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PSALM 75 AND ANCIENT NEAR EASTERN TREATIES

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PSALM 7 is formally an individual lament, of the psalm of innocence subcategory, or, in H. Schmidt’s terminology, a prayer of the accused. Its superscription suggests that the psalm was recited in response to an accusation against the speaker (‘... regarding the words of Kush...’), and this is confirmed in the opening words of the exculpatory oath: ‘...if I have done this...’ (vs. 4a). As remarked by Artur Weiser, ‘The protestation of his innocence is obviously related solely to the accusations of his enemy... and is not at all meant to be a sweeping affirmation of not having committed any sins whatsoever against God.’ Other features which respond to the accusation are the request for convocation of the heavenly (judicial) assembly (vs. 8) and the plea ‘judge me...’ (vs. 9).

What the speaker’s alleged crime was, we can infer only from the oath in which he denies it (vss. 4–5), but this has long proved elusive because of a crux. The relevant section reads as follows:

אוסרישיול ב�פ: 4
ואלך אתה מאעורי רקך: 5
והאלהך זאורי רקך: ...יורי יאוב נшедш 6

1. The Problem

The heart of the problem is the clause אוסרישיול בﮐאפ in vs. 5b. When the verb יכן is taken in its usual sense, it gives the meaning ‘and if [continuing the protasis begun in vs. 4] I rescued my

1 The once popular view that Ps 7 is composite (R.-J. Tournay, RB, 56 [1949], pp. 37–60) has not been echoed in recent commentaries (e.g., Weiser, Kraus, Dahood), and is explicitly rejected by E. J. Kissane (The Book of Psalms I, pp. 25 f.) and H. J. Kraus (Psalmen I, pp. 55 f.). Nothing essential to the present paper depends on the psalm’s unity.


3 For יכן in the sense of ‘accusation charge,’ cf. BDB, s. v. דב, I, 1, g (add, e.g., Deut 19 15; Exod 24 14 [pl., as in Ps 7 1]).


5 F. M. Cross, JNES, 12 (1953), p. 274, n. 3.

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enemy. . . .” This indeed is the sense given by *The Jerusalem Bible*, which renders vs. 5


This interpretation is shunned by the other versions and commentaries (see notes 8–10 below), and rightly so, for in context it is a monstrosity: it makes rescuing one’s enemy, like the other acts specified in vss. 4–5, a sin.⁷

⁶ רזרו is usually taken to mean “without cause,” modifying either (a) רזרא (yielding “him that without cause is my enemy”), in view of the analogous phrases אבר פיק (Ps 35 19; 69 5), and אבר מונח (Ps 25 5); or (b) רזרו (yielding “without cause rescued him who is my enemy”), in view of the fact that ער modifies the verb in the parallel clause. But A. B. Ehrlich (*Die Psalmen*, ad loc.) correctly observes that elsewhere רזרו = “without result,” not “without cause.” “Without result,” however, seems pointless in our passage. Another common nuance, “empty-handed,” was adopted by the JPS (1917), which translated “or spoiled mine adversary unto emptiness,” but this translation depends on a rendering of יגرض which will be rejected below. In the commentary of R. Menahem ha-Meiri (ed. J. Cohen, 1936), a late 13th-cent. Provençal talmudist, a clever twist on this nuance is mentioned, whereby “empty-handed” refers not to the rescued but the rescuer, meaning that the latter rescued his enemy though deriving no benefit from this act.

The verse would read most smoothly with a translation “(rescued) unscathed,” a view also mentioned by Meiri who, however, realized that there is nothing outside the present context to support such a rendering. The question must remain undecided for the present.

Another approach to יגס, maintaining its usual meaning “empty-handed,” might be based on certain passages in the Amarna letters where to return empty-handed (רְצָמ, רְצָמ) describes the failure of appeals for aid, usually military. In a letter (EA 9:26–35) to the king of Egypt the Cassite king of Babylonia, Burnaburiash II (1375–1347) recalls his father’s loyalty to his treaty with the (or a) previous king of Egypt when some rebellious Canaanites sought his help in rebelling against Egypt. Now Burnaburiash asks similar loyalty of the present Egyptian king: a delegation of Burnaburiash’s Assyrian subjects has gone to Egypt without his permission (presumably to seek military aid or supplies); if the king of Egypt loves him, he will allow the Assyrians to purchase nothing and will expel them “empty-handed” (רְצָמ kūšidāsūnūti, cf. W. von Soden, *Orientalia*, [NS] 21, p. 431).

