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LAW IN THE ANCIENT WORLD

Raymond Westbrook

Model Syllabus and Sources

Revised 2005

General Reference

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1. Historical Framework

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2. The Primary Sources

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3. Law Codes and Legal Science

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HANEL 16-24.

4. Family and Property

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5. Inheritance

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6. Adoption

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7. Marriage and Divorce

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8. Sale, Loan, and Pledge

P. Steinkeller, *Sale Documents of the Ur III Period*, 139-149.
HANEL 62-69.

9. Debt and Social Justice

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HANEL 70-79, 82.

11. Sexual Offences

J. Finkelstein, "Sex Offenses in Sumerian Laws," *Journal of the American Oriental Society* 86 (1966) 366-369; R. Westbrook, "Adultery in Ancient Near Eastern Law," *Revue Biblique* 97 (1990) 542-576.
HANEL 80-81.

12. Theft

D. Lorton, "The Treatment of Criminals in Ancient Egypt," *Journal of the Economic and Social History of the Orient* 20 (1977) 25-27 (§15), 36-49 (§§20-25.3).
HANEL 81-82.

13. Constitutional law

W. Leemans, "King Hammurapi as Judge," *Symbolae Iuridicae et Historicae Martino David Dedicatae*, Vol. 2, ed. J. Ankum et al., 107-129; B. Foster, "Social Reform in Ancient Mesopotamia," *Social Justice in the Ancient World*, ed. K. Irani and M. Silver, 165-177.
HANEL 25-31.

Distribution of Legal Sources

3000	MESOPOTAMIA	ANATOLIA	SYRIA-PALESTINE	EGYPT	GREECE/ROME
2000	Old Sumerian/Akkadian Records (150) <i>Irikagina Edict</i> Neo-Sumerian Records (500) Codex Ur-Nammu		Ebla Archive (5)	Old Kingdom Records (30)	
1500	Old Babylonian Records (7,000) Codex Lipit-Ishtar Codex Eshnunna Codex Hammurabi <i>Ammi-aduqa Edict</i>	Old Assyrian Records (500)	Alalakh VII Archive (50) Hatsor Document (1)	Middle Kingdom Records (20)	
1000	Middle Babylonian Records (150) Kudurru's (50) Nuzi Archive (3000) Middle Assyrian Records (300) Middle Assyrian Laws <u>Harem Regulations</u>	<i>Telepinus Edict</i> <u>Hittite Instructions</u> (12) Hittite Laws <i>Tudhalia IV Edict</i>	Alalakh IV Archive (150) Emar Archive (500) Ugarit Archive (150)	<i>Horem-Heb Edict</i> Deir-el-Medina Archive (250)	
500	Neo-Assyrian Records (500) Legal Dictionary Neo-Babylonian Records (12,000) Neo-Babylonian Laws		Covenant Code Deuteronomic Code Ostraca (5) <u>Priestly Code</u>	Hieratic Records (60) Demotic Records (400) Elephantine Archive (30)	Drakon Code <u>Greek Inscriptions</u> (50) Gortyn Code Twelve Tables
300					

SOURCES

Primary Sources

1. **Purchase of a Slave** (Edzard SRJ No.43)-Lagash c. 2390

A, wife of the priest of (the god) Ningirsu, has purchased from B, maidservant of Ningirsu, a slave girl “found in a well” (ie. a foundling). B has received 10 shekels of purified silver and 2 measures of barley as the purchase-price for her. B’s daughter has received x grams of bread. (List of 10 names and professions) were the witnesses thereto.

The day on which she prevents her, causes a word to be, and places falsehood in her word, a peg will be driven into her mouth and nose. (Date).

2. **Lawsuit** (IEJ 27, 1-11)-Hatzor c. 18th century

A, B, and C, three sons, brought suit against the woman D for a house and orchard in Hatzor and an orchard in Giladina. They came before the king. The king judged in favour of D. In the future, whoever brings suit shall pay 200 (shekels?) of silver. (Witnesses, date).

3. **Edict of Ammi-ñaduqa**

§3 Whoever has lent grain or silver on interest... to an Akkadian or an Amorite and has had a tablet drafted – because the king has established justice for the land, his tablet is broken; he shall not claim the grain or silver according to the tablet.

4. **Instructions to Temple Functionaries** Hatti

1.14-20

Furthermore let those who prepare the daily bread be clean; let them be bathed and cleansed(?), let their hair and nails be trimmed and let them be dressed in clean garments. If not, let them not do the preparation; let those who know the soul and person of the gods prepare it. The baker’s house in which they prepare it, let it be swept and sprinkled. Furthermore, at the place of broken (bread) let not a pig or dog come to the entrance.

5. **Leviticus 6, 2-5**

This is the instruction for the burnt offering: the burnt offering shall remain where it is burned on the altar all night until the morning and the altar fire shall be kept burning on it. The priest shall wear a linen garment and linen breeches on his body and shall lift up the ashes to which the fire has consumed the burnt offering on the altar and place them beside the altar. He shall take off his clothes and wear new clothes and take the ashes outside the camp to a clean place. The fire on the altar shall be kept burning; it shall not go out. The priest shall burn wood on it every morning and lay the burnt offering on it and turn into smoke the fat of the offerings of well-being.

6. *ana ittišu* -Assyria 7th century

3, III 58-IV 16

sonship
his sonship

for his sonship
he led him to his sonship
heirship
his heirship
for his heirship
he inscribed him in his heirship
he had him taught to be a scribe
cost of upbringing
cost of his upbringing
for his sustenance he gave his weight in copper to (the god) Sin
even if his adopter has ten sons, his adoptee is still the eldest brother
the eldest brother will take the extra inheritance portion
thereafter he was unfaithful
he ran away
he fled into the street
from his sonship
from his sonship he expelled him
from his heirship
from his heirship he disinherited him

7. Codex Hammurabi

229. If a builder builds a house for a man and does not make his work strong and the house that he built collapses and causes the death of the householder, the builder shall be killed.

230. If it causes the death of the householder's son, they shall kill the builder's son.

231. If it causes the death of the householder's slave, he shall give slave for slave to the householder.

8. Omen Series: "If a fetus..." (*šumma izbu*) Tablet III

2. If a woman gives birth, and (the child) has the ear of a lion – there will be a harsh king in the land.

3. If a woman gives birth, and (the child) has no right ear – the days of the prince will be at an end.

4. If a woman gives birth, and (the child) has no left ear – there will be hard times in the land, and the land will decrease.

5. If a woman gives birth, and the right ear (of the child) is (abnormally) small – the house of the man will be scattered.

6. If a woman gives birth, and the left ear is small – the house of the man will expand.

7. If a woman gives birth, and both ears are small – the house of the man will become poor.

9. Codex Eshnunna

53. If an ox gores an ox and causes it to die, both ox-owners shall divide the price of the living ox and the carcass of the dead ox.

10. Exodus 21, 35

If a man's ox gores his neighbor's ox and it dies, they shall sell the living ox and divide its price and also divide the dead (ox).

11. Codex Eshnunna

26. If a man brings the bridal payment for a man's daughter but another seizes her and deflowers her without asking her father and mother, it is a case of life: he shall die.

12. Codex Hammurabi

130. If a man binds and lies in the lap of the wife of a man who has not known a man and is (still) dwelling in her father's house and they seize him, that man shall be killed; that woman shall be freed.

13. Codex Hammurabi

206. If a gentleman strikes a gentleman in an affray and inflicts a wound on him, that gentleman shall swear, "I did not strike knowingly" and shall pay the doctor.

207. If he dies of his blow, he shall swear, and if he (the victim) is the son of a gentleman he shall pay 30 shekels of silver;

208. If he is the son of a commoner he shall pay 20 shekels of silver.

14. Hittite Laws

10. If someone wounds a man and makes him ill, he shall nurse him. He shall give a man in his place and he (the latter) shall work in his house until he is well. When he is well, he shall give him six shekels of silver and pay the doctor's fee.

(A later version adds)

...When he is well, he shall give him ten shekels of silver and pay the doctor's fee. If it is a slave, he shall pay two shekels of silver.

15. Exodus 21, 18-19

If men fight and a man strikes his neighbor with a stone or a fist and he does not die, but falls to his bed: if he rises and walks abroad on his stick, the striker is clear; he shall pay only his idleness and his medical treatment.

Inheritance

16. Codex Hammurabi

170. If a man's wife has borne him sons and his slave-woman has borne him sons (and) the father while still living said to the sons that the slave-woman bore him "(You are) my sons!" they shall count them among the sons of the wife: after the father's death the wife's sons and the slave-woman's sons will divide equally the property of the father's estate ('house'). The first-born son of the wife will select and take his (extra) share.

17. Middle Assyrian Laws

A 41. If a man wishes to veil his concubine, he shall have five or six of his neighbors present and veil her in their presence (and) say "She is my wife." A concubine who was not veiled in the presence of the men (and) whose husband did not say "She is my wife" is not a wife; she is a concubine. If the man dies and there are no sons of his veiled wife, the sons of the concubines are the sons: they will take an inheritance-share.

18. Codex Lipit-Ishtar

27. If a man's wife has not borne him a son but a prostitute in the public square has borne him a son, he shall give that prostitute rations of grain, oil, and clothing; the son that the prostitute bore him is his heir. As long as his wife lives the prostitute shall not live in the house with the wife.

19. Codex Lipit-Ishtar

2' If a man dies and has no son, his unmarried daughter shall be his heir.

20. Num. 27:8

If a man dies and has no son, you shall transfer his landed estate to his daughter.

21. Laws of Gortyn

VII 15-24. The heiress is to be married to the brother of her father, the oldest of those living. And if there be more heiresses and brothers of the father, they are to be married to the next oldest. And if there should be no brothers of the father, but sons of the brothers, she is to be married to that one (who is the son) of the oldest.

VIII 40. An heiress is one who has no father and no brother from the same father.

22. Num. 27:9-11

...And if he has no daughter, you shall give his landed inheritance to his brothers. And if he has no brothers, you shall give his landed inheritance to his father's brothers. And if his father has

no brothers, you shall give his landed inheritance to his kinsman who is closest to him in his clan and he shall inherit it.

