

CHAPTER XIV

A HITTITE CODE OF LAW

HITTITE LAWS WITH COMPARISON OF BIBLICAL AND BABYLONIAN LAWS

The following code of laws was inscribed on some tablets contained in the archive found at Boghaz Koi or Hittite-city. It comes from the time of the great Hittite dynasty, which ruled there, though we do not know the name of the king under whom it was adopted and put in force. It seems probable, however, that it was either the powerful Subbiluliuma, or his son, Mursil (Mushilish). If this conjecture is correct, the code dates from about 1350 B.C.

Assault and Battery

1. If anyone intentionally kills a man or a woman, that one he shall bury and give 4 persons, either male or female, and (thus) discharge the penalty.
2. If anyone intentionally kills a slave, or a slave girl, that one he shall bury, and give 2 persons, either male or female, and (thus) discharge the penalty.
3. If anyone wounds a free man, or a free woman, and that one dies, whosoever's hand wounded him shall bury that one and give 2 persons and (thus) discharge the penalty.
4. If anyone wounds a slave or a slave girl and it dies, wounding her accidentally, that one he shall bury and give 1 person and (thus) discharge the penalty.
5. If anyone kills a merchant of Hittite-city, he shall give 100 manas of silver and (thus) discharge the penalty; if it is in the territory of the city Luyya, or the city Bala, he shall give 100 manas of silver and restore his possessions; if in the territory of Hittite-city, then he shall bury the merchant.
6. If a person, either man or woman, dies in the city, 100 rods of cultivated land near where he dies they shall mark off and it shall take him [for burial].

Hrozny, in *Keilschrifttexte aus Boghazkoi*, VI

Code Hittite provenant de l'Asie Mineur, Paris 1922

Hethitische Gesetze aus dem Staatsarchiv von Boghaskoi, unter mitwirkung von Dr. Johannes Friedrich, übersetzt von Dr. Heinrich Zimmern, Professor in Leipzig, 1922

"The Hittite Code," Translated by Dr. Arnold Walther as Appendix IV in J.M.P. Smith's *Origin and History of the Hebrew Law*, Chicago, 1931, pp. 246-279.

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7. If anyone blinds a free man, or knocks out some of his teeth, formerly he paid 1 mana of silver! Now he shall pay 20 shekels of silver and discharge the penalty.
 8. If one blinds a slave, or a slave girl, or knocks out some teeth, he shall pay 10 shekels of silver and discharge the penalty.
 9. If anyone strikes a person on the head, formerly they paid 6 shekels of silver; for the blow he gave 3 shekels; to the palace he gave 3 shekels. Now the king gives up (the fine) to his palace, and he shall give 3 shekels to the one struck.
 10. If anyone strikes a person and makes him ill, and that one he makes unfit for work: he shall give a man instead of him: this one shall work in his house while he is convalescing; after he has recovered, then he shall give him 6 shekels of silver, and the doctor's bill he shall pay.
 11. If anyone breaks the hand or foot of a free man, then he shall pay 20 shekels and discharge the penalty

12. If anyone breaks the hand or foot of a slave girl, he shall give 10 shekels of silver and discharge the penalty.
13. If anyone breaks the nose of a free man, he shall give one Mana of silver and discharge the penalty.
14. If anyone breaks the nose of a slave, or a slave girl, he shall give 3 shekels of silver and discharge the penalty.
15. If anyone cuts off the ear of a free man, he shall pay 12 shekels of silver and discharge the penalty.
16. If anyone cuts off the ear of a slave, or of a slave girl, he shall give 3 shekels of silver and discharge the penalty.
17. If anyone causes a pregnant free woman to miscarry, if it is nine months if it is ten months, he shall give 10 shekels of silver and discharge the penalty.
18. If one causes a pregnant slave girl to miscarry, it is ten months, he shall give 5 shekels of silver.

These laws correspond in subject-matter to 195-214 of the Code of Hammurabi. No corresponding laws of the Assyrians have as yet been recovered.

One interesting feature is the provision permitting a murderer to compound his crime by giving 4 to 2 persons in place of the murdered one. This shows that the Hittite had no ancient customs of blood revenge such as both Hebrews and Babylonians. The nature of the penalties for personal injuries, such as knocking out another's tooth, shows also the absence of any law like the Semitic *lex talionis*, which is so prominent in the penalties in the Code of Hammurabi, and in the Pentateuch, by which the injured inflicted an equal injury upon the person who had harmed him.

Laws Concerning Slaves

19. If any man of the city of Luyya steals a person, either man or woman, in Hittite-city, and delivers him to a master in Arzawa, and he escapes (?) he shall return to his house again. If in the town of Hattushash a man of Hittite-city steals a man of Luyya and to Luyya conducts him (to

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a master)----formerly 12 slaves he gave, but now he shall give 6 slaves and for the future he is free.

20. If any man of Hittite-city steals a slave of a man of Hittite-city from the territory of the city of Luyya and brings it to the territory of Hittite-city, should his master find (?) him, then he shall pay 12 shekels of silver, and discharge the obligation.

21. If anyone steals a slave of a man of the city of Luyya from the territory of the city of Luyya, and brings him to the territory of Hittite-city should his master find (?) him, then he shall pay 12 shekels of silver, and discharge the obligation.

22. If a slave runs away and afterward anyone restores him; if a merchant catch him and if he took him near and put him in bonds, if it was on the other side of the river, he shall give 3 shekels of silver.

23. If a slave runs away and goes to the territory of the city of Luyya and afterward anyone restores him; then he (the slave's master) shall give him 6 shekels of silver. If he flees to an enemy's country, and anyone afterward restores him, he shall give him to that one.

24. If a slave, or a slave girl runs away and is caught in the hearth of anyone, as a reward he shall pay for a man a year's (service) or.....80 (?) shekels of silver, and for a woman, a year's (service) or 40 shekels of silver.

