

CHAPTER XV

PART OF AN ASSYRIAN CODE OF LAWS

ASSYRIAN LAWS WITH COMPARISON OF BIBLICAL AND BABYLONIAN LAWS.

DURING the excavation of Kalah-Sherghat, the ancient Ashur, by Andrae (see above p. 38), and archive of tablets was found which contained two tablets of considerable size and several smaller fragments on which had been written a code of Assyrian laws. It is difficult to date the writing of these documents, but, from a number of considerations, they appear to come from the period between 1450 and 1250 B.C. Perhaps they were compiled about the time the Hittite code was being put into the form of the length of the Code of Hammurabi and one third the length of the Hittite code, it is fair to assume that there were originally two or three more tablets in the collection on which the whole code was inscribed.

Tablet A

Laws Concerning Women

1. If a woman, the wife of a man, or the daughter of a man enters into a temple that she may steal anything from the shrine, and it is found (in her hand), they shall examine her or establish it and shall inquire of the god; according as he commands to do to the woman, they shall do to her.
2. If a woman, whether married or the daughter of a man, shall speak blasphemy or utter sedition, that woman shall bear her sin. Unto her husband, her sons, or her daughters they (the officers of the law) shall not approach.
3. If a man is sick or has died and his wife steals anything from his house and gives it to a man and the one who received (it) they shall kill. And if the wife of a man whose husband is living steals from the house of her husband, whether she gives it to a man or a woman or to anyone whatsoever, the man shall examine his wife and impose punishment (literally "fix her sin"), and the receiver who received (the goods) from the man's wife shall make restitution, and shall receive (the goods) from the man's wife shall make restitution, and shall receive the same punishment which the man inflicts on his wife.
4. If a slave of bond-woman receives anything from a man's wife, the nose and ears of the slave or the bond-woman they shall cut off and they shall

Otto Schoreder, *Keilschrifttexte aus Ashur Verschiedenen Inhalts*, Leipzig, 1920 – translated by Jastrow in the *Journal of the American Oriental Society*, Vol 41, 1921, pp. 1-59; also by V. Scheil, *Recueil de lois assyriennes*, Paris 1921, and by G.R. Driver and John C. Miles, *The Assyrian Laws*, Oxford, 1935.

make restitution; the husband shall cut off the ears of his wife; but, if he spares his wife and does not cut off her ears, they shall not cut off the ears of the slave or the bond-woman and they shall not make restitution.

5. If the wife of a man steals anything from the house of another man which exceeds the value of a 5 manas of lead, the owner of the stolen property shall swear thus: "they were seized," and: "They were stolen from my house." If her husband wishes, he may make restitution and ransom her and cut off her ear. If her husband does not wish to ransom her, the owner of the object may take were and cut off her nose.

6. If the wife of a man makes a deposit in a pawn-shop he who receives it is guilty of theft.

7. If a woman stretches out her hands against a man, they shall arrest her; she shall pay 30 manas of lead and receive 20 strokes of the rod.

8. If a woman in a fight crushes a man's testicle, they shall cut off one of her fingers. If a physician binds up the man and the other testicle is involved and destroyed, or becomes inflamed, or if in a fight both testicles are crushed, they shall destroy her breasts.

9. If a man lifts up his hand against the wife of a man and acts like a young wild ox (?) they shall arrest him and try him; they shall cut off one finger. If he kisses her, they shall cut off his lower lip with a poisoned bronze (knife?) whose edge is sharp.

10. If a man or a woman enters (a house) and kills (a man) or a womanthe murderers.....before him.....they shall kill.....they shall take.....the murderers.....anything.....a son or daughter.....in the house (?).....
.....whose.....they shall destroy both.

11. If a man's wife is going along the highway and a man seizes her without saying to her, "Let us embrace," she does not consent, she defends herself, he is strong, he rapes her, whether he is caught on the wife of a man of witnesses see him; they shall kill the man; the woman was not to blame.

12. If the wife of a man goes from her house unto a man and goes to a place where a man lives and he has intercourse with her, and knows she is the wife of a man they shall kill both the man and the woman.

