

HAMMURABI.¹

BY THE EDITOR.

HAMMURABI was the sixth king of the first Babylonian dynasty, and lived about 2250 B. C. He is mentioned in the Old Testament as Amraphel (Gen. xiv.), where Abraham is said to be his contemporary. No doubt he was one of the greatest monarchs that ever ruled Hither Asia, and history says that he was not only strong in war, but also wise in peace. The name is not Babylonian, but indicates a West Semitic dialect. Professor Hommel claims for him Arabian descent.

The French explorer, M. J. DeMorgan, discovered in December, 1901, a diorite stele in one of the mounds of Susa which contains the laws of the Babylonian empire proclaimed by Hammurabi. This important monument was originally placed in the Temple of the Sun, Ebabbara (which literally translated means "the white house") at Sippar; and must have been carried away by some Elamitic conqueror to Susa, where it was set up as a trophy and then buried in a great conflagration when the city was sacked by Assyrian soldiers.

Hammurabi's stele is not the only copy of its kind. Fragments of another were found in a rubbish-heap in the same city of Susa; and Asurbanipal, the Assyrian king, who lived sixteen centuries after Hammurabi, had a copy of the codex Hammurabi made for his royal library. Moreover, we notice that the institutions which according to our monument we must suppose to have existed, continued down to later days, and have influenced the development, not only of Babylon, but of all neighboring countries, including Palestine.

¹"Die Gesetze Hammurabis," übersetzt von Dr. Hugo Winckler in *Der alte Orient*, IV., 4. *Moses und Hammurabi*, von Dr. Johannes Jeremias, Pfarrer in Gottleuba, Sachsen. Hinrichs's Verlag, 1903. *Records of the Past*, Vol. 11., Part 3. The Laws of Hammurabi, with seven illustrations.

The codex has been translated into French and German, and from the German (which is the better and more accurate translation) into English,¹ and the picture that is unrolled before our eyes shows us the development of a grand civilisation, much higher than later centuries would warrant us to assume. But we know now that in the second millennium before Christ a reaction set in which destroyed not a little of the civilisation attained in the third millennium. We see here before our eyes not dry statutes only, but a vivid picture of definite conditions, presupposing definite institutions, and giving us an insight into the details of all kinds of social



A VOTIVE TABLET.

Dedicated to the Goddess Asratum (Ashera) and showing the picture of Hammurabi, King of the Westland.²

and commercial conditions, including marriage, inheritance, and the regulation of the rights of children; and the spirit which pervades the whole work is both just and human.

One highly significant feature of the codex Hammurabi is its relation to the Mosaic law. The Old Testament distinguishes be-

¹ The German translation, which is by Dr. Hugo Winckler, was reviewed by us, soon after its appearance, in *The Monist* for January, 1903. The English translation reads very well but seems to stand in need of a revision.

² Mar(tu) = Ammurrû.

tween the book of the covenant (Exodus xxiv. 7) and the law (Exodus xx., xxii.—xxiii., xxxiii. 4); and all critics agree in this, that the law is the oldest and historically the most important part of

