Socio-Ideological *Setting* or *Settings* for Penitential Prayers?*

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Introduction

As a literary genre that developed mainly through the Persian, Hellenistic, and Roman periods, penitential prayer bridges the late biblical era and Second Temple Judaic literature.[1] Hence, this genre supplies a literary basis for the study of both continuity and evolution in the ideological-theological realm of Judaism.[2]

Yet the biblical roots of this genre are still somewhat obscure, or, to specify the enigma accurately: the circle/circles of authors responsible for the penitential prayers are unclear. Persuaded by Mark Boda's extensive traditio-historical study of Neh 9:6–37, I want to repeat his observation that this group of prayers (which also includes Ezra 9:6–14; Neh 1:5–11; Dan 9:4b–19) is "a type of prayer which reveals close affinities with Priestly-Ezekielian emphases drawing on a base of Dtr orthodoxy."[3] Indeed, the wide array of studies done on the literary sources of penitential prayers has shown that the prayers reflect an overall knowledge of the

1. Samuel E. Balentine, *Prayer in the Hebrew Bible: The Drama of Divine-Human Dialogue* (OBT; Minneapolis: Fortress, 1993), 103–17.

2. Judith H. Newman, *Praying by the Book: The Scripturalization of Prayer in Second Temple Judaism* (SBLEJL 14; Atlanta: Scholars Press, 1999); Rodney A. Werline, *Penitential Prayer in Second Temple Judaism: The Development of a Religious Institution* (SBLEJL 13; Atlanta: Scholars Press, 1998); Daniel K. Falk, "4Q393: A Communal Confession," *JJS* 45 (1994): 184–207.

3. Mark J. Boda, *Praying the Tradition: The Origin and Use of Tradition in Nehemiah 9* (BZAW 277; Berlin: de Gruyter, 1999), 197. For additional biblical texts categorized as penitential prayers, cf. Werline, *Penitential Prayer*, 11–45.

earlier sources evoked in them. Scholars have noted explicit and implicit allusions to and exegesis of Deuteronomic sources,[4] historical traditions from the whole Pentateuch and from the Deuteronomistic History,[5] and Priestly phraseology.[6] It has also been suggested that these prayers allude to prophecies of Ezekiel,[7] Isaiah, Jeremiah, Haggai, Zechariah (1–8), and other prophetic books.[8] This is thought-provoking in itself, since by studying such innerbiblical allusions and exegesis scholars suggest that a vast biblical literature was available to the authors of penitential prayers. Yet, this literary phenomenon raises several questions. May we treat this amalgam of literary sources as an intrinsic characteristic of this genre, and, if so, can we mark out sources that these prayers rejected or polemicized against? What is the relationship between the penitential prayers and the classical *Gattung* of lament? And, finally, to what extent may we define communal laments as proto-penitential prayers?[9]

In this paper I want to reconsider the relationship between penitential prayers and communal laments. I will argue that penitential prayers do not simply continue communal laments diachronically, with certain generic-formal

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4. For example, Neh 1:8–10 brings together Deut 4:27; 9:29; 12:11; 30:2, 4. See Werline, *Penitential Prayer*, 11–30. As for Dan 9, see André Lacocque, "The Liturgical Prayer in Daniel 9," *HUCA* 47 (1976): 119–42; Boda, *Praying the Tradition,* 89–187.

5. Neh 9 starts with the creation and goes through the historical traditions of Abraham, the exodus, the wilderness traditions, and the settlement; it incorporates the DtrH pattern of sin and judgment. See Boda, *Praying the Tradition*, 72–73.

6. Ezra 9:10–12 refers back to Lev 18:24–30; Deut 7:1–3; 12:28; 23:4–7; and Isa 1:19. See Boda, *Praying the Tradition*, 47–54, and throughout the detailed discussion on 89–187; and Werline, *Penitential Prayer*, 18–20. Yet, exposing Priestly influences on the penitential prayers is problematic. Allusions to the Holiness code (H, Lev 26) are traceable, but the question of Levitical liturgy is under debate; see Gerhard von Rad, "The Levitical Sermon in I and II Chronicles," in his *The Problem of the Hexateuch and Other Essays* (trans. E. W. Trueman Dicken; New York: McGraw-Hill, 1966), 267–80; and Bautch, *Developments in Genre*, 78–81.

7. Boda couples together Ezekelian and Priestly influences (*Praying the Tradition*, 62–66). Bautch found prophetic tones of warning in Ezra 9:6–15 and Neh 9:6–37, as well as allusions to the prophetic literature in both content and context (Richard J. Bautch, *Developments in Genre between Post-exilic Penitential Prayers and the Psalms of Communal Lament* [SBLAcBib 7; Atlanta: Society of Biblical Literature, 2003[, 82–84, 121–23, 159–63).

8. For Neh 9, see Jacob M. Myers, *Ezra-Nehemiah* (AB 14; Garden City, N.Y.: Doubleday, 1965), 167–69; for allusions to Jeremiah in Dan 9, see Lacocque, "Liturgical Prayer in Daniel 9," 119–42; and for Ezra 9, see Harm W. M. van Grol, "Exegesis of the Exile—Exegesis of Scripture? Ezra 9:6–9," in *Intertextuality in Ugarit and Israel: Papers Read at the Tenth Joint Meeting of the Society for Old Testament Study and Het Oudtestamentisch Werkgezelschap in Nederland en Belgie (Held at Oxford, 1997)* (ed. Johannes C. de Moor; OtSt 40; Leiden: Brill, 1998), 31–61; Boda, *Praying the Tradition*, 190–95.

