



BRILL

*Vetus Testamentum* 61 (2011) 1-22

Vetus  
Testamentum  
brill.nl/vt

## Praying as a Plaintiff<sup>1</sup>

Shalom E. Holtz  
*Yeshiva University*

### Abstract

Several Biblical prayers include the speaker's demand for judgment from God. Akkadian prayers contain similar language. Examination of plaintiff's statements in Neo-Babylonian lawsuit records substantiates the interpretation of these demands in prayers as a courtroom form of speech.

### Keywords

prayer, law, Neo-Babylonian, psalms

With the introduction of legal images and courtroom metaphors, prayers for divine guidance are modified and even transformed into addresses to divine judges, and divination procedures take on the guise of a hearing. And legal formulations serve as complements of and alternatives to prayer and oracular formulae.<sup>2</sup>

<sup>1</sup> Research for this essay was conducted during a junior faculty leave supported by a visiting fellowship in Jewish law and interdisciplinary studies at the Center for Jewish Law and Contemporary Civilization of Yeshiva University's Benjamin N. Cardozo School of Law. Thanks for this fellowship are due to S. Stone, director of the center, and to Yeshiva's provost, M. Lowengrub, who provided a supplemental grant. Additional support was provided by the Neo-Babylonian Trial Procedure Project, an NEH grant project led by B. Wells, F. R. Magdalene and C. Wunsch. D. Fleming and M. Smith of New York University's Skirball department of Hebrew and Judaic Studies graciously provided access to the Elmer Holmes Bobst library. Versions of this essay were read at the 2009 meeting of the Society of Biblical Literature, in a session of the biblical law section devoted to "Law and the Ethics of Community", as well as at the 2010 meeting of the Israel Society for Assyriology and Ancient Near Eastern Studies. Thanks are due to the audiences at both of these forums for their remarks, to S. Wadler for his research assistance, and to L. Fitzgerald, F. R. Magdalene, the anonymous referees from *VT*, and the author's father, A. Holtz, for their helpful comments to earlier drafts. Abbreviations follow P. H. Alexander, et al., eds. *The SBL Handbook of Style* (Peabody, Mass., 1999), §8.4 (pp. 89-153), and CAD. Unless otherwise noted, translations of Akkadian and Hebrew texts are the author's own, made in consultation with standard dictionaries and existing translations.

<sup>2</sup> I. T. Abusch, "Alaktu and Halakhah: Oracular Decision, Divine Revelation", *HTR* 80 (1987), p. 26.

As I. T. Abusch (in the quotation above) and others have observed, in ancient Near Eastern religious writings, legal imagery is characteristic of the communication between humans and the divine realm. Courtroom metaphors are the common stock-in-trade of prayer, prophecy and even theodicy, both in the Hebrew Bible and in Mesopotamian literature.<sup>3</sup> In effect, courtroom imagery in dialogues between humans and deities extends the ancient Near Eastern adjudicatory system from earth to heaven. Thus, R. Westbrook concludes that for the common person divine courts were “the ultimate court of appeal”.<sup>4</sup>

One manifestation of this phenomenon, in both Hebrew and Akkadian prayers, is the speakers’ demand for judgment from the deity. The psalmist declares *šoptēni* YHWH (“Judge me, YHWH!”).<sup>5</sup> In much the same way, Mesopotamian petitioners frequently demand of their gods *dini din purussâya purus* (“Judge my case, decide my decision!”).<sup>6</sup> Lines like these transform prayers into pleas in court before a divine judge.<sup>7</sup>

Scholars have noted this parallel between the language of the Akkadian and Hebrew prayers, and have explicated its implications for the theology of

<sup>3</sup> For an overview of this subject and important earlier literature, see F. R. Magdalene, *On the Scales of Righteousness: Neo-Babylonian Trial Law and the Book of Job* (BJS 348; Providence, R. I., 2007), pp. 13-25. See also the brief discussion in T. Jacobsen, *The Treasures of Darkness: A History of Mesopotamian Religion* (New Haven, 1976), pp. 85-86.

<sup>4</sup> R. Westbrook, “International Law in the Amarna Age”, in B. Wells and F. R. Magdalene, eds., *Law from the Tigris to the Tiber: The Writings of Raymond Westbrook* (Winona Lake, Ind., 2009), Vol. 2, p. 270.

<sup>5</sup> Ps 7:9; 26:1; 43:1 (*‘ēlōhim*). Similar expressions also occur in Ps 17:2; 35:23-24; 54:3; Lam 3:59; 2 Chr 20:12. For observations of this kind of address in the psalms, see, for example, H. Gunkel and J. Begrich, *Introduction to Psalms: The Genres of the Religious Lyric of Israel*, trans. J. D. Nogalski (Macon, Ga., 1998), p. 160 (as well as pp. 139 and 163) and S. Mowinkel, *The Psalms in Israel’s Worship*, Vol. 1, trans. D. R. Ap-Thomas (Grand Rapids, Mich., 2004), p. 228. For more general remarks on lawsuit imagery in biblical prayers, see the literature cited in Magdalene, *Scales*, p. 163 n. 152.

<sup>6</sup> References are collected in W. Mayer, *Untersuchungen zur Formensprache der babylonischen “Gebetsbeschwörungen”* (Studia Pohl: Series Maior 5; Rome, 1976), p. 222. For other, similar prayers that incorporate legal terminology, see pp. 221-225.

<sup>7</sup> In fact, based on the presence of apparently juridical terminology, some, most famously H. Schmidt, *Das Gebet der Angeklagten im Alten Testament* (BZAW 49; Giessen, 1928), have interpreted the psalms themselves as speeches by parties to an actual trial between human litigants. For an argument against this approach, see, for example, B. Gemser, “The Rib- or Controversy-Pattern in Hebrew Mentality”, in M. Noth and D. W. Thomas, eds., *Wisdom in Israel and in the Ancient Near East* (VTSup 3; Leiden, 1969), p. 128.

Corp.

Vs  
 and J. Y. Jindo,  
Biblical Metaphor  
Reconsidered: A  
Cognitive Approach  
to Poetic Prophecy:  
Jeremiah 1-24 (HS  
 64; Winona Lake, 1  
 2010), pp. 75-101

Vs

ancient Near Eastern prayer.<sup>8</sup> However, the roots of the demand for judgment in the parlance of actual courts of law have not been as thoroughly examined.<sup>9</sup> The purpose of this essay is to demonstrate the parallels, in both Hebrew and Akkadian, between the formulation of plaintiffs' speeches to human judges and those addressed to deities. To do so, it will expose the connection between the demand for judgment in the Akkadian prayers and the formulation of actual lawsuit records. In light of the Akkadian evidence, it will consider plaintiffs' speeches in biblical trial narratives and then turn to the formulation of Hebrew prayers. It will argue that the demand for judgment in Hebrew prayers reflects a similar use of courtroom language. In presenting their case to the divine judge, the speakers pray as plaintiffs might have in human courts.

### I. Identifying Courtroom Language: Methodological Considerations

Based on their very formulation, the demands for judgment in prayers are readily identifiable as expressions of courtroom metaphor. But how deep is the connection between the terminology and the legal imagery? Are these demands simply inventive uses of the standard lexicon, or were such demands actually part of lawsuit vocabulary? In other words, do the demands for judgment in prayers make these prayers sound like speeches that might have been made in human courts?

