

**THE OLDEST LAWS IN THE WORLD, BEING AN  
ACCOUNT OF THE HAMMURABI CODE AND  
THE SINAITIC LEGISLATION WITH A  
COMPLETE TRANSLATION WITH A COMPLETE  
TRANSLATION OF THE GREAT BABYLONIAN  
INSCRIPTION DESCRIPTION AT SUSA**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649324750

The Oldest Laws in the World, being an account of the hammurabi code and the sinaitic legislation with a complete translation with a complete translation of the Great babylonian inscription description at Susa by Chilperic Edwards

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**CHILPERIC EDWARDS**

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HAMMURABI ADORING THE SUN-GOD

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## PREFACE

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THE object of the present work is to provide a complete and careful translation of the whole of the great Babylonian inscription containing the Laws of Hammurabi, and to bring together in a brief form all the known facts connected with the period of Babylonian history to which it belongs. As, moreover, many persons will be interested in tracing out the dependence of the Mosaic Laws upon the Babylonian legislation a chapter has been devoted to that subject. Quite independently, however, of its service in discounting extravagant claims in regard to the originality or excellence of the Jewish Pentateuch, the Code of Hammurabi is destined to be of the utmost value to the student of the history of civilisation, and the evolution of Semitic Law. It may even be found eventually that the influence of the Babylonian Code extended beyond the Semitic boundary, and that it has modified the legal ideas of distant peoples; but as yet it is too early to verify any such suggestion. In any case, however, the age, the extent, and the remarkable state of preservation of this venerable monument of antiquity combine to entitle it to the respect and consideration of every thinking being.

Some scholars have claimed that certain of the *successors* of Hammurabi bore names which exhibited grammatical forms foreign to the Semitic-Babylonian tongue; and they have argued that his dynasty must therefore be of foreign origin. One school is anxious to connect the line with Northern Arabia, the other with Canaan, and both adduce linguistic reasons for their choice. Without entering into these precarious hypotheses, it may be sufficient to remark that we have no evidence whatever as to the *grammatical* peculiarities of the languages spoken in Arabia or Canaan during the era of Hammurabi—that is to say, before 2000 B.C. The idioms of Arabic and Hebrew may have been very different at that early date to what they became in their classical periods. Furthermore, in most countries proper names exhibit uncommon or obsolete grammatical forms, for the simple reason that the names are handed down through several generations, and thus are really relics of earlier modes of speech; so that the unusual form of

some of the names of Hammurabi's family may eventually prove to be of this character, and there will be no excuse for doubting the Babylonian origin of his race. Leaving such conjectures on one side, however, it can hardly be disputed that the Laws themselves manifest their specifically Babylonian origin. They contemplate a country with a numerous settled population, where the art of writing is in common use, where agriculture is associated with irrigation upon a large scale, and where ships and navigation play an important part. These points are combined in no other ancient Semitic land; they can only be referred to Babylonia. Mere questions of dynasty are consequently irrelevant. The legislation is only intelligible as a product of Babylonian soil; and as Babylonian culture was of ancient date, and was entirely derived from the still earlier civilisation of the Akkadians, who themselves appear to have had codes of law (see Appendix C), it seems quite unnecessary to insist upon the obvious fact that Babylonian jurisprudence is prior to all other Semitic law or custom of which we have any certain knowledge.

It will be observed that the ensuing chapters are not besprinkled with the name of "Abraham." The reasons for ignoring this patriarch are stated in Appendix B.

In regard to the question of chronology, the author has, in Appendix A, quoted all the evidence that exists for determining the date of Hammurabi. It will be seen that this evidence does not enable us to fix the exact year of that monarch; but it is sufficient to indicate the general period at which he flourished.