9. Boda mentions Pss 74; 79; 89; Isa 63:7–64:11; 59:9–15; Jer 32:17–25; and Lamentations as "proto-forms of the later prayers" (see *Praying the Tradition*, 27, and the literature there). This idea has been carried further by Bautch, *Developments in Genre*.

transformations. Rather, during the sixth century B.C.E. penitential prayers polemicize *against* communal laments, suggesting "orthodox" alternatives to them. I will restrict myself to comments based on my previous research concerning concepts of God in the prophetic literature and poetry roughly dated to the Neo-Babylonian period, the first half of the sixth century B.C.E.[10]

Penitential Prayers and Communal Laments

Penitential Prayers in Their Literary Location

As noted above, the penitential prayers know and utilize pentateuchal and prophetic texts. However, a comparison of penitential prayers with communal laments, which presumably reflect the destruction of Jerusalem and the exile,[11] yields an impressive list of significant differences between these two bodies of literature in terms of both structure and content.[12]

Genre, Literary Structure

In his studies on communal lament Claus Westermann suggested that these poems have a five-element structure: address (including introductory petition), lament (/complaint), turning to God (confession of trust), petition, and vow of praise.[13] Penitential prayers, however, silence the complaint,[14] usually refrain

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10. Dalit Rom-Shiloni, "God in Times of Destruction and Exiles: Theology and Ideology in the Prophetical Literature and in the Poetry of the First Half of the Sixth Century B.C.E." (Ph. D. diss., Hebrew University of Jerusalem, 2001). This work will soon appear in Hebrew (The Hebrew University Magnes Press) and in English (SBL Academia Biblica).

11. In the present study, examples are adduced only from Pss 44; 74; 79; 80; 89; and 137, which are widely accepted as referring to the destruction of temple and city and the exile. For these and other lists, see Walter C. Bouzard, *We Have Heard with Our Ears, O God: Sources of the Communal Laments in the Psalms* (SBLDS 159; Atlanta: Scholars Press, 1997), 101–23; Bautch referred to Pss 44; 74; 78; 49; 80 (*Developments in Genre,* 24). The Psalms I considered in my dissertation were Pss 9–10; 42–43; 44; 74; 77; 79; 80; 89; 90; 94; 102; 103; 106; 123; 137 (Rom-Shiloni, "God in Times of Destruction and Exiles," 28–40).

12. Boda, *Praying the Tradition*, 25–26, 41; Bautch, *Developments in Genre,* 20–21.

13. Claus Westermann, *Praise and Lament in the Psalms* (trans. Keith R. Crim and Richard N. Soulen; Atlanta: John Knox, 1981), 52–64; idem, *Lamentations: Issues and Interpretation* (trans. Charles Muenchow; Minneapolis: Fortress, 1994), 95–98. Westermann based his work on Sigmund Mowinckel, *The Psalms in Israel's Worship* (trans. D. R. Ap-Thomas; 2 vols.; Oxford: Blackwell, 1962), 1:195–204. See also Craig C. Broyles, *The Conflict of Faith and Experience in the Psalms: A Form-Critical and Theological Study* (JSOTSup 52; Sheffield: Sheffield Academic Press, 1989), 220–21.

14. Boda considers "absence of complaint" to be the "most fundamental change" from lament to penitential prayer ("From Complaint to Contrition: Peering through the Liturgical

from explicit petitions for salvation,[15] and constantly emphasize confession of sins.

Confession of Sins

As presented by W. Sibley Towner, Samuel Balentine, and Richard Bautch, confessions dominate the penitential prayers in Dan 9; Ezra 9; and Neh 1; 9.[16] The function of these confessions is to praise God and to demonstrate the unbalanced relationship between God and his people.[17] God is celebrated for his salvific deeds, for his mercy and justice, whereas the people are despised for their ungrateful sinful behavior.[18]

In a few communal laments, confession does serve as justification for God's actions against his people (as in Lam 1:18; 4:6; Ps 79:8–9; and covertly in Ps 89:31–34).[19] However, such confessions are a debated element in the communal laments of Psalms and Lamentations. In fact, lack of a confession is one of the

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Window of Jer 14,1–15,4," *ZAW* 112 [2001]: 186–97; phrased as "absence of lament" in *Praying the Tradition*, 55–61). See also, earlier, Peter R. Ackroyd, *Exile and Restoration: A Study of Hebrew Thought of the Sixth Century B.C.* (OTL; Philadelphia: Westminster, 1968), 77.

15. Bouzard sees these "importunities" as "the most consistent aspect of the communal lament; it is never missing." (*Sources of the Communal Laments*, 140). In contrast, penitential prayers have only covert hints of petitions for salvation, gathered from restricted descriptions of the present distress (Neh 9:36–37; but compare to Dan 9:6–11); and they rather explicitly focus on petitions for forgiveness (Dan 9:3–9; Ezr 9:6–15; Neh 1:6–11); this, of course, is the exact meaning of 'penitence' (see Balentine, *Prayer in the Hebrew Bible*, 89). Hence, I cannot accept Bautch's conclusion that the petition for salvation remains central in the penitential prayers (*Developments in Genre,* 136–37).

16. W. Sibley Towner, "Retributional Theology in the Apocalyptic Setting," *USQR* 26 (1971): 203–14; Balentine, *Prayer in the Hebrew Bible*, 103–17; Bautch, *Developments in Genre,* 21; and, regarding Neh 9, pp. 116–17.

17. Boda considered the confession of sins a Priestly influence on this genre, stemming from Lev 26 (*Praying the Tradition*, 47–54).

18. E.g. Neh 9:6, 7–8, 9–11, 12–21, 22–25, 26–31. Observing this dichotomy between God and the people, Towner understood penitential prayers to be "celebrating the manifest greatness of … God", and thus part of the doxology *Gattung* ("Retributions Theology," 203–14); See also Waldemar Chrostowski, "An Examination of Conscience by God's People as Exemplified in Neh 9,6–37," *BZ* 34 (1990): 253–61 (esp. 253–54).