In general, answering these questions requires knowledge of the language used in human courts. With regard to Mesopotamian literature, the abundance of legal texts, including trial-related documents, allows for fruitful comparisons.<sup>10</sup> In contrast, with regard to biblical texts, the general dearth of

<sup>8</sup> For example, see Gemser, "Controversy-Pattern", pp. 126-127; I. L. Seeligmann, "On the Terminology of Legal Procedures in the Lexicon of Biblical Hebrew", A. Hurvitz, et al., eds., *Studies in Biblical Literature* (Jerusalem, 1992), p. 267 (Hebrew); Gunkel and Begrich, *Introduction*, p. 160; and A. Basson, *Divine Metaphors in Selected Hebrew Psalms of Lamentation* (FAT 2. Reihe 15; Tübingen, 2006), p. 80.

<sup>9</sup> Magdalene, *Scales*, pp. 18-19, briefly notes the similarity between the demand for judgment in Neo-Babylonian litigation records and the Akkadian prayers, and refers to the presence of legal language, in general, in biblical prayers. She does not, however, address the demands for judgment in the biblical texts considered below.

<sup>10</sup> For examples, see J. Bottéro, "Symptômes, signes, écritures", in J. P. Vernant, et al., eds., *Divination et Rationalité* (Paris, 1974), p. 140; I. Starr, *The Rituals of the Diviner* (Bibliotheca Mesopotamica 12; Malibu, Calif., 1983), p. 58; and T. Abusch, *Mesopotamian Witchcraft: Toward a History and Understanding of Babylonian Witchcraft Beliefs and Literature* (Ancient Magic and Divination 5; Leiden, 2002), pp. 236-245. These examples, however, do not address the specific

actual Israelite legal documents prevents this kind of inquiry.<sup>11</sup> Ancient Israel's courtroom vocabulary must be reconstructed, often based on the unproven assumption that biblical forensic terminology must have functioned in otherwise unattested human legal parlance.<sup>12</sup> Identifying language that the prayers share with biblical laws and narratives pertaining to disputes and trials can mitigate this problem.<sup>13</sup> But even these sources are few, and do not supply actual documents from Israelite courts.

This situation poses particular problems for form criticism, whose practitioners have regularly identified the courtroom as the *Sitz im Leben* of biblical formulations.<sup>14</sup> Without evidence from actual litigation records, however, how can one determine that a psalm indeed follows a lawsuit's forms of speech? On the basis of biblical texts alone, one inevitably confronts what M. Dijkstra, writing about a similar problem with regard to prophecy, has called "certain elements of circular reasoning".<sup>15</sup>

Recent comparative scholarship points the way out of this logical impasse. In her monograph on the Book of Job, F. R. Magdalene turns to the abundance of Neo-Babylonian trial documents as the basis for reconstructing the

---

case of the relationship between the demands for judgment in prayers and in the Neo-Babylonian legal material.

<sup>11</sup> See Magdalene, *Scales*, pp. 3-4 and B. Wells, *The Law of Testimony in the Pentateuchal Codes* (Beihefte zur Zeitschrift für Altorientalische und Biblische Rechtsgeschichte 4; Wiesbaden, 2004), pp. 3-4.

<sup>12</sup> See, for example, the comment by Gemser, "Controversy-Pattern", pp. 122-123, in which he approves of how L. Köhler's "exemplary study of the style-forms of Deutero-Isaiah has proved how fruitful the study of the metaphorical use of the *rib*-pattern is for our knowledge of the legal terminology and of the proceedings of a lawsuit in ancient Israel, the more so since the legal texts of the Old Testament do not give a clear picture of the course of the judicial proceedings".

<sup>13</sup> This is the method adopted, for example, in H. J. Boecker, *Redeformen des Rechtslebens im Alten Testament* (Neukirchen-Vluyn, 1964) and, with less consciousness of the separation between genres, P. Bovati, *Re-Establishing Justice: Legal Terms, Concepts and Procedures in the Hebrew Bible*, trans. M. J. Smith (JSOTSup 105; Sheffield, 1994).

<sup>14</sup> See J. Barton, "Form Criticism (Old Testament)", *ABD* 2, pp. 840-841 and G. Fohrer, "Remarks on Modern Interpretation of the Prophets," *JBL* 80 (1961), pp. 310-312.

<sup>15</sup> M. Dijkstra, "Lawsuit, Debate and Wisdom Discourse in Second Isaiah," in J. van Ruiten and M. Vervenne, eds., *Studies in the Book of Isaiah: Festschrift Willem A. M. Beuken* (BETL 132; Leuven, 1997), p. 254. These "elements" lead Dijkstra to seek the roots of Isaiah's language in a "forensic style", that "does not describe or even imitate legal procedures, let alone a lawsuit" (p. 271). For consideration of the language of prophetic lawsuit language in light of Neo-Babylonian evidence, see S. E. Holtz, "A Comparative Note on the Demand for Witnesses in Isa 43:9", *JBL* (forthcoming) and S. E. Holtz, "The Prophet as Summoner", in *Tablet and Torah: Studies in Honor of Barry L. Eichler*. Forthcoming.

i-H 3

Vetus Testamentum 61 (2011), pp. 457-461

legal reality behind Job's metaphoric lawsuit.<sup>16</sup> Using the trial procedure that emerges from her analysis of Neo-Babylonian texts, Magdalene demonstrates that the Book of Job's "legal metaphors track a very complicated and procedurally complete trial".<sup>17</sup> According to Magdalene, "the Book of Job mimics to an important degree ancient Near Eastern legal documents of practice".<sup>18</sup> Given this assessment, the Neo-Babylonian texts are more than a key to the procedural law behind Job's courtroom metaphor, or other lawsuit imagery in the Hebrew Bible, for that matter. One can justifiably turn to these extra-biblical texts as a basis for reconstructing the very vocabulary of the biblical courtroom. In terms of the matter at hand, the appearance of a demand for judgment in Neo-Babylonian litigation records provides a crucial supplement to the inner-biblical evidence for such a demand in Hebrew legal phraseology.

Apart from furnishing a specific, legal parallel to the biblical demand for judgment, the comparative method also achieves an additional, more general goal in the examination of the phrase. The Akkadian prayers are evidence for a religious worldview parallel to that found in the Hebrew Bible. According to this outlook, the divine and human courts not only function in much the same way, but even "sound" similar, too. In both civilizations, law courts in heaven and law courts on earth share similar forms of speech. Thus, the Hebrew prayers, like their Akkadian counterparts, resemble plaintiffs' speeches before human judges.

It is important to note that neither the specific nor the more general application of the comparative method to the demands for judgment indicates that the Israelite formulations are borrowed directly from the Akkadian. Rather, both the existence of the phrases and their appearance in religious literature are parallel, but independent, phenomena. The existence of the demand for judgment in the Neo-Babylonian legal documents indicates that a similar Hebrew phrase existed in ancient Israel's own legal vocabulary. The appearance of the demand for judgment in Akkadian religious literature and, more generally, the overall legal tenor of prayers in Akkadian provide important context for interpreting the language of biblical prayers.

Before turning to the texts themselves, one more general methodological remark regarding the nature of the argument is in order. The available evidence in both Akkadian and Hebrew indicates that there is no exact similarity

<sup>16</sup>) Magdalene, *Scales*, pp. 1-9 and pp. 27-45.

