Persuading God

Rhetorical Studies of First-Person Psalms

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Contents

ABBREVIATIONS

AJP	*American Journal of Philology*
AOTC	Abingdon Old Testament Commentary Series
Bib	*Biblica*
BibInt	*Biblical Interpretation: A Journal of Contemporary Approaches*
BSac	*Bibliotheca Sacra*
CBQ	*Catholic Bible Quarterly*
ClQ	*Classical Quarterly*
HBT	*Horizons in Biblical Theology*
HTR	*Harvard Theological Review*
HUCA	*Hebrew Union College Annual*
Int	*Interpretation*
JAAR	*Journal of the American Academy of Religion*
JANES	*Journal of the Ancient Near Eastern Society*
JBL	*Journal of Biblical Literature*
JEA	*Journal of Egyptian Archaeology*
JHS	*Journal of Hellenic Studies*
JSOT	*Journal for the Study of the Old Testament*
JSOTSup	Journal for the Study of the Old Testament, Supplements
KJV	King James Version
NJPS	New Jewish Publication Society of America Tanakh
PMLA	*Proceedings of the Modern Language Association*
ResQ	*Restoration Quarterly*
RevExp	*Review and Expositor*
RSV	Revised Standard Version
SBL	Society of Biblical Literature
TynBul	*Tyndale Bulletin*
VT	*Vetus Testamentum*
VTSup	Vetus Testamentum, Supplements
WW	*Word and World*
ZAW	*Zeitschrift für die alttestamentliche Wissenschaft*

Chapter 5

The Kairos of Curses

The persuasive power of the psalms in Chapter 4 turned on the character of the speaker, specifically on his claim to be sufficiently worthy for God to rescue. Most first-person psalms, however, also devote considerable attention to the characters of the speaker's opponents. The speakers in these psalms seek both rescue and vindication—the destruction of the opponents or at least their downfall and humiliation, which in turn allows the speaker to rejoice in public at their defeat. The arguments in these psalms turn on the notion of equity, asking God to weigh the interactions of two parties. Are they generous towards each other? Do they trade tit for tat? Does one party deal meanly with the other for no reason or—even worse—return evil for good? Ultimately, it is up to God to tip the balance in favor of merit and justice.

In most of these oppositional psalms, the two sides are depicted in absolute terms. Speakers depict themselves favorably and their opponents as devoid of merit and even humanity. Outside the uncertain attributions of a few superscriptions, opponents are never described in specific terms. Some opponents are described as alien nationals (e.g., Psalms 22 and 44) and some as Israelites who have rejected God (e.g., in Psalms 28 and 59.6, opponents are characterized as בגדי און ['wrong-doing traitors']). In several psalms, though, the opponent is clearly a fellow Israelite with some standing in the community, even a former friend (e.g., Pss. 35.13-14, 41.7 and especially 55.13-15). Hidden behind the absolute characterizations, however, is the fact that real-world disputes are rarely so clear-cut. All parties to a dispute are likely to believe themselves in the right, at least to some extent. If the disputants are all Israelites, it is even possible to imagine them all making sacrifices and offering psalms, each one appealing to God for justice against the other. It is this contest—not simply aggrieved innocence—that is reflected in the persuasive strategies.

A few speakers go so far as to curse their opponents, asking God to enact violent and horrific punishments on them, raining hot coals on their heads, binding their kings in fetters, smashing their infants against rocks. As Patrick D. Miller notes, the power of curses in the psalms is magnified because 'this

is *poetry* in all its *power and evocative possibility*'.[1] Historically, Christian theologians have struggled with these so-called imprecatory psalms, psalms in which a 'major element or leading feature' is a plea for an opponent to suffer a terrible fate.[2] The theological problem has been spelled out by Joel LeMon: If prayer shapes belief and if belief, in turn, shapes action, then a liturgy that includes imprecation will surely debilitate a community's moral beliefs and lead to degenerate behavior.[3] This reasoning led many Christian theologians to excise these psalms from the liturgy or to hold them up as excuses for excoriating the primitive character of Israelite (and/or Jewish) beliefs. Recently, however, some scholars have sought to salvage the imprecatory psalms.[4] They note that imprecation cannot be so easily isolated and effaced; it occurs throughout the Psalter, and in the Christian as well as the Hebrew Bible. Further, they point out that imprecations can serve important psychological functions for victims who may gain therapeutic benefits from expressing outrage and calling for vengeance. Even the community might benefit; hearing imprecations could jolt congregants into considering their own toleration—or even perpetuation—of violence and injustice.

Rather than psychologizing the victims or even the hearers, my approach will be to consider how imprecations are used to craft persuasive arguments to God demanding justice. A curse is particularly explicit in challenging God to choose between the two parties and implicating God in the (in)justice of the outcome. While curses were common throughout the ancient world, according to Jan Assmann, curses in the ancient Near East—including ancient Israel—were far more explicit than Egyptian or Greek curses in implicating the deities directly in determining the truth and effecting punishment.[5]

1. Patrick D. Miller, 'The Hermeneutics of Imprecation', in Wallace M. Allston, Jr (ed.), *Theology in the Service of the Church: Essays in Honor of Thomas Gillespie* (Grand Rapids, MI: Eerdmans, 2000), pp. 153-63 (159); emphasis original.

2. J. Carl Laney, 'A Fresh Look at the Imprecatory Psalms', *BSac* 138 (1981), pp. 35-45 (36). He includes nine such psalms: Psalms 7, 35, 58, 59, 69, 83, 109, 137 and 139. Strict categorization is difficult, however, because speakers in many other psalms wish opponents ill.

3. Joel LeMon, 'Saying Amen to Violent Psalms', in Rolf Jacobson (ed.), *Soundings in the Theology of the Psalms: Perspectives and Methods in Contemporary Scholarship* (Minneapolis: Fortress Press, 2011), pp. 93-109.

4. In addition to LeMon, see Nancy deClaissé-Walford, 'The Theology of the Imprecatory Psalms', in Rolf Jacobson (ed.), *Soundings in the Theology of the Psalms: Perspectives and Methods in Contemporary Scholarship* (Minneapolis: Fortress Press, 2011), pp. 77-92.

5. Jan Assmann, 'When Justice Fails: Jurisdiction and Imprecation in Ancient Egypt and the Near East', *JEA* 78 (1992), pp. 149-62. See also Christopher Faraone, 'Molten Wax, Spilt Wine and Mutilated Animals: Sympathetic Magic in Near Eastern and Early Greek Oath Ceremonies', *JHS* 113 (1993), pp. 60-80.

Historically, the legal systems of the ancient Near East were underpinned by ritualized oaths and curses that depended on the people's belief in divine retribution. Curses were especially rife in cultures where the law was weak. As Assmann puts it, 'the law protects the social order, the curse protects the law'.[6] Assmann argues that the prevalence of oaths and curses was inversely related to the stability of local legal institutions: 'Disbelief in metaphysical agents will cause a decline in the tradition of cursing, disbelief in the functioning of socio-political institutions will have the opposite effect.'[7] Curses work, in part, because they inspire fear. But they also provide a way to cope with otherwise insoluble problems, cases in which the wrong-doing is undetectable or impossible to prove or cases that run up against limitations in the legal system itself.[8] Accordingly, the appearance of curses in the psalms may signal that the case is a particularly difficult one for the judicial system to handle.