23. Twelve Tables

V 4-5. If someone who has no direct heir dies intestate, the nearest male agnate shall have the estate (*familia*). If there is not a male agnate, the male clansman shall have the estate.

24. Laws of Gortyn

V. 9-24. When a man or woman dies, if there be children or children's children or children's children's children, they shall have the property. And if there be none of these, but brothers of the deceased and brother's children or brother's children's children, they shall have the property. And if there be none of these, they shall take it up, to whom it may fall as source of the property. And if there be no kinsmen...

25. Codex Hammurabi

177. If a widow whose children are young decides to enter the house of another, she shall not enter without the judges' consent. When she does enter the house of another, the judges will determine the state of her former husband's estate and entrust the former husband's estate to the second husband and to that woman and have them draw up a tablet. They shall preserve the property and raise the children; they shall not sell items thereof. One who buys an item of the widow's children's property shall forfeit his silver and the property shall return to its owner.

26. Division of Inheritance (JCS 8, 137-38) Larsa ca. 19th century

1-4. 17¼ *gin* of house property adjoining the house of Taribum, 70 *sar* of field in the Gula meadow neighboring Imgur-Sin, 10 *sar* of field in the Gula meadow neighboring Taribum, one table: the preferential share by reason of eldest brother status;

5-9. 40½ *gin* of house property adjoining his preferential share, 10 1/3 *gin* of house property, a bakery, adjoining the house of his inheritance-share, 110 *sar* of field in the Gula meadow neighboring his preferential share, 100 *sar* of field in the Gula meadow neighboring Imgur-Sin, 30 *sar* of field in the Gula meadow neighboring his preferential share;

10-13. One door of *miriza*-wood at the chapel entrance, one table, one-third of the household contents, one door the value of which--five-sixths of a shekel of silver--he paid in settlement to his brother

14. the inheritance-share of Sin-imguranni, the eldest brother.

15-19. 54 & 1/6 *gin* of house property adjoining the house of Batsa and Nur-ilishu, 110 *sar* of field in the Gula meadow neighboring Sin-imguranni, 100 *sar* of field in the Gula meadow neighboring Sin-imguranni, 30 *sar* of field in the Gula meadow neighboring Sin-imguranni;

20-21. One door of *miriza*-wood of the palace, one table, one-third of the household contents

22. the inheritance-share of Taribum, his brother.

23. 50 & 5/6 *gin* of house property adjoining the house of Ur-Shubula,

24-26. --Taribum has paid Anum-pi-Ilabrat six shekels of silver for the extra area of the house and the work on the house--

27-29. 110 *sar* of field in the Gula neighboring Taribum, 100 *sar* of field in the Gula meadow neighboring Taribum, 30 *sar* of field in the Gula meadow neighboring Taribum;

30-31. one door of *miriza*-wood at the entrance to the house, one small dibba-door, one table, one-third of the household contents

32. the inheritance-share of Anum-pi-Ilabrat, his brother.

33-36. Because Anum-pi-Ilabrat has not yet taken a wife he will not share in the debt of their father's estate; his brothers shall not make a claim upon him (for it).

37-39. The heirs of Sin-irish in mutual agreement have divided by lot. Each has sworn by the king not to raise claims against the other in the future.

40-47. (8 witnesses)

48-50. (Date)

(Seals of the three brothers.)

27. Middle Assyrian Laws

B.1 If brothers divide the estate of their father, the eldest brother will select and take two shares of the orchards and wells on the land, and thereafter his brothers will divide and take. As regards the arable (?) land and the appurtenances thereto, the youngest brother will sketch out shares, the eldest brother will select and take one share and cast lots with his brothers for his second share.

28. Codex Eshnunna

16. A loan of fungibles shall not be given to an undivided son or to a slave.

29. Middle Assyrian Laws

B3. If one of undivided brothers utters treason or is a fugitive, the king may do as he pleases in respect of his inheritance-share.

30. Deuteronomy 25, 5

If brothers dwell together and one of them dies and he has no son, the deceased's wife shall not marry outside to a stranger. Her brother-in-law shall come in unto her and take her as his wife and perform the levirate. The first-born that she shall bear will rise up upon the name of his deceased brother and his name will not be erased from Israel.

31. Gaius - Institutes III 154a-b

But there is another kind of partnership special to Roman citizens. For at one time, when a father died, between his legitimate heirs there was a certain partnership at the same time of positive and natural law, which was called *ercto non cito*, meaning undivided ownership...Now in this kind of partnership there was this peculiarity, that even one of its members by freeing a slave held in common made him free... and also one member by selling a thing held in common made it the property of the person receiving it.

32. Justinian's Digest 10.2

THE ACTION FOR DIVIDING AN INHERITANCE (*familia*)

1.(Gaius, Provincial Edict, book 7): This action is derived from the Law of the Twelve Tables; for when co-heirs wished to dissolve their common ownership it seemed necessary to establish some action by which the inherited property could be distributed among them.

33. Laws of Gortyn

V 28-34. If some of the heirs wish to divide the inheritance while others do not, the judge shall order that all the property shall be in the possession of those who wish to divide until they divide.

34. Codex Hammurabi

165. If a man has made a gift of field, orchard or house to his favorite heir and inscribed it for him in a sealed document, after the father dies, when the brothers divide, he shall take the gift that the father gave him and in addition they shall divide equally the property of their father's estate.

35. Deuteronomy 21, 15-17

If a man had two wives, one beloved and one hated, and the beloved and the hated wife bear him sons and the first-born son is the hated wife's, on the day he allocates inheritance-shares to his

sons that he has he shall not be able to allocate the son of the beloved wife a preferential share as against the first-born son of the hated wife. He shall acknowledge the first-born son of the hated wife, giving him a double share of all he has...

36. Testament (AASOR X No. 21) Nuzi 15th century

1-4. Tablet of allocation of Zigi son of Akkuya: he has fixed the allocations of his sons Ellu and Arzizza. Thus Zigi declares:

5-9. As regards all my fields, Ellu is my eldest son and he shall take a double inheritance-share; Arzizza is the younger son and he shall take according to his share.

10-12. Thus Zigi declares: I have given my houses and fields in Nuzi to my eldest son, Ellu.

13-19. I have given my stable which is among the large buildings together with its vehicles, to Arzizza and Arzizza may open its entrance to the street. I have given my storehouses(?) in upper Nuzi beside the storehouses(?) of A. to Arzizza.

20-30. Thus Zigi declares: my son Shennima has taken the fields, houses and all the property of my brother Shurihil; therefore Shennima shall not be included as heir to the fields, houses and property of my father Akkuya, he shall not divide their property with Ellu and Arzizza.

31-36. Ellu and Arzizza shall divide my storehouses(?) in upper Nuzi beside the storehouses(?) of B. Ellu shall take a double portion and Arzizza shall take according to his share.

37-38. Of the slave-girls, each one shall take according to his share.

38-45. Thus Zigi declares: if Shennima presses claims against Ellu and Arzizza concerning my fields, houses and property, Shennima shall pay Ellu and Arzizza two mina of silver and two mina of gold.

45-49. Thus Zigi declares: on this day I have made a disposition and this tablet is a tablet; any other tablet is no tablet.

50-52. And thus Zigi declares: whichever of my sons sells a field or a house shall forfeit his fields and houses.

53-64. (9 witnesses and scribe; seals of 5 witnesses, scribe and Zigi).

65-68. This tablet was written after proclamation in Nuzi at the city gate.

37. Laws of Gortyn

VI 2-7. While the father is alive, the father's property may not be bought or received in pledge from a son. But what the latter owns himself or has been given as his share, he may dispose of as he wishes. And the father may not (dispose of) what his children own themselves or have received as their share.

38. Codex Hammurabi

168. If a man decides to disinherit his son and has said to the judges "I will disinherit my son," the judges shall determine the facts of his case and if the son has not committed an offence so severe as to merit disinheritance, the father may not disinherit his son.

169. If he has committed an offence so severe as to merit disinheritance by his father, he shall forgive him the first time; if he commits a severe offence a second time the father may disinherit his son.

39. Codex Hammurabi

150. If a man gives a field, orchard, house or goods to his wife and drafts a sealed document for her, after her husband's death her children shall not claim it from her. The mother may give her inheritance to the son she loves; she may not give it to an outsider.

40. Neo-Babylonian Laws

12. A wife whose husband has taken her dowry and has no son or daughter and her husband has died shall be given a dowry as much as her dowry from her husband's property. If her husband gave her a marital gift she shall take her husband's gift together with her dowry and is paid. If she has no dowry, the judges shall assess her husband's property and something shall be given to her according to her husband's property.

41. Laws of Gortyn

IV 40-43. The mother's property too, in case she dies, shall be divided in the same way as is prescribed for the father's.

42. Codex Hammurabi

173. If that woman (i.e. the widow) where she entered has borne children to her second husband, after that woman dies her children of her first and second marriages shall divide her dowry.

174. If she has not borne children to her second husband, it is the children of her first husband who will take her dowry.

43. Codex Hammurabi

167. If a man marries a wife and she bears him sons and that woman dies and after her death he marries a second wife and she bears him sons, after the father's death the sons shall not share the mother's (property); they shall take the dowry of their own mother and together they shall divide the property of the father's estate.

44. Laws of Gortyn

III. 31-37. If a wife dies childless, he (the husband) is to return her property to the rightful heirs and half of what she has woven within and half of the produce, if it is from her own property.

45. Codex Hammurabi

163. If a man marries a wife and she does not cause him to have children and that woman dies...her husband may not claim that woman's dowry; her dowry belongs to her father's house.

46. Codex Hammurabi

172. If her husband has not given her (i.e. the widow) a marital gift, they shall restore to her her dowry and she shall take a share like one heir from the property of her husband's estate. If her sons are harassing her in order to make her leave the house, the judges shall determine the circumstances of her case and impose a penalty on the sons; that woman need not leave her husband's house. If that woman does decide to leave, she shall leave behind for her sons the marital gift that her husband gave her; she shall take the dowry which is of her father's house, and the husband of her choice may marry her.

