

Litigation and Feud. Conflict settlement in the law and in the Psalms.

Though they are rarely explicitly mentioned, enmity and hatred are significant categories of biblical law. I propose that enmity is a social construct that underlies much of biblical law. This paper will argue this on the basis of a description of the distinct forms of conflict settlement behavior between enemies in biblical times. For instance, it illuminates the nature of enmity in biblical Israel as a relationship between two individuals in a kin-based society. A conflict between two opponents in ancient Israel would regularly be transitive, in the sense that a conflict naturally affected other members besides the two individuals, foremost the kin but also the friends of those who were engaged in a conflict with an opponent. Another characteristic marker of private disputes was their intrinsically public character. In general, the mechanisms of conflict settlement between two private enemies followed a given pattern that in detail still allowed for variations. Based on these and on other features of conflict settlement, I attempt to buttress the hypothesis that enmity between two adversaries was a social status that included certain legal ramifications. More specifically, I suggest that conflict settlement in Israel exhibited some of the core characteristics of what historians of the Middle Ages and of early modern time, as well as anthropologists have called feuding behavior. As a consequence, I suggest that a strict alternative between ‘forensic’ litigation and feuding behavior in Israel would be misleading.

On a methodological level, the paper’s main intention is to juxtapose the results on enmity in Israelite law with the picture of enmity that is derived from the complaints of individuals in the Psalter. The paper seeks adequate ways to hypothesize the nature and the procedural aspects of conflict settlement patterns on the basis of laws in the collections from the Pentateuch and on the basis of selected examples from the first and second collections the Psalms of David, Psalms 3-41, 51-71. A fresh look at the supposed forms of litigation and feud between enemies in the Psalms will include a critical review of earlier twentieth century legal interpretation of individual complaints. The combination between the results from the two distinct sources of the Psalter and of legal collections will be supplemented by a comparative sideways look on mechanisms of conflict settlement between private opponents in other Ancient Mediterranean societies.

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1. Conflict settlement: Feuding as the rule of law.

What is the nature of conflict settlement in ancient Israel and Judah?

What were the major conflict patterns? This paper is interested in legal procedure. I explore the modes of conflict settlement in Biblical law and it probes their relevance for the Psalms of the individual.

I make two major presuppositions and will mention a third one in passing.

First, content-related, I consider the nature of kin-based societies as an essential presupposition of any reflection on conflict settlement. As a consequence, I assume that a kin-feud between the two opponents is the default form of conflict settlement. This implies that I refrain from scrutinizing various areas of law, such as propriety conflicts, physical injury and family affairs.ⁱ

Second, on a methodological level, my work is based on the concept of private enmity and hatred that I developed in a comparative study of biblical law and law of classical Athens. I assume that the concept of private enmity shapes the reality of Israelite and Judean society, informs legal thought in the law collections and forms the backdrop against which the complaints of individuals in the Psalms need to be seen. What is this concept of private enmity? Five hallmarks of enmity and its specific framework for conflict settlement have been described:ⁱⁱ

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|--|---|
| • Overt act requirement, i.e., enmity is lived out in public, often explicitly declared. | Ps 55:3-4; Ps 56:4-5
Jer 18:18; 20:7b-8a |
| • Flexibility and variation, for instance, verbal and physical forms of dispute settlement | Ps. 59:3-5,7-8 |
| • Reciprocity and escalation | Num 35:16-18; 22-23 weapons reveal a specific intention
Ps 55:12-13 friend / enemy |
| • Heritability, longevity | 2Sam 21:1 blood guilt on Saul's house; |

2Sam 9 David - descendant of Saul;
longevity: Deut 19:4,6,11;
1Sam 22:8, 13-19

- Transitivity in kinship based societies.

Studies in Athenian law suggest that conflict settlement mechanisms had much more in common with what scholars describe as ‘feuding’ behavior in kinship societies. I assume that conflict settlement in Israel equally exhibits the core characteristics of what historians of the Middle Ages and of early modern time, as well as anthropologists call *feuding behavior*. Blood feuding is best illustrated in the context of homicide law. In a kin feud, the victim’s kin took over primary responsibility to hold the slayer responsible. The blood feud followed rules that were different from any superimposed central legal power that it implicitly rejected.ⁱⁱⁱ That means, kinship-based law is intrinsically in conflict with other superimposed law.

Any strict opposition between ‘forensic’ litigation on the one side and ‘feuding’ behavior on the other side would be misleading. The mechanisms of conflict settlement between two private enemies followed a pattern that was based on the above mentioned hallmarks of private enmity.

The following remarks elaborate on how Psalms of the individual potentially reflect a concept of conflict settlement based on the above mentioned principles. Therefore, a third presupposition is necessary. It relates to the research on the so-called ‘institutional interpretation’ of the Psalms. I neglect research on the enemies in the Psalms as well as the legal procedure in law. I limit myself to three comprehensive 20th century attempts to read the Psalms of the individual against the backdrop of conflict settlement in legal institutions. All three attempts have not found many followers in the exegesis of the Psalms.

The first exegete who read the individual Psalms of lament as reflections of conflict settlement, namely as the Psalms of a defendant, was Hans Schmidt.^{iv} He assumed individual laments and their plea for help directed to Yahweh indicate that the supplicant was facing a cultic trial. The second attempt was by Lienhard Delekat, who assumed the Psalms more specifically reflect an asylum seeker’s situation hoping that the cultic trial at the sanctuary would free him from the accusations he saw himself confronted with. The accused himself had been voluntarily seeking asylum at the sanctuary.^v The third attempt was a critical and nuanced review by Walter Beyerlin who distinguished between individual laments of the accused that assumingly presuppose a cultic trial (Ps 3,4,5,7,11,17,23,26,27,57,63) and, alternatively, Psalms without institutional background (9-10, 12, 25, 54, 55, 56, 59, 62, 64, 86, 94, 140, 142, 143).^{vi}

2. Lexicographic and factual overlap of legal terms in law collections with Psalms.

Methodologically, one would ideally hope for an overlap in lexicography between the Psalms and law collections. In fact, I assume one finds more of a ‘factual’ than of a terminological overlap between the collections of law and the Psalms of the individual.

a) Lawsuit-related terminology

Among the roots that refer to conflict settlement, potentially specifically to a lawsuit, the Psalms mention only few. Only twice they refer to the gate שַׁעַר as the ideal-typical place for the trial potentially; one in Ps 127:5: ‘How blessed is the man who has filled his quiver with them (sons); in

dispute with his enemies at the city gate he will not be shamed.^{vii} or Psalm 69:13: 'They who are sitting in the gate think/talk about me.'

Evidence for legally relevant procedure in the Psalms of the individual is found in other lexicographic fields. I will mention one example, the general term for procedures, ריב 'conflict/quarrel'.^{viii} Often used and widespread,^{ix} ריב in general designates 'conflict/quarrel'. More nuanced aspects of quarrel include sub-categories such as 'strife', 'accusation' and formal 'litigation'.^x In general, it may refer to an 'institutional' lawsuit.^{xi}

ריב exhibits the following aspects of a quarrel or conflict settlement:

1. Private quarrels are of public nature.

Ps 31:12-14: An individual is estranged from his neighbors and from his community^{xii}, finds himself exposed to public rumors^{xiii} that put him in the role of a defendant. The individual hopes to be saved from this exposure to the public in a 'strife of tongues'. This implies that an individual would be sheltered from the dispute that is acted out in public:

'You will conceal them in the secret of your presence from the conspiracy of men:
you will keep them secretly in a pavilion from the strife of tongues.'

2. Quarrels can be acted out physically and verbally.^{xiv}

Ps 31:21 calls the conflict a 'strife of tongues':

'You will conceal them in the secret of your presence from the conspiracy of men:
you will keep them secretly in a pavilion from the strife of tongues.'

The physical nature of quarrels is known from legal collections, such as injury law Exod 21:18 which offers one typical example of ריב. Ps 55:10 mentions physical violence in a conflict settlement (חמס/ריב).^{xv}

3. The unjust character of the strife is often referred to.

Ps 43:1 is one example: 'Judge me, o God, and plead my cause (וְרִיבָה רִיבִי)
against an impious nation (מִגְּזוֹי לְאֶחָסִיד)
from the deceitful and unjust man deliver me.'

