



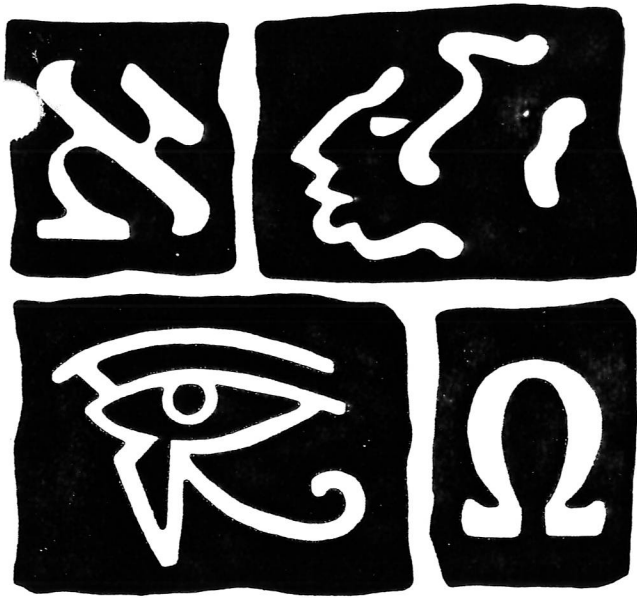
BRIGHAM YOUNG UNIVERSITY • PROVO, UTAH

FARMS Preliminary Reports

The Foundation for Ancient Research and Mormon Studies (FARMS) was founded in 1979 as a clearinghouse to distribute scholarly articles focused on Latter-day Saint scripture. Within a few years, FARMS began collecting and distributing its own “Preliminary Reports.” These were said to consist of “tentative papers reflecting substantial research [that was] not yet ready for final publication.” FARMS made them available “to be critiqued and improved and to stimulate further research.”

Having since absorbed FARMS into the Willes Center for Book of Mormon Studies, the Maxwell Institute offers the FARMS Preliminary Reports here in that same spirit. Although their quality is uneven, they represent the energy and zeal of those who sought to enrich our understanding of LDS scripture.

If you possess copies of Preliminary Reports that are not included on our website, please contact us at maxwell_institute@byu.edu to help us provide the most complete collection possible.



Ordeal by Water

Michelle Mitchell

MIT-83

Preliminary Report

FOUNDATION FOR
ANCIENT RESEARCH AND
MORMON STUDIES



F.A.R.M.S.
P.O. BOX 7113
UNIVERSITY STATION
PROVO, UTAH 84602

(c) 1983

F.A.R.M.S. Preliminary Reports are notes or tentative papers reflecting substantial research but not yet ready for final publication. They are made available to be critiqued and improved and to stimulate further research.

FAIR USE COPYING NOTICE: These pages may be reproduced and used, without alteration, addition or deletion, for any non-pecuniary or non-publishing purpose, without permission.

Ordeal by Water
by Michelle Mitchell*

Submitting oneself to an ordeal was viewed in several ancient legal systems as a means of seeking a divine dispensation of judgment.¹ The idea that justice will prevail in a contest between good and evil survives in the spontaneous schoolyard ordeal: "Cheaters never prosper" chant the children who win the replay after a dispute over whether the original ball was fair or foul. Piaget found that young children often believe that natural events are punishment for moral transgressions, while teenagers discard the idea of immanent justice in favor of mechanical chance.²

Nearly every society has, at some time in its development, made formal use of the ordeal to test guilt and innocence, and nearly every society has used water as one of the mediums to reveal the truth--God's judgment. This study examines the common elements of water ordeals in secular and scriptural contexts. An overview of trials by water is followed by specific analysis of water ordeals in the Near East generally, which in turn serves as background for detailing the literal and metaphorical water ordeals in the Old Testament, New Testament and Book of Mormon.

I. Overview of Ordeals by Water.

Japanese, Africans, Indians, Egyptians, Greeks, Celts, Teutons, and Slavs have all used some form of ordeal, as have Moslems, Hindus, Buddhists, Jews and Christians.³ In Sophocles' Antigone, a guard suspected by Creon of a misdemeanor declares himself ready to handle hot iron and to walk over fire in order to prove his innocence.⁴ Dante depicts ancient Romans justifying their world rule by ordeal; Oliver Cromwell viewed his victories as indicative of God's will; and even John D. Rockefeller claimed to be participant in a kind of ordeal in which God rewarded him with money.⁵

But God's judgment written in water is the focus here. Water judgments are very nearly as widespread as the phenomenon of ordeals in general. The Celts of the Rhinelands had a local custom of determining legitimacy of children by a water ordeal:

Upon the waters of the jealous Rhine
The savage Celts their children cast, nor own
Themselves as fathers till the power divine
Of the chaste river shall the truth make known.
Scarce breathed its first faint cry, the husband tears
Away the new-born babe, and to the wave
Commits it on his shield, nor for it cares
Till the wife-judging stream the infant save,
And prove himself the sire. All trembling lies
The mother, racked with anguish, knowing well
The truth, but forced to risk her cherished prize
On the inconstant waters' reckless swell.⁶

Apparently the mother was deemed virtuous by the river's bearing the child up. By contrast, in India the test was one of

staying under water. First, the stream was exorcised with a Mantra: "Thou, O water, dwellest in the interior of all things like a witness. O water, thou knowest what mortals do not comprehend. This man being arraigned in a cause desires to be cleared from guilt. Therefore, mayest thou deliver him lawfully from this perplexity." The accused stood waist deep in water, facing the East, caught hold of the thighs of a Brahman "free from friendship or hatred" and dived under. Simultaneously an arrow was shot, and if he could remain under water until the arrow was picked up and brought back, he was innocent. But if any portion of him could be seen above the surface, he was condemned.⁷