Adoption

47. *ana ittišu* (3 IV 28-46)

They examined his free status
and he (the adopter) restored him to his status as brother.
He inscribed a tablet of his inheritance.
He placed his daughter in his lap,
he entrusted to him a house and its furniture.
That stranger brought everything he had gained into his
(adoptive) father's house.
If he should hate his father
he shall forfeit everything he brought in
and pay two mina of silver, his wife's bridal payment.

48. The Legend of Sargon

I am Sargon, the mighty king, king of Agade.
My mother was a high priestess, I did not know my father.
My father's brother used to love the mountains.
My city is Azipuranu, which is on the banks of the Euphrates. My mother, the high
priestess, conceived me, she bore me in secret.
She put me in a basket of rushes, she sealed my door with
pitch.
She cast me into the river, which did not rise over me.
The river lifted me and bore me to Aqqi, the gardener.
Aqqi, the gardener, drew me out in his bucket.
Aqqi, the gardener, adopted me and raised me.
Aqqi, the gardener, appointed me to do date cultivation for him.
While I was cultivating the date groves, (the goddess) Ishtar loved me.
For...-four years I ruled as king. (1-13)

49. *ana ittišu* (3 III 28-44)

He who has no father and mother
He who does not know his father and mother.
He has been found in a well.
He has been brought in from the street.
He tore him from the mouth of a dog.
He made him fall from the mouth of a raven.
He took his foot before witnesses:
They have sealed the measurement of his feet with the seal of the witnesses.

50. Laws of Gortyn (III 44-49)

If a divorced woman bears a child, she is to present it to the (ex-)husband in his home before three witnesses. If he does not accept it, it is for the mother to raise the child or to abandon it.

51. Codex Hammurabi

191. If a man has established his house through a child that he adopted and raised (but) afterwards has sons and decides to disinherit the one he raised, that child shall not go out empty; the father who raised him shall give him one-third of his inheritance from his property and he shall go. He shall not give him any field, orchard, or house.

52. Laws of Gortyn

XI 9-17. If the adopter wishes, he may renounce (the adoptee) in the place of assembly when the citizens are gathered, from the stone from which proclamations are made; and he shall deposit ten staters with the court, and the secretary who is concerned with strangers shall pay it to the person renounced...

53. Adoption (AASOR X No. 2) Nuzi 15th century

1-3. Adoption tablet of Zigi son of Akkuya: he has given his son Shennima to Shurihil in adoption,

4-7. and Shurihil has given Shennima one (inheritance) share of all these, his fields and appurtenances and all his property.

8-11. If Shurihil has a son, he will be the elder son – he will take his double portion, and Shennima will be the younger son – he will take a portion according to his share.

12-15. As long as Shurihil lives, Shennima shall honor him. When Shurihil dies, Shennima will inherit.

16-22. Gilimninu has been given as a wife to Shennima. If Gilimninu gives birth, Shennima shall not marry a second wife. If Gilimninu does not give birth, Gilimninu will take a woman of the Lullu land for marriage with Shennima and it is Gilimninu who will have control over the children.

23-26. Any sons that are born to Shennima from Gilimninu's womb shall be given all the fields, houses and property.

27-29. If she does not bear a son, then his daughter by Gilimninu will take one share in the fields and houses.

30-31. Shurihil shall not adopt another son as against Shennima.

32-34. Whichever of them is in breach shall pay one mina of silver and one mina of gold.

35-39. Yalampa has been given as a handmaid to Gilimninu and he has made the woman Shatimninu a “father”; as long as she is alive she shall honor her, and Shatimninu shall not break...

40-42. If Gilimninu gives birth and Shennima marries another wife, he shall cut off the hem and leave.

43-52. (10 Witnesses).

53-54. Zigi’s other children shall not claim the fields and houses of this one (inheritance) share.

54-55. The tablet was written after proclamation.

54. **Adoption** (Meissner BAP 95) Sippar, Hammurabi

1-5. Ninpirig-abi and Taram-Ulmash have adopted Ubar-Shamash son of Sin-iddinam from his father Sin-iddinam and his mother Bittitum.

6-8. Even if Ninpirig-abi and Taram-Ulmash have ten sons, Ubar-Shamash will be their senior heir.

9-14. If Ninpirig-abi, his father, and Taram-Ulmash, his mother, say to Ubar-Shamash, their son, “(You are) not our son,” they shall forfeit house and chattels.

15-22. If Ubar-Shamash says to Ninpirig-abi, his father, and Taram-Ulmash, his mother, “(You are) not my mother, not my father,” they will shave him, set a slave-mark upon him, and sell him.

23-24. They have sworn the oath of Shamash, Aya, Marduk, and Hammurabi.

25-33. (8 Witnesses, Date).

55. **Adoption** (Gardiner, JEA 26, 23-29) Egypt New Kingdom

Year 1, third month of summer, day 20, under the majesty of the King of Upper and Lower Egypt, Ramses.

On this day, proclamation to (the god) Amun of the accession of this noble god, he arising and shining forth, and making offering to Amun. Thereupon Nebnefer, my husband, made a writing for me, Nanefer, the musician of (the god) Seth, and made me a daughter of his, and wrote down for me all that he possessed, having no son or daughter apart from myself:

“All profit that I have made with her, I will bequeath it to Nanefer, my wife, and if any of my own brothers or sisters arise to confront her at my death tomorrow or thereafter and say: ‘Let my brother’s share be given (to me)...’”

Before many and numerous witnesses: [names] “Behold, I have made the bequest to Nanefer, my wife, this day before Huyyeremw, my sister.”

56. Sale-adoption (JAOS 27, p. 37 No. 1) Nuzi 15th century

1-2. Tablet of adoption of Kuzu son of Karmishe:

2-3. He has adopted Tehip-tilla son of Puhishenni.

4-5. Kuzu has given Tehip-tilla 40 homer of fields in the Ip-hushi district as his (inheritance) share.

6-7. If a claim is made to vindicate the fields, Kuzu will clear the fields of the claim and give them back to Tehip-tilla.

8-9. Tehip-tilla has given Kuzu one mina of silver as his “gift”.

10-11. Whoever repudiates the contract shall pay two mina of silver and two mina of gold.

12-30. (15 witnesses, 4 persons affixing their seal).

Marriage

57. **Marriage** (Kraeling 7) Elephantine 5th century

1-2. In the month of Tishri, that is Epiphi, in the fourth year of king Darius, at that time in the fortress of Elephantine Ananiah bar Haggai, an Aramaean of the fortress of Elephantine of Iddin-Nabu's unit, declared to Zakkur bar Meshullam, an Aramaean of Syene of the same unit, as follows:

3-4. "I came to your house and asked of you your sister Yehoyishma in marriage and you gave her to me. She is my wife and I am her husband from this day forth and forever.

4-5. And I gave you as bridal payment for your sister Yehoyishma one karsh of silver. It has passed to you and your heart is satisfied with it.

5-21. Your sister Yehoyishma brought me into my house [list of dowry: silver, garments, household items and oils].

21-24. Tomorrow or another day, if Ananiah stands up in an assembly and declares "I hate my wife Yehoyishma; she shall not be my wife," silver of hatred is upon his head. He shall give her everything she brought into his house, her cash and her clothes worth seven karsh, eight shekels and five hallur of silver, and the rest of her property which is written down--he shall give it to her on a single day in a single installment and she may go where she pleases.

24-28. And if Yehoyishma hates her husband Ananiah and declares to him "I hate you; I will not be your wife," silver of hatred is upon her head. She shall forfeit her bridal payment. She shall place upon the scales and give her husband Ananiah seven and a half shekels and go out from him with the rest of her cash, goods and chattles, worth... And he shall give her the rest of her property that is written down on a single day in a single installment and she shall go to her father's house...

58. **Betrothal** (NSG II 17) Ur, 21st century

1. Completed judgment.

2-10. Lugal-igihush son of Ur-Baba the officer and Lu-Shara son of Ni-urum the singer are witnesses that Ni-urum son of Ur-Numushda appeared and declared "By the king's oath! May my son Ur-Igalina marry Geme-Igalima daughter of Lugal-kigalla."

11. And Ni-urum confirmed his statement.

12-17. Because Ni-urum's son married Inim-lugalla, Ni-urum shall pay Geme-Igalima one mina of silver.

18-23. (Names of court official and four judges).

24. (Date).

59. Hittite Laws

28a. If a daughter is **promised** (*tarants*) to a man and another abducts her, when he abducts her he must compensate the first man for whatever he gave; her father and mother shall not give compensation.

28b. If the father and mother give her to another man, the father and mother shall give compensation. If the father and mother refuse, she shall be separated from him.

29. If a daughter is **bound** (*hamenkants*) to a man and he gives the bridal payment and subsequently the father and mother deny it and separate her from the man, they shall repay the bridal payment two-fold.

60. Codex Hammurabi

128. If a man marries a wife, and does not establish her contract, that woman is not a wife.

61. Codex Eshnunna

27. If a man marries the daughter of a man without asking the permission of her father and mother and does not conclude a wedding contract (lit.: 'feast and contract') with her father and mother, though she live in his house for a year, she is not a wife.

62. Codex Ur-Nammu

6. If a man divorces his first-time wife, he shall pay her one mina of silver.

7. If it is a (former) widow whom he divorces, he shall pay her half a mina of silver.

8. If the man had slept with the widow without there having been any marriage contract, he need not pay any silver.

63. Middle Assyrian Laws

A 34. If a man marries a widow and does not establish her contract and she lives in his house for two years, she is a wife; she shall not leave.

64. Codex Eshnunna

26. If a man has brought the bridal payment for the daughter of a man and another abducts her and deflowers her without asking her father and mother, it is a case of life; he shall die.

65. Codex Hammurabi

130. If a man constrains the wife of a man who has not known a male and is living in her father's house, and he lies in her lap and is seized, that man shall be killed; the woman shall go free.