4. The appeal to a judge to overcome injustice.^{xvi}

Examples include Ps 35:23: 'Arouse yourself, and awake to do me justice,
my God and my Lord, unto my cause.'

Ps 119:154: 'Plead my cause, and deliver me: According to thy promise do revive me.

Ps 74:22 converts this into the context of a communal lament:

'Arise, O God, plead your own cause (רִיבָה רִיבֶךָ):

remember your defiance from the worthless fool all the day.^{xvii}

This conversion of a private quarrel to a communal understanding is based on a fact-relation between both: Private enmity in kin based societies affect beyond the actual individuals the entire kin. Private quarrels naturally imply a conflict between the kin as the two collective factors that are involved.

5. 2. A quarrel brings a threat to the integrity of a community.

Ps 55:10 sees violence and 'strife' within a community as difficult and as opposed to an acceptable community ethos. Thus the curse against the offenders with reference to the city as a community.

'Destroy, Yahweh, divide their tongue;

for I have seen violence and strife in the city,^{xviii}

Part of the threat of a conflict settlement was its ongoing nature and the fact that these conflicts typically escalated. The legal relevance of the dispute settlement (ריב) between the individuals is evident.^{xix} This also adds to the negative bias that Proverbs and some Psalms attach to them.^{xx} It is no coincidence that in the eyes of the biblical writers, mediating and negotiating were seen as preferred techniques of conflict management.^{xxi}

In conclusion, this exemplary overview illuminates that the strifes mentioned do not relate to specific institutional aspects of a trial but are best understood as elements of feuding behavior.

b) Terms used for opponents

Who were the opponents in conflict settlement?^{xxii}

Any serious investigation into enemies in the Psalms requires a comprehensive lexicography.^{xxiii}

The terms used for enemies in the Psalms can, generally speaking, be divided in two groups. The 'opponent' in its basic sense is expressed with the designations איב/אויב. Related to this term can be 'hater' שונא 9x; and also צורר(נפשי) (8x); רודף (7x); צר (6x); שורר (5x); לוחם (3x); מבקש נפשי (3x); שוטן נפשי (3x); חורף (2x).

The other group of terms for enemies is connected with רשע, often translated as the 'wicked' (41x). Connected with this group are the evildoers און פעלי (11x); זר (8x); מרע (8x); איש רמים (3x); איש רמים ומרמה (3x); שונא (2x); עריץ (2x); נבל (2x); מקשי רעתי (2x); נאה (2x); הולל (3x); בוגד און (2x); איש חמסים (3x);^{xxiv} (2x).

Among the terms that relate to a trial is ירבי in Ps 35:1 (cf. Jer 18:19 and Isa 49:25)^{xxv} 'judge my opponent, fight (לחם) against my enemy (לחם).'^{xxvi}

Ps 27:12 uses explicitly judicial terminology עדי שקר cf. Ps 35:11 חמס עדי

Ps 35:1-6 alludes to Yahweh as a warrior; vv7-8 refers to traps, and v12 to a retribution of evil for good by people who used to be friends of the supplicant for whom he had fasted (v13). These friends have now turned into 'violent witnesses'. I assume the context of a feud against the supplicant. Parallels for such transformations of friends into enemies are found in Ps 55:13-15; Jer 11:18-23; 12:5; 20:10; Job 19:13-19; 30:9-15.

For three reasons, Ps 35 mentions a trial in the more narrow judicial sense:

1. Yahweh protects the weak against the powerful person who seeks to steal from him.

v10ab: 'You deliver the weak from those too strong for them, the weak and needy from those who despoil them.'

2. v23 mentions a trial to which Yahweh should wake up: 'Wake up, stir (yourself) up to judgment (משפט), my God and my Lord, for my trial (ריבי).'

3. The outcome of the trial in v26 juxtaposes the winners and the losers of the trial who are put to shame and clothed with shame and dishonor.

In Psalm 27:12, the confession of trust is found in v1-6 in which the enemies are mentioned in v2-3 and then again in v12. The Psalm ends with an expression of trust with an introductory 'לֹא אֶבְרַח': 'I believe that I shall see the goodness of Yahweh in the land of the living.' Those who reject the judicial interpretation attach the 'lying witnesses' in v12 to the following v13 and grammatically see them as part of one sentence: 'If false witnesses raise against me, one who angrily snorts violence, I believe that I shall see...'. The only potential nature of the enemies is also expressed in v3b: 'Even if war rises against me, I remain confident.' On the other hand, the semantics of 'lying witness' are relatively clear and suggest a trial in a judicial sense.

Besides the 'witnesses' another term offers a more detailed description of the enemies in the sense of a direct statement that could potentially relate to a particular social group. It is found in Ps 17:4 פֶּרִיץ. Parallels suggest a translation as 'robber/bandit'.^{xxvii} A similar idea is connected with the participle of נָגַל in Ps 35:10: 'Yahweh who is like you, who saves the poor from the one who is stronger than him, the poor and the lowly from the robber?'

This verse effectively illustrates the idea of concurring kin in a feud.

אויב and שונא

Two quintessential terms שונא and אויב illustrate the legal aspects of private enmity in the Psalms.

שונא is used 9x in the Psalms: Ps 9:14; 18:18; 35:19; 38:20; 41:8; 69:5,15; 86:17; cf. 21:9; 118:7; Job 8:22.^{xxviii}

As a term for enemy, 'hater' שונא *qal* / *pi'el* משנא is used as participle, which expresses the continuous activity of a variety of measures through which enemies typically act out their hate. Among the general hallmarks of the hater (in Proverbs, Sirach and law), the participle "hater/enemy" (שונא) describes a personal opponent.

Its predictability is one of the markers of enmity: Personal opponents, called "haters", will act according to default behavioral patterns, that is, according to the ethos of enmity.

We can extrapolate the behavioral patterns of enmity ethos from law. The two most telling legal texts are Exod 23:4-5 and Deut 22:1-4. The terminology of 'hate' is used in homicide legislation in both Deut 19:1-12 and Num 35.^{xxix} Deut 19:4,6 (cf v.11) highlight the longevity of the relationship with the almost convoluted addition לֹא־שָׂנֵא לוֹ מִתְּמַל שְׁלֵשָׁם Even more detailed are the cases of intentional homicide that Num 35 discusses using the term 'hate': Num 35:20: 'If in hatred he pushed him'.^{xxx} Alternative forms of conflict settlement are found in both Israelite law and in Proverbs. The fact that antagonistic behavior is criticized by offering an alternative habitual behavior demonstrates their established nature.^{xxxi}

The legal dimensions of hate are, for instance, reflected in the following passages: When a raped woman who can^{xxxii} expect the rapist to marry her. When, instead of marrying her, the rapist exhibits "hatred" and declines a subsequent marriage (2Sam 13:15, 2x),^{xxxiii} then "hatred" functions as a category of marriage law. This legal relevance of hatred backs comparable legal meanings in other contexts. A legal aspect in the sense of a specific behavioral expectation toward individuals or toward other nations at enmity is included in Gen 29:31,33 (a married wife); Judges 14:16 (the wife); Ezek 16:37 (lovers of a female, Jerusalem).^{xxxiv} One can assume rather than being a strictly legal category, "hate" toward, for instance, a married wife, refers to self-understood, common customary role expectations that were not part of written law. That said, the specific behavior is not only of

“social” relevance. The status of “enmity” between brothers and co-citizens also implies specific forms of relationships and the narratives mention them explicitly. For instance, two males of somehow equal status, Abimelek and Pihol can only engage in a covenant after abandoning their status of enmity (Gen 26:27). The brothers’ hate against Joseph highlights their intent to kill Joseph, Gen 37:4,5,8. The Holiness Code’s ethos prohibits an attitude of “hate” toward a “brother” Lev 19:17 (אחֵךְ). If the elders hate an individual, they will not engage constructively with him, Judges 11:7. The hate can spark the intent of revenge through a blood feud (2Sam 13:22) and a motivation to engage in a blood feud and in this sense, the root “to hate” is specifically part of Deuteronomy’s homicide legislation Deut 19:4,6,11.^{xxxv xxxvi} This is the most prominent and explicitly legal aspect of hatred: When in the context of a *private enmity* that has been acted out on a long term basis, a homicide occurs, all three variants of laws Exod 21:14, Deut 19:4,6,11 and, Num 35 rule out the eligibility for asylum. This tendency abounds in later, clearly Hellenistic texts.^{xxxvii}

The socio-legal dimension of “hating” an individual can also be explained when conflict settlement ends and is the result of the process, one of the parties has been “putting someone to shame” (בוש). Combined with the legal dimension of shame is the social defamation of an individual who has been wronged in a conflict settlement and, consequently, has been “put to shame”. Examples include Ps 86:17; Job 8:22. Some Psalms implicitly or explicitly point out behavioral expectations for enemies and opponents.