Medieval Christians, like the Hindus, saw those who floated as guilty. In the 9th Century, an accused was given holy water to drink after taking an oath of his own innocence, and was then lowered by rope into a pond which had been exorcised. If he sank, he was innocent; if he floated, and sometimes even if his hair floated, he was convicted.⁸ The basis of this ordeal was the belief that the pure water would not receive anyone stained with the crime of a false oath. Hincmar, Archbishop of Reims, explained that "he who seeks to conceal the truth by a lie will not sink in the waters over which the voice of the Lord hath thundered; for the pure nature of the water recognizes as impure and rejects as incompatible, human nature, which, released from

falsehood by the waters of baptism, becomes again infected with untruth."⁹ The baptism in Jordan, the passage through the Red Sea and the crowning judgment of the flood were used to support the theory, even though it was the guilty who were drowned in the Red Sea and in the Deluge.

At Canterbury Cathedral, the pool of holy water used for baptism was also used for ordeals by immersion. The suspect was cautioned not to proceed with the ordeal if he knew his cause was unjust.¹⁰

Just as the pond or baptismal font was exorcised by various formulas not unlike the Mantra used in India, so was boiling water exorcised before a suspect's hand was plunged into the judging water. The ordeal itself dates to pagan times, but the terminology was adapted to reflect Christian ideals when the medieval Roman Church incorporated the ordeal. The symbolic significance of water in scriptures is evident in the following formula:

O creature of water, I adjure thee by the living God, by the holy God who in the beginning separated thee from the dry land; I adjure thee by the living God who led thee from the fountain of Paradise, and in four rivers commanded thee to encompass the world; I adjure thee by Him who in Cana of Galilee by His will changed thee to wine, who trod on thee with His holy feet, who gave thee the name Siloa; I adjure thee by the God who in thee cleansed Naaman, the Syrian, of his leprosy;--saying, O holy water, O blessed water, water which wastest the dust and sins of the world, I adjure thee by the living God that thou shalt show thyself pure, nor retain any false image, but shalt be exorcised water, to make manifest and bring to light all truth; so that he who shall place his hand in thee, if his cause be just and

true, shall receive no hurt; but if he be perjured, let his hand be burned with fire, that all men may know the power of our Lord Jesus Christ, who will come with the Holy Ghost, to judge with fire the quick and the dead, and the world. Amen."¹¹

Thus, outside the Near East, the water ordeal was used as a legal system by people who thought the water would reveal the judgment of God by receiving, rejecting or burning the person being tested. The differences in the ordeals lie in whether the presumption of guilt followed from the water's behaving naturally (a body sinks, a hand is burned) or unnaturally (the body floats).

II. Ordeal by Water in the Near East.

In the arid Near East, flowing or living water is seen as having a life of its own. The water becomes a visible embodiment of the divine presence.¹² In Baal worship, the deity is a giver of life, specially connected with quickening waters.¹³ So it is not surprising that sacred wells in connection with sanctuaries are found throughout the Near East. Temples were built near springs and rivers not just because pure water was necessary for ablutions and other rituals, but because the presence of the living water itself consecrated the place. Many of these holy places are oracles which provide answers by receiving or rejecting the worshipper's homage.¹⁴ Water performs the same function as in ordeals elsewhere: the accused comes to the

sanctuary to be accepted or rejected by the deity, based on the principle that an impure person dare not approach sacred waters.¹⁵

Arabian women will not bathe in sacred waters during the time of their uncleanness, and Aristotle tells of a Carthaginian sacred spring which would not flow except for persons ceremonially pure.¹⁶ In the desert beyond Bostra, cataract waters swallowed up or cast forth the gifts flung into them as a sign that the god was or was not pleased and the oath by that stream was the most horrible known in the region.¹⁷ Not only did the gods speak through the rivers, they were both buried in, and born from the waters. On feast days, the image of the Syrian goddess Hierapolis was carried down to the river and back again to the temple.¹⁸

The Near East also produced a codified legal system of water ordeals. The code of Sumerian king Ur-Nammu (2064-2046 B.C.) includes a provision requiring persons accused of sorcery to undergo ordeal by water to proclaim their innocence or guilt.¹⁹ The code does not make the form of water ordeal explicit.

Section 2 of the Code of Hammurabi (1728-1686 B.C.) is more specific about the water ordeal.

If a seignior brought a charge of sorcery against a(nother) seignior, but has not proved it, the one against whom the charge of sorcery was brought, upon going to the river, shall throw himself into the river, and if the river has then overpowered him, his accuser shall take over his estate; if the river has shown that seignior to be innocent and he has accordingly come

forth safe, the one who brought the charge of sorcery against him shall be put to death, while the one who threw himself into the river shall take over the estate of his accuser.²⁰

Apparently the accused proved his innocence by swimming to safety or his guilt by sinking. The river itself administered the death penalty. Section 129 of the code allows the river to administer the penalty without having to decide guilt or innocence: "If the wife of a seignior has been caught while lying with another man, they shall bind them and throw them into the water."²¹ Then Section 132 illustrates the true trial by water in a case where the guilt is not known: "If the finger was pointed at the wife of a seignior because of another man, but she has not been caught while lying with the other man, she shall throw herself into the river for the sake of her husband."²² Thus, an adulteress caught in the act was given to the water for punishment; an accused was given to the water for judgment and execution.