66. Deuteronomy 22

22. If a man is caught sleeping with a wife married by a husband, they shall both die: the man who sleeps with the wife and the wife. You shall remove evil from Israel.

23-4. If there is a girl, a virgin betrothed (= inchoately married) to a man, and a man finds her in the city and lies with her, you shall bring them both out to the gate of that city and stone them to death: the girl because she did not cry out in the city and the man because he forced his neighbor's wife. You shall remove evil from your midst.

25-6. And if the man finds the betrothed girl in the country and seizes her and lies with her, the man who lay with her shall die and only he. To the girl you shall do nothing...

28-9. If a man finds a girl, a virgin who is not betrothed, and seizes her and lies with her and they are found, the man who lay with her shall give fifty of silver to the girl's father and she shall be his wife. Because he forced her, he may not divorce her all his days.

67. Codex Hammurabi

159. If a man has had bridal gifts brought to his father-in-law's house, has given the bridal payment, and espies another woman and says to his father-in-law "I will not marry your daughter," the father of the daughter shall keep whatever was brought to him.

68. Hittite Laws

30. If the man has not yet taken the daughter and he rejects her, he shall forfeit the bridal payment that he gave.

69. Codex Hammurabi

160. If a man has had bridal gifts brought to his father-in-law's house, has given the bridal payment, and the daughter's father says "I will not give you my daughter," he shall return double whatever was brought to him.

70. Codex Eshnunna

17. Should the son of a man bring the bridal payment to his father-in-law's house – if one of them dies, the silver shall return to its owner.

71. Codex Eshnunna

25. If a man claims at the house of the father-in-law and his father-in-law rejects him and gives his daughter to another, the daughter's father shall return double the bridal payment that he received.

72. Gaius, Institutes I

110. Of old, women passed in *manus* in three ways, by *usus*, *confarreatio*, and *coemptio*.
111. A woman used to pass into *manus* by *usus* if she cohabited with her husband for a year without interruption....112. Entry of a woman into *manus* by *confarreatio* is effected by a kind of sacrifice offered to Jupiter Farreus, in which a spelt cake is employed... 113. Entry of a woman into *manus* by *coemptio* takes the form of a mancipation, that is, a sort of imaginary sale...

73. Codex Hammurabi

138. If a man divorces his first-time wife who has not borne him children, he shall give her silver to the value of her bridal payment and restore to her in full the dowry that she brought from her father's house, and he may divorce her.

139. If there is no bridal payment, he shall give one mina of silver as divorce-payment.

140. If he is a poor man, he shall give one-third of a mina of silver.

74. Laws of Gortyn

II 45-55. And if a husband and wife divorce, if the husband is the cause of the divorce, she is to have her own property with which she came to her husband and half of whatever she has woven within, whatever there may be, and five staters. But if the husband declares that he is not the cause, the judge is to decide on oath.

75. Codex Eshnunna

59. If a man begets children and divorces his wife and marries another, he shall be dispossessed of house and property and may go after the one whom he loves. His wife shall succeed to the house.

76. Hosea 2: 4-5

Take issue with your mother, take issue. For "she is not my wife and I am not her husband." Let her remove her whoring from her face and her adultery from between her breasts. Lest I strip her naked and set her forth as the day she was born, place her like a desert and put her like a waterless land...

77. Codex Hammurabi

141. If the wife of a man who is living in the man's house plans to leave and accumulates a hoard, scatters her house, and slanders her husband, it shall be proved against her, and if her husband pronounces her divorce, he may divorce her and give her nothing – not her journey-money, not her divorce-money. If her husband does not pronounce her divorce, he may marry another woman; that woman shall live as a slave in her husband's house.

78. **Divorce** (MRS IX 126; 17. 159) Ugarit, 14th century

1-3. Before "My Sun", the Emperor Tudhaliya, king of Hatti

3-7. Ammistamru, king of Ugarit, married the daughter of Benteshina, king of Amurru; she sought to cause him distress ("illness of his head").

8-11. Ammistamru, king of Ugarit, divorced Benteshina's daughter for ever.

12-18. Whatever Benteshina's daughter brought into Ammistamru's house she may take, and leave Ammistamru's house.

18-21. Whatever Ammistamru has disposed of, let the men of Amurru swear on oath and let Ammistamru reimburse them in full.

22-23. If Utri-sharruma says "I will go after my mother", let him place his cloak upon the throne and leave. Ammistamru king of Ugarit will make another of his sons in Ugarit crown prince...

79. Divorce (MRS IX 126 RS 17. 396) Ugarit, 14th century

1-4. Before Ini-teshup king of Carchemish, son of Shahurunuwa king of Carchemish, grandson of Sharru-kushuh the mighty, king of Carchemish:

5-12. Whatever the daughter of Benteshina king of Amurru has acquired in Ugarit – silver, gold, copper, bronze objects, tribute, presents, gratuities, servants, maidservants, garments or linen – it all belongs to Ammistamru king of Ugarit.

12-17. In the future, the daughter of Benteshina king of Amurru shall not make claim against Ammistamru king of Ugarit, his children, or his children's children, in respect of these items.

18-19. If she makes claims, this tablet will defeat her.

80. Marriage Contract (TLB 1 229) Old Babylonian

1-5. Shamash-bani son of Nur... has taken Amat-Asarluhi daughter of Nabium-atpalam from her father Nabium-atpalam and her mother...for marriage.

6-8/ The day that Shamash-bani says to his wife Amat-Asarluhi "You are not my wife," he shall pay one mina of silver.

8/-10. And if Amat-Asarluhi says to her husband Shamash-bani "You are not my husband," they will cast her into the water.

11-18/ One female slave, Ana-Shuniya-tiblut by name, two shekels of silver in her ears, one copper kettle of twenty litres...five garments, twelve *i'lun*-garments, eleven turbans, two baskets, one cow, fifteen sheep, one millstone for *isququm*-flour, one basalt millstone, one apple-wood bed, six chairs, one "head" table of *musukkannum*-wood, four wooden bowls: -

/18-21. all this is what her father Nabium-atpalam has give his daughter Amat-Asarluhi.

/21-23. His/her(?) son Awil-Sin and the children that Amat-Asarluhi shall have are her heirs.

24-25. They have sworn the oath of Shamash, Aya, Marduk, and king Samsu-iluna.

26-31. (13 witnesses, date).

[Look at Document no. 57 again]

81. Testament (RE 82) Emar 13th century

1-3. From this day, Shaggar-dushi, daughter of Awiru, has fixed the allocations of her house and her children. Thus she says:

4-8. Now I have made Amzahi, man of the town of Uri, my son, and I have given my two sons Ahlati-Dagan and Tura-Dagan as sons to Amzahi.

8-13. And if in the future Ahlati-Dagan or Tura-Dagan says to his father Amzahi, "You are not my father," he shall give 60 shekels of silver, their price, to Amzahi, and go where he pleases.

14-19. And if Amzahi their father says to his sons Ahlati-Dagan and Tura-Dagan, “You are not my sons,” he shall give 60 shekels of silver to Ahlati-Dagan and Tura-Dagan and they may go where they please.

20-22. And if Amzahi says to his wife Dagan-nawari, “You are not my wife,” she shall take the hand of the two sons, he shall give 60 shekels, and they may go where they please.
(Witnesses)

[Shaggar dushi’s two “sons” are the children of her slave woman, Dagan-nawari, whom she had given to Amzahi, her manumitted slave and adopted son, in marriage. He was probably the biological father of the children]

Sale, Loan, and Pledge

82. Sale of Cow (YOS 13 244) Babylonia, 17th century

1-7. Liwwir-Babilum son of Awil-Ishtar has purchased one three year-old cow, the property of Lama-ila, from Lama-ila.

8-10. He has weighed out eight shekels of silver as its full price.

11-12. He has placed sixteen grains (of silver) as the additional payment.

12-13. He (the seller?) is responsible for claims to it.

14-19. (4 witnesses)

20-23. (Date).

83. Sale of Slave (Arnaud, Emar VI.3) Emar, 15th century

1-5. Ari-Kuzuh, of the city of Nikippa, has sold his female slave to Ba’al-malik son of Ba’al-qarrad the diviner for thirty-five shekels of silver, the full price.

5-9. If in the future any litigant should appear against Ba’al-malik, Ari-kuzuh shall satisfy his claim and Ba’al-malik shall be free of liability.

10-18. (8 witnesses)

84. Sale of Land (ADD 360 = Postgate No. 4) Nineveh 7th century

1. Seal of Idriya, owner of the orchard being sold.

2-10. Mannu-ki-Arbail, captain, has acquired and taken from Adraya an orchard planted with vines in the town of Urulli next to a threshing-floor, next to a grove, next to the road that leads to the town of Kibshuni, next to (the road) that leads to the ferry, for thirty-one shekels of silver.

10. He has paid the full price.

11-13. This orchard is acquired by sale; there shall be no withdrawal, lawsuit or claim.

13-23. Whoever in the future, be it Adraya, his children, his children’s children, his descendents or his descendents’ children, shall appear and institute legal proceedings against

Mannu-ki-Arbail, his children or his children's children, shall place ten mina of refined silver (and) x mina of gold in the lap of (the goddess) Ishtar in Nineveh.

23-5. He shall return the silver ten-fold to its owners; he shall not acquire by his lawsuit.

26-33. (8 witnesses)

34-37. (Date).

85. Genesis 23

2. Sarah died at Kiryat-Arba, that is Hebron in the land of Canaan and Abraham proceeded to mourn Sarah and to weep over her.

3-4. Then Abraham rose from before his dead and spoke to the Hittites thus: "I am a foreigner resident with you; give me a grave-estate with you that I may bury my dead from before me."

5-6. The Hittites answered him thus: "Hear us, sir, you are a prince of God among us – bury your dead in the best of our graves; none among us will close his grave to you for burying your dead."

7-9. Then Abraham rose and bowed to the notables, to the Hittites. He spoke to them thus: "If you are willing to bury my dead from before me, intercede for me with Ephron son of Zohar, that he may sell me the cave of Machpelah which he owns, which is at the edge of his field. May he sell it to me for the full price as a grave-estate among you."

