ORDEAL PROCEDURES IN THE PSALMS AND THE PASSOVER MEAL

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One of the most interesting aspects of ancient Near Eastern jurisdiction is probably the ordeal. In the latter practice two spheres of action intersect, the realm of the sacred taking over where secular means fall short. Many a case of litigation was above the competence of the human judges and had therefore to be referred to the heavenly court for a final verdict. In ancient Israel, too, resort was sometimes had to trial by ordeal. Yet although the Old Testament contains unambiguous references to various ordeal procedures,¹ their historical distribution and the concrete shape that they took remain uncertain. In the present article I shall seek to dissipate some of these uncertainties. In so doing I have a special interest in the cultic setting of the ordeal. That is why the so-called “Psalms of the Accused” will be the starting-point of my investigation. Once their historical Sitz im Leben has been determined, I believe that it can be convincingly argued that the conceptual framework of the ordeal has left its imprint on analogous religious rites as well.

I

In 1928 H. Schmidt published a short but stimulating monograph about the “Prayers of the Accused”.² It contained the integral text of a paper read a year earlier in abbreviated form,³ in which he tried to demonstrate that many individual complaints in

² Das Gebet der Angeklagten im Alten Testament, BZA W 49 (Giessen, 1928).
³ Schmidt’s original article has been re-issued by P. H. A. Neumann, Zur neueren Psalmenforschung (Darmstadt, 1976), pp. 156-67.
the biblical Psalter had originally been used within the context of
sacral jurisdiction. Referring to 1 Kings viii 31-2; Deut. xvii 8, Ex.
xxii 6 ff.; Num. v 11 ff., Schmidt urged that the temple had fre-
quently been the scene of a judicial inquiry by means of an ordeal.
On the basis of Pss cvii 10 ff., cxviii 5 ff., lxviii 7, cxlii 8 and cxlvi
7 he supposed that during the time of the inquest the accused were
held in custody in a prison belonging to the temple complex. Infor-
mation about the organization of the procedures had to be inferred
from a number of psalms which Schmidt presumed to be formulary
prayers to be recited by the accused. The main insight to be gained
from them was that the ordeal, to which the accused submitted
themselves by an oath of innocence (cf. Pss xxvi, vii 4-6), took place
during the night while the accused were asleep. At the moment of
awaking the trial came to its conclusion and the innocence (or guilt)
of the suspect could be definitively established (cf. Pss iii 6, xvii 15,
cxxxix 18b). As to the method followed during this nocturnal
ordeal, Schmidt avowed his ignorance; he could only suggest that
an Arabian practice reported by A. Musil (in the morning the
guilty party would be unable to get up and pick up his turban, on
which the soothsayer had slept during the night) would admirably
fit the situation adumbrated in the Psalms.

Although Schmidt’s thesis met with the approval of several com-
mentators, many scholars were sceptical of its accuracy. It was
thought that Schmidt had included too many psalms in his newly-
defined Gattung, which had led him to blur the criteria of literary
genre by positing that many “prayers of the sick” were also to be
situated in a juridico-religious context. Other critical questions
were raised, too. Was not the language of the prayers of the accused
likely to be metaphorical (B. Gemser)? And did not the emphasis
fall so exclusively on the shelter given by the LORD that we had
better speak of asylum and oracle of protection instead of imprison-
ment and ordeal (L. Delekat)? Such and similar questions were
taken up by W. Beyerlin in a thorough re-examination of Schmidt’s

4 Viz., in the first instance, Pss iii, iv, vii, xvii, xxvi, xxvii, xxxi 1-9, lvii,
cxxxix, cxlii; xi, xiii, lv 1-19, lvi, lix, xciv 16-23, cxl; cix.
5 Das Gebet, pp. 21-9.
6 Das Gebet, pp. 28-9. See also n. 43.
7 For the reception of Schmidt’s interpretation see J. J. Stamm, “Ein Viertel-
jahrhundert Psalmenforschung”, ThR 23 (1955), pp. 36-7; J. Becker, Wege der
Psalmenexegese (Stuttgart, 1975), pp. 24-37.
8 Viz., Pss xxv, xxviii, xxxi 10-25, xxxv, xxxviii, xli, lxix, lxxvi, cii.