

## **Maintaining Innocence Before a Divine Hearer: Deliberative Rhetoric in Psalm 22, Psalm 17, and Psalm 7**

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### **Abstract**

Interpreters of the individual psalms of lament have long been intrigued and even baffled by these psalms' apparent shifts in mood. For those seeing the psalms as therapeutic, the laments record moment-by-moment turns in emotion; a despairing individual is eventually enabled to affirm faith in God. From a rhetorical perspective, however, the shifts can be seen as parts of a connected line of argument aimed at persuading God to uphold cultural values and intervene in the life of the speaker. After outlining the major concerns of contemporary rhetorical theory, I offer readings of three innocence psalms, Psalm 22, Psalm 17, and Psalm 7, showing that their speakers start from different standpoints relative to God and aim for distinct goals. The speaker in Psalm 22 makes an elaborate case to re-establish innocence and become God's public champion, the speaker in Psalm 17 uses claims of innocence to seek apotheosis, and the speaker in Psalm 7 accepts a dare. These readings indicate that psalms are far more than expressions of yearning or trust. Performance of public argument influences, underscores, and maintains loyalty to the cultural values of justice and faithfulness that God represents.

### **Keywords**

Psalms, lament, rhetoric, argument, innocence

The apparent shifts in mood that characterize the individual psalms, particularly the laments, have long intrigued and even baffled their interpreters. Some scholars take the characteristic final shift from despair to praise as a sign of the therapeutic power of articulating a psalm of lament. The vocal performance itself eventually enables the petitioner

to affirm trust in God. Cecil Staton, for example, sees Ps. 13:6 as a sign that “honest prayer may bring aid and hope to the desperate pray-er.”<sup>1</sup> Even if the prayer is not answered favorably in the immediate future, the speaker recuperates enough over the course of the psalm to remain faithful.

In addition to therapeutic benefits experienced by the speaker, of course, many scholars also see benefits for subsequent hearers and readers. Drawing on Mikhail Bakhtin’s notions of dialogism and confessional self-accounting, Patricia Tull describes how sensitive individuals across the centuries co-articulate/co-author the psalms in their own reading, writing, and praying.<sup>2</sup> An aestheticizing effect can be achieved because the psalms provide access to the moment-by-moment play of thoughts and feelings of a troubled individual moving from an isolated internal struggle with his or her misdeeds to an external encounter with the divine. Tull writes, “In one and the same act of empathetic reading, we both aestheticize the speaker of the Psalm, perceiving artistic beauty where the psalmist only sees pain, and by projecting ourselves into the *subiectum*, identify the psalmist’s tones and petitions with our own.”<sup>3</sup> While Tull’s view of the developing and enduring power of the psalms is compelling, her approach seems to confine the speaker too narrowly to the role of penitent seeking reconciliation rather than that of an innocent person seeking redress for perceived injustice. Further, in the therapeutic and aestheticizing approaches, the shifts in mood in

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<sup>1</sup> Cecil Staton, “‘How Long, O Yahweh?’ The Complaint Prayer of Psalm 13,” *Faith and Mission* 7.2 (1990), pp. 59-67. He notes, “Commentators have often expressed amazement at the transition from lament to praise found in this and similar psalms” (p. 65).

<sup>2</sup> Patricia K. Tull, “Bakhtin’s Confessional Self-Accounting and Psalms of Lament,” *Biblical Interpretation* 13.1 (2005), pp. 41-55. Mikhail M. Bakhtin, “Author and Hero in Aesthetic Activity,” *The Dialogic Imagination* (ed. M. Holquist; Austin: The University of Texas Press, 1981), pp. 259-422. For Bakhtin, literary texts mediate the essential relationships of individuals across time, to each other, and to the divine. Dialogic texts set out multiple perspectives by depicting self-reflection, introducing multiple voices, and alluding implicitly or explicitly to other texts. Readers entertain multiple interpretations simultaneously and become co-authors by bringing to bear their knowledge of similar texts, related texts, and commentaries as well as refracting their readings through their own experiences.

<sup>3</sup> Tull, “Bakhtin’s Confessional,” p. 54.

a psalm are not so much explained as justified by an appeal to internal conflict.

A different approach resists trying to reconcile the conflicting impulses in the laments by denying that they express a succession of feelings from a single person. In a different kind of extension of Bakhtin's dialogism, Carleen Mandolfo demarcates the shifts in a lament as turns in a conversation—at times even a quarrel, between a voice speaking from harsh worldly experience and a more didactic voice of faith.<sup>4</sup> Mandolfo observes that the worldly voice challenges faith; it comes close to but never “unequivocally charges God with faithlessness or breach of covenant”; it is only in Psalm 88, the one psalm Mandolfo sees as completely monologic, that “the supplicant does not explicitly request or expect redemption, only God's ear and perhaps an accounting for God's failure to live up to the standards he has projected.”<sup>5</sup> The advantage of Mandolfo's approach is that it allows the psalmists to bid for what Brueggemann has called the “redistribution of power,” granting legitimacy to the petitioner while putting God at risk.<sup>6</sup>

However, while Mandolfo's readings give a compelling account of Israelites maintaining faithfulness despite their experiences of injustice, she ends up muting the challenge to God by situating the conflict as a dispute between two voices within the text. The poignancy of isolation from an unresponsive God is diminished—in Mandolfo's terms “mitigated” or “tempered”—by the intervention of the didactic theodic voice.<sup>7</sup> Except in Psalm 88, the petitioner ends up seeming reconciled because the didactic voice so often gets the last word:

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<sup>4</sup> Carleen Mandolfo, “Psalm 88 and the Holocaust: Lament in Search of a Divine Response,” *Biblical Interpretation* 15.2 (2007), pp. 151-70. See also Mandolfo's “Dialogic Form Criticism: An Intertextual Reading of Lamentations and Psalms of Lament,” in Roland Boer (ed.), *Bakhtin and Genre Theory in Biblical Studies* (Atlanta, GA: Society of Biblical Literature, 2007), pp. 69-90, and her reading of Psalm 7 in “Finding Their Voices: Sanctioned Subversion in Psalms of Lament,” *Horizons in Biblical Theology* 24.1 (2002), pp. 27-52.

<sup>5</sup> Mandolfo, “Psalm 88,” p. 165.

<sup>6</sup> Walter Brueggemann, “The Costly Loss of Lament,” *Journal for the Study of the Old Testament* 36.10 (1986), pp. 57-71.

<sup>7</sup> Mandolfo, “Finding Their Voices,” p. 49.

[W]ithin all of these psalms, except one, a defense of God is integrated into the discourse of the supplicant, diluting the complaint, and thus hinting that the supplicant's negative experience is either deserved, or that God's perceived absence is only a temporary aberration, soon to be rectified if the supplicant maintains faith.<sup>8</sup>

Mandolfo sees the psalms as an institutional response to restiveness, with the dialogue presenting a "verbal image of the contentious social dialogue taking place outside the text."<sup>9</sup>

I would like to suggest that Psalm 88 is unique not because it ends without a note of reconciliation but because the speakers are attempting to persuade God to intervene on their behalf without using God's own language of faith. Mandolfo sees passages in the didactic voice as efforts to persuade and reconcile the speaker. But I will argue that, with the aid of contemporary rhetorical theory, these passages can more productively be viewed as efforts to hoist God by God's own petard. In any verbal dispute, speakers who want to persuade their hearers are likely to articulate the hearer's own views, whether to demonstrate understanding of those views, establish common ground, or remind the hearer of the values that are at stake. Speakers often take pains to present the hearer's views in a form that he or she will recognize and agree to, thus producing in the psalms what Mandolfo detects as shifts in voice. The theodic points, then, may not be intended to mollify or respond to the *speaker's* suffering but rather are pointed reminders to *God* of the attributes and conduct that God has publicly promulgated. God is being challenged to intervene on behalf of the speaker to reaffirm those divine attributes and values.

My goal in this article is to introduce aspects of contemporary rhetorical theory to account for the apparent shifts in mood or voice in the individual psalms without resorting to the mood swings involved in a therapeutic account and without mitigating the challenge that the laments pose to God. What a rhetorical approach needs to spell out is how these apparent digressions actually build a connected line of argument and contribute to a coherent and persuasive reading of a psalm as a whole.