C. E.



# THE OLDEST LAWS IN THE WORLD

## CHAPTER I.

### THE DISCOVERY OF THE HAMMURABI CODE

OUR first introduction to the legal practice of the ancient Babylonians was in 1854, when Mr. W. K. Loftus disinterred a number of clay tablets from the mound of Tell Sifr, which covers the remains of some old city whose name is still unknown. These tablets were found to be "contracts"—that is to say, records of business transactions, effected during the reigns of three monarchs, Rim-Sin, Hammurabi, and Samsu-iluna; but it was many years before the scholars of Europe could thoroughly explain these records, for the cuneiform writing was of a peculiar type, and the language was full of unknown technical expressions. It was not until the Berlin Congress of Orientalists, in 1882, that Dr. P. Strassmaier gave a really satisfactory rendering of them. Meanwhile material has accumulated. The British Museum in London, the Louvre at Paris, and the Museums of Berlin, Constantinople, and Philadelphia, all contain large collections of "contract tablets," besides a great many scattered in private hands. The efforts of scholars have been chiefly directed to the elucidation of the historical texts, which are not only easier, but also of more immediate interest; and the polite literature of the Baby-

lonians has also been largely studied. Of late years, however, Babylonian jurisprudence has been receiving the attention of a small but enthusiastic band of workers, among the best known of whom are the late Dr. Oppert, Dr. F. E. Peiser, and Dr. Bruno Meissner, the results of whose labours have been summarised in an able (though somewhat highly coloured) fashion by Professor G. Maspero in the ninth chapter of his *Dawn of Civilisation* (London, 1894).

In the British Museum there are three or four fragments of tablets from the library of Assurbanipal, king of Assyria (668 to 626 B.C.), which appeared to contain portions of a code of laws. These fragments had long been remarked, and had even been spoken of as the Code of Assurbanipal. Dr. Meissner, however, who had subjected the fragments to considerable study, was struck by their agreement in style and language with the remains of the early Babylonian period; and in 1898 he suggested that the "Code" to which these tablets belonged would probably be found to go back to the time of the first Babylonian dynasty. In February, 1899, the celebrated Dr. Delitzsch, in discussing Meissner's

remarks,<sup>1</sup> wrote as follows:—"That the collection of laws in question originated in the period of the first Babylonian Dynasty is certainly a legitimate assumption of Meissner's. It may further be conjectured that no other than Hammurabi himself, the founder of the Babylonian Empire, gave the command to unify the laws and ordinances then current into one Code of Law. Were the tablets from the library of Assurbanipal complete, they would undoubtedly be of extreme value for the history of comparative law."

This was written in the early part of 1899; and in the course of the article he called the presumed collection of Babylonian laws the *Code Hammurabi*, in allusion to the famous *Code Napoleon*, which has had such an enormous influence upon modern European Law. Within three years the conjecture of Dr. Delitzsch was converted into a certainty by the discovery of the complete Code of Laws, with the original proclamation of King Hammurabi.

The laurels of this discovery fall to the French. In 1897 the French Government deputed M. J. de Morgan to open excavations upon the site of Susa, the ancient city of the Persian kings, for purposes of historical investigation. A day or two before the end of December, 1901, the workmen came upon a large fragment of black diorite. A few days later two other fragments were unearthed, and the three pieces, when joined together, were found to form a round pillar in the shape of an elongated sugar-loaf, 7ft. 4in. high, 5ft. 4in. in circumference at the top, and