Psalms of individual lament use “enemy” and “hater” in the socio-legal sense described above. Five Psalms illustrate best this meaning of ‘hater’: Ps 35,19-21; Ps 38:20; Ps 41,7-8; Ps 69:5,12; 55:12-15.

a) Ps 35:19: In the eyes of the defendant or supplicant, אֵיב and שׂנֵא designate unjust behavior with which an enemy acts out against him. Parallel terms for שׂנֵא refer, for instance, to unjust accusations of an individual Ps 35:19 and understand the opponents as lying enemies (אֵיבֵי שָׂקֵר // שׂנְאֵי הָאֲנִי):

“Do not let my enemies of lie rejoice over me,
or those who hate me without cause (maliciously) wink the eye.”

The context is the supplicant’s persecution by a group of enemies who threaten him by planning evil activities that they direct against him. The accusations are not rooted in any form of earlier aggression from the part of the victim. They are “without cause”, which sheds light on the fact that the supplicant sees himself as involuntarily exposed to enmity to which he is required to respond.

The immediately subsequent Ps 35:20-21 illustrates the supplicant’s fear:

“²⁰ For they do not speak peace,

but they conceive deceitful words (דְּבָרֵי מְרִמּוֹת) against those who are quiet in the land.

²¹ They open wide (חִי רַחֵב) their mouths against me;

they say, "Aha, Aha, our eyes have seen it."

b) Ps 38:20: The enemies make up false accusations against the supplicant. Their charges against the supplicant in Ps 38:20 are threatening. They are strong, numerous and lively^{xxxviii} and, they are lying (וְאֵיבֵי תִיָּים // שׂנְאֵי שָׂקֵר). The subsequent verse Ps 38:21 points to the fact that the aggression is unjustified:

“They also repay *me* evil in lieu of good;

they hate me bitterly because I pursue what is good.”

c) Ps 41:7: As is the case in Ps 35, the haters' activities in Ps 41:7 are both physical and verbal in nature. The haters speak mischievously against a sick individual:

"41:7 And when they come in to see me,
they utter false(ly accusing) words,
while their minds gather evil/strife (אוּ);
when they go out, they tell it abroad.
41:8 All *who hate me* whisper together about me;
they imagine the worst for me (יַחֲשְׁבוּ רָעָה // בְּלִשְׁנָאִי)."

The supplicant of Ps 41 experiences sickness (V 4), potentially the result of a quarrel, which is the reason for only seemingly friendly visitors. They side against the sick accused and they spread evil speeches against him. The crucial point of the description of the 'haters' is again that their enmity is forcefully imposed on the supplicant. He did not choose it.

d) Ps 69:5,13: The legal nature of the conflict between the two parties is foremost found in Ps 69:13: Those "in the gate" and the "drunkards" lead an unfair quarrel against the supplicant:

"Those that sit in the gate talk against me;
and (*about me make*) songs (נְגִינֹת) the drinkers of strong drink."
The supplicant's plea to YHWH to be saved from those who hate him is then presented with the metaphors of the depths of the water that overrun him (מַעַמְקֵי-מַיִם // שְׁנָאִי). As the plural of the waters indicates, the haters are a collective whose joint efforts make them a frightening force. Ps 69:5 points out their collective nature and overwhelming power and understand them as lying enemies:

"More than the hairs on my head are all those who hate me without reason,
enemies of lie conspire evil against me.
– What I have not stolen I shall give back."

e) Ps 55:12-15 is a reflection on role expectations towards a friend and an enemy. This reflection clarifies both the roles of friends and of enemies:

Ps 55:13 כִּי לֹא-אוֹיֵב יַחַרְפְּנִי וְאִשָּׂא לֹא-מִשְׁנָאִי עָלַי הַגִּדִּיל וְאִסְתָּר מִמֶּנּוּ:

"For it is not my enemy who put me to shame - I could bear that;
it is not adversaries who prevail over me - I could hide from them."

The supplicant and his opponent found themselves in a personally troublesome relationship. Psalm 55:12-15 is telling about role expectations toward an enemy as opposed to a friend. The usual relation of friends includes holding counsel and guiding each other in everyday life. v.14-15 express the nature of this trustful relationship:

וְאַתָּה אֲנֹשׁ כְּעֶרְכִּי אֵלּוּפִי וּמִידְעִי:

"But it is *you*, my companion, my equal, my guide and my acquaintance."

אֲשֶׁר יַחְדָּו נִמְתִּיק סֹד בְּבֵית אֱלֹהִים נְהַלְךְ בְּרֻגְשׁ:

“Together with whom we enjoyed fellowship,
into the house of God we went together in the throng.”

The sudden reversal from friendship into a precarious state of enmity in vv.12-15 implies that a former friend acted treacherously and, unexpectedly, transformed himself into an enemy. This exposed the supplicant to extreme vulnerability. This is best explained if the terms “friend” and “hater” imply a social status that bears legal implications. As a consequence, the qal participle “hating” (v.12) is the most prominent root to designate enmity.

In conclusion:

‘Haters’ attack the supplicant, and in doing so, they force him to respond in a counter-act. In the Psalms, the supplicant presents himself as a defendant, who has involuntarily been drawn into a quarrel. Typically, an individual in distress hopes for defense from his haters. From the perspective of the supplicant, the haters imposed on him a relationship of enmity. ‘Haters’ can attack verbally or physically and they often appear as a collective that directs its activities against the supplicant as an individual. These disputes are of ‘private’ nature and could be acted out in public. Given the nature of the hater’s relationship to his opponent, it is clear that ‘hate’ is a legal qualification, as is also the case in legislation that clarifies physical injury and the extreme thereof, homicide (Deut 19:6,11; Num 35:20; cf. vv17-18; cf. v21).

אויב

With about 280 references in the Hebrew Bible, this term designates in many cases an individual at enmity with another. The noun is used about 40 times in Psalms of the individual.^{xxxix} Ps 3:8; 6:11; 7:6; 9:4,7; 13:3,5; 17:9; 25:2,19; 27:2,6; 30:2; 31:9,16; 35:19; 38:20; 41:3,6,12; 42:10; 43:2; 54:9; 55:4,13; 56:10; 59:2; 64:2; 69:5,19; 71:10; 102:9; 119:98; 138:7; 143:3,9,12,^{xl} cf. the Song of Hannah 1Sam 2:10.

ה(א)אויב	enemy	Ps 7:6, 42:10; 43:2; 55:4; 61:4; 64:2; 143:3; 31:9; Jer 15:11; Ps 44:17; Est 7:6
אויבי	my enemy	Ps 13:3,5; 18:18 (=2Sam 22:18); 41:12; cf. Job 27:7
אויבים	enemies	Ps 139:22
אויבי	my enemies	Ps 3:8; 6:11; 17:9; 25:2,19; 54:9; 59:2; 69:19; 71:10; 102:9; 143:9,12; 18:4,18;cj. 38,41,49 (=2Sam 22); 9:4; 30:2; 41:6; 138:7; 31:16; 119:98
חנם אויבי	enemies without cause	Ps 38:20 cj., Lam 3:52
אויבי שקר	Enemies who lie	Ps 35:19; 69:5
אויביו	his enemies	Ps 41:3

Formally, אֹיֵב is a participle for an adversary in general. The most telling legal texts for אֹיֵב are Exod 23:4-5 and Deut 22:1-4.^{xli}

אֹיֵב in the Psalms serves to designate a variety of individuals and collectives. Psalms refer to enemies of the collective in royal psalms in which the king speaks, as in Ps 18:4,18,38,41,49; 21:9; 61:4; 89:23,43; 110:2; 132:18; most likely also in a song attributed to the king in Ps 44:17. Enemies of the collective are also mentioned in the communal lament Ps 74:3,10,18 and Ps 80:7.