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<sup>8</sup>) Mandolfo, "Psalm 88," p. 158.

<sup>9</sup>) Mandolfo, "Finding Their Voices," p. 52.

Interest in treating the psalms as arguments has grown among biblical scholars in the past few years. Most recently, Dale Patrick and Ken Diable make this case in a volume devoted to the rhetoric of the psalms.<sup>10</sup> In a similar vein but with more depth, William S. Morrow offers a persuasive account of the rise of formal and informal argumentative prayers in pre-exilic Israel and their eventual eclipse by theological developments in the late Second Temple period.<sup>11</sup> Neither Morrow nor Patrick and Diable, however, has as yet provided the sort of readings of a psalm that could account for the seeming shifts between despair and affirmation. Further, by restricting their focus to laments, these scholars overlook the range of stances toward God taken by the speakers and the variety of desired outcomes, across not only the laments but also the whole set of individual psalms.

In this article, I view the individual psalms through the lens of the contemporary genre of deliberative public policy arguments in which a speaker/author attempts to enlist others to take action concerning an urgent problem. My larger project is to identify a small number of recurring stances that ancient speakers might have taken vis-à-vis God and the rest of the community. These stances include: maintaining the status quo, establishing an innocent's right of redress, denouncing others, appealing to God's self-interest, acting as a model for others, and convincing one's self.<sup>12</sup> Here I focus on one of the more familiar of these stances: psalms in which Israelites sought to persuade God that innocence made them worthy of response.

After outlining the major concerns of contemporary rhetorical theory, I offer readings of three innocence psalms, Psalm 22, Psalm 17, and Psalm 7, showing that their speakers assume strikingly different relationships with God and aim for distinct goals. The speaker in Psalm 22 makes an elaborate case to re-establish innocence and become God's

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<sup>10</sup> Dale Patrick and Ken Diable, "Persuading the One and Only God to Intervene," in Robert Foster and David M. Howard Jr. (eds.), *My Words are Lovely: Studies in the Rhetoric of the Psalms*, (London: T&T Clark, 2008), pp. 19-32.

<sup>11</sup> William S. Morrow, *Protest Against God: The Eclipse of a Biblical Tradition*, (Sheffield: Phoenix, 2006).

<sup>12</sup> I see these stances as related to but somewhat more specific than the functions Walter Brueggemann describes as orienting, disorienting and reorienting in "Psalms and the Life of Faith: A Suggested Typology of Function," *Journal for the Study of the Old Testament* 17 (1980), pp. 3-32.

public champion, the speaker in Psalm 17 seeks a sort of apotheosis, and the speaker in Psalm 7 accepts a dare.

### **Rhetorical Theory: Ancient and Modern**

Contemporary rhetorical theory traces its roots to ancient Athens. There the emergence of democratic forms of decision-making lent high social value to the skill of persuasive argument. Civil and criminal judicial cases, legislation, and public policy issues alike were debated in the public forum and voted on by the assembled citizens. Speakers perceived as wise and eloquent were at a decided advantage. By the fourth century BCE, theories of argument were developed in explicit enough form to be taught in academies by such figures as Isocrates, Socrates, Plato, and Aristotle.<sup>13</sup>

Much of contemporary theory follows from the Aristotelian definition of rhetoric as the art of choosing from among the available means of persuasion in a particular situation.<sup>14</sup> For Aristotle, rhetoric occurs in three public forums. The judicial or “forensic” forum deals with questions of what happened in the past. The legislative or “deliberative” forum deals with questions of policy and action, what should happen in the future. Civic or “epideictic” forums evaluate the current state of affairs, as in a dedication ceremony or state of the union address, often celebrating and reinforcing important cultural values.

While prose rhetoric in these arenas developed most fully in the classical period, arguments in poetic form evidently had an important social

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<sup>13</sup>) For an accessible history of rhetoric, see George Kennedy, *Classical Rhetoric and Its Christian and Secular Tradition from Ancient to Modern Times* (Durham: University of North Carolina Press, 2nd rev. edn, 1999). Kennedy describes the main surviving classical texts under four headings: technical, sophistic, philosophical, and literary. Technical texts included both handbooks describing the process and strategies involved in creating an oration and taxonomies of rhetorical figures. Sophistic texts were ways to practice rhetorical techniques in performative and pedagogical settings. Philosophical texts related rhetoric to grammar, epistemology, and politics. Literary texts related rhetoric to poetics.

<sup>14</sup>) Aristotle, *On Rhetoric: A Theory of Civic Discourse*, (trans. George Kennedy; Oxford University Press, 1991).

function even earlier in archaic Greece.<sup>15</sup> Poetry was used in public and private settings to sum up the life of the deceased, to praise prominent citizens, and even to seduce potential lovers. Poetic discourse was influential because it was easy to memorize and repeat, articulated what the culture accepted as wisdom, modeled high standards for eloquence, and elevated the status of skilled rhetors. By demonstrating that important issues could be resolved through discourse, poetic arguments helped to lay the social and cultural underpinnings for democratic governance. Contemporary rhetorical theory builds on the tradition by broadening the scope of rhetoric beyond civic issues.

A key concept in rhetorical theory from ancient times onward is *kairos*, the situational nexus in which a speaker attempts to move specific listeners at a particular place and time to change their attitudes, beliefs, or actions. To succeed at persuasion, a skillful rhetorician takes into account his or her current standing with the audience, the values that they share, and the points on which they differ. These considerations influence the choice of claims, the amount and kinds of supporting evidence, the style, forms of address, and even the length of the text. When texts developed in such a context are perceived as successful, other speakers may use his or her set them as models or templates when faced with similar situations leading to the formation of productive genres.<sup>16</sup>

Deliberative arguments, such as editorial-page columns on public policy issues, have a three-part form that resembles the elements often observed in psalms of lament. A deliberative argument opens with an effort to gain the attention of the audience and enable the audience to see some aspect of the issue in a new way, perhaps with vivid narration or an unexpected twist in a long-standing situation. Next, the author focuses on the nature of a problem brought to the fore by this new per-

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<sup>15</sup> Bruno Gentili, *Poetry and Its Public in Ancient Greece: From Homer to the Fifth Century* (trans. A. Thomas Cole; Baltimore: Johns Hopkins University Press, 1988); Jeffrey Walker, *Rhetoric and Poetics in Antiquity* (New York: Oxford University Press, 2000).

<sup>16</sup> Readers interested in how these terms comport with related terms in Bakhtin may consult Don Bialostosky, "Aristotle's Rhetoric and Bakhtin's Discourse Theory," in W. Jost and W. Olmsted (eds.), *A Companion to Rhetoric and Rhetorical Criticism* (Malden, MA: Blackwell Publishing, 2007), pp. 393-408.

spective on the issue. Claims may be made about the existence and nature of the problem, its significance, causes, and ripeness for action.<sup>17</sup> Finally, the author proposes and evaluates one or more solutions, specifying actions that the hearer may take to mitigate the causes of the problem as the author has defined it. Claims may be offered about the relative feasibility of various solutions, their costs and benefits, side effects, and implementation. All types of claims in a deliberative argument may be supported by appealing to *ethos* (or authority), to *pathos* (emotion), or to *logos* (reason and observation).

As rhetorical criticism has been practiced in psalms scholarship, formalist concerns have sometimes seemed to overshadow the importance of *kairos* for shaping a text. Rhetorical scholars recognize that genres like public policy proposals are flexible and productive.<sup>18</sup> In general, authors allocate space and time by anticipating what points the audience will consider most controversial and therefore most in need of elaboration and supporting appeals. When an issue is complicated or unfamiliar, an author may choose to focus entirely on the issue or problem elements without offering any type of solution. When a problem is well understood, an author may devote the bulk of the discourse to the solution. Thus the shape of a psalm, the amount of space devoted to specific points relative to others, offers important clues to the speaker's assessment of the *kairos*, the speaker's immediate stance toward God and to the community as well as his or her goals for the way the relationship should be.

