christianity* (2nd ed.; London: SCM, 2006) 86. For a concise appraisal of scholarship with this conclusion, see Todd Penner, *In Praise of Christian Origins: Stephen and the Hellenists in Lukan Apologetic Historiography* (Emory Studies in Early Christianity; New York: T&T Clark, 2004) 85–94. For a negative assessment of the role of Stephen's speech in relation to the context of Acts, see Paul Wendland, *Die hellenistische-römische Kultur in ihren Beziehungen zu Judentum und Christentum* (HNT 1.2; Tübingen: Mohr Siebeck, 1912) 331–32. Wendland also misses the form-critical and rhetorical importance of the long historical overview by Stephen.

² Within the past 30 years, the semantic nuances of the phrase "prophetic/covenant lawsuit" have been challenged, e.g. George W. Ramsey, "Speech-Forms in Hebrew Law and Prophetic Oracles," *JBL* 96 (1977) 45–58, esp. 46; and Michael de Roche, "Yahweh's *riḅ* against Israel: A Reassessment of the So-called 'Prophetic Lawsuit' in the Preexilic Prophets," *JBL* 102 (1983) 563–74. Nevertheless, both Ramsey and de Roche still recognize a special grouping of the *riḅ* oracles. Following the definitions of Simon Roberts, *Order and Dispute: An Introduction to Legal Anthropology* (Harmondsworth: Penguin, 1979) 17–29, de Roche notes that a trilateral dispute (i.e. plaintiff, defendant, and judge) best describes the "lawsuit" genre. Because Acts 7 follows this trilateral format within a court setting (i.e. Stephen, the elders, with Jesus as judge/overseer [cf. Acts 7:56]), I will use "prophetic *riḅ*" with this legal understanding.

³ See for example, Marion Soards, *The Speeches in Acts: Their Content, Context, and Concerns* (Louisville: Westminster/John Knox Press, 1994) 57–70; M. H. Scharlemann, *Stephen: A Singular Saint* (Rome: Pontifical Biblical Institute, 1968) who proposes Samaritan influence on Stephen's speech. Delbert Wiens, *Stephen's Sermon and the Structure of Luke-Acts* (N. Richland Hills, TX: Bibal Press, 1995) 82, posits that

What is the rhetorical function of the speech both in whole and in part?⁴ Is Stephen's speech merely a rhetorical device created *in toto* by Luke himself?⁵ Why does Stephen's speech deviate from the normal rhetorical patterns of his day?⁶ Is the speech a unity or an amalgam of traditions?⁷ And finally, although one could go on,

Acts 7:41–50 relies heavily on Jeremiah 7, 1 Kings 8, Amos 5, and Isaiah 64–66. For a concise summary of several of the source possibilities, see Penner, *In Praise of Christian Origins* 90 n. 103.

⁴ See Dennis Sylva, "The Meaning and Function of Acts 7:46–50," *JBL* 106 (1987) 269 n. 22, for a list of those who have written about the literary and rhetorical "dilemma" of Stephen's speech.

⁵ So Johannes Bihler, *Die Stephanusgeschichte im Zusammenhang der Apostelgeschichte* (Munchener Theologische Studien; Munich: Max Hueber, 1963) 28, 86; John Kilgallen, *The Stephen Speech: A Literary and Redactional Study of Acts 7:2–53* (AnBib 67; Rome: Biblical Institute Press, 1976) 163; Earl Richard, *Acts 6:1–8:4: The Author's Method of Composition* (SBLDS 41; Missoula, MT: Scholars Press, 1978) 357, who seems to suggest this; Gustav Stählin, *Die Apostelgeschichte* (Göttingen: Vandenhoeck & Ruprecht, 1962) 112; Luke Timothy Johnson, *The Acts of the Apostles* (SP 5; Collegeville, MN: Liturgical Press, 1992) 119. Brehm, "Vindicating the Rejected One" 272 n. 12, also lists the following who have a similar view: F. C. Baur, *Paul, The Apostle of Jesus Christ: His Life and His Work, His Epistles, and His Doctrine* (trans. and ed. E. Zeller; rev. A. Menzies; 2nd ed.; London: Williams and Norgate, 1876) 57–58; Julius Wellhausen, *Kritische Analyse der Apostelgeschichte* (Abhandlungen der königlichen Gesellschaft der Wissenschaften zu Göttingen 15.2; Berlin: Weidmann, 1914) 12; F. Spitta, *Die Apostelgeschichte: Ihre Quellen und deren Geschichtswert* (Halle: Waisenhaus, 1891) 115; Gerhard Schneider, "Stephanus, die Hellenisten und Samaria," in *Les actes des apôtres: Traditions, redaction, théologie* (ed. J. Kremer; BETL 48; Leuven: Leuven University Press, 1979) 224; R. Schumacher, *Der Diakon Stephanus* (NTAbh 3.4; Münster: Aschendorff, 1910) 81–87; H. H. Wendt, *Die Apostelgeschichte* (8th ed.; KEK; Göttingen: Vandenhoeck & Ruprecht, 1899) 152; H. W. Beyer, *Die Apostelgeschichte* (7/8th ed.; NTD 5; Göttingen: Vandenhoeck & Ruprecht, 1956) 50–51; W. Grundmann, "Das Problem des hellenistischen Christentums innerhalb der Jerusalemer Urgemeinde," *ZNW* 38 (1939) 60–65. Edward Schweizer, "Concerning the Speeches of Acts," in *Studies in Luke-Acts* (ed. Leander E. Keck and J. Louis Martyn; Nashville: Abingdon, 1966) 208, draws this conclusion about the speeches of Acts but fails to include Acts 7. See also evaluations by Merle B. Dudley, "The Speeches in Acts," *ErQ* 50 (1978) 147–55; Craig C. Hill, *Hellenists and Hebrews: Reappraising Division within the Earliest Church* (Minneapolis: Fortress Press, 1992) 54–101, esp. 82–90; Wendland, *Die hellenistische-römische Kultur* 331–32; and Penner, *In Praise of Christian Origins* 93, 326.

Paul Barnett, *Jesus and the Rise of Early Christianity: A History of NT Times* (Downers Grove, IL: InterVarsity, 1999) 221, argues for the speech's authenticity because it is so unique in Acts. Joseph A. Fitzmyer, *The Acts of the Apostles* (AB 31; New York: Doubleday, 1998) 365, comes to a similar conclusion. C. K. Barrett, "OT History according to Stephen and Paul," in *Studien zum Text und zur Ethik des Neuen Testaments: Festschrift zum 80. Geburtstag von Heinrich Greeven* (ed. Wolfgang Schrage; BZNW 47; Berlin: de Gruyter, 1986) 66, says Stephen adapted a Hellenistic-synagogue sermon. Dschulnigg, "Die Rede des Stephanus" 206, notes that the author of Acts used "raw material" from Stephen's speech that was a part of an early Christian tradition. Dunn, *The Parting of the Ways* 86, asserts that the marks of Lukan style are "clear and not in doubt."

⁶ For example, compare Gen 33:19 and Josh 24:32 to Acts 7:16. See further, Charles H. H. Scobie, "The Use of Source Material in the Speeches of Acts 3 and 4," *NTS* 25 (1979) 400 and G. H. R. Horsley, "Speeches and Dialogue in Acts," *NTS* 32 (1986) 609–13. Scobie challenges the earlier work of scholars such as Dibelius whereas Horsley does comparative work with authors such as Herodotus, Thucydides, Xenophon, Polybius, Sallust, Livy, Josephus, Tacitus, Suetonius, Plutarch, and Longus. For an example of literary conventions of the 5th century BC that may help explain Luke's use/creation of speeches, see Thucydides, *Histories* 1.22.1.

⁷ Hans Conzelmann, *Acts of the Apostles* (trans. James Limburg, A. Thomas Kraabel, and Donald H. Juel; Hermeneia; Philadelphia: Fortress, 1987) 57, 61, proposes that Luke added thematic material at will within the speech. George A. Kennedy, *NT Interpretation through Rhetorical Criticism* (Chapel Hill, NC: The University of North Carolina Press, 1984) 122 concedes a level of historicity in Stephen's speech even though it was clearly not a "word-for-word account" from Stephen.

is the speech intended to be a response to the accusations of Acts 6?⁸ Unfortunately, in attempting to find answers to these queries, scholars, both past and present, end up producing more questions than answers.

Scholars of the late 19th and 20th centuries wrote extensively on these issues with varied levels of success in solving the literary enigma of Acts 7.⁹ Typical of the critiques of Stephen's speech is that of Ernst Haenchen who posits that the speech is a "history-sermon" not that of a "martyr"¹⁰—thus raising questions concerning literary unity, redaction history, and rhetorical intent. Also, F. J. Foakes Jackson suggests that the text of 7:1–54 is a later redactional insertion and not an original part of Stephen's speech—thus removing the speech almost in its entirety from the lips of Stephen.¹¹ Similarly, Martin Dibelius is paradigmatic of exegetes who question the rhetorical purpose of Luke's inclusion of much of Stephen's historical rendition of 7:2–34.¹² Dibelius contends that, "from 7.2–34 the point of the speech is not obvious at all; we are simply given an account of the history of Israel."¹³ Again

⁸ Typical of this position is Hill, *Hellenists and Hebrews* 53–92, who uses forty pages to assess these possible connections. Cf. also Penner, *In Praise of Christian Origins* 90–93, 96–97, 99, 324–25 and Dunn, *The Parting of the Ways* 86–93, who focus heavily on the temple motif as a key part of the speech.