Now conceivably our psalmist may be claiming to have done something of this sort. Meiri (and Saadia, according to J. Kapah in his edition of the latter’s Psalms translation and commentary) long ago suggested that in Ps 7:5 יגס may mean “send away” (a meaning which is not far from the usual “rescue” <“remove [from danger]”). Combining this suggestion with our emendation, and treating vs. 5b as an antithetic parenthesis, we might translate: “— Nay, on the contrary, I sent his enemies away empty-handed (when they came to me for help) ——.” This interpretation would obviously accord well with treaty responsibilities. However, aside from its anomalous rendering of יגס, it is handicapped by its resort to an antithetic parenthesis, which was found objectionable above.

⁷ *The Jerusalem Bible* recognizes this implication and tendentiously describes it as an example of the operation of *lex talionis* before the advent of “the morality of gospel times.” But the principle of love and kindness to one’s enemies is, of course, known and advocated in the Hebrew Bible (cf. J. A. Sanders, “Enemy,” *IDB*, 2, p. 101), and *lex talionis* itself is not a *demand for vengeance* but rather a *limitation of vengeance*.
Since ancient times, two approaches have circumvented this difficulty. Some of the versions and several medieval exegetes attacked the troublesome יִּלְאָה and sought to give it a truly sinful meaning, such as "oppress" or "plunder." Other medievals and several moderns maintained the verb's usual meaning "rescue" but separated the entire clause, as, as an antithetic parenthesis: "— Nay, on the contrary (not only did I never repay my friend with evil, but even) my enemies I used to rescue. . . .—."10

Each of these views encounters serious objections. The latter view, which separates vs. from its context, interrupts the smooth transition from protasis (vss. 4 1.) to apodosis (vs. 6).11 The former view is objectionable on lexical and contextual grounds. Lexically, יִּלְאָה = "plunder" only in Syriac;12 for "oppress" one might cite Mandaic ָּלִּים II, "feel/give/cause pain," which, however, is not a cognate of Hebrew יִּלְאָה but a metathesized form of ָּלִּים.13 Neither meaning is attested in Hebrew;14 either would constitute a homonym of conflicting meaning with to a punishment which corresponds to the severity of the crime (M. Greenberg, "Crimes and Punishments," IDB, 1, p. 742a).

8 The Targum (תָּנֵכָד) and the Syriac (אתל) either had before them a text which read יִּלְאָה as a metathesized equivalent of יִּלְאָה (so BH) or else contextualized MT's יִּלְאָה as a metathesized equivalent of יִּלְאָה (N. H. Tur-Sina, in, II, p. 112). This meaning is adopted in the midrashim on Ps (the parallel and the parallel ) and by several modern exeges, including BDB (p. 322b), Moffatt, Duhm, and possibly Dahood ("troubled"); others are listed in Briggs, Psalms I, p. 57.

9 Symmachus (סְמַמָּךָא), the anonymous view cited and rejected by Ibn Ezra (comparing יִּלְאָה in Exod 12 36 [the Peshitta there reads יִלְאָה]), JPS (1917), Smith-Goodspeed, RSV, Delitzsch, Ehrlich, Schmidt, Kraus; cf. Rashi (רָשָׁא). This interpretation avoids emendation and is preferred by moderns to the previous one.

10 So Ibn Janah, Ibn Ezra, Maimonides (הַלּוֹחֵם יְדוּחַ, end of יְדוּחַ), Kimchi, the Meṣēdōl, KJV, Briggs, Kirkpatrick. Some of these cite I Sam 24; note vss. 11 and esp. 17–19 there; Saul says to David,

You have repaid me good, whereas I have repaid you evil. . . .you did not kill me when the Lord put me into your hands. . . .if a man finds his enemy, will he let him go away safe?