13. If a man's wife and a man, either in a house of prostitution or on the highway, he knowing that she is a man's wife, has intercourse with her, as if he were the man whose wife she is (and) they agree in the deed, the man has committed adultery. If not knowing that she was a man's wife he had intercourse with her, the man is innocent of adultery. The husband shall take his wife and do with her what he pleases.

14. If a man finds a man with his wife, they shall make examination and establish it and put them to death. That (putting them to death) is not his establish it and put them to death. That (putting them to death) is not his sin. If he is caught and brought before the king or the judges, they shall examine him and establish his guilty. If the husband of the woman has killed his wife, then the man they shall kill. If he has cut off his wife's nose, they shall make the man an eunuch and mutilate his whole face. If (the man) forgives his wife, the man (shall be forgiven).

15. If a man's wife deceives a man, there is no blame attaching to the man; the husband of the woman shall visit punishment upon his wife as he wishes. If by force he has violated her, they shall examine him and establish it; his punishment shall be according to that of the wife of the man.

16. If a man speaks to a man as follows: "they have violated they wife," and there were not witnesses, they shall throw that man into fetters and bring him to the river.

17. If a man says to his companion either in secret or in a brawl, as follows: "They violated thy wife and I saw it" (when) it was not possible to see it and that man did not see it, they shall give him forty strokes with a scourge and he shall perform a full month of service for the king. They shall crop him and pay a talent of lead.

18. If anyone in secret utters a slander against his companions, as follows: "They had intercourse with thee," or in a brawl he says in the presence of men, "They had intercourse with thee and I saw thee" (when) he was not able to see, and that man did not see, they shall give him 50 lashes with a scourge, he shall perform a full month's service for the king, they shall crop him and he shall give a talent of lead.

19. If a man has intercourse with his companion, they shall arrest and try him. If he had intercourse with him, they shall make him an eunuch.

20. If a man strikes the daughter of a man and causes a miscarriage, they shall arrest him and try him; he shall pay 2 talents 30 manas of lead, they shall give him 50 lashes with a scourge, and he shall perform a full month's service for the king.

21. If one who is neither the father, brother nor son of a man's wife, but another, seize her on the road, he shall swear that he did not know that she was a man's wife, and shall pay 2 talents of lead to her husband.

22. If, when.....(a man gives) shelter (to a man's wife), and if.....the man's wife is not raped (because) the man gave a shelter to the man's wife, he shall go (to the river); he shall not be bound, If he returns from the river, as the woman's husband did to his wife shall do to him.

23. If a man's wife takes another man's wife into her house and gives her to a man to have intercourse with, and he, knowing that she is the wife of a man, has intercourse with her he shall be treated as one who has had intercourse with a married woman, and the procuress shall be treated as the woman's husband has treated his adulterous wife. If the woman's husband does nothing to his adulterous wife, nothing shall be done to the adulterer and procuress; they shall release them. And, if the man's wife did not know, and the woman who received her into her house brought her because of the man's intention toward her and he had intercourse with her, if whence goes from the house, she confesses that they had intercourse, they shall let that woman go; she is innocent. The adulterer and the procuress they shall kill.

24. If a man's wife is, in the presence of her husband, forcibly and bodily carried away, whether within a large city or in the suburbs to a house they have appointed, and she enters the house of an Assyrian man and lives with the mistress of the house three or four times, and the master of the house does not know that it is a man's wife that is living in his house, then the owner of the house whose wife was forcibly and bodily carried away in the presence of her husband, he and his wife take the blame. The married woman with whom his wife stayed they shall seize and shall cut off her ear. As his punishment her husband shall pay 3 talents 30 manas of lead as her price and fault, and shall take his wife.

But if the owner of the house knew that it was man's wife that was brought into his house with his wife, he shall pay thrice as much. And if he resists and says, "I did not know,;" they shall bring him unto the river. And if the man in whose house the man's wife was caught refuses the river. And if the man in whose the man's wife was caught refuses the river, he shall pay three times as much. If the man whose wife was forcibly and bodily carried off in this presence refuses the river, he is innocent; the river settles all that, and if the man whose wife was forcibly and bodily carried off in his presence, does not mutual t his wife, he shall take her as his wife; nothing further is imposed.