⁹ Cf., e.g., Martin Hengel, *Between Jesus and Paul: Studies in the Earliest History of Christianity* (trans. John Bowden [trans. of "Zwischen Jesus und Paulus," ZTK 72 (1975) 151–206]; Philadelphia: Fortress, 1983) 23; Scobie, "The Use of Source Material" 399–421, esp. 399–417; Barrett, "OT History according to Stephen and Paul" 57–66. For further bibliography, see Kilgallen, *The Stephen Speech* 5 n. 1; M.-É. Boismard, "Stephen," *ABD* 6:208; and B. L. Blackburn, "Stephen," *DLNTD* 1124–25.

¹⁰ Ernst Haenchen, *The Acts of the Apostles: A Commentary* (1965; trans. Bernard Noble and Gerald Shinn; Oxford: Basil Blackwell, 1971) 288–89. So also the conclusions of Alfred Loisy, *Les Actes des Apôtres* (Paris: E. Nourry, 1920; repr. Frankfurt: Minerva, 1973) 318. See further the discussion by Haenchen, *Acts* 286–89, and the list of scholars who posit heavy redaction of the speech by Luke. Hill, *Hellenists and Hebrews* 100, following Haenchen (*Acts* 288), propounds that the speech is "sacred history told for its own sake with no other theme"—after all, it is "a sermon!" This, he posits, explains its length and style.

¹¹ F. J. Foakes Jackson, "Stephen's Speech in Acts," *JBL* 49 (1930) 285. Max Wilcox, *The Semitisms of Acts* (Oxford: Clarendon, 1965) 159, 161 and Jacques Dupont, *The Sources of Acts: The Present Position* (trans. Kathleen Pond; London: Darton, Longman & Todd, 1964) 56, suggest likewise. For a scathing critique of Wilcox, see Earl Richard, "The OT in Acts: Wilcox's Semitisms in Retrospect," *CBQ* 42 (1980) 330–41. Richard avers that the proposed Semitisms of Wilcox can be best explained by an earlier LXX tradition as opposed to searching for Semitic sources. Cf. further Richard, *Acts 6:1–8:4* 33–155, 251–52, 357. Richard notes 100 direct allusions to the OT in Acts 7 while Lapierre notes 43. Cf. Richard, *Acts 6:1–8:4* 37 and Francis Lapierre, *Saint Luc en Acts?* (Paris: L'Harmattan, 2010) 58–63. The order of Stephen's speech is different than that of Gen 11:3–12:5; *Jub.* 12:12–15; Pseudo-Philo's *Biblical Antiquities* 8:1–3; or Josephus's *Ant.* 1:154. Cf. Johnson, *Acts of the Apostles* 115. See further textual comparisons of Acts 7 and other traditions in Wilcox, *Semitisms of Acts* 159–61; Kilgallen, *Stephen Speech* 122–63; and Klaus Beyer, *Semitische Syntax im Neuen Testament* (SUNT 1; Göttingen: Vandenhoeck & Ruprecht, 1962) 269.

¹² For a discussion on the differences in the OT and Stephen's rendition of Israel's history based on theological concerns, cf. Rex A. Koivisto, "Stephen's Speech: A Theology of Errors?," *Grace Theological Journal* 8.1 (1987) 101–14. However, the detailed history and the apparent discrepancies per se do not appear to be the reason for the people's animus against Stephen (so also Wiens, *Stephen's Sermon* 18). It appears that the minor adjustments in the retelling of the account may have been attributable to a flexible tradition at this juncture in history.

¹³ Martin Dibelius, *Studies in the Acts of the Apostles* (trans. Mary Ling from the 1951 edition; ed. Heinrich Greeven; London: SCM, 1956) 167. So also the conclusion of Haenchen, *Acts* 289; and A. Wik-

others in an attempt to “solve” the main problem of the extended historical rehearsal have posited that the only purpose for it was to show that Stephen was a pious Jew¹⁴—thus suggesting that there was a clear divide in the Jerusalem church: liberal Hellenists versus conservative Hebrews, with Stephen being a part of the former group.¹⁵ With such diversity in opinions one is left questioning both Luke’s literary motives and Stephen’s intentions, if in fact these can be bifurcated.

Today many scholars see much to commend a unified reading of Stephen’s speech.¹⁶ Indeed, a unified reading of the text from a form-critical perspective may help not only to answer some of the plaguing rhetorical questions, but also to alleviate some of the long-running presumed tensions of the speech. We will see that the form-critical work begun by Hermann Gunkel on the genre of OT lawsuit/*riḅ* formats may actually clarify much of the proposed ambiguity of Acts 7. When Stephen’s speech is placed within this *Sitz im Leben*, a setting which any God-fearing Jew would have been aware of,¹⁷ Stephen’s lengthy speech not only makes perfect sense, but also takes on literary, theological, and rhetorical poignancy in the *Sitz im Text*.¹⁸ Therefore when Foakes Jackson pointed up that “its [Stephen’s speech] tone is that of the Old Testament” and that perhaps Luke “took some old prophecy denouncing the sins of Israel and put it into the mouth of Stephen,”¹⁹ he was actually closer to solving the problem than he may have realized. Moreover, Kilgallen correctly notes not only the rhetorical value and OT connections of the speech but also its unity. He avers, “The speech is overtly a lengthy argument of accusation contending that a review of Israel’s history up to the present generation will show that the children are like their fathers, always stiff-necked and uncircumcised of heart, always in opposition to the Holy Spirit of God. All sections of the speech can be understood as contributing strength to Stephen’s argument.”²⁰ Again, H.

enhauer, *Die Apostelgeschichte: übersetzt und erklärt von Alfred Wikenhauser* (Regensburg: F. Pustet, 1961) 90–91, as noted by Kilgallen, *Stephen Speech* 13–14.

¹⁴ See H. J. Holtzmann, *Die Apostelgeschichte* (3rd ed.; HKNT 1.2; Tübingen: Mohr Siebeck, 1901) 55.

¹⁵ See Hengel, *Between Jesus and Paul* 1–29; F. C. Baur, *Paul, the Apostle of Jesus Christ, His Life and His Works, His Epistles and Teachings: A Contribution to a Critical History of Primitive Christianity* (2 vols.; London: Williams and Norgate, 1873–75) 1.43; Schneider, “Stephanus, die Hellenisten und Samaria” 215–40 esp. 237–40; Barrett, “OT History according to Stephen and Paul” 66, 68. For a discussion on the Hellenists and the Hebraists, see William A. Simmons, *A Theology of Inclusion in Jesus and Paul: The God of Outcasts and Sinners* (Mellen Biblical Press Series 39; Lewiston, NY: Mellen Biblical Press, 1996) 88–106. F. F. Bruce, *The Speeches in the Acts of the Apostles* (London: Tyndale, 1944) 5, is wary of simply calling this an “apologetic” or “defence” speech but offers no alternative. See further comments by Dschulnigg, “Die Rede des Stephanus” 206–9.

¹⁶ Richard, *Acts 6:1–8:4* 253; Brehm, “Vindicating the Rejected One” 276–77; Simmons, *Theology of Inclusion* 106–7.

¹⁷ So also the conclusion of B. Gemser, “The *riḅ*—or Controversy—Pattern in Hebrew Mentality,” in *Wisdom in Israel and in the Ancient Near East: Presented to H. H. Rowley* (ed. M. Noth and D. Winston Thomas; VTSup 3; Leiden: Brill, 1955) 120–37, esp. 128–33.

¹⁸ This is a phrase borrowed from Robert O’Connell, *The Rhetoric of the Book of Judges* (VTSup 63; Leiden: Brill, 1996) 308.

¹⁹ Foakes Jackson, “Stephen’s Speech in Acts” 286. Martin Hengel is reflective of a more balanced approach allowing for Luke’s use of some older traditions. Martin Hengel, *Between Jesus and Paul* 19.

²⁰ John Kilgallen, “The Function of Stephen’s Speech (7,2–53),” *Bib* 70 (1989) 182. Note also that Giuseppe Ricciotti, *The Acts of the Apostles: Text and Commentary* (trans. Laurence E. Byrne; Milwaukee:

Alan Brehm, using a tradition-historical approach, suggests that Stephen's speech is a "counter accusation" that critiques the Jewish leaders fashioned after past historical summaries (e.g. Josh 24:2–15; Neh 9:5–37; Psalms 78; 105; 106; Ezekiel 20; Wisdom 10–19; Sirach 44–50; and Jdt 5.6–21), especially that of Nehemiah 9.²¹ Unfortunately, in these approaches noted above, scholars have failed to connect the dots form-critically. Therefore in this paper I will conclude that Luke's inclusion of Stephen's speech reflects a specific aspect of the Jewish prophetic literary tradition often identified by form critics as the *rĭb* ("contention") formulary. This formulary is rooted in the legal proceedings for those found guilty of some wrong perpetrated against another, for example, rebellion against God and his prophets—a clear parallel to Stephen's first-century context.²² This not only fits the judicial setting of Acts 6 and 7 but also establishes a clear purpose for Stephen's select historical rendition.²³ Luke's main rhetorical purpose was to offer, in prophetic style, a final stinging rebuke of the Jewish elite and populace before moving the focus of the Gospel from the Jews to the Gentiles.

