

# “A Community of Peoples”

*Studies on Society and Politics in the Bible and Ancient  
Near East in Honor of Daniel E. Fleming*

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## From Babylon to Jerusalem: Water Ordeals in the Ancient World

*Jack M. Sasson*

Hilary Mantel, the superb confectioner of historical fiction, has defined history as "What's left in the sieve when the centuries have run through it—a few stones, scraps of writing, scraps of cloth."<sup>1</sup> In this presentation, I will retrieve from that sieve a few bones and sort them into a time continuum to flesh out arcane judicial practices that sought to achieve justice. In turn, I will chart a transfiguration of the practice as it moves from one orbit to another. I offer these pages to Dan Fleming, a master of scholarship on several archives from antiquity. Dan had already penetrated the culture of Late Bronze Age Emar when an urge for new challenges brought him to a world with which we are both now hopelessly in love. I could easily be alluding to Israel and its richest intellectual contribution, the Hebrew Bible; but in this case, the successful seducer was Mari, with records of unprecedented density of action and actors. Dan and I bonded in the twilights of our second millennium CE, when I was privileged to recommend his work on our shared addiction to professional organizations. It is therefore a delight for me to offer him these few pages that try to bridge evidence from the two cultures that continue to absorb us over so many years. Dan once told me that he liked the way I weave ancient records into stories. May these pages succeed in pleasing him, even if they will hardly expand the breadth of his knowledge.<sup>2</sup>

1 From one of her 2017 BBC-sponsored Reith lectures; summary and access are via <https://www.bbc.co.uk/programmes/articles/2WroW9id332q5mk8FwySysb/what-we-learnt-from-hilary-mantel-s-reith-lectures>.

2 An aurally accessible version of this paper was Zoomed to a wider public toward the end of May, 2021. I have largely kept the format of addressing a larger audience rather than one that engages scholars exclusively.

The literature on ordeals is enormous. It includes overviews on Mesopotamia by Wilfred van Soldt ("Ordal A. Mesopotamien," *RLA* 10 [2003]: 124–129); on Hatti by Theo van den Hout ("Ordal B. Bei der Hethitern," *RLA* 10 [2003]: 129–130); on Elam by Joseph Klíma ("L'ordalie par le fleuve en Elam [d'après les documents akkadiens de Suse et de Hūḫnūr-Mālamir]," *RA* 66 [1972], 39–59); on Israel by Karel van der Toorn ("Ordeal," *ABD* 5:40–42); and comparatively by Tikva Frymer-Kensky ("Suprarational Legal Procedures in Elam and Nuzi," in *Studies on*

We are around 1770 BCE, plus or minus a few years. Hammurabi commissioned his scribes to glorify him with multiple copies of an eye-catching stone monument. They did so by sandwiching almost 300 case-laws between hymnic tributes to him as a promoter of justice. Breaking precedents, the scribes opened their collection with basic rules of judicial conduct: no witness is to bear false testimony on pain of death if in a capital case (§3–4); no judge is to reverse a decision, on the suspicion of a bribe (§5); no individual may charge another with homicide without demonstrable proof (§1). However, when witchcraft is charged without adequate confirmation, rather than summary execution of the malicious accuser, an extrajudicial procedure takes over (§2): “If a man charges another person with witchcraft but cannot bring proof against him, he on whom witchcraft is charged must go to (divine) River and plunge into (divine) River. If (divine) River overwhelms him, his accuser will take away his estate; but if (divine) River clears him so that he survives, whoever charged him with witchcraft will be killed and he who plunged into (divine) River will take over his estate.”

Details in this law as drafted are few, thus allowing the application of broad analogies. We do not know, for example, whether the parties were neighbors or strangers, young or old; only that they are owners of property that they might hope to enlarge or risk losing. The reference to men is purely stylistic in this literature; for, then as now, women were targets of most of the sorcery accusations. We may surmise, however, that the charge of witchcraft does not concern benign magical acts to mend broken bodies, spirits, marriages, or even hearts; rather, it is about the deployment of black arts that potentially affect a community rather than only those involved.<sup>3</sup> The presumption here too is that experienced witches or warlocks might successfully cover their tracks. Under such circumstances, therefore, higher powers must enter the dispute, for as Ray

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*the Civilization and Culture of Nuzi and the Hurrians, 1: In Honor of Ernest R. Lacheman on His Seventy-fifth Birthday, April 29, 1981*, ed. Martha A. Morrison and David I. Owen [Winona Lake, IN: Eisenbrauns, 1981], 115–131); Sophie Démare-Lafont (*Femmes, droit et justice dans l'Antiquité orientale: contribution à l'étude du droit pénal au Proche-Orient ancien*, OBO 165 [Fribourg: Editions universitaires], 269–274); and Bruce Wells (“The Cultic Versus the Forensic: Judahite and Mesopotamian Judicial Procedures in the First Millennium B.C.E.,” *JAOs* 128 [2008]: 205–232). The legal dimension of ordeals is discussed in many pages of Raymond Westbrook’s magisterial reference volume (*A History of Ancient Near Eastern Law*, HOS 1, The Near and Middle East 72. [Leiden: Brill, 2003], esp. 155, 196–197, 375–376, 495–496, 529, 575–576, 891, and 925).

3 On differentiating between kinds of witchcraft, see R. Westbrook, “Witchcraft and the Law in the Ancient Near East,” in *Recht Gestern und Heute: Festschrift zum 85. Geburtstag von Richard Haase*, ed. Joachim Hengstl and Ulrich Sick (Wiesbaden: Harrassowitz, 2006), 45–51.

Westbrook stated it, “If retribution from human justice was uncertain, there was no doubt in the mind of ancient litigants as to the inevitability of divine retribution.”<sup>4</sup>

The accused, therefore, must “go to <sup>d</sup>ÍD,” ÍD being Sumerian for river, in Akkadian *nāru*, Hebrew *nāhār*, with the superscript “<sup>d</sup>” indicating that a deity (DINGIR) is in control.<sup>5</sup> I therefore give the word “River” with an initial capital “R.” The process required the accused to plunge in River. The verb *šalūm*, “to plunge or submerge oneself,” hardly tells us where or how deep are the waters; but the verbs for the potential results give us hints. River could “defeat” or “conquer” (*kašādum*) the guilty, resulting in his death. Consequently, his family will lose his home. Should River “clear” him (*ubbubum*), his accuser would suffer that outcome. Some documents even suggest that those falsely accused receive gifts.<sup>6</sup> A neat solution, all around.

This is what happens on earth. A literary text from about the same period, however, reveals a simultaneous unfolding drama On High. A deity grabs those about to drown, dragging them before the goddess Nungal for judgment and sentencing.<sup>7</sup> Yet, while this brief law captures the essence of the procedure, to

4 R. Westbrook, “Judges in the Cuneiform Sources,” *Maarav* 12 (2005), 39.

5 In Akkadian, *nārum* is feminine; but in personal names, it designates a male deity. King Zimri-Lim of Mari addresses him as such in a profoundly touching appeal with sentiments that remind of the biblical priestly blessings of Num 6:24–26, “I am herewith dispatching a gold vessel to my Lord. When in the past I sent tidings to my Lord, my Lord showed me a sign. May my Lord fulfill the sign he showed me; may my Lord not fail to protect me; may my Lord not turn his attention elsewhere; may my Lord not favor anyone else but me” (ARM 26 191); translation from J.M. Sasson, *From the Mari Archives: An Anthology of Old Babylonian Letters* (University Park, PA: PSU Press, 2017), 23–39 (hereafter abbreviated *FMA*). Sumerian ÍD is commonly (but with a few objections) treated as the basis for Hebrew *’ēd*, the primordial gush of waters mentioned in Gen 2:6 and Job 36:27.