For rhetorical scholars, the use of oaths and curses in the psalms may be particularly interesting because of their relative absence in Greek theories of rhetoric. In *The Rhetoric*, Aristotle treats oaths, trial by combat and sworn testimony as 'inartistic' proofs. Clearly Aristotle was not discouraging orators from using these forms of evidence; rather, he considered them less important to discuss at the outset because they are obvious, ready for use and simple to apply, not requiring much exercising of a rhetor's art of inventing, remembering or finding things to say. Michael Gagarin emphasizes that Aristotle regarded 'proofs' of either the artistic or inartistic variety as evidentiary material available for the rhetor to choose from, rather than as clinching moves that halt rational deliberation.[9] In an oath challenge, one party is asked to make a conditional self-curse, bringing down the wrath of the gods if he is lying or fails to carry out the vow. A speaker's willingness to swear a particular formulation of oath is open to rhetorical strategizing; the same holds true in US courts today concerning the decision of the accused to testify under oath in his or her own defense. Strikingly, Greek legal texts describe few cases in which oath challenges are offered and none in which one is accepted.[10]

6. Assmann, 'When Justice Fails', p. 149.

7. Assmann, 'When Justice Fails', p. 151.

8. For a fuller discussion, see Jeff S. Anderson, 'The Social Function of Curses in the Hebrew Bible', *ZAW* 110 (1998), pp. 223-37.

9. Michael Gagarin, 'The Nature of Proofs in Antiphon', *Classical Philology* 85 (1990), pp. 22-32.

10. For this reason, David Cyrus Mirhady disagrees with Gagarin, arguing that oath challenges were trumping moves that, if accepted, would end a proceeding. See Mirhady, 'The Oath-Challenge in Athens', *ClQ* 44 (1991), pp. 78-83. For a comparison of Greek and Near Eastern oath challenges, see Faraone, 'Molten Wax'.

In this chapter, I describe how the speakers in Psalms 7, 35 and 109 use curses as evidence of their own innocence (Psalm 7), as a contrast with an opponent's behavior (Psalm 35) and as a denunciation (Psalm 109). While the speakers depict pure good pitted against pure evil, their motives and actions are much more complex. Perhaps both parties are at fault to some extent. Perhaps, rather than being a pious and innocent victim, the speaker is unwilling to admit to his or her fault in public or is seeking to conceal it. As I will argue, a neglected dimension of the artistry of these psalms is how skillfully the scales representing the speaker and the opponent are kept in balance. In all three cases, the psalms subtly undermine the speaker's case. The psalms create a persuasive case indeed, aimed not only at God, but at the public and at the speakers themselves. With the righteousness of the speaker in doubt, these psalms leave it to God to sort it out and give each party what he or she deserves.

Psalm 7: Measured Innocence

In Psalm 7, the speaker's innocence is at issue, just as in the psalms in Chapter 4. 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, Kwaakel 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.[11] Psalm 7 seems to fall under the 'oath challenge' 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, 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.

Most commentators view the speaker as entirely certain of his own innocence and of God's eventual vindication of him.[12] However, in this kind of head-to-head dispute between opponents, at least one party must be

11. See Kraus (*Psalms 1–59*, p. 167); Kwakkel (*According to my Righteousness*, p. 37); Bellinger, 'Psalms of the Falsely Accused', pp. 463-69. Bellinger limits false-accusation to contexts where a judicial proceeding seems justified (Psalms 7, 17 and 27) in contrast to 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: self-imprecation, appeals for acquittal and oaths; references to a 'just cause'; and verbs of testing and trying.

12. Kraus, *Psalms 1–59*, p. 176; Breuggemann and Bellinger, *Psalms*, pp. 54-55.

dissembling; either the opponent's accusations are false or the speaker is false in denying them. In a similar case, two mothers both claimed the same child (1 Kgs 3.16-28) but Solomon's test revealed 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.

PSALM 7[13]

1 A David *shi-gay-on,* which he sang to the LORD regarding Cush the Benjaminite.
2 LORD, my God, in You I sheltered. Rescue me from all my pursuers and save me.
3 Lest like a lion they tear up my life—rend me, with no one to save me.
4 LORD, my God, if I have done this, if there be any wrongdoing in my hands.
5 If I paid back my ally with evil, if I oppressed my foes without reason—
6 may the enemy pursue and overtake me and trample to earth my life and make my glory dwell in the dust. Selah
7 Rise up, O LORD, in your anger. Loom high against the wrath of my enemies. Rouse for me the justice You ordained.
8 A band of nations surrounds You, and above it to the heights return.
9 The LORD will judge peoples. Grant me justice, LORD, as befits my righteousness and as befits my innocence that is in me.
10 May evil put an end to the wicked; and make the righteous stay unshaken. He searches hearts and conscience. God is righteous.
11 My shield—upon God, rescuing the upright.
12 God exacts justice for the righteous and El utters doom each day.
13 If a man repent not, He sharpens His sword, He pulls back his bow and aims it.
14 And for him, He readies the tools of death, lets fly His arrows at the fleers.
15 Look, one spawns wrongdoing, grows big with mischief, gives birth to lies.
16 A pit he delved, and dug it, and he fell in the trap he made.
17 His mischief comes down on his head, on his skull outrage descends.
18 I acclaim the LORD for His righteousness, let me hymn the LORD's name, Most High.

In rhetorical terms, the dispute is a matter of fact (at the stasis of 'existence'), a question of what really happened between the opponents. But Solomon's plea also raises questions at the stasis of quality or 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 wins but is awarded only a pittance in damages. The question of value is introduced in the key comparative particle –כ ('as' or 'like') from 1 Kgs 8.32 that also recurs repeatedly

13. Alter, *The Book of Psalms,* pp. 18-21.

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 of Psalm 7 helps explain its shape and language. As shown in Figure 5.1, the address and complaint are highly truncated. 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. The accusation is referred to obliquely in v. 4: אם עשיתי זאת ('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.[14]

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

Figure 5.1. *Structure of Psalm 7*

While this assumption about the context permits these shortcuts, the fact remains that, compared to most laments, the condensed address and complaint 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 Psalms 22 and 17, the speaker does not support his innocence by associating himself with righteous ancestors, bringing in the testimony of witnesses or even evidence of prior righteous behavior. He does not appeal for sympathy

14. Kraus, *Psalms 1–59*, p. 167.

through a vivid description of suffering. Nor does he impugn the character of his 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 innocence: his 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 if he has done what he is accused of doing. Following Kraus, Kwakkel identifies the oath as a conditional self-curse; if he is guilty of any of the 'if' conditions, the speaker submits to punishment at the hands of the opponent.[15] 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. As a way to avoid adjudication, an oath may paradoxically foster doubts about the oath-taker's character rather than eliminating them. Oath-takers in Aristophanes' plays were even mocked for the extravagance of what they would swear to. Unless Israelites were unnaturally pious, they must likewise have been capable of swearing false oaths even in the awe-inspiring vicinity of the Temple. Certainly the Ten Commandments need not have prohibited false testimony and vain oaths if they were a rare occurrence.[16]

The proposal takes up the rest of the psalm, vv. 7-18. In vv. 7-11, the speaker connects God's action to his own situation: God, as a righteous judge, should vindicate the speaker, an innocent person. However, the speaker's self-references are muted, generally tucked away into possessive particles: צוררי ('my enemies'), אלי ('for me'), צדקי ('my righteousness'), תמי ('my innocence'), מגני ('my shield'). Notably, the speaker also qualifies his status in requesting to be judged 'according to my righteousness' and 'according to my innocence'. On the other hand, the calls to God to execute justice are blaring. For Kwaakel, it is 'amazing' that the speaker dares to imagine God looming over the assembled nations to witness the proceedings in vv. 7-8.[17] Calling the nations as witnesses puts God even more firmly on the spot; God's international reputation is at stake if justice is not done.

15. Kraus, *Psalms 1–59*, p. 170; Kwakkel, *According to my Righteousness*, p. 37.

16. The possibility of false oaths was certainly clear to rabbis in Mishnaic times who 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* (New York: Cambridge University Press, 2006).