II. THE *RĪB* FORMULARY²⁴ AND STEPHEN'S SPEECH

Research on the *rĭb* formula extends back to the first half of the 20th century with preliminary work done by scholars such as Hermann Gunkel and Joachim Begrich.²⁵ However, it was in fact scholars from the 1950s and onward who showed an increased interest in the subject. Ernst Würthwein, Hans Jochen Boecker, George Mendenhall, Herbert Huffmon, and Julien Harvey, among others, all explored the topic at length.²⁶ Many also concluded that there is a direct connection

Bruce, 1958) 117–18, notes the prophetic influence on Stephen's speech and even quotes Isa 1:2–4 and the *rĭb* found there. Also, Wikenhauser, *Die Apostelgeschichte* 86, notes that Stephen's speech is "a bold confrontation with Judaism."

²¹ Brehm, "Vindicating the Rejected One" 277, 266, 274.

²² Johnson, *Septuagintal Midrash* 24–25, correctly notes the prophet-like status given to Stephen by Luke in Acts 6:5, 8, 10.

²³ Contra Penner, *In Praise of Christian Origins* 325, who incorrectly concludes that Acts 7 "is not a judicial speech" even though he acknowledges its "judicial setting."

²⁴ Also known as *Gerichtsrede* ("court speech") in form-critical studies.

²⁵ Hermann Gunkel and Joachim Begrich, *Einleitung in die Psalmen: Die Gattungen der religiösen Lyrik Israels* (Göttingen: Vandenhoeck and Ruprecht, 1933); Joachim Begrich, *Studien zu Deuterocesaja* (BWANT 77; Stuttgart: Kohlhammer, 1938).

²⁶ Ernst Würthwein, "Der Ursprung der prophetischen Gerichtsrede," *ZAW* 49 (1952) 1–16; George E. Mendenhall, "Covenant Form in Israelite Tradition," *BA* 17 (1954) 50–76; idem, *Law and Covenant in Israel and the Ancient Near East* (Pittsburgh: Biblical Colloquium, 1955); Herbert B. Huffmon, "The Covenant Lawsuit in the Prophets," *JBL* 78 (1959) 285–95; Julien Harvey, "Le *RĪB*-Pattern: Réquisitoire Prophétique sur la Rupture de l'alliance," *Bib* 43 (1962) 172–96 and idem, *Le Plaidoyer Prophétique contra Israël Après la Rupture de l'alliance* (Studia 22; Montreal: Les Éditions Bellarmin, 1967). Cf. also B. Gemser, "The *RĪB*—or Controversy—Pattern in Hebrew Mentality," *VT* 3 (1955) 120–37; Klaus Baltzer, *Das Bundesformular* (WMANT 4; Neukirchen: Neukirchener, 1960) (ET *The Covenant Formulary* [trans. David E. Green; Philadelphia: Fortress, 1971]); Hans Jochen Boecker, *Redeformen des Rechtslebens im Alten Testament* (2nd exp. ed.; Neukirchen-Vluyn: Verlag des Erziehungsvereins, 1970); James Limburg, "The Root **רִיב** and the Prophetic Lawsuit Speeches," *JBL* 88 (1969) 291–304; G. Ernest Wright, "The Lawsuit of God: A Form-Critical Study of Deuteronomy 32," in *Israel's Prophetic Heritage: Essays in Honor of James Muilenburg* (ed. Bernhard Anderson and Walter Harrelson; New York: Harper,

between the indictments of the prophets and the original covenant.²⁷ Huffmon offers the following paradigms for the genre/*Gattung* typically known as the prophetic “lawsuit” or *rib*.

- I. A description of the scene of judgment
 - II. The speech by the judge
 - A. Address to the defendant
 - 1. Reproach (based on the accusation)
 - 2. Statement (usually in the third person) that the accused has no defense
 - B. Pronouncement of guilt
 - C. Sentence (in second or third person)
- or
- I. A description of the scene of judgment
 - II. The speech of the plaintiff
 - A. Heaven and earth are appointed judges
 - B. Summons to the defendant (or judges)

1962) 26–67 esp. 34–36, 41–49; M. O'Rourke Boyle, “The Covenant Lawsuit of the Prophet Amos: 3:1–4:13,” *V/T* 21 (1971) 338–62; Claus Westermann, *Basic Forms of Prophetic Speech* (trans. Hugh Clayton White; Philadelphia: Westminster, 1967) 199–200; Ramsey, “Speech-Forms” 45–58. For a history of the discussion, see Kirsten Nielsen, *Yahweh as Prosecutor and Judge: An Investigation of the Prophetic Lawsuit (Rib Pattern)* (JSOTSup 9; Sheffield: Sheffield Academic Press, 1978) 5–26. See further bibliography in *TDOT* 13.473–74. Three proposals have been offered for the origination of the genre: (1) Gunkel's belief that it is rooted in “secular legal practice”; (2) Würthwein's conclusion that it has its “origin in the cult”; and (3) Harvey's and Huffmon's contention that it originates “in the realm of international treaty forms.” Cf. Dwight R. Daniels, “Is There a Prophetic Lawsuit Genre?,” *ZAW* 99 (1987) 339–40. Daniels challenges the assumption that a prophetic-lawsuit genre exists. However, his conclusion rests too heavily upon speculative redaction theories, questionable form-critical nuances, and an inadequate handling of Deuteronomy 32 and Psalm 50, not to mention his failure to consider the overall context of his cited passages, which betray legal/prophetic lawsuit nuances (see, e.g., comments on Mic 6:1–8 by Ehud Ben Zvi, *Micah* [FOOTL 21B; Grand Rapids: Eerdmans, 2000] 149–51 or Hans Walter Wolff, *Micah* [trans. Gary Stansell; Minneapolis: Augsburg, 1990] 173–78). Daniels's conclusion does not align with the mainstream of prophetic-lawsuit scholarship (e.g. de Roche, “Yahweh's *rib* against Israel” 563; Delbert Hillers, *Micah* [Hermeneia; Philadelphia: Fortress, 1984] 77; Mendenhall, *Law and Covenant* 35–41), nor does he give proper credence to the lexical work of Limburg, “The Root ריב and the Prophetic Lawsuit Speeches” 291–304. Limburg argues forcefully for the connection of the term ריב with international negotiations (e.g. Judges 11–12 and the Sefire III treaty) and court-type proceedings.

²⁷ Those who argue for a link to the Sinai covenant include Huffmon, “Covenant Lawsuit” 292; Harvey, *Le Plaidoyer Prophétique*; Nielsen, *Yahweh as Prosecutor and Judge* 17, 54; Ramsey, “Speech-Forms” 46; Eberhard von Waldow, *Der traditionsgeschichtliche Hintergrund der prophetischen Gerichtsreden* (BZAW 85; Berlin: Töpelmann, 1963) 19–25. Waldow (p. 20) proposes the following thesis, “Formal betrachtet wurzeln die prophetischen Gerichtsreden im profanen Rechtsleben der hebräischen Rechtsgemeinde. Aber inhaltlich gesehen weisen sie zurück auf die Tradition vom Bunde Jahves mit Israel.” See also Wright, “The Law-Suit of God” 49–52. On the other hand, those arguing against any treaty connection include R. E. Clements, *Prophecy and Tradition* (Atlanta: John Knox, 1975) 19–23; D. J. McCarthy, *OT Covenant: A Survey of Current Opinions* (Oxford: Blackwell, 1972) 78–79; W. M. Clark, “Law,” in *OT Form Criticism* (ed. John H. Hayes; San Antonio: Trinity University Press, 1974) 135–36; and J. R. Boston, “The Wisdom Influence upon the Song of Moses,” *JBL* 87 (1968) 198–202. These last four are noted by de Roche, “Yahweh's *rib* against Israel” 573.

