

**THE CODES OF
HAMMURABI
AND
MOSES**



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The Codes of Hammurabi and Moses

WITH COPIOUS COMMENTS, INDEX,
AND BIBLE REFERENCES

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To My Wife
AFFECTIONATELY DEDICATED

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The Codes of Hammurabi and Moses.

THE discovery of the Hammurabi Code is one of the greatest achievements of archæology, and is of paramount interest, not only to the student of the Bible, but also to all those interested in ancient history. This document carries us back to gray antiquity; to what was once regarded as prehistoric times; to a period long antedating the promulgation of the laws of Moses; no matter whether we accept the traditional or the so-called critical view. The laws of Hammurabi were venerable with age centuries before the Tel-el-Amarna correspondence had its origin; for it is generally agreed that the El-Amarna tablets or letters were written about 1500 B. C., whereas the great ruler Hammurabi flourished about 2250 B. C. There is, too, a very general consensus of opinion that the Hammurabi of our Code, the sixth king of the first Babylonian dynasty, often referred to in the cuneiform texts, is no other than the Amraphel mentioned in the fourteenth chapter of Genesis as the ally of Chedor-laomer, who, with other kings, conducted a military campaign against, and subdued, several petty rulers of tribes or nations on either side of the Jordan and the Dead Sea, and who continued his victorious march, at least, as far south as Kadesh-Barnea. His long reign of fifty-five years was celebrated for its

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brilliant achievements, high civilization, and extensive literature. No wonder, indeed, that he styled himself the "Sun of Babylon." But what makes him of special interest to the Biblical student is the fact that he was the monarch who ruled over "Ur of the Chaldees" when Abraham left that ancient city to establish himself in the land of Canaan. Hammurabi, the great world-ruler, was a contemporary of Abraham, the Father of the Faithful. This fourteenth chapter of Genesis, dry as it may seem to the average reader of the Bible, is a precious piece of ancient history; for though chronicling events of the days of Abraham, it now, after a silence of nearly five thousand years, finds a most remarkable confirmation from a most unexpected source; and thus puts forever a stop to the flip-pant destructive criticism, which, only a few years ago, delighted in relegating Abraham and his immediate descendants to the realm of myth or legend.

This school of critics were wont to insist that a collection of laws as perfect as those found in the Pentateuch could not have been produced as early in the world's history as the middle of the second millennium before Christ, the time assigned by conservative Bible scholars to Moses and the Exodus. Here is a code antedating the laws of Moses by nearly one thousand years. Though proceeding from a polytheistic people and a purely secular document, it shows a high degree of civilization. This fact has impressed Bible scholars, and so, too, has the wonderful correspondence between the Mosaic

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and Hammurabic codes in many of their laws. These similarities prove to the more liberal critics that the Hebrews borrowed their religious ideas and laws wholesale from the Babylonians. This they maintain in spite of the great superiority of Hebrew institutions over those of the Babylonians. There is, however, not a scintilla of proof that the Pentateuch owes anything to Babylon. Many of the laws in both codes are the common property of mankind, and are such as would have naturally suggested themselves to any civilized people. Then again, it is exceedingly probable that away down the ages before the Semitic tribes had separated and left their central home in Arabia, they had an advance system of laws, which the several tribes carried with them whithersoever they emigrated.

It has been known for a score or more years that Hammurabi was a great ruler, that he had extended his conquests far and wide; that the civilization in his age presupposed the existence of just such a code of laws as the one recently discovered. Delitzsch and other Assyriologists had pointed out the greatness of this ruler, and the advanced stage of culture prevailing in his empire. The publication, by L. W. King, of "Letters and Inscriptions of Hammurabi," in three volumes (London, 1898-1900), shed a flood of light upon the glorious reign of this mighty king, who towers up as one of the few great rulers of the world. He built a large number of palaces and temples to various gods, restored and remodeled many more. He promoted

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commerce and agriculture over his vast empire, and distinguished himself in various ways. Indeed, these letters and business documents bear eloquent testimony to the justice of his reign and general prosperity of his subjects. We have in them incidental references to courts of justice, a regular standing army, a State religion, and a very extensive and perfect system of commerce. All these presuppose a stable government, and the existence of a code precisely like the one under discussion.

We may incidentally compare these references to Hammurabi and his laws to similar ones in the poetical and historical books of the Old Testament to the legislation of Moses. Do not these references favor the conclusion that the code existed before the letters and contracts referring to it? If so, why should some Biblical critics ask us to believe that the historical, prophetic, and devotional literature of the Hebrews preceded the so-called laws of Moses?

