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## From the Courtroom to Prayer<sup>1</sup>

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"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>

As I. Tzvi 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> One manifestation of this phenomenon, in both Hebrew and Akkadian prayers, is the speakers' demand for judgment from the deity. The psalmist declares *šoptēnī* YHWH ("Judge me, YHWH!").<sup>4</sup> In much the same way, Mesopotamian petitioners frequently demand of their gods *dīnī dīn purussâya purus* ("Judge my case, decide my decision!").<sup>5</sup>

Scholars have noted this parallel between the language of the Akkadian and Hebrew prayers, and have explicated its implications for the theology of ancient Near Eastern prayer.<sup>6</sup> Thus, it is apparent that the demand for judgment contributes to the transformation of prayers into pleas in court before a divine judge.<sup>7</sup> However, the roots of this demand for judgment in the language used in actual courts of law have not been as thoroughly examined.<sup>8</sup> The purpose of this essay is to demonstrate that the appearance of the demands for judgment in both Akkadian and Hebrew prayers is the result of the incorporation of contemporary lawsuit language. To do so, it will expose the connection between the demand for judgment in the Akkadian prayers and the formulation of actual lawsuit records. When viewed in light of the Akkadian evidence, the Hebrew demands for judgment reflect a similar borrowing of language from the courtroom into prayer.

### I. Is Courtroom Language Borrowed?

Based on their very formulation, the demands for judgment are readily identifiable as expressions of courtroom metaphor in the non-legal genre of prayer. But were they actually part of lawsuit vocabulary, or are they simply inventive uses of standard language? In other words, in addition to creating

courtroom imagery, do the demands for judgment indicate the importation of courtroom language, as well?

In general, demonstrating that literary texts appropriate actual forensic terminology requires identifying the borrowed terminology in its original setting, that is, in descriptions of actual trials. With regard to Mesopotamian literature, the abundance of legal texts, including trial-related documents, allows for fruitful comparisons.<sup>9</sup> In contrast, with regard to biblical texts, the general dearth of actual Israelite legal documents prevents this kind of inquiry. Ancient Israel's courtroom vocabulary must be reconstructed, often based on the unproven assumption that the borrowed terminology must have originally functioned in otherwise unattested legal parlance.<sup>10</sup> Identifying language that the metaphoric lawsuits share with biblical laws and narratives pertaining to disputes and trials can mitigate this problem to some extent.<sup>11</sup> But even these biblical 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 original *Sitz im Leben* of biblical formulations.<sup>12</sup> Without evidence from actual litigation records, however, how can one determine that a psalm or a prophetic utterance 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 logic."<sup>13</sup>

Recent comparative scholarship points the way out of this logical impasse. In her monograph on the Book of Job, F. Rachel Magdalene turns to the abundance of Neo-Babylonian trial documents as the basis for reconstructing the legal reality behind Job's metaphoric lawsuit.<sup>14</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>15</sup> According to Magdalene, "the Book of Job mimics to an important degree ancient Near Eastern legal documents of practice."<sup>16</sup> Given this assessment, the Neo-Babylonian texts provide more than the 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 specific matter at hand, the appearance of a demand for judgment in Neo-Babylonian litigation records furnishes a crucial supplement to the inner-biblical evidence for such a demand in Hebrew legal phraseology.

Even once one has drawn on the legal texts to prove that a particular biblical phrase indeed originates in legal parlance, a separate argument must be made for the transfer of that phrase into prayer. Here, again, comparison with Mesopotamian literature is instructive. Study of the demand for

judgment in Akkadian prayers in light of Akkadian court documents shows that legal formulations did indeed make their way into non-legal genres. Once demonstrated for Mesopotamian literature, analogous borrowing from law to prayer in Hebrew literature becomes all the more likely.

The comparative method, then, achieves two goals in the examination of the demands for judgment. First, drawing the parallels to the records of Neo-Babylonian lawsuits demonstrates that the Hebrew phrases do indeed originate in the language of the courtroom. Second, the Akkadian prayers are evidence for a parallel process of composition, by which originally legal terms become religious vocabulary. It is important to note, before turning to the texts themselves, that neither application of the comparative method to the demands for judgment indicates that the Israelite formulations are borrowed directly from the Akkadian. Rather, the existence of a parallel Akkadian legal phrase and its incorporation into religious literature are the basis for arguing that such a phrase existed in ancient Israel's legal vocabulary and was analogously incorporated into Hebrew prayers.