One other provision in the Code of Hammurabi relies on water, but it is unclear whether for ordeal or for predetermined punishment. Section 143 provides: "If she was not careful, however, but was a gadabout, thus neglecting her house (and) humiliating her husband, they shall throw that woman into the water."²³ The two other provisions that plainly require trial by water speak of the accused throwing him or herself into the water. But on the other hand, the provision that plainly uses the

river only to administer the punishment makes it clear that the guilty are bound when thrown into the water. Even though this gadabout is patently guilty of neglecting her house, it may be left to the wisdom of the river whether she must die for her misdeeds.

Like its neighbors, Palestine suffered from such scarcity of water that each source of living water was sanctified. Naaman's indignation at being told to bathe in the River Jordan sprang from his awareness that the Jordan was the Hebrews' sacred healing stream.²⁴ The agricultural Canaanites needed water to live. And water was important in Jewish faith for purification, cleansing, in sickness, for washing utensils and as a libation.²⁵ The two chief pilgrimages for northern Israelites in the time of Amos were to the sacred fountain at Dan and the seven wells sanctuary of Beersheba.²⁶ The name "Beersheba" in Hebrew in fact means either "the seventh well" or "the oath well."^{27a} Washings and purification were performed with living water, so there is some conflict in the fact that springs would purify and yet were too holy to be approached by impure persons.

The ritual required at holy wells suggests that the divine power addressed was in the water.^{27b} As in other societies, it was thought dangerous for the impious to come into contact with the holy water and still more dangerous to drink it. Thus the usual semitic method of ordeal was drinking the water.²⁸ At the

annual feast of tree and well of Abraham at Mamre, the pilgrims lighted the well with lamps and cast in libations of wine, cakes, coins, myrrh and incense, but they would not drink the water of the well--probably because they feared the divine ordeal.²⁹ The holy water was sweet and kindly to true swearers, but a perjured man was smitten in his eyes, feet, and hands, and seized with dropsy and wasting.³⁰

III. Ordeal by Water in the Old Testament.

Cohn insists that ordeal by exposing an accused to physical dangers which harmed him only if he was guilty was entirely unknown to Biblical and later Jewish law.³¹ Boecker, however, argues that the ordeal is more common in the Old Testament than in the Code of Hammurabi.³² One scholar concludes that the use of ordeals verifying oaths, which was a common practice in the ancient Near East, was also followed as a judicial procedure of the indigineous priesthoods of Canaan. Establishment of the monarchy brought a central bureaucracy which may have led to abandonment of some older priestly techniques, but the ordeal survived locally well into the post-Exilic period.³³

Lay officials were to decide straightforward cases, much of it justice "at the gate,"³⁴ or justice administred by the community. Joshua and Saul seemed to use a technique involving

"bringing near and being taken" by lot in the harder cases, with Joshua and Saul themselves conducting the proceedings.³⁵ So the priests of that Confederation period with responsibility for the Ark of the Covenant and the giving of Oracles, did not have to conduct ordeals. But generally, in difficult cases lacking genuine evidence, the priest was required to make a divine pronouncement about guilt or innocence, and the ordeal or oath were the means to obtain God's decision.³⁶ If the accused refused to undergo the ordeal, he had impliedly admitted guilt.³⁷

A. Ordeal by Internal Water

The most formal and absolute example of the ordeal in the Old Testament is a water ordeal. Numbers 5:11-31 contains what has been regarded as either an ordeal of jealousy³⁸ or a rite to establish a child's paternity.³⁹ A husband who suspects his wife of infidelity but lacks the proper number of witnesses⁴⁰ brings her to the temple to subject her to an ordeal. A priest takes the woman to stand before Yahweh and adds dust from the tabernacle's floor to the sacred waters of an earthen vessel. The priest loosens the woman's hair and then while he holds the water, he gives her instructions and an oath⁴¹ with a curse. The oath is written on parchment, the ink is dissolved into the water,⁴² and the woman drinks the water. If she has been

unfaithful, the water brings a curse; but if she is pure, she will go unscathed, and will either be able to conceive or will bear the faithfully-conceived child she is then carrying. Not only is there an ordeal by water, but the water administers both judgment and divine punishment according to the talion if she is guilty, punishing that part of her body with which she has sinned.⁴³

The water used in the ordeal is "may hammarim ha-me ararim", rendered "the bitter water that causes the curse" (K.J.V.), "the waters of bitterness that induce the spell" (The Torah), "the water of bitterness and cursing" (J.B.), and "the water of contention which brings out the truth" (N.E.B.). One scholar argues that the phrase should be translated "waters that bless and waters that curse," or "waters of judgement."⁴⁴ Another suggests that the woman is already pregnant when she come to the ordeal and the phrase should read "the water which bears a curse as poison." It bears a curse if the woman is guilty of adultery and will have a poisonous effect of inducing miscarriage. It produces a true verdict, poisoning her and causing her to lose the child if guilty, or having no harmful effect if she is innocent--allowing safe delivery of the child.⁴⁵

The first time the water is mentioned it is translated variously as "holy," "clean," "sacred," and "living."⁴⁶ The expression is unique in the language of Hebrew ritual and must be

taken as an isolated survival of an obsolete expression.⁴⁷ One scholar suggests that the water may be drawn from the bronze sea referred to in 1 Kings 7:23-26, which is built like a great baptismal font.⁴⁸