Psalms of the individual predominantly use the plural of אֹיֵב, which makes sense in light of the situation in being opposed by multiple oppressors. While it has been suggested the term is chiefly used in Psalms of the sick,^{xlii} namely in the three Psalms 35, 38 and 69, I would not draw this conclusion. For instance, in Ps 35:19: “Do not let my treacherous enemies rejoice over me, or those who hate me without cause wink the eye.” The enemies who agree by signs on how to overcome their victim are personal enemies who try to attack the Psalmist.

Ps 38:20 “Those who are my enemies are mighty, and many are those who hate me with lies.”, as well as Ps 69:5 “More in number than the hairs of my head are those who hate me without cause...” Ruppert reads אֹיֵב as a participle, i.e., with the notion of an enemy’s ongoing action.^{xliii xliiv xlv} The Psalms use the term predominantly for private enemies.^{xlvi}

Composite terms: אִישׁ דְּמַיִם

References in the Psalms include 26:9; 59:3; 139:19; (2Sam 16:7-8); Prov 29:10; Ps 51:16; אִישׁ דְּמַיִם וּמְרֹמָה is found in Ps 5:7; 55:24; 55:12; Prov 6:17.

The construct chain “men of blood” condenses the intention of killing an opponent. The term is best explained when seen in its legal frame of reference. In legal texts “blood” stands metonymically for the death of a human. “Men of blood” have killed a human and, in case of intentional homicide, have incurred bloodguilt upon themselves. Ps 59 alludes to violent killing as an extreme act of injury. The consequences of intentional physical violence are twofold: Either a counter-attack of an opponent or a compensation for his personal suffering as a consequence of an injury. When, as a result of an injury a killing occurred, the slayer would under normal circumstances expect fatal acts of revenge. One can assume that in a kin based society bloodshed as a result of a violently committed killing required revenge. In a kin-feud, the natural consequence of homicide would be the slayer’s death at the hands of a member of the victim’s kin. Biblical law uses a construct chain to designate this legal role: “avenger of blood” (גֹּאֵל הַדָּם) (Deut 19; Num 35). Homicide and injury law connect intentionality and bloodguilt with each other in Exod 21:13-14; cf. Exod 21:18; 22:1-2; Deut 19:1-12; Num 35. We can therefore conclude that the term “blood” in the construct chain “men of blood” equally relates to a legal context of homicide law and is closely connected to blood guilt and intentionally committed homicide.

Ps 59 can serve as a quintessential lament in which men of blood threaten an adversary’s life. The אִישׁ דְּמַיִם ‘men of (multiple) bloodshed’ are in the Greek translation rendered as ἀνδρῶν αἱμάτων. The meaning can be best explained when seen against the backdrop of other designations in the lexicographic field for enmity in Ps 59.

הַצִּילֵנִי מֵאֵיבֵי | אֱלֹהֵי ² ² Save me from my enemies, my God,

מִמִּתְקוֹמְמֵי תִשְׁגְּבֵנִי:	from those who rise up above me
הַצִּילֵנִי מִפְּעֵלֵי אֹוֹן ³	³ Save me from those who work evil;
וּמֵאֲנָשֵׁי דָמִים הוֹשִׁיעֵנִי:	from the bloodthirsty save me.
כִּי הִנֵּה אָרְבּוּ לְנַפְשִׁי ⁴	⁴ Even now they lie in wait for my life;
יִגְרוּ עָלַי עֲזִים	the mighty stir up strife against me.
לֹא־פִשְׁעֵי וְלֹא־חַטָּאתַי יְהוָה:	without transgression nor sin of mine, YHWH,
בְּלִי־עוֹן יְרוּצוּן וְיִכּוֹנְנוּ ⁵	⁵ without guilt, they run up (against me) and establish
עוֹרָה לְקִרְאתִי וּרְאֵה:	themselves. Wake up to encounter me and see!
יָשׁוּבוּ לְעֶרֶב יַהֲמוּ כַפְלָב וְיִסּוּבּוּ עִיר: ⁷	⁷ Each evening they come back,
	howling like dogs and prowling about the city.
הִנֵּה יִבְעֵוּן בְּפִיהֶם חֲרָבוֹת בְּשִׁפְתוֹתֵיהֶם ⁸	⁸ There they are, bellowing with their mouths,
	with sharp words on their lips--
כִּי־מִי שִׁמְעַ:	for 'Who, (they think) will hear us?'
וְאַתָּה יְהוָה תִּשְׁחַק־לָמוֹ ⁹	⁹ But you laugh at them, YHWH;
תִּלְעַג לְכָל־גּוֹיִם:	you hold all the nations in derision.

Four characteristics for the term “men of blood” in Ps 59 can be mentioned.

a) It serves as term to express the *life-threatening nature of enemies*.

Before the ‘men of blood’, Ps 59:2-3 mentions three other designations for enemies, starting with the more general ‘enemy/opponent/adversary’ אֵיב in parallelism with ‘those who rise up against me’.

The dynamic of the climax from “enemy” to “those who rise up against me”, to “evil doers” and to “men of blood” is obvious. Killing another individual is worst result in a quarrel with another individual. This terminology can be buttressed by evidence from other Psalms. Four other Psalms use the term “men of bloodshed”, Ps 5:6b-7 sgl; 26:9; 55:24; 139:19. A construct chain “seeker of (deeds) of blood” for a person who investigates in a homicide case is found in Psalm 9:13 as a designation for YHWH who remembers deeds of blood guilt. In all these instances, the construct chain designates a violent behavior of an opponent and combines it with distinctive other notions.

In a climax, the next pair of technical terms for enemies is more outspoken in v.3, naming them the ‘evil doers’ and the ‘men of blood’. While none of the designations specifies how the enemies use to pursue their aims, the arrangement of the terms leads in a climax to the enemy’s intention to kill his opponent.

b) The *plural* of אֲנָשֵׁי דָמִים alludes to the collective nature of the enemies. This fits well into the theory that enemies are a collective which is after an individual.

c) The enemies attack the petitioner both physically and verbally.

The metaphor of the howling band of dogs that haunts the city at night can be seen in juxtaposition with the nomenclature used for the opponent in v 2-3. The metaphor of the howling dogs whose mouths ‘foam’ bubbles and who have ‘swords between their lips’ combines their physical assault with their violent oral attacks. Based on how personal hate was acted out, it is plausible that the dogs’ howling served as metaphor for the enemies’ accusation with rhetoric means in their conflict settlement against their opponents.

d) The attempt to kill an individual out of hate is seen as an ethically problematic act as reflected in the terminology in the law collections.

Beyond their very immediate threat of an individual, the evil doers can be seen as problematic, as becomes clear in Psalm 59.

The legal nature of what the men of blood commit becomes clear when looking at their intentionality, which is critical when judging on bloodguilt. The word for 'lying in wait' inv.4

כִּי הִנֵּה אָרְבוּ לְנַפְשִׁי is the same as for 'lying in wait' in homicide law Deut 19:11.

As a consequence, another Psalm, describes these men of blood as an abomination (תעב). Ps 5:6b-7 instructively explains this when it relates doing evil with "abomination".

"You hate all the evil doers.

you will destroy those who speak a lie,
the man of blood and lie, Yahweh *abhors* (him)."

Ps 5 mentions the evildoers in a row with "those who speak (a) lie". Ps 5:7 does not qualify the adversary in all details in his evil physical deeds; rather, the man of bloodshed is qualified by his violent or 'false' (דִּבְרֵי כָזָב) speech: He lies and abhors Yahweh (עִי תעב).^{xlvii} We can assume that the "man of blood" is not a killer who physically threatens his victim. He is an adversary in court who acts as false accuser and imposes a lawsuit or a dispute on another person or, who acts as a false witness. Typically, such a trial was of life-threatening nature.^{xlviii xlix}

c) Terms for judges

The Psalms mention only rarely professional groups; a conclusion already reached in a debate between Mowinckel and Gunkel about the existence of professional 'magicians' in the early 20th century.ⁱ

The lack of professionals in the Psalms is a fact that naturally challenged interpretations of the Psalms in light of an institutional conflict settlement. More specifically, as to the profession of 'judges', for instance, only one clear passage exists in Ps 109:31: 'I shall praise Yahweh and will praise him in front of many, because he stood on the right hand of the poor, to save me from those who judge his soul.' (לְהוֹשִׁיעַ מִשֹּׁפְטֵי נַפְשִׁי).ⁱⁱ

d) Verbal and physical assaults

Numerous accusations of enemies are verbal, e.g., Ps 51-72: Ps 52:4; 55:4,10,13; 57:5; 58:4; 59:8,13,15; 62:4-5; 63:12; 64:5,9; 69:13 (in the gate); 71:10-11.