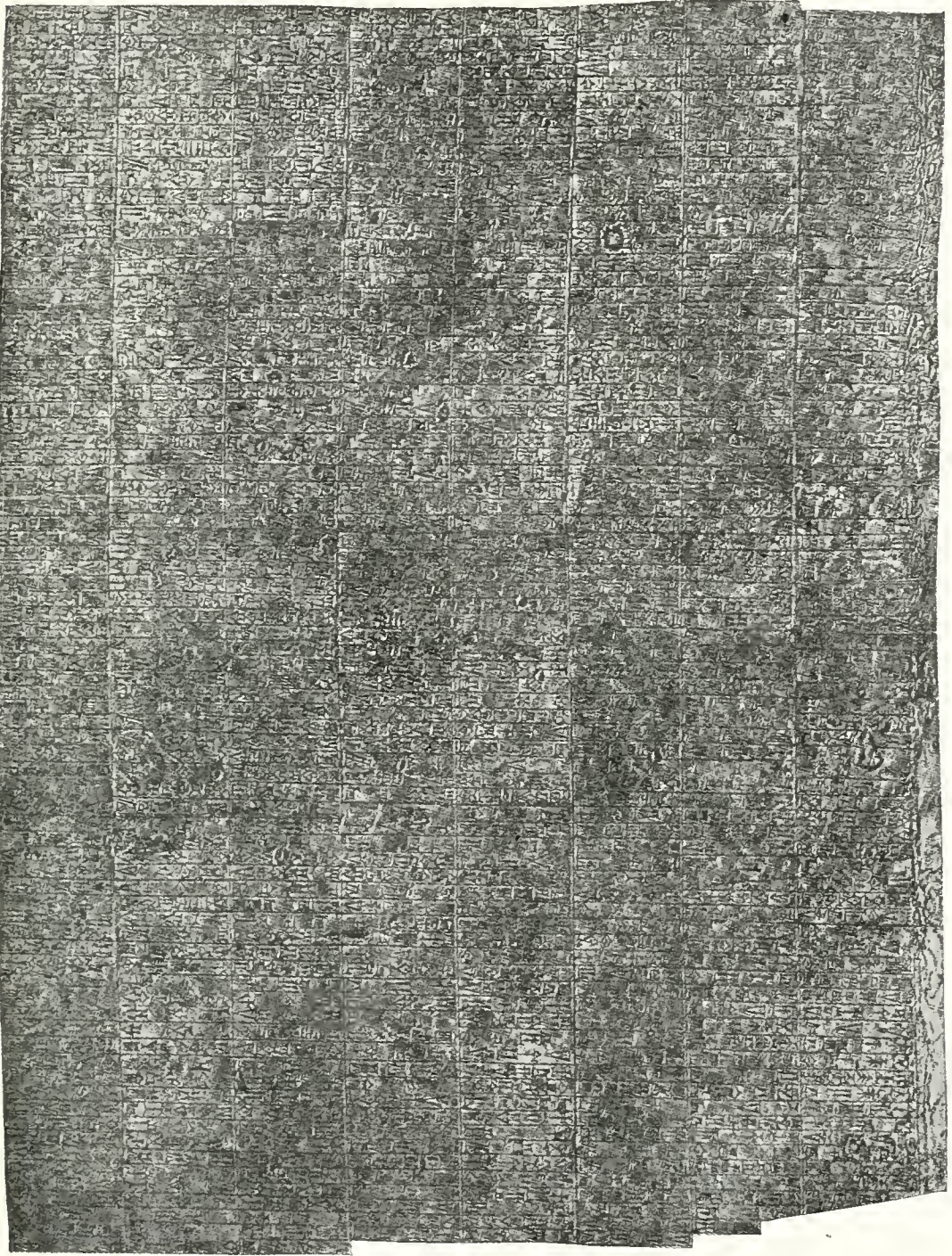


HAMMURABI RECEIVING THE LAWS FROM GOD.¹

the Old Testament. The new school (Kuenen, Wellhausen, Smend) believe it belongs to the eighth century; but according to Professor Sellin it has to be relegated to the pre-Solomonic period. The

¹ The inscription is underneath.

main consideration for Old Testament critics in fixing the date consisted in the fact that it presupposes a state of civilisation in which the people of Israel had outgrown their nomadic habits, for among



CODEX HAMMURABI.

Part of the inscription on the Hammurabi monument.

its statutes there are many that would have no sense except for a servile nation.

Dr. Johannes Jeremias has devoted a special pamphlet to a comparison of Moses and Hammurabi, and he quotes several pages of no less than twenty-six instances in which the Mosaic law shows



STELE OF VICTORY OF NARAM-SIN (BATTLE OF THE HEIGHTS).

a close agreement with the codex Hammurabi. The laws concerning the institution of slavery are very similar, and the liberation of slaves takes place according to similar rites and under similar con-

ditions. Frequently we find that Hammurabi is more humane, and accordingly belongs to a more advanced period of civilisation than Moses. In other instances Moses takes a higher ground.