An early Talmudic tradition says that these "waters of bitterness" ceased to be effective when adulterers proliferated.⁴⁹ But whenever the ordeal fell into disuse, and even though it represents the only literal water ordeal prescribed by Jewish law, and despite the fact that the Numbers passage dates from a time after the Exile, Frazer insists that this water ordeal flourished among the Israelites from "time immemorial."⁵⁰

One other possible "literal" water ordeal in the Old Testament is Moses' action in Exodus 32:20 of making the Israelites drink water he has sprinkled with a powder ground from the golden calf. The Talmudic tradition says Moses made them drink the water so that he could detect the guilty.⁵¹ But in the present form of the narrative, there is no need for Moses to resort to trial by ordeal to discover the guilty parties: guilt has already been determined.

There are several metaphors in which Yahweh gives his people bitter drinks to swallow. In Jeremiah 8:14 the people say, "Let us organize our defense in the fortified cities and there we shall be secure." But the prophet retorts that disaster has been

foreordained by Yahweh who has given his people a poisonous drink to drink as punishment for their sins. If the drinkers were innocent, the cup would do them no harm. Judah is not simply in a situation where she faces a threat of invasion and has to organize herself for a life or death struggle. She is also at the point where her guilt in relation to Yahweh will be demonstrated by defeat and disintegration. Judah can no more escape her destruction than an accused can evade the outcome of trial by ordeal. Her drinking the poisonous drink is both a legal verdict and the exaction of a penalty. This is of course metaphor, rather than an actual trial by ordeal.

Jeremiah 25:15 contains another "cup of wrath" passage. The holiness of the drink is shown in the representation that the cup is given to the prophet by Yahweh. Then Jeremiah must administer the test and elicit the verdict. The effects which it has on those who drink it demonstrate their guilt.⁵²

B. Ordeal by External Water

Since there are direct parallels for so many provisions of the Code of Hammurabi in the Old Testament, the question arises why there are no instances in Jewish law of judging guilt by throwing the accused in a river as the Sumerians did. The answer may be that apart from the Jordan, Palestine has no river in which anyone could possibly be drowned.⁵³

But even though there is no legal material in the Old Testament providing evidence of a river ordeal in Israelite law, there is river ordeal material in Hebrew literature alluding to a shared mythological background with Mesopotamia. It is the Israelite poet who uses a cosmic river ordeal as an image.

Several Psalms clearly presuppose a judgment by water.⁵⁴ The common elements in these Psalms are that 1) the Psalmist is beset by raging waters, 2) he is surrounded by accusers, 3) he protests his innocence and reliance upon God, beseeching God to deliver him from the waters, and if he is describing a past rescue from the waters, 4) he is drawn out of the waters and set in a safe place.⁵⁵

When the Psalmist is endangered by the onset of rushing waters, he is facing not ordinary, but cosmic waters:⁵⁶ "Save me, O God. The waters have come up to my neck! I have sunk in the mire of the deep, and there is no place to stand. I have come into the depths of waters, and the flood has swept over me."⁵⁷ Psalm 18 conveys an even more cosmic feeling: "The breakers of Death surrounded me. The torrents of Belial assailed me."⁵⁸ One other example of the imminent ordeal comes from a Psalm in Jonah: "The waters compassed me about even to the soul. The depth closed me round about, the weeds were wrapped about my head."⁵⁹ Just as in Canaanite cosmology the waters begin both at the mountain of 'El⁶⁰ and at the entrance to the watery abode of

death,⁶¹ so Jonah is in both places at once: "At the roots of the mountains, I descended to the underworld."⁶²

There is a distinct legal dimension to the terminology used by the Psalmist when he refers to the enemies who accuse him: "More than the hairs of my head are those who hate me without cause. Stronger than my defensive arguments are my perjured opponents, from whom I did not steal."⁶³ The Psalmist says he is innocent of theft but is up against a stronger prosecution, linking the question of guilt to the onrush of cosmic waters.

Fearing death from raging waters, the Psalmist claims legal innocence and pleads for divine deliverance. "In my distress I called, 'Yahweh!' To my God I cried out."⁶⁴ Psalm 69 is more eloquent: "Deliver me from the mire. Let me not sink. Let me be rescued from those who hate me and from the depths of the sea. Let not the flood of waters sweep over me. Let not the deep swallow me. Let not the pit close its mouth over me."⁶⁵

The best account of deliverance comes from Psalm 18:

He reached from on high and took me.
He delivered me out of the Many Waters.⁶⁶
He delivered me from my strong enemies,
from those who hate me, who were stronger than I.
They had confronted me on the day of my ordeal,
but Yahweh was my support.
He set me forth to a broad place.
He rescued me because he delighteth in me.
Yahweh rewarded me according to my innocence.
According to the cleanness of my hands he recompensed me.⁶⁷

The Psalms tend to express confidence in the justice of the ordeal. "Wherefore let every righteous man offer prayer to you

in his time of going forth without cause to the overflowing of the many waters. They shall not overcome him."⁶⁸ But Job has a much soured view: "On the day of the ordeal the wicked is spared."⁶⁹ Nonetheless, he protests his innocence, saying that if what he claims is not true, "Then let the River of 'El be a fearful thing to me, and let me not be stronger than its rising up."⁷⁰ Thus, even as the divine Mesopotamian River served as judge in certain legal cases, so did the Old Testament God yield judgment in at least a poetic fashion through flowing waters.