25. If a woman is retained in her father's house and her husband dies, the brothers of her husband may not divide, though she has no son. Whatever as a free gift her husband settled upon her the brothers of her husband cannot annul, into the division it shall not go. Upon the rest that the gods have provided they may lay hands and take. To the river (ordeal) and oath they shall not be subjected.

26. If a woman is detained in the house of her father and her husband dies, anything that the husband has settled on her as a free gift, if there are children of her husband, they may take; if there are no children of her husband, she may take what is left.

27. If a woman is detained in the house of her father, her husband may enter, and whatever her husband has given her as a gift that he may take; to that which belongs to her father's house he may not lay claim.

28. If a widow enters a man's house and brings with her her minor son from the house of her brother who had brought him up, and her husband did not write a tablet of adoption, he shall receive no share of the estate of the one who brought him up, nor can one take him as a pledge. In the house of his ancestry he shall receive a portion according to his share.

29. If a woman enters the house of her husband, her dowry and whatever she brings from her father's house and what her father-in-law gives her when she comes is free for her children; the sons of her father-in-law may not touch it, but if her husband divorces her, he may give it to his children as he pleases.

30. If a father carries to the house of the father-in-law of his son anything that can be carried, the woman is not thereby pledged to his son. If a second son, (and) he whose wife is detained in the house of her father dies, the wife of his dead son shall be given to his other son as a possession. If the master of the daughter who received the gift is not favorable to the betrothal of his daughter, at his pleasure the father who brought the gift may take (a girl) and give as a bride to his son. At his pleasure he may take as capital as much as he brought of lead, silver and gold; but not food. Food he may not touch.

31. If a man sends a betrothal gift to the house of his father-in-law and his wife dies, should his father-in-law have another daughter, at the pleasure of his father-in-law have another daughter, at the pleasure of his father-in-law he may take the daughter of his father-in-law instead of his dead wife, or at his pleasure he make take again the silver which he had given. Grain or sheep or anything that is eatable they shall not give back to her he receives only money.

32. If a woman is retained in the house of her father and her dowry has been granted, whether she has taken it to the house, of her father-in-law nor has not taken it, it may be attached as interest on a debt and obligation of her husband.

33. If a woman is retained in the house of her father and her husband has died and there are children,.....his.....
.....and.....unto her father-in-law have died and she ahs no son, she is a widow and may go whatever she pleases.

34. If a man cohabits with a widow without a formal contract and she lives 2 years in his house, that woman shall not depart from his house.

35. If a widow enters the house of a man, whatever she brings all belongs to her husband; and if the man enters in unto woman, whatever he brings all belongs to the woman.

36. If a woman is retained in the house of her father, though her husband would have her dwell in a house apart (?), and her husband has gone to the field and has not left her oil, wool, clothing, food await her husband for 5 years and not live with (another) man. If she has children, they shall not live with a man. If she has not children she shall await her husband five years; at the incoming of six years she may dwell with the husband of her choice. Her (first) husband on his return shall not come near to her; she is pledged to her last husband. If for five full years he is absent voluntarily and does not come near (her), either because a voice seized him and he fled, or because as a rebel he is caught and detained, he shall give a woman in place of his wife and shall take his wife. Or if the king sends him to another country and detains him for a space of five years, and his wife awaits him and does not dwell with a husband, of if before five years awaits him and does not dwell with a husband, or if before five years she does not dwell with a husband

and bears him children, her (first) husband on his return, because her obligation was not fulfilled, ---she shall be restored to him, hand he shall take the children.

37. If a man divorces his wife, he may give her whatever he pleases. If he does not wish, he may give her nothing and she shall go forth empty-handed.

38. If a woman is detained in the house of her father and her husband divorces her, anything which he has voluntarily settled upon her he may take. He may not touch her marriage portion which she brought; it is secured to the woman.

39. If a man has given to a husband a girl not his daughter but whose father had formerly given her in pledge for a debt (and) the former debtor (?) come, he shall receive recompense for the woman from the man who gave her in marriage. If the man who gave her has nothing to give, he who pledged her may take him. But if she is living in ill-treatment, she is quit of him who ill-treats her. If the man who married the woman, either by signaling a contract or executing a legal obligation, gives satisfaction, the man who gave her in marriage is quit.