<sup>17</sup>) Magdalene, *Scales*, p. 8.

<sup>18</sup>) Magdalene, *Scales*, p. 264.

between the language of human courts and the language of the divine court of law; the demands for judgment in the prayers are not formulated in exactly the same way as those that occur in the legal texts' descriptions of trials. However, this apparent difference does not ~~however~~ mean that the demands for judgment used in human courts are unrelated to those that occur in prayers. Rather, once one can show that a formal demand for judgment is part of how plaintiffs address adjudicators, then precise wording becomes less important. The very idea of making a formal demand for judgment would have come from knowing how courtrooms and lawsuits operate. Thus, the very presence of a demand for judgment in a prayer is evidence of the incorporation of a courtroom form of speech. The speakers in the prayers, as plaintiffs in court, are true to form, even if not in a word-for-word manner.

This truth to form remains not only when the demand for judgment is phrased differently, but also when one must consider the possibility that the very terms for "judgment" may have different shades of meaning when they occur in prayers. This is most apparent in the Akkadian texts, where the term *purussû*, which denotes the "decision" in human courts, acquires the technical meaning of "prognosis" or "oracular determination".<sup>19</sup> A similar case can be made for Hebrew *mišpāt*, which, according to some, denotes something closer to "salvation" than "judgment", especially in the Psalms.<sup>20</sup> But even so, it is the surface form, rather than the specific nuance, that is critical; the use of the same terms for a ruling in court and the desired outcome of a prayer only underscores the connection between the genres.

## II. The Demand for Judgment in Neo-Babylonian Decision Records

The main Mesopotamian sources for courtroom procedure are the decision records of actual legal cases. For the most part, these documents were composed by scribes for the benefit of the prevailing parties in lawsuits, as proof of a successful claim and in order to prevent future litigation. Although their wording varies with the details of the specific cases for which they were

<sup>19</sup> CAD P, pp. 533-535 (*purussû* 3). See the discussion of the "Hymn to Ninurta as Sirius", below.

<sup>20</sup> See Basson, *Metaphors*, p. 80 and the literature cited there. For a thorough discussion of the nuances and development of the root *š-p-t*, see Seeligmann, "Terminology", pp. 263-268. For additional analysis of the meaning of the demand for judgment in light of possible nuances, see M. Weiss, "Do Not Gather Up My Life Along With Sinners: Psalm 26", in K. Van Wyk, ed., *Feet On Level Ground: A South African Tribute of Old Testament Essays in Honor of Gerhard Hasel* (Berrien Springs, Mich., 1996), p. 2.

written, these records do follow discernible patterns. The proceedings in court and the decisions reached are presented in recognizable forms.<sup>21</sup> Thus, beyond their value for the study of procedure, these documents also attest to the stylistic conventions of ancient legal writing.

One general implication of these conventions of style is that the decision records are not simply a report of what was said and what transpired during trials. While they do indeed document these facts, they also display aspects that might best be called literary. Thus, they not only invite analysis of the laws and procedures that they document, but also call attention to the form in which they document them, such as the wording of fixed components and their rhetorical effect. Study of these aspects, apart from its intrinsic value for understanding the decision records themselves, is crucial to making comparisons between these texts and other genres, such as prayers. For these features of the documents, rather than the points of law upon which the cases turn, are the ones that seem most ripe for rhetorical use in prayers.<sup>22</sup>

The demand for judgment is one such feature that occurs in a group of Neo-Babylonian decision records. It appears in the opening section of these texts, as part of the quotation of the plaintiff's statement in court. The plaintiff's speech takes the following form:<sup>23</sup>

- I. Opening Sentence  
[PN] *ana* [AUTHORITIES] *iqbi umma*  
"[PN = Plaintiff] said thus to [AUTHORITIES]"
- II. Plaintiff's statement
- III. Demand for judgment  
*purussâni šuknâ*  
"Render our decision!"

<sup>21</sup> A convenient anthology containing many examples of these documents from various periods may be found in F. Joannès, ed., *Rendre la justice en Mésopotamie: Archives judiciaires du Proche-Orient ancien (III<sup>e</sup>-I<sup>er</sup> millénaires avant J.-C.)* (Saint-Denis, 2000). For discussion of the formulaic aspects of their composition, see, for the Old Babylonian texts, E. Dombardi, *Die Darstellung des Rechtsausstrags in den altbabylonischen Prozessurkunden* (FAOS 20/1-2; Stuttgart, 1996), Vol. 20/1, pp. 33-160 and, for the Neo-Babylonian material, S. E. Holtz, *Neo-Babylonian Court Procedure* (Cuneiform Monographs 38; Leiden, 2009), pp. 23-67.

<sup>22</sup> Points of law do, of course, make their way into non-legal writing, as Magdalene's work on the trial imagery in the Book of Job amply demonstrates.

<sup>23</sup> For discussion, examples and variants, see Holtz, *Court Procedure*, pp. 27-35 and pp. 41-44 (Summary Table 1.1). For simplicity's sake, Akkadian forms in the outline are normalized according to the conventions applicable to Old Babylonian. English words in square brackets indicate variable elements within these formulas.

or (if defendant is not present)<sup>24</sup>

*itti* [PN] *ipšà dīni*

“Judge my case against [PN= Defendant]!”

The opening sentence introduces the plaintiff’s statement by naming the plaintiff and the authorities. The speech itself is then quoted; it concludes with a formulaic address to the judges, in which the plaintiff demands judgment. According to Magdalene, this formula represents “an early form of prosecutorial language”, by which the plaintiff makes a formal demand for a trial.<sup>25</sup>

The position and wording of the demand for judgment mark it as the climax of the plaintiff’s speech. This is best seen by considering an example, this one from a rather comical case, in which the defendants end up being guilty of fraud (TCL 13, 219//Nbn 720):<sup>26</sup>

(1-3) [It]ti-Marduk-balātu son of Nabû-aḥḥē-iddin descendant of Egibi said [thus to] the judges of Nabonidus (*[a-na]* <sup>r1u27</sup>DI.KU<sub>5</sub>.MEŠ *ša*<sub>2</sub> <sup>md</sup>NA<sub>3</sub>.IM.TUK LUGAL TIN.TIR<sup>ki</sup> *iq-bi* [*um-ma*):

(3-12) “Šāpik-zēri and Bēl-uballiṣ sons of Šuma-ukīn [descendant of] Sīn-sadūnu (who) owe (payment of) a debt-note of 5 mina of silver to Rīmūt son of Inaqībit-Nabū, and whose field which is near the Ḥazuzu canal is taken in pledge, and who sold that field to Nabû-aḥḥē-iddin, my father, for silver, came to me (saying): ‘give us 1/2 a mina of silver and we will give you the debt-note’. I held the tablet and said thus to them: ‘Who is Rīmūt who seized the field in pledge from you?’ Šāpik-zēri grabbed that debt-note from my hands and chewed it with his teeth.

(13) Render our decision!” (EŠ.BAR-*a-ni šuk-na*)

The demand for judgment, formulated as an imperative to the judges, stands in contrast to the rest of the plaintiff’s address, which employs first person and third person forms. This change in voice transforms the plaintiff’s statement from the narration of facts into a plea for justice to be served.<sup>27</sup> As it is pre-

<sup>24</sup> See Holtz, *Court Procedure*, p. 226.