6 W. Heimpel, “The Location of Madga,” *JCS* 61 (2009): 58–59.

7 The Hymn to Nungal is available online at <https://etcsl.orinst.ox.ac.uk/cgi-bin/etcsl.cgi?text=t.4.28.1&charenc=j#>; printed version is in Jeremy Black, Graham Cunningham, Eleanor Robson, and Gábor Zólyomi, *The Literature of Ancient Sumer* (Oxford: Oxford University Press, 2004), 339–342. See especially lines 55–62 and 95–105. For further studies, see Tikva Frymer-Kensky, “The Nungal-Hymn and the Ekur-Prison,” *JESHO* 20 (1977): 78–89; and Miguel Civil, “On Mesopotamian Jails and Their Lady Wardens,” in *The Tablet and the Scroll: Near Eastern Studies in Honor of William W. Hallo*, ed. Mark E. Cohen, Daniel C. Snell, and David B. Weisberg (Bethesda, MD: Capital Decisions Ltd, 1993), 72–78. An Old Babylonian hymn to Bazi alludes (l. 33) to the “Shamash of blood and Great River of sorcery (<sup>d</sup>ÍD.GAL ša kišpi),” in a context suggesting punishment or penitence for the killing of Shakkan, Shamash’s son. Perhaps a river ordeal is at stake. The full text is published by Andrew George, *Babylonian Literary Texts in the Schøyen Collection*, CUSAS 10 (Bethesda, MD: CDL Press, 2009), 1–15. It received full treatment in Anette Zgoll and B. Cuperly (“Mythos als rituell aufgeführtes Drama: Inthronisation, Tempelschöpfung und Stadtgründung im altbabylonischen Lied auf Bazi,” in *De l’argile au*

fill its many gaps requires living testimony as conveyed in contemporaneous documents. With actual verdicts on obdurate disputes rarely delivering much information on the process, details from the actual practice are embedded in letters. As it happens, the most revealing and detailed contributions on the actual practice come from the letters in the Mari archives, from where I will draw illustrations.<sup>8</sup> Here are issues that I cover briefly below:

1. What does “going to River” mean?
2. Who is tested at River?
3. What happens at River?
4. Where does one go to River?
5. What kind of disputes are resolved by River?
6. What happens to River at Jerusalem’s gates?

## 1 What Does “Going to River” Mean?

When we encounter it in Hammurabi’s laws, the river procedure is already centuries old, practiced in many moments and corners of antiquity, ancient Egypt possibly excepted.<sup>9</sup> Terse evocations of it are already in third-millennium Sumerian documents.<sup>10</sup> From court procedures in living legal documents since then, we know that in many cases it was common for litigants and witnesses to take oaths, inviting otherworldly powers to retaliate against deceit and deception. So ominous were the threats that some litigants and witnesses refused to perjure themselves, especially after manipulating symbols or emblems of the

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*numérique: Mélanges assyriologiques en l’honneur de Dominique Charpin*, ed. Gregory Chambon, Michaël Guichard, and Anne-Isabelle Langlois, *PIPOAC* 3 [Leuven: Peeters], 1209–1242), who consider River to be the spouse of Bazi.

8 Fundamental for the Mari corpus on ordeals is Jean-Marie Durand, “L’ordalie,” in *ARM* 26/1, pp. 509–539. Aside from editing the relevant documents, Durand practically reconstructs the process in detail. An overview on ordeals may be found in Jean-Marie Durand, *Documents épistolaires du palais de Mari*, vol. 3, *LAPO* 18 (Paris: Cerf, 2000), 150–160. See also his, “La Religion amorrite en Syrie à l’époque des archives de Mari,” in *Mythologie et Religion des Sémites Occidentaux*, ed. Gregorio del Olmo Lete, vol. 1, *OLA* 162 (Leuven: Peeters, 2008), 539–546. Another splendid overview is by Antoine Jacquet, “L’Ordalie,” *Supplément au Dictionnaire de la Bible* 77–78 (2008): 379–388.

9 Some Egyptologists consider an episode in the mythological “The Contending of Horus and Seth” to be an ordeal; see Marcelo Campagno, “‘Ordalías,’ parentesco y estado en la contienda entre Horus y Seth,” *Antiguo Oriente* 3 (2005): 89–103.

10 See Cristina Simonetti, “The River Ordeal in the Third Millennium BC,” in *Nisaba za<sub>3</sub>-mi<sub>2</sub>: Ancient Near Eastern Studies in Honor of Francesco Pomponio*, ed. Palmiro Notizia, Annunziata Rositani, and Lorenzo Verderame, *Dubsar* 19 (Münster: Zaphon, 2021), 277–282. In

gods to substantiate their pronouncements.<sup>11</sup> It must have occurred to folks in antiquity, however, that deities operated on their own timeline. To elicit more timely resolutions, and perhaps also to lessen reliance on witnesses or evade verdicts by potentially prejudiced judges, Mesopotamians developed adaptable protocols for tests in which the gods mediated obstinate cases. By far the most conclusive method was to engage the River god, and the phrase “going to River” is figurative for such an occasion.<sup>12</sup> In English, we call the process an “ordeal.” Our term is derived from Indo-European, as is the German “Urteil,” having to do with “apportioning” or “dealing out” judgments. We must beware, however, not to lump Hammurabi’s “ordeals” with the metaphoric sense we apply to our usage, that of “being severely tested,” such as we face now under Covid 19.<sup>13</sup> God may well have put a Jonah or a Job through harrowing “ordeals,” but this is not what Hammurabi had in mind. For him, a judicial “ordeal” required deities to arbitrate between disputing parties.

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Sumerian archives, a register gives a slew of protocols for river ordeals mostly for civil disputes. One Sargonic text speaks of someone returning from a river ordeal; see C. Wilcke, *Early Ancient Near Eastern Law: A History of Its Beginnings. The Early Dynastic and Sargonic Periods* (Munich: Bayerische Akademie der Wissenschaften, 2003), 46 and n. 119. M. Roth’s volume (*Law Collections from Mesopotamia and Asia Minor*, 2nd ed., WAW 6 [Atlanta, GA: Scholars Press, 1997]) includes several river ordeal case-laws: Laws of Ur Namma ¶13 (false accusation, p. 18); same ¶14 (wife’s promiscuity, p. 18); Laws of Hammurabi ¶132 (unwitnessed wife’s promiscuity, p. 106); Middle Assyrian Laws ¶A17 (slander on wife, p. 159); same ¶A22 (rape of woman, p. 160), ¶A24 (abuse of married woman, 161–162). For an expansive application of river ordeals in the Laws of Hammurabi, see Sophie Démare-Lafont, *Femmes, droit et justice dans l’Antiquité orientale*, OBO 165 (Fribourg: Editions universitaires, 1999), 48–55. Paola Negri Scafa’s study gives a broad review of the material, with special attention to the Nuzi material, in “L’acqua come ‘fonte’ di giustizia: La cd. ordalia fluviale in ambito mesopotamico,” in *Terre, acque, diritto: Forme delle società antiche. Convegno di studi Università di Salerno* (Fisciano SA, Italy: Centro Studi sui Fondamenti del Diritto Antico, forthcoming), 213–245.