19. This function of the confession of sins within prayers of the individual or of the community is a more generally shared element in biblical prayers (e.g., Exod 9:27; as also 10:16–17; 32:17–24; similarly Isa 38:17; Pss 32:5; 51; and likewise in the communal laments, Pss 90:8; 103:10–14; 106:6); See Moshe Greenberg, *Lectures on Prayer* [Hebrew] (Jerusalem: Academon, 1983), 15–17. A diversity of attitudes to confession characterizes Lamentations. Confessions appear in six verses in chapter 1 (vv. 8, 9, 14, 18, 20, 22), in four places in chapter 4 (vv. 6, 13, 22 [twice]), but only indirectly in chapter 2 (v. 14), in two verses in chapter 3 (vv. 39, 42), and once in chapter 5 (v. 16).

central characteristics of the communal laments (e.g., Pss 74; 77; 123; 137)[20] and pious protest may be heard in the psalmists' announcements of the people's complete loyalty to God (44:18–23; 80:19). Moreover, in further contrast to penitential prayers, the restricted confessions that do appear in a few communal laments do not exclude complaints and petitions for salvation.[21]

Hence, although prayers in general, and laments or penitential prayers in particular, have at their disposal a shared stock of "building blocks,"[22] the relative weight given to each of the three elements—complaint and petition, on the one hand, and confession of sins, on the other—is not merely a formal change of balance within the genre.[23] Rather, the transformative tactic of silencing the complaint and accentuating the confessional element designates an intentional theological innovation in the penitential prayers, which should be evaluated in its theological context.

Concepts of God in Their Theological Context

The theological discussion in the Neo-Babylonian period (the sixth century, prior to the Restoration) resembles the anxious search for a pious solution to the trilemma of theodicy as defined by Ronald M. Green:

> The "problem of theodicy" arises when the experienced reality of suffering is juxtaposed with two sets of beliefs traditionally associated with ethical monotheism. One is the belief that God is absolutely good and compassionate. The other is the belief that he controls all events in history, that he is both all-powerful (omnipotent) and all-knowing (omniscient). When combined … these various ideas seem contradictory. They appear to form a logical "trilemma," in the sense that, while any two of these sets of ideas can be accepted, the addition of the third renders the whole logically inconsistent.… Theodicy may be thought of as the effort to resist the conclusion that such a logical trilemma exists. It aims to show that traditional claims about God's power and goodness are compatible with the fact of suffering.[24]

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20. For parallels to this lack of penitential materials in the Mesopotamian *balag* and *ersh-emma* laments, see Bouzard, *Sources of the Communal Laments*, 53–99, 199–200.

21. Additional differences were suggested by Mark J. Boda, "The Priceless Gain of Penitence: From Communal Lament to Penitential Prayer in the 'Exilic' Liturgy of Israel," *HBT* 25 (2003): 51–75.

22. Moshe Greenberg argued that shared elements in prayers result "logically from the circumstances of the prayer" (*Biblical Prose Prayer As a Window to the Popular Religion of Ancient Israel* [Berkley: University of California Press, 1983], 11).

23. Compare to Westermann's description of the transformation of the lament in *Praise and Lament*, 171, 206; Boda suggested a similar tendency in Josh 7 (*Praying the Tradition*, 57–61); see also Bautch, *Developments in Genre*, 156–69.

24. Ronald M. Green, "Theodicy," *The Encyclopedia of Religion* (New York: Macmillan, 1987), 14:430–41.

This problem of theodicy in the face of the national crisis aroused a wide-ranging theological disputation among the Judahite people in Jerusalem and subsequently in Babylon, over God's three major qualities: omnipotence, omnipresence, and omniscience. (1) As omnipotent, God is considered the Lord of history, and his role in the destruction and exile of his people is central. (2) As omnipresent, God's presence and involvement in his people's destiny is in focus, and the possibility of a continuing God-people relationship after the destruction is contemplated. (3) As omniscient, God's attributes of justice, compassion, and the ability to forgive are major, and they raise bothersome questions regarding divine justice.

These theological topics are articulated along a vast spectrum of perceptions that were voiced by different speakers, and are recorded in the books of Jeremiah, Ezekiel, Lamentations, and selected Psalms. Explicit debates that present binary theological oppositions, lead me to observe the ideological-theological contention as dichotomized between speakers (or literary circles) in general categories of "ideological core" versus "ideological periphery," "mainstream" versus "dissident," "orthodox" versus "nonorthodox" perceptions.[25]

"Orthodoxy," according to Sheila McDonough, denotes its literal meaning as "correct or sound belief according to an authoritative norm."[26] On this "orthodox," or just "core" side of the division, stand historiographers (DtrH), priests (mainly of the Holiness school), and prophets. On the other side are sources that can be defined only negatively as not belonging to any of the former groups. Nonprophetic voices are found in relatively large numbers in Jeremiah and Ezekiel, in citations brought within these prophetic books.[27] As opponents of the prophets, the speakers are specified at times by their names (mostly the kings and their officials, Jer 21:2; 37:3) or grouped anonymously and generally as the *vox populi*, "all the people" (as in Jer 26:7).[28] This general division, however, does not intend to smooth over internal contentions within "orthodox circles." For instance, Jeremiah and Ezekiel faced other "orthodox" opponents, designated in the literature according to their social circles (e.g., "the priests and prophets," Jer 26:7; as also the peace prophets, Jer 23; 28; 29; Ezek 13). "Nonorthodox" writers stand behind

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25. All these terms are of course sociologically inadequate, used here only to suggest theological oppositions. Yet none of the pairings seem satisfactorily to define the socio-theological dialectics under discussion here. Compare to Walter Brueggemann's "trial metaphor" with "core testimonial" and "countertestimonial" texts (*Theology of the Old Testament: Testimony, Dispute, Advocacy* [Minneapolis: Fortress, 1997], 117–26, 400–401).

26. Sheila McDonough, "Orthodoxy and Heterodoxy," *ER* 11:124.

27. Almost 140 quotations are found in Jeremiah, with more than 40 in Ezekiel (1–39), though not all of them are authentic. See Rom-Shiloni, "God in Times of Destruction and Exiles," 41–68 and appendix 1.

28. For the *vox populi* in opposition to the "writing" prophets, see James L. Crenshaw, *Prophetic Conflict: Its Effect upon Israelite Religion* (BZAW 124; Berlin: de Gruyter, 1971), 23–38.

most of the communal laments in Psalms and Lamentations. Their identity is unknown, but we can certainly detect a multifaceted independent expression of pious poetry. Furthermore, similarities have been noticed between arguments suggested in the quotations and themes presented in laments.[29] Hence, this opposition between "orthodox" (prophetic/historiographic/priestly) perspectives, on the one hand, and "nonorthodox" voices, on the other, demonstrates the complicated religious climate of that period.