17. Kwakkel, *According to my Righteousness*, pp. 41-42.

The fate of the guilty party is vividly described in vv. 12-17. The wicked one is to be pierced by a sharp sword or arrows, caught in a pit and clobbered over the head. Scholars have often noted that this section temporizes 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: 'even if those actions fail to materialize for some time, God is indeed indignant about the behaviour of the wicked'.[18] 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?[19] Or is it the enemy sharpening the sword and pointing it at 'himself'?[20] 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'.[21]

What these commentators leave unremarked, however, is that the identity of the wicked one is not specified as the opponent who accused the speaker. If the speaker is swearing falsely, as allowed for in the conditional phrasing of the self-curse, then it could be the speaker himself who fails to return, repent or recant in the conditional phrasing of v. 13. The speaker is voicing the possible retribution that would fall on his 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 him.

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 be vindicated by God—or not; a brazen

18. Kwaakel, *According to my Righteousness*, p. 49.

19. This is the reading ultimately preferred both by Alter, and Kwaakel, *According to my Righteousness*, pp. 50-56.

20. This is the view ultimately preferred by Kraus, *Psalms 1–59*, p. 167, as well as NJPS. See also the analysis by Raabe, 'Deliberate Ambiguity'.

21. 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 (2002), pp. 1-15 (8).

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 may lie uneasy in his bed, persuaded to stay on the lookout for a future come-uppance. Then, when God does eventually smoke him out and deal him a setback, a falsely swearing speaker might just end up fulfilling the terms of his 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. Perhaps voicing the psalm itself constituted a judicial ordeal. If so, 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 has agreed 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 prefers to see the speaker as innocent, her dialogic analysis allows for this full range of possibilities. She identifies vv. 9-17 as the words of the didactic 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.[22]

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 psalmist argues that it is God who must enact justice, however indirect the means and however long delayed.

22. Mandolfo, 'Dialogic Form Criticism', p. 75.

Psalm 35: Paying Back in Kind

Whereas Psalm 7 depicts a daring speaker offering a conditional self-curse to establish his innocence of betraying an opponent, Psalm 35 portrays a speaker cursing opponents who have betrayed him and left him vulnerable to attack. The speaker and opponents are well known to each other and both sides have had their ups and downs. However, while the speaker has shown compassion in the opponents' times of need, the opponents have not reciprocated. Instead the opponents are acting harshly toward the speaker and endangering his health, his freedom and perhaps his very life. Accordingly, the speaker asks God to bring down the opponents both physically (vv. 1-10) and socially (vv. 19-28).

Scholars attempting to establish the setting have tended to see it as a psalm of the falsely accused.[23] Croft notes that the imagery points in two opposite directions: to a battlefield or to a courtroom. He concludes that the military imagery in the opening of the psalm is 'metaphorical' and that a courtroom is the real or poetic setting in which a lowly individual responds to elite accusers. I consider the battlefield and courtroom settings equally unlikely. The speaker does not seem concerned with establishing innocence on a set of charges; rather he is intent on besmirching and gaining vengeance on opponents he sees as equals, perhaps for spiteful behavior that never amounts to criminal conduct.

PSALM 35[24]

1 For David. Take my part, LORD, against my contesters, fight those who fight against me.
2 Steady the shield and the buckler, and rise up to my help.
3 Unsheathe the spear to the haft against my pursuers, [say to my being, 'Your rescue, I am'.]
4 Let them be shamed and disgraced, who seek my life. Let them retreat, be abased, who plot harm against me.
5 Let them be like chaff before the wind, with the LORD's messenger driving.
6 May their way be darkness and slippery paths, with the LORD's messenger chasing them.
7 For unprovoked they set their net-trap for me, unprovoked they dug a pit for my life.
8 Let disaster come upon him unwitting and the net that he set entrap him. May he fall into it in disaster.

23. While Kraus joins Croft in seeing Psalm 35 as a psalm of the falsely accused, Bellinger does not include it in the set he defines with somewhat stricter standards. Croft, *The Identity of the Individual*, p. 42; Kraus, *Psalms 1–59*; Bellinger, 'Psalms of the Falsely Accused'.

24. Alter, *The Book of Psalms*, pp. 121-25.

9 But I shall exult in the LORD, shall be glad in His rescue.
10 All my bones say, 'LORD, who is like You? Saving the poor from one stronger than he and the poor and needy from his despoiler?'
11 Outrageous witnesses rose, of things I knew not they asked me.
12 They paid me back evil for good—bereavement for my very self.
13 And I, when they were ill, my garment was sackcloth, I afflicted myself with fasting. May my own prayer come back to my bosom.
14 As for a friend, for a brother, I went about as though mourning a mother, in gloom I was bent.
15 Yet when I limped, they rejoiced, and they gathered, they gathered against me, like strangers, and I did not know. Their mouths gaped and they were not still.
16 With contemptuous mocking chatter they gnashed their teeth against me.
17 O Master, how long will You see it? Bring back my life from their violence, from the lions, my very being.
18 I shall acclaim You in a great assembly, in a vast crowd I shall praise You.
19 Let not my unprovoked enemies rejoice over me, let my wanton foes not leer.
20 For they do not speak peace and against the earth's quiet ones plot words of deceit.
21 They open their mouths wide against me. They say, 'Hurrah! Hurrah! Our eyes have seen it'.
22 You, LORD, have seen, do not be mute. My Master, do not keep far from me.
23 Rouse Yourself, wake for my cause, my God and my Master, for my quarrel.
24 Judge me by Your justice, LORD my God, and let them not rejoice over me.
25 Let them not say in their heart, 'Hurrah for ourselves'. Let them not say, 'We devoured him'.
26 Let them be shamed and abased one and all, who rejoice in my harm. Let them don shame and disgrace, who vaunted over me.
27 May they sing glad and rejoice, who desire justice for me, and may they always say, 'Great is the LORD Who desires His servant's well-being'
28 and my tongue will murmur Your justice, all day long Your praise.

As shown in Figure 5.2, the psalm's structure departs from the pattern of address–complaint–proposal. Rather, it consists of three fairly equal sections, a central complaint framed by two proposals. The opening proposal (vv. 1-8) directs God to a long series of physical assaults against the opponents with references to weapons, traps and pursuit, while the closing (vv. 19-26) proposes ways to silence the opponents and demolish their social standing. The middle section (vv. 11-18) offers an extended rationale: rather than reciprocating the speaker's sympathetic actions, the opponents gloat at his troubles. Each section ends with reciprocal actions (vv. 9-10, 18 and 27-28) as the speaker promises praise for God.

The psalm opens dramatically with an immediate call for divine action. The first words of the psalm are the imperative ריבה ה' את יריבי ('take my part LORD against my contesters'). A lengthy list of actions follows. In vv. 1-3, God is directed to fight, don armor and rise; to wield weapons and to

declare protectorship over the speaker. In vv. 4-8, the speaker calls on God to bring down an evil fate on the opponents: they are to be shamed, disgraced, abased, routed, dispersed, pursued across slippery terrain, netted and trapped. The speaker repeatedly characterizes the opponents by their actions against him, using genitive construct forms.[25] The opponents are termed: יריבי ('those who contest against me'), לחמי ('those who fight me'), רדפי ('my pursuers'), מבקשי נפשי ('those who seek my life'), חשבי רעתי ('those who plot evil of me'). Thus the conflict with others is the paramount feature of the speaker's situation. Remarkably, while these actions all have violent overtones, they are presented as descriptions rather than as justifications for God to act. The one explicit rationale, using the term כי ('for' or 'because'), comes in v. 7, describing the opponents' sneaky efforts to ensnare or trap the speaker. While the association of pits, nets and traps with treachery and deceit is common in Near Eastern literature, according to Murray Lichtenstein, the Hebrew Bible is notable for using entrapment images specifically to call for poetic justice, for entrapping the trapper.[26] Poetic justice of this sort is exactly what the speaker calls for in v. 8. While the other actions that God is called on to take are posed as equal and opposite to those attributed to the opponents, they actually have excess potency, signified by the winds and God's own avenging angel chasing after them.