<sup>25</sup> Magdalene, *Scales*, pp. 74-75.

<sup>26</sup> For complete discussion of this case, see C. Wunsch, *Das Egibi Archiv: Die Felder und Gärten* (Cuneiform Monographs 20A, 20B; Groningen, 2000), Vol. 20A, pp. 117-118. The translation above is based on TCL 13, 219 and on the re-edition of Nbn 720, with new joins, in Wunsch, *Egibi Archiv*, Vol. 20A, No. 90A (pp. 230-231).

<sup>27</sup> The use of the adverb *inanna* (“Now,”) at the beginning of the address to the judges in YOS 6, 92:20 and YOS 19, 101:24 intensifies this effect.



sented, the plaintiff's speech in court ends with a rhetorical flourish designed to command the judges' attention and to move them to action.

Apart from its very formulation, the placement of the demand for judgment within the broader structure of the decision records further underscores its pivotal function. It comes not only at the end of the plaintiff's statement, but also just prior to the section that narrates the judges' actions in the case (summoning the defendant, consideration of evidence, etc.).<sup>28</sup> This juxtaposition indicates that the plaintiff's demand has indeed achieved the desired result; it has convinced the judges to try the case.

The effect of this juxtaposition is further heightened by the wording of the decision records. The section detailing the judicial actions, which directly follows the demand for judgment, often begins with a notice that "the judges heard their arguments" (*dibbišunu išmû*).<sup>29</sup> Technically, of course, the plural possessive suffix (-*šunu*) on the noun makes it clear that the judges have "heard" both sides. But because only the plaintiff's statement, and not the defendant's, is actually quoted, its impact on the reader is magnified. The reader "hears" only the plaintiff's speech, which leaves the vague impression, however incorrect, that the judges, too, hear only this speech, rather than all the arguments. Thus, it almost seems as if the judges are moved to action with the demand for judgment still ringing in their ears.

The nearly uniform wording of the demand for judgment indicates beyond much doubt that it is formulaic, rather than the plaintiff's spontaneous utterance. Thus, even though it is presented as part of a direct quote, it is entirely possible that it is a scribal fiction, part of the written presentation of the trial, but never actually pronounced in court.<sup>30</sup> Alternatively, the demand for judgment may be a legal formula that was actually pronounced, perhaps as a formality integral to the proceedings. The speech quoted in the decision records, including the demand for judgment, would then reflect what was actually said in court.

The available evidence makes it impossible to determine whether the plaintiffs actually pronounced the demand for judgment or it is simply a written convention of the legal documents. Nevertheless, the observations regarding its rhetorical function remain valid. If the words were actually pronounced,

<sup>28</sup>) Holtz, *Court Procedure*, pp. 32-37.

<sup>29</sup>) Holtz, *Court Procedure*, p. 36.

<sup>30</sup>) On the decision records as a scribally-created, condensed narrative of proceedings that take place over a longer period of time, see Holtz, *Court Procedure*, pp. 221-222. For some other implications of this compositional process, see Magdalene, *Scales*, p. 70 n. 62.

then their force as the climax of the plaintiff's plea would have been part of the Neo-Babylonian courtroom drama. If, on the other hand, the demand itself is a fictional convention, then its rhetorical effects contribute to the literary qualities of the drama staged by the scribes in the decision records they composed. In this regard, one may even distinguish between the demand itself and its placement within the structure of the decision record. The rhetorical effects of the demand for ~~justice~~ <sup>H? Judgment</sup> would well have been realized in an actual court, while the effects of recording the demand just before the narration of judicial actions are likely to be the result of scribal art. For the purposes of comparison with other genres of literature, however, the crucial point is this: the plaintiff's demand for judgment was part of Neo-Babylonian court proceedings, as these played out before actual judges or as they are said to have played out, for the record.

### III. The Demand for Judgment in Akkadian Prayers

The appearance of the demand for judgment as a rhetorical feature of the Neo-Babylonian legal texts points to the background of similar demands in Akkadian prayers. In fact, a demand phrased with *purussâ šakānu*, the very term attested in the decision records, appears in a diviner's prayer to Ninurta. Among numerous requests for success, the diviner states, "in all I have planned render (literally: 'place') a decision" (*ina mimmû akpudu purussû šukunma*).<sup>31</sup> But the wording of the demand in the prayer is not exactly the same as in the decision records. In the decision records, the demand consists solely of the locution, while in the prayer, *purussâ šakānu* is complemented by the phrase *ina mimmû akpudu* ("in all I have planned"). This difference results in different translations of the verb *šakānu*, and consequently in different meanings of the entire phrase. In the decision records, the verb *šakānu* (usually "to place" or "to establish") requires the somewhat more idiomatic translation "to render". In the prayer, where the verb appears with the complementary phrase, it functions more literally; the diviner asks for the oracular response, here called the "decision" (*purussû*), to be "placed" in the entrails of the sacrifice he has prepared.<sup>32</sup>

<sup>31</sup> E. Burrows, "Hymn to Ninurta as Sirius (K 128)", *JRAS Centenary Supplement* (1924), pp. 33-36, rev. 10. For an updated translation and bibliography see B. Foster, *Before the Muses* (Bethesda, Md., 2005), pp. 715-716.

<sup>32</sup> Compare the phrase *ina puḫād akarrabu kittam šuknam* ("place a true verdict in the lamb that I offer"). For references see CAD K, p. 198 (*karābu* 5b). For additional discussion, see Starr, *Rituals*, pp. 56-58.

Nevertheless, the surface similarities are striking. The prayer's incorporation of *purussâ šakānu* (alongside other legal terms) is a fitting illustration of the casting of divination in a juridical guise. The use of the noun *purussû*, even with its oracular meaning, certainly gives the prayer a juridical tone. And in the noun's appearance together with an imperative form of the verb *šakānu* one cannot help but hear the echoes of the decision records' demand for judgment. These connections between law and prayer remain, even in the face of broader structural and terminological differences between the demand for judgment in this text and in the legal records.<sup>33</sup>

The connection between the legal texts and the prayers is strengthened by considering the more common demand for judgment in the prayers: the phrase *dīni dīn purussâya purus* ("Judge my case, decide my decision!").<sup>34</sup> Unlike the use of *purussâ šakānu* in the prayer to Ninurta, which, at least at the surface, resembles the language of the decision records, neither of the elements of this parallelistic phrase is attested as yet in a plaintiff's demand for judgment in the decision records.<sup>35</sup> But the phrase from the prayers conveys the same meaning and shares the use of imperative verbs combined with nouns meaning "judgment" attached to possessive suffixes. Simply put, even if the prayers' phrase *dīni dīn purussâya purus* is not actually attested in the decision records, it seems that it could have been.

In addition to these similarities at the level of the phrase, one should also consider the position of this demand for judgment within the prayers' broader compositional structure. In some prayers, the demand has the same climactic rhetorical effect as it does in the decision records, and serves as a pivot between the complaint and the judicial actions. Of course, petitions to gods, by their very nature, cannot contain a record of how the judges actually decided the case; the courtroom drama that these prayers narrate ends with the speaker's demand. But the speaker can, as part of the demand for judgment, propose what the outcome of the case should be. Instead of recording the actions that

<sup>33</sup> The main structural difference is that the demand for judgment is not the petitioner's last word, so it does not have the same climactic rhetorical effect.