- 11 Several articles are of interest in Sophie Démare-Lafont, ed., *Jurer et maudire: pratiques politiques et usages juridiques du serment dans le Proche-Orient ancien*, Méditerranées: Revue de l’association Méditerranées 10–11 (Paris: L’Harmattan, 1997). We have dramatic settings for such procedures in ARM 33 98 and 99, two recently published tablets in Jean-Marie Durand, *Les premières années du roi Zimri-Lîm de Mari: Première partie*, ARM 33 (Leuven: Peeters, 2019).
- 12 The phrase remains in full use for a few more centuries until a more specific term, *ḫuršān* (Neo-Assyrian *ḫursan*; both possibly from Sumerian *ḫur.sag*), begins to compete with it.
- 13 See <https://www.etymonline.com/word/ordeal>.

## 2 Who Is Tested at River?

To broach the matter of who gets tested at River, I cite an event recalled by Mari scribes years after it happened. The occasion is recorded in a document about a land dispute in the days of Yaḥdun-Lim (ca. 1800 BCE).<sup>14</sup> The relevant passage reads:

About this property, Abimatar and Alpan went to court. Abimatar came to Yaḥdun-Lim, bringing to him 10 pounds of silver and 1,000 sheep. He said, “Help me! If it is Alpan’s property, a servant of Alpan should lift a millstone and transport (it) across the river (*nārum*).” The servant of Alpan lifted a millstone, but during his crossing, he sank. A servant of Abimatar lifted a millstone and transported (it) across the river. Abimatar took the property and Yaḥdun-Lim sustained him (lit., “held his hand”).

Two individuals had probably gone to court and, as their dispute could not be settled there, an appeal was made to higher powers. Here the word for river, *nārum*, is not preceded by a symbol for divinity, likely because this trial occurred by a canal or watercourse near the several acres of disputed bottomlands. One of the contenders brought a substantial tribute to the king—we might label it a bribe. However, as we know that royal officials proctored ordeals (ARM 26 253; FMA 292), let us be charitable and declare it a fee or a tariff.

Several issues arise from this event. I address just two of them: the use of surrogates and the staging of the ordeal.

## 3 What Happens at River?

### 3.1 *Surrogates*

In antiquity, reliance on proxies covered a whole range of actions, including military replacements for those evading the draft, substitute wombs for childless women, and scapegoats for kings fated to die.<sup>15</sup> In the Yaḥdun-Lim era document, neither the litigants nor any witnesses were tested. Instead, they

14 The text is published in Dominique Charpin, “Les champions, la meule et le fleuve, ou le rachat du terroir de Puzurran au roi d’Ešnunna par le roi de Mari Yaḥdun-Lim,” *FM* 1 (1992): 29–38. The relevant segment is translated in *FMA* 291.

15 To judge from its terse lines, one of our earliest ordeal texts may have involved a surrogate; see David I. Owen, “A Unique Late Sargonic River Ordeal in the John Frederick Lewis

were represented by surrogates, one of whom died when transporting millstones across the waters. The inference here is that gods were to judge the merit of the case brought to them rather than to expose the guilty. From On High, therefore, it would not matter who actually was representing the contending sides. With Heaven in judgment, whether individuals knew how to swim well or not could not have mattered, for humans were but puppets for the gods.<sup>16</sup> Both this text and the Hammurabi law encourage us to imagine that the outcome was either survival or death for at least one of the surrogates. In this case, River settled the problem and all but one servant (and one millstone) went back home. We may wonder: what if both surrogates had survived instead of one of them drowning? One conjecture is that the test might be renewed after altering the criteria or after selecting a more dangerous spot.<sup>17</sup> We shall soon see, however, that a third option was available.

### 3.2 *Staging*

From other Mari letters, we learn something about the choice of substitutes. They may include brothers, wives, daughters, and even mothers. Litigators evidently had substantial authority over their kin and could force them into unhappy situations. Yet, a Mari ordeal that decided a territorial dispute between vassals suggests that, in fact, the choice of participants was likely decided on the spur of the moment. Meptum, a *merhûm* (military leader of tribal troops) reports to Zimri-Lim on two vassals seeking to resolve differences (ARM 26 249; FMA 290–291):

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Collection,” in *A Scientific Humanist: Studies in Memory of Abraham Sachs*, ed. Erle Leichty, Maria deJ. Ellis, and Pamela Gerardi (Philadelphia, PA: The University Museum, 1988), 307.

16 Whether or not in antiquity people had perfected the art of swimming is debated. A succinct statement is in Michael P. Streck, “Schwimmen,” *RLA* 12 (2010): 339. A broader overview that cites previous studies and features Mari ordeals is Silvia Festuccia, “Un tuffo nell’Eufrate: le attività natatorie nella Mesopotamia antica,” in *Studi di storia, archeologia e antropologia “in acqua” dedicati a Claudio Moccheggiani Carpano*, ed. Massimiliano Marazzi, Germana Pecoraro, and Sebastiano Tusa, *Ricerche di storia, epigrafia e archeologia mediterranea* 5 (Rome: Bagatto, 2016), 163–176, especially 171–173. Wolfgang Heimpel gives a dramatic reading for the event in which those undergoing ordeals at Ḫ/Hit not only had to withstand bitumen-heated waters at local springs but also survive noxious sulfuric gases that emanated from them; see his “The River Ordeal in Hit,” *RA* 90 (1996): 8–10.

17 This was standard practice in omen takings when they proved inconsistent or ambiguous. Antoine Cavigneaux edits a (damaged) *šakkanakkum*-period text that (possibly) instructs on how to assess the results of an ordeal. It involves five persons under test, the result considered conclusive only if one of them survives; see his “Nouveaux cas d’ordalie à Mari,” in ‘ina ḏmarri u qan tuppi. *Par la bêche et le stylet! Cultures et sociétés syro-mésopotamiennes: Mélanges offerts à Olivier Rouault*, ed. Philippe Abrahams and Laura Battini (Oxford: Archaeopress, 2019), 23–37.

About the group that my lord sent to plunge (in the River) for (King) Šubram and (King) Ḫaya-sumu—I sent trustworthy examiners along with this group of plungers. First, a woman from Ḫaya-sumu was made to plunge. She came out (safely). After her, a (town's) elder was made to plunge. He was absolved by moving a (distance of) about 80 “measures” (lit., fields) into (the River) God and coming out (safely). After him, a second woman was led (into the water) and she came out. After her, a third woman; but (divine) River overcame (her).

A euphemism reveals the fate of the unfortunate third woman. River is said to “pour into” (*irtaḫi*, from *reḫûm*) the victim, as in “possessing, inseminating” her. Here it obviously means to “overpower,” and can refer also to diseases and to sleep; in effect, she drowned.<sup>18</sup> It is difficult to estimate how many feet within River the plungers had to negotiate. The “measure” here may be a cubit, each about 1½ feet, so in total 120 feet or 40 yards. The danger would have been intensified by the depth or turbulence in the water at that spot, and possibly its toxicity if close to sulfuric pits.<sup>19</sup> The text continues:

Because the elder had established a (distance) of 80 “measures,” but (divine) River overwhelmed the third woman, the men of Ḫaya-sumu did not agree for 3 more women to plunge. They affirmed the following, “Town and land are not ours!” The elder fell at the feet of the men of Šubram, saying, “You must not make other women die by taking the plunge. We will produce a document of non-contest for the town and territory. In the future, no one will contest (over them), for the town and the territory are Šubram's!” In the presence of examiners, Babylonian palace functionaries and (elders) of the town had a no-contest document drawn up.