40. Whether wives of men.....or women.....on the street (shall veil) their heads. Men's daughters.....whether out-door (?) garmentsor.....garments, or.....shall be veiled.....their

heads.....whether.....whether.....veiled, if she walk on the street by day she shall be veiled, the hierodule who has taken a husband shall be veiled on the street is uncovered, the foreign captive woman is veiled, the prostitute is unveiled, her head is uncovered, the foreign captive woman is veiled, the prostitute is unveiled, her head in uncovered; whoever sees a prostitute veiled shall seize her, he shall summon witnesses and take her to the portal of the palace. Her ornaments they shall not take away, but the garment in which she was seized they shall take. They shall give her 50 lashes and pour asphalt on her head. But if a man shall see a prostitute veiled and shall let her go and not bring her to the portal of the palace, they shall inflict on the man 50 stripes, his *batikan* and his garment they shall take, they shall pierce his ears, shall insert a cord in it, and bind it behind him and for one full month he shall perform work for the king. Female slaves are not veiled. Whoever sees a slave-woman veiled shall seize her and bring her to the portal of the palace; they shall cut off her ear. He who seized her shall take her garments. If a man sees a slave-woman veiled and lets her go and does not seize her, and does not take her to the portal of the palace, they shall arrest and try him; they shall give him 50 lashes, pierce his ear, insert a thread and bind it behind

him, his *batikan* and garment they shall take, and for one full month he shall perform labor for the king.

41. If a man veils his captive woman, brings in 5 or 6 companions, veils her in their presence and says, "She is my wife," she is his wife. That captive woman who is unveiled in the presence of men, whose man does not say, "She is my wife," is not his wife; she is a captive woman. If a man dies and his veiled wife has not children, the children of the captive woman are their children; they take their portion.

42. If a man pours oil on the head of a man's daughter on the day of anointing and brings marriage-gifts (?) on a feast-day, they shall not be returned.

43. If a man pours oil on the head and brings marriage-gifts(?), if the son whose wife they were betrothing either dies or flees, he may give her to whomsoever he may please among his remaining sons from the oldest to the youngest, even to one of the 10 years. If the father dies and they whose wife they were betrothing dies, should there be a son of the dead ones of ten years of age, he takes her. If the grandsons are younger than ten years, the father of the girl may give the

girl (in marriage) at his pleasure and make recompense in equity. If there is no son, whatever was received of precious stones, not eatables, the capital he shall return; he shall return nothing eatable.

44. If an Assyrian man or an Assyrian woman is detained in a man's house as security for any sum whatever up to his full value they may flog, pluck out his hair, his ear they may mutilate and pierce.

45. If a woman is married and enemy captures her husband, and she had not father-in-law or son, she shall await her husband for two years. During these two years she may go and say that she has no food and be dependent of the palace..... shall feed her. Its (work) she shall do, she is a.....
.....field.....she shall go (and say) for food.....the judges shall ask the rulers of the city that they go to the field in that city and give the field and house to her to work for her support for two years. She dwells there and they write a tablet for her. When two years have been fulfilled she may live with the husband of her choice; they write her a tablet for widowhood. If at a future time her lost husband returns to the country he may take from his wife what they had acquired together; he shall not touch the children she may have borne to their second husband; her second husband takes them. The field and house which they had given for her support at its full value is theirs together. If he does not return it to the control of the king, he shall pay the value given and then take it. But if he does not return but dies in another country, he gives his field and house in place of that which the king gave.

46. If a woman whose husband has died had not gone out from her house for a year, and if her husband had not assigned anything to her in the houses of her sons, she may live where it is convenient. The sons of her husband shall nourish her with food and drink; they shall bind her to themselves as a bride whom one loves. If she is a subsequent wife and had no children, she should dwell with one and together they shall support her. If she has sons, where she pleases, she may dwell; her own sons shall support her and she shall do their work. And if among the sons of her husband the one who has taken her to support her.....support her.