Who was responsible for those forms of verbal assault? Typically, the 'slanderer' לִיץ,ⁱⁱⁱ in collaboration with likeminded individuals would develop plans against the accused.ⁱⁱⁱⁱ Other verbs that designate a form of conspiracy are זָמַם לְ/זָמַם 'to consider/devise'.^{liv} A noun that expresses the very same danger is רָכִיל. Used six or seven times^{lv} it covers a variety of modes of treacherous behavior.^{lvi} LXX provides the following nuances: *σκολιῶς*/'crooked' (Jer 6:28); also *δόλος*/'guile' (Lev 19:16; Jer 9:3), and compare also *ἄνδρες λησται*/'robbers/bandits' Ezek 22:9 which clearly refers to intentional homicide:

:אֲנִשִּׁי רָכִיל הָיָו בְּךָ לְמַעַן שֹׁפְדֶם וְאֶל־הַהָרִים אָכְלוּ בְּךָ זָמָה עָשׂוּ בְּתוֹכְךָ: Another translation of רָכִיל is a 'man of two tongues' (*ἀνήρ δίγλωσσος* Prov 11:13), i.e., an individual disclosing secrets. Lastly, the Targum of Jer 6:28; 9:3 translates this word as "fraud/deception".^{lvii}

Conclusion

I will limit my illustrations of these results mainly to Psalms of the individual from the second Davidic Psalter, Ps 51-72:

1. 'Institutional' aspects of a judicial trial in the narrow sense of the word, are rarely mentioned:

- 'gate' Ps 69:13; 127:5)^{lviii};

- 'judge' Ps 109:31;

- various terms for 'witness':

violent witness Ps 35:11; cf. Exod 23:1; Deut 19:16;

lying witness Ps 27:12; cf. Exod 20:16; Deut 19:18; Prov 6:19; 12:17; 14:5; 19:5,9; 25:18;

cf. also false (שוא) witness Deut 5:20;

cf. בליעל Prov 19:28;

cf. כזבים Prov 21:28;

cf. הנם Prov 24:28.

2. In the eyes of the supplicant in laments of the individual, as seen in the content of the Psalms, accusations of theft or requests of restitution are unjust, for instance, Ps 69:5b: 'what I did not steal, I shall now return.'^{lix} Accusations are seen as 'ungrounded.'^{lx} The designation of unjust accusations as 'lies' (שקר) is found in Ps 35:19; 38:20; 69:5; cf. 63:10; 119:5,78,86.^{lxi}

3. Onslaughts of accusers are typically life-threatening: Ps 13:4; 55:4-5,24; 56:2,6-7,12,14; 57:4-5,7; 59:3-4; 63:10; 69:22; 71:4,13.

3. A quintessential reading of Psalm 7

Ps 7 may illustrate the conclusions above of interpreting the conflict settlement in the Psalms of individual lament in light of feudal behavior.

Outline:

1	superscript
2	introductory plea against the enemy
3-6	<u>assertion of innocence/conditional self-execration</u>
3-5	condition (lest..., if..., if...)
6	self-execration
7-10a	<u>appeal at law</u>
7-8	Yahweh's appearance in court <i>[8-9aα Yahweh judges in the assembly of the nations]</i>
9aβ-10a	Yahweh judges the supplicant
10b-12	doxology of justice
13-17	lament: the enemy's attacks, his injustice
18	vow of praise to Yahweh

A lament of David that he sang to Yahweh because of the words of Kush, the Benjaminite.

שִׁגְיוֹן לְדָוִד אֲשֶׁר־שָׁר לַיהוָה
עַל־דְּבַר־כּוּשׁ בֶּן־יְמִינִי:

Yahweh my god, I seek rescue in you,
Deliver me from all who pursue me^A and rescue me.

יְהוָה אֱלֹהֵי בְדָךְ חֲסִיתִי²
הוֹשִׁיעֵנִי מִכָּל־רֹדְפָי וְהַצִּילֵנִי:

Lest my soul tears like a lion,^B
Dragging away without there being someone to save.
Yahweh, my God, if I had done this,
if there would be evil on my hand.
If I had acted evil toward the one of my peace^C,
And I had drawn off who distresses me without reason,
then, the enemy shall pursue my life and may reach me, and
throw my life to the ground.

פָּן־יִטְרֹף כְּאַרְיֵה נַפְשִׁי³
פֹּרֵק וְאֵין מִצִּיל:
יְהוָה אֱלֹהֵי אִם־עָשִׂיתִי זֹאת⁴
אִם־יִשְׁעוּל בְּכַפִּי:
אִם־גָּמַלְתִּי שׁוֹלְמֵי רַע⁵
וְאֶחְלָצָה צוֹרְרֵי רִיקָם:
וְיִרְדֶּה⁶ אֹיְבוֹ נַפְשִׁי וְיִשָּׁג וְיִרְמָס לְאַרְץ
חַיִּי

And my honor he shall make dwell in dust. Selah.
Arise, Yahweh, for the sake of your anger be lifted up
Against the arrogance of my foes,
And wake up toward me,
you have mandated a judgment.

וּכְבוֹדִי לְעָפָר יִשְׁבֶּן סֵלָה:
קוּמָה יְהוָה בְּאַפְךָ⁷
הַנֶּשֶׂא בְּעִבְרוֹת צוֹרְרֵי
וְעוֹרָה אֵלַי מִשִּׁפְט צוּיֹת:

The assembly of the nations may gather around you
And by way above it return up to the height.
Yahweh may judge the nations,
judge me, Yahweh
according to my justice and according to my innocence upon
me!
May end the evil of the wicked,
but may he establish the just.

וְעַד־תִּלָּאֵם לְאַמִּים תִּסּוּבְבֶךָ⁸
וְעֹלְיָהּ לְמָרוֹם שׁוּבָה:
יְהוָה יִדִּין עַמִּים⁹
שִׁפְטֵנִי יְהוָה
כְּצַדִּיקִי וְכַתְּמֵי עָלַי:

וְיִגְמַר־נָא רַע רְשָׁעִים וְתִכּוֹנֵן צַדִּיק¹⁰

You, who examines hearts and kidneys,
just God.

וּבַחֵן לְבוֹת וּכְלָיוֹת אֱלֹהִים צַדִּיק:

My protection/shield is upon God,
A savior of those who have a straight heart.
God, just judge,
And God who is raging all day long.

מִגִּנִּי עַל־אֱלֹהִים¹¹
מוֹשִׁיעַ יִשְׂרָאֵל:
אֱלֹהִים שׁוֹפֵט צַדִּיק¹²
וְאֵל זַעַם בְּכָל־יוֹם:

Will he not come back, he sharpens his sword,
His bow he steps down and he keeps it handy.

אִם־לֹא יָשׁוּב חַרְבּוֹ יִלְטֹשׁ¹³
קִשְׁתּוֹ דָּרַךְ וַיִּכּוֹנְנֶה:

And for himself he establishes deathly weapons,
 His arrows he makes burning,
 See, he is in labor with evil,
 He is pregnant and he will give birth to lie.
 A cistern he dug and he has pitted it out,
 But then he fell into the pit he made.
 May his evil return onto his head,
 And on the crown of his head may descend his violence.

וְלוֹ הִכִּין כְּלֵי־מָוֶת¹⁴
 חָצִיו לְדֹלְקִים יַפְעֵל:
 הִנֵּה יַחְבֵּל־אֶזְנוֹ¹⁵
 וְהָרָה עֵמָל וְיֵלֵד שָׁקֶר:
 בּוֹר בָּרָה וַיַּחְפְּרֶהוּ¹⁶
 וַיִּפֹּל בְּשַׁחַת יַפְעֵל:
 יָשׁוּב עִמָּלּוֹ בְּרֵאשׁוֹ¹⁷
 וְעַל קִדְקִדּוֹ חִמָּסוֹ יֵרֵד:

I will praise Yahweh according to his justice,
 And I will sing Yahweh's name, the most high.