I am now sending to my lord the group of plungers so that my lord could question them. [...]

Šubram could have forced tests on several other of Ḫaya-sumu's substitutes; but he did not, for revenge was not a primary motivation of these proceedings. From this letter, we gather that fear of further human loss may stop an ordeal, that scribes were at the ready to draft a document of concession, and that in a political contest, the decision of River was final and accepted by all parties. From other cases, we also learn that tests took place early in the day, that

18 This metaphor for bodily penetration will resurface later.

19 On the estimate, see Jean-Marie Durand, *ARM* 26/1, pp. 519–520; but see also Marvin A. Powell, “Masse und Gewichte,” *RLA* 7 (1987–1990): 477.

water was poured over the hands of the plungers, and that they were made to recite the charges at stake in the contest. Whether or not Judge River was only open for consultation on specific days of the year is not clear. Still, the question remains: Where does one experience the judgment of River?

#### 4 Where Does One Go to River?

While a few Sumerian administrative texts suggest that river ordeals could occur at several sanctified sites, the cases in the Mari archives largely favored the town of 𒀭𒅗𒅗 (Īdu, modern 𒀭𒅗𒅗), between Mari and Babylon, on the Euphrates in today's Iraq.<sup>20</sup> The area was so rich in bitumen reserves that its control was bitterly contested by both powers, contributing to much tension between them. But in that period and centuries afterwards, its fame rested on its temple complex for the River god; so much so that people east and west brought their disputes there from distant corners. Even from culturally distinct Elam in the Iranian plateau, an Elamite ruler sent two men to be tested, but we do not know why (ARM 26 255:23–39).

Very informative is a note from Yatar-Ami, who ruled Carchemish about four hundred miles from 𒀭𒅗𒅗, so over a month of travel on foot. A man in his court accuses two others of spilling state secrets. The king keeps the accuser under his control, but the alleged offenders are to be tested. He writes to Zimri-Lim (ARM 28 20; *FMA* 291–292): “Together with my servant [Napsuna-Addu], one of your trustworthy servants ought to lead these (two) men to (the god) River. If these men survive the ordeal, I shall burn their challenger; but if these men die, right here I shall give their house(hold) and their servants to their accuser.” We are not told what would happen if only one of the accused survived. This is by no means the only kind of dispute that brings people to River.

20 In Mari we find <sup>d</sup>īD<sup>ki</sup>, *i-da<sup>ki</sup>*, *i-ta-i*, among many spellings; see Nele Ziegler and Anne-Isabelle Langlois, *Les toponymes paléo-babyloniens de la Haute-Mésopotamie: La Haute-Mésopotamie au IIe millénaire av. J. -C.*, MTT 1/1 (Paris: SEPOA, 2016), 157–158. Several other sites for ordeals are cited in Heimpel, “The Location of Madga,” 56–57. He also suggests that Madga may have been another (real?) name of 𒀭𒅗𒅗, at least in the days of Gudea, because Madga was also known for its bitumen reserves.

## 5 What Kind of Disputes Are Resolved by River?

Beyond territorial and land quarrels, the Mari archives contain diverse calls for river ordeals to resolve accusations, among them theft, be it of military spoils (ARM 26 254; *FMA* 293) or sacred objects (ARM 26 256), as well as treason, witchcraft, and adultery. Here are samples from these categories.

### 5.1 *Witchcraft*

I opened with a Hammurabi directive for witchcraft cases that was very short on details. A Mari letter tells us about an actual event. Meptum, the same *mer-ḥûm* featured above, confronted a detachment that had come all the way from Aleppo in Syria, almost four hundred miles away. The group was leading a woman, her daughter, and a boy, to River (ARM 26 253; *FMA* 292). Apparently, the women had been accused of conniving against the boy, and the mother sought absolution for themselves. Before plunging into River, the mother took this oath: “[I swear] that my daughter Marat-Ištar performed no witchcraft against Ḥammi-eṣuḥ, son of Dadiya; that this woman nowhere within the (city) gate or elsewhere has given me sticks (for) sorcery; that she (or I) never fed Ḥammi-eṣuḥ, son of Dadiya, (bewitched) food, solid, liquid, or whatever.” Alas, the mother did not survive. I do not know what happened to the daughter. But the boy was cleared, presumably of any false accusation. It seems likely that his parents had lodged the complaint, probably alleging seduction.

### 5.2 *Multiple Charges*

From the letter Meptum posted to Zimri-Lim about a dispute between two vassals (ARM 26 249; *FMA* 290–291), we learn about a king (Yarkab-Addu of Ḥanzat) who leveled almost all these charges against his wife at the same occasion, leading us to suspect that he was simply trying to get rid of her. Worth noting here is that Meptum is reporting on behalf of the priest of River and of the governor of Ḥit, high officials who obviously played a role in the matter. They reveal that Yarkab-Addu’s queen had designated a servant with a prestigious blood line (kin to Samsi-Addu, a tribal leader) to take the test. Before plunging, the servant had to defend against the following accusations: “(May River decide) (if) your mistress has not transgressed against her lord.” I do not know whether each of these charges—treason, witchcraft, adultery, *lèse-majesté*—required its own test. At any rate, the substitute did not survive; but only River knew which of these accusations had stuck.

### 5.3 *Promiscuity*

One might imagine that the future of Yarkab-Addu's queen was sealed. Yet, our next documents suggest that the elite rarely pay the ultimate price. A spicy allegation is contained in the following novel justification as delivered by the wife of a prominent vassal. In ancient Israel, according to Deuteronomy 22, parents of a bride were expected to keep the marital bedding used during consummation to prove their daughter's virginity.<sup>21</sup> In our case, the wife of another ruler, Sin-iddinam, made this confession by alluding to premarital hanky-panky, likely before she or a substitute took the plunge (ARM 26 488:29–41; *FMA* 293): “Before Sin-iddinam could marry me, I agreed with father and son, so that whenever Sin-iddinam left his home (on a trip), the son of Asqudum (the diviner?) would notify me, ‘I want to have you!’ He kissed my lips and touched my vagina; but his penis did not penetrate my vagina, for I thought, I will not sin against Sin-iddinam who has not sinned against me. I have not done in my own house what I am not to do.”<sup>22</sup> The report continues, “The wife is safe.” We do not know too much about the circumstances, but the final line suggests that either she or her surrogate must have been cleared, likely through a river ordeal.

As it happens, another text (ARM 26 252 = *FMA* 292–293) reveals that the concubine (“travel-mate”) of a Sin-iddinam was designated to take the plunge. Should the two texts be sharing the same cuckold, the accused queen may have found a way to rid herself of her husband's companion, likely her personal servant. In yet another twist, the companion was nowhere to be found. Evidently, this drama had other volleys yet in play.

### 5.4 *Ordeal among the Gods*

A fragment of a letter tells us that even gods may be subjected to an ordeal. When her husband Zimri-Lim was set to battle mighty Elam, Queen Shiptu reassures her husband by citing a vision attributable to a divine mouthpiece

21 An enormous scholarly literature is available on this subject; see Aaron Koller, who discusses it as an issue of failed parental control and provides a nice bibliography, “Sex or Power? The Crime of the Bride in Deuteronomy 22,” *ZABR* 16 (2010): 279–296.