The Code of Hammurabi, though written in Babylonian script and language, strange as it may seem, was discovered not in Babylonia or Assyria, but in Susa, Persia. Susa, the Shushan of the Bible, was for a long time a royal residence. Its location made it a central battlefield of the nations; this accounts for the fact that it was captured and recaptured repeatedly.

Elam and Babylonia had frequent wars. The Elamites conquered Babylonia more than once. It was probably during one of these invasions that the

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Hammurabi stele was transferred in triumph to the Elamite capital, and placed in one of its great temples as a trophy of war. Modern as well as ancient history furnish many parallels. When Napoleon captured Berlin many trophies were carried to Paris. When, however, sixty-four years later, the triumphant Germans entered the French capital, these precious objects were at once restored. Others take a different view of the matter, and suggest that Hammurabi had several copies of his code made, so that one could be set up in all the important centers of his vast realm. If this supposition be true, then it is quite possible that an exact copy of Hammurabi's laws was found in the city of Ur, the home of Abraham. Be that as it may, it is more than probable that Abraham was well acquainted with the code and all its enactments. This view is favored by the fact that mutilated portions of the code have been found elsewhere; *e. g.*, in the library of Assurbanipal, who reigned 1,600 years after the time of Hammurabi. Again, small duplicate fragments of the epilogue have been actually discovered in Susa itself.

The discovery of the Hammurabi Code at Susa was a matter of surprise to all concerned. It was made by that veteran archæologist, M. de Morgan, so well and favorably known for his many brilliant achievements among the ruins of Egypt. This learned Frenchman had been sent to Persia to carry on excavations among the ruins of the old Elamite capital, and nothing could have been farther from his thoughts than the discovery of a system of laws

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which were in vogue in the days of the great Hammurabi. What has been appropriately called "the oldest code of laws in the world" was discovered on three fragments of a rude stone block in the latter part of December, 1901, and in the early part of January, 1902. The text on the stele was transcribed, translated into French, and edited by Father Scheil, the learned French Roman Catholic Assyriologist and archæologist. This appeared in "*Mémoires de la Délégation en Perse, Texte Elamites Semitiques.*" Vol. IV: Paris, 1902.

The astounding information that a long code of laws, dating back to a time nearly one thousand years before the age of Moses, had been discovered produced great excitement among Bible students the world over. Theologians, historians, and archæologists of all schools commenced to study this ancient document with great interest and thoroughness. Numberless articles, learned and unlearned, appeared in our newspapers and magazines; brochures and booklets came out in several modern languages.

The stele, or stone, on which these laws were written, or rather cut, is a rude piece of black diorite, slightly rounded at the top, nearly eight feet high, and rather more than seven feet in width. Both sides of the monument are covered with the inscription. Hammurabi is represented as standing before Shamash, the Sun-god of Sippar, the ancient seat of the Hammurabi dynasty. The god is seated upon his throne, and is in the very act of delivering this code to the king, who humbly and reverently stands

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before him. Shamash is clad in loose-flowing robes, and so is Hammurabi, his representative on earth. Both god and king wear long beards. The former holds something in his hand, which many have regarded as a scepter, while others call it a stylus, symbolic of wisdom.

Directly under this pictorial representation, on the obverse, follow sixteen columns of cuneiform writing, making 1,114 lines. It is much to be regretted that five columns on this side have been erased, so that no one can indulge in a happy guess at the meaning. Nothing but the discovery of another copy can replace these lost lines. Why and when the erasure was made can be a matter of conjecture only. The reverse has twenty-eight columns, which make a little more than 2,500 lines. The code as we now have it contains 247 distinct laws. The number is sometimes given as 282, but from this latter number we must deduct 35, the supposed number of laws erased. The laws are numbered 1—66 to the erased portion, then 100—282 to the end. Of these 247 laws, by far the greater number have been correctly deciphered, and the correct meaning has been, without doubt, ascertained.

The first translation into a modern language was made by Scheil. This was into French. Like almost everything rendered into this language, fidelity to the original is sacrificed to elegance of diction. The following criticism of his work is quite just: "The rendering of the eminent French *savant*, while distinguished by that clear, neat phrasing, which is so