47. If either a man or a woman practices magic and is caught in the act, they shall arrest and try them; they shall kill one who practices magic. A

man who witnesses the practice of magic, one who hears from the mouth of one who says "I saw sorcery," shall go and report it to the king. If a witness who should report to the king denies it, and in the presence of the divine Ox, the son of Shamash, shall say, "I never said it," he is free. The witness who reports and then denies the king shall question as much as he is able and see his inmost thoughts. When the sorcerer I brought to the king, an officer shall make him confess and say to him, "The oath which you have sworn to the king and his son he will not absolve thee; according to the tenor of the document which thou hast sworn into the king is the oath."

48. If a man has retained the daughter of a debtor as security in his house, he may ask her father and give her to a husband; if the father refuses, he may not give her. If her father has died, he shall ask one of her brothers and that one shall speak to the (other) brothers. If a brother says, "I will redeem my sister within a month"---if within a month he does not redeem her, the creditor is free to do as he pleases; he may give her to a husband.....tenor.....give her.....shehim.....them.....him.

49.with.....with the brother. But if the prostitute dies, because of this her brothers say, “her.....a portion with her brothers,” (then) her brothers may divide their estate (?).

50. If a man strikes a woman and causes a miscarriage..... the man’s wife andand.....he shall make, in (place of) her fruit he shall make restitution for a human life. If that woman dies, they shall kill the man. And if the husband of the woman, whose wife was struck so that she has miscarriage, has no son, as atonement of the embryo they shall kill him who struck the blow. If what was in her womb was a developed fetus, he shall make restitution for a human life.

51. If a man strikes the wife of a man not yet advanced in pregnancy so that she has a miscarriage, for that offense he shall pay 2 talents of lead.

52. If a man strikes a harlot so that she has a miscarriage, they shall inflict on him blow for blow. He shall make restitution for human life.

53. If a woman by herself causes a miscarriage, they shall arrest her and put her on trial, they shall impale her on stakes and shall not bury her. If she dies in consequence of the miscarriage, they shall impale her on stakes and shall not bury her. If they curse that woman on account of her miscarriage, they shall say.....

.....

54.there is not.....
.....slave-girls.....

55. If a man takes a virgin from the house of her father and does not return her to her father, if she has not been deflowered or takes as a wife of held for a claim on the house of her father, and man who seizes the virgin, whether within the city or the country or by night on the highway or at a house of feasting or a city feast, and violates her, the father of the virgin may take the wife of the seducer of the virgin and give her to be ravished. To her husband he may not return her; he takes her. The father of the ravished girl gives her to the seducer as a possession. If he has no wife, the seducer shall give to her father 3 times the price of the virgin. The seducer who seized her shall not divorce her. If the father does not wish to receive 3 items the price of the virgin, he may give his daughter to whomsoever he pleases.

56. If a virgin of her own accord gives herself to a man, the man must swear (it). His wife they shall not touch. Three times the price of the virgin the adulterer shall give and the father of the girl do with her whatsoever he pleases.

57. Whether one strikes or (seduces) a man’s wife, a tablet is written.....

58. For all offenses.....the cutting orand folding (?) as a pledge (?)as it is written.....

59. On the correction of offenses (which are committed) which are written on (this) tablet, a man may (flog) his wife, pluck out her hair, may bruise and destroy her ears. There is no liability.

Here the first tablet of the Assyrian code ends, and with it the laws relating to women. Neither in the Code of Hammurabi nor in the Pentateuch nor the Hittite code have we as many laws relating to women as are found in this Assyrian code. On the whole, Assyrian society seems to have been more barbarous and more given to sins of lust than the Babylonian, though, in the

portions of the Assyrian code that have been recovered, we find no such references to unnatural sins as are contained in the Hittite code.

Without going into great detail, we may note that the principles on which adultery and rape are punished are the same as those which underlie the Babylonian laws on chastity, marriage, and divorce. The same is true of the laws controlling the dower rights of women; (see Code of Hammurabi, 128-161). These principles are some of them also found in the laws of Leviticus and Deuteronomy. The Biblical passages referring to them have been cited above in Chapter XIII, p. 393 ff, and it does not seem necessary to repeat them here. The death-penalty for adultery, for example, imposed in so many sections of the Assyrian code, is paralleled in Leviticus 20:10 and Deuteronomy 22:22. The Assyrian law, however, commits the wife to the mercy of her husband in a way without parallel in the Bible. It also provides for mutilation of the face and hands in a way without parallel in Babylonia and Israel. Some slight parallel both to the power of the husband and to mutilation is found in the Hittite code, for example, 198, but of all these people the Assyrians were the most primitive in their attitudes toward such matters.