<sup>34</sup> Based on the number of occurrences listed in Mayer, *Untersuchungen*, p. 222, this is the most common among the demands "in the form of legal and lawsuit language", in general, as well as among ~~the specific category of~~ those that incorporate the phrase *dīna dānūt*.

<sup>35</sup> Magdalene, *Scales*, p. 18 points to the phrase *dī-in-šu-nu dī-i-nu* EŠ.BAR-ši-na pa-ri-is ("Their case is judged; their decision is decided.") in Dalley, *Edinburgh* 69:43, as a parallel to the demand for judgment in the prayers. In the decision records, however, the phrase is a summary adjectival statement for the entire proceedings (not a typical feature), rather than an imperative demand for judgment. A similar summary occurs in V. Scheil, "La libération judiciaire d'un fils donné en gage sous Neriglissor en 558 av. J.-C.," *RA* 12 (1915), pp. 6-7:rev. 7.

H 3

H 3, more specifically.

the judges actually take and the decision that they actually reach, these prayers move from the complaint to a description of the actions that the gods, as judges, ought to take and the decision they ought to reach.

This structural similarity, with the demand for judgment in the pivotal position between plaintiff's speech and judicial actions, is nicely illustrated by the following section of an incantation to Marduk (BMS 12):<sup>36</sup>

(45) [I,] your [servant,] so-and-so son of so-and-so, whose personal god is so-and-so and wh[ose personal god]dness is so-and-so,  
 The *namku*-priest whose hands are pu[re, I present?] to you a good present,  
 I have spread out [...] beneath you.  
 Heed my prayer with raised hands, ac[cept] my [pl]ea,  
 My god, you know the disease that afflicts me; I do not know (it).  
 (50) It has overwhelmed me like a net, it [covers me like a] throw-net,  
 An *alû*-ghost, headache, exhaustion, *la'bu*-disease, gloo[miness...] my limbs,  
 Terrible disease, oath and curse have wa[st]ed my body,  
 They have infected the perfection of my body, I wear it like clothing,  
 They have taken images of me; they are stretched out (in view).  
 (55) They have gathered the dust of my feet, my measurement is taken,  
 My dignity is removed; because of the evildoings of people I am infected and unclean.  
 The wrath of god and people is upon me; frightening are my dreams, evil, faulty,  
 My signs, my omens, are confused; they do not have true judgment.  
 My Lord, on this day, stand by and hear my plea, judge my case, decide my decision (*dīnī dīn purussāya purus!*)  
 (60) Drive away the disease that beset (me), remove the headache from my body.  
 May my god, goddess, and people be at peace with me!  
 By your word, may no evil, or the work of warlock or witch, approach me!  
 May witchcraft, sorcery, magic, people's evildoings not approach me!  
 May evil dreams, signs, portents of heaven and earth not approach me!  
 (65) May evil signs of city and land not visit me!  
 In (the face of) people's evil mouths (and) evil tongues, may I be safe!  
 ...

<sup>36</sup> The quoted section is lines 45-60. The prayer begins with a praise section (lines 17-44), and the requests continue through line 88. The prayer concludes with a typical promise of praise (lines 89-94). Translation is based on the transliterations in Ebeling, *Handerhebung*, pp. 78-81 and W. von Soden, "Zur Wiederherstellung der Marduk-gebete BMS 11 und 12", *Iraq* 31 (1969), pp. 87-89.

The demand for judgment (line 59) comes after the description of the speaker's suffering (lines 45-58) and immediately before the speaker's requests. In effect, these requests are an explication of the demand for judgment that precedes them. The petitioner not only states his case, but also states how Marduk, as judge, should act in rendering the decision. Thus, the structure of this prayer approximates the structure of the decision records: it moves from the speaker's complaint to a description of (hoped-for) judicial actions. And, as in the decision records, the demand for judgment occupies the pivotal position between these units.

The demand for judgment occupies a similar, pivotal position in the opening incantation of the anti-witchcraft ritual *Maqlû*:<sup>37</sup>

I have called you, gods of the night,  
 With you, I have called Night, the veiled bride;  
 I have called Twilight, Midnight, and Dawn.  
 Because a witch has bewitched me,  
 (5) A deceitful woman has accused me,  
 has caused my god and my goddess to be estranged from me.  
 I have become sickening to those who see me.  
 I am unable to rest night or day.  
 They continually filled my mouth with a gag,  
 (10) They kept food (lit. flour) away from my mouth,  
 They diminished the water from where I drink.  
 My joyful song is wailing, my rejoicing is mourning.  
 Stand by me, Oh great gods, hear my suit!  
 Judge my case (*di-ni di-na*), grant me a decision (*a-lak-ti lim-da*).<sup>38</sup>  
 (15) I have fashioned the image of my (enemy) wizard and witch,  
 Of my (enemy) sorcerer and sorceress,  
 I have placed (them) beneath you and I hereby argue my case (*a-dib-bu-ub di-ni*).  
 Because she has done evil, she has plotted misdeeds,  
 Let her die, let me live!  
 May her witchcraft, her magic, her sorcery be undone!  
 ...

The beginning of this incantation (lines 1-14) follows the form of the plaintiff's speech in the decision records. After the opening invocation (lines 1-3),

<sup>37</sup>) *Maqlû* I.1-36. Quoted here are lines 1-20.

<sup>38</sup>) For this translation of the phrase *alakti limda*, see Abusch, "Alaktu", pp. 16-35.

the speaker states the complaint, which reaches a climax in the demand for judgment (line 14). The purpose of this rhetorical strategy is clear; as Abusch writes, "it is intended... to explain and justify the plaintiff's request to the divine court that it convene and hear his case".<sup>39</sup> In the legal texts, as in the incantation, the demand for judgment is the rhetorical note that moves, or is meant to move, the court to action.<sup>40</sup>

But the incantation does not end with the demand for judgment. The speaker continues by describing how the gods of the night should rule in the case of the petitioner vs. the witch. R. Westbrook characterizes this part of the incantation as a statement of the "remedy sought".<sup>41</sup> Thus, the entire incantation follows the same pattern as BMS 12, progressing from plaintiff's statement to the description of hoped-for actions. The demand for judgment occupies the pivotal position, marking the transition between the plaintiff's words and the actions of the judges.

The position of the demand for judgment in these two incantations solidifies the structural similarity between the legal texts and the prayers. In both genres, the demand is the pivot between the plaintiff's statement and the judicial action. In the legal texts, it comes at the end of the plaintiff's address, as a concluding plea, but also as the cue, either oral or textual, that the judges are to act. Similarly, in the prayers, the demand for judgment is both the climactic conclusion of the complaint that precedes it, as well as a dramatic opening for the petition that follows.<sup>42</sup>

<sup>39</sup> Abusch, *Witchcraft*, pp. 8-9.

<sup>40</sup> According to Abusch, *Witchcraft*, p. 9, the description of the witch's activities in lines 1-12 "carries no legal force"; it is the later description in lines 18-19 that contain the formal accusation. This suggestion should be reconsidered in light of the structural similarity between Maqlû I.1-14 and the plaintiffs' statements in the Neo-Babylonian decision records. The plaintiffs' statements, concluding with the demand for judgment, do, in fact, constitute the accusation (see Magdalene, *Scales*, p. 74). If so, then the opening lines of Maqlû appear to have a similar function.