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charming a feature of all his [Scheil's] work, is often rather a paraphrase than a translation." The next original translation, though naturally a little dependent upon that of Scheil's, is from the pen of Dr. Hugo Winckler; this, as the name indicates, was into German, and appeared first in "*Der alte Orient*," 4th Jahrgang, Heft 4. Several editions have already appeared, as well as a number of translations. We desire to acknowledge our special obligations to this brochure. This was followed by a translation into English by Mr. C. H. W. Johns, M. A., Edinburgh, 1903. Mr. Johns, in the preface to his translation, says: "Dr. H. Winckler's rendering of the code came into my hands after this work was sent to the publishers, and I have not thought it necessary to withdraw any of my renderings." Dr. Francesco Mari has given an Italian version, and Professor R. F. Harper, of the University of Chicago, has produced an elegant volume, entitled: "The Code of Hammurabi, King of Babylonia, about 2250 B. C.: Auto-graph Text, Transliteration, Translation, Glossary, Index of Subjects, Lists of Proper Names, Signs, Numerals, Corrections and Erasures, with Map, Frontispiece and Photograph of Text." This, we are informed, is to be followed in the near future by another large volume by Professor Harper and his brother, President W. R. Harper, which is intended as an exhaustive commentary on the code.

The above is a short and correct description of the external appearance of the document, the time

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and place of its discovery; let us now proceed to the examination of its contents.

The text of the monument may be divided into three parts. 1. The Prologue; 2. The Code itself; and 3. The Epilogue.

The Prologue and Epilogue contain much, as we shall see, which sounds very like braggadocio. This may seem obnoxious to an American ear of our day, but it was in perfect keeping with the language of an Oriental ruler of the third millennium before our era. The Prologue is quite lengthy—seven hundred lines. We can do no better than to reproduce it in full, so that every reader may have the opportunity of studying it for himself.

It is needless to say that in the preparation of this little work we have made abundant use of all the Hammurabi literature which has come to our hands, as well as of some suggestions gained from the lectures of Professor Friedrich Delitzsch at the University of Berlin, in the summer of 1902. We have always desired to give due credit.

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THE PROLOGUE.

WHEN Anu,¹ the majestic, King of the Anunnaki,² and Bel,³ the Lord of Heaven and Earth, who established the fate of the land, had given to Marduk,⁴ the ruling son of Ea,⁵ dominion over mankind, magnified him among the Igigi;⁶ and called Babylon by his great name; when they made it great upon the earth by founding therein an eternal kingdom, whose foundations are as firmly grounded as are those of heaven and earth,—it was then that Anu and Bel called me, Hammurabi, the exalted prince, a God-fearing man, by name, to cause justice to be practiced in the land, to destroy the wicked and the evil [alike], to prevent the strong from oppressing the weak, so that I might go forth like Shamash⁷ to rule over the Black-haired people, to give light to the land, and, like Anu and Bel, promote the welfare of mankind.

I am Hammurabi, the prince called by Bel to pour out riches and abundance, procuring everything possible for Nippur⁸ and Durilu,⁹ the majestic patron of E-kur,¹⁰ the brave king, who restored Eridu,¹¹ and purified the cult of E-apsu;¹² who subjected the four quarters of the world, and made great the name of Babel, and made glad the heart of Marduk, his

¹ Or Ilu, the father of Ishtar, worshiped very early at Uruk.

² The evil spirits, visible in the black clouds of the heavens.

³ A god, worshiped at Nippur and elsewhere.

⁴ The God of Babylon; it is the Merodach, often found in compound names in the Bible.

⁵ God of the waters; its chief seat of worship was Eridu.

⁶ The kind spirits, personified by the white clouds of the heavens.

⁷ The Sun-god, which had famous temples at Larsa and Sippar.

⁸ A celebrated city of Babylonia, called also Nuffar. Extensive excavations have been made here by the University of Pennsylvania.

⁹ A celebrated city of Babylonia, or, according to others, it is the ziggurat at Nippur and called Duranku.

¹⁰ Bel's temple at Nippur.

¹¹ Place celebrated for the worship of Ea.

¹² Literally, "House of the Ocean," a temple of Ea at Eridu.

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lord; and who daily worships in Esagila,¹³ the royal scion, begotten by Sin,¹⁴ who enriched Ur;¹⁵ the pious, the submissive one, who brings riches to Gish-shir-gal;¹⁶ the wise king favored by Shamash; the powerful one, who laid again the foundations of Sippar;¹⁷ who clothed with green the tomb [or shrines] of Malkat;¹⁸ who beautified E-bab-bar,¹⁹ which is built like a heavenly place; the warrior, who protected Larsa,²⁰ and rebuilt E-bab-bar for Shamash, his helper; the lord, who gave life to the city of Uruk;²¹ and brought abundance of waters to its inhabitants; who built up the towers of E-anna,²² who brought riches to Anu and Nana;²³ the shield of the land; who again reassembled the scattered inhabitants of Isin²⁴ [Nisin], who enriched E-gal-mah;²⁵ the patron king of the city, the brother of Za-ma-ma;²⁶ who firmly established the settlements of Kish;²⁷ who surrounded E-me-te-ur-sag²⁸ with glory; who increased the sacred treasures of Nana, the patron of the temple of Harsag-Kalama,²⁹ the grave of the enemies; whose help brings victory;³⁰ who enriched the places of Cutha;³¹ who made everything glorious in E-shid-lam;³² the mighty

¹³ Marduk's temple at Babylon.