A number of sections of the Assyrian laws provide for the ordeal of plunging into the river. Sometimes the culprit was bound, as of plunging into the river. Sometimes the culprit was bound as in 16, and sometimes unbound as in 22. Hebrew law provided an ordeal for one similar case (see Num. 5:11-28), though the nature of the ordeal was different.

In 43 of this Assyrian code we have a Levirate law which reminds us of that in Deuteronomy 25:5-10, though the purpose of it is different; the Biblical law is designed to secret offspring for a

deceased man; the Assyrian, to provide a husband for a widowed woman.

In 40-43 we have an interesting parallel to the Hebrew custom of piercing the ear, provided for in Exodus 21:6 and Deuteronomy 15:17, though the purpose is different in the two countries; in the Palestine it was a mark of perpetual slavery voluntarily assumed; in Assyria, it was a punishment for crime.

The 47th section of the Assyrian code contains a law against the practice of witchcraft similar to that in the Code of Hammurabi, 1 and 2. A similar law is found in Exodus 22:18 and another in 170 of the Hittite code; though in each code the provisions differ in details.

The second of the tablets containing the Assyrian laws is much broken. The parts of it which can be made out are numbered with Roman numerals in order to call the reader's attention to the fact that they do not run consecutively, as do those of the first tablet.

Tablet B

Laws Concerning Real Estate

I.lands (?).....of land (the oldest son) shall lay claim to 2 portions and take them, and his brothers afterward equally shall claim and take. The youngest son may claim from cultivated land provisions and a portion (?) of whatever is cultivated. The oldest son may claim and take 1 portion, and as his second portion may demand (service) of his brothers.

II. If one among brothers of an undivided estate destroys human life, they shall hand him over to the master of the human life. At his pleasure the owner of the human life may kill him; but shall hand him over to the master of the human life. At his pleasure the owner of the human life may kill him; but should he please, he may pardon him and take his share.

III. If one of the brothers of an undivided estate shall utter sedition of flee, his portion is the king's according to his pleasure.

IV. If brothers are on an undivided estate (and) one of the brothers sows.....seed.....cultivates the field.....and goesthe grain of his brother.....a second time.....they shall arrest him and put him on trial.....shall cultivate.....shall take.

V. (If brothers are on) an undivided estate (and one of) them..... goes.....

VI. (If) for silver a man would acquire (a house and field) he must bind himself not to acquire (that) house (and field) for one month. In the city Ashur the court officer shall cause it to be cried 3 times; 3 times he shall cause to be cried in the city the house and field which he would acquire, as follows: "The house and field of So-and-So, the son of So-and-So, within the limits of this city I would acquire for (silver); whatever their demands and price may be, let them bring their tablets and deposit them with the recorder, let them state the price, let them make if free and let them take it." If within that month, adjudged as the time limit, they do not neglect to bring

their tablets, the man shall establish the boundary of his field and take it. On the day that the court officer causes it to be cried in the city of Ashur, one of the officers from the king's presence, the city scribe, the court officer and a representative of the prefect and three elders of the city shall sit in session. The court-officer shall make proclamation, they shall write their tablets and deliver (them).

But if within that month that the court officer proclaims 3 times--if in that month he does not bring his tablets and does not deposit them before the recorder, on the field and house his hand is stayed. They are free to him how had the heralds make proclamation. Three tablets of the proclamation shall be written by the court officer of the judges shall be written.....

VII.

as muchhe may claim (?).....forand the price.....(of what) they injured.....twice the price of the house.....he (shall recover) for the owner of the house, unto 1 talent of lead; they shall inflict on him five (stripes) (and) he shall perform (a full month's) service for the king.

VIII. If a man encroaches greatly on his neighbor, they arrest him and determine his guilt; he shall give three times the area of the field that the encroached. They shall cut off one of his fingers, give him 100 lashes, and for an entire month he shall perform work for the king.