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<sup>17</sup>) Each section can be unpacked to address a sequence of questions known by rhetoricians as "stases" comprising existence, definition, value, cause, and action. Stasis theory was developed by classical rhetoricians for use in legal settings. For discussion see Davida Charney and Christine Neuwirth, *Having Your Say: Reading and Writing Public Arguments* (New York: Pearson/Longman, 2006). For a general discussion, see Michael Carter, "Stasis and Kairos: Principles of Social Construction in Classical Rhetoric," *Rhetoric Review* 7.1 (1988), pp. 97-112.

<sup>18</sup>) See especially Carolyn Miller's "Genre as Social Action," *Quarterly Journal of Speech* 70.2 (1984), pp. 151-57.



Finally, rhetoricians recognize that arguments do not carry the force of formal logic, cannot guarantee a just or valid outcome, and, no matter how well conceived, cannot compel the hearers' assent.<sup>19</sup>

### **Toward A Rhetorical Theory of the Psalms**

In undertaking this project of comparative rhetoric, I am not assuming that there was contact between Israelite and Athenian societies and do not see Athenian styles of argument as superior. The cultural differences in the two societies' conceptions of persuasive discourse may be epitomized by their conceptions of wrestling. In Athens, the wrestling arena was both figuratively and literally the site for learning and practicing rhetoric.<sup>20</sup> Athenian citizens wrestled/argued with their peers, some stronger and some weaker, with the goal of winning higher rank and fame as a shaper of public policy as well as for eloquence and wisdom.

Theologically, an Israelite wrestled not with peers but with God, emulating the patriarch Jacob who fought God to a draw—which is perhaps the best result that one can hope to achieve. As such, the opportunity for social advancement in ancient Israel through any form of public competition was obviously much narrower than in Athens. In terms of judicial or public policy, while disputes were brought to priests or elders, there is no evidence that persuasive skill influenced the outcome. Socially, for Israelites, fame and rank did not figure at all as goals. With the priesthood defined by tribe and the monarchy passed by direct descent, no putative Israelite rhetor would be in a position to win fame or rank, so there would be no point to publicizing the authorship of a psalm. Nor would it seem necessary to preserve verbatim texts that detailed the particularities of any given situation. With human crises

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<sup>19</sup> See especially Chaïm Perelman and Lucie Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation* (trans. J. Wilkinson and P. Weaver; Notre Dame: University of Notre Dame Press, 1969), pp. 26-31.

<sup>20</sup> For a discussion of the relationship between wrestling and rhetoric, see Debra Hawhee, *Bodily Arts: Rhetoric and Athletics in Ancient Greece* (Austin: University of Texas Press, 2005).

recurring in every generation, it would instead be of practical benefit to skilled poets to frame psalms in ways that would allow reuse.<sup>21</sup>

While the notion of *kairos* bears some relationship to the notion of *Sitz im Leben*, my goal is not to connect a psalm to a particular biblical episode, nor to a specific putative cultic festival. Rather, I view the psalms as arguments posed to God by ancient Israelites, sometimes as individuals and sometimes as a community, over the continuation of their covenantal relationship. Many psalms clearly serve an epideictic purpose—articulating praise of God in public ceremonies that rehearse cultural values. Most of the individual psalms, however, seem to serve a deliberative purpose, with individuals in specific circumstances proposing that God take a course of action. A central fact of the rhetoric of the psalms is the tension between believing that God is open to argument and knowing that God may decline to respond to even the most eloquent and persuasive speaker.

The fact that ancient Israelites took recourse to persuasion bespeaks their close relationship to a God who is open to argument.<sup>22</sup> Openness to argument requires a certain humane generosity of spirit; as Chaim Perelman and Lucie Olbrechts-Tyteca describe so powerfully in *The New Rhetoric*:

There are beings with whom any contact may seem superfluous or undesirable. There are some one cannot be bothered to talk to. There are others with whom one does not wish to discuss things, but to whom one merely gives orders. To engage in argument, a person must attach some importance to gaining the adherence of his interlocutor, to securing his assent, his mental cooperation. It is, accordingly, sometimes a valued honor to be a person with whom another will enter into discussion.<sup>23</sup>

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<sup>21</sup>) Morrow suggests that the psalmists were a heterogeneous group: “[T]he expert poets involved in composing lament, certainly in the stage of oral tradition, could have been skilled lay persons as well as identifiable functionaries of the religion of the large group such as temple singers or prophets” (*Protest Against God*, p. 68).

<sup>22</sup>) For a discussion of how persuasion figures into the language of discourse in the Hebrew Bible, see Margaret Zulick, “The Active Force of Hearing: The Ancient Hebrew Language of Persuasion,” *Rhetorica* 10.4 (1992), pp. 267-380.

<sup>23</sup>) Perelman and Olbrechts-Tyteca, *The New Rhetoric*, pp. 15-16.

When Israelites engage with God in the psalms, they assume that each party is capable of persuasion, even if unequal in the power to resolve the issue. The only authority to appeal to is God, the only acceptable outcome to engaging with God is to remain engaged with God, and yet, assuming that the speaker is innocent, only God can be the ultimate source of a crisis.<sup>24</sup>

I do not assume that the speaker depicted in a given psalm is identical with the psalmist(s) who composed/refined it. As Tull notes,

[I]t is not at all clear that every individual Psalm originated from personal experience; in fact, it seems more likely that they did not. Some Psalms may have been written non-autobiographically: perhaps on behalf of someone else (such as the king), or perhaps on behalf of many worshippers in similar straits, for their use and edification.<sup>25</sup>

Morrow suggests that informal complaint prayers began in tribal and domestic settings and that at least some of the more formal psalms might have been composed and performed in “liturgical services conducted on an *ad hoc* basis for individuals in need.”<sup>26</sup>

While God is the primary audience, speakers in the psalms also seem to shape their texts to influence public opinion. References to the public articulation of praise are of course ubiquitous in the psalms. Public performance influences, underscores, and maintains loyalty to God and cultural values of justice and faithfulness that God represents. However, the speaker often has a personal motive for addressing spectators. As Morrow notes,

[A] primary goal of the complaint psalms was to rehabilitate the individual to the larger group (who also worship YHWH) by affirming the undeserved suffering of the petitioner, an affirmation that is intended to arrest both his social exclusion and also the justification of group violence against him.<sup>27</sup>

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<sup>24</sup> As Patrick and Diable note, for the psalmists, piety does not preclude challenges: “God’s holiness and majesty does not exclude access. The supplicant can seek to persuade God to do the right thing” (“Persuading,” p. 31).

<sup>25</sup> Tull, “Bakhtin’s Confessional,” p. 54.

<sup>26</sup> Morrow, *Protest Against God*, p. 70.

<sup>27</sup> Morrow, *Protest Against God*, pp. 53-54.

From a rhetorical perspective, the shape of a psalm must reflect both its genre and its unique conditions of composition. The familiar sections or elements of a lament (Address, Complaint, Petition, Confession) must be viewed with an eye to how they advance the agenda of persuading God, rather than how they affect/reflect the speaker's mental state.

The Address attempts the first task of the psalmist: to gain or regain God's attention. An Address to a more powerful interlocutor inevitably includes a request for audience. However, for Israelites who consider themselves innocent and who assume that God is just, only God's absence or inattention can explain their finding themselves in trouble in the first place.

The Complaint (or Problem) section describes the crisis situation in vivid terms; the direr the straits, the more God's help is needed.

The Petition (or Proposal for Divine Action) sets out the actions that God should take to relieve the crisis. This section corresponds to the solution section of a deliberative public policy argument which is also marked by the use of imperative language.

The final section, the shift to praise, is often described as a Confession of Faith and interpreted as an emotional breakthrough. A better term may be Proposal for Reciprocal Action. Rhetorically, these verses might serve as proffers of the speaker's contribution to a proposed agreement with God. The speaker is promising (and in some cases actually delivering) public declarations of praise and thanksgiving in exchange for divine intervention on his or her behalf whenever it eventually occurs.<sup>28</sup> In contemporary public policy arguments, it is usual for an author to begin using inclusive language ("we," "our") in the solution section, thereby accepting a share of responsibility. Perhaps this move in a psalm reflects the reciprocal nature of the covenant; the speaker must act as God's partner in resolving the crisis.