¹⁴ The Moon-god, which had a famous temple at Ur.

¹⁵ A well-known city, called el-Mugheir at present.

¹⁶ Written also E-gisgirgal, temple of Sin at Ur.

¹⁷ A city, perhaps the Abu Habba of our time.

¹⁸ The consort of Shamash, or inanimate nature.

¹⁹ The temple of Shamash in Sippar, and also at Larsa.

²⁰ A city famous for the worship of Shamash, perhaps the Kassar of Gen. xiv, 1.

²¹ The Erech of Gen. x, 10. It is now called Warka.

²² The temple of Ishtar, wife of Anu, at Uruk.

²³ The same as Anna or Ishtar; she was the daughter of Anu.

²⁴ Isin or Nisin, supposed by some to be Bismaya, where the University of Chicago is now excavating; others think it the same as Abu Habba.

²⁵ A temple at Isin.

²⁶ The goddess of Kish.

²⁷ A city of Babylonia.

²⁸ A city near Kish, or a temple of that place.

²⁹ A temple of Kish.

³⁰ Harper's marginal reading, "whose help enables one to attain his desire."

³¹ A city or region in Babylonia.

³² A temple of Nergal.

THE PROLOGUE.

bull,³³ which trampled down his foes, the favorite of the god Tu-tu;³⁴ who made the city of Borsippa fruitful; the majestic, who is untiring in his efforts for E-zida;³⁵ the divine king of the city, the wise, the clever one, who extended the cultivation of the ground at Dilbat;³⁶ who gave abundant grain for Urash;³⁷ the lord, to whom belongs scepter and crown; whom the wise Ma-ma³⁸ created, who determined the boundaries of the temple of Kish; who provided abundantly for the sacred feasts of Nin-tu;³⁹ the cautious, the careful, who provided food and drink for Lagash⁴⁰ and Girsu;⁴¹ who furnished the temple of Nin-girsu⁴² with abundance of sacrificial offerings; who arrested the enemies; the elect of the oracle, which fulfilled the word of Hallab;⁴³ who rejoiced the heart of Anunit,⁴⁴ the pure prince, whose prayers are heard by Adad;⁴⁵ who pacifies the heart of Adad, the warrior in Karkar;⁴⁶ who restored the sacred vessels in E-ud-gal-gal;⁴⁷ the king who gave life to the city of Adab;⁴⁸ the leader of Emach;⁴⁹ the princely king of the city; the irresistible warrior who gave life to the inhabitants of Mashkan shabri,⁵⁰ and superabundance to the temple of Shidlam; the wise, the active, who penetrated the hiding-place of the bandits; who gave a hiding-place to the people of Malka⁵¹ in their misfortune, and established their habitation in riches;

³³An appellation of Marduk. The bull is a frequent figure for strength in Semitic literature.

³⁴Some god, perhaps another name for Marduk.

³⁵The temple in Nebo in Borsippa.

³⁶A city of Northern Babylonia, famous for the cult of Urash.

³⁷A solar deity, called also Ninib.

³⁸The consort of Urash.

³⁹A goddess worshiped at Kish.

⁴⁰A city of Babylonia, called also Shirpuria, identified as Telloh of our day.

⁴¹A city of Babylonia.

⁴²Harper has for Nin-Girsu, "The Temple of the Fifty.

⁴³A city, perhaps the same as the modern Aleppo.

⁴⁴One of the appellations of Ishtar.

⁴⁵The god of the tempest, worshiped at Hallab.

⁴⁶A city of Babylonia.

⁴⁷A celebrated temple of Karkar.

⁴⁸Identified by some with Bismaya.

⁴⁹A chapel within Marduk's temple, Esagila.

⁵⁰A city not identified.

⁵¹A city not identified.