- C. Address in the second person to the defendant
 1. Accusation in question form to the defendant
 2. Refutation of the defendant's possible arguments
 3. Specific indictment²⁸

Whereas these two paradigms serve as general outlines of the different indictment forms offered by scholars, there are actually a number of variations to the formula depending upon a given prophet/speaker, the literary setting, context, or time period.²⁹ A quick review of the most prominent examples of the formula found in Deut 32:1–25; Psalm 50; Isa 1:2–20; 3:13–15; Jer 2:2–37; Mic 6:1–8, and Amos 3:1–4:13 will reveal several of these variations.³⁰ For example, based upon the historical prologue of the original covenant, we often find as part of the “speech by the judge/plaintiff” a brief rendition of YHWH’s benevolent acts for the nation.³¹ This is often reflected in a historical review wherein Israel’s rebellious responses to this beneficence are highlighted (cf. Deut 32:7–14; Isa 1:2; Jer 2:6–7a; Amos 4:6–11; Mic 6:4–5).³² It is this portion of the formulary that Stephen/Luke develops at length as he modifies this older genre. However, much like Amos and Jeremiah’s indictments, Stephen does not appeal to the mountains (e.g. Mic 6:1–2) or heaven and earth³³ (cf. Deut 32:1; Ps 50:4; Isa 1:2³⁴) as witnesses to the proceedings.³⁵ This is understandable in light of the literal court setting of Stephen’s speech. Based upon Acts 7:2, the actual people (i.e. “the men and brethren”) will not only serve as their own witnesses to the court proceedings but were also privy to the

²⁸ Huffmon, “The Covenant Lawsuit” 285–86. Huffmon draws these from Gunkel and Begrich, *Einleitung in die Psalmen* 364–65. See also variations of the form proposed by Nielsen, *Yahweh as Prosecutor and Judge* 5; Wright, “The Law-Suit of God” 43; and Ramsey, “Speech-Forms” 45.

²⁹ See similar conclusions by Huffmon, “Covenant Lawsuit” 288–89; Nielsen, *Yahweh as Prosecutor and Judge* 25 and the format applied to Amos by Boyle, “Covenant Lawsuit of the Prophet Amos” 342.

³⁰ Harvey, “Le RĪB-Pattern” 177. See further examples in Nielsen, *Yahweh as Prosecutor and Judge* 5, 9, 15 and de Roche, “Yahweh’s *riḅ* against Israel” 567–69. For a discussion on Luke’s use of Amos in Acts 7, see Earl Richard, “The Creative Use of Amos by the Author of Acts,” *NovT* 24 (1982) 37–53, esp. 37–44.

³¹ So also Nielsen, *Yahweh as Prosecutor and Judge* 17.

³² So also Huffmon, “Covenant Lawsuit” 294–95; and Boyle, “The Covenant Lawsuit of the Prophet Amos” 352. To these Ramsey, “Speech-Forms,” adds Judges 2:1b; 6:8b–9; 10:11–12; Ps 81:11 [Engl. 10].

³³ Frank Moore Cross, “The Council of Yahweh in Second Isaiah,” *JNES* 12 (1953) 274–77 suggests these serve as part of the divine council, something well beyond the Jewish mindset of Stephen’s day. Cf. also Wright, “Law-Suit of God” 44–49 and Mendenhall, *Law and Covenant* 34, for ancient witness lists used at treaty ceremonies that include the mountains, seas, clouds, heavens, the earth, etc. The heavens and the earth are believed to be witnesses to the lawsuit due to the fact they were summoned as witnesses to the original covenant (cf. Deut 4:26; 30:19; 31:28). So also Huffmon, “Covenant Lawsuit” 292–93.

³⁴ In Mic 6:1–2, the prophet calls on the mountains and the foundations of the earth.

³⁵ Based upon connections such as those noted here and the fact that Stephen quotes directly from Amos in his speech (cf. Acts 7:42b–43 and Amos 5:25–27), it is possible that the *riḅ* of Amos may have influenced Stephen’s speech. See also Richard, “Creative Use of Amos by the Author of Acts” 37–44.

events that had transpired in Jerusalem a few months earlier (i.e. Jesus' crucifixion)—the driving force behind Stephen's indictment.³⁶

III. STEPHEN'S SPEECH: A DEFENSE AGAINST FALSE ACCUSATIONS OR A MODIFIED *RĪB* FORMULA?³⁷

Before assessing the structural aspects of Stephen's speech in light of the *riḥ* formulary, we must address the "elephant in the room," namely what to do with the accusations of chapter 6. As noted in our opening questions above, scholars have long attempted to dissect and analyze Stephen's speech looking for a straightforward defense of the particular false indictments brought against him in Acts 6, namely, that he attacked the Law and the temple—two pillars of the Jewish identity.³⁸ Furthermore, there has been a consistent problem in trying to figure out why Stephen adds so much beyond a basic rebuttal of these allegations.³⁹ Now while there can be little doubt that there is a direct connection between the narrative and accusation portions of Acts 6 and the speech of chapter 7,⁴⁰ there are two basic problems with approaching Stephen's speech from a tit-for-tat perspective, especially without considering the *riḥ* format. First, while Stephen's address does cover aspects of the Law and the temple, against which he was supposed to have blasphemed, he is more interested in indicting the people for systemic rebellion; in part against the Law,⁴¹ but more importantly, against YHWH's "prophets."⁴² It was this

³⁶ This is in no way a precedent due to similar parallels in the OT whereby the people become their own witnesses. See, e.g., Josh 24:22; Exod 24:8; Deut 26:16–19; 1 Sam 12:20–25. Cf. Boyle, "Covenant Lawsuit of the Prophet Amos" 343.

³⁷ For an OT precedent where the form is expanded and modified, see Wright, "Law-Suit of God" 54–58. Wright here argues for expansive modification of the *riḥ* in Deuteronomy 32.

³⁸ Kilgallen, *Stephen Speech 6*, lists these pillars as God, Moses, the law, and temple. While many have tried to isolate key components of Stephen's speech as showing a defense against his accusers' accusations, this is not the greater purpose of his speech (contra Hengel, *Between Jesus and Paul* 19). See also the work of Sylva, "Meaning and Function of Acts 7:46–50" 261–75 and his detailed discussion on the temple defense from Acts 6:11, 13, 14 based upon Mark 14:58; or Marcel Simon, *St. Stephen and the Hellenists in the Primitive Church* (London: Longmans, 1958) 46. For a position showing how Stephen's speech is pro-law, Moses, and the temple, see Heikki Räisänen, *The Torah and Christ: Essays in German and English on the Problem of the Law in Early Christianity* (Helsinki: Finnish Evangelical Society, 1986) 272–76. However, Räisänen (pp. 271–76, esp. 274) concludes that the "temple section [of Stephen's speech] does not really lead anywhere." On the other side of the debate, F. Scott Spencer, *Journeying through Acts: A Literary-Cultural Reading* (Peabody, MA: Hendrickson, 2004) 80; Conzelmann, *Acts* 57; and Johnson, *Acts of the Apostles* 119, 135, reject the notion that Stephen is defending himself against false accusations. For further references, see Brehm, "Vindicating the Rejected One" 270 n. 7.

³⁹ E.g. Haenchen, *Acts* 286; Hill, *Hellenists and Hebrews* 53–54; O'Neill, *The Theology of Acts* 77–81, esp. 79; and Scobie, "Use of Source Material" 400.

⁴⁰ Penner, *In Praise of Christian Origins* 96–97; Richard C. H. Lenski, *The Interpretation of the Acts of the Apostles* (Columbus: Wartburg, 1944) 259; and Simmons, *Theology of Inclusion* 108–14, offer a moderating position whereby at least some of the speech could be classified as a rudimentary defense of these accusations. Kilgallen, "The Function of Stephen's Speech" 185 (so also p. 188) concludes that even though the accusations against the nation is the central driving theme, a subtle response to the allegations still "throbs through the speech and tugs at the consciousness of the reader." See also Brehm, "Vindicating the Rejected One" 277.

⁴¹ Hill, *Hellenists and Hebrews* 68–69, points up the high value placed upon the Law in Stephen's speech.

rebellion which brought about not only the exile and the destruction of the temple⁴³ over 600 years earlier but would also usher in similar devastation during the revolts of AD 66–70 and 132–135.⁴⁴ Second, we must remember that the central focus of the people's accusations against Stephen rests upon his supposed preaching of Jesus and the actions Jesus will take against these sacred institutions, not the actions performed by Stephen himself. It is against the injustice of false accusations, not the accusations themselves that Stephen speaks out in prophetic style—a similar form of injustice perpetrated against Jesus.⁴⁵ Stephen thus steps away from the role of defendant into that of the plaintiff. Therefore, in a misdirected effort to connect Stephen's speech with the particular accusations against him, scholars have marginalized the importance of the "prophet-like" and plaintiff nature of Stephen's speech especially as it relates to the *rĭb* formulary.⁴⁶

Stephen's speech must also be heard first and foremost from the court setting within which it is historically set (i.e. Acts 6).⁴⁷ What is more, much like the OT *rĭbs*, the entire context of Acts 7 betrays a setting of judgment whereby Stephen serves as the plaintiff, the elders as the defendants, and God as Judge (cf. Acts 7:7, 55–56)—Stephen thus serves a reversed role when compared to common scholarly assessment.⁴⁸ What is also noteworthy, and further bolsters my thesis, is the fact that the OT *rĭbs* of Amos, Isaiah, Micah, and Jeremiah are all closely connected to their prophetic calls and commissioning.⁴⁹ This is eerily similar to the picture pre-

⁴² Ibid. 81, 97. The "fathers'" rebellion against Joseph, Moses, and the prophets was *de facto* rebellion against YHWH.

⁴³ Ibid. 81. Here Hill also notes that in "Acts 6 and 7 it is the Jews who are on trial and the Jews who unwittingly act as their own accusers." See also Brehm, "Vindicating the Rejected One" 266–99 and Penner, *In Praise of Christian Origins* 318–22.