With respect to his own standing, the speaker makes no effort in this first section to establish a connection with God, in contrast to the speaker in Ps. 7.1, who at least declared allegiance to God ('LORD, my God, in You I sheltered') before turning to the imperative voice. Nor does the opening to Psalm 35 make explicit claims of the speaker's innocence or righteousness. Only in v. 7 does the speaker make a claim of blamelessness, saying twice that the opponents' plots are חנם ('unprovoked'). Even when promising to praise God in v. 10 as the rescuer of the weak, the poor and the needy, the speaker does not explicitly apply these terms to himself, in contrast to speakers in many other psalms who emphasize their poverty or neediness (e.g., Pss. 25.16; 40.18; 69.30; 70.6; 86.1; 109.22). In the opening section, then, the speaker does more to lower his opponents' characters than to establish his own. Is the speaker supremely confident in his standing with God? Or are concerns with propitiating God swept away by impetuous rage?

25. In addition to noting that each characterization appears only once, Marianne Grohmann also notes the variety of body terms used to describe the opponents, in 'Jewish and Christian Approaches to Psalm 35', in Marianne Grohmann and Yair Zakovitch (eds.), *Jewish and Christian Approaches to Psalms* (Freiburg im Breisgau: Herder, 2009), pp. 13-29.

26. Murray H. Lichtenstein, 'The Poetry of Poetic Justice: A Comparative Study in Biblical Imagery', *JANES* 5 (1973), pp. 255-65 (259).

	1	*Divine Action*: Plea to God for rescue
	2	Curse: combat and defeat
	3	Curse: combat and defeat
	4	Curse: humiliation
	5	Curse: dispersal
	6	Curse: dispersal and pursuit
	7	Rationale: unprovoked attack (net and pit)
	8	Curse: disaster (net and pit)
	9	*Reciprocal Action*: Speaker vows praise
Proposal	10	*Reciprocal Action*: Speaker vows praise
	11	Rationale: false accusation of speaker
	12	Rationale: return of evil for good
	13	Rationale: speaker considerate of opponent's pain
	14	Rationale: speaker considerate
	15	Rationale: opponent gleeful at speaker's pain
	16	Rationale: opponent gleeful
	17	Plea to God to see, act
Complaint	18	*Reciprocal Action*: Speaker vows praise
	19	*Divine Action/Curse*: stop their taunting
	20	Rationale: opponents plot violence
	21	Rationale: opponents rejoice at speaker's expense
	22	Plea to God to see, act
	23	Plea to God to judge speaker
	24	Plea to God to judge speaker
	25	*Divine Action*: silence opponents
	26	*Divine Action*: shame opponents
	27	*Reciprocal Action*: Let allies rejoice
Proposal	28	*Reciprocal Action*: Speaker vows praise

Figure 5.2. *Structure of Psalm 35*

The central section (vv. 11-18) lays out the heart of the complaint. While the section opens in v. 11 with a reference to an interrogation by hostile witnesses—giving rise to the false accusation reading—the complaint does not identify the source of the speaker's troubles. Rather, what it boils down to is a lack of reciprocity. The speaker expects his peers to treat him as he has treated them, returning good for good and evil for evil. But, whereas

the speaker showed solidarity with the opponents in their times of trouble, they shun him and gloat at his troubles behind his back. This return of evil for good is described at length and in vivid terms in vv. 12-16. The speaker mourned on their behalf during their trouble (vv. 13-14). Apparently, חלותם ('their illness') was presumed by the community to have resulted from sinful behavior and would have led to social ostracism, but the speaker took their part in public mourning activities as an effort to persuade God to spare them. But during the speaker's troubles, the opponents do not do the same. He mourned for them, but they rejoice (vv. 15-16); he treated them כרע ('as a fellow') and כאח ('as a brother') (v. 14), while they treat him כנכרים ('as strangers') (v. 15).[27] The parity of the two cases suggests that neither party was the source of the other's trouble or illness. The speaker's complaint stems not from the trouble or illness itself but from a sense of betrayal. Rather than showing public solidarity with the speaker, the opponents run down his reputation and take pleasure in his pain. The phrase לא ידעתי ('I didn't know') in v. 15 suggests that he had been deluded into thinking they were friends.

It is frustrating and humiliating to be denied support in times of trouble; the embarrassment is compounded if one has been fooled into extending oneself on behalf of a false friend. In an important sense, this kind of betrayal is not actionable. In itself, no blame seems to attach to gloating over another's downfall—or, at least, to rejoicing over the victory and vindication of one's own side. What amounts to gloating recurs constantly in the reciprocal actions of many psalms—in exchange for God's defeat of their opponents, speakers promise public and gleeful proclamations of the outcome. Circumstances permitting, either side would gloat. The crux of the matter for the speaker in Psalm 35 is that presumed friends are spreading news of, if not gloating at, his troubles.

Once a personal and public betrayal is recognized as the center of the complaint, the psalm's third section (vv. 19-28) becomes more intelligible. In this proposal, God is called on to silence and humiliate the opponents. The imperatives in this section are so much less violent than those in the opening section that the closing would seem anti-climactic if the speaker were in physical danger from the opponents. In active terms, God is to abase, shame and disgrace them (v. 26). But several of the imperatives are stated in negative form: God is to *prevent* the opponents from rejoicing or leering—אל ישמחו לי ('don't let them rejoice over me', v. 19)—and to *prevent* them from speaking gloatingly about him, even internally—אל יאמרו בלבם ('don't let them say in their hearts', v. 25). The void from the

27. Along with Kraus (Psalms *1-59*, pp. 390-91), Alter here follows the Syriac text which has כנכרים ('as strangers') in place of the Masoretic term נכים which the NJPS translates as 'wretches'. Alter, *The Book of Psalms*, p. 123.

silencing of the opponents is now to be filled by speech on behalf of the speaker from God—who is urged אל תחרש ('do not be mute', v. 22)—and by public singing, rejoicing and speech from the speaker's well-wishers (v. 27). The theme of poetic justice is here refigured from physical entrapment to silenced humiliation. The relief that the speaker is asking for is not so much the annihilation of enemies as it is the replacement of disparaging speech with supportive speech. Lowering the opponents' standing simultaneously raises that of the speaker, reversing the scales and eventually restoring equity.

Poetic justice, then, appears to be the overriding goal of Psalm 35, restoring equity or reciprocity between peers who expect to be treated alike. Equity is a signal value in Israelite culture, from the positive injunction of Lev. 19.18, ואהבת לרעך כמוך ('love your fellow as yourself'), to constraints on penalties in the *lex talionis* of Exod. 22.23-25, 'life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise'. While many modern readers see talion as harsh, imposing severer punishments than we are used to, in ancient times its effect may have been the opposite, restraining the impulse to take a life for an eye. In situations where a judicial remedy is unavailable, the social equity imposed by revenge not only serves as a deterrent to civil injustice, but it also restores self-esteem through 'the balance of suffering', as psychologist Nico Frijda puts it.[28]

Achieving this goal is made possible for the speaker and his supporters in Psalm 35 by means of the curses of the opening section (vv. 1-10), precisely because of their seemingly over-wrought drama. Once it becomes clear that the speaker's complaint centers on speech rather than a physical attack, it becomes possible to assess the two proposal sections. Clearly, the equitable set of proposals comes in the third section, while the curses in the opening are revealed as both redundant and excessive. The proposals in the third section appears reasonable and persuasive not only because they match the specifics of the complaint but also because they appear in the normal position, following the complaint. In contrast, the curses in the first section now seem unreasonable in their violence and vividness, particularly the descriptions of the opponents threatening the speaker in physical terms. The speaker in the first section comes across as enraged—as it happens, the very emotion necessary to overcome shame.