These laws should be compared with 14-20 of the Code of Hamurabi, and the Pentateuchal laws cited in that connection. It will be noted that the Hittite laws are adapted to the local political conditions, and that slaves had in Hittite-city in the fourteenth century B.C., a higher monetary value than they did in Babylon seven hundred years earlier.

A Law Against Using Another's Cooking Utensils

25. If a person defiles a pot, or a jar, formerly they used to give 6 shekels of silver; to him whose it was he gave 3 shekels, and the palace used to take 3 shekels. Now the king forgives the palace's part, he shall give 3 shekels to him whose it was, and discharge the obligation.

This law is without parallel in the other codes.

Laws of Marriage

26. If a field.....that
one.....the man shall give.....

27. If a man takes a wife and brings her (to his house) and gives her dower rights therein; if the woman dies that man consuming the property, the goods, takes her estate, but if she dies in the house of her father, the property is for the children; that man shall not inherit that estate.

28. If a maiden is betrothed to a man and elopes with another, the bride price he escapes. Then the first man (may swear to it) in any manner whatever. The father and mother need not swear. If the father and the mother gave her to the other man; then the father and mother swear. If the father and mother say, "she is his" (i.e., the first man's) they shall separate her from him (i.e., the second man).

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29. If a woman is bound to a man and he has paid the bride price, and the father and mother afterward think ill of it and take her away from that man, then they shall return to him double the bride price.

30. If a man does not take a woman and refuses, then the bride price, which he had paid, he shall lose.

31. If a man likes a slave girl and afterward they get on badly and quarrel, they shall divide the house between them: the man shall take the children, and the woman shall take 1 child.

32. If a slave takes a (free) woman, their law is the same.

33. If a slave takes a slave girl, their law is the same.

34. If a slave pays the bride price for a woman, and takes her for his wife, and gives her (up), no one shall remit (it).

35. If an administrator (?) or a shepherd takes a free woman and does not pay the bride price, then he shall serve as a slave for three years.

36. If a slave pays the bride price for a free girl and as a husband lives with her, no one shall afterward take her away.

These laws should be compared with 128-161 of the Code of Hammurabi, and the corresponding laws of the Pentateuch discussed in connection with them. It will be observed that the laws of a people who had back of them a shorter civilized experience. The underlying principles of justice are the same in both codes. They are principles approved by the universal

conscience of mankind. The light which these laws shed upon the condition of slaves among the Hittites is interesting. They could apparently accumulate property for themselves, gain money with which to pay the bride price for a wife, marry a free woman, and enjoy rights guaranteed by law.

Laws Concerning Bandits

37. If anyone abducts a woman and afterwards a helper comes to their hurt and two men or three men are killed, there is no penalty: "thou owest nothing to a bandit."

38. If persons are on the way to a tribunal (?) and a bandit attacks them, and they defend themselves with clubs and sticks and wound the bandit severely and he dies, there is no penalty in that case.

One gains the impression from these laws that they had grown out of recent experience. Those who framed these sections of the code had not sought out the underlying principles so as to make the legislation fit many cases. They should be compared with 21-25 of the Code of Hammurabi.

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Concerning Leased Land and Feudal Holdings

39. If a (man) takes the fields of another, the ground rent he should pay; if he abandons the fields and takes others, he shall cultivate (?) them.

40. If a warrior disappears and a farmer comes and says: "This is my military holding and my farm," and shall appropriate the field of the soldier, and the duty of the soldier, he shall take and carry on the agricultural work. If he refuses the military duty, he shall vacate the farm and lose the holding of the soldier, and the men of the city shall cultivate it. If the king shall grant it to a prisoner of war, he shall take it and assume military duty.

41. If a peasant serf disappears and (another) peasant serf standing as a soldier says: "This is my military holding and this my ground rent," then, as one of the peasant serfs he shall take possession of the fields, and shall assume the military duty, and render the ground rent. If he refuse to render the ground rent, one of the peasant serfs, taking the fields from the palace, shall render the ground rent.

These laws should be compared to 26-41 of the Code of Hammurabi. Possibly the "land superintendent" of the Hittites may have performed some function kindred to those of the "tax collectors" of the Babylonians. In any event their holding of lands, like that of the soldiers, appears to have been an assignment imposed certain obligations of service to the state.

Concerning Losses and Damages

42. If anyone hires a man and he is wounded and dies, if the wages are paid, there is no penalty. If the wages are not paid, he shall give 1 slave. He shall give 12 shekels of silver as wages; the wages of a woman are 6 shekels of silver.

43. If a man (is) making his bullock (variant cattle) ford a river and another joins in and he takes the tail of the bullock and crosses the river, then the owner of the bullock the river contribute, whoever he may be, shall take it.

44. If with fire anyone casts a spell upon a man and he dies, he shall afterward give his son for him. If anyone purifies a man by deceit, casting upon him a spell, if he casts in on the field or barn or anyone—witchcraft is a case for the king.

45. If anyone takes tools, and that one shall afterward return them to the owner, he shall give him freedom; if he does not return them, he becomes a prisoner.

There is no exact parallel to these laws in the other codes. 42 may be compared to 257, 258 of the Code of Hammurabi; the only likeness is that both codes mention the wages of laborers; the laws themselves are quite different. 44 may be compared with 1, 2 of the Babylonian Code, which relate to witchcraft.

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45, like 259-260 of the Babylonian Code, legislates concerning the stealing of tools, but the two codes treat the matter in quite different ways. 43 is without parallel in the other codes.

Another Group of Laws Relating to Land

46. If anyone in a village holds fields as an inheritance in his father's lifetime, if they are wholly given to him, he shall perform the military duty. If he holds the fields and does not perform the military duty, (they) of his father's house shall perform it. If as owner by inheritance he has come into possession of fields and divides (them), or the men of the city give him fields, he shall perform the military duty.

47. If anyone received a field as a present from the king and does not perform the duty, the king may take bread from his table and give it to him. If one acquires a field from a man of arms, the duty of the field he shall perform. If he acquire only a considerable portion of the field, he shall not perform the duty. If he receives the field on condition of military service, or if the chief men give in (to him), he shall perform the duty.