In order to establish my argument regarding the theological relationship between penitential prayers and communal laments, let me suggest a theological inventory, which can help in situating penitential prayers in their theological context. This inventory is based on examination of the differences within the Judean religious worldview in the Neo-Babylonian period. I will restrict myself to one topic, the God-people relationship, the most persistent issue in both penitential prayers and communal laments.[30]

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THE GOD-PEOPLE RELATIONSHIP IN SOURCES
FROM THE NEO-BABYLONIAN PERIOD

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Sources from the Neo-Babylonian period exploit the general biblical patterns of covenant relationship between God and his people using two alternative sets of metaphors: metaphors taken from the sphere of political suzerainty treaties;[31] and metaphors from the family realm, marriage and adoption.[32] Both metaphors share the following constitutive elements: (1) the covenant as divine initiative; (2) commitments to the covenant, which may or may not mention (a) the people's obligations or (b) the divine commitment; (3) violation of the covenant, alternatively attributed to (a) the people or (b) God; (4) judgment, which explains the present distress; (5) prospects for renewal of the covenant relationship after the destruction and the exiles, again with the dual possibilities of (a) the people's continuing obligation; or (b) God's eternal commitment/recommitment, to his people.

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29. Rom-Shiloni, "God in Times of Destruction and Exiles," 59–60, 90–155, 178–80, 284–318.

30. Balentine, *Prayer in the Hebrew Bible*, 216–64.

31. Moshe Weinfeld, "בְּרִית," *TDOT* 2:253–79. The political metaphor functions in DtrH (e.g., 2 Kgs 17:7–23; as in Jer 11:1–15; Ezek 20:1–38); in H (Lev 25, 26); as well as in nonprophetic voices (Jer 2:6, 8; Ezek 20:32); in Pss 44, 74, 80, 89, 106, and implicitly also Pss 77, 79.

32. The metaphor of marriage occurs in Jer 3:1–5; and in Ezek 16, 23; metaphor of adoption in Jer 31:9, 18; Ezek 16:1–43. See Moshe Weinfeld, *Deuteronomy and the Deuteronomic School* (2d ed.; Winona Lake, Ind.: Eisenbrauns, 1992), 80–81, 327; Shalom M. Paul, "Adoption Formulae: A Study of Cuneiform and Biblical Legal Clauses," *MAARAV* 2/2 (1979–1980): 173–85. Marriage and adoption are brought together in Ezek 16:1–14 and Jer 3:4. See Rom-Shiloni, "God in Times of Destruction and Exiles," 249–51.

While the two sets of metaphors function in all the above-mentioned literary contexts, the "orthodox" texts differ from the "nonorthodox" ones in terms of three elements: the commitments to the covenant taken on by the human and divine, their recognition of responsibility for violating it, and their commitments to its renewal.

COMMITMENTS TO THE COVENANT

According to the political model, God, the suzerain, is the one who "makes a covenant" (e.g., Deut 5:2, 3; Jer 34:13; Ezek 34:25; and Ps 89:4), or "upholds a covenant" (e.g., Lev 26:9; Ezek 16:62) with his people.[33] Following this initiative, the suzerain has the privilege of obligating the people to fulfill his demands. Hence, God is the one who sets the terms, and the people are committed to being loyal by keeping "the words of the covenant" (Jer 11:2, 3, 6, 8; 34:18), and God's commandments (e.g., Deut 6:2, 17; 2 Kgs 17:19; Ezek 20:21).

In the "orthodox" sources, a long list of demands is put upon, or accepted by, the people (Jer 7:23; 11:4), whereas divine obligations are scarcely found at all.[34] Exceptional in this respect is the covenant formula, "That I may be your God and you may be My people" (e.g., Jer 7:23; as also Lev 26:12; Deut 26:17; 29:12), which syntactically suggests mutual obligations.[35] The contexts in which this formula appears indicate implicitly God's obligations (1) to be present within his people (Lev 26:11–13); (2) to give military aid and salvation from enemies (Lev 26:13; Deut 26:17–19); and (3) to fulfill the promise concerning the land (Deut 29:12).

This balance changes completely when we come to communal laments. As a rule (with the single exception of Ps 106:34–39), the laments on the one hand, do *not* mention any commitment imposed on the people, and, on the other, *do* emphasize the divine obligations for military aid and salvation from enemies. These obligations are mentioned in three contexts: in recitals of God's past deeds for the benefit of his people (Pss 44:2–9; 74:12–17; 80:9–12; 89:6–19, 20–38), in complaints about the present distress (44:10–17), and in petitions for future salvation (44:24–27; 80:15–20; 137:7–9).

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33. On כרת and הקים ברית, see Jacob Milgrom, *Leviticus 23–27* (AB 3B; New York: Doubleday, 2000), 2343–44.

34. This phenomenon is well-attested in Neo-Assyrian suzerainty treaties, and it does not contradict the Suzerain's basic obligations of military aid, political backing and peace. See Simo Parpola and Kazuko Watanabe, *Neo-Assyrian Treaties and Loyalty Oaths* (SAA 2; Helsinki: Helsinki University Press, 1989), xiv–xv.

35. The covenant formula occurs seven times in Jeremiah (Jer 7:23; 11:4; 24:7; 30:22; 31:1, 33; 32:38) and five times in Ezekiel (Ezek 11:20; 14:11; 36:28; 37:23, 27), more than in any other biblical composition.

The DtrH and the prophets are united in their interpretation of the Babylonian victory and dominion over God's people. The present distress is a divine judgment in retaliation for Judah's one-sided violation of God's covenant (e.g., 2 Kgs 21; 23:26–27; 24:1–4, 20; Jer 11:1–14; Ezek 20:5–38). Judah brought upon itself the stipulations of the covenant, the long warning lists of curses of Lev 26 and Deut 28 against transgressions of the covenant obligation.[36]

However, communal laments generally do not mention any violation of the covenant on the part of the people and do not suggest present or past lapses in loyalty to God (so Pss 74; 77; 80; 89; 137). Rather, the psalmists ask the reason for the people's suffering (as in 74:1) or announce loudly the loyalty and innocence of the people who declare their commitment to the covenant (44:18–23; 80:19). Confession of "former iniquities" coupled with present sins does indeed appear in Ps 79:8–9, but this does not overshadow the declaration of faithfulness: "We, your people, the flock you shepherd" (v. 13).