Moses says (chap. xxi. 15): "He that smiteth his father or his mother shall be surely put to death." Hammurabi says (No. 195): "Who smiteth his father loses the offending limb." "Any one who inflicts a bodily injury must bear the damage and pay the physician." (Exodus xxi. 18, 19.) Hammurabi in No. 206 adds that bodily injury, even if not intentional, involves damage and payment of the physician. The distinction between accidental and incidental injuries are common to both the law of Moses and the codex Hammurabi; they are very significant for a comparison of the two. The punishment for an injury inflicted upon a woman with child is according to Moses left to the judgment of the husband of the injured. The same crime, according to Hammurabi, is punishable by a fine of ten shekels of silver.

Should any one be killed by a bull, the owner of the animal shall not be punished, but the bull is to be slain, according to both Moses and Hammurabi. According to Moses (Ex. xxi. 29) a case of death through carelessness is punishable by the death of the guilty person; but the condemned can redeem himself by paying a penalty. Hammurabi (251) omits to mention capital punishment, and fixes the penalty at one half mine of silver.¹ Slaying a burglar in self-defence is allowed by Moses (chapter xxii. 1), and Hammurabi (22). We need not go further into details; they are too numerous and too remarkable to be attributed to chance. The similarities between the laws of Israel and the codex Hammurabi presuppose a definite and real relation between the legal institutions of the two nations; and Dr. Jeremias comes to the conclusion that the two codices must have been derived from a common source. He believes, he has found it in the old Arabic law, which contains traces indicating that both could have been derived from the same Arabian traditions, and thus Arabia, the home of the Kenite Jethro, the father-in-law of Moses, would have to be considered as the original home of both the Mosaic law and the codex Hammurabi.

The theory of the Arabic origin of Babylonian laws (except in a very remote sense²) is unquestionably excluded, for the Arabians are nomads and the laws of the sessile Semites both in Palestine and Israel must have been worked out by an agricultural people.

¹ Not two mines, as the English translation has it.

² Arabia is the original home of all Semites, and traces of the desert life, the Nomad spirit, the trading instinct, etc., cling to the Semites even to-day.

Dr. Jeremias glories in the fact that the codex Moses is an historical reality and that thus the Old Testament traditions have again been verified and found trustworthy beyond all expectation; but he cannot deny that great glory is reflected upon Hammurabi, whose age must have been a time of prosperity, of peace, of a dispensation of justice, and of remarkable religious toleration. He concludes the seventh chapter of his booklet with this sentence:

“With satisfaction and joy I confess that through the discovery and the character of the codex Hammurabi my conviction of the divinity of the Thora is deepened.”

Both codices, that of Moses and that of Hammurabi, claim a supernatural origin. The Babylonian stele pictures Hammurabi as standing in the presence of Samas, the supreme god, the protector of law and order; and Yahveh had engraved the decalogue on the stone tablet with his own finger. Dr. Jeremias expresses his view on the question of divine revelation as follows:

“The revelation of the codex Hammurabi rests in the last instance upon an illusion; there is missing the evidence of its reality and the ring of a deep-felt conviction. Among its legal institutions there is not one which might not have risen in the minds of priestly law students; and according to a natural process of evolution through an observation of legal habits. The law of the Sinai, however, reveals a spirit which passes all understanding, and this appears in its very initial words, ‘I am Yahveh, thy God’; for the God of Israel had proven himself omnipotent.”

We do not begrudge Moses full recognition of the merits of his legislation, but it seems to us that the law of Moses and the Codex Hammurabi are about on the same level. The former may range as high as, perhaps even a little higher than, the latter. But we must confess that the enthusiasm and zeal of Dr. Jeremias in his attempt at proving the former a divine revelation at the cost of the latter can only evoke a smile. On page 39, footnote 3, he exclaims:

“How grand, in the description of the fall and in Gen. iv. 7, is the idea of the origin of sin from desire! No man ever devised it. It is inconceivable.”

What a poor and narrow conception of God is involved in this antiquated notion of a special revelation! How much grander is the broader view of the superpersonal God who spoke not through Moses alone, but also through Hammurabi, and Plato, and Buddha, and Lao-Tze; who is omnipresent and whose chosen people are all those who choose Him; all those who seek the truth, and find it, and follow it.