6ft. 2in. at the bottom. The illustration upon the cover shows the upper part of this pillar, which, it will be seen, bears a bas-relief 26in. high and 24in. broad, representing Hammurabi standing in the presence of Shamash, the Babylonian God of the Sun. The back and front of the pillar are covered with columns of writing in what is called the Archaic Cuneiform character—that is to say, the ancient Babylonian hieroglyphics executed in wedge-shaped lines. In the time of Hammurabi this style of writing was only employed for sculptures and formal inscriptions. The contract tablets and the correspondence of the period were written in a simplified style called the Old Babylonian Cursive, very similar to the Assyrian Cuneiform usually met with in printed books. The clay tablets appear to have been written and read in horizontal lines, running from left to right. But the inscription of Hammurabi is in rows of short columns, the characters in the columns being read from top to bottom, and the columns themselves running from right to left. In fact, the direction of the writing is exactly the same as in Chinese, to which the Archaic Cuneiform bears a certain resemblance. The hard stone of which the monument is composed has preserved the original writing with extreme sharpness, and the three fragments fit together so closely that very little is lost by the fractures. The greatest damage has been done to the inscription, not by accident, but by design, for the last five rows of columns upon the front have been purposely scraped out. This erasure was not made because any of the laws were objected to, but because the monarch who removed the pillar from Babylonia to Susa wished to engrave his own

<sup>1</sup> "Zur juristischen Litteratur Babyloniens," von Friedrich Delitzsch—*Beiträge zur Assyriologie*, Band iv. (February, 1899), p. 80.

name upon it as a trophy of victory. As that portion of the inscription is now irretrievably lost, it is a pity that he did not carry out his design, and thus leave us a record of the vicissitudes and wanderings of the monument. We can, however, form a pretty close guess at the culprit, for M. de Morgan also found on the acropolis of Susa no less than five monuments of Babylonian kings which had been defaced, and the name of Shutrak-Nakhunte added upon them. This individual was king of Elam about 1100 B.C.; and he appears to have overrun Babylonia and sacked several important cities. Thus M. de Morgan had evidently come upon the museum of Shutrak-Nakhunte, where that monarch exhibited the trophies he had brought back from Babylonia in the shape of the most revered memorials of the Babylonian sovereigns. A fragment of another pillar bearing a few lines of the Code was unearthed at the same place.

If the Elamite had completed his design of placing his own name upon Hammurabi's pillar, he might have settled the important question of its original location. The inscription is not quite clear upon this point; for although in the early part of the epilogue Hammurabi says, "In Babylon .....in E Saggil.....I have written my precious words upon my pillar; and before my image as King of Justice I have placed it" (xxiv. 63-78), yet at the end we read of "the circuit of this temple of E Babbara" (xxviii. 76). Both Sippara and Larsam possessed temples to the Sun-God, and both temples bore the name of *E Babbara*, "the House of Light" (in Semitic, *Bit Uri*). The explanation seems to be that the original Code of Hammurabi

was erected at Babylon, in the great temple of Merodach called E Saggil; but copies were placed in other temples, and this particular pillar, discovered at Susa, was set up either at Larsam or at Sippara.

At any rate, after journeying from Babylon to Susa, the pillar has made a still longer voyage; and it now stands in Paris, as one of the greatest treasures of the Louvre. The French Government, recognising the importance of the find, has had the whole of the text published in heliogravure, in a magnificent volume entitled *Textes Elamitiques-Sémitiques*, par V. Scheil, O.P. (Paris, 1902), being *tome iv.* of the *Mémoires de la Délégation en Perse*. The eight plates in this volume are so exquisitely executed as to place scholars in the same position as if they had the actual inscription before them. Father Scheil transcribed the text, and rendered it into French in the remarkably short space of ten months from its discovery.

As already remarked, five rows of columns are now missing from the base of the monument; and Father Scheil estimates that these contained some thirty-five ordinances. From the remains of the Assyrian copies of the Code in the British Museum, however, he has been able to restore three of these. And it may be of statistical interest to remark here that the fragmentary tablets from the Library of Assurbanipal contain portions of Sections 57, 58, 59, 103, 104, 107, 111, 112, 113, 114, 115, 119, 120, 277-280, according to Father Scheil's enumeration; and about eighty lines of Hammurabi's epilogue.<sup>2</sup> The Berlin Museum

<sup>2</sup> The latter was only published by the British Museum authorities at the end of 1901. *Proc. Socy. Bib. Arch.*, vol. xxiv., p. 304.