22 In a trial before her beheading, Catherine Howard, fifth wife of Henry VIII, admitted to the same intimate premarital foreplay with her one-time music teacher, “At the flattering and fair persuasions of [Henry] Manno, being but a young girl, I suffered him at sundry times to handle and touch the secret parts of my body, which neither became me with honesty to permit nor him to require.” This admission is widely reported online, among them at <https://englishhistory.net/tudor/monarchs/catherine-howard/>.

(*āpilum*). The passage is damaged, but I pick it up with the challenge Ea, a god in full command of words and oaths, is making to the gods (ARM 26 208:11'–26'; FMA 282):

Ea proceeded by saying, “Because we shall take [an oath], dirt from the doorpost of Mari’s gate has to be taken for us to conform to the oath (“dirt and doorpost”; *rûšam u sippam ... lilqûnimma*).” Doorpost dirt from Mari’s gate was taken and soaked in water and the gods and goddesses drank (it). Said Ea to the gods, “*Stand up*, those who would do harm to Mari’s brickwork or to its protective guardian!” The gods and goddesses [said], “We will do no harm to Mari’s brickwork or to its (protective) guardian.”<sup>23</sup>

In this apocalypticizing vision, the gods stake their own eternity to secure the future of Mari. They do so by symbolically dissolving an essence of the city in consecrated water. When drunk, the potion carried a curse with the potential of inciting a Wagnerian *Twilight of the Gods* (*Götterdämmerung*). We are obviously not dealing with an ordeal adjudicated by River, as it might be potentially demeaning for one deity to pass judgment on equals. Rather, a liquid potion carries a potent instrument that invades, tracks down, and punishes those who transgress against commitments or evade honesty. This is a useful scene to keep in mind as river ordeals morphed when moving toward the gates of Jerusalem.

23 The exact kind of material to be taken from the door jamb is debated, but I think that the CAD’s collection of references confirms this choice; see volume CAD R 432 sub *rûšu* A. I have studied this text on two occasions, the last in “Mari Apocalypticism Revisited,” in *Immigration and Emigration within the Ancient Near East: Festschrift E. Lipiński*, ed. Karel van Lerberghe and Anton Schoors (Leuven: Peeters, 1995), 285–295.

Imbibing words to involve the divine or to achieve inspiration occurs widely in antiquity. An interesting variation in purpose occurs in a Demotic tale known as Setne. Aspiring to absorb the secrets of the gods, Setne, (fabled) son of Rameses II, “had a sheet of new papyrus brought to him. He wrote on it every word that was in the book before him. He burnt it with fire, he dissolved it in water. When he knew it had dissolved, he drank it and knew what had been in it.” I cite this passage from Miriam Lichtheim, *Ancient Egyptian Literature, Vol. 3: The Late Period* (Berkeley, CA: University of California Press, 1980), 131 as emended by Robert K. Ritner, *The Mechanics of Ancient Egyptian Magical Practice*, Studies in Ancient Oriental Civilization 54 (Chicago, IL: Oriental Institute of the University of Chicago, 1993), 108. The third chapter of Ritner’s book (73–110) is a rich storehouse of lore on the magical power behind “spitting, licking, and swallowing” liquids.

## 6 What Happens to River at Jerusalem's Gates?

Rivers have a way of streaming in and out of our consciousness. In the remaining centuries of the second millennium, the justice they dispensed was trusted in Elam to the west, Assyria to the north, and Nuzi in Kurdistan.<sup>24</sup> Closer to the Mediterranean coast where rivers were not as central ecologically, commercially, or intellectually as in Mesopotamia, we miss clear references to river ordeals. Among the Hittites of Anatolia of a somewhat similar period, testing via running waters came to be supplanted by imbibing a potion, the act cited as “drinking the cup of the deity, that is, of life.”<sup>25</sup> How the verdict was decided is not detailed. As we saw earlier, this shift from surviving a river plunge to oath-taking while absorbing a potion is not new; but it invites inspection of the West Semitic world, to which ancient Israel famously belonged.

In late second-millennium lore from Ugarit, the god Yammu is occasionally cited with the epithet, “Prince Sea, Judge River” (*zbl ym tpt nhr*), suggesting to some that the river ordeal was vestigial there.<sup>26</sup> I cannot find any evidence that Phoenicians or Arameans knew this or any other form of water ordeal to resolve disputes; but Hebrew scripture, as rich a repository of ancient Near Eastern

24 In second-millennium Mesopotamia, ordeals designed for instant decision were always staged at rivers, but not necessarily at 𒂍/𒂍it or even the Euphrates. In reviewing some Elamite Susa references to (river) ordeals under the sponsorship of Shazi, son of River, Hossein Badamchi (incongruously) equates the experience with unleashing a curse (“The Care of the Elderly in Susa: A Study in the Akkadian Documents from the Sikkalmah Period,” *Akkadica* 139 [2018]: 164–166). Assyrians of the late second millennium codified instruction on river ordeals, especially when dealing with a married woman’s accusation of sexual promiscuity; but the locality is not stated. In Nuzi of around 1400 BCE, contradictory testimony is resolved by “undergoing a river ordeal,” with the term (17) *huršan* attached to the process; see Brigitte Lion, “Les textes judiciaires du royaume d’Arrapha,” in *Rendre la justice en Mésopotamie: Archives judiciaires du Proche-Orient ancien*, ed. Francis Joannès (Vincennes: Presses Universitaires, 2000), 151–153; Frymer-Kensky, “Suprarational Legal Procedures in Elam and Nuzi”; and now especially Scafa, “La cd. ordalia fluviale in ambito mesopotamico.” The procedure was done locally and failure did not involve death, for the relevant texts define the expected punishments. From around the same period and area (Suḫu), rulers from Emar in Upper Syria resolved a dispute over a slave; see Yoram Cohen, “A Letter from the Governor of Emar to the Governor of Suḫu Concerning a River Ordeal,” *JA* 303 (2015): 175–180.

25 van den Hout, “Ordal B. Bei der Hethitern,” 129–130; Cahit Günbatı, “The River Ordeal in Ancient Anatolia,” in *Veenhof Anniversary Volume: Studies Presented to Klaas R. Veenhof on the Occasion of his Sixty-Fifth Birthday*, ed. Wilfred H. van Soldt (Leiden: Brill, 2001), 151–160.

26 Wilfred G.E. Watson, “Ugaritic ‘Judge River’ and the River Ordeal,” *NABU* (1993–1995): 80–81.

practices as we might wish to have, has indeed kept memory of it. As in Hatti, we find in it several passages in which God forces Israel to drink a “cup of poison” (*kôš ḥēmâ*; Isa 51:17, Jer 25:15), a “cup of stagger” (*kôš tar‘êlâ*; Isa 51:22), as well as their opposite, a “cup of salvation” (*kôš yəšû‘ôt*; Ps 116:13). These are obviously evocative of a divine judgment, on Israel’s guilt as on its redemption, activated through a truth-seeking potion. In its legal compilations, Israel features a couple of injunctions (as in Exod 21:6; 22:8–9) that likewise bring God into direct judgment to resolve disputes.<sup>27</sup> Intriguing is the notice in Exodus 22:8 where the dispute is set before God himself (*‘ad hā’elōhîm yābō’ dābar-šānêhem*). When it controls a verb in the singular, the subject *‘elōhîm*, although plural in construction, is the Hebrew God. What is striking here, however, is that the verbal form for imposing penalty (*yaršî‘ûn*) is plural, thus favoring a plural subject. Traditional exegeses, based on Rashi, simply glide over the oddity, likely because in parallel language, such as in Deuteronomy 25:1, judges (and not God) are contextually the subject. This subject/verb discord is not unique in the Hebrew Bible, but it invites speculation that the language is invoking an appeal to divine decisions, likely with cultic paraphernalia as witness, paralleling neighboring legal practices. A grammatically correct translation of the final clause, therefore, could be, “the case of both parties will come before the gods and on whom they impose guilt shall pay double to the other.” Water is not an instrument here; still, the potential direct involvement of divinity in adjudicating conflict moves us to two more fully articulated passages that add details to the process.