אֲזַמְּרָה יְהוָה בְּצִדְקוֹ¹⁸
 וְאֲזַמְּרָה שְׁם־יְהוָה עֲלִיּוֹן:

Ps 7 describes the situation of the petitioner as a plea for justice in V 2. His opponents persecute him (v2, 6). Some commentators see a judicial nature of the conflict to which Psalm 7 alludes^{lxii} and see in this psalm a plea of the accused and, hence, see Psalm 7 against the backdrop of an 'institutional' trial.^{lxiii} Whether the Psalm presupposes a judicial 'institution' or not may be an inadequate question. Assuming an intrinsically kinship-based society in ancient Israel, adequately presupposes a wide spectrum of varieties in a conflict settlement that chiefly followed the mechanisms of feudal strife.

I would not interpret Psalm 7 on the background of an institutional trial, yet I would highlight the judicial nature of the conflict settlement. Consider, for instance, the petitioner's plea to Yahweh to intervene in his favor v.9aβb: 'Judge me, according to my justice and according to my innocence upon me!' This plea is plausible in a conflict settlement in kinship based societies. The divine intervention equally makes sense when a supplicant finds himself in a personal quarrel and is fleeing from an opponent. Comparable example for the use of the term 'persecutor' in Ps 35:2 illustrates the distress of the defendant facing his opponents:

'Draw the spear and javelin against my persecutors רָרָךְ ;
 say to my soul: 'I am your salvation.' '

The imagery of spear and javelin in 35:1 alludes to war, yet the weapons equally refer to a personal strife against an enemy. The beginning verse 35:1 alludes even more openly to personal conflict settlement when the supplicant calls upon YHWH to take up his cause and, the terminology of Ps 7, 'leading a quarrel', רִיב, has a parallel in Ps 35:1:

'Contend, o YHWH, with those who contend with me;
 fight against those who fight against me!'

Again, the background must nowhere be institutional but makes most sense as expression of personal strife and conflict settlement. It prominently designates quarrels between two enemies, for instance, in Exod 21:18.

In sum: There are no hints that point to the fact that the quarrel between the two opponents in Ps 7 is different from a private controversy. In private dispute it makes sense that a defendant who feels that a quarrel has been imposed on him is reluctant to act out against a contender. As he finds

himself challenged, he asks Yahweh for help against his opponent. The defendant has no expectation of Yahweh to step up and to act as part of an “institutional” form of conflict settlement. Rather, the defendant is using an initial self-execration.

ⁱ Cf. negligence laws, deposit laws etc. One could also work along the increasingly sophisticated regulations for physical offences from Exod 21:12-14 to Deut 19:1-19 and to Numbers 35 which reflect enmity between individuals.

ⁱⁱ David D. Phillips, *Avengers of Blood. Homicide in Athenian Law and Custom from Draco to Demosthenes*, Stuttgart: Steiner 2008, 21-28; cf. David Cohen, *Law, Violence and Community in Classical Athens*, Cambridge: University Press 1995, 87-118. From a sociological point of view see Pierre Bourdieu, *Algeria 1960: The Disenchantment of the World: The Sense of Honour: The Kabyle House or the World Reversed: Essays*. Cambridge: University Press, 1979

ⁱⁱⁱ P. Barmash, *Homicide in the Biblical World*. Cambridge, 2005, 23-24, for bibliography, see esp. n. 7 and 8.

^{iv} Hans Schmidt, *Das Gebet des Angeklagten im Alten Testament*, BZAW 49, Berlin, 1928.

^v L. Delekat, *Asylie und Schutzorakel am Zionheiligtum. Eine Untersuchung zu den privaten Feindpsalmen*, Leiden 1967.

^{vi} Walter Beyerlin, *Die Rettung der Bedrängten in den Feindpsalmen der Einzelnen auf institutionelle Zusammenhänge untersucht*, Göttingen: Vandenhoeck und Ruprecht, 1970. In light of Delekat's and of Schmidt's preceding hypotheses, even with respect to the latter group, only reluctantly Beyerlin subscribes to an institutional background of the Psalms of the accused.

^{vii} Other references are general and do not specifically refer to lawsuits, e.g., Ps 9:15 the gates of Zion; Ps 147:13 'For he has strengthened the bars of your gates; he has blessed your children within you' does not refer to a trial. Lam 4:12: The kings of the earth, even all that dwell in the world, believed not that an enemy and oppressor would enter through the gates of Jerusalem.

^{viii} Another term, 'dispute', מְדִינָה (Prov 6:19; 10:12; 6:14 (*ketib?*); 18:19 *ketib*) as a form of social interaction that conveys a negative bias, is once used in the Psalms with reference to Israel in a collective lament Ps 80:7: 'You make us a bone of contention for our neighbors. And our enemies laugh us to scorn.' When using this term, the potential escalation of acting out a conflict settlement is of relevance. The dynamic of conflicts can be compared to the increase of water flooding: "The beginning of strife is like letting out water; so stop before the quarrel breaks out." (Prov 17:14). It is positive when strife is brought to an end, for instance, by casting lots Prov 18:18; 19:13: "A stupid child is ruin to a father, and a wife's quarreling is a continual dripping of rain." Jer 15:10 sees it as a curse "to be a man of strife and contention to the whole land." The social interactions of quarrels limit a society, as Prov 18:19b states: "quarrels (מְדִינָה) are like the bars of a castle". Furthermore, the rules suggest avoiding to engage in a quarrel. Enkindling a dispute would be comparable to adding charcoals to ember (Prov 26:21). Squeezing nostrils (anger) produces quarrel (Prov 30:33). Prov 25:8 warn to rashly transform a cause against a "neighbor" into a "quarrel" as a result of which oneself could be put to shame. Only a legitimate case should be picked up. Similar warnings are found in Sirach 8:1-2 and 11:9.

^{ix} The verb ריב is found 66x in the *qal*, 2x participle *Hi*; the noun is attested 62 times, twice the nouns 'my opponent in a lawsuit' (יריב) Isa 49:16; Ps 35:1; Jer 18:19) and "quarrel" מריבה Gen 13:8; Num 27:4.

^x They can especially be traced in Job, in the prophetic judgment speeches and in the Psalms, see for instance, H. Ringgren, ריב, ThWAT vol. 7, Stuttgart: Kohlhammer 1993, 496-501. The outline distinguishes 1. *Streit*, 2. *Anklage*; 3. *Streit und Zank in der Weisheit*; 4. *Rechtsstreit*; 5. *Job*; 6. *Prophetische Gerichtsrede*.

^{xi} Formal institutional litigation has been suggested on the basis of Deut 17:8, esp. based on the idiom "in your gates". The Covenant Code mentions witnesses and the partiality in a strife, for instance, in Exod 23:2,3,6 as well as a quintessential forensic aspect of a trial. Ringgren, ריב, 498.

A legal nature of the cases has also be assumed for Isa 3:13//דין; 50:8; 57:16 //קצף; Am 7:4; Job 10:2 (// רשע *hi*);

1Sam 24:15 (//שפט); Mi 6:1; 7:9; Jer 2:9; 50:34; 51:36; Lam 3:58; Prov 22:23; Ps 43:1 mentions enemies; Ps 103:9 mentions the strife with YHWH.

In the prophetic writings, the “judgment speech” was seen as an isolated genre of prophetic literature in Isa 3:13-15; Micah 6:1-8 and Hos 2:4-15; Jer 2:2-4; and maybe Isa 41:21-24. Isa 1:16-20 does not mention the word ריב.

All these instances use legal terminology, yet their origin has been disputed. Gunkel, *Schriften des Alten Testaments*, SAT II/2, p. LXII, LXVIII, suggested the judgment speeches originated in trials in the gate, i.e., as part of a “secular” lawsuit; Ringgren, ריב, 500. Without representing a clear cut prophetic “genre” of its own, prophetic judgment speeches relate to a form of conflict settlement that was generally used, yet was not limited to a trial in the gate. In the reception history in the writings of Qumran, ריב was often paired with משפט. The members of the community have joined to share ריב and משפט (1QS 5:6), Ringgren, ריב, 501.

^{xii} ופָּחַד לְמִי־דָעַי רֹאֵי בַחֲוֹץ.