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<sup>28</sup> The notion of public praise as exchange or repayment for God's action is especially evident in Ps. 116:14, 18. Ellen Davis also notes that this portion of a lament "always carries the inference of conditionality: '(When you deliver me) I will declare your name to my kin,'" in "Exploding the Limits: Form and Function in Psalm 22," *Journal for the Study of the Old Testament* 53 (1992), pp. 93-105 (100).

Individuals offering a psalm may have a variety of goals, including seeking to stay on good terms with God, offering thanksgiving, and calling for justice. The psalmists do not see it as presumptuous to challenge God because, as Harold Fisch puts it in the case of Job, “the challenge is itself made possible only by the human having been fashioned by a creator God in such a way as to be able to ask such questions.”<sup>29</sup> Unlike Job, however, the psalmists do not seem to have waited for a response to come in the form of discourse. It is possible that they simply awaited the turn of events to interpret the success of a psalm (perhaps accompanied by a sacrificial rite): eventually an illness may pass, an opponent’s anger be appeased.

After offering a lament, individuals who perceive their situation to have improved may go on to perform psalms of thanksgiving, some of which include a recapitulation of the crisis. Those whose problems persist may be encouraged to continue lamenting. Habituating Israelites to continue arguing and struggling with God, regardless of the outcome in any given case, rehearses the cultural commitment to justice, keeps alive the expectation of eventual deliverance, and wards off apostasy.

### **Psalms 22, 17 and 7 as Songs of Innocence**

A pervasive approach of speakers in the psalms is to assume the mantle of innocence.<sup>30</sup> Assuming worthiness does not necessarily bespeak rampant arrogance or self-deception. Presumably Israelites had other public occasions for the discourse of repentance, in ritual practices for expiating sins and for resuming a state of ritual purity. Perhaps repentance was considered private or unworthy of the intricate poetry developed in the psalms. In fact, the psalms may have flourished expressly for situations in which Israelites considered trouble to be inexplicable.

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<sup>29</sup> Harold Fisch, *Poetry with a Purpose: Biblical Poetics and Interpretation* (Bloomington: Indiana University Press, 1988), p. 32.

<sup>30</sup> In comparison to other Mesopotamians who readily confessed faults in their prayers, Patrick and Diable note, “Quite the converse is true of the individual lament in the Hebrew Bible; only rarely does the psalmist admit guilt; in fact, the general stance of the psalmist is that of an innocent sufferer” (“Persuading,” p. 21).

It is these situations that call for persuading God to change in attitude or action.

What sets these three psalms apart is that the argument for the speaker's worthiness is especially powerful, dominating the content and expression in the psalm. As such, these speakers treat their innocence not as obvious but as a point in need of articulation and support. Arguments for worthiness are so basic to the laments that they often occur most explicitly at the outset. However, as will become evident, many rhetorical options are available throughout a psalm to cast the speaker's character or *ethos* in a good light; the more innocent the speaker, the better the grounds for challenging God's neglect as a case of injustice.

### **Psalm 22: Re-Building Self-Worth**

The speaker in Psalm 22 takes head-on the challenge of convincing God to change both attitude and behavior, from not-so-benign neglect to positive intervention. Following John Kselman's structural analysis, Psalm 22 can be divided into three sections: the Address (vv. 2-12), Petition (vv. 13-22), and Proposed Action (vv. 23-32), as shown schematically in Figure 1.<sup>31</sup>

My reading of Psalm 22 differs most from those of other scholars in the interpretation of the lengthy Address, which I see as one coherent point. The point is certainly framed in a way that conveys the speaker's pain and appeals to God's sympathies, but the upshot is supporting the claim that the speaker is worthy of God's rescue.

The question introduced in vv. 2-3, "Why have you abandoned me?" is more than "rhetorical"—in the sense of the merely ornamental.<sup>32</sup> By asking why there hasn't been a response, the speaker is initiating a serious inquiry for God's reason so that he or she can then go on to dis-

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<sup>31</sup> John S. Kselman, "Why Have You Abandoned Me?: A Rhetorical Study of Psalm 22," in *Art and Meaning* (eds. David Clines, David M. Gunn, and Alan J. Hauser; Sheffield, England: JSOT, 1982), pp. 172-98.

<sup>32</sup> I am omitting attributive and liturgical superscriptions from the analysis. All translations, unless otherwise indicated, are from Robert Alter, *The Book of Psalms: A Translation with Commentary* (New York: Norton, 2007).

pel or refute it. The point proceeds in three steps: a reminder to God of the terms of their relationship and two offers of proof of the speaker's lifelong trust in God.

The underlying assumption in every lament is that God responds to innocent Israelites because they are bound together by covenant. If an Israelite is in trouble and God fails to respond, then perhaps God has doubts about the status of the speaker as an innocent Israelite to whom the covenant would apply. To use Stephen Toulmin's terms, the covenant *warrants* the claim that God should respond to the speaker's call.<sup>33</sup> A culture's strongest warrants are so blindingly obvious that they can be left unmentioned. Why remind a hearer—particularly an omniscient one—of what should be obvious? However, reminders are sometimes needed, Perelman and Olbrechts-Tyteca emphasize, not because they change a belief or value but because they raise its salience or “presence” in the hearer's conscious attention just at the moment when it is needed to support a claim.<sup>34</sup>

Accordingly, in Ps. 22:4-6, where God's unresponsiveness is interpreted as doubt in the speaker's character, the speaker feels it necessary to remind God of the ancestors who trusted and called on God in times of trouble and were answered. By calling them אבותינו (“our ancestors”), the speaker also implies that he shares their faith.

At this point, one might expect the speaker to compare his trust explicitly to that of the ancestors. Instead, the speaker provides an unexpected twist in vv. 7-9 that seems to plummet his standing. In v. 7 he refers to himself as “a worm and no man,” as an object of public scorn. Why would a speaker who needs to be seen as worthy take this step rather than immediately proclaiming his own trust? As an expression of the speaker's psychological state, the power of this move is obvious: while the ancestors were spared humiliation, the speaker feels dehumanized, like a worm. However, by virtue of its poignancy, this dramatic twist also underscores the very claim (“I trust in you”) that is not only left unsaid but seemingly undermined. The speaker has created an

<sup>33</sup> Stephen Edelston Toulmin, *The Uses of Argument* (Cambridge, UK: Cambridge University Press, 1958).

<sup>34</sup> Perelman and Olbrechts-Tyteca, *The New Rhetoric*, p. 29.

*enthymeme*, a sequence of plausible claims that mimics the logical force of a syllogism, because the hearer must supply the implicit middle term.<sup>35</sup>

The speaker takes the image of dehumanization even further in vv. 8-9 by describing the taunting of his opponents. Seen as part of an argument supporting the speaker's own character, the taunt serves multiple purposes: It conveys the sting of humiliation while at the same time documenting the speaker's faith in God through the testimony of external witnesses. The taunting proves that the speaker has trusted in God openly—so openly that his opponents make fun of him for it. If the mockers' taunts are to be believed, the *ethos* or character of the speaker is validated; he is the type of person to whom God should respond. The mockery even serves a third purpose, raising the threat that God's own reputation is at stake: If God does not reply, if the speaker is not rescued, then God may also be open to the mockery of non-believers.

In vv. 10-11, the speaker finally declares his faith explicitly in a way that also thoroughly erases the dehumanization. The vivid image of the speaker's birth reestablishes him as a human being and not a worm. He was literally born and bred as an Israelite, not only connected to the ancestors but also serving God in lifelong dedication. The description of God acting as midwife invites God to recall observing the speaker's birth first-hand and knowing of this person's dedication. The reference to the mother's רחם ("womb") also appeals metaphorically to God's רחמים, the maternal, womanly quality of mercy.

In this analysis, then, the entire Address section of Psalm 22 consists of an extended argument about the worthiness of the speaker, with both logical and emotional appeals to God's own past behavior, eye-witness testimony from the speaker's mocking opponents, and reminders to God of having directly observed the speaker's birth. It is only after elaborating this argument that the speaker closes the section by repeating the plea for response in v. 12.