### 6.1 *Suspect Wife and Jealous Husband*

Biblical law occasionally reports on how disputes are settled by bringing contenders before God without clarifying whether before a statue or emblem. More commonly, however, such matters are resolved through an intermediary, be it Moses or a priest. The last includes a case law to which the book of Numbers allots almost an entire chapter (5:11–31). The context itself is ambiguous, as the case concerns adultery kept successfully secret (5:13, 29) and/or jealousy, baseless or otherwise (5:14, 29). The wording of the case is prolix, but its gist is in the coda to the proceedings (5:29–31):

<sup>27</sup> Scholars have long debated whether the process involved an oracle, an oath, or some form of ordeal. A brief review of opinions is in Bernard S. Jackson, *Wisdom-Laws: A Study of the Mishpatim of Exodus 21:1–22:16* (Oxford: Oxford University Press, 2006), 338–344. Samuel Greengus (*Laws in the Bible and in Early Rabbinic Collections: The Legal Legacy of the Ancient Near East* [Eugene, OR: Cascade, 2011], 188–193) turns to Lev 5:20–24 to argue that an oath was likely at stake in all these passages.

This is the ritual in cases of jealousy, when a woman goes astray while married to her husband and defiles herself, or when a fit of jealousy comes over a man and he despises his wife: He will have his wife stand before the Lord for the priest to carry out all this ritual with her. The man will be clear of guilt; but that woman will suffer for her guilt.

An accusation uncorroborated by witnesses is normally dismissed in Hebraic jurisprudence; but as family cohesion is at stake, a kind of ordeal takes place. In the order Nashim, the Talmud has consecrated an elaborate tractate to the episode, titling it “Sotah” (*sôṭâ* or *sôṭâ*, “errant spouse”). Frankly, its contents are heavily voyeuristic if not also misogynist. In modern scholarship, there are streams of monographs and articles devoted to the subject, to defend the accused woman, to excoriate the jealous husband, or to assess the action of the priest.<sup>28</sup> For us, the focus is on the process as it unfolds.

Already in the Hammurabi Code (§131) a millennium earlier, a wife is to take an oath specifically in a similar situation; but she must undergo a River ordeal if a third party accuses her of unwitnessed promiscuity (§132). In the biblical account, with a meal offering in hand (“of remembrance,” *zikkārôn*, in Num 5:18, glossed as *mazkeret ‘āvôn*, “recalling transgression”), the suspicious husband leads his wife before the priest. There, the woman loosens her hair—normally a mourning sign, possibly also of submission before God—and accepts an oath mouthed for her by the priest, invoking dire consequences should she fail the text.

28 See Ishay Rosen-Zvi’s excellent book and large bibliography on the rabbinic readings of the law, *The Mishnaic Sotah Ritual: Temple, Gender and Midrash*, JSJSup 160 (Leiden: Brill, 2012). His thumbnail overview (2015) of rabbinic alterations is at <https://thegemara.com/article/the-sotah-spectacle>. The Rabbis attributed—who knows how reliably?—the abolition of the ritual to Johanan ben Zakkai, so already before the destruction of the Second Temple. Aside from his notes to the relevant verses, in his JPS commentary Jacob Milgrom devotes three valuable excurses (#8–10) to the subject, *Numbers* (Philadelphia, PA: Jewish Publication Society, 1990), 346–352. For comparative Semitic lore on ordeal, see Julius Morgenstern, “Trial by Ordeal among the Semites and in Ancient Israel,” *HUC Jubilee Volume, 1875–1925* (1925): 13–43.

Alice Bach assembled several published essays on the Sotah ordeal in her *Women in the Hebrew Bible: A Reader* (New York, NY: Routledge, 1999). Among these articles are Tikvah Frymer-Kensky, “The Strange Case of the Suspected Sotah (Numbers v 11–31),” 463–474; Jacob Milgrom, “The Case of the Suspected Adulteress, Numbers 5:11–31: Redaction and Meaning,” 475–482; Jack M. Sasson, “Numbers 5 and the ‘Waters of Judgement,’” 483–486; Michael Fishbane, “Accusation of Adultery: A Study of Law and Scribal Practice in Numbers 5:11–31,” 487–502; and Alice Bach’s own, “Good to the Last Drop: Viewing the Sotah (Numbers 5:11–31) as the Glass Half Empty and Wondering How to View It Half Full,” 503–522.

The priest prepares a potion termed *mê hammārîm hammə'ārārîm* (5:18), a phrase whose exact translation is not yet secure, something like “The waters of bitterness that cause a curse.”<sup>29</sup> The consecrated water (*mayim qəḏōšîm*; 5:17) comes in an earthen jar.<sup>30</sup> In it, the priest drops a pinch of earth taken from a special spot at the floor of the tabernacle, possibly one not trampled by priestly movement.<sup>31</sup> The next step is what brings God into judgment: The curse invoking God’s punishment is committed to leather or papyrus, the consecrated words dissolving into the potion. Drunk, the powerful combination of temple ingredient and divine essence enters the belly of the woman to decide her fate.<sup>32</sup> Admittedly, what we have here is not quite the river ordeal from Mari, but its congener, also attested there: integrity is confirmed when truth fulfills its potential deep within the human body. In essence, whereas in

29 In Bach’s *Women in the Hebrew Bible*, I proposed that the phrase is a *merismus*, composed of blessing and cursing, so “waters of judgment.”

30 Normally it is “fresh water” (*mayim ḥayyîm*) that is brought in such jars to receive the blood of sacrificed birds (Lev 14:5, 50) when ministering to a healed leper. The jar was likely destroyed on termination of employment; see Lev 6:21; 11:33. In a somewhat related procedure, a person defiled by contact with the dead is sprinkled with a mixture of dirt (*‘āfār*) from a fire of purification in fresh water.

31 The Mishna (*mSotah* 2.2) is precise on its location: “[Then the priest] enters the temple and turns to his right and there was a place there [on the floor] that was a cubit by a cubit, and a marble tablet, to which a ring was attached. When he would lift this up, he would take some dust from beneath it which he puts [into the bowl] so that it would be seen on top of the water” ([https://www.sefaria.org/Mishnah\\_Sotah.2.2-3?lang=bi](https://www.sefaria.org/Mishnah_Sotah.2.2-3?lang=bi)).

32 Aside from shunning by the community, the negative consequences of the woman’s guilt are stated as “her belly will swell while her thigh will sag” (*šəvətā biṭnāh wənāpālā yərēkākā*; Num 5:27). Many explanations are offered in the literature, my own being thrombophlebitis in the genitalia that causes swelling of genitals and edema in the thighs. Frymer-Kenski proposes “uterine prolapse.” Or it may be that the guilt itself induces psychosomatic symptoms, possibly false pregnancy. These and other explanations are in Frymer-Kensky’s article, which is republished in Bach’s *Women in the Hebrew Bible*. If innocent, the woman will be able to conceive (*nizrə’ā zārā’* in 5:28). The last may seem an odd reward, but it implies reconciliation with her husband, resumption of cohabitation, and marital harmony, so *šəlōm bayit*, as it is termed in the Talmud.