On this view, David in the psalm claims what Saul in I Sam 24 admits in similar language.

11 Cf. Briggs, p. 57. The medievals who hold this view cite Gen 42 10b for a יָדוּחַ which means "on the contrary:" there, however, the יָדוּחַ is preceded by an explicit negative. Antithetic or "adversative clauses" (G–K §163a-b) are not unattested in oaths; cf. Job 31 16–18, 29–32, perhaps 33 f. However, in these passages (for which, see the commentaries of Tur-Sina and Pope) we have not parentheses separating the apodoses from their imprecatory apodoses — as is alleged for Ps 7 5b — but rather clauses which replace the imprecatory apodoses, as elsewhere in Job 31 (vss. 14 f., 20f, 28).

12 See the lexica of Brockelmann and Payne-Smith, s. v. ָּלִּים.

13 E. S. Drower and R. Macuch, A Mandaic Dictionary, s. v. ָּלִּים II; T. Noeldeke, Mandaische Grammatik, p. 74 with n. 2.

14 It is unlikely that the meaning "plunder" underlies the noun ָּלִּים (Judg 14 19; II Sam 2 21), allegedly meaning "what is stripped off a person, as plunder, in war" (BDB, p. 322d; likewise KBL). This word seems to refer to a specific article of cloth-
יָּנוּן = "rescue" — a situation which would tend, in James Barr's words, "grossly to damage the communicative efficiency of a language."\(^{15}\)

Notably, in Syriac, where יָּנוּן has the meaning "plunder," it does not also have the meaning "rescue." These objections to the second view are not in themselves decisive, but this view gives rise to a contextual objection as well: "plunder" or "oppress" makes vs. \(\text{ב} \) a weak climax to vs. \(\text{א} \), for punishing one's enemy, while not always laudable, is hardly as grave as harming one's ally, and in certain contexts, such as legal (cf. lex talionis) and military situations (cf. Num 31 2; Deut 25 17 \(\pi \)), is quite permissible.

2. Kissane's Solution

The above considerations indicate the need for a different approach to the problem of Ps 75\(\text{ב} \). The criteria which a solution must satisfy were stated by E. J. Kissane in 1953: "It is true that mercy shown to an enemy could not in itself be a cause of complaint [by the speaker's accuser], but if this act of clemency involves injury to a friend, the latter may reasonably feel aggrieved."\(^{16}\)

Kissane was inclined to believe that the MT could be construed to give the required sense: "that he placated his enemy at the expense of his friend."\(^{17}\)

Nevertheless, Kissane also proposed, with some hesitation,\(^{18}\) an alternative solution: that רָדָן, "his enemy," be read for MT's רָדָן, "my enemy," thus making clear how the speaker's alleged act was detrimental to his friend: it was not his own, but his ally's enemy, whom

\(^{15}\) James Barr, *Comparative Philology and the Text of the OT*, p. 138.

\(^{16}\) The Book of Psalms I, pp. 28 f. Italics original.

\(^{17}\) Italics added. This interpretation is reminiscent of Joab's complaint (called to my attention by Dr. Alexander Rofé) that David "covered with shame the faces of all your servants, who have this day saved your life . . . because you love those who hate you and hate those who love you; . . . if Absalom were alive and all of us were dead today, then you would be pleased" (11 Sam 19 6 f. [Eng. 5 f.]). Kissane's construction would require that David implement this attitude by, say, harming one of his own men by saving, or in order to save, Absalom. This is conceivable, but the psalm's formulation seems too vague to inspire confidence that this is the background of the complaint.

\(^{18}\) This suggestion was made only in the critical notes, followed by a question mark. It is not reflected in Kissane's translation, nor mentioned in his commentary.
the speaker was accused of rescuing. The resultant translation of the
verse would be

if I repaid my ally with treachery
and rescued his enemy.