⁴⁴ It is not my intent to argue for a particular date for the text of Acts, whether pre- or post-destruction of the temple, but rather to look at the form-critical and rhetorical features and purposes of the speech. For a brief discussion of the post-destruction nuances in Luke's writing, see Kilgallen, "Function of Stephen's Speech" 189–90.

⁴⁵ David Moessner, "Paul and the Pattern of the Prophet Like Moses in Acts," *The Society of Biblical Literature 1983 Seminar Papers* (SBLSP 22; Chico, CA: Scholars Press, 1983) 207. Kilgallen, *Stephen Speech* 33, rightly points up that even in Stephen's announcement of what Jesus will do we find a "prophet-like" speech.

⁴⁶ Moessner, "Paul and the Pattern of the Prophet Like Moses in Acts" 203, notes that from 200 BC to AD 100 the role and the fate of the prophets permeated the literature. Indeed, he calls Stephen a "Deuteronomistic rejected prophet." Moessner draws this conclusion from the work of Odil Hannes Steck, *Israel und das gewaltsame Geschick der Propheten: Untersuchung zur Ueberlieferung des deuteronomistischen Geschichtsbildes im Alten Testament, Spätjudentum und Urchristentum* (WMANT 23; Neukirchen-Vluyn: Neukirchener, 1967).

⁴⁷ So also Rudolf Pesch, *Die Vision des Stephanus: Apg 7,55–56 im Rahmen der Apostelgeschichte* (SBS 12; Stuttgart: Katholisches Bibelwerk, 1966) 57, who parallels the scene in Acts 7 with Isaiah 3 and concludes that it is one of judgment for the people's murderous activities against the righteous (i.e. the prophets).

⁴⁸ Many of the studies of Acts 6 and 7 begin with the assumption that Stephen is playing the role of the defendant and is therefore making a defense against false accusations. I feel that this, as a dominant presupposition, is misguided.

⁴⁹ Boyle, "Covenant Lawsuit of the Prophet Amos" 362.

sented by Luke with Stephen's commissioning/call appearing in 6:5–8 and his *rib* in chapter 7.⁵⁰

Turning to the structural analysis of the speech, Stephen's speech, while slightly modified, follows closely the second covenant lawsuit paradigm noted in section II above. This particular paradigm in many ways resembles Micah's and Amos's covenant lawsuits.⁵¹ Stephen's speech may be broken into its constituent parts as follows:

- I. A description of the scene of judgment (6:7, 12)
- II. The speech of the plaintiff (7:2–53)
 - A. Summons to the defendant (7:2a)
 - B. Historical overview (mostly in first person plural 7:2b–50), with reproach interspersed (vv. 9, 27, 28, 35, 39, 42, 43)
 - C. Address in second person to the defendant (7:51–53)
 1. Specific indictment (7:51)
 2. Accusation in question form to the defendant (7:52a)
 3. Refutation of the defendant's possible arguments (7:52b–53)
 - D. Sentence (absent from the speech; replaced by section III, parts A and B)
- III. Reaction of the defendants and the plaintiff in narrative sequence (7:54–60)
 - A. Reaction of the defendants (7:54, 57–59a)
 - B. Reaction of the plaintiff (7:55–56, 59b–60)
 - C. Recognition of the one who is sovereign (7:56)

The first constituent part of the speech is “a description of the scene of judgment” (Acts 6:7, 12). As previously noted, one must look to the context of chapter 6 in order to find a clear setting for the prophet-like indictment that follows. Much like the geographical setting of many of the OT *ribs* (e.g. Psalm 50; Isaiah 1, 3; Jeremiah 2), Stephen's speech is delivered within Jerusalem; in Stephen's case, before the Sanhedrin. In prophetic style, Stephen addresses those who represent and lead the nation—those who were supposed to know the Law and Israel's prophetic history (Acts 7:1).

The second constituent part is “the speech of the plaintiff” (7:2–53). Stephen's speech spans 52 verses—much longer than any biblical *rib* speech of the past. This fact alone makes Stephen's speech stand out from its OT counterparts.

⁵⁰ Nielsen, *Yahweh as Prosecutor and Judge* 23, points up that the OT prophet was to serve as a covenant enforcer and as an envoy for YHWH to his rebellious people. Here Stephen plays a similar role from a NT perspective. Spencer, *Journeying through Acts* 91, notes the close connection of Stephen's speech with the prophetic voices of Amos, Jeremiah, and Isaiah and goes on to conclude that, “Through an interpretive scriptural survey of Israel's history, Stephen drafts a prophetic blueprint for renewing God's covenant people.” By this statement Spencer comes very close to identifying the role of the speech as a prophetic indictment but stops short—a situation similar to that of Johnson, *Acts of the Apostles* 142.

⁵¹ Contra Johnson, *Acts of the Apostles* 119, who posits that the speech is structured in such a way that it can be broken into sections without doing any “severe” damage to it. On the contrary, one needs to study the speech in its entirety to gain a full appreciation of its genre and rhetorical import.

However, this is justified because he is not just representing himself before a hostile mob, but he is *de facto* representing the promised Messiah and his mission before those who had rejected and crucified Jesus.⁵² His speech is the apex, and to a certain degree the culmination, of the classical prophetic utterances.

The first subsection of this category of the *rĭḂ* formulary is a “summons to the defendant” often including the calling of witnesses to the court proceeding.⁵³ Typical of this facet of the indictment formula, Stephen’s opening line is marked by a call in the imperative “to hear” or “give ear” to his words (ἀκούσατε in the aorist active imperative second plural).⁵⁴ Not surprisingly, this is the exact form of ἀκούω used in the *rĭḂ* addresses in the LXX of Jer 2:4; Mic 6:1; and Amos 3:13.⁵⁵ For Stephen, those being summoned are the “men, brethren, and fathers” (ἄνδρες ἀδελφοὶ καὶ πατέρες), that is, the elders and rulers of his people. While the summoning of witnesses does not occur as is typical of some of the OT *rĭḂ*s, the summoning of the defendants as witnesses to their own crimes does appear in 7:2a—a picture similar to that depicted in Joshua’s legal proceedings of Josh 24:22.⁵⁶

The next subsection is the “historical overview” which covers the bulk of the chapter with notations of “reproach” interspersed (vv. 9, 27, 28, 35, 39, 42, 43).⁵⁷ From verses 2b–50 Stephen gives an extended rendition of Israel’s history often juxtaposing God’s beneficent acts with Israel’s rebellion. Indeed, F. C. Baur pro-

⁵² Johannes Munck, *The Acts of the Apostles* (AB 31; New York: Doubleday, 1967) 63. Munck contends that at this period in Israel’s history it was more appropriate to defend one’s cause than oneself.

⁵³ Cf. Aage Bentzen, *Introduction to the OT* (2nd ed.; Copenhagen: G. E. C. Gad, 1952) 1, 199–200; and Cross, “The Council of Yahweh in Second Isaiah” 274 n. 3 (as cited by Huffmon, “Covenant Law-suit” 285).

⁵⁴ Contra Scobie, “Use of Source Material” 416, who sees this phrase as Lukan editing to join chapter 7 to the previous material. And contra Mikael Parsons, *Acts* (Paideia Commentaries on the NT; Grand Rapids: Baker, 2008) 100, who intimates that this is a normal address in Acts. His list is misleading when he begins his comments by noting the oft-appearing phrase “Brethren...listen.” The only other place where this tandem appears in Acts is 15:13, which is a completely different setting. On the OT parallels to the *rĭḂ*, see Wright, “Law-Suit of God” 52.

⁵⁵ Psalm 49:7 (50:7 in Heb) of the LXX uses ἀκούσον (aorist active imperative second person singular) whereas Deut 32:1 uses ἀκούετω (present active imperative third person singular) and Isaiah 1:2 uses a combination of ἀκούε (present active imperative second person singular) and ἐνωτίζου (present imperative middle second person singular from ἐνωτίζομαι).

⁵⁶ “And Joshua said to the people, “You are witnesses against yourselves for you have chosen for yourselves the LORD, to serve him.” And they said, “We are witnesses.” Cf. Wright, “Law-Suit of God” 45.