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

The main Mesopotamian sources for courtroom procedure are the decision records, often called "protocols," 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 written, these records do follow discernible patterns. The proceedings in court and the decisions reached are presented in recognizable forms.<sup>17</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 those that belong to non-legal 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 outside the strictly legal sphere.<sup>18</sup>

The demand for judgment, which is the focus of the present article, 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>19</sup>

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

or (if defendant is not present)<sup>20</sup>

*itti* [PN] *ipšā dīnī*  
"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>21</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>22</sup>

(1-3) <sup>m</sup>[It]ti-Marduk-balāṭu son of <sup>m</sup>Nabû-aḫḫē-iddin descendant of Egibi said [thus to] the judges of Nabonidus ([*a-na*]<sup>r<sub>lu2</sub></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) <sup>m</sup>Šāpik-zēri and <sup>m</sup>Bēl-uballiṭ sons of <sup>m</sup>Šuma-ukīn [descendant of] Sīn-sadūnu (who) owe (payment of) a debt-note of 5 mina of silver to <sup>m</sup>Rīmūt son of <sup>m</sup>Ina-qībit-Nabû, and whose field which is near the Ḫazuzu canal is taken in pledge, and who sold that field to <sup>m</sup>Nabû-aḫḫē-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 <sup>m</sup>Rīmūt who seized the field in pledge from you?' <sup>m</sup>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>23</sup> As it is presented, 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>24</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 wording of the decision records further heightens the impact of the demand for judgment. The section detailing the judicial actions often begins with a notice that "the judges heard their arguments" (*dibbišunu išmû*).<sup>25</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, one is left with the impression that it is this speech which is actually "heard," rather than all the arguments. It is 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>26</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, 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 could 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, the crucial point is that 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 origins 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. After an introductory, praise-filled invocation, the diviner states:<sup>27</sup>

And as for me, the reverent diviner, your servant,  
 I was anxious by day, I was essaying a bad case, the verdict is extremely  
 trying and difficult to discover,  
 I am far from getting to the bottom of it. In the daylight (?) I came (?), in  
 the night I await you.  
 I take my place before you to discover the outcome, to make the right  
 verdict.  
 I have my hands raised (in prayer); stand by me and [in] the pure  
 heavens hear what I say.  
 Absolve (any) fault, efface (any) mistake, may my handiwork be blessed  
 by you.  
 May my presents soothe your heart, do not disdain to stand by me!  
 [Ren]der a verdict, accept my entreaty, and hear my prayer.  
 In all I have planned render a decision (*ina mimma akpudu purussû  
 šukunma*)!  
 Let me say what is needful for your true assent.  
 And as for me, may I live a long life in your service. Oh greatest Ninurta!  
 Oh pure [god], attend this sacrifice. In what I say and pray, in  
 whatsoever I do,  
 In the inquiry I ask your blessing on, let there be truth!

This prayer's incorporation of a variety of apparently legal terms, including *purussâ šakānu*, is a fitting illustration of the casting of divination in a juridical guise. More generally, this prayer bears a basic structural similarity to the formulation of the plaintiff's statements in the Neo-Babylonian decision records. Like the plaintiff, the diviner also proceeds from narration of the case to the demands, among them the demand for judgment. As in the decision records, the shift from statement to demand is marked grammatically by the change from indicative forms to imperatives and precatives.

A closer look at the demand for judgment, however, exposes important differences. In terms of its position, the demand for judgment does not have the climactic effect that it has in the legal texts. The demand in the prayer is not the petitioner's last word; the imperatives to the god continue through the end. Judgment is just one of several requests for success in the divination.

An even more significant difference occurs at the level of phrasing. Although both the decision records and the prayer employ the locution

*purussâ šakānu*, 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 *ana mimma 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 to be "placed" in the entrails of the sacrifice he has prepared.<sup>28</sup> Thus, the imperatives in the prayer and the decision records are similar only because both employ the same noun and the same verb. The use of the combination, and especially the noun *purussû*, certainly gives the prayer a juridical tone. But the differences in meaning make it difficult to argue that the phrase, as a whole, was taken from the decision records and incorporated into the prayer.