This solution, Kissane's hesitation notwithstanding, has much to
recommend it. It avoids the shortcomings of the usual solutions, such as
unhebraic and contextually anticlimactic meanings for יִלוּדַת, separation
of protasis and apodosis, and implausible ideas such as the sinfulness
of rescuing one's enemy. The emendation involved is slight, and
the corruption can be explained as due to the influence of the suffix of
the parallel. Most important, the sense obtained is excellent; it
fits the context (note the suitability of the curse in vs. 6 to the crime:
"if I rescued my ally's enemy [freeing him to pursue my ally], may an
enemy pursue me..."), and it has parallels in similar (i.e., alliance or
treaty) contexts, to which we now turn.

3. Solidarity Clauses in Ancient Near Eastern Treaties

That the word שלל in our passage implies some type of alliance has
long been recognized. Now that several ancient Near Eastern treaties
and other texts relating to them have been published, we can draw
upon them to fill in the background of our psalm.

Most of these treaties are for international alliances and involve
unilateral or mutual defensive obligations. The obliged party (or
parties) agrees to treat the other's enemy as his own enemy and the
other's ally as his own ally. This is often expressed in a declaration of
solidarity such asitti nakri ša bēša nakrāku uitti šalāmī [=םלשלשא] ša bēša šalmāku, "to my lord's enemy I am an enemy, and to my lord's

19 Cf. Dahood, ad loc.

20 On scribal confusion of waw and yod see, e.g., E. Würthwein, The Text of the OT
(Eng. tr. 1957), p. 72, § a) v. (Those who hold that biblical Hebrew had a third person
pronominal suffix written -y [Dahood, Psalms 1–50, pp. xxi, 10 f.; Psalms 51–100, p. xxv] will hold that the proposed meaning is possible without emendation. Dahood
himself takes the MT's suffix -y as third person. His translation of רָעָר as "heart"
[see ad Ps 6 8] is unconvincing in view of שלל, to which "enemy" is an excellent anti
thetic parallel.)

21 So already Kissane, p. 29: "As he has left his friend to the mercy of the enemy, he
prays that he may meet with a similar fate."

22 This word and its congener have received considerable attention lately: M. Noth,
The Laws in the Pentateuch . . ., pp. 113 f.; J. M. Munn-Rankin, Iraq 18

23 A number are translated in ANET, pp. 199–206, 529 f., 531–541, and 659–661
(page numbers above 500 only in the third ed.) and D. J. McCarthy, Treaty and Cove
nant, pp. 181–205.

24 For the distinction of vassal and parity treaties, see McCarthy, pp. 22 f.

25 Y. Muffs, "Some Comparative Notes on Ras Shamra Akkadian," a lecture
delivered at the 1967 meeting of the American Oriental Society in New Haven, Conn.
ally I am an ally." The treaties provide for the implementation of this declaration by means of military aid and by capturing and slaying or delivering up the enemies of one’s partner, or, if it should come to this, avenging his death. One must not give refuge to fugitives from the other, and must not escape or report those who plot against the other. In light of these provisions, to rescue the enemy of one’s ally is a serious offense.

We also know, from the Bible, of alliances between individuals and between tribes. Several of these include defensive obligations, such as those between Abram and Aner, Eshkol, and Mamre (Gen 14:13, 24), the Israelite tribes and the Gibeonites (Josh 10:6 ff.), David and Jonathan (I Sam 20:5–18), and David and Achish (I Sam 28:1; 29:8). These, too, would naturally be violated by rescuing or allowing the ally’s enemy to escape.