Unlike "orthodox" sources, some communal laments do not describe Jerusalem's destruction or the people's defeat as a divine judgment in retaliation for the people's sins (e.g., Pss 74; 79). The destruction is mainly seen from one of two perspectives, either as a cruel act of war initiated by the human enemies, which God had no part in bringing against his people and city (Pss 74:1–15; 79:1–4; as also Jer 21:2), or as a direct act of God, who summons the enemy against his people, giving his people into their hands (44:10–17; 80:13; 89:41–43). In face of the people's faithfulness, both alternatives are theologically inexplicable, thus they elicit the psalmists' protests.

Moreover, laments charge *God* with violating his eternal covenant and oath (Ps 89:39–40). They explicitly call God to recommit himself to the covenant (Ps 74:20; as also Jer 14:21); they protest against God's withdrawal from his major obligation as Warrior who saves his people in times of distress (Pss 44:10–17, 24–25; 77:8–10; 79:15,20; 80:2–3; 89:39–46);[37] and they furthermore question God's continuing anger during the exile (Pss 74:1; 79:5; 80:5).

In accordance with their perspectives on the commitments to the covenant and its violation, communal laments urge God to return and to bring his people back to him (Ps 80:3, 8, 20), to wake up (44:24), to turn his face to his people (80:3, 8,

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36. Delbert R. Hillers, *Treaty Curses and the Old Testament Prophets* (2d ed.; BibOr 16; Rome: Pontifical Biblical Institute, 1964).

37. Psalm 44 adds an implicit protest against the divine justice (particularly vv. 18–23); see Dalit Rom-Shiloni, "Psalm 44: The Powers of Protest," forthcoming.

20), to see and hear (80:15), to remember (89:48–52), and to save his people as their sole Warrior (e.g., 79:20–23; as also Jer 14:7–9). There is no mention of any break in the people's loyalty to God while in distress. Rather, communal laments reflect the opposite. Using language of abandonment, the verbs זנח, נטש, עזב, and מאס, the psalmists express the feeling that God has deserted his people and withdrawn from the covenant (Ps 44:10, 24; as also 74:1; 77:8; 89:39; and Jer 33:24);[38] furthermore, he has abandoned the land ("The Lord does not see us; the Lord has abandoned the country," Ezek 8:12; 9:9). Whether deliberately absent or voluntarily uninvolved in the events because he hides his face (Ps 44:25), God does not see, hear, or speak; he does not employ his qualities of knowledge and remembrance to renew his past commitments to his people (תשכח "ignoring our affliction and distress," Ps 44:25). The complaints and the petitions addressed to God in the laments designate *him* as the partner who should be called to renew the covenant relationship with his loyal, patient, though suffering, people (Lam 5:19–22).

This is, of course, in contrast to the historiographic, priestly, and prophetic viewpoints. Focusing on the *people*'s violation of the covenant, DtrH, Jeremiah, and Ezekiel use the verbs עזב, נטש, זנח, and מאס almost exclusively with the people as agents, and God or his commandments as objects, as for instance: "For all their wickedness: they have forsaken me" (Jer 1:16).[39] Furthermore, Jeremiah and Ezekiel refute the people's expressed feeling of desertion (Ezek 8–11, and Jer 33:24–27; 31:37).[40] In these sources the people are directed to return and seek God from their places of exile (Deut 4:29–31; 30:1–10; Lev 26:39–42). The prophets call for penitence and repentance (Jer 3:12–13, 14–18, 19–25; Ezek 18:21–32), and Ezekiel even projects a one-sided divine salvation of the exiles, in which God will conduct an internal transformation of their hearts to assure the

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38. זנח, נטש, עזב with the objects of people and land, are among the verbs that describe God's absence and uninvolvement. מאס refers to God's abhorrence of a previously chosen king (Ps 89:39), priest (Hos 4:6), cult (Amos 5:21), the city (2 Kgs 23:27), and likewise the people (Lev 26:44; 2 Kgs 17:20; Jer 33:24; Isa 54:6, etc.).

39. Jeremiah uses נטש and עזב with God as agent in divine threats against the people only in Jer 12:7 (נטש) and 7:29; 23:33 (עזב). Regularly, however, does עזב occur in Jeremiah with the people as agents and God as object (Jer 1:16; 5:7–8, 19; 16:11; 19:4; 22:9; and metaphorically, 2:17, 19); so also implicitly within the refutations of the quotations in Ezek 8–11 (8:12; 9:9). In Dtr sources: Deut 28:20; 31:16; Josh 24:16; Judg 10:10, 13; 1 Sam 12:10; 1 Kgs 11:33; 2 Kgs 22:17; and see queries 2 Chr 15:2; 24:20. More than the other three verbs, מאס is connected with covenant phraseology and usually occurs with the objects תורה, חקות, משפטים, and דבר to denote the misconduct of the people toward God (Jer 4:30; 6:19; 8:9; 9:12; Ezek 5:6; 20:13, 16, 24; as also Lev 26:15; 2 Kgs 17:15); cf. נטש Jer 15:6.