In truth, an argument for borrowing of the demand for judgment from legal writing into Akkadian prayers cannot be based on exact formulation. In prayers, demands phrased with *dīna epēšu* or *purussâ šakānu*, the two terms employed in the decision records, are not known as yet. More commonly, the demand for judgment in the prayers consists of the phrase *dīnī dīn purussâya purus* ("Judge my case, decide my decision!").<sup>29</sup> Neither of the elements of this parallelistic phrase is attested as yet in a demand for judgment in the decision records.<sup>30</sup> Of course, it would not be surprising to find a prayer with exactly the same wording as the decision records or, conversely, a decision record with a demand for judgment formulated like those in the prayers, but this kind of direct correspondence is not available.

The lack of an exact terminological match, however, does not vitiate the argument for inter-generic borrowing from law to prayer. Once the demand for judgment is shown to be a consistent feature of courtroom writing (and perhaps even speech), then one cannot help but detect the influence of the legal genre in the appearance of such a demand in prayers. The phrase from the prayers conveys the same meaning, and, in terms of form, shares the use of imperative verbs combined with nouns meaning "judgment" attached to possessive suffixes. Simply put, even if the prayers' phrase *dīnī dīn purussâya purus* is not actually attested in the decision records, it could have been.

The case can be strengthened by considering the position of the demand for judgment in some prayers. In these prayers, the demand has the same climactic rhetorical effect as it does in the decision records. The opening incantation of *Maqlû* (I.1-14) is a prime example:

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,  
 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,  
 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>31</sup>

This incantation follows the form of the plaintiff's speech in the decision records. After the opening invocation (admittedly unparalleled in the legal material), the speaker states the complaint and then ends the speech to the gods with the demand for judgment. The purpose of this rhetorical strategy is clear, as Abusch writes in an interpretation of this incantation:

The speaker's description of the witch's activities carries no legal force beyond that of setting out the grounds for his request; it is intended, that is, to explain and justify the plaintiff's request to the divine court that it convene and hear his case."<sup>32</sup>

Reading the incantation in light of the Neo-Babylonian decision records confirms this assessment. In the legal texts, as in the incantation, the demand for judgment is the final rhetorical note that moves, or is meant to move, the court to action. Thus, the legal texts position the demand for judgment immediately prior to the record of judicial actions. The incantation, of course, does not contain this next section. Instead, it reads like a preliminary record that contains only the plaintiff's speech presented in proper courtroom form.<sup>33</sup> In Maqlû's metaphorical lawsuit of the petitioner vs. the witch, the actions of the gods, as judges, remain to be seen.

Petitionary addresses to gods, by their very nature, cannot contain a record of the outcome of the speaker's case; the courtroom drama 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. For example, in one prayer to Marduk (BMS 12), the speaker declares:<sup>34</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]dess is so-and-so,  
 The *ramku*-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 purussâya 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!

. . .

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 is even closer to the structure of the legal texts than the opening lines of Maqlû. Like the legal texts, this prayer does not end with the plaintiff's statement. Rather, it moves from the speaker's complaint to a description of (hoped-for) judicial actions.

The position of the demand for judgment solidifies, on the level of actual formulation, this structural similarity between the legal texts and the prayer. 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 judge's are to act. Similarly, in the prayer, 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.

In a sense, then, this text is a decision record transposed to the mode of prayer. As such, it indicates that the courtroom metaphor was not created simply by using words with overtly juridical meanings. Rather, the retention

of the demand for judgment, formulated in different words but in the same pivotal position, points to the influence of actual forms of legal writing (or speech). 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.<sup>35</sup> This is only to be expected, since the tenor of the demand for judgment allows it to be meaningful and to take on different rhetorical roles even when it is not in the same place as it would be in an actual decision record. This malleability, however, cannot obscure the demand's courtroom origin, which emerges upon comparison to the legal documents.

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

ועתה יושב ירושלים ואיש יהודה שפטו-נא ביני ובין כרמי.