Reflexes of this obligation also appear in covenants between God and Israel. In the epilogue to the covenant stipulations of Exod 21–23, God declares that, as a reward for Israel’s obedience, “I will be an enemy to your enemies and a foe to your foes” (Exod 23:22b). Conversely, Israelite kings are rebuked for releasing or allying with God’s enemies (I Kings 20:42; II Chron 19:2). We may also note an example reflecting family duties, which are often identical to treaty duties: Saul’s rebuke of Michal after David’s escape, “Why have you 26 J. Nougayrol, Le Palais Royal d’Ugarit IV, p. 49:12 ff.; other occurrences are ibid., pp. 36:10–13; 51:11'f.; 89:13; W. Hinz, ZA (NF), 24 (1967), pp. 91,93 (III, 10 ff.); E. F. Weidner, Politische Dokumente aus Kleinasiien (Boghazkoi-Studien 8–9 [1923]), pp. 60:6 f. and 76:5 (ANET, p. 204b and n. 7); 102:7–13; 106:11 ff.
27 ANET, pp. 200–205, passim, and 530c; McCarthy, pp. 182,186 (ANET, p. 532b), 191, 193 (ANET, p. 660d), 195 (ANET, p. 533a), 200 (ANET, p. 535d, 536).
28 McCarthy, pp. 193, 200.
29 ANET, pp. 200cd, 530a,c; McCarthy, p. 193 (ANET, p. 660d).
30 ANET, pp. 204d, 530c, 531bc, 535bcd, 536a,d, 537b, 660d.
31 Cf. G. E. Mendenhall, IDB, 1, pp. 716 f.
33 J. Pedersen, Israel 1/11, pp. 279–285; N. Glueck, Hesed in the Bible, pp. 46–49; cf. n. 31, above. This relationship has several features typical of ancient Near Eastern treaties; relevant for our purposes is David’s demand, on the basis of their alliance, that Jonathan warn him of danger and not turn him over to his enemy (cf. Pedersen, p. 281; McCarthy, p. 199:73–82 [ANET, p. 535, §§ 6; 10]).
34 This relationship must have been established by treaty or oath, although none is mentioned. David’s status with Achish was that of a vassal with an overlord who had granted him a city of his own to rule (I Sam 27:5 f.). Cf. the treaty establishing a similar relationship between the Hittite king Tudhaliyas IV and Ulmi-Teshub of Dattasa, in McCarthy, pp. 183–185. On such grants in general see M. Weinfeld, “The Covenant of Grant in the Old Testament and in the Ancient Near East,” JAOS 90, 2 (1970).
36 “Allies had the same rights and obligations as those who were blood relations” (Glueck, p. 46). For the similarity of the two types of relationship cf. Pedersen, pp.
deceived me thus and let my enemy go, so that he has escaped?" (1 Sam 19:17).

In addition to these examples, mainly from formalized alliances established by treaty or oath, Eccles 4:9–12 shows that even a non-formalized relationship—in other words, friendship—was expected to provide mutual aid in the face of an enemy:

Two are better off than one... for should they fall, one can raise the other; but woe betide him who is alone and falls with no companion to raise him!... Also, if one attacks, two can stand up to him. A threefold cord is not easily broken.37

The above examples demonstrate what we should expect: alliances of all types, international, intertribal, private, and divine-human, as well as interfamilial relationships and individual friendships, were characterized by unilateral or mutual defensive obligations which would be violated by one party's aiding the other's enemy. In several cases we have seen explicit statements to this effect. Almost any of these types of alliance would provide a plausible background for Ps 7:5, given the implication of the word עלים; and such a background, in turn, supports the emendation of עזרי, "my enemy," to עזרו, "his enemy."

Recognition of the alliance background of the psalm permits greater precision in translation of four terms which are known from other covenantal contexts where they have appropriate nuances. Thus the speaker's פָּדִי (vs. 9) refers not to general ethical behavior, nor even to "innocence" in this particular case, but to the loyalty or devotion to his ally which he was accused of violating.38 The same is true for סָב.
Even the very general term **לְשׁוֹן** which the speaker denies (vs. 4), is used elsewhere for faithlessness to a covenant or behavior which might precipitate it.41

It remains to be asked whether we can choose from among the various types of alliance surveyed above the one which underlies our psalm. It may be that, as Mowinckel suggested,42 the phrase “Lord who judges nations” (vs. 9)43 implies an international background for the psalm. This is an attractive suggestion: in the context of an alliance between private individuals a reference to nations would seem misplaced. However, it may be that we ought not to press the use of divine epithets so closely.

4. **The Life Situation of the Psalm**

Whether our psalm reflects a private or an international alliance, a possible **sitz im leben** is imaginable.

According to I Kings 8:11ff., an accusation by a man against his neighbor might be denied on oath at the altar of YHWH’s temple. The exculpatory oath of our psalm is usually cited as an example of such an oath,44 and the psalm’s title, apparently naming a kinsman of Saul, seems to take the psalm to refer to an affair between individuals or clans.