Note, however, Richard Friedman’s thesis: “The purpose of the priest’s procedure is to administer a potion that, if she is pregnant, will produce a curse. The water’s function is not to make her womb swell. Its function is ... to cause a curse. She becomes a curse among her community, and she will bear her sin, which is to say it is between her and God; there is no punishment from humans” (“The Sotah: Why Is This Case Different from All Other Cases?,” in *Let Us Go Up to Zion: Essays in Honour of H.G.M. Williamson on the Occasion of his Sixty-Fifth Birthday*, ed. Iain Provan and Mark Boda, VTSup 153 [Leiden: Brill, 2012], 376). This notion is far-fetched, as it totally ignores the bodily changes that the curse induces. Friedman also clears the potential adulterer (who, in his reading, may not have existed) rather than the husband.

Mesopotamia divine waters swallow those guilty, here those guilty swallow the instrument of their conviction.<sup>33</sup> Our final biblical illustration might bridge the gap between the two processes. Before we turn to it, however, a mythological scene from Ugarit of a few centuries earlier will sharpen the relevant issues.

## 6.2 *Imbibing the Enemy*

In one myth (the *Baal Cycle*), the goddess Anat had defeated Môtu, the nemesis of her brother/lover Baal. This is what she does to him, “She seizes Môt ... / with a knife she splits him, / with a winnowing-fork she winnows him, / with fire she burns him, / with grindstones she pulverizes him, / in the field she sows him; / The birds eat his flesh, / the fowl finish off his body parts, / flesh(-eaters) grow fat on flesh.”<sup>34</sup> There is no river to surmount or potion to imbibe. Yet, when the god Môtu resurrects (as gods are wont to do) and recounts what Anat had done to him, he adds that she sowed his pulverized remains on the Sea (*yammu*).<sup>35</sup> As noted earlier, that Sea god was also called “Judge River.” Water, possibly riverine, had thus become an element in Môtu’s travail. When first published almost a century ago, these Canaanite scenes were promptly connected with a very striking biblical episode—the last example to which we now turn.<sup>36</sup>

## 6.3 *The Golden Calf*

Coming down the slopes of Mount Sinai and chock full of divine instruction, Moses confronts a people raucously worshipping a golden calf. Outraged by this sacrilege, “[Moses] seized the calf that the people had made. He set it to fire, ground it into powder, and scattered (it) on the water. Then [Moses] forced the

33 In Mesopotamia, too, individuals placed themselves at risk by partaking of the divine, in most cases, as *asakkum* (taboo, sacrality), possibly a sanctified herb. The language (among other formulae) included *asakkam* (SAR.MEŠ)/*nīšam akālum* “partaking of taboo/oath,” and *asakkam ina pī PN šakānum*, “setting the taboo in someone’s mouth”; see Dominique Charpin, “Manger un serment,” in Lafont, *Jurer et maudire*, 85–96. Sophie Démare-Lafont reviews the subject in “Manger un tabou: sacrilège ou parjure? Une relecture des procès de Lugal-giškim-zi,” in *Tabous et transgressions: Actes du colloque organisé par le Collège de France, Paris, les 11 et 12 avril 2012*, ed. Jean-Marie Durand, Michaël Guichard, and Thomas Römer, OBO 274 (Fribourg: Academic Press, 2015), 19–30.

34 CTA 6[ = *KTU*<sup>3</sup> 1.6 = UT 49].ii.30–37. The tablet is assigned to the *Baal Cycle*. I cite it from Dennis Pardee’s translation in *COS* 1.86 (p. 270).

35 CTA 6.v.19, cited from *COS* 1.86 (p. 272).

36 Comments and bibliography in Samuel E. Loewenstamm, “The Making and Destruction of the Golden Calf,” *Bib* 48 (1967): 481–490.

people of Israel to drink it" (Exod 32:20).<sup>37</sup> The test resulted in the massacre of three thousand implicated idolaters (32:28), presumably of those linked to the sacrilege.

Since Talmudic times, the incident was cast as an ordeal, in tandem with Sotah (*bAvodah Zarah* 44a, *bYomah* 66b), but its obscurity has also elicited many questions.<sup>38</sup> Here are several: If the calf (*ēgel*) is molten (*massēkâ*; Exod 32:4, 8; Deut 9:16) or golden (*zāhāb*), how could it be ground into powder when fire likely melted it?<sup>39</sup> How could imbibing the residue of a bogus deity be as effective in deciding truth as absorbing the essence of the true God? What about the water that received the pulverized calf? Was the concoction drunk from cups or lapped up from some pool as would Gideon's warriors who failed God's own test (Judg 7:4–7)? As in the Ugaritic lore we just sampled, another report on this event gives us an intriguing answer. It is embedded in Deuteronomy.

When, accepting his impending death, Moses reviewed Israel's past deeds and misdeeds, he recalled this about the golden calf incident: "As to the abomination that you have made—that calf I seized and set it to fire. I crushed it to the smallest specks, as fine as dust. I then threw its dust to the stream coming down the mountain" (Deut 9:21). In this account, there is nothing about forcing a potion on the sinful and nothing about consequent punishment.<sup>40</sup> In fact, in Moses's telling, no ordeal was necessary; responsibility for generating the calf

37 The bibliography on the golden calf episode is long and diverse. A brief listing is in John R. Spencer, "Golden Calf," *ABD* 2:1065–1069; but see also the pages of the more scholarly commentaries on Exodus 32 and to a lesser extent Deuteronomy 9. A good overview of the exegetical tradition across cultures and times is in Michael Pregill, *The Golden Calf between Bible and Qur'an* (Oxford: Oxford University Press, 2020).

38 Nahmanides (comments on Exod 32:20) claimed that the incident exposed the humiliation of the calf.

39 The suggestions (none without challenge) are that the calf was wooden but plated with gold (since J.D. Michaelis), that it was charred before grinding (since Ibn Ezra), or that it sat on a wooden pedestal (since Abravanel). Nahmanides sharply opposed any practical solution to the process, judging it a divinely controlled act; on this, see David Frankel, "The Destruction of the Golden Calf: A New Solution," *VT* 44 (1994): 330–339.

40 Jeffrey H. Tigay references 2 Kgs 23:12, where King Josiah dumped shattered pagan altars into the Kidron Valley (*naḥal*), in *Deuteronomy: The Traditional Hebrew Text with the New JPS Translation* (Philadelphia, PA: Jewish Publication Society, 1996), 101–102. He also allows that it may be a metaphoric allusion, as in God hurling sins into the sea (Mic 7:19). P. Kyle McCarter, "The River Ordeal in Israelite Literature," *HTR* 66 (1973): 403–412, finds echoes of river ordeals whenever poets speak about their rescues from overwhelming waters (as in Jonah and Psalm 18). He also thinks the metaphor had no basis in actual legal practices. Karel van der Toorn adopts an expansive usage of the term "ordeal" in applying it to Psalm 23, "Ordeal Procedures in the Psalms and the Passover Meal," *VT* 38 (1988): 441.

was clearly Aaron's, his guilt absolved through Moses's plea on his behalf.<sup>41</sup> As a result, the mention of a stream may seem superfluous, especially when in Sinai only a fortuitous flashflood could have produced it.<sup>42</sup> Historicizing or justifying the event would hardly be useful in this context. Rather, in concluding, we might wonder why in Late Bronze Ugarit and Iron Age Israel, narratives that echo ordeals would embed memories of water judgments and streams in which to accomplish them.