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

The use of the verb *š-p-ṭ* (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>36</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 ipšā 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>37</sup> Verses 1-3, then, follow the outline of the plaintiff's statement in the Neo-Babylonian texts, beginning with narration of the case and reaching a climax with the demand for judgment.<sup>38</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 *yīšpōt* YHWH ("Let YHWH judge"), instead of the imperative known from Isa 5:3 (and the Psalms, discussed below). For example, Sarai ends her accusation against Abram regarding the slave girl Hagar (Gen 16:5) with the words *yīšpōt* YHWH *bēnī ubēnekā* ("Let YHWH judge between me and you!") and Jephthah ends his long address to the Ammonites (Jud 11:14-27) with *yīšpōt* YHWH *haššôpēt hayyôm bēn b<sup>e</sup>nē yīsrā'el ubēn b<sup>e</sup>nē 'ammôn* ("Let YHWH, the judge, judge between the Israelites and the Ammonites").<sup>39</sup> Pietro Bovati considers these examples in the broader category of "the appeal to a witness-arbiter," and emphasizes, probably correctly, that this element of the accusation is merely "an artifice."<sup>40</sup> Nevertheless, even if these appeals do not carry any actual prosecutorial weight, they do echo, in terms of 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

The biblical evidence, though limited, does suggest that the demand for judgment was a feature of Israelite courtroom speech. In particular, Isaiah's vineyard parable offers a glimpse, albeit somewhat removed from an actual court of law, into how plaintiffs might have presented their cases. Given the vintner's demand for judgment, and the parallels to its wording and position in the Neo-Babylonian texts, it is likely that the demands for judgment attested in biblical prayers are an adaptation of a form of speech that originates in the courtroom.

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:

|             |   |
|-------------|---|
| Ps 7:9      | שְׁפֹטֵנִי יְ-הוָה                      |
| Ps 17:2     | מִלְפָּנֶיךָ מִשְׁפָּטִי יֵצֵא          |
| Ps 26:1     | שְׁפֹטֵנִי יְ-הוָה                      |
| Ps 35:24    | שְׁפֹטֵנִי כְצַדִּיקְךָ יְ-הוָה אֱלֹהֵי |
| Ps 43:1     | שְׁפֹטֵנִי יְ-הוָה                      |
| Ps. 54:3    | תְּדַיְנֵנִי                            |
| Lam 3:59    | שְׁפֹטָה מִשְׁפָּטִי                    |
| 2 Chr 20:12 | אֱלֹהֵינוּ הֲלֵא תִשְׁפָּט-בָּם         |

Despite the apparent variety, the items on this list are all demands addressed directly to God asking Him to exercise judgment on the speakers' behalf. On this level, at least, they may be considered as parallels to the demands for judgment known from Akkadian prayers and from the lawsuit texts in Hebrew and Akkadian.

As is the case with the Akkadian material, the parallel between the formulation of the demand for judgment in the biblical narratives and the prayers is not exact. The plaintiffs in Isa 5:3 and in the verses that employ the third-person jussive formulations explicitly mention themselves and their opponents using the form *š-p-ṭ bēn ubēn*. The speakers in the prayers, on the other hand, do not use this form. Instead, they usually refer to themselves by means of a suffix on the verb, and, in most cases, do not mention their opponents in their demands. In this last respect, at least, the demands in the Hebrew prayers are closer to the demands in the Akkadian prayers than to the demands in the Hebrew lawsuit narratives.<sup>41</sup> However, unlike the demands in the Akkadian prayers, which have a rather fixed formula, the demands in the Hebrew prayers come in different forms, which only increases the difficulty of relating them to the narratives.

In addition, none of the examples above of biblical demands for judgment occurs as a phrase that can be neatly isolated from the surrounding context. Instead, all of them appear with some expansions, such as reformulations by means of poetic parallelism.<sup>42</sup> This is only natural, given the poetic style of prayer, but it also further obscures the possible connections to the narrative texts.

Despite their diverse formulations, at their core, the Hebrew demands for judgment all do seem to stem from the language of the courtroom. If Israelite courts were anything like their counterparts in Mesopotamia, a demand for judgment was probably a feature of Israelite courtroom speech. Determining what form, if any, this demand would have taken remains beyond the scope of the evidence. Since actual contemporary court records in Hebrew are unavailable, one cannot say whether Israelite plaintiffs would

have used a demand for judgment like the one in Isa 5:3 or one closer to the demands in the prayers. Any of the Hebrew formulations could have served the purpose. Thus, the Hebrew situation is akin to the situation in Akkadian, where the demands in the prayers are different from the demands in the legal documents. The differences in formulation, however, do not obscure the origins of the demand for judgment in courtroom speech.