⁵⁷ Contra A. F. J. Kliyn, “Stephen’s Speech—Acts 7.2–53,” *NTS* 4 (1957) 27, who suggests that the mob is upset with Stephen’s speech, particularly, his rendition of Israel’s history. On the contrary, what seems to cause the stoning of Stephen is his indictment of the crowd for rejecting the prophets’ messages (see vv. 51, 52). Moessner, “Paul and the Pattern of the Prophet” 204, labels this historical rendition “*Unheilsgeschichte*.” For connections to OT historical summaries in Second Temple writings, see Johnson, *Septuagintal Midrash* 25–29; idem, *Acts of the Apostles* 120–21; N. T. Wright, *The NT and the People of God* (Christian Origins and the Question of God 1; Minneapolis: Fortress, 1992) 218 n. 10; and Richard, *Acts 6:1–8:4* 141–45. For recitals of histories in the OT cf. Deuteronomy 26; Joshua 24; Nehemiah 9; Psalms 78, 105, 136; Ezekiel 20. See further Dschulnigg, “Die Rede des Stephanus” 196–99. For a discussion on Ezekiel 20, see Brian Peterson, “Ezekiel’s Perspective of Israel’s History: Selective Revisionism?” in *Prophets and Prophecy and Ancient Israelite Historiography* (ed. Mark J. Boda and Lyssa Wray Beal; Winona Lake, IN: Eisenbrauns, 2013) 295–313.

posed this as well.⁵⁸ Rex Koivisto comes even closer when he notes, “In this sense, the structure of the discourse indicates that it is not a dry recitation of well-known sacred history, but rather a carefully selected grouping of certain elements from within that history which were arranged and adapted to prove a theological point in response to legal accusations.”⁵⁹ While Koivisto’s “legal accusations” refer to the events of Acts 6, he actually speaks better than he knows. Indeed, the “theological point” that Luke is seeking to promote cannot be divorced from the legal setting—a similar reality witnessed in the OT *ribs*. It is therefore possible that the historical overview of Stephen’s speech is a modification of the earlier *rib* formulary in that it expands upon the OT prophets’ usage (cf. Deut 32:10–14; Isa 1:2; Jer 2:6–7a; Mic 6:4–5). Now, apart from the importance placed upon this text as the last indictment recorded in the classic prophetic style,⁶⁰ as noted above, Stephen’s modification of the formulary is done in an attempt to show the long history of God’s blessing of his people by sending prophets, saviours, and leaders and Israel’s rejection of these spokespersons—a typical part of the rhetoric used in a prophetic *rib*.⁶¹ For Stephen, Jesus being the culmination of the revelation of God’s love to humanity deserved, dare I say required, a solid hearing through the words of Stephen.⁶² It is for this reason that Stephen marshals an extended historical review as part of his defense of Jesus and his ministry, and by extension, Stephen’s own ministry. Not surprisingly there is a precedent, implicitly, for an extended historical review of sorts in Luke’s Gospel. When Jesus spoke to the two unnamed disciples on the road to Emmaus, Luke records: “beginning with Moses [i.e. the Torah] and with all the prophets, He explained to them the things concerning Himself in all the Scriptures” (Luke 24:27 NASB).⁶³

In this vein, Stephen’s historical overview begins at the beginning of the Torah with the calling of Abraham and culminates with the words of the prophets.⁶⁴ Throughout this recitation Stephen intimates that the reason he is including certain events is for the purpose of showing God’s intervention in Israel’s history⁶⁵ and their response to this love with systemic rebellion.⁶⁶ For example, Koivisto points

⁵⁸ F. C. Baur, *Vorlesungen über neutestamentliche Theologie* (Leipzig: Fues, 1864) 337.

⁵⁹ Koivisto, “Stephen’s Speech” 104.

⁶⁰ Moessner, “Paul and the Pattern of the Prophet” 203, argues that both Stephen and Paul fall into the category of the final prophets like Moses.

⁶¹ Boyle, “Covenant Lawsuit of the Prophet Amos” 355; and Hilary Le Cornu and Joseph Shulam, *A Commentary on the Jewish Roots of Acts: Acts 1–15* (Jerusalem: Academion, 2003) 340.

⁶² Richard, “Polemical Character of the Joseph Episode in Acts 7” 265, calls the speech “a farewell speech to Judaism.”

⁶³ Not surprisingly, in the same way that Stephen upbraids the elders for their lack of belief, so too Jesus upbraids the two on the road to Emmaus by saying, “O ignorant and slow of heart to believe in all that the prophets have spoken” (Luke 24:25 NASB).

⁶⁴ See comments by Steve Moyise, *The OT in the New* (London: Continuum, 2001) 55.

⁶⁵ For example, Koivisto, “Stephen’s Speech” 105, comments, “Abraham is selected and discussed, of course, as the father of the nation, but his deeds are minimized while the divine activities are maximized.”

⁶⁶ Indeed, Penner, *In Praise of Christian Origins* 97, correctly posits that “the pattern of deliverance and rejection is the theme that ties the various subunits of the oration together.” Cf. Wiens, *Stephen’s Sermon* 15.

As for the people's indictment against Stephen concerning the temple, Stephen does recount a short history of the role that the tabernacle and temple played in the life of the Israelites but even here he does not spare the barbed connections that this portion of their history had had with idolatry (vv. 44, 46, 47 and vv. 40–43)—idolatry being directly connected to rebellion and the *ribs* in the OT.⁷⁵ Moreover, the people had rejected Moses by choosing an idol in the wilderness (Exodus 32), a point Stephen accentuates by paralleling the people's idolatrous “tabernacle of Moloch” and the true tabernacle of YHWH. The intimation in Stephen's words is that they were now worshipping the temple as an idol in the same way their fathers had worshipped the tabernacle of Moloch.⁷⁶ Furthermore, God does not dwell in houses made with human hands; rather he is the creator of all things. It is clear that Stephen wanted to show that God was not limited to a certain geographical hemisphere, viz. Israel, and more particularly, Jerusalem and the temple (cf. Acts 7:17, 18, 22, 29, 36).⁷⁷ God was not to be kept in the proverbial box (i.e. the temple) but was free to be worshipped by his true followers anywhere. And he could indict those same people wherever and whenever he so chose.

In the verses that follow, Stephen's speech moves into the formal indictment stage known as the “address in second person to the defendant.”⁷⁸ Stephen does this by moving from the first person plural (ἡμῶν) to the second person plural (ὁμοῖς vv. 51–53).⁷⁹ Up to this point Stephen had oscillated between the first and third person plural thus associating himself with the actions of the forefathers.⁸⁰ However, at this juncture in his historiographical comments, Stephen distances himself from Israel's rebellious past no doubt seeking to juxtapose his acceptance of Jesus as the Messiah with their rejection.⁸¹ He shifts the onus to those indicting

⁷⁵ For the theories proposed for Luke's inclusion of this section related to the temple, see Sylva, “Meaning and Function of Acts 7:46–50” 261–75 (see esp. 261 n. 4 for a bibliography). Note the connection between idolatry and disobedience perpetrated by the house of Joseph as pointed up by Brehm, “Vindicating the Rejected One” 295.

⁷⁶ So also Baur, *Vorlesungen* 337–38; and Barnett, *Jesus and the Rise of Early Christianity* 220.

⁷⁷ Cf. Arnold Ehrhardt, *The Acts of the Apostles* (Manchester: Manchester University Press, 1969) 34; Spencer, *Journeying through Acts* 80; and Simmons, *Theology of Inclusion* 112–14.

⁷⁸ Bruce, *Speeches in the Acts of the Apostles* 22, notes that some scholars see this invective as “abrupt and gratuitous.” Bruce misses the indictment formulary by suggesting that Stephen's remarks about the temple “occasioned an angry outburst at this point.” On the other hand, Spencer, *Journeying through Acts* 90, aptly notes the prophetic style of the denunciation. Soards, *Speeches in Acts* 59, uses the phrase “Stephen's Indictment of the Audience” as a title for vv. 51–53 in his outline but unfortunately does not tease this out in his commentary on pp. 68–69.

⁷⁹ Cf. comments by Dibelius, *Studies in the Acts of the Apostles* 167.

⁸⁰ Contra Kliyn, “Stephen's Speech” 27–29, who suggests there are two sets of “fathers” in the wilderness, “ours” and “yours.” Kliyn references the Qumran text, 1QS (Manual of Discipline) sections 1–4 to draw a distinction between the righteous and the unrighteous, and between those who follow the “holy spirit” and those that follow the “evil spirit” (4.20–21). He also suggests that Stephen is pointing out that the temple should never have replaced the tabernacle, which was YHWH's ideal sanctuary (pp. 29–31). Kliyn's view has serious problems in light of the witness of the canonical text (cf. 2 Sam 7:13; 1 Kgs 8:11; 1 Chr 28:10), not to mention the messages of the prophets (esp. Ezekiel 8–10).

⁸¹ Marguerat, *Les Actes des Apôtres (1–12)* 264–65. One could argue that Stephen's all-inclusive messiah did not align with the Sanhedrin's perspective, which did not allow for outsiders (i.e. Gentiles) to be grafted so easily into the covenant community.

him for the trumped-up charges of cultic malfeasance. This in essence has been what the speech has been leading up to all along—its apex.⁸² Here the *specific indictment* is leveled against his opponents as he declares, “You men who are stiff-necked and uncircumcised in heart and ears are always resisting the Holy Spirit; you are doing just as your fathers did” (v. 51 NASB).⁸³ Israel’s *modus operandi* had been to kill those whom God had sent to warn them of sin and judgment—a fate similar to that awaiting Stephen.⁸⁴ Hilary Le Cornu and Joseph Shulam come close to the rhetorical function of the speech in light of v. 51 when they conclude that Stephen is indicting “his audience for not heeding the words of the prophets.”⁸⁵ They continue, “This is precisely the point of his speech—that in rejecting Jesus as God’s messiah the people are repudiating God’s presence.”⁸⁶ Indeed, the rejection of the prophets and their words of warning propel the speech throughout; unfortunately the indictment format is missed by Le Cornu and Shulam.