The second and briefest section of the psalm, vv. 13-19, describes the complaint: the speaker is threatened by opponents that seem alien both in species and nationality. The problem is developed as a narrative with the presence of the threatening forms of bulls, dogs, and a

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<sup>35</sup> Perelman and Olbrechts-Tyteca, *The New Rhetoric*, p. 230.



Title	v. 1	
	v. 2	Question: Plea for a hearing
	v. 3	Question: Plea for a hearing
	v. 4	Ancestors' worthiness
	v. 5	Ancestors' worthiness
	v. 6	Ancestors' worthiness
	v. 7	Speaker's perceived lack of worth
	v. 8	Opponent's testimony
	v. 9	Opponent's testimony
	v. 10	God's direct knowledge
	v. 11	God's direct knowledge
Address	v. 12	Plea for intervention
	v. 13	Threat bulls
	v. 14	Threat lions
	v. 15	Speaker's physical disintegration
	v. 16	Speaker's physical disintegration
	v. 17	Threat of cur-like evil-doers
	v. 18	Threat of evil-doers
Complaint	v. 19	Threat of evil-doers
	v. 20	<b>Divine Action:</b> Hasten, come near
	v. 21	Save my life
	v. 22	Rescue; Answer
	v. 23	<b>Reciprocal Action:</b> Speaker's praise
	v. 24	Fearers/Israelites' praise
	v. 25	Lowly Israelites' rescue
	v. 26	Speaker's praise
	v. 27	Lowly Israelites' praise
	v. 28	Nations' praise
	v. 29	Nations' praise
	v. 30	Netherworld's sleepers' praise
Proposal	v. 31	Future generations' praise
	v. 32	Future generations' praise

Figure 1. Structure of Psalm 22 as deliberative argument

lion. In face of the threat, the speaker's physical integrity dissolves and congeals, deteriorating to the point of death in vv. 14-16. His weakness allows the enemies to get close enough to count his bones, bind him, and divide up his possessions (vv. 17-19). The complaint, which stems from God's absence, is supported throughout with vividly descriptive emotional appeals. Whether the opponents are native or foreign, the nature of the crisis in Psalm 22 involves isolation and deprivation, physical threat from people and animals, bondage, and closeness to death.

Within the proposal, little space is devoted to requesting God's active intervention in vv. 20-22. The verses lay out steps to counteract the threats: relieve the isolation **אל תרחק** ("be not far"), **חושא** ("hasten")

in bringing back physical strength, הושיעני (“save”), and הוצילה (“deliver”) the speaker. The quick succession of imperative verbs amounts to a staccato call for action.

The reciprocal action in vv. 23-32, however, is so unusually lengthy that it has attracted attention. Ellen Davis, who calls this section the “confession of faith,” notes that is the “chief formal peculiarity” of Psalm 22, since “nearly a third of the poem stands at the antipodes to lament—the last ten verses of this lament are an extravagant portrayal of the circles of those who offer praise to Israel’s God.”<sup>36</sup> From my perspective, the length of this section is needed to balance the doubts and dehumanization of the equally lengthy Address not only in allocation of space but also thematically. Rather than simply declaring his own praises of God, the speaker directs/predicts praise from widening circles of others, from his immediate family (the “brothers” in v. 23), to the “great assembly” (vv. 23-26), to other nations (vv. 28-29), to all mortal creatures and generations yet unborn (vv. 30-32). The initial doubt and dehumanizing isolation of the speaker are now reversed, with the speaker empowered to persuade others to remain as dedicated to God as he was even in times of despair. At least some of these others may actually be present at the performance of the psalm, but more likely these verses reflect the speaker’s effort to resolve each harm that previously befell him: God attends to those who have been humiliated, answers when they call, feeds the deprived, and lifts the hearts of the downcast. The references also portray the speaker as God’s champion relative to the three types of people described in the Address: the ancestors who were answered when they called, the mockers who must return to faith, and the children who are and will be born into the faith. The covenant continues for as long as God responds to the faithful; those deserving of response are those who carry on with praising, calling, and reasserting their claims to be heard.

### **Psalm 17: Assertions of Godliness**

Whereas the speaker in Ps. 22 gradually builds a case for rescue by virtue of God’s covenant with Israel, the speaker in Ps. 17 asserts his

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<sup>36</sup> Davis, “Exploding the Limits,” p. 96.

Title	v. 1	Title and Plea for a Hearing
	v. 2	Plea for Justice
	v. 3	Speaker's worthiness: God's direct knowledge
	v. 4	Speaker's worthiness: Own behavior
	v. 5	Plea for Support
	v. 6	Plea for Hearing
	v. 7	Plea for Rescue
Address	v. 8	Plea for Protection
	v. 9	Description of crisis: Surrounding opponents
	v. 10	Threat of opponents
	v. 11	Threat of opponents
Complaint	v. 12	Threat of opponents
	v. 13	<b>Divine Action:</b> Hunt down opponents
	v. 14	Divine Action: Provide nourishment to mortals
Proposal	v. 15	<b>Reciprocal Action:</b> Speaker communes with divine

Figure 2. Structure of Psalm 17 as deliberative argument

righteousness from the outset. The occasion is far less dire: This speaker is hemmed in by his rivals, not sunk in degradation; his object is loftier than mere physical well-being. Ultimately, the speaker in Psalm 17 seeks through vindication to raise himself far above his rivals, let alone the common mass of humanity. Rather than inspiring other Israelites, nations, and future generations to praise God, his goal is to achieve his own intimate rapport with the divine.

Figure 2 shows schematically how Psalm 17 can be divided into three sections: the Address, vv. 1-8; the Complaint, vv. 9-12; and Proposals, for Divine Action, vv. 13-14, and Reciprocal Action, v. 15. The Address clearly dominates the psalm by taking up fully half the verses, in contrast to Psalm 22 in which the Address was balanced by the Proposal.

As in Ps. 22:2-12, the Address is an extended claim concerning the speaker's worthiness. In Ps. 17:1-8; however, the speaker stands at a far better starting point. Far from being neglected or dehumanized, the speaker in Psalm 17 combines the call for attention with an immediate explicit claim to innocence and righteousness. The speaker has a message to deliver, characterizes it as "a just thing," and emphasizes that it will be transmitted through "lips that are without guile."<sup>37</sup> Accord-

<sup>37</sup> In his translation of Ps. 17:3, Alter opts, rightly I believe, to treat the message as what is "just" rather than God, as some other translators claim.

ingly, in v. 2, the speaker already anticipates winning God's approval, because God perceives what is right.

The speaker's claim to being innocent and righteous is supported in two ways in Ps 17:3-4. First, in v. 3, the speaker reminds God of having found nothing wrong in a previous test of the speaker's mettle.<sup>38</sup> In v. 4, the speaker describes his own behavior, claiming to avoid the ways of evil people. Robert Alter gives v. 4 the form of a public oath: "As for human acts—by the word of Your lips! I have kept from the tracks of the brute." Oaths are especially powerful means of support because of their obvious underlying warrant: God condemns all false swearing and particularly swearing by God's name. By combining a reference to the results of a previous test and a public oath of having avoided evil, the Address attempts to convey certainty about the speaker's innocence. Yet this is not the end of the section. The Address continues with an unusually lengthy plea for response in vv. 5-8.

The plea for response is notable for its repeated references to God as an embodied figure with lips (v. 4), ears (v. 6), hands (v. 7), eyes and wings (v. 8). Even the phrase "set firm my steps" in v. 5 uses a verb *תִּמְךְ* ("grasp") that connotes using hands. Further, in each verse, the speaker's physical features are made to interact with God's: feet being grasped by God's hands; words being heard by God's inclined ear; body being sheltered at God's right hand, concealed by God's wings, and guarded like the apple of God's eye. The imagery continually reinforces an identification between the speaker and God—an identification that remains important throughout the rest of the psalm.

The speaker's problem is laid out briefly in vv. 9-12. The first complaint is that the opponents "despoiled me." However, unlike Psalm 22, no vivid narrative of damage or deprivation is provided in Psalm 17; this speaker is not portraying himself as weak, deteriorating, and suffering. Instead, the problem seems to be that the opponents, though deadly, are a continuing, looming threat.