Apart from formulation, one may also consider the position of the 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>43</sup>

וְעַתָּה הִנֵּה בְנֵי-עַמּוֹן וּמוֹאָב וְהַר-שֵׁעִיר אֲשֶׁר לֹא-נִתְּתָה לְיִשְׂרָאֵל לְבוֹא בָהֶם בְּבֹאֵם מֵאַרְצָם מִצְרַיִם כִּי סָרוּ מֵעֲלֵיהֶם וְלֹא הִשְׁמִידוּם. וְהִנֵּה-הֵם גְּמִלִים עֲלֵינוּ לְבוֹא לְגַרְשָׁנוּ מִיְרֻשָׁתְךָ אֲשֶׁר הוֹרַשְׁתָּנוּ. אֲלֵהֵינוּ הֲלֹא תִשְׁפֹּט-בָּם כִּי אֵין בָּנוּ כֹחַ לִפְנֵי הַקְּמוֹן הַרֵב הַזֶּה הַבָּא עֲלֵינוּ וְאֶנְחָנוּ לֹא נִדַע מֵה-נַעֲשֶׂה כִּי עֲלֶיךָ עֵינֵינוּ.

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 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 we must do! Our eyes are upon You!

In terms of structure, this part of Jehoshaphat's prayer resembles the opening incantation of Maqlû, which, as was seen above, 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 *š-p-t*, even in the unique usage with the preposition *b-*, "is well chosen to carry the whole burden of the plea."<sup>44</sup> As in the beginning of Maqlû, God's response, which would correspond to the judicial actions in the decision records, is not part of the prayer itself.<sup>45</sup>

The structural comparison between the Akkadian prayers and the decision records shows that in the prayers the demand for judgment occasionally appears as the pivot between the complaint and the description of the actions to be taken. In this manner, these prayers imitate the form of the legal texts, progressing from plaintiff's statement to the judicial response. 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>46</sup>

אֶל-יְשׁוּמָחוּ-לִי אֵיבֵי שִׁקָּר שִׁנְאֵי חַנָּם יִקְרְצוּ-עֵינַי.  
כִּי לֹא שְׁלוֹם יִדְבְּרוּ וְעַל רִגְעֵי-אַרְצֶךָ דְּבָרֵי מִרְמוֹת יִחְשְׁבוּן.

וַיִּרְחִיבוּ עָלַי פִּיהֶם אָמְרוּ הָאֵחָ הָאֵחָ רָאִתָּה עֵינָיו.  
 רָאִיתָה לְ-הִנֹּה אֶל-תִּחְרַשׁ אֲדַנִּי אֶל-תִּרְחַק מִמֶּנִּי.  
 הָעֵינָה וְהַקִּיפָה לְמִשְׁפָּטִי אֱלֹהֵי וְאֲדַנִּי לְרִיבִי.  
 שִׁפְטֵנִי כְצִדְקָתְךָ לְ-הִנֹּה אֱלֹהֵי וְאֶל-יִשְׁמְחוּ-לִי.  
 אֶל-יֹאמְרוּ בְלִבָּם הָאֵחָ נִפְשָׁנוּ אֶל-יֹאמְרוּ בְלַעֲנוּהוּ.  
 יִבְשׁוּ וַיִּחְפְּרוּ יִחְדּוּ שְׂמֵחֵי רַעְתִּי לְבָשׁוּ-בִשְׂתִּי וְכִלְמָה הַמְגִדִּילִים עָלַי.  
 אֲרִנּוּ וַיִּשְׂמְחוּ חִפְצֵי צְדָקָי וַיֹּאמְרוּ תִמְיֵד יִגְדֵל לְ-הִנֹּה הַחֲפֵץ שְׁלוֹם עֲבָדוֹ.  
 וְלִשׁוֹנֵי תִהְיֶה צְדָקָתְךָ כָּל-הַיּוֹם תִּהְלָתְךָ.