The Psalms are a particularly appropriate setting for river ordeals because they include many references to Yahweh's complete control over the waters. In addition to the Psalms already mentioned which show Yahweh rescuing the psalmist from imminent water death, the Psalms refer to God's dominion over waters,⁷¹ they call upon the waters to praise Yahweh in an implicit statement of his dominion,⁷² they declare Yahweh's establishment of the bounds which the waters must not pass,⁷³ and they recall Yahweh's historical intervention on behalf of his people at the Red Sea.⁷⁴

The trial by ordeal can certainly be found in the great flood. God tells Noah that he will bring a flood of waters upon the earth to destroy all flesh and that everything that is in the earth must die.⁷⁵ Yet Noah, his family, and representative animals and plants are buoyed up when everything else drowns. Only

because Noah found grace in the eyes of the Lord did he survive the ordeal by water. The waters judged and disposed of all the guilty.

Moses actually survived several water ordeals. He was only three months old when he came through his first water trial and Pharoah's daughter drew him safely out of the water.⁷⁶ An ancient text tells a similar story of the first Semitic king to reign over Babylonia: "When my mother had conceived me, she bore me in secret. She put me in a basket of rushes, with bitumen sealed me in. Then she cast me into the river, but the river did not overwhelm me. The river bore me up, and carried me to a drawer of water."⁷⁷

Moses' later water ordeal was much more dramatic. With the fugitive children of Israel on the shores of the Red Sea, deep waters ahead and a mighty host of Pharoah's chariots and horsemen behind, Moses stretched his hand over the sea and the waters parted, leaving a broad highway on which the Israelites marched dryshod to the other shore. Rather than pass judgment by bearing up the innocent and dragging down the guilty, the waters simply stood aside until the innocent were safely across and the guilty were well into the midst. Then Moses stretched out his hand again and the blue walls broke over the Egyptians; not one escaped.⁷⁸

Joshua too led the Israelites across dry ground in the midst

of a river. This time the river was the Jordan and everyone passed the ordeal; there were no pursuers for the waters to judge and destroy.⁷⁹

C. Hybrid Ordeals by Water

Moses' innocence was so great that he was able to turn a bitter cup into a sweet one. Yahweh directed Moses to throw a twig into the bitter waters at Marah and at once they became sweet enough for the people to drink.⁸⁰ Since in the context of internally-taken water ordeals it is never very clear whether a harmless liquid becomes toxic or a toxic liquid becomes harmless, this incident fits the pattern.

Elijah invited a kind of water ordeal by pitting Yahweh against Baal, the Canaanite god of rain. Although the true god was to answer with fire from heaven, the real test, after all, was which god controlled the rain clouds during that severe drought. Although the gods themselves were on trial, Elijah too was very much on trial. The heavens became black with clouds and wind and there was a great rain in response to a true (innocent) prophet rather than in response to the false (guilty) prophets who were all promptly slain beside a brook.⁸¹ The waters judged in favor of Elijah.⁸²

Perhaps Amos also reflects against a backdrop of water

ordeals when he says, "Let justice roll down like the waters and righteousness like a perpetual stream."⁸³

Jonah has already been mentioned in the river ordeal pattern of the Psalms. But Jonah's ordeal lasted a little longer than most water ordeals (other than Noah's) and was preceded by an ordeal by lot when his shipmates all subjected themselves to an ordeal to determine who bore the guilt for the storm. Jonah was judged guilty in the first ordeal by lot, and was very nearly found guilty in the second ordeal by water. The fish and the waters vomited him back up only because he stopped being guilty, that is he repented and promised to do the Lord's bidding.⁸⁴

The Old Testament offers water ordeals both literal and metaphorical, both internal and external. God delivers His judgment and His punishment or deliverance through water.

IV. Ordeal by Water at Qumran and in the New Testament.

The most important water ordeal in the New Testament is that of baptism. Qumran studies show the contrast between the Old Testament--water ablutions for removing ritual impurity and sacrifice for removing sin--and the Qumran washing which removes ritual impurity, while the inward sin was held to defile the flesh and make it ritually impure, in need of washing.⁸⁵ At Qumran the inner man had to be cleansed by spirit; only the outer

man could be cleansed by physical action--washing in water. The water washing could be interpreted as passing through the waters of death, an identification with the Messiah.⁸⁶

But metaphorically, baptism can be viewed as an ordeal in which God's judgment is revealed when the "accused" candidate comes clean and innocent out of the waters. Or better still, baptism is a true ordeal for the candidate, in that, with judgmental selectivity, it brings salvation to the just and destruction to the wicked. Baptism offers the classic circumstance requiring an ordeal: what earthly tribunal is qualified to judge and what witnesses could accurately testify?

The New Testament refers to many of the Old Testament water ordeals as archetypes of baptism. 1 Peter 3:20-21 speaks of Noah's being "saved" by water, "whereunto baptism doth now save us." The passage through the Red Sea constituted baptism and the drinking of a "spiritual drink".⁸⁷ Paul's question, "Who shall descend into the deep to bring up Christ again from the dead?"⁸⁸ is reminiscent of Jonah being brought back from the cosmic watery abyss in the depths of the underworld.⁸⁹ And the Isaiah passage "When thou passest through the waters, I will be with thee,"⁹⁰ can be linked to Christ's baptism with the spirit of God descending upon Him.⁹¹ Baptism in the New Testament, however, appears predominantly linked with proving one's purity or innocence only and is not ever expressly connected with

substantiating the truthfulness of any oath taken by the candidate.