<sup>41</sup> R. Westbrook, "Witchcraft and the Law in the Ancient Near East", in B. Wells and F. R. Magdalene, eds., *Law from the Tigris to the Tiber: The Writings of Raymond Westbrook* (Winona Lake, Ind., 2009), Vol. 1, p. 291. Compare Abusch, *Witchcraft*, p. 9. Note that the description of the "remedy sought" continues in the remainder of the incantation, and is not limited to lines 18-19, as Westbrook writes. I am grateful to F. R. Magdalene for bringing Westbrook's article to my attention.

<sup>42</sup> Maqlû I.73-121 follows a similar structure of complaint (lines 73-109), followed by an invocation and a demand for judgment (110-114) and then a description of what is to be done to the opponents (115-121). See also Köcher, BAM 323:31-32.

Also note that the incantation ends (lines 34-36) with a description of what has actually occurred "upon the order spoken by the gods of the night".

In a sense, then, these incantations are decision records transposed to the mode of prayer. As such, they indicate that the courtroom metaphor was not created simply by using words with overtly juridical meanings. Rather, the presence of the demand for judgment, formulated in different words but in the same pivotal position, indicates a parallel between the forms of legal writing (or speech) current in human courts of law and those employed by plaintiffs in the divine courtroom.<sup>43</sup>

#### IV. The Demand for Judgment in Biblical Lawsuits

As was already noted at the outset, when one turns from the Mesopotamian evidence to the biblical record, one encounters the lack of direct evidence from Israelite courtrooms. This, of course, constrains efforts to demonstrate that biblical prayers use courtroom language. Ideally, one would like to compare the demand for judgment in biblical prayers with a similar demand in biblical courtroom documents, just as one can compare the wording of Akkadian prayers and legal texts. The next best sources, given the available materials, are narratives about lawsuits embedded in the Hebrew Bible. When one turns to these narratives, one does indeed find a Hebrew demand for judgment that resembles the demands known from the Neo-Babylonian decision records. This resemblance supports the assumption that even though the biblical texts are not themselves legal records, when they describe lawsuits they do make use of terminology that would have been current in an actual courtroom.

The demand for judgment in the Neo-Babylonian decision records finds its closest biblical parallel in Isaiah's "vineyard parable" (Isa 5:1-7). In this passage, the prophet uses the story of a failed vineyard and its destruction to express God's disappointment at the unjust conduct of the Judeans. After

<sup>43</sup> To be sure, in prayers, the demand for judgment does not always occur exactly in the pivotal place that it does in the opening incantation of Maqlû or in BMS 12. For examples of demands for judgment followed by similar descriptions, but without (or prior to) complaints, see: Maqlû II.25; II.107-108 and II.126-130; BMS 4:30 (Ebeling, *Handerhebung*, p. 30:8) and BMS 30:8 (Ebeling, *Handerhebung*, p. 120:8). The demand for judgment in Šurpu V-VI, 197-199 occurs at the end of the list of actions to be taken against the opponent. In contrast, in several Namburbi texts, the demand for judgment stands at the end of the invocation of the god, as an opening demand, even prior to a complaint. See R. Caplice, "Namburbi Texts in the British Museum", *Or* 36 (1967), No. 15:18-20 (pp. 14-15); No. 20: rev. 5'-6' (p. 25); No. 27:10 (p. 280).

narrating the story of the vineyard owner's investment and failure (vv. 1-2), the speaker turns to his audience:

(3) Now then, inhabitants of Jerusalem and people of Judah, judge between me and my vineyard!

The use of the verb  $\dot{s}$ -p- $\dot{t}$  (G-stem) constitutes the most concrete evidence that the vineyard parable incorporates a lawsuit motif: the case of vintner vs. vineyard. The speaker takes on the role of the plaintiff and casts his audience, the "inhabitants of Jerusalem and people of Judah", in the role of judges. Thus, even though the genre of the passage, in its entirety, is the subject of much debate, its connection to the courtroom is rather explicit.<sup>44</sup>

The second half of the verse, in terms of its wording and its position, parallels the demand for judgment in the Neo-Babylonian decision records. Like the Neo-Babylonian formulas, the biblical text contains an imperative, spoken by the plaintiff and addressed to the judges, to adjudicate the case. In particular, the explicit mention of the opponent in the formulation of Isa 5:3b brings to mind the Neo-Babylonian formulation in which the plaintiff names the defendant (*itti PN ipša dīni*). And, like its Neo-Babylonian counterparts, the demand for judgment comes at the end of the narration of the case itself in the previous verses. It marks a turning point in the speech, both grammatically, with a shift to imperative voice, as well as rhetorically, with the transition from telling the story to demanding action.<sup>45</sup> Verses 1-3, then, follow the outline of the plaintiff's statement in the Neo-Babylonian texts, beginning with

<sup>44</sup> J. T. Willis, "The Genre of Isaiah 5:1-7", *JBL* 96 (1977), pp. 337-362, remains a convenient summary of the positions on the question of genre. For subsequent discussions, see the literature cited in P. Bovati, "Le langage juridique du prophète Isaïe", in J. Vermeulen, ed., *The Book of Isaiah* (BETL 81; Leuven, 1989), p. 191 n. 50 and R. Bartelmus, "Beobachtungen zur literarischen Struktur des sog. Weinberglies (Jes 5, 1-7)", *ZAW* 110 (1998), pp. 50-66.

<sup>45</sup> H. Irsigler, "Speech Acts and Intention in the 'Song of the Vineyard' Isaiah 5:1-7", *OTE* 10 (1997), pp. 52-53. This transitional sense is further re-enforced by the word *w'attā* and the vocative mention of the audience in 3a. Compare the use of Akkadian *inanna* in a similar position in the decision records in YOS 6, 92:20 and YOS 19, 101:24. The first-person possessive suffix at the end of the verse marks an additional shift that occurs here, in which the speaker, rather than the speaker's friend, turns out to be the vineyard's owner. This change is probably a feature of parabolic speech, as proposed by Y. Hoffman, "The Song of Vineyard" (sic!), in J. Licht and G. Brin, eds. *הוצבי ישראל: Studies in Bible Dedicated to the Memory of Israel and Zvi Broide* (Tel Aviv, 1976), pp. 75-81 (Hebrew). Although unparalleled in Akkadian legal documents, the "juridical parable" has been identified as a feature of biblical forensic discourse (see Bovati, *Justice*, pp. 82-83 with literature cited at n. 48).

VF - the specific connection between the vineyard metaphor and the courtroom setting see Jindo, *Biblical Metaphor*, pp. 171-174.

V,



narration of the case and reaching a climax with the demand for judgment.<sup>46</sup> Based on these parallels, it seems that Isaiah drew not only on the idea of a lawsuit, but also on contemporary lawsuit language, to create his parable.