As Jeffrey Walker has argued, a persuasive appeal to emotion depends on evoking a combination of attitudes and beliefs. The basis for all emotion is agitation, a diffuse physical arousal, which is given shape by specific beliefs

28. Nico H. Frijda, 'The Lex Talionis: On Vengeance', in Stephanie H.M. van Goozen, Nanne E. Van de Poll and Joseph A. Sergeant (eds.), *Emotions: Essays on Emotion Theory* (New York: Psychology Press, 1994), pp. 263-90.

about the situation and what can be done about it. As Walker reconstructs Aristotle's definition of anger in the *Rhetoric*, '"anger" is a *pained* feeling of *desire* for a *conspicuous revenge* for a *conspicuous insult*, accompanied by a *belief* that revenge is possible and the pleasurable anticipation of getting even (I.xi, 1370a; IIii, 1378a-b)'.[29] Walker shows how Cicero and Thomas Paine successfully incited their compatriots to war by deploying anger persuasively in their texts, reminding them of the painful insults they had borne. Both dwelt at length on the availability of the means of revenge in sections of the texts that seemed boring and unnecessary to later readers outside the heat of the moment. However, as Walker argues, these sections were crucial at the time. If revenge seems unavailable, then anger cannot be achieved and the agitation resolves into a less 'noble' feeling, such as shame.

The rhetorical situation of Psalm 35 is now clearer. The speaker is caught in a shameful situation, troubled not only by some kind of setback or illness but also by the exposure of his gullibility to false friends. His goal is to convert shame into rage and helplessness into revenge—both for himself and his true supporters. By opening with a dramatic and excessive set of curses, the speaker immediately grabs the attention of divine and human hearers and foregrounds the means for revenge. The speaker may lack power and recourse to the courts, but he can and does call on God whose capability to exact vengeance is unparalleled. No wonder he admits of no doubt that God will act. While admitting that the covenant does not explicitly oblige God to protect loyal followers from shame, Lyn Bechtel argues that such an expectation is supported by Deuteronomic theology and comparable obligations of other local deities.[30] Thus, in reminding God of these obligations in no uncertain terms, the speaker is not merely expressing anger but deploying it to change the beliefs, attitudes and actions of his hearers, who—if persuaded—will go on to grant the justice of the milder closing proposals. Yet the initial curse with all its excess remains immutable. God may well end up judging the speaker as over-reacting and the opponents as mean but not guilty enough to punish.

Psalm 109: Returning Curse for Curse

Psalm 109 contains the most extended and fearsome curses of the entire book of Psalms. Fifteen verses (vv. 6-19), fully half the length of the psalm, are

29. Jeffrey Walker, 'Enthymemes of Anger in Cicero and Thomas Paine', in Marie Secor and Davida Charney (eds.), *Constructing Rhetorical Education* (Carbondale, IL: Southern Illinois University Press, 1996), pp. 357-81 (359); original emphasis.

30. Lyn M. Bechtel, 'The Perception of Shame within the Divine-Human Relationship in Biblical Israel', in Henry Neil Richardson and Lewis M. Hopfe (eds.), *Uncovering Ancient Stones* (Winona Lake, IN: Eisenbrauns, 1994), pp. 79-92.

filled with chilling imprecations from turning the justice system against the target, destroying his home and family and finally completely obliterating his genetic line throughout eternity. Even more remarkably, however, the psalm leaves unclear who is pronouncing the curses, the speaker or his opponents. As such, this psalm supports many readings in which the merits of the speaker are posed against those of the opponents and God is left to sort things out.

Most scholars, including Brueggemann, Cottrill, Jacobson, Laney, Wright and the NJPS, believe that the speaker is the one doing the cursing.[31] Other scholars, such as Kitz, Kraus and Alter, treat the curse as reported speech; the speaker is quoting curses that the opponents have laid upon him.[32] None of these scholars has fully worked through the implications of these possibilities for the speaker's character and persuasiveness. Obviously, the speaker's rhetorical situation is completely different if he is taken as the pronouncer rather than as the target of the curses. Both readings will be entertained here; Figure 5.3 presents a structure for the speaker-as-curser reading and Figure 5.4 presents a structure for the opponent-as-curser reading.

The Speaker-as-Curser Reading

As shown in Figure 5.3, the speaker-as-curser reading has a four-part structure, with two complaints alternating with two proposals. In Ps. 109.1, the speaker declares his previous devotion to God through praise and calls for God to speak—or more precisely to end God's muteness. Speech, then, is quickly established as key to the psalm's kairos. The next four verses form a fairly standard complaint, giving the psalm a more conventional opening than Psalm 35.

PSALM 109[33]

1 For the lead player, a David psalm. God of my praise, do not be silent.
2 For the wicked's mouth, the mouth of deceit, has opened against me, they spoke to me with lying tongue.
3 And words of hatred swarmed round me—they battle me for no cause.
4 In return for my love they accuse me, though my prayer is for them.
5 And they offer me evil in return for good and hatred in return for my love:
6 'Appoint a wicked man over him, let an accuser stand at his right.
7 When he is judged, let him come out guilty, and his prayer be an offense.

31. Walter Brueggemann, 'Psalm 109: Three Times "Steadfast Love"', *WW* 5 (1985), pp. 144-54; Brueggemann and Bellinger, *Psalms*, pp. 473-74; Cottrill, *Language, Power*; Jacobson, *Many are Saying*; Laney, 'A Fresh Look', pp. 37-38; David P. Wright, 'Ritual Analogy in Psalm 109', *JBL* 113 (1994), pp. 385-404.

32. Anne Marie Kitz, 'Effective Simile and Effective Act: Psalm 109, Numbers 5, and KUB 26', *CBQ* 69 (2007), pp. 440-56. Kraus, *Psalms 60–150*, p. 338.

33. Alter, *The Book of Psalms*, pp. 391-95.

8 Let his days be few, may another man take his post.
9 May his children become orphans and his wife a widow.
10 May his children wander and beg, driven out from the ruins of their homes.
11 May the lender snare all that he has and may strangers plunder his wealth.
12 May no one extend to him kindness and no one pity his orphans.
13 May his offspring be cut off, in the next generation his name wiped out.
14 May the wrong of his fathers be recalled by the LORD, and his mother's offense not be wiped out.
15 Let these ever be before the LORD, that He cut off from the earth their name.
16 Because he did not remember to do kindness and pursued the poor and the needy, the heartsore, to put him to death.
17 He loved a curse, may it come upon him, he desired not blessing—may it stay far from him.
18 He donned a curse as his garb—may it enter his innards like water and like oil in his bones.
19 May it be like a garment he wraps round him and like a belt he girds at all times'.
20 This be the plight of my accusers from the LORD, and those who speak against my life.
21 And You, O LORD, Master, act on my behalf for the sake of Your name, for Your kindness is good. O save me!
22 For poor and needy am I, and my heart is pierced within me.
23 Like a lengthening shadow I go off, I am shaken away like the locust.
24 My knees falter from fasting and my flesh is stripped of fat.
25 As for me, I become a reproach to them. They see me, they shake their heads.
26 Help me, O LORD, my God rescue me as befits Your kindness,
27 that they may know that Your hand it is, it is You, O LORD, Who did it.
28 Let them curse, and You, You will bless. They will rise and be shamed, and Your servant will rejoice.
29 Let my accusers don disgrace, and let them wrap round like a robe their shame.
30 I highly acclaim the LORD with my mouth, and in the midst of the many I praise Him,
31 for He stands at the needy's right hand to rescue him from his condemner.