Other images of water ordeals in the New Testament include Christ's question to James and John: "Are ye able to drink of the cup that I shall drink of, and to be baptized with the baptism that I am baptized with?"⁹² He asked if they could withstand the ordeal he would bear, a trial that he characterized as an internal water ordeal and an external water ordeal. Thus, both the sacrament, the drinking of a cup, and baptism are symbolic ordeals commemorating the trials of the ultimately innocent being. Later, in Gethsemane Jesus wondered if He Himself could bear His ordeal: "Father, if thou be willing, remove this cup from me" But His confidence in God's judgment was paramount: ". . . nevertheless, not my will, but thine be done."⁹³

When Jesus offered to give the Samaritan woman "living water" from which she would not thirst again,⁹⁴ there were overtones of a judgment by water. Similarly, His ability to walk on water and to hold Peter up even when Peter began to sink suggests the water's response to Christ's purity and to Peter's imperfections.⁹⁵ And one final New Testament passage recalls the water ordeal in the Code of Hammurabi in which the guilty were bound and thrown into the water. "But whoso shall offend one of these little ones which believe in me, it were better for him

that a millstone were hanged about his neck, and that he were drowned in the depth of the sea".⁹⁶

V. Ordeal by Water in the Book of Mormon

When Sherem and Korihor ask for signs and are stricken down and stricken dumb, there has been a divine dispensation of judgment manifest through physical punishment of the guilty persons.⁹⁷ Theirs were not water ordeals, but their experiences supply a background of literal ordeals against which to view the metaphorical water ordeals in Ether and 1 Nephi.

God prepared the Jaredites for a Noah-like water ordeal by instructing them to build barges and by explaining that he would save them from their ordeal in the watery depths:

For behold, ye shall be as a whale in the midst of the sea; for the mountain waves shall dash upon you. Nevertheless, I will bring you up again out of the depths of the sea; for the winds have gone forth out of my mouth, and also the rains and the floods have I sent forth. And behold, I prepare you against these things; for ye cannot cross this great deep save I prepare you against the waves of the sea, and the winds which have gone forth, and the floods which shall come. Therefore what will ye that I should prepare for you that ye may have light when ye are swallowed up in the depths of the sea?⁹⁸

The language is as cosmic as that of the Psalms and the basic elements of the Psalmist's river ordeal are also satisfied: The Jaredites are beset by raging waters, they rely upon God and they are drawn out of the waters and set in a safe place:

And it came to pass that the Lord God caused that there should be a furious wind blow upon the face of the waters, towards the promised land; and thus they were tossed upon the waves of the sea before the wind.

And it came to pass that they were many times buried in the depths of the sea, because of the mountain waves which broke upon them, and also the great and terrible tempests which were caused by the fierceness of the wind.

And it came to pass that when they were buried in the deep there was no water that could hurt them, their vessels being tight like unto a dish, and also they were tight like unto the ark of Noah; therefore when they were encompassed about by many waters they did cry unto the Lord, and he did bring them forth again upon the top of the waters.

Before Nephi and his family faced their trial by water, Nehpi's brothers wanted to expose Nephi to an impromptu river ordeal: "And now it came to pass that when I had spoken these words, they were angry with me and were desirous to throw me into the depths of the sea."¹⁰⁰ But it was the brothers who felt the effects of an ordeal since Nephi stretched out his hand by the Lord's command to shock his brothers and make them aware of God's judgment.¹⁰¹ Nephi reminded them of God's power and justice in supporting their worthy ancestors through water ordeals:

Now ye know that Moses was commanded of the Lord to do that great work; and ye know that by his word the waters of the Red Sea were divided hither and thither, and they passed through on dry ground.

But ye know that the Egyptians were drowned in the Red Sea, who were the armies of Pharaoh. . . .

Yea, and ye also know that Moses, by his word according to the power of God which was in him, smote the rock, and there came forth water, that the children of Israel might quench their thirst. . . .

And after they had crossed the river Jordan, he did make them mighty unto the driving out of the children of the land.¹⁰²

But in spite of all warnings, Nephi's brothers misbehaved

during the voyage and made Nephi fear that they would lose the Lord's protection in their trial by water: "And I, Nephi began to fear exceedingly lest the Lord should be angry with us, and smite us because of our iniquity, that we should be swallowed up in the depths of the sea."¹⁰³ He worried with good cause. His brothers tied him up and did not release him until they were about to be drowned and realized that ". . . the judgments of God were upon them and that they must perish save that they should repent . . ."¹⁰⁴ Following the Psalmist's pattern, only after Nephi had cried out to the Lord did the storm cease and the ship come safely to land.¹⁰⁵

Ordeal by baptism is a central motif of the Book of Mormon. Nephi seems to ask if his people are willing to undertake an ordeal when he asks them to follow their Lord and Savior down into the water and then to receive the baptism of fire.¹⁰⁶ Alma and Helam emerge very well from their ordeal: "Both Alma and Helam were buried in the water and they arose and came forth out of the water rejoicing."¹⁰⁷ There are even echoes of the Hindu water ordeal: "Behold, ye shall go down and stand in the water, . . . And then shall ye immerse them in the water, and come forth again out of the water."¹⁰⁸ Here the ordeal is further associated with the candidate's willingness to verify and move the earnestness of the covenant or oath they are thereby undertaking.¹⁰⁹