48. If an irrigator performs his duty for the irrigator; his son, his field, his vineyard no one may acquire. He who does the irrigation for the irrigator, shall lose by irrigating. The irrigator, since, (it was) by irrigating, may take back from him.

49. If an irrigator steals there is no compensation. If (it is by) corporation act, then the corporation makes restitution. When all used to practice theft, then all were guilty;.....the men became prisoners. Whoever took this one, whoever took that one used to send them to the king's prison.

It appears that Hittite land was held either by the king or by cities and was granted to individuals on condition of certain military services to the state. We have nothing in Babylonian or Hebrew law quite parallel to this; the nearest approach to it is the land granted in Babylonian to soldiers, constables, and tax gatherers. Already referred to. Compare the Code of Hammurabi, 26-41.

Classes Exempt from Military Service

50. The.....men who live in the town of Nirik, who live in Arinna ,who live in Ziplanda, the priests in every village---their houses are free, and their associates shall perform the duty. If one lives in the town of Arinna eleven months, then his house, the oil house of which is enclosed is free.

51. Formerly, he who in Arinna was weaver his house was free, and his associates and people were free; now there is freedom for his house; his associates and people shall perform the duty for him. In the town of Zippalanda it is similar.

52. The slaves of a stone house, the slaves of a king's son, possessors of rank, who among armed men, have fields, shall perform the military duty.

53. If an armed man and his associates are banded together and if they get on badly and break up their house, if their house, if their ménage is 10 slaves, the man at arms takes 7, and his associates take three. The cattle and sheep of

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their establishment they shall share in proportion. If anyone holds a grant from the king and they divide the fields they held before, the man at arms shall take two-thirds and his associates shall take one-third.

54. Formerly, the Scythian soldiers, the Shala soldiers, soldiers of the city Tamalki, soldiers of the city Khatra, soldiers of the city Zalpa, soldiers of the city Tashkhima, soldiers of the city Khemuwa, archers, carpenters, workers in wood, servants and former refugees neither performed military duty nor paid ground rent.

55. If men of Hittite-city, serfs, come and prostrating themselves before king as father, then declare: "No one pays wages, and they refuse us; we are serfs"; the king as father in the assembly shall declare: "Then you are among the stars (i.e., free men?). Since you are among the stars (i.e. free men?). Since you are petitioners, be such."

56. Should one be under obligation to fortress-duty during a military expedition of the king and under obligation to work a vineyard (no one is exempt), the gardeners shall perform all the vineyard service.

The land of the Hittites was, as we have seen, held in common. Those to whom the privilege of occupation was granted were subject to certain military duties and were under the certain obligation to produce crops. These laws define when these obligations did not hold and who were free from them. As the land systems of the Hebrews were different the codes of that people afford no exact parallels. In Israel land was held in fee simple, though the owner in case of war, was liable to military duty. It is, however, provided in Deuteronomy 20:5-7 that those who had built new houses and had not lived in them, or betrothed wives which they had not yet married, were exempt from such duty. The fact of exemptions was in both countries the same, but it was enjoyed by different classes and for different reasons.

Against Stealing and Killing Domestic Animals

57. If anyone steals a full-grown bull (if it is half a year old it is not a full-grown bull; if it is a yearling bull, it is not a full grown bull; if it is a bull two years old, this is a yearling bull, it is not a full grown bull; if it is a bull two years old, this is a full grown bull) heretofore he gave 30 cattle; but now 15 cattle he may give: 5 two years old, 5 a year old, 5 half a year old he may give, and discharge the obligation.

58. If anyone steals a full-grown horse (if it is half a year old, it is not a full-grown horse; if it is a yearling, it is not a full-grown horse; if it is two years old, this is a full grown horse), heretofore he gave 30 horses; but now 15 horses he may give; 5 horses a year old, 5 horses six months old he may give, and discharge the obligation.

59. If anyone steals a ram, heretofore he gave 30 sheep, but now he may give 15 sheep: 5 wool-bearing ewes, 5 rams, 5 lambs he may give, and discharge the obligation.

On Taking Stray Cattle and Horses

60. If anyone finds a full-grown bullock and makes free with it and its owner catches him, he shall give 7 cattle: 2 two years old, 3 one year old, 2 half a year he shall give, and discharge the obligation.

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61. If anyone finds a full-grown horse and makes free with it, and its owner catches him, he shall give 7 horses: 2 two years old, 3 yearlings, and 2 half a year old, and discharge the obligation.

62. If anyone finds a ram and makes free with it, and its owner catches him, he shall give 7 sheep: 2 wool-bearing ewes, 3 rams, 2 lambs he shall give, and discharge the obligation.

63. If anyone finds a plough-ox and steals him, formerly he gave 15 cattle; now 10 cattle he may give: 3 cattle two years old, 3 one year old, 4 half a year old he may give, and discharge the obligation.

64. If anyone steals a carriage-horse, the case is similar.

65. If a full-grown creature, an uncastrated male, if aan uncastrated male, if a mountain ram, an uncastrated male, anyone steals, the compensation is as for the full-grown creature; for this it is similar.

66. If a plough-ox, if a carriage-horse, if a cow, if an ass broken to the yoke wanders to the stable (of anyone); if a creature, an uncastrated male, if a wool-bearing sheep, if a ram wanders into the fold (of anyone) and its owner finds it and receives it in good condition, he shall not take (the man) a prisoner.

67. If anyone steals a cow, heretofore he gave 12 cattle; but now he shall give 6 cattle, 2 cattle 2 years old, 2 cattle 1 year old, 2 cattle six months old, and discharge the obligation.

68. If anyone steals a mare broken to the harness, the case is similar.

69. If anyone steals a wool bearing ewe or a ram, formerly he gave 12 sheep; but now he shall give six sheep; 2 wool bearing ewes, 2 rams, 2 lambs he shall give, and discharge the obligation.