**Let not my false enemies rejoice over me, nor those who hate me  
 unjustly wink (their) eye.  
 For they do not speak peace, but devise treachery against those calm in  
 the land.  
 They widened their mouth against me and said, 'Aha, aha, our eye has  
 seen it!'  
 Take note, Oh YHWH, do not be silent; My Lord, do not be distant from  
 me!  
 Arise and awake for my case, My God and Lord, for my suit.  
 Judge me in accordance with Your righteousness, YHWH, my God, let  
 them not rejoice over me.  
 Let them not say in their hearts, 'Aha, our soul's (desire)!' Let them not  
 say, 'We have destroyed him!'  
 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!  
 Let them rejoice and be glad-- those who desire my vindication,  
 Let them always say, 'YHWH is grand; He desires His servant's  
 wellbeing!'  
 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). 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>47</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, to some extent, 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 complaint and introduction to the psalmist's hopes for the actions YHWH will take as judge.<sup>48</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>49</sup> Even the reading of Ps 35:19-28 as a lawsuit in prayer raises questions, foremost among them that it requires isolating this unit from the broader context of the psalm. But even if structural similarities between Hebrew prayers and legal materials prove difficult to identify, the demand for judgment itself, regardless of its placement within these prayers, originates in the courtroom. Its very presence in prayers and the legal tone it lends to them are not simply a consequence of the meaning of the demand's component parts. Instead, the authors of the Hebrew prayers evoke the courtroom by invoking a form of speech that, given the parallels in Hebrew and Akkadian, would have been in common use.

## 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 courtroom, which, given its overtly legal tenor, must have been its original setting. 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 feature of Israelite courtroom speech. Based only on this parallel between the decision records and the biblical narratives, one could argue that Hebrew prayers draw on an actual legalism when they feature a demand for judgment. The presence of demands for judgment in Akkadian prayers strengthens the argument in favor of borrowing from law into prayer in Hebrew.

The available evidence in both Akkadian and Hebrew indicates that the borrowing is not manifest in an exact similarity between the legal and the non-legal genres. The demands known from descriptions of courtrooms do not occur in prayers. In fact, comparison between the Akkadian and the Hebrew texts reveals 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.

This apparent difference does not, however, mean that the demand for judgment emerged independently in the different genres. 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. 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* acquires the technical meaning of "prognosis" or "oracular determination."<sup>50</sup> A similar case can be made for Hebrew *mišpāṭ*, which, according to some, denotes something closer to "salvation" than "judgment," especially in the Psalms.<sup>51</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 outcome of a prayer only underscores the connection between the genres.

Identifying the demand for judgment as a form of speech that would have been current in an actual courtroom sheds important light on the artistry with which the Hebrew psalms and the Akkadian prayers are composed. It seems that the authors in both languages were sufficiently familiar with the conventions of legal speech to make creative use of them in prayers. One might well ask, in turn, how the authors came to be familiar with these conventions. Is the use of courtroom terminology in prayers a vestige of their authors' scribal education, especially in Mesopotamia, where court records existed in written form? Or should the borrowing be attributed to the role of temples and their personnel in the administration of civil justice, which would have resulted in contact between the spheres of law and prayer? These are just two possibilities that may account for the evident influence of the courtroom on Hebrew and Akkadian prayer.

<sup>1</sup> Abbreviations follow P.H. Alexander, et. al., eds. *The SBL Handbook of Style* (Peabody, Mass., 1999), §8.4 (p. 89-152) 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. Tzvi Abusch, "Alaktu and Halakhah: Oracular Decision, Divine Revelation," *HTR* 80 (1987), p. 26.

<sup>3</sup> For an overview of this subject and important earlier literature, see F. Rachel Magdalene, *On the Scales of Righteousness: Neo-Babylonian Trial Law and the Book of Job* (BJS 348), (Providence, Rhode Island, 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> Ps 7:9; 26:1; 43:1. Similar expressions also occur in Ps 17:1; 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, Hermann Gunkel and Joachim Begrich, *Introduction to Psalms: The Genres of the Religious Lyric of Israel*, trans. James D. Nogalski (Macon, Ga.: Mercer University Press, 1998), p. 160 (as well as pp. 139, 163) and Sigmud Mowinckel, *The Psalms in Israel's Worship*, Vol. 1, trans. D. R. Ap-Thomas (Grand Rapids, Mich.: Eerdmans, 2004), p. 228.

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

<sup>6</sup> For example, see B. Gemser, "The *Rîb*-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), 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, *Psalms*, p. 160; and Alec Basson, *Divine Metaphors in Selected Hebrew Psalms of Lamentation* (FAT 2. Reihe 15; Tübingen: Mohr Siebeck, 2006), p. 80.

<sup>7</sup> In fact, based on the presence of apparently juridical terminology, some, most famously Hans Schmidt, *Das Gebet des Angeklagten im Alten Testament* (BZAW 49; Giessen, 1928), have interpreted the psalms themselves as speeches by parties to a trial. Against this non-metaphoric reading, see, for example, Gemser, "*Rîb*-Pattern," p. 128.