The internal water ordeal is also mentioned in the Book of Mormon: "Therefore they have drunk damnation to their own souls. Therefore, they have drunk out of the cup of the wrath of God . . ." ¹¹⁰ Here again is the bitter cup which judges the guilty when they submit to the ordeal of drinking it. Similarly, Jacob quotes from Isaiah: "O Jerusalem, which hast drunk at the hand of the Lord the cup of his fury." ¹¹¹ Christ once more characterizes His ordeal as a test by water: "And I have drunk out of that bitter cup which the Father hath given me. . ." ¹¹²

Finally the idea of waters that judge is carried forward into modern scripture: "and he that is faithful among you shall not perish by the waters." ¹¹³ "And it shall be said in days to come that none is able to go up to the land of Zion upon the waters, but he that is upright in heart." ¹¹⁴

We may dismiss ordeals as superstitious indulgence of the credulous, but there is a wealth of symbolism associated with water and its power to save or destroy.

*This paper was initially prepared for Law 696R, Ancient Legal Systems in the Scriptures, April 18, 1983, J. Reuben Clark Law School, Professor John W. Welch.

FOOTNOTES

1. H. Boecker, Law and the Administration of Justice in the Old Testament and the Ancient Near East (Minneapolis; Augsburg Pub., 1980), p. 35 (hereinafter referred to as "Boecker").

2. C. Raddings, "Superstition to Science: Nature, Fortune and the Passing of the Medieval Ordeal," American Historical Review 84 (1979), p. 951 (hereinafter referred to as "Raddings").

3. H. Lea, Superstition and Force (Philadelphia: Lea Brothers & Co., 1982), pp. 253-276 (hereinafter referred to as "Lea").

4. J. Gilchrist, History of Ordeals (1821), p. 8.
(hereinafter referred to as "Gilchrist").

5. Radding, p. 964.

6. Lea, p. 273, citing Anthol. IX 125.

7. Lea, p. 320, citing Institutes of Vishu IX 29-30, XIII; Gilchrist p. 10.

8. Lea, p. 318 citing Hincmar de Divort Lothar. Interrog. vi.

9. Lea, p. 319 citing De Divort, Lothar. Interrog vi.

10. Raddings, p. 955-956.

11. Lea, p. 280 citing, Formulae Exorcismorum Baluz II, 639
sqq.

12. W. Smith, Lectures on The Religion of the Semites (1st
Ed, London, 1889; reprinted by KTAV Pub. 1969), p. 166
(hereinafter referred to as "Smith").

13. Ibid. p. 167. See also the epithet for Yamm as "Judge River"
and the explicit parallels to River as Judge
14. Ibid. p. 170. in the Akkadian accounts of the river-ordeal
discussed by E. Theodore Mullen, Jr., Assembly
15. Ibid. p. 179. of the Gods: The Divine Council in Canaanite
and Early Hebrew Literature, Harvard Semitic
16. Ibid. Monograph Series 24 (Scholars Press, 1980),
pp. 48-49.

17. Ibid. p. 169.

18. Ibid. p. 175

19. Boecker, p. 57.

20. Ibid. p. 81

21. Ibid. p. 106.

22. Ibid. p. 107.

23. Ibid. p. 105.

24. Smith, p. 171.

25. Ibid. p. 184.

26. Ibid. p. 182.

27a. See A. Cruden, Complete Concordance of the Old and New
Testaments (Grand Rapids: Zondervan Pub. House, 1968), p. 791.

27b. Boecker, p. 177.

28. Ibid. p. 180.

29. Ibid. p. 177.

30. Ibid. p. 180.

31. H. Cohn, "Ordeal," in M. Elon, ed., The Principles of Jewish Law (Jerusalem: Keter, 1975), p. 523 (hereinafter referred to as "Elon"). "The curse is interchangeable with and the forerunner of the oath; he who takes the oath before God (Ex. 22:7-8) brings God's curse on himself if he perjures himself (Chron 6:22-23). On hearing the oath sworn at his altar, God judges, condemning the wicked and justifying the righteous. when atonement was made for general sinfulness God would reveal forgiveness by changing red into white. In many instances, God's judgment was of course executed directly, manifesting itself in the very act of divine punishment (Num. 16:5-7; 31-35; Deut. 11:6; 1 Kings 18:38)."

32. Boecker, p. 36.

33. P. Budd, "Priestly Instruction in Pre-Exilic Israel," Vetus Testamentum 23 (1973), p. 14 (hereinafter referred to as "Budd").

34. Deut. 21:19.

35. Joshua 7:16-18, I Sam. 24:38-42.

36. Budd. p. 11.

37. Z. Falk, Hebrew Law in Biblical Times (Jerusalem: Wahrmann Books, 1964), p. 70 (hereinafter referred to as "Falk").

38. Elon, p. 523.

39. A. Phillips, Ancient Israel's Criminal Law (1970), pp. 147 and 118ff.

40. Deut. 19:15; Num. 35:36.

41. A custom even older than Islam was for a wife suspected of unfaithfulness to swear 70 oaths at the Caaba after riding in on a camel between two sacks of dung.

42. Near Ephesus, a virgin accused of unchastity swore her innocence, her oath was written and tied round her neck, she entered the shallow pool, and if she was guilty the water rose until it covered the writing.