In v. 2, the speaker charges the opponent with duplicity and with making false and hateful accusations. Not only are these accusations חנם ('unprovoked') but the opponent has also failed to reciprocate the speaker's kindness, giving רעה תחת טובה ('evil in return for good') and שנאה תחת אהבתי ('hatred in return for my love', v. 5). Unlike the situation in Psalm 35, however, these exchanges are not spelled out in detail. So the betrayal from a false friend does not seem to be the crux of the speaker's discontent; rather it is the opponent's accusation itself that seems to be the direct source of the speaker's troubles. Yet the speaker does little to describe the legal or social predicament in which he finds himself.

Title/Address	1	Plea for God's response
	2	Description of crisis: Opponents lie
	3	Crisis: Opponents hate for no cause
	4	Crisis: Opponents return hate for love
Complaint	5	Crisis: Opponents return evil for good
	6	Curse: Deny justice
	7	Curse: Deny justice
	8	Curse: Deprive of days
	9	Curse: Deprive of family
	10	Curse: Deprive of family
	11	Curse: Deprive of family
	12	Curse: Deprive of means
	13	Curse: Deprive of descendants
	14	Curse: Revile ancestors
	15	Curse: Revile ancestors
	16	Rationale: Opponent attacks poor and needy
	17	Curse for cursing
	18	Curse for cursing
	19	Curse for cursing
Proposal	20	Close request against opponent
	21	Appeal for rescue
	22	Threat: Speaker's physical weakness
	23	Threat: Speaker's physical weakness
	24	Threat: Speaker's physical weakness
Complaint	25	Threat: Reproach from opponents
	26	*Divine Action*: Plea for rescue
	27	Plea for rescue and public vindication
	28	Plea for rescue: Opponents curse, God blesses
	29	Plea for rescue: Shame opponents
	30	*Reciprocal Action*: Promise of public praise
Proposal	31	*Reciprocal Action*: Promise of public praise

Figure 5.3. *Structure of Psalm 109 for Speaker-as-Curser Reading*

Whereas the first complaint (vv. 1-5) lays out the opponent's treachery and false accusations, the second complaint, also five verses in length (vv. 21-25), lays out the physical consequences of the opponent's attack on the speaker. In v. 22, the speaker declares his low status עני ואביון אנכי ('poor and needy am I'). The speaker is alluding here to Deuteronomic law that

emphasizes God's concern for the poor and needy and is, in effect, claiming 'protected status', akin to US 'hate crime' provisions for aggravating the degree of a crime if the victim was singled out for race, religion, gender identity and so on. Left unclear, though, is whether the speaker started out in such low circumstances or has now been reduced to them. The low status may result from his wasting away from fasting in response to the attack (vv. 23-24) and from his becoming an object of public scorn (v. 25). In neither complaint does the speaker explicitly present himself as innocent or righteous (even to the qualified degree used in Psalm 7); his merits are established only indirectly, with the protest that the attacks are unprovoked and that the opponent is a hateful liar. Accordingly, again in contrast to Psalm 7, God is never called on to restore צדק ('justice') but only to act out of חסד ('loving-kindness' or 'loyalty').[34]

The two proposals are of unequal length and neither one exactly matches the complaints. The first, 15 verses in length (vv. 6-20), is an vividly detailed set of curses against the opponent. Every aspect of the opponent's life is to be destroyed: having the cards stacked against him in court (v. 6), dying young, knowing that his orphaned children and widow will suffer, hearing his ancestors besmirched and his family name obliterated (v. 15). The curse is excessive when weighed against the first complaint (vv. 1-5). The reference to accusers at a court proceeding (v. 6) does echo the mention of accusations in the opening complaint (v. 4). But the brunt of the curse—a full seven verses—is the destruction of the opponent's family and heritage that does not correspond to any harms described in the complaints. It is only in v. 16 that the speaker sets out an additional rationale for the curse: the opponent has failed to show חסד ('kindness' or 'loyalty') and has pursued a victim in a 'protected class', איש עני ואביון ('a poor and needy man'), to death. Notably, the speaker is not using the first person, saying 'he pursued *me*'. Rather the phrase איש עני ואביון ('a poor and needy man') must be interpreted as a self-reference, though it is only afterward, in the second complaint, that the speaker declares himself to be poor, needy and wasting away (v. 22).[35]

Several aspects of the curse raise doubts about the speaker/curser's character. As compared to Psalm 35 or Psalm 7 where the judicial system may not have had occasion to act, Psalm 109 places the dispute directly in a

34. The term חסד ('loving-kindness' or 'loyalty') occurs four times in the psalm, once a curse against the target's children (v. 12), once in the rationale for the curse (v. 16) and twice as attributes of God (vv. 21 and 26). The term חסד seems to fall between unconditional favor רחמים ('compassion') and adherence to justice צדק ('righteousness'). For a discussion of the nuances of the term, see Sung-Hun Lee, 'Lament and the Joy of Salvation in the Lament Psalms', in Peter W. Flint and Patrick D. Miller (eds.), *Book of Psalms: Composition and Reception* (Leiden: Brill, 2005), pp. 224-47.

35. As noted in Chapter 2 with respect to Ps. 62.4, איש ('man') is not used anywhere in the psalms as a clear first-person self-reference.

courtroom. The curse (vv. 6-7) includes the terminology of assigning a case, הפקד עליו רשע ('appoint a wicked man'), locating the physical positions of the accused and accuser, שטן יעמד על ימינו ('let an accuser stand at his right'), and referring both to the judgment בהשפטו ('when he is judged') and to the verdict יצא רשע ('come out guilty'). But the curse simultaneously subverts justice by asking God to appoint a wicked official, an official who might condemn an innocent man or railroad a guilty one without sufficient proof. Why would an innocent person ask such a thing? Questions such as this have led some scholars to translate v. 6 in creative ways to square the speaker's intentions. Wright argues that appointing a wicked judge follows the principle of talion: just as the speaker is being accused by a wicked man, so should be the opponent, as if that is somehow more equitable than being condemned by an honest judge.[36] Brueggemann asserts that the descriptor רשע ('wicked man') actually refers to an honest judge who is known to be severe, that is 'a hanging judge'.[37] Kraus goes the furthest afield, reading the term רשע not as describing an official, but as quoting the judgment to be pronounced against ('appointed to') the accused at the end of the proceedings: 'Let "a wicked man" be appointed against him.'[38] None of these explanations seems completely satisfactory. Is the speaker committed to justice or not?

Another problematic passage is the remarkably potent curse against cursing (vv. 17-19), a plea that those who pronounce curses will end up being poisoned by them.[39] The passage is problematic for the speaker-as-curser reading because the speaker is the only one depicted engaging in cursing. Why would a speaker who has indulged himself at length in cursing an opponent into oblivion turn around and pronounce a curse on cursing? Is the speaker opposed to cursing or not? In another effort to square the speaker's character, Wright interprets the passage as explanatory, serving to clarify that the speaker's curse matches the opponent's own hateful speech in talion fashion. In Wright's view, this explanation is summed up in v. 20, which he translates as 'This is the recompense of my adversaries from Yhwh, and of those who speak evil against my soul.' The key term that Wright translates as 'recompense' is the noun פעולה which is more usually translated as 'work' or 'product'. The curse is recompense for curses or other hateful action the opponents have taken toward the speaker. Wright sees v. 20 as also having an emphatic purpose in which the anaphoric reference זאת ('this') 'gathers up all of the foregoing curses in a fist and delivers them in a single pugilistic stroke'.[40] The difficulty with this interpretation of vv. 17-20

36. Wright, 'Ritual Analogy', p. 395 n. 25.

37. Brueggemann, 'Psalm 109', p. 145.

38. Kraus, *Psalms 60–150*, p. 340.

39. See Kitz, 'Effective Simile', for a full discussion of this passage and its relationship to other ancient Near Eastern curses.