The most striking aspect of vv. 9-12 is the speaker's description of the opponents as physically gross. First the speaker says *חלבמו סגרו*

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<sup>38</sup> Gert Kwakkel treats this test as hypothetical: "if you examine," "if you investigate," in *According to My Righteousness Upright Behaviour as Grounds for Deliverance in Psalms 7, 17, 18, 26, and 44*, (Leiden: Brill, 2006), p. 70.

(“their fat has covered [their heart]”). As Alter remarks about this translation, the heart as the locus of the fat is only implied in v. 10: “[F]at over the heart (presumably a token of the offensive prosperity of the wicked) insulates it from perception and feeling.”<sup>39</sup> In Alter’s translation, the physical grossness carries over into the next verset, “with their dewlaps they speak haughty words.” Alter notes that פִּימוֹ is “a grammatically archaic form meaning ‘their mouth.’ Because of the prominent fat image in the first verset, this translation emends that word to *pimatam* (or, in an undeclined form, simply *pimah*), a term that refers to folds of fat under the chin.”<sup>40</sup> Next, in v. 12, the enemies are represented in beastly form: דְּמִינוּ כְּאַרְיֵה יִכְסוּף לְטֶרוֹף (“he is like a lion longing for prey,” or more literally, “his form is like a lion”). This section certainly does describe a threat, but the main effect is to depict a stark physical contrast between the enemy and the presumably more attractive human features attributed both to God and to the speaker in the preceding section.

The solution that the speaker proposes for God to carry out is laid out in vv. 13-14. In v. 13, God is urged to go on the hunt, armed with a sword, to head off and bring down the beast, leading to the speaker’s rescue. Ps. 17:14 seems to open by specifying from whom the speaker is to be rescued with the repeated phrase מִמָּוֹתַיִם (“from mortals”). But surprisingly, the speaker goes on to exhort God to three additional actions toward these mortals: “fill their bellies,” “let their sons be sated,” and “let them leave what is left for their young.” The extensive critical controversy on this verse centers on the identity of the referents. Does “they” still refer to the enemies mentioned in v. 13? Or is there a shift in v. 14 to refer to a completely different group, perhaps God’s faithful, who have hitherto been absent from the psalm? These two possibilities are illustrated with the translations of Gert Kwakkel and Robert Alter.<sup>41</sup>

<sup>39</sup> A similar reading is provided by Hans-Joachim Kraus, *Psalms 1-59* (trans. H.C. Oswald; CC; Minneapolis: Augsburg Fortress, 1988), p. 244.

<sup>40</sup> Alter, *Psalms*, p. 49.

<sup>41</sup> A third approach to the verse is offered by Jacob Leveen who substantially emends the text to make the entirety of verse 14 refer to the faithful: “They that are perfect in thy ways will praise thee, O Lord: As for the perfect of this world, their portion is in this life; and for thy saints, thou wilt fill their belly, they will be satisfied with children,

**Ps 17:14**

**Kwakkel** from men, by your hand, O YHWH, from men without duration of life; you may fill their belly with their portion among the living and with what you have stored up (for them); may the sons be satisfied, and leave their residue to their children!<sup>42</sup>

**Alter** from men, by Your hand [YHWH], from men, from those fleeting of portion in life. And Your protected ones—fill their bellies, let their sons be sated, and let them leave what is left for their young.<sup>43</sup>

Joel LeMon has recently reviewed numerous scholarly treatments of Ps. 17:14 and ends up siding with those (such as Gert Kwakkel and Hans-Joachim Kraus) who construe all the referents in the verse as the enemies.<sup>44</sup> If the verse is read rather literally and positively, then the psalmist suddenly becomes uncommonly generous, allowing the remnant of the enemies to live and be well. As LeMon notes, however, it is also possible to give an ominous cast to the calls to fill their bellies with **צפינך** (“what you have in store for them”)<sup>45</sup> and portray both God and the psalmist in a somewhat vindictive light. Not only are the enemies destroyed but also their future generations are in for it.

The second approach to Ps. 17:14, that provided by Alter, is also taken by JPS, Craigie, and Eaton.<sup>46</sup> These scholars divide v. 14, with the first part referring to the wicked, the second to a group of faithful allies who are introduced by translating **וּצפינך** as “As for Your pro-

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and shall leave their substance to their offspring” (Jacob Leveen, “Textual Problems of Psalm 17,” *VT* 11.1 [1961], pp. 48-54 [52]).

<sup>42</sup> Gert Kwakkel, *According to My Righteousness Upright Behaviour as Grounds for Deliverance in Psalms 7, 17, 18, 26, and 44* (Leiden: Brill, 2006), pp. 80, 95.

<sup>43</sup> Alter, *Psalms*, p. 49.

<sup>44</sup> Joel LeMon, *Yahweh’s Winged Form in the Psalms: Exploring Congruent Iconography and Texts* (Fribourg: Academic Press, 2010), pp. 62-67; see also Kraus, *Psalms 1-59*, p. 244.

<sup>45</sup> This is Kraus’s phrasing (*Psalms 1-59*, p. 244). LeMon opts for this dire reading in order to make sense of the stark shift to the speaker’s fate in v. 15.

<sup>46</sup> Peter C. Craigie, *Psalms 1-50* (Nashville, TN: Thomas Nelson, 2nd edn, 2005); John H. Eaton, *Psalms: A Historical and Spiritual Commentary* (New York: Continuum, 2005).

tected ones” or “But your treasured ones.” The translation of this key term is uncertain because it is found nowhere else in the Hebrew Bible.<sup>47</sup> In the split-verse approach, it is possible to read the first use of ממתים (“from men”) as referring back to the enemies while the second use might refer forward to the faithful allies. The enjambment of the verse inevitably leaves hearers pondering the curious proximity between two kinds of mortals, the wicked and the protected faithful ones. Both eat, both have fleeting lives. The main difference seems to be that wicked people act violently like wild beasts to satisfy their needs, while faithful people do not. When God acts, the wicked are swept away (at least for the time being) and the faithful go on in life and through future generations.

Thus, regardless of whether the referents are taken to be friends or foes, Ps. 17:14 ends up with an unsavory aroma clinging to the image of God filling up someone’s belly immediately after hunting down a beastly prey. The aroma is especially pungent if the ones to be fed are the wicked, those described earlier as lions, themselves longing for prey and depicted in v. 10 as grossly over-fed but still ravenous. On this reading, having a belly filled must be interpreted not as a reward but rather as a nauseating punishment, as was stuffing the Israelites with quail in Num. 11:1-34. But even if it is the “protected ones” who are being fed, the juxtaposition of friends and foes makes the outcome of having material needs satisfied into something of an anti-climax rather than a joyous affirmation.

The irradicable ambiguity of reference suits the vagueness of the problem laid out in vv. 9-12. The speaker has enemies whom he would like to defeat, but as compared to Psalm 22, the situation is not an urgent life-or-death crisis. What the speaker hungers for is justice, not food, not health, not vindication, not children, and not material means to support himself or herself. Accordingly, the way is prepared for the stark contrast of the speaker’s renunciation of material reward in v. 15, the concluding verse of the psalm.

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<sup>47</sup> The same root does appear however in another prominent but much later Judaic context. In the Passover Seder, the word צפון is used to refer to a morsel of matzah (the bread of affliction) set aside for dessert. Its use here then retains the paradoxical joining of affliction and reward.

Unlike speakers in many other psalms, the speaker does not conclude by promising to praise or sing, to sacrifice, or to feast. Instead, with the appositive **יָנִי** (“as for me”), the speaker explicitly moves apart from everyone else, whether friend or foe, and abjures material reward: “As for me, in justice I behold Your face, I take my fill, wide awake, of Your image.” Alter’s choice of the phrase “I take my fill” for **אֲשַׁבֵּעָה** (“I will be satisfied”) creates an especially strong contrast to the filled bellies in v. 14. For the speaker, sustenance comes from a relationship with God; in the image that is evoked, God and the speaker are as close as intimates and on, as it were, equal footing. All the earlier bodily images culminate here. The speaker’s desire is twofold: first, a visible manifestation of justice on the current occasion—which can only confirm the speaker’s likeness to God—and second, the promise of an ongoing shared regard with God in the everyday world.