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who endowed Ea²² and Dam-gal-nun-na;²³ who had made the kingdom great and lasting, with abundance of sacrificial gifts; the princely king of the city, who subjected the districts on the Ud-kib-nun-na²⁴ Canal to the dominion of Dagon²⁵ [Dagan], his creator; who spared the inhabitants of Mera²⁶ and Tutul;²⁷ the majestic prince, who caused the face of Ninni²⁸ to shine; who gave sacred meals to the divinity Ni-na-zu;²⁹ who took care of the inhabitants in their need, and provided in peace their portion in Babylon; the shepherd of his subjects, whose deeds are well-pleasing to Anunit; who made provision for Anunit in the temple of Dumash,³⁰ in the suburb of Agade; who proclaims the right; who brings in law; who restored to Ashur³¹ its benevolent, protecting god; who permitted the name of Ishtar of Nineveh to dwell in E-mish-mish;³² the majestic, who humbles himself to the great gods; the successor of Sumula-il;³³ the mighty son of Sin-muballit;³⁴ the royal scion of Eternity; the mighty king; the sun of Babylon, who shed its bright rays over the land of Sumer³⁵ and Akkad;³⁶ the king obeyed by the four quarters of the world, the favorite of Ninni am I.

When Marduk sent me to rule over men, to grant protection to the land, then I put law and righteousness in the mouth of the people, and brought well-being to my subjects.

²² A god worshiped at Eridu.

²³ A goddess of the Babylonians.

²⁴ Or along the Euphrates.

²⁵ A Canaanite god, perhaps the same as the Babylonian Bel.

²⁶ Cities, but not identified.

²⁷ A goddess known also as Enanna.

²⁸ A goddess.

²⁹ A temple of Anunit in Agade.

³⁰ A famous city, once the capital of Assyria, famous for its many temples. Its mention here proves its great antiquity.

³¹ A temple of Ishtar, in Nineveh.

³² A former king of Babylon.

³³ The father of Hammurabi; likewise a king of Babylon.

³⁴ Sumer and Akkad were very ancient names for entire Babylonia, though there is no agreement as to what portion was called Sumer and what Akkad. Many regard the Sumerians and Akkadians as the non-Semitic settlers, who preceded the Semites in Babylonia. But where is the evidence to show that the Semitic people did not occupy Babylonia at the very time when the Sumerians and Akkadians are supposed to have occupied that country?

The Text of the Hammurabi Code with Parallels and Comments.

THE text of the Hammurabi Code is printed in the following pages in small pica type, the parallels from the Old Testament in long primer, while still another type (brevier) is employed for remarks and comments. Such an arrangement must prove helpful to the reader. We have given section by section, and have endeavored, as far as possible, to point out the resemblances as well as the dissimilarities between the laws of Hammurabi and those of Moses. The author has made good use of much of the excellent literature published on the subject, and has incorporated many of the ideas found in books and pamphlets. It has been his aim, however, to acknowledge real obligation, but not to parade in footnotes the names of a multitude of learned pamphlets and books pertaining to the subject under discussion. A list of the more helpful books, brochures, and pamphlets will be found in the Appendix, which must prove useful to those who desire to enter into a profounder study of the Code of Hammurabi.

No doubt a more thorough study of this ancient document and a more diligent examination of the Old Testament will suggest additional contrasts and parallels. The author will regard it as a special favor to have any one apprise him of anything which might be profitably inserted after any section.

The Hammurabi Code.

I.

If a man make a false accusation against a man, putting a ban upon him, and can not prove it, then the accuser shall be put to death.

Johns renders the first clause: "If a man weave a spell:" Harper renders the second clause, "and charge him with a [capital] crime." There can be, however, little doubt but that this law was directed against witchcraft or magic.

The Hebrews legislated as follows:

Thou shalt not suffer a sorceress to live. (Ex. 22:18.)

And also:

A man or a woman that hath a familiar spirit, or that is a wizard, shall surely be put to death; they shall stone them with stones. (Lev. 20:27. See also Lev. 19:26-31.)

The fact that the code opens with laws against magic or sorcery seems to prove the prevalence of such practices among the early Babylonians, and the severity of the penalty is a clear proof that the people were superstitiously afraid of those who practiced magic.

2.

If a man charge a man of being a sorcerer, and is unable to sustain such a charge, the one who is accused shall go to the river, he shall plunge himself into the river, and if he sink into the river, his ac-

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cuser shall take his house. If, however, the river show forth the innocence of this man, and he escape unhurt, then he who accused him of sorcery, shall be put to death, while he who plunged into the river shall appropriate the house of his accuser.

It will be noticed that the Babylonians employed ordeals to test the guilt or innocence of persons suspected of, or charged with, sorcery, and also in connection with women charged with marital infidelity. Such tests or ordeals in some form or another have been common to most nations, even down to comparatively recent times. They are still employed in Bible lands. We have all heard of the ordeal by fire, and also by water, which were practiced in England in the Dark Ages. It is not recorded that the Hebrews did at any time in their history plunge suspected parties into the water, but the same principle is illustrated in the so-called "waters of jealousy," so fully described in Num. 5:11-31, where we read that any woman suspected of infidelity to her husband had to drink a large quantity of water prepared in a certain manner. It is possible that the Hebrews employed other forms of ordeal. The name En-Mishpat, "well of judgment," may have originated from such a practice. See also Psa. 109:18; Prov. 6:27-29.