Stephen follows his pointed indictment with a rapid series of lawsuit rhetoric. First, Stephen fulfills the expected “accusation in the form of a question to the defendant(s)” (7:52a)⁸⁷ by quipping, “Which one of the prophets did your fathers not persecute?” (v. 52a NASB).⁸⁸ This is quickly followed up by Stephen going on the offensive by making a “refutation of the defendants’ possible arguments” (7:52b–53).⁸⁹ They may think they are doing the will of God by trying to keep their temple and laws pure from “false prophets” and “pretenders” but in essence they are behaving in the same manner as their forefathers. Stephen continues his attack by invoking Messianic language: “and they killed those who had previously announced the coming of the Righteous One, whose betrayers and murderers you have now become” (v. 52 NASB). Moreover, his prosecutors had falsely accused him (6:13) and Jesus (6:14) of corrupting the law, but Stephen points out that the

⁸² Kilgallen, “Function of Stephen’s Speech” 174–76, correctly notes that vv. 51–53 are the main “point” of everything rehearsed up to this point.

⁸³ So also Sylva, “Meaning and Function of Acts 7:46–50” 274; and Bihler, *Stephanusgeschichte* 79. Richard, *Acts 6:1–8:4* 137–38, rightly concludes that this invective is clearly reflective of OT language.

⁸⁴ So also Bruce Malina and John Pilch, *Social-Science Commentary on the Book of Acts* (Minneapolis: Fortress, 2008) 60; Spencer, *Journeying through Acts* 91; and Koivisto, “Stephen’s Speech” 109.

⁸⁵ Le Cornu and Shulam, *Commentary on the Jewish Roots of Acts* 365. For similar comments see Gerhard Schneider, *Die Apostelgeschichte, Teil I: Einleitung, Kommentar zu Kap. 1, 1–8, 40* (Freiburg: Herder, 1980) 468–69.

⁸⁶ Le Cornu and Shulam, *Commentary on the Jewish Roots of Acts* 366.

⁸⁷ Wiens, *Stephen’s Sermon* 11, calls it a “prophetic proclamation.”

⁸⁸ Contra Spencer, *Journeying through Acts* 90, who proposes that Stephen did not give specifics of how the people had broken the law. The entire speech betrays an indictment of the people for failing to accept the true prophets of YHWH, which is a clear violation of Deut 18:15–19. E. Jacquier, *Les Actes des Apôtres* (Paris: Librairie Victor Lecoffre, 1926) 234 lists the possible murders of Jeremiah, Amos, and Isaiah as a part of this long tainted history of prophetic rejection. See further F. F. Bruce, *The Acts of the Apostles: The Greek Text with Introduction and Commentary* (London: Tyndale House, 1951; repr. Grand Rapids: Eerdmans, 1990) 208.

⁸⁹ The change of tone here to a harsh indictment is not so much due to the “temple speech” that precedes these verses (as per Haenchen, *Acts* 286), but rather is the natural progression of the *rĭb* formula.

people had “received the law as ordained by angels, and *yet* did not keep it” (v. 53).⁹⁰

These harsh indictments are too much for the people to bear. Whether or not Stephen’s accusers at this point recognised the lawsuit format being employed against them is not clear.⁹¹ One thing is for certain, though: they did not wait around for the sentencing phase.⁹² Rather, they rushed upon him in order to silence their accuser and thus end the court session.⁹³ While the expected punishment/sentencing clause does not appear in Stephen’s speech (cf. Deut 32:21c–25; Ps 50:14–15; Hos 4:1–3; Mic 6:13–16⁹⁴ for OT examples where it appears; whereas Isaiah’s indictments lack the sentencing phase⁹⁵), by implication he does not exempt his accusers from God’s wrath even though he later asks for God’s mercy on his executioners (Acts 7:60)⁹⁶ as they began to stone him.⁹⁷ This portion of the *riḥ* formula is instead modified with Luke adding a narrative and dialogic epilogue showing the reaction of both the plaintiff and the defendants.

The final constituent part of Stephen’s speech is the “reaction of the defendants and the plaintiff in narrative sequence” (7:54–60).⁹⁸ Within the last seven verses, we encounter a mix of narrative comments and dialogue from both the plaintiff and the defendants. Now apart from the notation about Stephen’s Spirit-filled status, an important parallel to the prophets,⁹⁹ it is within this section that we find one last prophetic *riḥ* element known as the statement of *recognition* of the sovereign

⁹⁰ So also Sylva, “Meaning and Function of Acts 7:46–50” 273.

⁹¹ Conzelmann, *Acts* 60 suggests that the people “stopping their ears” was to avoid hearing any more blasphemy; however, it may have been due to their unwillingness to hear any more of Stephen’s indictments.

⁹² Ramsey, “Speech-Forms” 45–58, argues that the prophetic lawsuits often omitted the sentencing phase but the “Judgment Speech” included it (p. 58). Nielsen, *Yahweh as Prosecutor and Judge* 18, points up that the covenant lawsuit was meant to elicit a positive reaction from those who were on the receiving end. For Stephen and many of the prophets, this positive response never came, but rather rejection or even death awaited the messenger. Le Cornu and Shulam, *Commentary on the Jewish Roots of Acts* 340, posit the possibility that the mob may have cut Stephen short before he could elaborate on “Jesus’ relation to Torah observance.”

⁹³ So also Kilgallen, *Stephen Speech* 26, and further examples in n. 109. Kennedy, *NT Interpretation* 122, points up the incomplete nature of the speech. Ricciotti, *Acts of the Apostles* 118, 128, avers that there would have been more of a conclusion to the speech had the mob allowed Stephen to finish.

⁹⁴ Even though scholars do not include this portion of Micah in the lawsuit proper, it has relevance to the sentencing stage of the indictment.

⁹⁵ Cf. Nielsen, *Yahweh as Prosecutor and Judge* 74.

⁹⁶ Blackburn, “Stephen” 1123, notes the escalation of hostilities towards the apostles and the church in Acts. For example, note the stern warnings at first (4:1–22), which moves to flogging and imprisonment (5:17–40), then to the stoning of Stephen (7:58–60), and ultimately to the outright persecution of the church (9:1).

⁹⁷ It is not at all a coincidence that Stephen’s executioners once again are behaving in a similar fashion as their forefathers had when they stoned the prophet Zechariah for similar indictments against his generation (2 Chr 24:20–21)—what Haenchen (*Acts* 286 n. 1) notes is a “normal lot of the prophets.” Indeed, Conzelmann, *Acts* 60, rightly points up that Josephus, *Ant.* 20.200 recorded a similar fate for James the brother of Jesus.

⁹⁸ Typical of how scholarship has missed the unity of Stephen’s speech as a *riḥ* is the analysis of Conzelmann, *Acts* 59, who separates this portion of the speech from what comes before.

⁹⁹ See Le Cornu and Shulam, *Commentary on the Jewish Roots of Acts* 376–78.

who has oversight of the court proceedings.¹⁰⁰ This can occur at the beginning or the end of the *rĪḂ* formulary (cf. Deut 32:3; Amos 4:13 for examples, respectively).¹⁰¹ In this case, v. 56 records Stephen's recognition of both God and Jesus as presiding over the court case. Stephen declares that he sees τὸν υἱὸν τοῦ ἀνθρώπου ἐκ δεξιῶν ἐστῶτα τοῦ θεοῦ ("the Son of Man standing at the right hand of God").¹⁰² Rudolf Pesch correctly identifies the scene as one of judgment within a court setting.¹⁰³ He draws a direct connection between Acts 7:55–56 and Isa 3:13 where YHWH stands in judgment of Israel.¹⁰⁴ What is more, in the Isaiah passage the author actually uses the term רִיב ("to contend") in a parallel couplet with the verb פָּד ("to judge").¹⁰⁵ Finally, the visionary experience not only serves to vindicate Stephen's speech but also places him within a long line of prophets who had similar ethereal experiences (e.g. Moses, Exodus 19–24; Isaiah, Isaiah 6; Ezekiel, Ezekiel 1–3; and Daniel, Daniel 7)—thus drawing another connection between Stephen and the OT prophets.¹⁰⁶

IV. A FINAL NOTE: THE CHRISTOLOGICAL PARALLELS

It goes without saying that in recording the events of Acts 7, Luke sought not only to make clear Christological parallels (see, e.g., the fulfillment of Jesus' words

¹⁰⁰ See Nielsen, *Yahweh as Prosecutor and Judge* 74–83, for a discussion of YHWH as the presiding judge over covenant lawsuits.

¹⁰¹ Boyle, "Covenant Lawsuit of the Prophet Amos" 358–60.

¹⁰² Stephen's use of the phrase "Son of Man" here in Acts 7 is the only time it is used outside of the Gospels. So Conzelmann, *Acts* 59. Conzelmann notes P⁷⁴ as the one textual variant, which has τὸν υἱὸν τοῦ θεοῦ "the Son of God."