70. If anyone steals an ox, if a horse, if a mule, if an ass, and the owner takes it and receives it in good condition, he shall give two-fold, and discharge the obligation.

71. If anyone finds an ox, a horse, or a mule, then he should drive it into the enclosure of the king; but if he finds it in the open country and submits it to witnesses, he may harness it; afterward the owner finds it and obtains it in good condition, he shall not take him prisoner. If he did not submit it to witnesses, then he becomes a prisoner.

72. If in the field of anyone an ox dies, the owner of the field shall give 2 cattle and discharge the obligation.

73. If anyone takes a living ox as a thief, the case is similar.

74. If anyone breaks the horn of an ox or the foot of an ox, he shall keep that ox and shall give a sound ox to the owner of the ox. If the owner of the ox says, "I receive the ox," he shall keep his ox and shall give him [the owner] 2 shekels of silver.

75. If anyone hitches up an ox, horse, mule, or ass and it dies, or a wolf destroys it, and afterwards gives up entire, if he shall say: "By the act of a god it died," then he shall swear.

76. If anyone hires an ox, horse, large mule, or ass and it dies under him, he shall bring it and pay its hire.

77. If anyone strikes a cow with calf and it casts the calf, he shall make restitution; he shall give 2 shekels of silver. If anyone strikes a mare with foal and it casts its foal, he shall make

restitution; 2 shekels of silver he shall give. If anyone destroys the eye of an ox or a horse, he shall pay 6 shekels of silver and discharge the obligation.

78. If anyone hires an ox, and puts upon its harness (?) or saddle (?) and its owner find him, he shall give 1 (measure) of grain.

79. If cattle break into a field and the owner of the field finds them, he may hitch them up for one day; as soon as the stars appear he shall return them to the owner.

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80. If anyone rescues a sheep from a wolf, the owner takes the meat, this one takes the sheep-skin.

81. If anyone steals a grain-fed hog, he formerly paid 1 mana of silver; but now he shall pay 12 shekels of silver, he formerly paid 1 mana of silver;

82. If anyone steals a door-yard hog, he shall give 6 shekels of silver and discharge the obligation.

83. If anyone steals a pregnant sow, he shall pay 6 shekels of silver and shall account for the little pigs; for 2 little pigs he shall give 20 qas [or 1 pa] of grain and discharge the obligation.

84. If anyone hurts a pregnant sow and she dies, the case is similar.

85. If anyone catches little pigs running wild and steals them he shall give 20 qas [or 1 pa] of grain for one pair.

86. If a pig enters an open field, an irrigated field, or a garden, and the owner of the open field, irrigated field, or garden wounds and it dies, he shall pay return it to its owner; if he does not give it, that one becomes a prisoner.

87. If anyone wounds a shepherd's dog and it dies, he shall pay 20 shekels of silver.

88. If anyone wounds a dog of a dog raiser and it dies, he shall pay 12 shekels of silver and discharge the obligation.

89. If anyone wounds a watchdog and it dies, he shall pay 1 shekel of silver.

90. If a dog consumes lard and the owner of the lard catches it, kills it and takes the lard from its belly, there is no compensation.

91. If anyone steals bees in a hive, formerly he paid 1 mana of silver, now he shall pay 5 shekels of silver and discharge the obligation.

92. If anyone steals 2 hives, if 3 hives formerly he was caused to be stung to death by bees, but now he shall give 6 shekels of silver. If anyone steals one hive and there were no bees in it, he shall pay 3 shekels of silver.

In the Code of Hammurabi we have no laws quite parallel to these. Perhaps the code once contained them, for they may have been in the portion, which the Elamite erased. 241-256 relate to cattle, but concern wages and injuries rather than theft.

In Exodus 22:1-5 we have the Hebrew parallel. It is there ordained that, if a man steals an ox or a sheep and sells it or kills it, he shall pay five oxen for an ox and four sheep for a sheep. If the stolen property was found in his hand, he was to pay double, whether it was an ox, an ass, or a sheep. Horses play no part in either Hebrew or Babylonian laws. Swine were unclean to Semites and, although the Sumerians domesticated them and even had a swine goddess, they do not appear either in the Code of Hammurabi or in the Pentateuch, except among the unclean animals prohibited to the Hebrews in Leviticus 11 and Deuteronomy 14.

It is interesting to learn that the Hittites had domesticated the bee and that their laws protect private property in them. The other codes afford no parallels to these laws. Honey was known both to the Hebrews and Babylonians, but apparently they gathered it from wild bees.

Other Laws Against Theft

93. If they catch a free man in a storehouse, he shall pay 12 shekels of silver. If they catch a slave in a storehouse and he escape to a barn, he shall pay 6 shekels of silver.

94. If a free man commits theft in a house, he shall make restitution; formerly thieves paid 1 mana of silver, but they shall pay 12 shekels of silver. If he has stolen much, much shall be exacted of him; if he has stolen little, little shall be exacted of him, and discharge his obligation.

95. If a slave steals in a house, he shall make restitution; the thief shall pay 6 shekels of silver, and the nose and the ears of the slave shall be cut off; afterward they shall give him to his master; if he has stolen much, much shall be exacted of him; if he has stolen little, little shall be exacted of him. If his master says: "I will make restitution," then he shall make restitution; if he refuses, then the slave shall make restitution.

96. If a free man steals a storage jar of grain and the jar is found, he shall make restitution; the jar with the grain he shall refill, and 6 shekels of silver he shall pay and discharge his obligation.

97. If a slave steals a storage jar of grain and the jar is found, he shall make restitution; he shall refill the jar with grain and shall pay 6 shekels of silver and discharge his obligation.

These laws against theft are based on the same principles as the laws which preceded them. The king who put this code into operation modified many punishments, making them more humane. The reader will have noticed how many times occurs the phrase, "formerly the punishment was" so-and-so, "but now it shall be" so-and-so. In every case the punishment was lightened. In 95 the code for the first time permits mutilation. The nose and ears of a slave may be cut off. The section also throws interesting light on the limits of a master's responsibility for a slave's acts; he may or may not assume full responsibility for them as he chooses. It will be noted that slaves are presumed to have property of their own from which restitution can be made. They were not, then, more chattels.