### Psalm 7

In Psalm 7, the speaker’s innocence is exactly what is at issue. This speaker is in peril from enemies who accuse him of some sort of betrayal and are out for blood. The speaker denies the accusation and seeks vindication. Several commentators (including Kraus, Kwakkel, and Bellinger) read the situation as a Temple-based judicial ceremony in which a speaker claiming to have been falsely accused seeks a ritual vindication.<sup>48</sup> Psalm 7 then is a case that falls under the procedure envisioned in Solomon’s plea to God in 1 Kgs 8:31-32:

Whenever one man commits an offense against another, and the latter utters an imprecation to bring a curse upon him, and comes with his imprecation before Your altar in this House, oh, hear in heaven and take action to judge your servant,

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<sup>48</sup>) For connection of Psalm 7 to this passage, see Kraus (*Psalms 1-59*, p. 167) and Kwakkel (*According to My Righteousness*, p. 37). See also William H. Bellinger, Jr., “Psalms of the Falsely Accused: A Reassessment,” *SBL Sem 25* (1986), pp. 463-69. Bellinger distinguishes between false-accusation psalms with the context of a judicial proceeding seems justified (Psalms 7, 17, and 27) from apparent cases where opponents seem merely to be engaging in malicious gossip (Psalms 31, 64, and 28). Only the former include uses of legal language and forms like self-imprecation, appeals for acquittal, and oaths; references to a “just cause”; and verbs of testing and trying.



condemning him who is in the wrong and bringing down the punishment of his conduct on his head, vindicating him who is in the right by rewarding him according to his righteousness.<sup>49</sup>

In this kind of head-to-head dispute between opponents, one party must be dissembling; either the opponent's accusations are false or the speaker is false in denying them. The situation is echoed in the case of the two mothers who both claim the same child (1 Kgs 3:16-28), in which Solomon's test reveals the false claimant by her willingness to let the child die. In the case described in 1 Kgs 8:31-32, however, the false party cannot be detected, so only God can determine who is in the right.

In rhetorical terms, the dispute is a matter of fact (at the stasis of "existence"), what really happened between the opponents.<sup>50</sup> But Solomon's plea also raises questions of the stasis of value, the significance or degree of harm. In judicial settings, determining the truth of the matter is not always sufficient for achieving justice—perhaps both parties share some portion of the blame or perhaps the degree of harm was slight, as in civil cases where the plaintiff's case is upheld but the defense is only required to pay a pittance in damages. The question of value is introduced with the key comparative particle, כּ ("as" or "like") from 1 Kgs 8:32 that also recurs repeatedly in Psalm 7: "according to his/my innocence/righteousness." God is to assess gradations of righteousness.

Taking a public real-time judicial confrontation as the immediate rhetorical situation, or *kairos*, of Psalm 7 helps explain its shape and language. The speaker's situation must be so obvious and so well-understood by everyone that details of the case and even the standard opening moves are reduced to shorthand, as shown in Figure 3. The language includes the completely oblique reference to the accusation in v. 4: "if I have done this." To supply the missing antecedent of "this," Hans-Joachim Kraus posits that the specific accusation was read immediately before the recitation of the psalm.<sup>51</sup>

<sup>49</sup>) Translation is from JPS.

<sup>50</sup>) For discussions, see references cited in note 16.

<sup>51</sup>) Kraus, *Psalms 1-59*, p. 167.

Title	v. 1	
Address and Petition	v. 2	Plea for rescue
	v. 3	Plea for rescue
	v. 4	<b>Divine Action:</b> Conditional self-curse
	v. 5	Conditional self-curse
	v. 6	Conditional self-curse
	v. 7	Plea for justice
	v. 8	Plea for justice
	v. 9	Plea for justice
	v. 10	Fate of the righteous
	v. 11	Fate of the righteous
	v. 12	Fate of the righteous
	v. 13	Fate of unrepentant sinner
	v. 14	Fate of unrepentant sinner
	v. 15	Fate of unrepentant sinner
	v. 16	Fate of unrepentant sinner
	v. 17	Fate of unrepentant sinner
Proposal	v. 18	<b>Reciprocal Action</b>

Figure 3. Structure of Psalm 7 as deliberative argument

While the context permits these shortcuts, the fact remains that, as compared to most laments, the condensed Address and Petition in vv. 2-3 are most striking for what they leave out. Only one short phrase in v. 2 expresses the speaker's prior reliance on God and the remainder describes the life-and-death nature of the threat. Unlike the speakers in Psalm 22 and Psalm 17, the speaker does not support his or her innocence by associating himself or herself with righteous ancestors, bringing in the testimony of witnesses, or even providing evidence of prior righteous behavior. He or she does not appeal for sympathy through a vivid description of suffering. Nor does the speaker impugn the character of his or her opponent or lay out an alternative view of the case, as do speakers in other psalms. Were this text not labeled a psalm, readers might well view the speaker as impetuous and over-confident. These impressions are plausible even with the judicial setting in mind. From among the available means of persuasion, the speaker has chosen to rely on one and only one means to prove his or her innocence: the willingness to avow it in public.

Accordingly, the speaker in vv. 4-6 proposes conducting a test right then and there, calling on God to allow the enemy to trample and slay him or her if he or she has done what he or she is accused of doing. Following Kraus, Kwakkel identifies the oath as a conditional self-curse: If he or she is guilty of any of the "if" conditions, the speaker submits

to punishment at the hands of the opponent.<sup>52</sup> The speaker's phrasing in v. 3 ("lest like a lion they tear up my life") and v. 6 ("may the enemy pursue and overtake me") suggests that a physical ordeal is about to ensue, with God ensuring the victory of the righteous party. But it is not at all clear that actual combat is anticipated. Pronouncing the conditional self-curse may itself forestall combat, with the speaker and opponent both agreeing to let God settle the dispute.

According to David Mirhady, referring a matter to the gods in ancient Athens was a way for people (perhaps but not necessarily of dubious character) to settle a dispute without a judicial hearing on the merits of the case—and perhaps without submitting to a physical contest.<sup>53</sup> As a sort of plea bargain, an oath of innocence may paradoxically foster doubts about the speaker rather than eliminating them. Oath-takers in Athens were sometimes even mocked for the extravagance of what they would swear to.<sup>54</sup> While there is no evidence that oaths functioned as plea bargains in ancient Israel, it is important to take seriously the possibility that some Israelites were likewise capable of taking false oaths even in the awe-inspiring vicinity of the Temple.<sup>55</sup>

The proposal for divine action begins in v. 7. In vv. 7-11, the speaker connects God's action to his or her own situation: God, as a righteous judge, should vindicate the speaker, an innocent person. However, the speaker's self-references in vv. 7-11 are muted, generally tucked away

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<sup>52</sup> Kraus, *Psalms 1-59*, p. 170; Kwakkel, *According to My Righteousness*, p. 37.

<sup>53</sup> David Cyrus Mirhady, "The Oath Challenge in Athens," *Classical Quarterly* 44.1 (1991), pp. 78-83. He cites Aristotle's *Rhetoric*, 1.15 1377a19-21. For the similarity between oath-challenges in Greek and Ancient Near Eastern cultures, see Christopher A. Faraone, "Molten Wax, Spilt Wine and Mutilated Animals: Sympathetic Magic in Near Eastern and Early Greek Oath Ceremonies," *The Journal of Hellenic Studies* 113 (1993), pp. 60-80.

<sup>54</sup> It is perhaps for this reason that Aristotle in *The Rhetoric* famously sets aside oaths, challenges to combat, and testimony elicited by torture as "inartistic" proofs, on the grounds that they need simply be applied and are not products of the rhetor's art. An oath may win the day, but not through a judgment of the merits of the case as presented in persuasive discourse.

<sup>55</sup> Certainly the rabbis in Mishnaic times were pragmatic enough to debate degrees of liability for violating oaths of different formulations. See Elizabeth Shanks Alexander, *Transmitting Mishnah: The Shaping Influence of Oral Tradition* (Cambridge University Press, 2006).

into possessive particles: “my enemies,” “my righteousness,” “my innocence,” “my shield.” Notably, the speaker also qualifies his or her status in requesting to be judged “according to my righteousness” and “according to my innocence.”