40. Cf. Deut 31:20 to 31:6, 8. We also find the negation of abandonment verbs in the laments: לא זנח, Lam 3:3; לא נטש, Ps 94:14; לא עזב, Pss 9:11; 94:14. Yet only in Deutero-Isaiah's prophecies, alongside the announcements לא עזב (Isa 41:17; 42:16), do we see prophetic approval of this feeling of abandonment among the exiles in Babylon (Isa 49:14; 54:6–8).

exiles' obedience (Ezek 11:19–20; 36:26–27).[41] This "orthodox" approach to the renewal of the covenant thus reflects and understanding that the *people* violated the covenant through their continual sins (Lev 26:15), whereas God's judgment was *not* a final break in the God-people relationship (Lev 26:44–45).[42]

The evidence points to several conclusions. First, fundamental differences of perspective characterize the major conflict between the "orthodox" historiographic and prophetic sources, on the one hand, and the "nonorthodox" sources in the quotations and the communal laments, on the other. The "orthodox" sources argue that the *people* transgressed the covenant, whereas the "nonorthodox" ones claim that *God* has abandoned God's eternal commitment to Israel. Second, as heterogeneous and independent literary compositions, laments demonstrate several alternative concepts when they describe God's role in the destruction and his relationship with his people. Yet, the common denominator in these various conceptions of the God-people relationship is the people's full devotion to God and to his covenant in the face of their frustrating encounter with an abandoning, hiding, sleeping, uninvolved God. Third, this confidence in the people's devotion leads to the particular elements that characterize the communal laments: the praise for past deeds, the complaints, the petitions, and the lack (or rare occurrence) of confessions of sin.

The God-People Relationship in the Penitential Prayers

To express their overall perspective on the God-people relationship, penitential prayers utilize the political metaphor. Nehemiah 9 mentions a covenant with Abraham (Neh 9:7–8);[43] God is referred to as "our God" (Dan 9:9, 10, 14, 15, 17; Neh 9:32; Ezra 9:13); ה' אלהי ישראל (Ezra 9:15); the people are his servants (Neh 1:6, 10) or "your people" (Dan 9:16; Neh 1:10), and so forth. Repeatedly God is given the epithet שמר הברית והחסד ("who stays faithful to his covenant," Neh 1:5; 9:32; Dan 9:4).

If we apply to the penitential prayers the theological inventory developed above concerning the God-people relationship, none of the concepts that exemplify the perspectives of communal laments match the perspective within the extant penitential prayers.

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41. Moshe Greenberg, *Ezekiel 21–37* (AB 22A; New York: Doubleday, 1997), 735–38.

42. Milgrom suggested that "I will remember in their favor the covenant with the ancients" (Lev 26:45) denotes God's maintenance of both the Sinaitic and the patriarchal covenants (*Leviticus 23–27*, 2337–42).

43. Fredrick C. Holmgren, "Faithful Abraham and the *ʿamānâ* Covenant, Nehemiah 9,6–10,1," *ZAW* 104 (1992): 249–54.

Commitments to the Covenant

Penitential prayers suggest that the people were committed to God through the laws and commandments given to Moses or to his servants, the prophets (Ezra 9:11–12; Neh 1:8–9; 9:13–14; Dan 9:10–11). Most of the references use only general language: "laws, commandments, and teaching" (Neh 9:14); "commandments and rules" (Dan 9:5), and the like; yet two of the penitential prayers allude to specific laws in Deuteronomy and in Leviticus (Ezra 9:10–12 to Lev 18:24–30; Deut 7:1–3; 23:4–7; and Neh 1:8–10 to Deut 4:27–29; 9:29; 30:2–5).

In contrast to communal laments, but in additional agreement with the historiographic and prophetic sources, penitential prayers do not explicitly mention God's obligations toward his people. An exception is the historical recital in Neh 9, which refers first to the divine promise of the land to Abraham and the fulfillment of this promise (Neh 9:7–8); second, to the fulfillment of the promises of progeny and the giving of the land to the second generation after the exodus (9:9–23) and third, to military assistance in confronting the Canaanite peoples (9:24–25).

Violation of the Covenant

In the penitential prayer traditions, responsibility for violating the covenant is put entirely upon the people's shoulders. For instance, Dan 9 contrasts God as one "who stays faithful to his commandments" (v. 4) with six expressions of the people's transgressions: "We have sinned; we have gone astray; we have acted wickedly; we have been rebellious and have deviated from your commandments and your rules and have not obeyed your servants the prophets" (vv. 5–6). In penitential prayers, the speaker(s) confess sins at length, sins committed by both the forefathers and the present generation (Dan 9:16, and vv. 6, 8; Ezra 9:7). The sins are catalogued in keeping with historiographic and prophetic models;[44] they are phrased in conventional Dtr and Priestly language;[45] or they use *hapax* phrases that allude to Dtr/Priestly concepts.[46]

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44. For Neh 9, see Boda, *Praying the Tradition*, 81–87.

45. To mention some examples: ולא שמענו בקול ה' אלהינו ללכת בתורתיו (Dan 9:10); ולא שמרנו את (Dan 9:6); ולא שמענו אל עבדיך הנביאים (Dan 9:5); וסור ממצותך וממשפטיך חטאנו רָשַׁעְנו (Dan 9:8); חטאנו לך (Neh 1:7); המצות ואת החקים ואת המשפטים אשר צוית ולא חלינו את פני ה' (Dan 9:9); מרדנו בו (Dan 9:16); בחטאינו ובעונת אבתינו (Dan 9:15); במעלם אשר מעלו בך (Dan 9:13); אלהינו לשוב מעוננו ולהשכיל באמתך (Dan 9:7). This general phraseology persists also when the specific violation of rules is mentioned (Ezra 9; Neh 1).

46. ויעשו נאצות גדולת ("thus committing great impieties," Neh 9:18, 26), e.g., is a *hapax* connected in this prayer to the sin of the golden calf (v. 18) and to the idolatry after the settlement in the land (v. 26). But since עשה נאצות stands for violation of the covenant in general, Neh 9:25–26 seems to allude to Deut 31:20 more strongly than to the wilderness tradition, as suggested by Boda, *Praying the Tradition*, 152–53.