Laws Relating to Fires

98. If a free man lights fire in a house and the house burns down and anything perishes in the house, be it human being kine or sheep, such an one shall not make restitution.

99. If a slave lights a fire in a house, his master shall make restitution for him. The nose and the ears of the slave shall be cut off and he be returned to his master. If he (the master) does not make restitution for him, then he shall give him (the slave) as security.

100. If anyone burns a silo (?) and consumes its grain, then for it in summer he shall raise grain (and) later give (it). If it was not in the straw, then he shall bring in the grain.

These laws relating to fire are more elaborate than those of the Hebrews or Babylonians. The one law about fire in the

Pentateuch (Exod. 22:6) refers to the accidental burning of standing grain. In dry Palestine that might easily happen, but the houses there were largely of stone and, except in time of war, destructive fires were almost unknown.

The one law about fire in the Code of Hammurabi (25) refers to stealing goods that have been removed from a burning house. Babylonian houses were of brick and fires were apparently not so common as among the Hittites. Perhaps the Hittite houses were more often constructed of wood.

Horticulture Laws

101. If anyone steals some vines, apple (?) trees, pear (?) trees, or onions, formerly he paid.....shekel of silver for one vine, 1 shekel of silver for one apple (?) tree,shekel of silver for 1 pear (?) tree,shekel for 1 measure (?) of onions, and was scourged with the rod in the palace; formerly they proceeded thus, but now, if one is a free man, he shall pay 6 shekels of silver; if he is a slave, he shall pay 3 shekels of silver.

102. If anyone steals from a wood pile, if it is 1 talent of wood, he shall pay 3 shekels of silver; if it is 2 talents of wood, he shall pay 6 shekels of silver; if it is 3 talents of wood, he shall pay 6 shekels of silver; if it is 3 talents of wood, it is (a case) for the king's court.

103. If anyone steals a standing crop---if it is a gipessar (acre?) of standing crop, he shall replant it and shall give 1 shekel of silver. If it is 2 gipessars of crop, he shall replant it and pay 2 shekels of silver.

104. If anyone cuts a pomegranate tree of pear (?) tree,shekels of silver he shall pay and discharge the obligation.

105. If anyone lights a fire and in (a vineyard) it catches the vines----if vines, apple (?) trees, pomegranate (?) trees, fruit trees are burned, for 1 tree he shall give 6 shekels of silver and shall replant the orchard, and discharge the obligation. If he is a slave, he shall pay 3 shekels of silver.

106. If anyone lights a fire in a field and it catches the standing crop and burns the field, he who lighted it shall take the burned field and shall give a good field to the owner of the field; in place of the one he burned.

107. If a person allows his sheep to enter the vineyard of a neighbor (?) and they lay it waste—if it is a cultivated vineyard, he shall give 10 shekels of silver, and discharge the obligation; but, if an uncultivated vineyard he steals apple-trees, he shall pay 3 shekels of silver.

108. If anyone steals apple-trees from a cultivated vineyard, if he steal 100 trees, he shall give 10 shekels of silver and discharge the obligation; but if in an uncultivated vineyard he steals apple-trees, he shall pay 3 shekels of silver.

109. If anyone steals from an orchard of fruit trees, and it is 100 trees, he shall pay 6 shekels of silver.

110. If anyone steals from a liquid a butt, as much as he stole a corresponding amount he shall pay.

111. If anyone is taken by....., witchcraft is a case for the king.

112. If for the field of a man at arms they give grain (the work of the plantation), they shall not, but in the fourth year.....with men at arms they shall take.

These horticultural laws should be compared with 59-66 of the Code of Hammurabi. The two codes reveal the differences in fauna of the two countries produced by the differences in fauna of the two countries produced by the differences in their climates. In Babylonia the orchards were planted mainly with date-palms; in the Hittite country, with vines and fruit trees. In Babylonia the laws have to do mainly with the conditions of leases; among the Hittites, mainly with theft and dangers from fire. Among the Hebrews the conditions and laws were different from those in both the other countries. Vineyards and olive orchards are the only kinds of horticulture mentioned in the codes, and the laws have to do mainly with pattern them lie fallow during the

seventh year and with directions to leave the gleanings for the poor. (See Exod. 23:11; Lev. 19:10; 25:3,4.) the vineyard is mentioned in order to bring its products under the law of restitution for damages which applied to an agricultural field.

Further Laws Concerning Theft

119. If a bird of a coop (?).....a cock, anyone steals, formerly he paid.....shekels of silver; but now he shall pay 12 shekels of silver and discharge the obligation.

120. If anyone steals some young (?).....birds, if there are 10 birds, he shall pay 1 shekel of silver.

121. If anyone steals a free peasant, they shall set him at liberty (?); formerly they did thus.....,but now he shall pay 6 shekels of silver and discharge the obligation. If it is a slave, he shall pay 3 shekels of silver.

122. If anyone steals the contents of a chariot, formerly he paid to the storehouse 1 shekel of silver, but now.....(shekels of silver he) shall pay, and discharge the penalty.

123. If a.....(anyone steals).....3 shekels of silver he shall pay and discharge the obligation).

124. If a.....(anyone steals.....shekels of silver) he shall pay and discharge the obligation. (If.....)

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anyone hides (?), then the field.....
.....then he stole.....(shekels of silver) he shall give and discharge the obligation.

125. If anyone steals a large jar.....(shekels of silver he shall pay).

126. If anyone steals an ornament (?) from the gate of the palace, he shall pay 6 shekels of silver. If anyone steals a copper figure (?), he shall give ½ Pa (10 Qas) of grain. If anyone steals of clothing 1 garment, he shall give 1 woolen garment.

127. If anyone in revenge takes a door and destroys it, he shall restore it and shall pay 1 mana of silver, and discharge the obligation.