It is remarkable that the victim, and not the sorcerer, was to plunge into the water. The principle, of course, is the same, for the sacred water will save and protect the innocent.

3.

If a man (in a case pending judgment) threaten the witnesses, or do not establish that which he has testified, if that case be a case involving life, that man shall be put to death.

The corresponding law in the Mosaic Code is:

If an unrighteous witness rise up against any man

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to testify against him of wrong doing; then both the men, between whom the controversy is, shall stand before the LORD, before the priest and the judges who shall be in those days; and the judges shall make diligent inquisition; and, behold, if the witness be a false witness and hath testified falsely against his brother; then shall ye do unto him, as he had thought to do unto his brother. (Deut. 19:16-19.)

4.

If a man offer as a bribe grain or money to witnesses, he himself shall bear the sentence of the court in that case.

We read in Ex. 23:8:

And thou shalt take no gift; for a gift blindeth them that have sight, and perverteth the word of the righteous.

5.

If a judge pass judgment, render a decision, deliver a verdict, signed and sealed, and afterwards alter his judgment which he has rendered, he shall be called to account for the alteration of the judgment, and he shall pay twelve-fold the penalty which was in the said judgment; and, in the assembly, they shall expel him from his judgment seat, and he shall not return, and he shall no more take his seat with the judges in a case.

This particular law finds no exact parallel in Hebrew legislation, though bribery and unfairness in legal proceedings are constantly condemned throughout the historical and pro-

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phetical books. Indeed, the frequency with which bribery and perversions of justice are mentioned prove very clearly that rulers and those in power were much addicted to corrupt practices. (See Ex. 23:6-8; 1 Sam. 8:3; 12:3; Isa. 1:23; Ezek. 22:12; Amos 5:12.)

6.

If a man steal the property of a temple, or [royal] palace, that man shall be put to death, and so, too, he who may receive from his hand stolen goods shall be put to death.

We have no record in the Old Testament that the death penalty was inflicted for mere theft, unless in such cases as that of Achan (Josh. 7:25), where the theft was really from God; for the things taken by Achan were "*devoted*" to God. Passages like Gen. 31:32, and 44:9, leave us to infer that in patriarchal times those guilty of stealing sacred things were subjected to the death penalty. The purloining of Laban's gods might be regarded in the same light as the robbing of a temple; and as Joseph acted in the capacity of vice-general, the stealing of his cup was a crime against the palace or Egyptian court, therefore worthy of the severest penalty. See Ex. 22:2, where a thief is killed at night while breaking into a house.

7.

If a man buy silver, gold, slave, male or female, ox, sheep, ass, or anything whatsoever from the son or slave of any person, without witness or contract, or receive the same on deposit, he is regarded as a thief, and shall be put to death.

The object of this law is evident, namely, to prevent underhanded buying and selling by or from irresponsible children and faithless slaves or those unaccustomed to business. Attention may be called to the business-like proceedings in the case of Boaz and Ruth. (See Ruth 4:2ff.) Boaz appears

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at the gate, the usual place for transacting legal business, where he meets the other kinsman of Ruth; then, before the elders of the city of Bethlehem, a contract is drawn up before witnesses.

It seems clear, from the above section, that slaves were competent to act as agents for their masters, but only in the presence of witnesses and when a contract was duly drawn up.

8.

If a man steal an ox, or sheep, or ass, or pig, or boat, from a temple or palace, he shall pay thirty-fold; if it be from a freeman, he shall pay tenfold. If the thief has nothing with which to pay, he shall be put to death.

Notice the grades of punishment. Objects contributed for the support of a temple were held as very sacred, and as the king was God's immediate representative here on earth, his property, too, was regarded as sacred. There was a wide range in the Babylonian laws of restitution in cases of theft, anywhere from thirty to two. (See 124 and 126.) According to Hebrew laws and customs it ranged from seven (Prov. 6:1) to two (Ex. 22:1). The Hebrew law reads thus:

If a man shall steal an ox or a sheep, and kill it, or sell it, he shall pay five oxen for an ox, and four sheep for a sheep. . . . If the theft be found in his hand alive, whether it be ox, or ass, or sheep, he shall pay double. (Ex. 22:1 and 4.)