43. Elon, p. 525.

44. J. Sasson, "Numbers 5 and The 'Waters of Judgment,'" Biblische Zeitschrift 16 (1972), p. 256 (hereinafter referred to as "Sasson"). The oldest Hebrew tradition refers the origin of the Torah to divine sentences taught by Moses at the sanctuary of Dakesh or Meribah beside the holy fountain which in Gen. 14:7 is also called "the fountain of judgment."

The principle underlying the administration of justice at the sanctuary is that cases too hard for man are referred to the decision of God. Among Hebrews in Canaan it was ordinarily done by an appeal to the sacred lot, but the survival of even one case of ordeal by holy water leaves no doubt as to the sense of the "fountain of judgment" or "waters of controversy." Smith, p. 181.

45. W. McKane, "Poison, Trial By Ordeal, and the Cup of Wrath," Vetus Testamentum 30 (1980), p. 478 (hereinafter referred to as "McKane").

46. Numbers 5:16, K.J.V., "heavy;" N.E.B., "clean;" N.A.S., "sacred;" J.B., "living."
47. Smith, p. 181.
48. Sasson, p. 249, fn. 8.
49. Elon, p. 523.
50. J. Frazer, Folklore in the Old Testament (London: MacMillan, 1919), vol.3, p. 306.
51. Elon, p. 523.
52. See McKane, pp. 484-492.
53. R. DeVaux, Ancient Israel, (New York: McGraw Hill, 1965) vol. 1 p. 158 (hereinafter referred to as "DeVaux").
54. Psalms 18, 66, 69, 82, 44, and Jonah 2.
55. K. McCarter "The River Ordeal in Israelite Literature," Harvard Theological Review 66 (1973), p. 404 (hereinafter referred to as "McCarter").
56. In contrast to Mesopotamia, the distinction between salt and sweet water is not important in Northwest Semitic cosmologies. Thus, "sea" and "river" may make a poetic pair. McCarter, p. 405 fn. 6.
57. Psalm 69:2-3 (R.S.V.)
58. Psalm 18:5 (R.S.V.)
59. Jonah 2:5.
60. K.J. Clifford, The Cosmic Mountain in Canaan and The Old Testament (Cambridge: Harvard, 1970), pp. 35-57.

61. N. Tromp, Primitive Conceptions of Death and the Nether World in The Old Testament, (Rome: Pontifical Biblical Inst.

1969), p. 45 (hereinafter referred to as "Tromp").

62. Jonah 2:6.

63. Psalm 69:4.

64.

65. Psalm 69:15-16. See A. Curtis, "The 'Subjugation of the Waters' Motif in the Psalms: Imagery or Polemic?" Journal of Semitic Studies 23-24 (1978-79), pp. 245-256.

66. These are the Mayim rabbim, meaning Netherworld in this instance. Tromp p. 64.

67. Psalm 18(2 Samuel 22):17-21.

68. Psalm 32:6.

69. Job 21:30. The expression "Yom ed" is translated by McCarter as the "day of the river ordeal." McCarter, p. 409.

70. Job 31:23. Here Job calls The River of Ordeal the ed el which is consistent with the psalm imagery of judgment waters at the source of the sea and roots of the mountains. McCarter, p. 410.

71. Psalm 89:25; 24:1,2; 24:10; 23:1-4.

72. Psalm 96:11; 64:34; 98:7-8.

73. Psalm 104:5-9.

74. Psalm 77:16-20.

75. Gen. 6:17.

76. Ex. 2:1-11.
77. T. Gaster, Myth, Legend, and Custom in the Old Testament (New York: Harper & Row), p. 225. Similar stories are connected with Vyasa, Perseus, and Erichthonius, in addition to Sargon.
78. Ex. 14:21-31.
79. Joshua 3:14-17.
80. Ex. 15:23-26.
81. 1 Kings 18.
82. Tromp, p. 480-502.
83. Amos 5:24.
84. Jonah 1 and 2.
85. B. Thiering, "Inner and Outer Cleansing at Qumran as a Background to New Testament Baptism," New Testament Studies 27 (1980-81), p. 627.
86. B. Thiering, "Qumran Initiation and New Testament Baptism," New Testament Studies 27 (1980-81), p. 627.
87. 1 Cor. 10:1-4.
88. Rom. 10:7.
89. Jonah 2:3-7.
90. Isaiah 43:2.
91. Matt. 3:16. See also M. Walsh, "The Baptismal Flood in the Old English 'Andreas': Liturgical and Typological Depths," Traditio 33 (1977), pp. 137-157, for other New Testament baptism parallels with Old Testament passages.

92. Matt. 20:22.
93. Luke 22:42.
94. John 4:10-14.
95. Matt. 14:31.
96. Matt. 18:6.
97. Jacob 7:13-16.
98. Ether 2:16, 24-25.
99. Ether 6:5-7.
100. 1 Nephi 17:48.
101. 1 Nephi 12:49-54.
102. 1 Nephi 17:26, 27, 29, and 32.
103. 1 Nephi 18:10.
104. 1 Nephi 18:15.
105. 1 Nephi 18:21-23.
106. 2 Nephi 31:13.
107. Mosiah 18:14.
108. 3 Nephi 11:23, 26.
109. Mosiah 18:10-11.
110. Mosiah 3:25, 26.
111. 2 Nephi 8:17.
112. 3 Nephi 11:11.
113. D & C 61:6.
114. D & C 61:16.