On the other hand, these verses are blaring in the call to God to execute justice. Kwakkel points to the audacity of the imagery in vv. 7-8, calling it “amazing” for the speaker to suggest convening an assembly of nations to witness the proceedings.<sup>56</sup> Calling the nations as witnesses puts God on the spot; God’s reputation is at stake if justice is not done.

The proposal for divine action, vv. 12-17, goes on to describe in vivid terms the fate of the wicked: pierced by a sharp sword or arrows, caught in a pit, clobbered over the head. This section is well known for temporizing the moment when justice will be done and even the means by which it will come about. Kwakkel interprets the phrase **אל זואם בכל יום** (“El utters doom each day”) in v. 12 as allowing for delayed repercussions: “[E]ven if those actions fail to materialize for some time, God is indeed indignant about the behaviour of the wicked.”<sup>57</sup> As many commentators have noted, the engineer of the evil-doer’s fate is left open by the use of third-person singular pronouns in vv. 13-14. Is it God who sharpens the sword, pulls back the bow, and readies the tools of death?<sup>58</sup> Or is it the enemy sharpening the sword and pointing it at “himself”?<sup>59</sup> The psalm offers two routes by which evil may be defeated—by God’s direct intervention in history and by a cosmic order in which evil deeds eventually bring commensurate consequences. J.R. John Samuel Raj, observing that commentators have recognized but have not resolved “the tension that existed between these two ‘conflicting ideas,’” concludes that it is possible to see in Psalm 7 “the fusion of and not the conflict between ideas.”<sup>60</sup>

<sup>56</sup> Kwakkel, *According to My Righteousness*, pp. 41-42.

<sup>57</sup> Kwakkel, *According to my Righteousness*, p. 49

<sup>58</sup> This is the reading ultimately preferred by Alter and Kwakkel. See Alter, *The Book of Psalms*, 20-21; Kwakkel, *According to My Righteousness*, pp. 50-56.

<sup>59</sup> This is the view ultimately preferred by Kraus, *Psalms 1-59*, p. 167, as well as JPS. See also the analysis by Paul Raabe, “Deliberate Ambiguity,” *Journal of Biblical Literature* 110.2 (1991), pp. 224-25.

<sup>60</sup> J.R. John Samuel Raj, “Cosmic Judge or Overseer of the World-Order? The Role of Yahweh as Portrayed in Psalm 7,” *Bangalore Theological Forum* 34.2 (2002), pp. 1-15.

What these commentators leave unremarked, however, is the correspondence between the fate of the unrepentant evildoer in these verses and the fate of the speaker as described in the conditional self-curse. If the speaker is swearing falsely, as allowed for in the conditional phrasing of the self-curse, then it could be the speaker himself or herself who fails to return, repent, or recant in the conditional phrasing of v. 13. The speaker voices the possible retribution that would fall on his or her own head. On this reading, these verses may be read as continuing the self-curse: If the enemy doesn't finish off the guilty speaker, then God will; If God doesn't, then the speaker's evil-doing itself will eventually undo the speaker.

The psalm ends as usual with a promise of reciprocal action. In v. 18, the speaker thanks or promises to thank God: "I acclaim the LORD according to His righteousness." Qualifying the promise in this way continues the uncertainty characteristic of this psalm as a whole. At least one party in the dispute is guilty to some extent; the fate of the guilty party determines the extent of God's righteousness. The speaker's praise will be meted out according to what God deserves in the handling of this tricky case.

My reading of Psalm 7 leaves the speaker's disposition wide open. A truthful and pious speaker may or may not be vindicated by God; a brazen and lying speaker may be revealed as such by God—or not. It is here that the two routes to the defeat of evil (delayed divine intervention and self-defeating evil) become most useful for those promoting faithfulness. A righteous speaker who prevails and succeeds after the oath has been persuaded to remain steadfast in his or her faith; a righteous person who suffers prolonged defeat and humiliation may be persuaded to wait for the opponent to eventually be undone. Such a person may, perhaps, continue to offer laments and sacrifices to remind God of the unresolved crisis. A truly impious speaker who suffers an immediate upset may be lured into a grudging respect for God. Even if the impious speaker prevails in the short run, he or she may lie uneasy in he or she may lie in bed uneasy, persuaded to stay on the lookout for a future comeuppance. Then when God does eventually smoke him or her out and deal him or her a setback, a falsely swearing speaker might just end up fulfilling the terms of his or her vow, acknowledging that God has indeed enacted justice.

Psalm 7 is stunning in the multiplicity of situations in which it serves. This very multiplicity, however, militates against equating the speaker with the psalmist. To whatever extent voicing the psalm itself constitutes a judicial ordeal, it is in the psalmist's interest to make the psalm as frightening as possible to pronounce in order to discourage guilty speakers from taking an oath as an easy way out of a jam. This would account for the lack of other support for the speaker's innocence, apart from the conditional self-curse. Rather than *choosing* to limit his persuasive options, the speaker must agree to follow a script that provides no other cover than the oath while provoking God in the strongest possible terms to enact justice.

While Mandolfo seems to prefer a reading in which the speaker is innocent, her dialogic analysis allows for this full range of possibilities. She identifies vv. 9-17 as the words of the didactic theodic voice, seeing their purpose as reassuring the speaker. The didactic voice

counters the supplicant's shaky faith in God's justice (or at least deity's current application of it) and insists that God delivers justice according to deserts. The two voices seem to respond to one another until the end, where the supplicant seems satisfied by the insistence on God's fairness.<sup>61</sup>

However, the didactic voice might as well be seeking to unsettle the speaker; for a speaker who is swearing falsely, the didactic voice would be heard as anything but reassuring.

Ultimately, through the didactic voice and through many other appeals, the psalmist makes the most persuasive possible case to God—the hearer to whose sense of justice the outcome will ultimately be attributed. Whatever the status of the speaker, the psalm argues that it is God who must enact justice, however indirect the means and however long delayed.

## Conclusion

In this article, I have made a case for viewing first-person psalms as deliberative arguments between Israelites and God; speakers who are in trouble seek to persuade God to attend to their situation, recognize

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<sup>61</sup> Mandolfo, "Dialogic Form Criticism," p. 75.

the severity of the problem, and intervene to resolve it. I have also provided readings for a subset of psalms in which the argument hinges on the speaker's innocence or worthiness. While all arguing for their own worthiness, the speakers' stances range widely. The speaker in Psalm 22 skillfully crafts an extended defense of his or her faithfulness. The speaker in Psalm 17 takes such pride in his or her worthiness that he or she equates himself or herself with God. Finally, the speaker in Psalm 7 takes a daring chance that God will reveal his or her true character.

These readings indicate that psalms are far more than expressions of yearning or trust. The stakes are high both for the speakers and for God; the faithfulness of the speakers and the righteousness of God are unsettled and arguable. Patrick and Diable argue that the psalms reflect a "circumscribed period" in Israelite theology when monotheism had prevailed: "But in Israel, YHWH was the only deity to whom prayer could be addressed. Even if YHWH was angry or appeared unresponsive, there was no other court of appeal. The petitioner had to come to YHWH to make a case."<sup>62</sup>

However, an assumption of an early or pure state of monotheism within Israelite culture is not necessary to my analysis. The psalms may have been designed to foster and promote Yahwism at a time of competing theologies. The readings offered here challenge the view that the psalmists are a homogeneous, pious, and faithful lot who assume that justice is immediately forthcoming. Arguing is a process of rehearsing the roles that speaker and hearer should play in a rational and orderly world. The psalms may have been intended to foster rather than simply reflect the roles that Israelites and God should ideally play in an ongoing covenantal relationship in a world where good and evil co-exist. In the course of persuading God to live up to the covenant, the psalmists could well have promoted these ideals for the speaker and an assembly of spectators. Without some impetus for continuing to engage with God, Israelites suffering injustice might well slip out of the community altogether. By composing, preserving, and adding to the Book of Psalms over time, the psalmists may have used argument to foster the social and cultural cohesiveness of the Israelite community.

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<sup>62</sup> Patrick and Diable, "Persuading," p. 22.