In the time of David, a stolen lamb was to be restored fourfold. (2 Sam. 12:6.) This fourfold restoration was in vogue in the time of our Savior (Luke 19:8), and prevails to this day among the Bedouin of the desert.

9.

If a man who has lost any article find it in the hands of another; and the man with whom the lost

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article is found say, "A merchant sold it to me in the presence of witnesses," and the owner of the article say, "I can produce witnesses who know my lost property," then shall the buyer bring the merchant who sold it to him, and the witness before whom it was purchased, and the owner shall bring witnesses who know the lost property. The judge shall examine their evidence before God [*i. e.*, in open court], and both of the witnesses before whom the price was paid, and of the witnesses who identify the lost article. [If] the merchant is then proven to be a thief, he shall be put to death. The owner of the lost article receives his property, the buyer shall recover the money he paid for the same from the estate of the seller.

10.

If the buyer can not produce the one who sold it and the witnesses before whom he bought the article, but its owner bring witnesses who identify it, then the buyer is put to death as the thief, and the owner of the lost article shall take back his property.

11.

If the owner [claimant, H.] of the lost article do not produce witnesses to identify said article, he

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is malevolent and guilty of fraud; he shall be put to death.

See remarks under Section 3.

12.

If the seller have died, the buyer shall recover from the estate of the seller fivefold damages.

The Hebrews, too, had their laws concerning lost property and articles found. They are fully stated in both Exodus and Leviticus. This is from the Book of the Covenant:

For every matter of trespass [violation of property rights, especially theft], whether it be for ox, for ass, for sheep, for raiment, or for any manner of lost thing, whereof one saith, This is it; the cause of both parties shall come before God [to open trial], he whom God [the judges] condemns shall pay double unto his neighbor. (Ex. 22:9.)

We further read in Lev. 6:2-5:

If any one sin, and commit a trespass against the LORD, and deal falsely with his neighbor in a matter of deposit, or of bargain [pledge], or of robbery, or have oppressed his neighbor; or have found that which was lost, and deal falsely therein, and swear to a lie; in any of all these that a man doeth, sinning therein: then it shall be, if he hath sinned, and is guilty, that he shall restore that which he took by robbery, or the thing which he hath gotten by oppression, or the deposit which was committed to him, or the lost thing which hath found, or anything about which he hath sworn falsely; he shall even restore it in full, and shall add the fifth part more thereto: unto him it appertain-

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eth shall he give it, in the day of his being found guilty.

Indeed, the Hebrew law went still farther, for it was directly commanded that those finding strayed animals, or lost articles of any kind, should make diligent effort to find the owner so as to restore to him that which had been lost.

13.

If the witnesses of that man be not at hand, the judge shall put off the case for six months; and if then he do not produce his witnesses within these six months, that man is malevolent, he himself shall bear the penalty in that case.

The reader will at once perceive that the laws of Hammurabi which pertained to theft were much harsher than those of the Hebrews. This is natural, for they point to a more developed commercial and business system than that which obtained in Israel. Not only was theft of a certain kind punishable with death, but the receiver of stolen goods was subject to the same penalty as the thief himself.

14.

If a man steal the minor son of a freeman, he shall be put to death.

Kidnaping was a capital offense in Israel too. The law reads:

And he that stealeth a man and selleth him, or if he be found in his hand, he shall surely be put to death. (Ex. 21:16.)

In Deuteronomy the law seems to be confined to the stealing of Israelitish children, as it was in Babylonia to freemen, which goes to show that the Hebrews made a distinction between kidnaping from Israelites and foreigners. We read:

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If a man be found stealing any of his brethren of the children of Israel, and he deal with him as a slave, or sell him, then that thief shall die. (Deut. 24:7.)

15.

If any man take a male or female slave of the [royal] palace, or the male or female slave of a freeman outside the gates of the city, he shall be put to death.

16.

If a man conceal in his house a male or female slave, a fugitive from the palace, or from a freeman, and do not produce the same at the order of the officer, the master of that house shall be put to death.

The Babylonian law made it exceedingly difficult to harbor or aid in any way runaway slaves. It will be noticed that the extreme penalty of the law was inflicted in all cases, regardless of the fact as to whether the slave was that of the king or of some ordinary citizen. Such laws made the condition of those in slavery extremely hard. In Israel, on the other hand, the provisions of the laws relating to fugitive slaves were very mild. To recover or capture a Hebrew slave was a difficult task; the owner of such a slave would therefore, in the nature of things, endeavor to make his lot tolerable. Here is the Deuteronomic law:

Thou shalt not deliver unto his master a servant which is escaped from his master unto thee; he shall dwell with thee, in the midst of thee, in the place which he shall choose, within one of thy gates, where it liketh him best: thou shalt not oppress him. (Deut. 23:15, 16.)