10-11. Ephron was sitting among the Hittites. Ephron the Hittite answered Abraham in the hearing of the Hittites, all those who enter the town gate, as follows: "No, sir, hear me. I hereby give you the field and I give you the cave which is in it. I give it to you in the presence of my people – bury your dead."

12-13. Abraham bowed before the notables and spoke to Ephron in the hearing of the notables thus: "Would you please hear me. I hereby give the price of the field; take it from me and I will bury my dead there."

14-15. Ephron answered Abraham thus: "Hear me, sir. A piece of land worth four hundred shekels of silver, what is it between you and me? Bury your dead."

16. Abraham heard Ephron. Abraham weighed out to Ephron the price that he had spoken in the hearing of the Hittites, four hundred shekels of silver at the merchant's rate.

17-18. Ephron's field in Machpelah, opposite Mamre, the field and the cave in it and every tree in the field on all its border around, passed to Abraham as a purchase in the presence of the Hittites, all those who enter its city gate.

19. After that Abram buried his wife Sarah in the cave of Machpelah field, opposite Mamre, that is Hebron in the land of Canaan.

20. The field and the cave in it passed to Abraham as a grave-estate from the Hittites.

86. Gaius, Institutes

II 14a. Things are further divided into *mancipi* and *nec Mancipi*. *Mancipi* are lands and houses on Italic territory; also slaves and animals that are commonly broken to draught or burden, such as oxen, horses, mules and asses; likewise rural easements, whereas urban easements are *nec Mancipi*.

18. Now there is an important difference between *mancipi* and *nec mancipi* things. 19. *Nec mancipi* things become the full property of another by mere delivery, provided that they are corporeal and thus admit of being delivered. 20. Thus, if I deliver a garment or gold or silver to you, whether by way of sale or gift or any other title, it becomes yours immediately, provided only that I am its owner... 22. *Mancipi* things, on the other hand, are those things that are conveyed by “mancipation”; and that is why they are called *mancipi*.

87. Gaius, Institutes

I 119. Mancipation...is a sort of imaginary sale, and it too is an institution peculiar to Roman citizens. It is performed as follows in the presence of not less than five Roman citizens of full age and also of a sixth person, having the same qualifications, known as the “scale-holder”, to hold a bronze scale. The party who is taking by mancipation, holding a bronze ingot, says “I declare this slave to be mine by Quiritary right, and be he purchased to me with this bronze ingot and bronze scale.” He then strikes the scale with the ingot and gives it as a symbolic price to him from whom he is receiving by the mancipation.

88. Loan of Silver (NRVN I No. 116) Nippur 21st century

- 1-4. Ur-Shulpa’e has received fourteen and a half shekels from Ur-Nusku.
- 5-7. He has sworn the king’s oath to repay it on the 30th day of the 12th month (February/March)
- 8. If it is not repaid, double is to be paid.
- 9. (Year-date).

89. Loan of Barley (BE 6/1 25) Nippur, 17th century

- 1-6. Iqqatum and Ribatum have received...kor of barley from Nabi-Shamash, bearing interest.
- 7-9. They will satisfy his heart with the barley and its interest at the beginning of the harvest.
- 10-13. (4 witnesses)
- 14-16. (Date: 12th month = February/March).

90. Loan of Silver (Wiseman, Alalakh No. 39) Alalakh, 18th century

- 1-4. Ariya has received five shekels of silver from Aram-mushuni.
- 5-9. Half of the silver bears one-fourth interest; half of the silver bears one-sixth.
- 10-11. (2 witnesses)
- 12-15. (Date).

91. Loan of Silver (YBT VI 125 = San Nicolo & Petschow No. 62) Uruk, 6th century

- 1-4. One and one-twenty-fourth shekels of silver belonging to Ishtar-sharra-utsur son of Remut is to the debit of Dannu-ahheshu-ibni son of Nergal-idua.
- 4-6. In the 11th month he shall pay the silver: one and one-twenty-fourth shekels.
- 7-12. (3 witnesses)
- 13-15. (Date: 7th month).

92. 2 Kings 4

1. A certain woman from among the prophets' wives cried out to Elisha, saying, "Your servant, my husband, has died, and you know that your servant feared the Lord, and now the creditor is coming to take my two children as his slaves."

93. Codex Eshnunna

23. If a man is not owed anything by a man and distrains the man's female slave, locks the distrained person in his house and causes her death, he shall restore two female slaves to the slave's owner.

24. If he is not owed anything by him and distrains the wife of a poor man (or) the son of a poor man, locks the distrained person in his house and causes their death, it is a case of life – the distrainer who distrained shall die.

94. Codex Hammurabi

241. If a man distrains an ox, he shall pay one-third of a mina of silver.

95. Deuteronomy 24

6. He shall not distrain a hand-mill or an upper millstone, for it is life that he distrains.

96. Antichretic Pledge (AASOR 16, No. 27) Nuzi 15th century

1. Antichresis tablet.
- 2-4. Uqari, his father, has given Taena son of Uqari in antichresis to Tulpun-naya for six years.
- 5-6. Tulpun-naya has given one homer of barley to Uqari.
- 6-10. When six years have elapsed, Uqari shall repay Tulpun-naya the one homer of barley and take his son.
- 10-14. If Taena absents himself from work for Tulpun-naya for one day, Uqari shall pay Tulpun-naya one mina of copper per day as compensation.
- 15-16. Tulpun-naya shall give barley and clothing rations.
- 17-30. (14 witnesses)

97. Pledge with Redemption Clause (KAJ 53 = ARU 46) Assyria, 14th century

1. Seal of Ilu-malik.
- 2-6. Ilu-malik son of Iddin-bel son of Kubi-eresh has received 15 1/2 mina of tin and 1 homer of barley by the seal of the *hiburnu*-house, the property of Kidin-Adad son of Iddin-Kubi.
- 6-7. He shall repay the capital of the tin and barley within six months.
8. If the due date passes, the tin will bear interest.
- 9-11. If he does not measure out barley, he shall pay tin at the current exchange rate for barley.
- 12-13. If he does not pay tin, the tin will bear interest.
- 14-17. Kidin-Adad will take and hold as pledge Ilu-malik's slave Tabi-Bel and his fortified house within the territory of his city.
- 18-20. The day he repays the tin and its interest, he may redeem his pledges.
- 21-29. (7 witnesses. Date)

98. Pledge with Forfeiture Clause (KAJ 12 = ARU 29) Assyria, 14th century

1. Seal of Siniya. Seal of Amur-dannussa.
- 2-7. Siniya son of Shimi-nada and Amur-dannussa son of Iqish-Ea have received 17 mina of tin by the city-hall weight from Iddin-Kubi son of Rish-Nabu.
- 7-8. They shall repay the capital of the tin within five months.
- 9-12. Iddin-Kubi will hold as security for this tin five *iku* of their good-quality field in the meadow of the town of Guppi-Ekallim.
- 13-16. If the due date passes, their field is acquired and taken; they have received the tin, the price of their field. They are paid, quit.
- 17-19. They shall clear the field (of claims), measure it with the king's rope and write a confirmation tablet before the king.
- 20-21. Until they write a confirmation tablet, this (tablet) is confirmation.
- 22-30. (6 witnesses. Date)

Debt and Social Justice

99. Codex Eshnunna

39. If a man grows weak and sells his house, the day that the buyer will sell, the owner of the house may redeem.

100. Leviticus 25

25. If your brother grows weak and sells part of his estate, his redeemer most closely related to him may come and redeem the property sold by his brother.

26-27. If a man has no redeemer but prospers and acquires enough for its redemption, he shall calculate the years since its sale and repay the difference to the man to whom he sold it and return to his estate.

29-30. If a man sells a dwelling-house in a walled city, its redemption shall be for a year from its sale. If it is not redeemed before a full year has elapsed, the house in a walled city shall pass irredeemably to its purchaser for ever (lit. "for his generations"); it shall not go out at the Jubilee.

....

47-9. If an alien resident with you prospers and your brother grows weak with him and sells himself to an alien resident with you or to the descendant of an alien clan, there shall be redemption for him after his sale. One of his brothers may redeem him or his uncle or his cousin may redeem him or any remaining relative from his clan may redeem him or if he prospers he may redeem himself.

101. Sale with Redemption Clause (Arnaud No. 123) Emar 15th century

1-4. Yadi-Bala son of Yairu owed twenty shekels of silver to Puhu son of Ummanu and ten shekels of silver to Abi-Sin son of Zu-Anna, and could not repay it.

5-9. Now Yadi-Bala has sold his house to Puhu and Abi-Sin for thirty shekels of silver as full price and has handed over to them the old tablet of his house that was sealed with the seal of (the god) Ninurta.

10-12. In the future, if Yadi-Bala repays the thirty shekels of silver to its owners within one year, he may take his house.

13-16. If not, from the second year, whoever in the future claims this house may pay the same amount of silver again and take his house.

17-20. (Seals of 4 witnesses).

21-22. (2 witnesses).

102. Codex Hammurabi

119. If a debt seizes a man and he sells his female slave who has borne him children, the slave's owner may pay the silver that the merchant paid and redeem his slave.

103. Purchase of Field (MDP 22 58) Susa, 18th century

1-5. Erra-gasir has purchased from Shalmuma a field (bearing forty seah of seed, along the length of the “Scribe” district, watered by the Tuzi canal.

6-7. He has paid thirty-four shekels of silver as its full price.

8-13. Shalmuma shall be responsible to Erra-gasir for vindications and claims for always and ever, for his descendants’ descendants.

14-16. Not redemption, not pledge, full price.

17-21. As a father buys for his son, Erra-gasir has bought, under the divine symbol of (the god) Shushinak, for ever.

22. Before (the god) Shamash, before (the god) Shushinak.

23-26. (3 witnesses)

27. He has sworn the oath of the king.

28-33. Whoever repudiates the contract shall pay x mina of silver, they will cut off his hands and tongue, and he has desecrated the symbol of Shushinak.