If we return to Mesopotamia and continue into its first-millennium culture, we find that attestations of river ordeals peter out, with an occasional spike here and there.<sup>43</sup> In imperial Assyria, where court intrigues and defamations were rife, two individuals accused of naming their sons after Assyrian kings undergo ordeals.<sup>44</sup> Accused of treason by an individual he ruled, a governor failed to submit to an ordeal.<sup>45</sup> A man who took an oath in a "reservoir or wadi" (*nadabaktu/natbaktu*) was to pay a fine on failing a test in a god's presence.<sup>46</sup> Increasingly, however, it seems adversaries in a dispute relied on divine oracles by the god Adad to settle accounts, probably by drawing lots—in Israel related to the Urim and Thummim, or by manipulating ancestral idols—in Israel called

41 An interesting take on the discrepancies between the Exodus and Deuteronomy accounts is Philippe Guillaume, "Drinking Golden Bull: The Erased Ordeal in Exodus 32," in *Studies in Magic and Divination*, ed. Helen R. Jacobus, Anne Katrine de Hemmer Gudme, and Philippe Guillaume (Piscataway, NJ: Gorgias Press, 2013), 135–147; on Aaron's role, see 137–139.

42 No rivers are in Sinai where the alleged incident occurred; but wadis are there that transform into raging torrents after rainstorms. Wadi Feiran, among the largest of such occasional surges, lies near St. Catherine Monastery by Mt. Sinai, that since the fourth century CE has been claimed as the spot where God and Moses met; see Gamal El Afandi, Mostafa Morsy, and Fathy El Hussieny, "Heavy Rainfall Simulation over Sinai Peninsula Using the Weather Research and Forecasting Model," *International Journal of Atmospheric Sciences* (2013): <https://www.hindawi.com/journals/ijas/2013/241050/>.

43 This is shown for the Middle Babylonian period by Susanne Paulus in "Ordal statt Eid—Das Beweisverfahren in mittelbabylonischer Zeit," in *Prozessrecht und Eid: Recht und Rechtsfindung in antiken Kulturen*, ed. Heinz Barta, Martin Lang, and Robert Rollinger (Wiesbaden: Harrassowitz, 2015), 207–226.

44 Text in Laura Kataja, "A Neo-Assyrian Document on Two Cases of River Ordeal," *SAAB* 2 (1987): 65–68. See Betina Faist's fine essay, "The Ordeal in the Neo-Assyrian Legal Procedure," in *From Source to History: Studies on Ancient Near Eastern Worlds and Beyond Dedicated to Giovanni Battista Lanfranchi on the Occasion of His 65th Birthday on June 23, 2014*, ed. Salvatore Gaspa, Alessandro Greco, Daniel Morandi Bonacossi, Simonetta Ponchia, and Robert Rollinger, AOAT 41 (Münster: Ugarit-Verlag, 2014), 196–198.

45 Frances Reynold, *The Babylonian Correspondence of Esarhaddon*, SAA 18 (Helsinki: Helsinki University Press, 2003), 102–103 (#125).

46 Karen Radner, "Vier neuassyrische Privatrechtsurkunden aus dem vorderasiatischen Museum, Berlin," *AfO* 24 (1997): 121–123.

teraphim.<sup>47</sup> By the time the biblical episodes that I have cited were set, say, around the Babylonian exile in the sixth century BCE, river ordeals had sunk into memory. Only a compendium of anecdotes in praise of either Nebuchadnezzar or Nabonidus of Neo-Babylonian times seems to evoke the practice, consciously attributing its inspiration to a forgotten practice.<sup>48</sup> I would therefore not be shocked if the biblical examples that include imbibing water or cite streams to bolster divine resolutions of knotty cases were themselves moribund, clues to forgotten settings that no longer had much meaning in actual life but were likely perpetuated in scribal curricula.

Bits of history may remain after the scraps drain their liquid through the sieves of the centuries. Over time, therefore, water trials seeped out of our memory. We might celebrate their disappearance, especially since ordeals have morphed into such horrors as the staging of mortal combats, the manipulation of red-hot objects, the dunking of body parts into boiling water, and the forced ingestion of poison.<sup>49</sup> Thankfully, oaths on sacred objects or threats of perjury have replaced such tests. Yet, as reported in the media, government units are not beyond adopting brutal techniques to elicit confessions. Among the more notorious of current practices is waterboarding, certainly an ordeal in our sense

47 Remko Jas, *Neo-Assyrian Judicial Procedures*, SAAS 5 (Helsinki: Neo-Assyrian Text Corpus Project, 1996), 17–19 [#7] and 21–24 [#10, 11]. Several nonlegal texts are judged to refer to ordeals, occasionally involving (streams) of water but not always suggesting judgment or consequent punishment; see Klíma, “L’ordalie par le fleuve en Elam,” 41 n. 1. Clearer among these pseudo-ordeals involves the god Marduk himself; see T. Frymer-Kensky, “The Tribulations of Marduk: The So-Called ‘Marduk Ordeal Text,’” *JAOS* 103 (1983): 131–141; A. Livingstone, *Court Poetry and Literary Miscellanea*, SAA 3 (Helsinki: Helsinki University Press, 1989), 82–91 [#34, 35].

48 W.G. Lambert, “Nebuchadnezzar King of Justice,” *Iraq* 27 (1965): 9; text in Benjamin R. Foster, *Before the Muses: An Anthology of Akkadian Literature* (Bethesda, MD: CDL Press, 2005), 870–874. The ordeal is said to occur “upstream from Sippar,” so likely thinking of 𒂍/𒂍it where most Mari examples are set. In the NB period, there was a move toward oath-taking and away from performed ordeals; nonetheless, occasionally, we read of oaths taken within magic circles (*gišhurru*), presumably shaped by a ring of flour; See CAD G 102, citing *Šurpu* 111:27 and YOS 7 61 (on the latter, see Wells, “The Cultic Versus the Forensic,” 210.)

Late (Neo-Babylonian) commentaries to Tablet I of the Diagnostic Handbook (*sakikkū*) connect the fate of patients to the observations of physicians making their way to them. “The patients will die” is the prognosis, assumed to occur because they turned away from a river (ordeal); see Andrew R. George, “Babylonian Texts from the Folios of Sidney Smith. Part Two: Prognostic and Diagnostic Omens, Tablet 1,” *RA* 85 (1991): 147, 149 (reference, courtesy of Mark Geller).

49 Many interesting tidbits on medieval avatars of ordeals in Europe, including among Jews there, can be found in Shlomo Eidelberg’s “Trial by Ordeal in Medieval Jewish History: Laws, Customs and Attitudes,” *Proceedings of the American Academy for Jewish Research* 46/47 (1979–1980): 105–120.

of the word. Ironically, waterboarding seeks to trigger the sensation of drowning that, as we saw, had stopped Mesopotamians from advancing defiantly into River. In their days, when truth wore a stubborn veil and when Heaven was there to judge, gods buttressed the cause of justice. Who can say what—or who—might be standing in the breach today?

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