On the other hand, an accusation of international misconduct might also be answered before one’s god. When the king of Assyria, to whom Hezekiah had previously submitted (II Kings 18:14ff.; likely by oath or treaty) took Hezekiah’s rebellion as a *casus belli* and sent a warning to him (18:19ff.), Hezekiah spread the threatening letters before YHWH in his temple and addressed a plea for deliverance to him (19:14ff.). Here there was no denial of the charge, but Hezekiah presented his case on other grounds. Similarly, in the Assyrian Tukulti-Ninurta true and loyal friendship, and in the Qur’ān, 33:23, the I-stem verb is used for fulfilling a covenant with God; see I. Toshihiko, *The Structure of the Ethical Terms in the Koran* (Tokyo, 1959), pp. 80–89.

39 Several terms with the basic meaning “whole” refer to integrity or loyalty in a relationship, including **מַעַן**/**מַעַן** e.g., Gen 17:1; Ps 101:2,6 (Weinfeld [cited above, n. 34], notes 12 and 15, following Y. Muffs, *Studies in the Aramaic Legal Papyri from Elephantine*, pp. 203ff.); to these may be added Deut 18:13; 32:4; Josh 24:14; Judg 9:16, 19; II Sam 22:24, 26 = Ps 18:24, 26.


42 *The Psalms in Israel’s Worship*, 1, p. 226.

43 So, e.g., Meiri and Ehrlich, against the usual “Let the Lord” or “The Lord will...” The usual translation is inferior in that it interrupts the second person address to God which otherwise prevails throughout vss. 1–11.

epic, Tukulti-Ninurta I (1244–1208) took the emissaries of the hostile Cassite king Kaštiliaš š IV (1242–1235), and the (accusatory or threatening) letter they bore, before the god Šamaš, to whom he then addressed a prayer much like Ps 7, in which he declared that he had observed the ancestral treaty (cf. Ps 7 5 π); addressed Šamaš as a judge (cf. vs. 9αβ); asked why Kaštiliaš š had violated the treaty; pleaded, “Šamaš, judge me!” (cf. vs. 9αβ); and called for victory for him who kept the treaty and defeat for its violator (cf. vs. 10). In view of these cases it is possible to imagine that our psalm was uttered by an Israelite king who had been accused by his ally or suzerain of treachery in rescuing or harboring the latter’s enemy.

In the case of both private and international alliances, the denial of guilt before one’s god reflects more than that god’s role as judge. In Israel, as often elsewhere, the parties to both types of alliance swore loyalty in the names of their own gods. Violation of the treaty would thus be punished not only by the offended party and his gods, but, if the violator worshiped different gods, by the latter, too. Thus YHWH’s rôle in Ps 7 reflects not only his judicial qualities but also his protection of oaths and treaties which had been solemnized in his name.

5. Conclusions

The term נטוש suggests that Ps 7 5 reflects an alliance. Extrabiblical and biblical sources show that failing to pursue the enemy of one’s ally, or providing the enemy refuge, are fundamental violations of alliance duties. This is precisely what Ps 7 5b refers to when נטוש is emended to نيיחי. The clause is now seen to deny an accusation that the speaker rescued his ally’s enemy. The emended verse is to be translated

if I have repaid my ally with treachery
and rescued his enemy.

This denial was uttered on oath before God, thus befitting God’s rôle as protector of treaties and oaths.

46 Prof. Weinfield points out to me that one might construe similarly Jephthah’s action in “presenting his entire case before YHWH at Mizpah” when the Ammonites had attacked Israel for allegedly occupying Ammonite territory (Judg 11 11b, joining the verse with what follows rather than what precedes).
47 It is no objection that since the psalm is formally an individual lament the speaker cannot be a king; see Mowinckel (cited above, n. 42), pp. 47, 226.
48 I Sam 20 8–17; Ezek 17 19; McCarthy, pp. 39, 93 n. 50, 79 n. 36; M. Tsevat, JBL, 78 (1959), pp. 199 ff.