^{xiii} דְּבַת רִבִּים מְגֹר מִסְבִּיב

^{xiv} For the rhetorical nature of the dispute see Gen 26:20; Exod 17:2a; Num 20:3; Neh 13:25; Judges 6:32; Hos 2:4; Job 9:3; 13:19; 23:6; 40:2; Isa 45:9. For instance, Gen 36:36b-42 oscillates between accusation and defense. Jacob has to defend himself, yet, at the same time, he drastically accuses Laban of pursuing him without a cause. Judges 8:1 mentions accusations of the Ephraimites against their enemy Gideon. Judges 21:22 presupposes the male members of the kin of the women were plaintiffs (ריב) and they have accused the Benjaminites. Nehemia describes himself as plaintiff against wealthier citizens, Neh 5:7; 13:11,17,25; Ringgren, ריב, 497-98. Naturally, the rhetorical nature includes the legal complaint. For instance, the prosecutor/accuser who would write a complaint Job 31:35 (אִישׁ רִיבִי), and many instances allude to the trial situation, such as, for instance, Job 33:13; 1Sam 2:10 (*ketib*). The Greek translation of ריב can emphasize its character as “slander” by choosing *λοισοπία*, as, for instance, in Exod 21:18 Num 20:24. In the world of the LXX, the act of “quarreling” naturally included forms of slanderous speeches.

^{xv} Isa 58:4 combines ריב and מַצָּה as problematic forms of social interaction, inappropriate for an honest fast. Deut 33:7 refers most likely to a physical struggle against Judah’s enemies

^{xvi} Ps 43:1; Ps 18:44 /2Sam 22:44: ‘Safe me from the strives of the people...’ The remainder is less clear: ‘you have set me as the head of the nations; a people that I do not know they now serve me.’

^{xvii} The quarrel in Judges 11:25 takes place on a national level: “Does Balak quarrel (ריב *qal*) or does he lead war (נחם *ni*) with Israel?” Another example in 1Sam 24:16 is the conflict between Saul and David. General descriptions of quarrels between individuals include their legal and their private aspects and one typical overtone is to warn from strives as forms of conflict settlement “Do not quarrel with anyone without cause, when no harm has been done to you.” Prov 3:30. Isa 1:23 accuses Jerusalem’s leaders of refraining from helping orphans and of rejecting quarrels of the widows. ריב refers to a litigation in Ps 43:1 when the supplicant pleads from God to judge him (שפט) and to lead his cause against a non-pious people; cf. also Micah 7:9 and Ps 35:23 with the plea to lead my cause against my opponents in the quarrel.

^{xviii} Cf. also Isa 41:11 or in Judges 12:2 when the conflict with the Ammonites is considered in light of a private enmity: ,I and my people was a man of (private) strife (אָנִי וְעַמִּי) (Judges 12:2).’ Among the typical reasons for a quarrel between shepherds are questions of territory, namely disputes over wells (Gen 26:20-21).

^{xix} For instance, Jacob became angry and he started a quarrel (Gen 31:36 *qal*) with Laban. This conflict takes place within the kin, between a son-in-law and his father-in-law. Jacob defends himself and he accuses Laban V 36b-42. When the quarrel ends with a settlement, both parties agree on a mutual covenant: 'But now let us make a covenant (...)' that will serve as a 'witness' (עד V 44).

^{xx} The characteristic pair of quarrel (ריב) and of dispute (מִדּוֹן Prov 6:19; 10:12; 6:14 (*ketib?*); 18:19 *ketib*.) have a negative reputation as forms of social interaction. The danger of escalation of conflict settlement is comparable to the increase of intensity of a water flooding: "The beginning of strife is like letting out water; so stop before the quarrel breaks out." (Prov 17:14). It is positive when strife is brought to an end, for instance, by casting lots Prov 18:18; 19:13:

"A stupid child is ruin to a father, and a wife's quarreling is a continual dripping of rain."

Jer 15:10 sees it as a curse "to be a man of strife and contention to the whole land." The social interactions of quarrels limit a society as Prov 18:19b states: "Quarrels (מִדּוֹן) are like the bars of a castle". The rules suggest not to engage in a quarrel. Enkindling a dispute is seen as comparable to adding charcoals to ember (Prov 26:21). Squeezing nostrils (anger) produces quarrel (Prov 30:33). Prov 25:8 warn to rashly transform a cause against a "neighbor" into a "quarrel" as a result of which oneself could be put to shame. A legitimate case should be picked up. Similar warnings are found in Sirach 8:1-2 and 11:9.

^{xxi} xky with the meaning 'reproach, in the sense of negotiating in a conflict settlement matter for de-escalation instead of acting out aggression, Lev 19:17; cf. Prov 15:12; 19:25. The verb is typically used with Yahweh as subject noun who rebukes humans; Ps 6:2 and 38:2; Ps 50:8 (no rebuking for sacrifice); 21 I will rebuke you and lay your charges before you; Ps 94:10 rebuking of the nations; Ps 105:14: 'he rebuked kings for their sake'. Only in Ps 141:5 we find this meaning of mutual correction among the pious: 'Let the righteous strike me; let the faithful correct me. Never let the oil of the wicked anoint my head, for my prayer is continually against their wicked deeds.'

^{xxii} See among the many collections of names of the enemies, H. Gunkel, Introduction, p. 140, note 205-209.

^{xxiii} Only a few passages in biblical law deal explicitly with 'enmity', namely Exod 23:4-5; Deut 22:1-4, the phenomenon of private hate is much more wide spread. The following remarks are organized along the attitudes of 'hate' and 'love' as well as 'evil/malicious' and 'good/benevolent' intent'.

^{xxiv} O. Keel, Feinde und Gottesleugner, Stuttgart: Katholisches Bibelwerk, 1969, 108, cf. 94-98.

^{xxv} The judicial meaning of the term was suggested by L. Köhler-W. Baumgartner, Hebräisches und aramäisches Lexikon zum Alten Testament, Leiden: Brill 1974, vol 2, 419.

^{xxvi} Keel, Feinde, 102-103, suggests a general meaning 'opponent' and rejects a specifically judicial meaning of the term.

^{xxvii} Jer 11:7; Ezek 7:22; 18:10 Dan 11:17.

^{xxviii} See also: hating peace Ps 120:6; hating the just (qydc) Ps 34:22; 37:12,14; 112:10; cf. Prov. 29:10,27; Sir 13:20.

^{xxix} Already the stipulation in Exod 21:14 presupposes a long term interest of a person in hurting and in killing another individual:

וְכִי־יִזְדּ אִישׁ עַל־רֵעֵהוּ לְהַרְגוֹ בְּעָרְמָה

^{xxx} Cf. wounding with intention v.20 בְּצַדִּיָּהּ ; slaying in enmity בְּאַיִתָּהּ v.21.

^{xxxi} Prov 25:21-22 is an appeal to provide food or drink for an enemy. In doing so, an individual would counteract the customary refuse from helping an enemy in personal hardship and would act contrary to what was expected: "21 If those who hate you (שֹׂנְאֶיךָ) are hungry, give them bread to eat; and if they are thirsty, give them water to drink. 22 For you will heap coals of fire on their heads, and YHWH will repay you."

Prov 24:17 forbids mischievousness toward an enemy in general.

^{xxxii} Cf. Deut 22:28-29.

^{xxxiii} Cf. also the marriage of a hated wife שְׂנוֹאָה Prov 30:23.

^{xxxiv} See E. Lipiński, שְׂנוֹא, Theologisches Wörterbuch zum Alten Testament vol. 7, Stuttgart: Kohlhammer 1993, 828-839, esp. 828-829.

^{xxxv} In (late) priestly legislation, the abstract noun “enmity” אִיבָה designates the legal status Num 35:21,22.

^{xxxvi} The warning against bloodshed can be uttered in a curse against those who do not “hate” blood, as a form of revenge as is the case in Ezek 35:6: “(Woe you,) if you do not hate blood, blood will pursue you!”

אִם-לֹא דָם שְׂנוֹאת וְדָם יִרְדְּפֶךָ: see on the interpretation as a curse Lipiński, שְׂנוֹא, 830. “Hate” in a general sense can refer to abstaining from something, for instance, from guaranteeing a loan for a stranger in Prov 11:15: “...who hates to clap the hand (and agree) is safe.”