128. If anyone steals bricks, he shall give as many as he stole. If anyone steals a foundation of stones, for 2 stones he shall give 10 stones. If anyone steals a stone figure (?) or a stone vase (?), he shall pay 2 shekels of silver.

129. If anyone steals from a horse or from a mule the reins (?) or the bridle....or a buckle (?) of bronze, formerly he paid 1 mana of silver, but now he shall pay 12 shekels of silver, and discharge the obligation.

130. If from an ox or a horse anyone steals a(.....shekels of silver he shall pay), and discharge the obligation

131. If (anyone steals) a leather helmet (?), he shall pay 6 shekels of silver (and discharge the obligation).

132. If (anyone steals) theof a free man (he shall pay) 6 shekels of silver (and discharge the obligation).

133. If (anyone steals the) of a free man (he shall pay.....) shekels (of silver).....

(About 8 sections are lost at this point)

142. (If).....

anyone goes.....(and he stole) a wooden lance (?), for 1 wooden lance (?) ½ Pa (10 Qas) of grain (he shall give. If he is a slave) for 1 wooden lance (?)......(of grain he shall give).

143. If anyone steals from a free man a bronze knife (?)......or a bronze.....he shall pay 6 shekels of silver and discharge the obligation. If he is a slave, he shall pay 3 shekels of silver.

144. If (anyone steals) a bronze razor from a barber.....and destroys it,If a lower garment with a border (?),.....he shall pay 10 shekels of silver. If anyone carries away.....(shekels of silver he shall pay).

The Babylonian and Hebrew codes have nothing to compare with these laws further than such laws against stealing as have already been mentioned. From the greater number of laws against theft in this code, we infer that stealing was much more common among the Hittites than among the other peoples under consideration.

Laws Fixing the Amount of Damages

145. If anyone (rents) a cattle stable, he shall pay 6 shekelsthis one in rent.....

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146. If anyone rents a house or a village or.....or.....and another comes and does damage to it, and he sells it, the malefactor shall pay 1 mana of silver, andthe seller shall buy (it).

147. If anyone hires an unskilled workman and another seriously injures him, the malefactor shall pay.....shekels of silver.

148. If anyone hires an ox, a horse, a mule, a mule or an ass and another seriously injures it, the malefactor shall pay.....shekels of silver.

149. If anyone sells a bull as a breeder and says: "It is dead," the owner finds it, then he shall take it and he (the malefactor) shall give for it 2 slaves, and discharge the obligation.

These laws find their nearest parallel in 234-240 of the Code of Hammurabi, where the responsibility of boatmen for the collision of boats on a canal is fixed. The details of the two codes are quite different, but the principle of responsibility for damages is the same.

Laws Fixing Wages

150. If a man goes for wages (for 1 month the wages are.....shekels of silver). If a woman goes for wages (for 1 month the wages are.....shekels of silver).

151. If anyone hires a plough-ox for I month the wages areshekels of silver).

152. If anyone hires a horse.....(for 1 month its hire is shekels of silver).

(At this point about 4 sections are broken away)

These sections should be compared with 268-277 of the Code of Hammurabi, which fix the wages of animals and of people.

The Rental of Various Objects

157. If it is a bronze axe of 1 mana weight, its rent for 1 month is 1 shekel of silver. If it is a bronze plate of ½ mana weight, its rental for a month is ½ shekel of silver. If it is a platter of 1 mana weight, its rental for 1 month is ½ shekel of silver.

158. If a man goes for wages at harvest (?) and undertakes the management of carts is lodged in a straw-barn, reaping a ripe field, his wages for 2 months are 30 Pas of barley. If a woman goes for wages in the kitchen (?), for 2 months 12 Pas of barley (one) shall give.

159. If anyone yokes up a pair of oxen, their wages are ½ Pa of barley.

160. If a smith makes a bronze kettle ofmanas weight, his pay is 100 Pas of barley. If he makes a bronze axe of 2 manas weight, his pay is 1 Pa of sesame.

161. If he makes a bronze axe of 1 mana weight, his pay is 1 Pa of barley.

162. If anyone turns back a canal, he shall pay 1 shekel of silver; if he diverts water from above, it is a matter of bargain (?); if he diverts water from below, it is his.

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While these laws have no exact equivalent in the other codes, they are in principle similar to the preceding group and should be compared to the same group of Babylonian laws.

Responsibility of a Shepherd

163. If in the herd of anyone there is a motherless animal, and it wanders away, and a shepherd takes the flock and does not tell his helper, and the helper does not know, and it dies, it is compensatable.

This law should be compared with 263-267 of the Code of Hammurabi, which are the same in principle.

Ritual Laws

164. If anyone goes to visit a divinity and has made him angry, he should offer as a sacrifice flour and wine.

165. Then he shall give 1 sheep, 10 loaves, and 1 jug of beer. Then afterward he shall offer a sacrifice for his house that the year may come around fortunately; then he may go to the front of his house.

166. If anyone sows seed upon seed, they shall put him by the side of the plough and harness a pair of oxen, and place this one over against those and them over against them, and the man shall die and the oxen shall die, and he who had first sown the field shall take it." Formerly they did thus.

167. Now 1 sheep shall be substituted for the man, 2 sheep shall be substituted for the oxen; he shall give 30 loaves, 3 jugs of beer; this is a purificatory sacrifice, and he who first sowed the field shall cultivate it.

This law is very interesting. Sowing one kind of seed on top another was regarded as desecration. The feeling against it was even stronger that that which underlay the prohibitions in Deuteronomy 22:11 against wearing a garment made of wool and linen mixed; it was sacrilege and in earlier time had been expiated by the killing of the offender and two oxen. In this code sheep are substituted for the man and the oxen just as in Exodus 34:20, the first-born of a man and of an ass could be redeemed with a lamb. This mingling of civil laws with ritualistic

requirements has no parallel in the Babylonian code. In this respect it stands nearer to the Pentateuch than does the Code of Hammurabi.