According to the penitential prayers, in afflicting his people, God responded to the people's disobedience in a manner fully consistent with criteria of justice (Dan 9:12–14) and of steadfast love (חסד, Ezra 9:9). God's past mercy is repeatedly mentioned (Neh 9:19, 27, 31), and he is called by the epithets "a forgiving God, gracious and compassionate, long-suffering and abounding in faithfulness" (Neh 9:17; and see Dan 9:9). God's celebrated quality is righteousness (צדיק אתה "You are benevolent," Ezra 9:15; Neh 9:8, 33), the one who has justice at his disposal "With you, O Lord, is the right" (Dan 9:7).[47]

Judgment is thus completely justified, producing no complaint or protest. On the contrary, according to Ezra 9 God has brought the mildest judgment possible given the severity of the sins: "Though you, our God, have been forbearing, [punishing us] less than our iniquity [deserves]" (Ezra 9:13).[48]

The description of the past and present crises states that God gave the people into the hands of their enemies (Neh 9:27–29): "You abandoned them to the power of their enemies, who subjugated them" (Neh 9:28); "You delivered them into the power of the peoples of the lands" (Neh 9:30); "we … have been handed over to foreign kings" (Ezra 9:7b). All resemble the intermediate position (most often appearing in DtrH), that God himself had summoned the enemies to fight his people. Exceptions appear only in Dan 9, where exile is introduced once as the place to which God has banished his people (Dan 9:7) and where God is the sole agent of the distress (Dan 9:12–14).

Renewal of the Covenant Relationship

The confessional element in penitential prayers paves the way for the people's expected repentance, in agreement with the concept of exile in Deut 4:29–31; 30:1–10; Lev 26:39–42 (and 1 Kgs 8:46–50). Penitential prayers emphasize the people's violation of the covenant and at the same time accentuate God's constancy as שמר הברית והחסד ("who stays faithful to his covenant," Neh 1:5; 9:32; Dan 9:4). Hence, in contrast to communal laments, penitential prayers do not await divine renewal of the covenant. With no intervening break, God has always been obligated to his people through the covenant. Thus, there is no need to call him to renew it, as there is no place for pleas and petitions of salvation.[49]

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47. See also כבל צדקתך ("as befits your abundant benevolence," Dan 9:16); as also Lam 1:18 and, in a personal context, Jer 12:1. See Rolf Rendtorff, "Nehemiah 9: An Important Witness of Theological Reflection," in *Tehillah le-Moshe: Biblical and Judaic Studies in Honor of Moshe Greenberg* (ed. Mordechai Cogan, Barry L. Eichler, and Jeffrey H. Tigay; Winona Lake, Ind.: Eisenbrauns, 1997), 111–17.

48. A similar argument occurs in Ps 103:10–11.

49. However, contextually Neh 9:1–10:1 presents the prayer as part of a renewal ceremony; see Boda, *Praying the Tradition*, 32–38.

Furthermore, repeatedly in Neh 9 God is said not to have left or abandoned his people, even at the worst point of their disobedience (Neh 9:17, 19, 31). Ezra 9:9 emphasizes God's commitment to his people as specifically apparent in their present tremendous distress "though even in our bondage God has not forsaken us, but has disposed the king of Persia favorably toward us." On the contrary, God is praised for giving his people a remnant (Ezra 9:8–10; 13–14).

This short comparison establishes the theological context of penitential prayers, and suggests close conceptual similarities between penitential prayers and the "orthodox" sources: DtrH, the Holiness code within the Priestly sources, and the prophetic literature.

The Polemical Position of Penitential Prayers

The differences between penitential prayers and communal laments are usually explained diachronically. Being preexilic or exilic, communal laments precede penitential prayers, which are considered to be a later transformation of exilic and mainly postexilic lament literature.[50] Yet this diachronic sequence is highly speculative. First, dating the communal laments is a riddle, and at least some of them are definitely exilic (Pss 44; 74; 79; 137; etc.).[51] Second, this theological diversity with regard to concepts of the God-people relationship was apparent in Judean religious thought as early as the first half of the sixth century. Hence, it seems more reasonable to perceive the ideological relationship between communal laments and penitential prayers as roughly synchronic.[52]

Moreover, judging both from literary references and from ideological-theological perspectives, penitential prayers cannot be taken simply as a linear evolution of communal laments, transforming lament to penitence. Rather, penitential prayers should be evaluated as contemporaneous polemical response to communal laments. In contrast to the "nonorthodox" milieu of poetic communal laments, penitential prose prayers originated in Deuteronomistic, priestly, and

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50. See Westermann's reconstruction of "a history of the lament" from preexilic literature to the Apocrypha and Pseudepigrapha (*Praise and Lament*, 171–72, 195–213).

51. For a recent discussion, see Adele Berlin, "Psalms and the Literature of Exile: Psalms 137, 44, 69, and 78," in *The Book of Psalms: Composition and Reception* (ed. Peter W. Flint and Patrick D. Miller; VTSup 99; Leiden: Brill, 2005), 65–86.

52. Dan 9:4–19 and Neh 9:6–37 have been dated to the exilic or early Persian periods (before 500 B.C.E.). See Lacocque, "Liturgical Prayer in Daniel 9," 119–42 (especially 125–27). Hugh G. M. Williamson considered Neh 9 a composition of the Judean community that remained in the land after 587 ("Laments at the Destroyed Temple," *BRev* 6/4 (1990): 12–17, 44), whereas Chrostowski suggested that the author of Neh 9:6–37 was one of Ezekiel's disciples ("An Examination of Conscience," 253–61). Based on literary and thematic connections to Haggai and Zech 1–8, Boda thought of the early Persian period (520–500 B.C.E.) (*Praying the Tradition*, 190–95).

prophetic circles of authors during the Neo-Babylonian and early Persian periods. These prayers indeed display a complicated relationship to communal laments, a relationship of explicit and implicit rejection, on the one hand, and of implicit acceptance, on the other.

Explicit Rejection

As suggested above, penitential prayers rejected "nonorthodox" concepts of the God-people relationship (as found in communal laments) in the aftermath of the destruction. In contrast to the laments, penitential prayers retained the "orthodox" balance: God had obligated the people to the covenant through demands of loyalty and specific commandments; the people had violated the covenant by deserting God and his commands, but, nevertheless, God had not abandoned his people. The special emphasis given to the abandonment language expresses a vast contrast with laments.