¹⁰³ Pesch, *Die Vision des Stephanus* 55, 58, concludes that the standing position of Jesus identifies him as the "judge" in the setting. Similarly, Schneider, *Die Apostelgeschichte* 474–75, notes the "juridical function" Jesus' posture intimates. Ambrose also noted this posture for judging, see Martin, ed., *Acts* 86. See also Conzelmann, *Acts* 60. Interestingly, in Luke 22:69 Jesus is "sitting" (καθήμενος) beside God (see also Acts 2:34). The fact that Jesus is "standing" beside the throne is important and evokes connections with 1 Kgs 22:19//2 Chr 18:18 and a similar heavenly scene in the context of a prophet (i.e. Micaiah, like Stephen) seeing God pass divine judgment (here on Ahab). Or one could note David's vision of the angel of the Lord "standing" in judgment between heaven and earth by the threshing floor of Ornan (1 Chr 21:15, 16). In all three instances the verb ἵστημι ("to stand") is used. See also *Ac. Mos* 10.3 and God's rising in judgment (see further comments by Pesch, *Die Vision des Stephanus* 56). Standing also appears to be a position of kingship especially when standing beside the "pillar" (here in Acts none other than God himself), cf. 2 Kgs 11:14//2 Chr 23:13. Fitzmyer, *Acts of the Apostles* 392, notes Jesus' posture as perhaps one of honor. See further the competing scholarly options presented by Fitzmyer, *Acts of the Apostles* 392–93.

Spencer, *Journeying through Acts* 92, misinterprets Jesus' posture as a stance preceding a heavenly speech or Jesus' triumphal return, or possibly just to show approval of Stephen's actions. Similarly, Holtzmann, *Die Apostelgeschichte* 61, incorrectly concludes that Jesus is standing to receive the dying martyr. See a similar interpretation by Wikenhauser, *Die Apostelgeschichte* 92.

¹⁰⁴ Pesch, *Die Vision des Stephanus* 56–57. Even though Pesch's source-critical assessment (based upon the LXX—note the verb ἵστημι in the context) may be questioned by some, the parallels and precedent of YHWH standing in judgment with *rĪḂ* language in the context is striking.

¹⁰⁵ The parallel lines in Hebrew are as follows: נָצַב לְרִיב יְהוָה וְעָמַד לְדִין עַמִּים "YHWH arises to plead/contend and (he) stands to judge the people."

¹⁰⁶ So also Spencer, *Journeying through Acts* 91.

in Luke 21:12–19; Acts 7:54–60),¹⁰⁷ but also to connect Christ’s crucifixion and Stephen’s martyrdom.¹⁰⁸ The question to be answered, however, is why Luke sought to draw these parallels.¹⁰⁹ Most scholars recognize these connections even though many of yesteryear did challenge this belief, choosing rather to see this motif as a later addition to an earlier text.¹¹⁰ However, if one considers the similar motifs of the court setting, the rejection and murder of God’s Prophet/prophets, and the prophetic *riḥ*, these parallels begin to make sense.¹¹¹ Jesus had repeatedly indicted the people for failure to live up to the Law and covenant and now Stephen was doing the same thing as Jesus, only here in a very formal way. Not surprisingly, the very last words of Stephen echo the last words of Jesus on the cross when he says, “Father, forgive them, for they know not what they do” (cf. Luke 23:34 and Acts 7:60).¹¹² Nevertheless, even though Stephen asks God to absolve his executioners of their sin for shedding innocent blood (viz. his; Acts 7:60), he does not, however, absolve them of their rejection of Jesus the Prophet, and his messengers (i.e. Stephen). Prophetically, both Jesus’ words (see Luke 23:28–31) and Stephen’s

¹⁰⁷ So also Moessner, “Paul and the Pattern of the Prophet” 206 and Hengel, *Between Jesus and Paul* 21. For an excellent assessment of many of these parallels, see Blackburn, “Stephen” 1123–26; Hill, *Hellenists and Hebrews* 59; Simon Légasse, *Stephanos: Histoire et Discours D’Étienne dans les Actes des Apôtres* (Paris: Les Éditions du Cerf, 1992) 147–48; and Kilgallen, *Stephen Speech* 23–24. Bihler, *Stephanusgeschichte* 29, insists that the statements of 6:14 and 7:56 point to Jesus’ ministry as the central focus of the speech. See also Heinz-Werner Neudorfer, “The Speech of Stephen,” in *Witness to the Gospel: The Theology of Acts* (ed. I. Howard Marshall and David Peterson; Grand Rapids: Eerdmans, 1998) 286–88; and Boismard, “Stephen” 6:208.

¹⁰⁸ Cf. Hill, *Hellenists and Hebrews* 59, for a list of these parallels to Jesus’ trial and crucifixion and also Moessner, “The Christ Must Suffer” 220–56. Kilgallen, “Function of Stephen’s Speech” 182–87, notes that while Jesus may not be the overt central focus, Christology is in fact important to the discussion especially in the culminating comments of the speech.

¹⁰⁹ The similarities between Stephen’s and Jesus’ deaths abound. From Stephen’s arrest accompanied by the testimony of false accusers (cf. 6:13; Matt 26:59–60; Mark 14:56–57) and being killed outside of the city (John 19:20; Acts 7:58), to the request for God to receive their spirits (the latter notation recorded only in Luke and Acts; cf. Luke 23:46 and Acts 7:59), Luke invites the reader to draw the Christological parallels. Note also that Acts 7:55–56 harks back to Jesus’ words before the council in Luke 22:69; “But from now on the Son of Man will be seated at the right hand of the power of God” (NASB). Fitzmyer, *Acts of the Apostles* 390, notes that only some mss. record the Lukan Jesus’ prayer. See also comments by Munck, *Acts of the Apostles* 68, regarding Lukan parallels between Stephen’s and Jesus’ deaths.

¹¹⁰ See for example the redactional notes by Loisy, *Actes des Apôtres* 350–53, and comments by Kilgallen, *Stephen Speech* 23. On parallels with the use of the Spirit, see M. Hengel, “Zwischen Jesus und Paulus: Die ‘Hellenisten’ die ‘Sieben’ und Stephanus (Apg 6,1–15; 7, 54–8, 3),” *ZTK* 72 (1975) 193–94, cited by Sylva, “Meaning and Function of Acts 7:46–50” 273 n. 30.

¹¹¹ The words of Jesus constantly ring out with the prophetic—words that the people hoped would be silenced by his crucifixion (e.g. Matt 23:37; 24; Luke 23:28–31—in this latter example Jesus actually quotes from the prophets).

¹¹² So also Jaroslav Pelikan, *Acts* (London: SCM, 2006) 107 and Légasse, *Stephanos* 147–48. Stephen’s use of the phrase “Son of Man” (Acts 7:56), which is only used here in Acts, recalls Jesus’ self-designation as such throughout the gospels. Cf. Malina and Pilch, *Social-Science Commentary on the Book of Acts* 61.

indictment would prove true as evidenced by Jerusalem's destruction in AD 70,¹¹³ and then ultimately in AD 135 when the Jews would once again be exiled from their homeland, this time for nearly 2,000 years.

V. CONCLUSIONS

In light of the typical Jewish reactions to prophetic indictments both past and present, it should not be surprising that Luke "envelopes" the entire judicial setting from 6:12–7:60 with a mob action (much like an inclusio: cf. 6:12 and 7:57–58; cf. 1 Kgs 18:4, 13; 19:14; 2 Chr 24:21; Matt 23:29–37; Luke 6:23; 11:49–50; 13:34). Even though we may never know for certain whether the *rĭb* formulary was actually adapted by Stephen or was later used by Luke as a rhetorical device to shape Stephen's speech, what is clear is that form-critically the presence of a distinct pattern within the speech matches many of the components of the OT prophetic lawsuit. Where earlier prophets had used the genre to call the nation to return to YHWH by rejecting past sins and rebellious actions, Stephen and/or Luke now modifies the formulary as he calls for his generation to take note of their similar actions both presently and in the recent past.¹¹⁴ As expected, however, they rejected his indictment. It is therefore no coincidence that Luke uses the account of Stephen in the form of a prophetic lawsuit to move the gospel forward out of Jerusalem and away from the predominantly Jewish audience, to the Gentile world (see Acts 11:19).¹¹⁵ This momentous event in the life of Judaism and the Church appropriately hinges on the last covenant lawsuit against the Jews. They had rejected the word of the prophets and the Prophet *par excellence* once too often. God would now turn to the Gentiles and draw a new people to himself.

¹¹³ Haenchen, *Acts* 290. Of course there is a debate as to when Acts was written; cf. Barrett, "OT History according to Stephen and Paul" 67–68. Based upon the internal data it appears to be sometime before AD 62.

¹¹⁴ Contra Penner, *In Praise of Christian Origins* 326, who concludes that the focus of the speech is only on those who are about to stone Stephen, not the Jewish nation.

¹¹⁵ So Pesch, *Vision des Stephanus* 54; Conzelmann, *Acts* 57; Kilgallen, *Stephen Speech* 21; Blackburn, "Stephen" 1124; Hill, *Hellenists and Hebrews* 81; Dunn, *Parting of the Ways* 93; Johnson, *Acts of the Apostles* 143; and Koivisto, who comments, "It is only after Stephen's speech and martyrdom that the Word of God is finally extended beyond Judea. In view of this connection, it is difficult to deny that the theology of Stephen was central to the theology of Luke as he composed Acts" ("Stephen's Speech" 106).