<sup>8</sup> Magdalene, *Scales of Righteousness*, pp. 18-19 briefly notes the similarity between the Neo-Babylonian litigation records and the Akkadian prayers. She does not, however, consider the parallel phenomenon in Israelite literature.

<sup>9</sup> Examples of demonstrations of the actual appropriation of legal terminology include: 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, 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.

<sup>10</sup> See, for example, the comment by Gemser, "*Rîb*-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 *rîb*-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>11</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>12</sup> See John Barton, "Form Criticism (Old Testament)," *ABD* 2, pp. 840-841 and Georg Fohrer, "Remarks on Modern Interpretation of the Prophets," *JBL* 80 (1961), pp. 310-312.

<sup>13</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). Proper evaluation of Dijkstra's conclusions requires further study.

<sup>14</sup> Magdalene, *Scales of Righteousness*. Explicit methodological statements may be found on pp. 1-9 and pp. 27-45.

<sup>15</sup> Magdalene, *Scales of Righteousness*, p. 8.

<sup>16</sup> Magdalene, *Scales of Righteousness*, p. 264.

<sup>17</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 (IIIe-Ier 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 Rechtsaustrags in den altbabylonischen Prozessurkunden* (FAOS 20/1-2; Stuttgart, 1996), pp. 33-160 and, for the Neo-Babylonian period, S. Holtz, *Neo-Babylonian Court Procedure* (Cuneiform Monographs 38; Leiden, 2009), pp. 23-67.

<sup>18</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 demonstrates.

<sup>19</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.

<sup>20</sup> See Holtz, *Court Procedure*, p. 226.

<sup>21</sup> Magdalene, *Scales of Justice*, pp. 74-75.

<sup>22</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. 20B, No. 90A.

<sup>23</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.

<sup>24</sup> Holtz, *Court Procedure*, pp. 32-37.

<sup>25</sup> Holtz, *Court Procedure*, p. 36.

<sup>26</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 Proceedings*, pp. 221-222.

<sup>27</sup> Eric Burrows, "Hymn to Ninurta as Sirius (K 128)," *JRAS Centenary Supplement* (1924), pp. 33-36, rev. 2-13. Translation follows Benjamin Foster, *Before the Muses* (Bethesda, Maryland: CDL Press, 2005), p. 716. See there for additional literature.

<sup>28</sup> Compare the phrase *ina puḫad 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, *Diviner*, pp. 56-58.

<sup>29</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 dānu*.

<sup>30</sup> Magdalene, *Scales of Righteousness*, p. 18 points to the phrase *dī-in-šu<sub>2</sub>-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 prayer. In this text, however, the phrase is a summary statement for the entire record (not a typical feature), rather than a demand for judgment.

<sup>31</sup> For this translation of the phrase *alakti limdā*, see Abusch, "Alaktu," pp. 16-35.

<sup>32</sup> Tzvi Abusch, *Mesopotamian Witchcraft: Toward a History and Understanding of Babylonian Witchcraft Beliefs and Literature* (Ancient Magic and Divination 5; Leiden: Brill, 2002), pp. 8-9.

<sup>33</sup> Preliminary legal records in cuneiform do, in fact, exist, some more formally composed than others. See Holtz, *Court Procedure*, pp. 4-10; 86-116; 221-222. As yet, an independent record of a plaintiff's statement formulated according to the conventions of the decision records is, however, unattested.

<sup>34</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 Wolfram von Soden, "Zur Wiederherstellung der Marduk-gebete BMS 11 und 12," *Iraq* 31 (1969), pp. 87-89.

<sup>35</sup> Maqlu 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. 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 as a summary statement, 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 Richard 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).

<sup>36</sup> John 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 Jacques Vermeylen, ed., *The Book of Isaiah* (BETL 81; Leuven: Leuven University Press, 1989), p. 191 n. 50 and

Rüdiger Bartelmus, "Beobachtungen zur literarischen Struktur des sog. Weinberglieds (Jes 5, 1-7)," *ZAW* 110 (1998), pp. 50-66.