A similarly climactic demand for judgment occurs in a number of biblical texts as part of an accuser's direct statement to the accused. Since these accusations are not addressed to judges, however, they employ the third-person jussive *yīšpôṭ* YHWH ("Let YHWH judge"), instead of the imperative known from Isa 5:3 (and the prayers, discussed below). For example, Sarai ends her accusation against Abram regarding the slave girl Hagar (Gen 16:5) with the words *yīšpôṭ* YHWH *bēni ubēnekā* ("Let YHWH judge between me and you!") and Jephthah ends his long address to the Ammonites (Jud 11:14-27) with *yīšpôṭ* YHWH *haššōpēṭ hayyôm bēn b'nē yisrā'el ubēn b'nē 'ammôn* ("Let YHWH, the judge, judge between the Israelites and the Ammonites").<sup>47</sup> They echo, in terms of both content and position, the demand for judgment in Isa 5:3, and, in turn, the similar demands in Akkadian legal texts. Thus, it is likely that they are modeled on language that did actually function in Israelite courts.

## V. The Demand for Judgment in Biblical Prayers

A survey of prayers in the Hebrew Bible shows that demands for judgment, identified based on criteria of meaning and form, occur in eight texts, mostly from Psalms, but elsewhere, as well.<sup>48</sup>

<sup>46</sup> Comparison with the Neo-Babylonian texts impacts the interpretation of v. 4, as well. According to some, it represents the formal accusation or indictment. See G. A. Yee, "A Form-Critical Study of Isaiah 5:1-7 as a Song and a Juridical Parable", *CBQ* 43 (1981), p. 36. In the Neo-Babylonian texts, however, the accusation is lodged before, rather than after, the demand for judgment, in the plaintiff's statement (See Magdalene, *Scales*, p. 74.). If, indeed, the biblical text hews closely to this pattern, then the accusation might be found in v. 2 and the questions in v. 4 are rhetorical elaborations on the demand itself, perhaps as a restatement of the accusation. For accusations in the form of questions, see Bovati, *Justice*, pp. 76-80, to which may be added several examples from Elihu's speech to Job, such as Job 35:2-3, 6-7 (Magdalene, *Scales*, pp. 234-238).

<sup>47</sup> See also 1 Sam 24:12-15. Similar statements occur at the beginning of an accuser's speech (Ex 5:21) or in the middle (Gen 31:37). For an example at the conclusion of a conciliation (perhaps to prevent conflict) rather than accusation, see Gen 31:53.

<sup>48</sup> In terms of wording, all of these examples appear with some expansions, such as reformulations by means of poetic parallelism, as in Ps 7:7-8 (expanded description of YHWH's ascent to judgment, including imperatives); 35:23 (prior to demand in 24a); and 43:1 (*ribā ribi*).

The

f

Ps 7:9	שְׁפֹטֵנִי יְהוָה
Ps 17:2	מִלְפָּנֶיךָ מִשְׁפָּטֵי יֵצֵא
Ps 26:1	שְׁפֹטֵנִי יְהוָה
Ps 35:24	שְׁפֹטֵנִי כְצִדְקַת יְהוָה אֱלֹהֵי
Ps 43:1	שְׁפֹטֵנִי אֱלֹהִים
Ps 54:3	תִּזְיַנֵּנִי
Lam 3:59	שְׁפֹטָה מִשְׁפָּטֵי
2 Chr 20:12	אֱלֹהֵינוּ הֲלֹא תִשְׁפֹּט-בָּם

Despite the apparent variety, and the obvious differences between these formulations and those in the narratives, the items on this list are all demands addressed directly to God asking Him to exercise judgment on the speakers' behalf. On this level, they may be considered as parallels to the demands for judgment known from Akkadian prayers and from the lawsuit texts in Hebrew and Akkadian.<sup>49</sup>

Apart from their content, one may also consider the position of these demands for judgment. In some of the Hebrew prayers, they occupy the same climactic rhetorical position as they might have in a plaintiff's demand. For example, in Jehoshaphat's prayer (2 Chr 20:6-12), the demand (v. 12) occurs immediately after the mention of the specific crisis that has occasioned the prayer (v. 10-11):<sup>50</sup>

Now, the Ammonites, Moabites and the people of Mt. Seir—in whose territories you forbade the Israelites to enter as they were coming from the Land of Egypt, and from whom they turned away without destroying them—they reward us by

<sup>49</sup> It is interesting to note that at the level of formulation, there is a certain dichotomy between the demands for judgment in the legal and narrative materials, on the one hand, and the parallel demands in the prayers, on the other. The demands in the Akkadian lawsuit records and the Hebrew lawsuit narratives resemble each other because, in both, the plaintiffs mention themselves and their opponents in some way. In contrast, in the prayers the speakers refer only to themselves in the demand for judgment, even though they might refer to their opponents elsewhere. Compare, for example, the paranomastic imperative, including a first-person possessive suffix, in Lam 3:59 (*šopā mišpāti*) with the similarly constructed Akkadian demand *dīni dīn purussāya purus*.

<sup>50</sup> For analysis of the overall structure of this prayer, see R. B. Dillard, *2 Chronicles* (WBC; Waco, Tex., 1987), pp. 154-155; M. A. Throntveit, *When Kings Speak: Royal Speech and Royal Power in Chronicles* (SBLDS 93; Atlanta, 1987), pp. 67-72; S. Japhet, *I & II Chronicles* (OTL; Louisville, Ken., 1993), pp. 788-792 and R. Kuntzmann, "La définition d'un type au fil d'une lecture intertextuelle (2 Ch 20, 5-13)," in R. Kuntzmann, ed. *Typologie biblique: De quelques figures vives* (Paris, 2002), pp. 36-42.

coming to drive us from Your possession which You have given us to possess. Our God, shall you not judge them? For we have no strength in the face of this great multitude that comes against us, and we know not what we must do! Our eyes are upon You!

This part of Jehoshaphat's prayer follows the structure of the plaintiff's speech in the Neo-Babylonian decision records. The demand for judgment, here expanded into a desperate plea, is the petitioner's last word; as Sara Japhet notes, the use of the root  $\text{š-p-t}$ , even in the unique usage with the preposition *b-*, "is well chosen to carry the whole burden of the plea".<sup>51</sup> Thus, the prayer reads like a preliminary record that contains only the plaintiff's speech presented in proper courtroom form.<sup>52</sup> God's response, either in fact or as something still hoped for, which would correspond to the judicial actions in the decision records, is not part of the prayer itself.<sup>53</sup>

The structural comparison between the Akkadian prayers and the decision records shows that some prayers imitate the form of the legal texts by progressing from the complaint to the description of a hoped-for judicial response, with the demand for judgment as a pivot in between. When some biblical psalms are read with the Akkadian material in mind, echoes of this progression are detectable in them, as well. For example, in Ps 35:19-28, the last "major movement" of this psalm, the demand for judgment marks a transition familiar from the Akkadian material:<sup>54</sup>

<sup>51</sup> Japhet, *Chronicles*, p. 792. See also R. Kasher, "The Saving of Jehoshaphat", *Beth Miqra* 31 (1985), p. 250 (Hebrew) and G. N. Knoppers, "Jerusalem at War in Chronicles", in R. S. Hess and G. J. Wenham, eds., *Zion, City of Our God* (Grand Rapids, Mich., 1999), p. 69.

<sup>52</sup> Preliminary legal records in cuneiform do, in fact, exist, some more formally composed than others. See Holtz, *Court Procedure*, pp. 4-10; 85-116; 221-222. However, an independent record of a plaintiff's statement formulated according to the conventions of the decision records discussed above is unattested, as yet.