^{xxxvii} See the outspokenly critical attitude against acting out private enmity around Sir 6 and 18:

Sir 6:4: “An evil soul destroys those who have acquired it, and it will make them the malignant joy of their enemies.”

Sir 18:31: “If you provide your soul to take pleasure in desire, it will make you an object of malignant joy of your enemies.”

^{xxxviii} If not cj. to חָנֵם “without cause”.

^{xxxix} Table from L. Ruppert, Der leidende Gerechte und seine Feinde. Eine Wortfelduntersuchung, vol. 2, Würzburg: Echter Verlag, 1973, 7-8.

^{xi} H. Ringgren, אִיב, in: G. Botterweck/ H. Ringgren, eds., Theologisches Wörterbuch zum Alten Testament, vol. 1, Stuttgart: Kohlhammer, 1973, 228-235, here 233.

^{xii} The most telling example in the narrative tradition is Saul’s relationship to David. It illuminates best what typically is the nature of a personal enemy. Over a substantial span of time, Saul and David act as hostile protagonists. Consequently, they are called “enemies” 1Sam 18:29; 19:17; 24:5,20. The plot characterizes them as such. It renders an idiosyncratic portrayal of ongoing hostility and of pursuit. Saul and David’s complex relationship is explicitly addressed when Abishai, a secondary character in David’s entourage, who, like Saul, is associated with violence against enemies, explicitly calls Saul David’s “enemy” אִיב 1Sam 26:8. In the constellation of characters, the agonistic character of Abishai functions as a foil for the perfectly pacific David. Notably, in the ongoing dispute between Saul and David, the term ‘enemy’ is in all instances a token for the intention to pursue, to rhetorically attack, to physically harm and, to potentially kill an opponent.

^{xiii} He suggests the following 10 Psalms Ps 6,30,31,35, 38,41,69,71,102,138, and Lam 3:52; Job 27:7; Ruppert, Gerechte, vol. 2, 9, note 14.

^{xliii} Ruppert, Gerechte, vol. 2, 10.

^{xliv} The fact that the enemies in the Psalms of the sick appear throughout in the plural hardly explains their nature in the Psalms of the accused that frequently mention a collective of enemies. Ruppert limits the use of אֹיִב in Psalms of the accused to Ps 7:6 and 17:9, in the latter in parallelism with רָשָׁע. Except for Ps 41:12 sgl.

^{xlv} This is not the place to hypothesize whether the term’s origin is in the metaphors for war or, alternatively, in the conflict of private individuals. Ruppert, Gerechte, vol. 2, 12 suggests with reference to Ps 18/2Sam 22 that the use in the context of the war is the oldest use of the term “enemy” in the Hebrew Bible.

^{xlvi} As other designations of the same group, אֹיִב can also be used for YHWH’s enemies, cf. Judges 5:11; Num 10:35.

^{xlvii} Gerstenberger, תַּעֲבָ, THAT 1428-1431, suggests the verb (3x ni; 4xhi; 15 pi) is derived from the noun (117 occurrences). The pi has declarative-estimative meaning. The noun is absent in the older law and found in Lev 6x in declarative formula (Lev 18:22-30 and 20:13 in regulations about foreign practices of male-male or human-animal intercourse; the former being mentioned twice and declared as incurring blood guilt on both men (דְּמִיָּהֶם בָּסִם : Lev 20:13) is highly concentrated in Deut (17x) and Ezek (43x).

^{xlviii} This lexicography is also found in YHWH’s curse after Kain’s fratricide Gen 4:12. With such abomination as a fratricide, Kain has polluted the soil. The contrast between those who are “abominations” and those who are “upright/just” alludes to the field and to the forms of dispute settlement.

Conflicts between individuals as they are mentioned in Prov 29:27, pick up on this contrast:

“The evil man is an *abomination* to the righteous (plur.), an *abomination* is the wicked to the (one of) straight path.” cf. the association of abomination תַּעֲבָה with fools Prov 13:19; and the juxtaposition between wicked

(abomination) and justice Prov 16:12, see Gerstenberger, תעב, 1429. Abomination is incompatible with YHWH's nature and is rejected by him.

^{xlix} In labeling certain cultural techniques as “abominations”, these law collections add a counter-cultural undertone to the rejection of the rhetorical assault: If ‘men of blood’ speak falsely and if they use rhetorical means such as lies instead of physical violence, such behavior is associated with a non-Yahwistic culture. LXX highlights the aspect of a behavior against the law (Ps 59:3 פָּעַלִי אֶנֶן - cf. especially LXX ἐργαζομένων τῆν ἀνομίαν). The denominative character of the verb suggests that Ps 5:7 presupposes a rhetorical phenotype of private enmity in which one of the two men has aimed at killing his opponent. The problematic aspect of this social status is obvious in Ps 5:7. The derogatory overtones are in line with Proverbs’ association of “abomination” with community-destructive modes of behavior:

Prov 26:24-25 describe it as a problem if someone gets involved with hateful persons who rhetorically attack their opponents:

“He who hates disguises (it) with his lips,
but inside of him he lays on lies.

When he lifts his voice to make (a cause) gracious, do not trust in him:
seven abominations are in his heart.”

Ps 5:7 references blood guilt caused by homicide as ‘abomination.’ In the lexicography of law collections conveys a bias. It rejects foreign cultural techniques or beliefs. It has also been claimed that pre-deuteronomic ‘*toebah*’-legal conceptions existed that are now integrated in Deuteronomy, see the references to older research in Seitz, Studien, 185-187: J. Hempel assumes a collection in 16:21-17:1; 18:10-12a; 22:5 (closely associated are 22:9-12); 23:18-19; 25:13-16; (Q2) and further supplements are 17:2-7 and 18:9,12b-22 which were all included under Manasse into the singular basic layer of Q1. See also L’Hour, Les interdits to’eba dans le Deutéronome, RB 71 (1964) 481-503. The basic intention is an anti-Canaanite stand of those laws. Seitz, Studien, 187, rejects a pre-dtr collection given the diversity in the content of the laws. Notwithstanding the rejection of the original source of a collection of “abomination laws”, the conceptual framework of a rejection of non-Israelite cultural techniques in these laws makes sense.

ⁱ H. Gunkel, Introduction to Psalms. The Genres of the Religious Lyric of Israel. Macon GA: Mercer, 1998 (translated from the German by James D. Nogalski), chapter 6, no. 8; p. 144-147.

ⁱⁱ Ps 119:23,161 could be another exception with the word רַם ‘high official(s)’.

ⁱⁱⁱ Cf. Prov 1:22; 3:34; 9:7 etc.

ⁱⁱⁱⁱ Plan: hc[Ps 1:1.

^{lv} Ps 31:14; 37:12; cj 140:9 ; Gen 11:6; Deut 19:19 and Ps 17:3.

^{lv} Lev 19:16; Jer 6:28; 9:3; Ezek 22:9; Prov 11:13; 20:19. In addition, Ps 31:21 cj. may be counted among the references; see further 1QH 5:25 הלך רכיל.

^{lvi} The participle qal designates a wandering seller of goods, for instance in Tyre, Ezek 27:3, 13,15,17,20,22-24, he might also be a middleman.

^{lvii} See E. Lipiński, רכיל, ThWAT VII, Stuttgart 1993, 521-523, 522. The depreciative bias is not part of the idiom “to go from house to house” הלך רכיל which is originally typical for a trader.

^{lviii} The ‘elders’ are not mentioned as an institution; cf. the non-judicial sense of זקן Ps 133:2.

^{lix} אֲשֶׁר לֹא-גִזְלוֹתַי אָז אָשִׁיב.

^{lx} Cf. Ps 69:5a: ‘they hate me *without reason*’ (שָׂנְאֵי חִנָּם), cf. 35:7,19; cj. 38:20; 109:3; 119:161; cf. Prov 24:28; Lam 3:52.

^{lxi} O. Keel, Feinde und Gottesleugner, Stuttgart: Katholisches Bibelwerk, 1969, 133.

^{lxii} Beyerlin, Rettung, 95-99.

^{lxiii} See, for instance, Hossfeld, / E. Zenger, Die Psalmen. Psalm 1-50, Neue Echter Bibel. Würzburg: Echter 1993, 72.