34. (1 witness).

104. **Forfeiture of Pledge** (KAJ 150) Assyria 14th century

1. Seal of Isqippu.

2-7. (With regard to) ten *iku* of cultivated land in the meadow of the town of Guppi-Ekallim for which a tablet was drafted of thirty mina of tin belonging to Iddin-Kubi son of Rish-Nabu as a pledge in which it was laid down “if the due date passes, it is acquired and taken”:

8-9. He claimed the price of his cultivated land and has received the balance of his tin.

10-13. Isqippu son of Silli-kubi has received x talents, fifty mina of tin, the balance according to his tablet.

14-17. He shall clear the field (of claims), measure it with the king’s rope and write a confirmation tablet before the king.

18-24. (4 witnesses)

25-26. (Date).

105. **Middle Assyrian Laws**

C+G 7. [If...] or anyone taken as a pledge is dwelling in the house of an Assyrian and the due date passes, [after it has p]assed, if the silver am[ounts] to as much as his price, he is [acqui]red and taken; if the silver does not am[ount] to as much as his price, [the creditor] may acquire and take him but may not reduce [the price(?)]--he shall de[duct] the capital of the silver. There is no [interest(?)].

106. **Exodus 21**

2. If you buy a Hebrew slave, he shall serve six years, and in the seventh he shall go out free for nothing.

107. **Codex Hammurabi**

117. If a debt seizes a man and he sells his wife, son and daughter, or hands them over as a penalty, they shall serve in the house of their purchaser or penalty-holder for three years; in the fourth year their freedom shall be established.

108. **Deuteronomy 15**

12. If your brother, a male or female Hebrew, is sold to you, he shall serve you six years and in the seventh you shall let him go free....

18. It shall not seem hard to you to set him free, for he has served you twice the hire of a hired man, six years...

109. **Codex Lipit-Ishtar**

14. If a man has returned his slavery to his master and it is confirmed (that he has done so) twofold, that slave shall be released.

110. **The Edict of Ammi-Saduqa**

4. Whoever has lent barley or silver to an Akkadian or an Amorite at interest or as a *melqetum*-loan and has drafted a tablet, because the king has established equity for the land, his tablet is broken. He shall not collect the barley or silver according to the tablet.

8. An Akkadian or an Amorite who has received barley, silver or goods as a purchase-price, for a business journey, for partnership or a trading venture, his tablet shall not be broken. He shall pay according to his contract.

111. **The Edict of Ammi-Saduqa**

7. If a man has lent barley or silver at interest and drafted a tablet but kept the tablet in his possession and has stated: "I did not lend at interest or as a *melqetum*-loan; the barley and silver that I gave, I gave as a purchase-price, for a trading venture or for another purpose," the man who took the barley or silver from the merchant shall bring men as his witnesses to the wording of the tablet that the merchant denies and they shall make their declaration before the god. Because he distorted his tablet and denied his transaction he shall pay six-fold. If he cannot pay his obligation, he shall die.

112. **Petition** (AS 16, 233ff = AbB 7 153) Sippar, 17th century

1-6. When my lord raised the golden torch for Sippar and established equity for (the god) Shamash who loves him, and convened in Sippar Taribatum the “overseer of troops,” the judges of Babylon and the judges of Sippar:

7-9. They examined the cases of the men of Sippar, heard the tablets of field, house and orchard purchases and had broken those that were to be released by the equity decree.

10-29. A house of three *sar* in Sippar-Yahrurum, according to the original tablet...was purchased, I and ...that house...in the year...and the judges...the tablets of purchase...(fragmentary)...Shalim-tehushu the “overseer of barbers” ...demanded of me...

30-35. I took my tablets to the assembly. Rish-Shamash the “resident” of Sippar, Kudiya the “chair-bearer”, and Sin-nadin-shumi the cadastral scribe, examined my tablets and sealed them and had them sent to Shalim-tehushu at his house.

36-40. Shalim-tehushu the “overseer of barbers”, without hearing me broke the tablets in his lodgings in Sippar.

41-43. I was informed, and in consternation I collected the pieces of my tablet from his house and showed them to Rish-Shamash, Kudiya, and Sin-nadin-shumi.

44-45. But they said, “What can we say to the “overseer of barbers”?”

46-49. To you, O divine one, I have come. May my lord judge the case of breaking the tablets without consulting the judges and the party to the case.

50-53. Just as the weak would not be handed over to the strong before my lord, let all Sippar see that the strong [are not allowed] to oppress the weak.

113. **The Edict of Ammi-Saduqa**

20. If a freeman of Numhia, a freeman of Emut-balum, a freeman of Idamaraz, a freeman of Uruk, a freeman of Isin, a freeman of Kisurra, or a freeman of Murgu is bound by a debt and sells himself, his wife, or his children, or hands them over as a pledge or a penalty: because the king has established equity for the land, he is released – his freedom is established.

114. **The Edict of Tudhaliya**

I 1-10. Thus speaks the Tabarna Tudhaliya, the great king: “When I had destroyed Assuwa and returned to Hattusa, I refurbished the gods; the men of Hatti all began to bow down to me, and they spoke as follows: O great king, you are our lord, a leader of campaigns; are you not able to judge in matters of justice? Behold, evil people ... have utterly destroyed ... the feudal holdings

115. **Deuteronomy 15**

1-3. Every seventh year you shall make a cancellation. The cancellation shall be as follows: every creditor is to release the debts that he has owing to him by his neighbor; he shall not press his neighbor and his brother for payment, for a cancellation has been declared for God. You may press the foreigner for payment, but you shall cancel the debts you have owing from your brother.

116. **Leviticus 25**

9. In the seventh month, on the tenth day of the month – the Day of Atonement – you shall have a blast of the horn sounded throughout your land. You shall make the fiftieth year a holy year and declare freedom in the land for all its inhabitants: it shall be a Jubilee for you and each man shall return to his estate and each shall return to his clan. The fiftieth year shall be a Jubilee for you; you shall not sow nor harvest what grows of itself in the fields or on the vines.

Crime and Tort

117. Exodus 22

4. If a man lets his animals graze in a field or a vineyard and he lets his grazing animals loose and they graze in another's field, he shall compensate with the best yield of his own field or vineyard.

5. If a fire spreads and catches upon thorns, and sheaves, stacks, or a field (of grain) are consumed, the one who started the fire shall compensate in full.

118. Codex Hammurabi

53. If a man neglects to strengthen the embankment of his field and a breach opens in his embankment which allows water to carry off (the crops of) the arable land, the man in whose embankment a breach opened shall replace the grain that was lost.

54. If he is unable to replace the grain, they shall sell him and his property and the farmers whose grain the water carried off shall divide (the proceeds).

55. If a man opens his canal for irrigation, is negligent, and allows water to carry off (the crops) of the neighboring field, he shall pay grain like a neighboring field.

119. Codex Hammurabi

154. If a man has sexual intercourse with his daughter, they shall banish that man from the city.

120. Hittite Laws

188. If a man sins with a sheep, it is an abomination; he shall die. They shall bring him to the gate of the king: the king may kill him, the king may spare his life. He may not enter into the king's presence.

121. Instructions to the Border Commander

III 11-16. Whatever was the rule from olden times concerning abomination: in a city where they used to execute, let them execute; in a city where they used to banish, let them banish. Let the city purify itself afterwards. Then let there be a proclamation that no one should allow him to return...

122. **Leviticus 20**

16. A woman who approaches any animal for it to mount her, you shall kill the woman and the animal. They shall be executed; their blood is upon them.

17. A man who takes his sister, the daughter of his father or mother, and sees her nakedness and she sees his nakedness, it is a defilement; they shall be cut off before their people.

123. **Contract for Ransom (ADD 321)** Assyria, 8th century

1-3. (Fragmentary)

4-7. ...Shamash-mukin-ahi son of Samaku shall give the female slave Sahish daughter of Atar-qamu the scribe, with family, instead of the blood.

8. He shall wash the blood.

9-10. If he does not give the female slave, they will kill him on the grave of Samaku.

11-12. Whoever repudiates the contract shall pay ten mina of silver.

12. (The god) Ashur, (the god) Shamash...

13-15. (Date)

16-23. (3 witnesses, rest broken).

124. **Middle Assyrian Laws**

B2. If one of undivided brothers kills a person, they shall give him to the person's avenger. If he chooses, the avenger may kill him, or if he chooses he may accept composition and take his inheritance-share.

125. **Edict of Telipinus**

49. A matter of blood is as follows. Whoever does blood, whatever the owner of the blood says - If he says, "Let him die!" he shall die. If he says, "Let him pay ransom!" he shall pay ransom. But to the king – nothing.

126. **Twelve Tables**

8.2 If he destroys a limb, there shall be talion, unless he compounds with him.

127. **Codex Hammurabi**

196. If a man destroys a man's eye, they shall destroy his eye.

197. If he breaks a man's bone, they shall break his bone.

128. **Leviticus 24**

19-20. A man who maims his fellow – as he did, so shall be done to him: break for break, eye for eye, tooth for tooth. As he maimed his fellow, so shall he be maimed.

129. **Middle Assyrian Laws**

A8. If a woman crushes a man's testicle in a brawl, they shall cut off one of her fingers. If a doctor binds it, but the other testicle is affected with it and becomes atrophied (?), they shall tear out both her [nipples(?)].

130. **Genesis 4**

23-24. Lamech said to his wives, Adah and Zillah, "Hear my voice, wives of Lamech, listen to my word. For I have killed a man for a wound on me, and a boy for a blow on me. For Cain shall be avenged seven times, but Lamech, seventy-seven times."

131. **Codex Hammurabi**

198. If he destroys the eye of a *mushkenum* or breaks the bone of a *mushkenum*, he shall pay 60 shekels of silver.

199. If he destroys the eye of a man's slave or breaks the bone of a man's slave, he shall pay half his value.

132. **Codex Eshnunna**

42. If a man bites a man's nose and severs it, he shall pay 60 shekels of silver. An eye – 60 shekels; a tooth – 30 shekels; an ear – 30 shekels; a slap in the face – he shall pay 10 shekels of silver.