<sup>53</sup> It is, instead, the substance of Jahaziel's speech (vv. 14-17). See P. C. Beentjes, "King Jehoshaphat's Prayer: Some Remarks on 2 Chronicles 20,6-13", *BZ* 38 (1994), p. 270. For the relationship between this narrative, including the oracular response, and the structure of the national lament, see Throntveit, *Kings*, p. 71.

<sup>54</sup> For the division into "movements", and general structural remarks, including references to earlier literature, see Basson, *Metaphors*, pp. 139-140. Note especially Basson's identification of the transition from the demand for judgment to anticipated judicial actions: the "prayer for justification" (vv. 22-25) is immediately followed by the "imprecation against the antagonists" (vv. 26-28). The present structural division of this passage, however, differs from Basson's, as will become apparent below.

- V(19) V Let not my false enemies rejoice over me, nor those who hate me unjustly wink (their) eye.
- V(20) V For they do not speak peace, but devise treachery against those calm in the land.
- V(21) V They widened their mouth against me and said, 'Aha, aha, our eye has seen it!'
- V(22) V Take note, Oh YHWH, do not be silent; My Lord, do not be distant from me!
- V(23) V Arise and awake for my case, My God and Lord, for my suit.
- V(24) V Judge me in accordance with Your righteousness, YHWH, my God, let them not rejoice over me.
- V(25) V Let them not say in their hearts, 'Aha, our soul's (desire)!' Let them not say, 'We have destroyed him!'
- V(26) V Let them be ashamed and confounded—those who rejoice at my tragedy!  
Let them be clothed in embarrassment and calumny—those who aggrandize themselves at my expense!
- V(27) V Let them rejoice and be glad—those who desire my vindication,  
Let them always say, 'YHWH is grand; He desires His servant's wellbeing!'
- V(28) T My tongue shall speak your righteousness, your praise every day.

This unit opens with a speech against the enemies (vv. 19-21), which begins in the jussive (v. 19) but continues with indicative forms that describe the enemies' actions (vv. 20-21).<sup>55</sup> The speaker then utters a prayer for YHWH to act (vv. 22-24a), which includes evocations of the courtroom (v. 23) and ends with the demand for judgment proper (24a).<sup>56</sup> The speaker then states his hopes for what is to happen to the enemies (vv. 24b-26) and concludes with praise for his allies and for YHWH (vv. 27-28). Thus, these verses follow the pattern known from decision records. The complaint, corresponding to the plaintiff's speech to the judges in the legal texts, is embedded in the prayer in vv. 19-21. The statement of the enemies' punishment (vv. 24b-26) occupies the position of the judicial actions in the decision records; in the psalm this aspect of the proceedings is prayed, since the outcome of the case remains open, while in the legal texts it would have been recorded as fact. In between these sections, the demand for judgment serves as a pivotal conclusion of the

<sup>55</sup> Basson, *Metaphors*, p. 140 considers vv. 17-21 as one unit, even though this defies the division into "movements". For a similar view, see H.-J. Kraus, *Psalms 1-59: A Commentary*, trans. H. C. Oswald (Minneapolis, 1988), p. 394.

<sup>56</sup> Certainly, 24b follows logically from 24a. The separation of the two parts of the verse is based on 24b's similarity to what follows, rather than to what immediately precedes: grammatically, 24b employs jussive, rather than imperative, forms, and from the point-of-view of content, it pertains to action against enemies rather than the demand for judicial action. According to this analysis, 24b's obvious similarity to 19a may serve both to demarcate the end of a unit beginning with 19a, and to open the new unit.

complaint and introduction to the psalmist's hopes for the actions YHWH will take as judge.<sup>57</sup>

Admittedly, Hebrew prayers, like their Mesopotamian counterparts, do not always conform to the structure of a decision record. The demands for judgment often appear at the very beginning of the plea, rather than at the expected pivotal point.<sup>58</sup> Nevertheless, the very presence of a demand for judgment in prayers and the legal tone it lends them are not simply a consequence of the meaning of the demand's component parts. Instead, the speakers in the Hebrew prayers address the divine court as they might have addressed human judges. As plaintiffs in court, they use a form of speech common to both venues.

## VI. Conclusions

This essay has assembled a body of evidence in Akkadian and Hebrew in order to reconstruct one form of speech in ancient Israel's courtroom terminology: the demand for judgment. Records of actual lawsuits from Mesopotamia allow one to observe the demand for judgment as it was used in the human courtroom. The existence of Hebrew equivalents, both in terms of wording and in terms of position, in plaintiffs' speeches in the Bible, indicates that the demand for judgment was indeed a form of speech in Israelite human courtrooms. Thus, when speakers in the Psalms and in other biblical prayers make similar demands for judgment, they are pleading their case before God much as they might have before earthly judges.

<sup>57</sup> The demand for judgment in Ps 43:1 (expanded with questions in 43:2) occupies a similarly pivotal position, between the description of the enemy's actions in 42:10-11 and the hoped-for outcome in vv. 43:3-4. Compare, as well, Lam 3:46-66, where vv. 46-54 describe actions of the enemy, and vv. 64-66 describe the prayed-for outcome. The demand for judgment in v. 59b, formulated as an imperative, occurs among several verbs conjugated in the perfect. If these are taken as "precativ perfects" (see I. W. Provan, "Past, Present and Future in Lamentations III 52-66: The Case for a Precative Perfect Re-Examined", *VT* 41 [1991], pp. 164-175), then Lam 3:46-66 may follow a similar pattern, with vv. 55-63 as a poetically expanded demand for judgment in the pivotal position.

<sup>58</sup> For example Ps 17:2; 26:1; 54:3. The demand for judgment in Ps 7:9 is part of an expanded "cry for verdict" (vv. 7-10), as noted in R. L. Hubbard, "Dynamistic and Legal Processes in Psalm 7", *ZAW* 94 (1982), p. 268. It follows the speaker's oath of innocence (vv. 4-6) and precedes the description of the fate of the wicked (vv. 13-17, perhaps already described in v. 10). For analysis of Ps 7, see, in addition to serial commentaries, C. Mandolfo, *God in the Dock* (JSOTSup 357; Sheffield, 2002), pp. 35-41; B. Janowski, *Konfliktgespräche mit Gott: Eine Anthropologie der Psalmen* (Neukirchen-Vluyn, 2003), pp. 141-173; and Basson, *Metaphors*, pp. 63-76.

Since ancient literature imagines continuity between the human and the divine courts, then one should expect to find, as Magdalene has in her study of Job, procedural commonalities between the venues. In light of the general tenor of both Mesopotamian and biblical prayers, and their description of the divine-human relationship in forensic terms, it is most natural for people at prayer to cast themselves as plaintiffs. In the ancient Near Eastern, humans making their case to judges, whether of the earthly or the heavenly kind, make explicit, formal demands that justice be served.

Studying the demand for judgment, as it appears in the various texts considered in this essay, demonstrates that plaintiffs in all the genres speak their parts in a remarkably similar way. In a good number of examples, there is striking overlap between the structures of plaintiffs' speeches before human judges and humans' prayers to gods. These structural similarities show that the speakers, as plaintiffs, not only make similarly-worded demands, ~~they~~ deploy their demand for judgment with considerable rhetorical effect. When read together, the legal texts and the prayers show that lawsuits in both the divine and human courtrooms follow very similar scripts. The human and divine courts described in both the Hebrew Bible and Mesopotamian literature are continuous not only in procedure, but in their very language, as well.

1-13 ✓ but also