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It may be observed that the phrase "in the midst of thee," signifies anywhere in Israel. Many think that this law was enacted for foreigners or non-Israelites, for they argue that, according to Lev. 25:39, a Hebrew is not to be made a bond-servant, but, at the most, a hired man or day laborer for a limited time. We read:

Of the nations that are round about you, of them shall ye buy bondmen and bondmaids. (Lev. 25:44.)

17.

If a man find a fugitive slave, male or female, in the open country, and brings the same to the owner, the owner of said slave shall pay that man two shekels of silver.

18.

If that slave refuse to give the name of his master, he shall be brought to the palace; an inquiry shall be made into his past, and he shall be restored to his owner.

Here again we see another proof of the law favoring the rich rather than the poor, the master rather than the slave; the reward offered for the restoration of a fugitive slave could not but have served as an inducement for the capture of those slaves who had deserted their posts. It is probable that Israel, too, had similar laws. See the account of Shimei and his two fugitive slaves, I Kings 2:39ff.

19.

If he forcibly detain that slave in his house, and that slave be caught later in his house, then that man shall be put to death.

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This is not a case of harboring a slave, but rather one of theft, or kidnaping. As in the case of concealing stolen goods, the penalty was death. (See Section 6.)

20.

If a slave escape from the one who has captured him, that man shall swear, by the name of God to the owner of the slave, then he shall be acquitted of all blame.

21.

If a man make a breach into a house, one shall kill him in front of the breach, and bury him in it.

This passage is not quite clear, "To make a breach," corresponds, no doubt, to our phrase, "to break into." "To kill in front of the breach," probably means to kill on the spot, without giving the thief any chance whatever to escape; *i. e.*, without ceremony or trial. To bury the culprit in a hole in front of the breach seems to point to a custom of burying burglars, wherever killed. Such a custom was known to the Germans during the Middle Ages. Some have suggested that the belief was indulged in that the dead man's spirit would protect that house from further burglaries. (See Cook, p. 213.)

In Israel, too, the penalty for housebreaking "before the sun be risen"—*i. e.*, at night—was death. This is perfectly natural, for burglars have all the advantage in the darkness of the night; their apprehension is very difficult, and their identification always all but impossible. Moreover, a burglar, in case of an effort to capture him, seldom hesitates to resort to extreme measures. The Hebrew law reads thus:

If the thief be found breaking in, and be smitten that he die, there shall be no bloodguiltiness [no charge of murder against the one that killed him] for him. If the sun be risen upon him, there shall be no bloodguiltiness for him. (Ex. 22:2, 3.)

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22.

If a man carried on highway robbery and be captured, he shall be put to death.

23.

If the highwayman be not captured, he who has been robbed shall declare before God [under oath in open court], the amount lost; then the place and official in whose territory and district the robbery took place shall compensate him for that which he lost.

24.

If it be a life, the place and official shall pay one mina of silver to his people.

This is rather obscure. Winckler renders: "If people are stolen, then shall the community and official pay one silver mina to the relatives." Have we reference here to murder or kidnaping? Cook evidently regards the first clause as having reference to murder. He says: "The code placed upon the city and the governor the responsibility for brigandage carried on within its limits. . . . And if it was a life, the city and the governor were required to pay one mina of silver to the people of the murdered man." The law has Semitic analogies, and, as Dareste has pointed out, recurs not infrequently in ancient codes. "In Arabia the responsibility for homicide, where the murderer was unknown, was cast, in the first instance, upon the nearest community; but under Islam, blood money in these circumstances, was paid by the state." (Page 255f.)

The Hebrew law in case the murderer were not known is stated at length in Deut. 21:1-9, to which the reader is referred, as our space forbids its insertion here.

THE DISCOVERY OF THE HAMMURABI CODE IS ONE OF THE GREATEST ACHIEVEMENTS OF ARCHAEOLOGY AND IS OF PARAMOUNT INTEREST, NOT ONLY TO THE STUDENT OF THE BIBLE, BUT ALSO TO ALL THOSE INTERESTED IN ANCIENT HISTORY.

THIS DOCUMENT CARRIES US BACK TO GRAY ANTIQUITY; TO WHAT WAS ONCE REGARDED AS PREHISTORIC TIMES; TO A PERIOD LONG ANTEDATING THE PROMULGATION OF THE LAWS OF MOSES; NO MATTER WHETHER WE ACCEPT THE TRADITIONAL OR THE SO-CALLED CRITICAL VIEW.

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