133. **Hittite Laws**

1. If someone kills a man or a woman as the result of a quarrel, he shall...him and give four slaves, male or female...

2. If someone kills a male or female slave as the result of quarrel, he shall...him and give two slaves, male or female...

7. If someone blinds a free man or knocks out his tooth, formerly they gave 60 shekels of silver, now he shall give 20 shekels of silver...

8. If someone blinds a male or female slave or knocks out his tooth, he shall give 10 shekels of silver...

134. **Twelve Tables**

8.3 If he breaks a free man's bone with hand or club, he shall suffer a penalty of 300, if a slave, 150.

135. **Codex Hammurabi**

251. If a man's ox is a gorer and his city council has warned him that it is a gorer but he has not docked its horns or kept his ox under control, and the ox gores the son of a man and causes his death, he shall pay 30 shekels of silver.

136. **Codex Hammurabi**

229. If a builder builds a house for a man and does not make his work strong and the house that he built collapses and causes the death of the householder, the builder shall be killed.

230. If it causes the death of the householder's son, they shall kill the builder's son.

231. If it causes the death of the householder's slave, he shall give slave for slave to the householder.

137. **Codex Eshnunna**

54. If the ox is gorer and the local council has warned the owner but he has not docked its horns and it gores a man and causes his death, the owner of the ox shall pay 40 shekels of silver.

55. If it gores a slave and caused his death, he shall pay 15 shekels of silver.

138. **Codex Eshnunna**

58. If a wall is threatening to fall and the local council has warned its owner, but he does not strengthen his wall and the wall collapses and causes the death of a man's son, it is life; order of the king.

139. **Exodus 21**

29. If the ox is a previous gorer and its owner is warned but does not guard it and it causes the death of a man or a woman, the ox shall be stoned and its owner shall be killed.

30. If ransom is demanded of him, he shall pay for saving his life whatever is demanded of him.

31. If it gores a son or a daughter, the same rule will apply to him.

32. If it gores a male or female slave, he shall pay their owner 30 shekels and the ox shall be stoned.

140. The Iliad (Book 18)

497-508. People were gathered in the place of assembly. There a dispute had arisen: two men were arguing about the blood-money for a man slain. The one was claiming to pay all, expounding to the village; the other was refusing to take anything. They both wished to obtain a limit from a wise man. The people were cheering them on, showing favor to this side and to that. Heralds held the people back; the elders were seated upon polished stones in a sacred circle and held in their hands scepters from the loud-voiced heralds, with which they jumped up to give judgment, each in turn. And in the middle lay two talents of gold, to be given to him among them who gave the most just judgment.

Sexual Offences

141. Deuteronomy 22

28-9. If a man finds a girl, a virgin who is not betrothed, and seizes her and lies with her and they are found, the man who lay with her shall give fifty of silver to the girl's father and she shall be his wife. Because he forced her, he may not divorce her all his days.

142. Exodus 22

15-16. If a man seduces a virgin who is not betrothed and lies with her, he shall make her his wife with a betrothal payment. If her father refuses to give her to him, he shall pay silver like the betrothal payment of virgins.

143. Middle Assyrian Laws

A 55. If a man seizes with force and rapes a virgin, a man's daughter who is living in her father's house,...., whose...has not been opened, who is not married and there is no claim against her father's house – whether in the city or in the country or at night or in the square or in a granary or at a town festival – the virgin's father shall take the wife of the man who had intercourse with his daughter and give her to be raped. He shall not return her to her husband; he shall take her. The father shall give his deflowered daughter in marriage to the man who slept with her. If he has no wife, the man who lay with her shall pay her father three times(?) the silver of the value of a virgin and he shall marry her. He shall not ... her. If the father does not wish, he shall receive the silver, three-fold(?) that of a virgin, and give his daughter to whomever he wishes.

56. If the virgin gave herself to the man, the man shall swear and his wife shall not be touched. He shall give three times(?) the silver of the value of a virgin. The father shall deal with his daughter as he chooses.

144. Codex Ur-Nammu

6. If a man uses force with the virgin wife of a man and rapes her, he shall kill that man.

145. Codex Eshnunna

26. If a man brings the betrothal payment for a man's daughter but another seizes her and deflowers her without asking her father and mother, it is a case of life: he shall die.

146. Codex Hammurabi

130. If a man binds and lies in the lap of the wife of a man who has not known a man and is (still) dwelling in her father's house and they seize him, that man shall be killed; that woman shall be freed.

147. Deuteronomy 22

25-27. And if the man finds the betrothed girl in the country and seizes her and lies with her, the man who lay with her shall die and only he. To the girl you shall do nothing, she has no sin meriting death...for he found her in the country--the betrothed girl cried out but there was none to save her.

148. Middle Assyrian Laws

A 12. If the wife of a man is passing through the square and a man seizes her and says, "Lie with me," but she refuses and defends herself but he seizes her with force and has intercourse with her, whether they catch him upon the man's wife or witnesses prove that he had intercourse with the woman, that man shall be killed; the woman has no sin.

149. Hittite Laws

197. If a man seizes a woman in the hills, it is the man's sin: he shall die. If he seizes her in a house, it is the woman's sin: she shall die. If the husband finds them and kills them, there is no liability upon him.

150. Proverbs 6

32-5. He who commits adultery is lacking in sense...The fury of the husband will be passionate; he will show no mercy on the day of vengeance. He will not consider any ransom; however great your bribe, he will refuse it.

151. Laws of Gortyn

II 20-36. If someone is taken in adultery with a free woman in a father's, brother's or husband's house, he shall pay a hundred staters; but if in another's, fifty;...Let him (the plaintiff) proclaim in the presence of three witnesses to the relatives of the one caught in (the house) that he is to be ransomed within five days... and if he should not be ransomed, those who caught him may deal with him as they wish...

152. Codex Ur-Nammu

7. If a married woman of her own initiative leads a man and lies with him, the man (i.e. the husband) shall kill that woman; he shall let that man go free.

153. Middle Assyrian Laws

A 14. If a man has intercourse with the wife of a man in a tavern or in the square, knowing that she is a man's wife, whatever the husband states is to be done to his wife shall be done to the paramour.

If he has intercourse with her not knowing that she is a man's wife, the paramour is free of liability. The husband shall establish (the case against) his wife and do with her as he wishes.

154. Trial Report (Nippur, 18th c.)

Erra-malik married Ishtar-ummi. Firstly, she burgled his storeroom. Secondly, she made an opening in his oil jar and covered it up with a cloth. Thirdly, he caught her upon a man. He tied her to the body of the man on the bed and carried her to the assembly. The assembly, because she was caught with a man upon her, established...his/her divorce money; they shaved her pudenda like(?) a prostitute; they bored her nose with an arrow, and the king gave her over to be led around the city. It is a decision of the king. Ishme-Dagan-zimu was the court officer.

155. **Jeremiah 3**

8. ...because the unfaithful one, Israel, had committed adultery, I had divorced her and given her document of severance to her...

156. **Hosea 2**

4-5. Let her (my wife) remove her whoring from her face and her adultery from between her breasts. Lest I strip her naked and set her forth as the day she was born...

157. **Codex Hammurabi**

129. If the wife of a man is caught lying with another man, they shall bind them and throw them in the water. If the master of the wife will spare his wife, the king will spare his servant.

158. **Hittite Laws**

198. If he (the husband) brings them to the gate of the palace and says “My wife shall not die” and he lets his wife live, he shall let the paramour live and he shall clothe his head. If he says, “Let them both die” and they kneel at the wheel, the king may kill them, the king may let them live.

159. **Middle Assyrian Laws**

A 13. If the wife of a man goes out of her house and goes to a man where he is dwelling and he has intercourse with her knowing that she is the wife of a man, the man and the woman shall be killed.

160. **Deuteronomy 22**

22. If a man is discovered to have lain with a married woman, both shall die – the man lying with the woman and the woman. You shall purge evil from Israel.

161. **Middle Assyrian Laws**

A 15. ...If he (the husband) seizes him (the paramour) and brings him before the king or the judges, and proves it against him: if the husband of the woman kills his wife, he shall kill the man; if he cuts off his wife’s nose, he shall turn the man into a eunuch and his whole face shall be mutilated; but if he frees his wife, he shall free the man.

162. Laws of Gortyn

II 36-46. ...but if he (the person taken in adultery) should declare that he has been entrapped, the captor is to swear...calling down solemn curses upon himself... that he took him in adultery and did not entrap him.

163. Exodus 20: 14/ Deuteronomy 5: 18

You (masculine singular) shall not commit adultery

164. Leviticus 18

20. You shall not give your lying to your companion's wife for seed, to pollute yourself with her.

165. Genesis 12

10-20. There was a famine in the land and Abraham went down the Egypt to dwell there, for the famine was heavy in the land. When he got close to Egypt he said to his wife Sarai: "I know that you are a woman beautiful in appearance. When the Egyptians see you they will say 'That is his wife' and they will kill me and spare you. Please say that you are my sister so that I will be well treated for your sake and I will be spared because of you."

When Abraham reached Egypt, the Egyptians saw that his wife was very beautiful. Pharaoh's officials saw her and praised her to Pharaoh and the woman was taken into Pharaoh's house. He treated Abraham well for her sake and he had sheep and cattle and donkeys and slaves and asses and camels.

But God struck Pharaoh and his house with great sickness on account of Sarai the wife of Abraham. So Pharaoh summoned Abraham and said: "What have you done to me; why did you not tell me that she is your wife? Why did you say 'She is my sister' so that I took her as my wife? Now here is your wife; take her and go."

Theft and Receiving Stolen Property

166. Codex Hammurabi

8. If a man steals an ox, a sheep, an ass, a pig or a boat: if it belongs to a god or to the palace, he shall pay thirty-fold; if it belongs to a private citizen, he shall restore ten-fold. If the thief has not the means to pay, he shall be killed.