40. Wright, 'Ritual Analogy', p. 400.

is that up to this point in the psalm, the opponent has not been described as engaging in cursing; the opponent's speech is described as cursing only afterward in the final proposal (v. 28). Wright's explanation also requires inferring the extent of the opponent's actions and presupposing the ethical superiority of the speaker.

The final proposal, vv. 26-31, is more equitable than the initial proposal, as was the final proposal in Psalm 35. It recapitulates the speaker's plea to God for rescue and public vindication, which would cancel out the opponent's false accusations and the speaker's current humiliation. The opponents' hateful speech—referred to for the first time in v. 28 as cursing, יקללו ('let them curse')—is here countered with God's blessing, ואתה תברך ('You will bless') and God's bringing the enemies to shame. No reference is made to the opponent's family or heritage.

In his reciprocal action in vv. 30-31, the speaker promises to praise God for taking a public role, standing beside אביון ('the needy one') in court. The speaker, then, is imagining himself in a proceeding like the one invoked in the curse against the opponent (v. 6) but with God rather than an accuser at his side. The praise subtly incorporates a proposal for an extraordinary intervention by God in a human court, an intervention that can only result in the needy one prevailing. Thus this proposal, like the curse, ends up subverting justice. Deuteronomic injunctions regarding the needy call for them to be treated justly in court, not necessarily to prevail. In fact, Deuteronomy and Leviticus call for judges to be blind to the status of the defendant, saying לא תכיר פנים ('do not recognize faces'):

Lev. 19.15	You shall not render an unfair decision: do not favor the poor or show deference to the rich; judge your kinsman fairly.
Deut. 1.17	You shall not be partial in judgment: hear out low and high alike.

Overall, the speaker-as-curser reading is plausible but not especially coherent or persuasive. The curse is not fully justified by the complaints. The speaker leaves much of the case unstated, trusting hearers to draw a variety of inferences. Some elements that clarify the curse appear only afterward in the second complaint. While the second proposal is more equitable than the curse, it is only five verses in length, too short to fully balance out the curse. The speaker's character ends up questionable, given his excessive degree of cursing, willingness to subvert justice and inconsistent attitude toward cursing per se.

The Opponent-as-Curser Reading

As shown in Figure 5.4, the opponent-as-curser reading has a two-part structure, with one long complaint followed by a proposal. The long curse now serves as the crux of the complaint; the opponents have falsely accused and cursed the speaker, resulting in the speaker's physical deterioration and

isolation. The proposal is for God to counter the opponents' curse with a divine blessing, leading to the opponents' downfall and the speaker's rescue and vindication. The situation thus more directly matches the oath-challenge procedure in 1 Kgs 8.31-32: one man offends others who curse him for it; the dispute being undecidable by other means, the two parties come to the Temple and leave it to God to sort out who is right.

Title/Address	1	Plea for God's response
	2	Description of crisis: Opponents lie
	3	Crisis: Opponents hate for no cause
	4	Crisis: Opponents return hate for love
	5	Crisis: Opponents return evil for good
	6	Rptd. Curse: Deny justice
	7	Rptd. Curse: Deny justice
	8	Rptd. Curse: Deprive of days
	9	Rptd. Curse: Deprive of family
	10	Rptd. Curse: Deprive of family
	11	Rptd. Curse: Deprive of family
	12	Rptd. Curse: Deprive of means
	13	Rptd. Curse: Deprive of descendants
	14	Rptd. Curse: Revile ancestors
	15	Rptd. Curse: Revile ancestors
	16	Rptd. Curse: Accusation of unkindness
	17	Rptd. Curse/Aside: Curse for cursing
	18	Rptd. Curse/Aside: Curse for cursing
	19	Rptd. Curse/Aside: Curse for cursing
	20	Close reported speech
	21	Appeal for rescue
	22	Threat: Speaker's physical weakness
	23	Threat: Speaker's physical weakness
	24	Threat: Speaker's physical weakness
Complaint	25	Threat: Reproach from opponents
	26	*Divine Action*: Plea for rescue
	27	Plea for rescue and public vindication
	28	Opponents curse, God blesses
	29	Shame opponents
	30	*Reciprocal Action*: Promise of public praise
Proposal	31	Promise of public praise

Figure 5.4. *Structure of Psalm 109 for Opponent-as-Curser Reading*

Scholars who support the opponent-as-curser reading point to several textual cues for treating vv. 6-19 as reported speech. Granted, the usual cue

for a switch to reported speech, the gerundive לאמר ('saying'), is absent, though Wright concedes that it is not absolutely necessary. One cue is number. Whereas opponents in the preceding and following sections (vv. 1-5 and 20-31) are consistently referred to in the plural, the quoted section refers to a single person. Thus, in the opening verses, the speaker complains that plural opponents פתחו ('opened') the mouth of deceit and that they דברו ('spoke') the language of lies in v. 2; in v. 3, they סובבוני ('surrounded me') and they ילחמוני ('fought me'). In the closing section, the speaker again uses plural to refer to his accusers, שוטני ('my adversaries') (v. 29), anticipating that they will ידעו ('know') of God's rescue (v. 27) and that they will יבשו ('be ashamed') (v. 28). In contrast, the singular form is used throughout the section of reported speech: appoint עליו ('over him') a wicked man (v. 6), let ימיו ('his days') be few (v. 8), let אשתו ('his wife') be a widow (v. 9). If the many are the opponents, then it is they who pronounced the curse and it is the singular speaker who is the one being cursed. Those rejecting this reading—such as Wright—point to erratic shifts between singular and plural references in other contexts, including a switch to the singular in Ps. 35.8.

Another cue is evidence of a frame surrounding the quote. The framing elements preceding the curse include the references to speech in vv. 1-5—the opponents' פי מרמה ('mouth of deceit'), their לשון שקר ('lying tongue'), their דברי שנאה ('words of hatred'). These references pave the way for hearing what the opponents have said. The framing elements that close the quote appear in v. 20, which Alter translates as: 'This be the plight of my accusers from the LORD, and those who speak against my life.' The key term that Alter translates as 'plight' is again the noun פעולה ('work' or 'product') that Wright translates as 'recompense'. As part of a framing element, the pronoun זאת ('this') now can be seen to refer back to the whole of the opponent's accusation, exactly as it did in Ps. 7.4 אם עשיתי זאת ('if I did this'). In the case of Psalm 7, the opponent's accusation went unspoken (or was pronounced beforehand) and the speaker was forced to utter a conditional self-curse. In Psalm 109, in contrast, the speaker seems to be forced to repeat the opponent's curse. Each phrase gets more and more horrifying. One can imagine that an innocent party faced with this task would become more and more indignant at the injustice of having to enunciate such a curse, but someone who has a spotty record would refuse the ordeal or break down in the process.

This opponent-as-curser reading allows a different explanation of the mysterious curse against cursing (vv. 17-20). Rather than a continuation or explanation of the curse, it may actually be an interjection by the speaker to turn aside the curse that he has just repeated. In this case, the opponents' curse ends quite logically with the rationale in v. 16. Immediately afterward, the speaker interjects an aside, like taking a prophylactic, throwing

the curse back on its originator. In a similar way, the speaker of Psalm 35 interrupted his account of his own good turn to his opponent in Ps. 35.13 with an aside wishing that his blessing, wasted on his false friends, return to his own bosom. In the case of Psalm 109, taking the curse against cursing as an interjection renders the disputants more consistent in attitude. The speaker's attitude toward cursing becomes consistently negative, while the opponents become clearly identified as ones who love to curse, with their talent at cursing documented by the vividness of the curse itself as well as by the speaker's description of them loving cursing and rejecting blessing both in v. 17 and in v. 28, 'Let them curse, and You, You will bless'. One weakness of this interjection explanation, however, is the continued use of the third-person singular—'he loved a curse'; one would expect the speaker to refer to the opponents in the plural throughout the psalm. However, it is possible that the interjection is a formula. Anne Marie Kitz[41] has demonstrated a close similarity between Ps. 109.17-20 and a Hittite oath ritual, both of which use metaphors of drinking, anointing and clothing. So this kind of curse against cursing may have been in common usage.