168. If anyone will establish the boundary of a field, he shall bring an offering: the owner of the field shall mark off 1 gipeshar and take it. He who would establish the boundary shall give 1 sheep, 10 loaves, 1 jug of beer; then afterward the field is sacrosanct.

169. If anyone acquires a field and he establishes the boundary, he shall take flour and throw it toward the sun-goddess and say: "thou has planted my plants in the ground!" Then he shall say: "Sun-goddess and Teshub, be not angry!"

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The first of these laws is similar in purpose to some of the ritual laws of Leviticus, though the details and application are different. Others are quite peculiar to the Hittites.

A Witch Law

170. If a free man kills a serpent and speaks the name of another, he shall pay 1 mana of silver; if a slave, he shall die.

Probably killing the snake as one pronounced the name of another was believed to direct the wrath of the snake toward that other so that the snake should not be satisfied until he killed the bearer of the name. It would be equivalent to casting a death-spell upon the man so named. This law, then, should be compared with 1,2 of the Code of Hammurabi and with Exodus 22:18 and Deuteronomy 18:10, ff.

171. If a mother turns up the garment of her drunken (?) son, she removes him from her children. If afterwards her son comes and seizes her door and puts away drink (?), he may return and take his bed and his pillow (?); and, as he renounces drink (?) and takes them, her son afterwards shall become her son.

This law should be compared with 192, 193 of the Code of Hammurabi—the nearest approach to such a law in the other codes.

Laws Regulating Prices

172. If anyone keeps alive for a year a free man who is destitute, he shall give its equivalent; if a slave shall give 10 shekels of silver.

173. If anyone shall resist the justice of the king, his house shall become a ruin; if anyone resist the justice of a dignitary, his head is in his power; if a slave rises against his master, he shall put him in a large pot.

174. If men are in a fight and one dies, one person he shall give.

175. If a shepherd or an ointment-maker takes a free woman and she is a slave for 2 years or 4 years, her children belong to the household; those that belong to the household no one may take.

176A. If anyone takes from the courtyard a full-grown bull, he is liable to the punishment of the king. In the third year he genders. The plough-ox, the ram, the billy-goat gender in the third year.

B. If anyone hires an artisan, either a potter, a smith, a carpenter, a shoemaker, a tailor, a weaver, or a maker of lace, he shall pay 10 shekels of silver.

177. If anyone employs a skilled bird-raiser, he shall pay 25 shekels of silver; if he employs and unskilled man or woman, he shall pay 20 shekels of silver.

178. The price of a plough-ox is 15 (?) shekels of silver. The price of a full grown ox is 10 shekels of silver; the price of a full grown cow is 7 shekels

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of silver; the price of a plough-ox and a cow a year old is 23 (?) shekels of silver; for a six-months old bull-calf one shall give 4 shekels of silver; if it is for a pregnant cow, 8 shekels of silver; for a calf the price is 2 shekels of silver for a stallion, a broken mare, a he-ass, a broken she-ass, the prices are similar.

179. If the price of 1 sheep is 1 shekel of silver, the price of 3 goats is 2 shekels of silver; of 2 lambs, 1 shekel of silver; of 2 kids ½ shekel of silver.

180. If the price of a saddle horse is 20 shekels of silver, the price of a mule is 1 manna of silver; the price of a horse is 14 shekels of silver; the price of a stallion one year old is 10 shekels of silver; the price of a dry mare one year old is 15 shekels of silver.

181. The price of a male colt and a mare six months old broken to the yoke is 4 shekels of silver. The price of 4 manas of bronze is 1 shekel of silver; of 1 zimitan of refined oil, is 2 shekels of silver; of 1 zimitan of honey, is 1 shekel of silver; of 2 cheese, is (1 shekel of silver); the price of 3 (measures) of yeast is 1 shekel of silver.

182. The price of sacrificial garment is 12 shekels of silver; of a lower garment, is 30 shekels of silver; of a blue woolen garment, is 20 shekels of silver; of a ceremonial garment, is 10 shekels of silver; of an apron, (?), 3 shekels of silver; of a storm-cloak (?), is 4 shekels of silver; the price of a turban is 1 shekel of silver; of ais 3 shekels of silver; of a; of a web of 7 manas weight, the price is.....shekels of silver; of 1 large loin-cloth, 5 shekels of silver.

183. If the price of 3 Pas of sesame is 1 shekel of silver, the price of 4 Pas.....(is.....shekels of silver; the price of) 1 Pa of wine is ½ shekel of silver; of a Pa (of.....is.....of silver); (the price of) 1 lot of land for building (?) is 3 shekels of silver; the price) of a lot of land for a yard (?) is 2 shekels of silver (if) for a farming-field one gives 1 shekel of silver.

184. This is the regulation in the city; (that for the country is) analogous.

185. The price of 1 unit of a vineyard is 1 mana of silver; of the skin of a full-grown ox, is 1 shekel of silver; of 5 skins of six-months old calves is 1 shekel of silver; of 10 skins of cattle, is 1 mana (!) of silver; of the skin of a woolly sheep, is 1 shekel of silver; of 10 skins of sheared sheep, 1 shekel of silver; of 10 skins of sheared sheep, 1 shekel of silver; of 4 goat skins is 1 shekel of silver; of 15 clipped goat-skins is 20 shekels of silver; of 20 lamb-skins is 1 shekel of silver; of 20 kid-skins is 20 shekels of silver. He who buys the flesh of two full-grown cattle shall give 1 sheep.

186. Anyone who buys the flesh of 2 cattle a year old shall give 1 sheep; he who buys the flesh of 5 cattle six-months old shall give 1 sheep; the flesh of 10 calves, shall give 1 sheep; the flesh of (20) kids, shall give 1 sheep.

These laws which fix prices are parallel to 268-277 of the Code of Hammurabi, already referred to, though they differ from the Babylonian laws, they fix prices—a procedure from which modern economists have dissuaded most modern governments.