[167. The Edict of Ammi-Saduqa

7. If a man has lent barley or silver at interest and drafted a tablet but kept the tablet in his possession and has stated: "I did not lend at interest or as a *melqetum*-loan; the barley and silver that

I gave, I gave as a purchase-price, for a trading venture or for another purpose”, the man who took the barley or silver from the merchant shall bring men as his witnesses to the wording of the tablet that the merchant denies and they shall make their declaration before the god. Because he distorted his tablet and denied his transaction he shall pay six-fold. If he cannot pay his obligation, he shall die.]

168. **Codex Hammurabi**

265. If a shepherd who has been given cattle or sheep to herd practices deceit and erases the brand and sells them, they shall prove it against him and he shall restore to their master ten-fold the cattle or sheep that he stole.

169. **Codex Hammurabi**

14. If a man steals the infant son of a man, he shall be killed.

170. **Exodus 21**

16. He that steals a man and sells him or in whose possession he is found shall be put to death.

171. **Trial for Theft** (Arnaud VI/3 257) Emar, 14th century

1-8/ Kila'e stole a slave of Husiri and was caught with that slave. He brought him before the king for trial. The king gave the "great ones" of the town of Shatappi to the oath, and the king said thus: "If the 'great ones' swear, Kila'e shall become the slave of Husiri."

8/-12. But Kila'e was unwilling for the "great ones" of the town to take the oath; he gave his sister Kibian as a slave to Husiru in substitution for himself.

13-17. Kila'e son of Tulba'e, citizen of the town of Halulazi, shall not raise a claim against Husiri son of Ribi-Dagan. If he claims, this tablet will defeat him.

18-24. Witnesses.

172. **Codex Eshnunna**

12. A man who is seized among the sheaves in the field of a subject in broad daylight shall pay 10 shekels of silver. One who is seized among the sheaves at night shall die; he shall not live.

13. A man who is seized in the house of a subject in the house in broad daylight shall pay 10 shekels of silver. One who is caught in the house at night shall die; he shall not live.

173. **Codex Lipit-Ishtar**

9. If a man enters a man's orchard and is seized there for stealing, he shall pay 10 shekels of silver.

174. **Hittite Laws**

93. If they seize a free man beforehand when he has not yet entered the house, he shall pay 12 shekels of silver...

94. If a free man steals in a house, he shall give (the property back) exactly in full. Formerly they paid 40 shekels of silver for a theft; now he shall pay 12 shekels. If he steals much, they shall impose much on him; if he steals little they shall impose little on him...

175. **Twelve Tables**

VIII 12. If he commits theft at night, if he strikes him down, he is rightfully killed.

13. By light...if he defends himself with a weapon...let him cry out...

176. **Exodus 22**

1-2. If the thief is caught while digging his way in and is struck and dies, he has no blood. If the sun has risen upon him, he has blood. He shall surely pay; if he cannot, he shall be sold for his theft.

177. **Codex Hammurabi**

7. If a man buys or receives for safekeeping silver, gold, a male or female slave, an ox, a sheep, an ass or anything else from the hand of a man's son or slave without witnesses and contract, that man is a thief - he shall be killed.

178. Middle Assyrian Laws

A3. If a man is sick or dead and his wife steals something from his house and gives it to a man or a woman or anyone else, they shall kill the man's wife and the receiver. If a man's wife whose husband is alive steals from her husband's house and gives it to a man or a woman or anyone else, the man shall bring proceedings against his wife and impose a penalty upon her; the receiver who received them from the man's wife shall hand over the stolen goods, and they shall impose upon the receiver a penalty like that which the man imposed upon his wife.

179. Codex Hammurabi

9. If a man whose property is missing seizes his missing property in the possession of another man, and the man in whose possession the property was seized says: "A seller gave it to me; I bought it before witnesses," while the owner of the missing property says: "Let me bring witnesses who know my missing property"; and the buyer brings the one who gave it to him and the witnesses before whom he bought it, while the owner of the missing property brings witnesses who know his missing property: the judges shall examine their evidence, and the witnesses before whom the purchase was made and the witnesses who know the missing property shall declare their knowledge before the god. The seller is a thief; he shall be killed. The owner of the missing property shall take his property; the buyer shall take the money he paid from the estate of the seller.

10. If the buyer does not bring the one who gave it to him and the witnesses before whom he bought it, while the owner of the missing property brings witnesses who know his missing property, the buyer is a thief; he shall be killed. The owner of the missing property will take his property.

11. If the owner of the missing property does not bring witnesses who know his missing property, he is a liar, he has made a false accusation, he shall be killed.

12. If the seller has died, the buyer shall take from the seller's estate 5-fold the claim in that case.

180. Settlement of Claim (MVN 3, 219) Nippur 21st century

1-2. Bukanum the merchant bought from DINGIR.E and Idi-ilum three sheep, their purchase-price being one and a half shekels, fifteen grains of silver.

3. Nahshubal was the guarantor.

4-6. Those sheep were turned into stolen sheep. Bukanum and Nahshubal were turned into thieves.

7. Seven shekels of silver were paid as the penalty for the sheep.

8. One and a half shekels, fifteen grains of silver were paid as purchase price for the sheep.

9-10. DINGIR.E and Idi-ilum have been obligated to Nahshubal to restore (the money paid).

11. They have sworn the king's oath.

12-18. (6 witnesses)

19-20. (Date).

181. **Gaius, Institutes**

III 186. It is called *furtum conceptum* when a stolen thing has been sought and found in someone's possession in the presence of witnesses. A special action called *concepti* has been established against him, even if he is not the thief.

187. It is called *furtum oblatum* when a stolen thing has been passed to you by someone and has been found in your possession, at any rate if it was given to you with the intention that it be found with you rather than with him who gave it. A special action called *oblatae* has been established for you in whose possession it was found against him who passed it to you, even if he is not the thief.

191. The penalty for *conceptum* and *oblatum* is threefold under the Twelve Tables ...

Constitutional Law

182. **Letter of King Hammurabi** (TCL 8, 16 = RA 21 p. 15)

1-3. To Shamash-hazir, speak! Thus says Hammurabi:

4-7. Sin-ishme'anni of Kutalla, the orchard-keeper of the Dilmun date-palms, has informed me as follows:

8-11. "Shamash-hazir expropriated from me a field of my paternal estate and gave it to a soldier."

12. Thus he has informed me.

13-14. The field is a permanent estate--when can it be taken away?

15-20. Examine the case and if that field does belong to his paternal estate, return the field to Sin-ishme'anni.

183. **Letter of King Abi-eshuh** (AbB 2, 74)

1-6. To Sin-idinnam, the merchants' council of Sippar and the judges of Sippar, speak! Thus says Abi-eshuh:

7-10. Bunene-nasir and Silli-shamash, the sons of Rish-Shamash, have informed me as follows:

11-15. "Ili-iddinam, our eldest brother, has wronged us. For two years now we have repeatedly brought the matter before the merchants' council of Sippar, but they have not given us justice."

16. Thus they have informed me.

17-26. As soon as you see my letter, send the Ili-iddinam in question and the witnesses knowledgeable in the matter whom Bunene-nasir and Silli-Shamash will point out to you hither to Babylon, that their case may be examined.

184. **Codex Hammurabi**

34. If a “captain” or a “lieutenant” takes a soldier’s possessions, deprives a soldier of his due, gives a soldier out for hire, delivers a soldier into the hands of the powerful in a law-suit, takes a gift that the king gave the soldier, that “captain” or “lieutenant” shall be killed.

185. **2 Samuel 14**

4. The woman of Tekoah came to the king, flung herself down with her face to the ground and said “Save, O king!”

5-7. The king said to her, “What troubles you?” and she said, “I am a widow, my husband is dead. Your servant had two sons and they both fought in the fields and there was no one to intervene to separate them and the one struck the other and killed him. And now the whole clan has risen up against your servant, saying, ‘Give us the one who struck his brother that we may kill him for the life of his brother whom he slew, even though we destroy the heir.’ But they will extinguish my last remaining ember and not leave my husband name or remnant on the land...”

11. And she said, “Let the king remember the Lord your God and not allow the redeemer of blood to ravage; let them not destroy my son.” And he said, “I swear by the Lord that not one hair of your son shall fall to the ground.”

186. **Codex Hammurabi** Epilogue

xlvi 59-78. In order that the strong not oppress the weak, that justice be done to the orphan and widow, I wrote my precious words on a stele and set it up before my statue, “The King of Justice”, in Babylon, the city whose head (the gods) Anum and Ellil have raised, in Esagila, the temple whose foundations are like heaven and earth, that the judgments of the land be judged, the cases be decided, and justice be done to the oppressed.

xlvi 3-19. An oppressed man who has a cause, let him come before my statue “The King of Justice”, let him have read to him the writing on my stele, let him hear my precious words, let my stele reveal to him the case, let him see his judgment and let his heart be at ease...

187. **Jeremiah 22**

1-3. Thus says the Lord “Go down to the king of Judah’s palace and speak the following there. You shall say ‘Hear the word of the Lord, O king of Judah who sits on the throne of David, you and your servants and your people who come through these gates. Thus says the Lord: Do law and justice and save the dispossessed from the oppressor; do not disadvantage the alien, orphan and widow, do not do violence and do not spill innocent blood in this place.’”

188. **Ecclesiastes 5**

7. If you see oppression of the poor and denial of law and justice in a province, do not be shocked at the sight, for each high official is being watched by his superior, and they by theirs.

189. 1 Kings 21

1-2. Naboth the Jezreelite had a vineyard in Jezreel adjoining the palace of Ahab, king of Samaria. Ahab spoke to Naboth as follows “Give me your vineyard that I may have it as a vegetable garden, for it is close by my palace, and I will give you a better vineyard in its place or, if you prefer, I will give you its value in silver.”

3. Naboth said to Ahab, “The Lord forbid that I should give you my ancestral estate!”

4. Ahab came home distressed and angry at what Naboth the Jezreelite had said to him, namely “I will not give you my ancestral estate” and he lay on his bed and turned his face away and would not eat bread.