<sup>37</sup> Herbert 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<sup>c</sup>attâ* 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. However, unlike the shift to direct address, which has a clear parallel in the Neo-Babylonian texts, the change from third-person to first-person is probably not a reflection of courtroom language. Instead, this shift should be interpreted as a feature of parabolic speech, along the lines proposed by Yair Hoffman, "The Song of Vineyard" (sic!), in Jacob Licht and Gershon Brin, eds. *הצבוי ישראל: Studies in Bible Dedicated to the Memory of Israel and Zvi Broide* (Tel Aviv: Tel Aviv University, School of Jewish Studies, 1976), p. 77 (Hebrew). On the subject of the "juridical parable," see Bovati, *Justice*, pp. 82-83 with literature cited at n. 48.

<sup>38</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 Gale A. Yee, "A Form-Critical Study of Isaiah 5:1-7 as a Song and a Juridical Parable," *CBQ* 43 (1981), p. 36 and Bovati, *Justice*, p. 76. 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 of Justice*, 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.

<sup>39</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>40</sup> Bovati, *Justice*, pp. 80-82.

<sup>41</sup> Especially compare the paranomastic imperative, including a first-person possessive suffix, in Lam. 3:59, with the similarly constructed Akkadian demand *dīnī dīn purussāya purus*.

<sup>42</sup> Examples of expansions include Ps. 7:7-8 (expanded description of YHWH's ascent to judgment, including imperatives); 35:23 (prior to demand in 24a); 43:1 (*rîbâ rîbâ*).

<sup>43</sup> Raymond B. Dillard, 2 Chronicles (WBC; Waco, Tex: Word, 1987), pp. 154-155. For analysis of the overall structure of this prayer, see Mark A. Throntveit, *When Kings Speak: Royal Speech and Royal Power in Chronicles* (SBLDS 93; Atlanta: Scholars Press, 1987), pp. 67-72; Sara Japhet, *I & II Chronicles* (OTL; Louisville, Ken.: Westminster John Knox, 1993), pp. 788-792 and Raymond Kuntzmann, "La définition d'un type au fil d'une lecture intertextuelle (2 Ch 20, 5-13)," in Raymond Kuntzmann, ed. *Typologie biblique: De quelques figures vives* (Paris: CERF, 2002), pp. 36-42.

<sup>44</sup> Japhet, *Chronicles*, p. 792. See also Gary N. Knoppers, "Jerusalem at War in Chronicles," in Richard S. Hess and Gordon J. Wenham, eds., *Zion, City of Our God* (Grand Rapids, Mich.: William B. Eerdmans, 1999), p. 71.

<sup>45</sup> It is, instead, the substance of Jahaziel's speech (vv. 14-17). For the relationship between this narrative, including the oracular response, and the structure of the national lament, see Throntveit, *Royal Speech*, p. 71.

<sup>46</sup> For the division into "movements," and general structural remarks, including references to earlier literature, see Basson, *Divine Metaphors*, pp. 139-140. Basson's analysis of the structure of this passage differs from the one presented below, especially in the consideration of vv. 17-21 as one unit, even as this defies the division into "movements." (For a similar view, see Hans-Joachim Kraus, *Psalms 1-59: A Commentary*, trans. Hilton C. Oswald [Minneapolis: Augsburg, 1988], p. 394). Note, however, that even Basson's analysis recognizes 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).

<sup>47</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, in terms of grammatical form (jussive, rather than imperative) as well as content (action against enemies, rather than 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.

<sup>48</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 "precative perfects" (see Iain M. 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>49</sup> For example Ps. 17:1; 26:1; 54:3. The demand for judgment in Ps. 7:9 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, Bernd Janowski, *Konfliktgespräche mit Gott: Eine Anthropologie der Psalmen* (Neukirchen-Vluyn: Neukirchener Verlag, 2003), pp. 141-173 and Basson, *Divine Metaphors*, pp. 63-76.

<sup>50</sup> CAD P, p. 533-535 (*purussû* 3).

<sup>51</sup> See Basson, *Divine Metaphors*, p. 80 and the literature cited there. For a thorough discussion of the nuances and development of the root *š-p-ṭ*, see Seeligmann, *Terminology*, pp. 263-268. For an additional analysis of the meaning of the demand for judgment in light of possible nuances, see Meir Weiss, "'Do Not Gather Up My Life Along With Sinners': Psalm 26," in Koot Van Wyk, ed., *Feet On Level Ground: A South African Tribute of Old Testament Essays in Honor of Gerhard Hasel* (Berrien Springs, Mich.: L. Hester, 1996), p. 2.