Unfortunately for the speaker, the opponent-as-curser reading does not leave him in the clear. Once it is seen as speech describing the speaker, the curse can now be mined for information about his status and character. The opponents' wish to deprive the speaker of job, home, financial resources, family and lineage indicates that the speaker had hitherto been enjoying all these advantages. The speaker then does not qualify as עני ואביון ('poor and needy') as he claims in v. 22. Instead it is now the speaker who is accused in v. 16 of lacking חסד ('loving-kindness' or 'loyalty') and hounding the poor to death. In this reading, the identity of the speaker's victim is unstated—the opponents themselves are not claiming to be the injured party; they may be simply exposing the speaker's bad behavior to the community at large.

The speaker's character also suffers from a lack of positive appeals. After such a curse, one expects a denial, a rebuttal, an assertion of innocence or even a conditional self-curse as in Psalm 7—if I have done this, let me be struck by lightning. The speaker does none of these. Instead of defending his treatment of the poor and needy, he simply claims his own place among them. From the speaker's point of view, this reaction may reflect shock at the accusation. On the other hand, identifying oneself as poor and needy after being accused of afflicting the poor and needy comes very close to the classic Yiddish definition of *chutzpah* in which a defendant accused of murdering his father and mother throws himself on the mercy of the court because he is an orphan.

If the speaker is actually a prominent individual in society, then the excess of the curses seems justified. By the talionic principle, the only

41. Kitz, 'Effective Simile'.

person who deserves to be hounded to death is someone who has done the same to others. Perhaps, then, the only one who deserves to have a wicked judge appointed against him is a wicked judge! A wicked judge would have many opportunities to cause the families of the needy or the falsely accused to suffer. The opponents of such a judge might well need to resort to cursing because a corrupt judge might otherwise be beyond the reach of a judicial proceeding. The speaker's final subversion of justice in v. 28—to have God intervene in the court system—may show that the speaker has simply switched sides to unduly favoring the poor without learning the lesson of judging with justice.

In addition to its excessiveness, the unusual length of the curse may be consistent with a rhetorical situation in which a prominent speaker is repeating under duress what has been dictated to him. Accounting for the length of the curse is important because it is this very length that has led various scholars to reject the opponent-as-curser reading. Jacobson, in his book on reported speech, rejects the opponent-as-curser reading of Psalm 109 because such a lengthy quote would be 'unprecedented'.[42] Wright, while conceding that the opponent-as-curser reading is 'not lightly dismissed', ends up finding the arguments in its favor 'unconvincing'.[43] Cottrill agrees with Wright that such a lengthy quotation from a hostile source is 'unlikely' and agrees with Gerstenberger that it would disqualify using the psalm in any religious liturgy. Laney rejects this reading in part because of length and in part because the same strategy cannot be used to 'solve' problematic imprecations in other psalms.[44]

According to Christopher Faraone, self-curses and self-blessings in the ancient Near East and Greece often balanced each other in situations of equal social standing or power. A speaker swore to perform some act for a fellow, calling down equal amounts of curses should he fail and blessings should he succeed. However, 'lopsided' oaths with many vivid curses and few or no blessings were common in so-called 'promissory' oaths, such as for a soldier being inducted into the army, an athlete swearing to obey the rules of sportsmanship or a vassal swearing fealty to an overlord. Faraone reports that some 'lopsided, coercive oaths', while rarer, occurred in 'the realm of private oaths by individuals in legal trials or other situations of high social tension in which perjury would have dire consequences for the entire city'.[45] None of Faraone's examples exactly matches the situation described here. However, if Psalm 109 represents a public ordeal testing the character of prominent officials, it makes sense that it includes a curse that

42. Jacobson, *Many are Saying*, p. 27 n. 2.

43. Wright, 'Ritual Analogy', p. 394.

44. Laney, 'A Fresh Look', p. 38.

45. Christopher A. Faraone, 'Curses and Blessings in Ancient Greek Oaths', *Journal of Ancient Near Eastern Religion* 5 (2006), pp. 140-58 (141).

outweighs in length and intensity anything that the speaker can say on his own behalf.

Neither the speaker-as-curser reading nor the opponent-as-curser reading is decisively supported in this analysis. Both readings are plausible. According to the speaker-as-curser reading, Psalm 109 is a act of denunciation and call for violent retribution, like Psalm 35, but the speaker's case is rather unpersuasive due to its excess and inconsistency. Adopting the opponent-as-curser reading of Psalm 109 reveals striking parallels to the oath-challenge situation in Psalm 7. In both cases, the speaker's situation is precarious. He is confronted with a credible accusation from an opponent and is forced either to pronounce a conditional self-curse or to repeat the opponent's curse, with little opportunity to make a positive case. In both psalms, the merits of the case are left to God to settle in God's own good time.

Conclusion

As this chapter has shown, speakers use curses in the psalms in order to besmirch the characters of their opponents. However, a curse can call the speaker's own character into question. As a persuasive strategy, then, curses carry considerable risk, a fact that was recognized at the time. Aristotle quotes an 'already apparently sceptical sixth-century Ionian philosopher Xenophanes, who points out that an oath-challenge by an impious man to a pious man is uneven, rather like a big man challenging a small man to take the first punch in a fight'.[46] The attitude to oaths in Israelite and Judaic culture may have been similar. The Essenes were noted by Josephus for their rejection of oaths: 'whatever [the Essenes] say also is firmer than an oath; but swearing is avoided by them, and they esteem it worse than perjury for they say that he who cannot be believed without [swearing by] God is already condemned'.[47]

As opposed to cursing, the strategy of denunciation is on firmer persuasive ground. Denouncing someone else is a good way to raise one's own moral standing in the eyes of the public. Social psychologists Derek Rucker and Anthony Pratkanis use the term 'projection' for the tactic of distracting the public from one's own possible guilt by deflecting it onto someone else with an accusation of the same misdeeds.[48] Studies show that projec-

46. Mirhady, 'The Oath-Challenge', p. 78, citing Aristotle's *Rhetoric* 1.15 1377a19-21.

47. Josephus, *The New Complete Works of Josephus* (trans. William Whiston; Grand Rapids, MI: Kregel, rev. and expanded edn, 1999), 2.8.6.

48. Derek D. Rucker and Anthony R. Pratkanis, 'Projection as an Interpersonal Influence Tactic: The Effects of the Pot Calling the Kettle Black', *Personality and Social Psychology Bulletin* 27 (2001), pp. 1494-507.

tion works: the accuser is seen more favorably while the reputation of the accused opponent is harmed. However, projection only works when the accuser is seen as flawed, capable of the same offense. Under these circumstances, hearers are led to believe that 'the accuser values what he accuses others of not valuing'.[49] However, for someone who is considered beyond reproach, resorting to accusing others actually damages his or her own reputation along with that of the accused. Although Rucker and colleagues would prefer 'that accusations would damage those using them for ulterior motives', their research suggests that 'accusations sometimes benefit the wicked and harm the righteous'.[50]

49. Derek D. Rucker and Richard E. Petty, 'Effects of Accusations on the Accuser: The Moderating Role of Accuser Culpability', *Personality and Social Psychology Bulletin* 29 (2003), pp. 1259-271 (1261).

50. Rucker and Petty, 'Effects of Accusations on the Accuser', p. 1269.