Against Unnatural Sins

187. If a man lie with a cow, the punishment is death. They shall bring him to the gates of the king. The king may put him to death, or the king may let him live, but he shall not come near to the king.

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188. If with a.....a man lie. the punishment is death. They shall bring him to the gates of the king. The king may put him to death, or the king may let him live, but he shall not come near to the king.

The unnatural sin here punished by death is also recognized in Exodus 22:19 and Leviticus 20:15, where the death-penalty is also imposed upon it. The Hittite law provides for a possible pardon by the king, but the Hebrew law leaves for the culprit no way of escape from death.

Against Incest

189. If a man lie forcibly with his own mother, it is punishable with death; if he lie with his daughter, it is punishable with death; if he lie with his son it is punishable with death.

190. But, if they come together willingly, the man and the woman, it is not punishable. If a man lied forcibly with his step-mother it is not punishable; but if his father is living, it is punishable.

These laws touch upon the subject treated at much greater length by the Law in Leviticus 18:6-18 and 20:10-21. The Hebrew laws were much more strict, and guarded the purity of the family circle much better than the Hittite.

Against Adultery and Fornication

191. If a free man comes together with the wife of a neighbor, if it is out of doors, there or there, it is no punishable. If (they do it) a second time,it is punishable.....

The Hebrew law was much more strict in such cases; cf. Deuteronomy 22:22-29.

On Killing a Man's Wife

192. If a man kills a woman, the bereaved husband may take his wife.....it is not punishable.

A Levirate Law

193. If a man takes a wife and the man dies, his brother take his wife; then his father take her; if also his father take her; if also his father dies, the woman which he married his brother take; it is not a crime.

This law is somewhat similar to the Levirate law of Deuteronomy 25:5-10. That law, like this, provides for the marriage of a widow by a brother, only in case the brother dies without a son; it makes no provision, like the Hittite law, for the father to take her.

The Hebrew law further provides a method of renouncing the obligation to take the woman. The provision that, after one son has had the woman, the father should take her, finds a parallel in the story of Tamar in Genesis 38. The provision that, if the man's father dies, the father should take her, finds a parallel in the story of Tamar in Genesis 38. The provision that, if the man's father dies, the father's brother shall take her, carries the Levirate law further than any Semitic people did.

Professor Meek has objected that the Hittite had no Levirate law, because the statute is only permissive, not obligatory. His own statement, however, "the institution with the Hittites had become quite obsolete, so obsolete and out of favor that a law had to be formulated to make it legal," admits that they had the Levirate. He is probably right in thinking that it was out of favor at Hittite City, but the law is evidence that it was still practiced there, and in less civilized branches of the same stock was probably still followed.

Further Laws on Adultery and Rape

194. If a free man comes together with a slave woman, either here or there, there is no penalty. If a father or brother spend the night with a free woman, there is no penalty. If a father and son spend the night with a slave girl or a prostitute, there is no penalty.

195. If a man spends the night with the wife of his brother while his brother is living, it is punishable with death. If a man marries a free woman and has intercourse with her daughter, it is punishable with death. If he marries a daughter and has intercourse with her mother or sister, it is punishable with death.

These laws should be compared with Leviticus 18 and 20 and Deuteronomy 22, which treat of the same subject. Such a comparison shows that Hittite social morals and ideals were on a lower plane than those of Israel.

Against Various Kinds of Disorder

196. If slave men and slave women sleep together and go to one city and another city and make a disturbance, 1 sheep for this and 1 sheep for that is the perfunctory offering.

197. If a man seizes a woman in the mountain and commits the human crime, he shall die. If he seizes her in a house, the woman is at fault, she shall die. If the husband finds them and they are killed, there is no penalty.

198. If he brings them to the gate of the palace and says: "Let not my wife die," he may let his wife live; he may also let the ravisher live, but in that case he shall scar his head. If he shall say: "Let the two die," then they shall receive their punishment. The king may kill them; the king may let them live.

T.J. Meek, *Hebrew Origin*, New York, 1936

The last two of these laws should be compared with Deuteronomy 22:22-17. The principles underlying the two codes are here the same, though the application is different. The Hittite code

makes provision for sparing the life of the guilty man and woman, while the Hebrew law does not.

More Unnatural Sins

199. If a man lies with a hog or a dog, he shall die. They shall bring him to the gate of the palace, and the king may put him to death, or the king may let him live; but he shall not come near to the king. If a bull rear upon a man, the bull shall die, but the man shall not die; 1 sheep is the purificatory offering; then they shall kill it. If a boar rear upon a man, there is no penalty.

200. If a man lies with a horse or a mule there is no penalty, but he shall not come near the king and he shall not become a priest. If (a man).....sleep with hierodoule (?).....that one.....there is no penalty. If anyone gives a son.....(if he is) a carpenter (or a potter, or a weaver), or a shoemaker, or a tailor, or a (smith), he shall pay 6 shekels of silver. If an artisan of Teshub (?) or the sun-goddess, then he shall give 1 slave.

This last section apparently refers to intercourse with religious prostitutes, though it is too broken to enable us to be sure of the details.

The code as a whole reveals the life of the Hittites as both attractive and repulsive. They were an agricultural people; the land seems to have been held by the community in common and let out on condition that it would be cultivated and certain military duties performed. Irrigation was practiced; fires were much more abundant than in Babylonia, and thefts much more frequent. Judging by the number of laws against it, the people were much given to stealing. Slaves were numerous, but seem to have been allowed a good deal of liberty. Their religious customs and regulations, but there are such differences as to prove them independent of Israel. There is to be detected in it some influence of the Babylonian laws, but, on the whole, it is slight. The Hittite laws are so different from those of Babylon that they were clearly the product of Hittite life and experience. One interesting feature of this code is that it frequently modifies earlier customs and regulation in the interest of humanitarianism.

The final sections of the code, however, leave a painful impression. They show the Hittites as recognizing and legitimatising a bestiality of which we would gladly think them innocent.