Implicit Rejection

Using their awareness of the form and content of communal laments, the authors of the penitential prayers changed the typical structures and themes of the laments in a way that produced counter-answers. The three major characteristics of penitential prayers—silence of the complaint, muting of petitions (except for Dan 9), and accentuation of the confession—are all formal features that respond to the communal laments' special concepts of God. The changes in penitential prayers are aimed at minimizing the elements of protest and complaint, in order to maximize the confession and, even more so, the praise given to God.[53] Moreover, while communal laments express protest and doubt with regard to God's involvement in his people's distress, his ability and wish to save his people, and so forth, penitential prayers pronounce the opposite: God had acted fiercely against a sinful people (yet he never deserted them), and as always, he is completely involved in their life at the present time.

Implicit Acceptance

The dialogue that Neh 9 conducts with communal laments in general, and above all with Ps 106, has been presented time and again.[54] However, given the wide and diverse theological expressions of sources from the sixth century, Neh 9 joins the theological discussion in a very sophisticated way.

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53. Compare to Bautch, *Developments in Genre*, 116–19.

54. Boda, *Praying the Tradition*, 24–25, 66–68; Bautch prefers Ps 78 (*Developments in Genre*, 114–19).

First, Neh 9 indeed presents explicit confessions of sin on behalf of past generations (vv. 16–18, 26, 28–31) and once even joins the present generation to its forefathers (vv. 33–34). Yet throughout the prayer the author distinguishes between the ancestors and the present generation of repatriates. Third-person plural dominates the historical recital, whereas first-person plural appears only in verses 33–34 and in the closing verses that describe the present distress (vv. 36–37).[55] This morphological variation illustrates, even if only implicitly, the author's anxious desire to define accurately the differences between his generation and previous ones, arguing that the present generation is not following the forefathers' misconduct.[56]

Second, the historical recital in Neh 9 emphasizes God's past presence and involvement on behalf of his people in times of distress (vv. 9–11, 12–21, 30a), as well as his patience and mercy in the face of the continuing disobedience of the people in past generations (vv. 17, 19, 27, 31). These are presented down to the eventual stage of destruction (vv. 30–31). However, the final verses of this penitential prayer (vv. 32–37), which focus on the present generation of repatriates in Yehud, demonstrate a deafening silence about these divine qualities: there is no mention of mercy, of patience, of involvement on behalf of this loyal community under subjugation in its own promised land, no positive statement that God has not abandoned the people this time.

This distinction between past and present could certainly supply a typical lament with complaints and petitions for salvation. Yet these two components are deeply buried under the "orthodox" disguise of this penitential prayer.

It seems, then, that the authors of penitential prayers distanced themselves intentionally from communal laments and preferred the "orthodox" concepts.[57] In their prayers they supplied total justification of God and full acceptance of his judgment, which gave alternative opportunities for expressions of protest and doubt.[58] This choice of alternative concepts caused immediate significant

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55. This differentiation is clearly discernible even without Chrostowski's interpretation of ואנחנו הרשענו (ו)את מלכינו "Also we condemn both our kings." He thus argues that vv. 32–37 present a request for salvation and a complaint ("An Examination of Conscience," 255–58). Yet I would accentuate the implied tone of these verses.

56. Contra Holmgren, "Faithful Abraham," 252. Yet, I agree with Holmgren that, given the self-identification of the repatriates with Abraham, Neh 9 is an expression of the community's "hope for the future" (253).

57. For instance, Neh 9 reverses the communal lament's perspective regarding divine justice, presenting the binary opposition between God as צדיק and the people as רשע (v. 33); see Bautch, *Developments in Genre*, 117–19, 153–56.

58. The themes and rhetorical traits of protest, were discussed in my "Psalm 44: The Powers of Protest," a presentation at the Psalms Section at the SBL Annual Meeting in Philadelphia, November 2005, and will appear in writing.

formal deviations that distinguished penitential prayers from the genre of communal lament.[59]

<center>CONCLUSIONS</center>

In answer to the question posed by the title of this article—socio-ideological *setting* or *settings* for penitential prayers?—I place the "orthodox" circles as the socio-ideological setting of penitential prayers.[60] The communal laments, stemming from "nonorthodox" circles, would have been considered contemporary antagonistic expressions, which penitential prayers attempted to reject through major thematic and consequently formal changes.[61] From this perspective, communal laments can hardly bear the burden of being "proto-penitential prayers." The present discussion suggests an alternative description of the penitential prayers' literary reliance on prior or contemporary sources. On the one hand, "orthodox" sources (DtrH, Priestly, and prophetic traditions) serve as the penitential prayers' literary and theological background. They supply the rhetoric of the prose style, the phraseology, and the themes. On the other hand, shared elements of structure and style from biblical prayers provide the repertoire of forms for the penitential prayers. From this diverse biblical prayer tradition the penitential prayers draw and encounter the essential thematic characteristics of the communal laments: the themes of lament, protest and doubt, and mostly the lack or minimized place of the confession of sins.

Therefore, we can confidently assume that not only were the authors of penitential prayers highly knowledgeable of the genre of communal laments,[62] but they also intentionally constructed an "orthodox" counterpart to these laments that "cleaned up" inappropriate concepts, yet left enough traces to allow us to discern a complicated dialogue between prayer and lament.

As repeatedly happened in late biblical history, the "orthodox" line of thought prevailed. The diachronic sequence in the "history of the lament" suggested by Westermann is thus the product of an extraliterary (social) process that gained dominance and excluded lament in favor of repentance. While "nonorthodox"

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59. Bautch, in contrast, measures the transformation in formal criteria and further regards Isa 63:7–64:11 and Neh 9:6–37 as "innovative" in their use of the communal laments (*Developments in Genre*, 156–57).

60. See Werline: "penitential prayer is not isolated to fringe groups, but stands at the center of Israel's religious system" (*Penitential Prayer*, 64).

61. In this I suggest a somewhat different perspective on the relationship between the two genres; cf. Boda, "From Complaint to Contrition," 186–87.

62. Robert E. Culley pointed out the biblical poets' ability to cite "stock phrases and stereotyped expressions" as part of their creative work in composing poetry (*Oral Formulaic Language in the Biblical Psalms* [Near and Middle East Series 4; Toronto: University of Toronto Press, 1967], 5–9).

voices, including the communal laments, apparently vanished in the course of the postexilic period, penitential prayers, their "orthodox" counterpart, flourished.