IX. If a man violently makes a small encroachment on a lot, they shall arrest him and put him on trial; he shall pay 12 talent of lead. The area of field which he had violently taken he shall restore; they shall give him 5 lashes, and he shall perform 1 full month's service for the king.

X. If a man digs a well of makes a dyke in a field not his, for his well or dyke they shall give him 30 strokes; twenty days he shall (perform) work for the king. Ifthe dyke.....(he shall do) work, the shall wear.....as follows: "If.....well not.....and work.....owner of the field.....inwell.....

XI.

and.....creditor.....to cultivate.....and whether.....

.....creditor.....the tablets.....maintenance.....to work.....the field.....for the creditor.....he shall give.....

XII. If a man shall plant an orchard in the field of (a man) of (dig) a well, or grows vegetables, or trees, if the owner of the field is willing the orchard is free to the planter. He shall give field for field unto the owner of the orchard.

XIII. If a man in ground not his own plants an orchard or digs a well, or he raises vegetables or trees, they arrest him and put him on trial, on the day that the owner of the field comes, he may take the orchard together with his outlay.

XIV. If a man in ground not his breaks up the surface and burns bricks, they arrest him and determine his guilt, he shall give three times the area of ground and they shall take his bricks. They shall give him 50 stripes and he shall perform (a full month's) service for the king.

XV. (If a man).....and burns bricks on ground not his, his.....they shall take from him, they shall give him.....stripes and he shall perform (a full month's service for the king).

XVI.not.....

XVII. (If) it is water in common (for) irrigation which they have brought (for) storage, the owners of the field share it together, each shall do his work within the bounds of the field and irrigate his field. If there is no harmony among them, one of them so minded may appeal to judges; he may receive a tablet from the judges and may carry on the work. Those owners of the field shall share it together, each within the limits of his field shall do his work and irrigate his field. But if among them there is not harmony and one of them receives a tablet from the judges because there is not harmony (the prefect and) 5 elders.

XIX.(they shall) inflict on him.....(stripes and.....months work he shall) perform (for the king).

XX. (If a man) work (the field of) his neighbor.....restrain himof the king (he may) work and cultivate.....and he shall be deprived of his claim. He shall pour the grain into the granary; measure for measure he shall restore the grain (according to the) yield of the field of the city.....he shall give (for) the field.

XXI. (If a man from) a field not his takes a little.....and fences it and places boundary stones.....say, (they shall arrest him and) put him on trial.....

Fragments of eight other tablets were found, no one of which contains a complete line. From the parts which remain it is possible to ascertain in some cases the nature of the subjects treated. Thus tablet C contained laws concerning the sale of slaves and the sale and theft of cattle and tablet G, laws dealing with money loans. Driver and Miles have made conjectural restorations of the text of some of these, but for a general work, such as ours, it does not seem wise to reproduce them.

These laws concerning real estate should be compared with the Code of Hammurabi, 42-58. The Babylonian laws deal with different aspects of real estate problems, but certain underlying principles may be found in the two codes. The Pentateuch presents no real parallel to these laws. Such real estate laws as it contains are found in the two codes. The Pentateuch presents no real parallel to these laws. Such real estate laws as it contains are found in Exodus 22:5-15;

Deuteronomy 19:14, but they treat mainly of other topics than those treated in the Assyrian code. The Hebrew law against removing land-marks (Deut. 19:14) is represented in principle in the Assyrian laws by VIII and IX, which clearly refer to the same subject, and by X-XV, which treat of a kindred form of trespass. The Assyrian code

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provides penalties for the violation of its provisions. Its laws therefore had “teeth” in them, while the Biblical law had none.

Such narratives as that of Genesis 23, which tells of Abraham’s purchase of the cave of Macpelah, and 1 Kings 21, which tells how Naboth refused to sell his vineyard, show that transfers of real estate were known in Israel, though we have no laws on the subject in the Pentateuch. Some of those in the Assyrian code are very interesting. That in VI, which lays down the procedure to be followed in transferring land within a city, has a very modern sound, though perhaps the employment of a town-crier is mediaeval rather than modern. Now the advertising columns of a newspaper take the place of the crier.

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