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CULTURAL DERIVATIONS OF THE
MOSAIC CODE
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INTRODUCTION

The "one world" concept, which today is swelling the imaginations of the idealists making them pregnant with the promise of peace, holds a special fascination for the student of history. For as archaeological researches send new thought currents through the reservoir of man's knowledge, the indications of early cultural inbreedings among many of the earth's peoples become ever clearer and more certain. The brotherly interdependence of peoples, which today's political philosopher envisions almost as a Messianic fulfilment, may reach sooner realization pushed by the actualities of the historic past. The self-same student of history, probing through time-hardened layers of knowledge, piecing together almost painfully the half-obliterated, ancient broken pieces of the past to fashion anew some cultural mosaic, has no illusions as to the limitations of his science. The instances of fratricidal warfare in history are too common for anyone to believe that peace among peoples is assured merely by establishing reasonable proof of their common cultural background. But whereas such peace is not assured, it is a sociological truth that people are prone to misunderstand and distrust those who are different from themselves. The cultural historian can do a great deal toward calling attention to the traslucency of many of these superficial differences so that peoples at least will try to see beneath the surfaces and discover perhaps those traditions which they have in common.

Such an ideal is the justification of this study which seeks to discover some of the cultural derivations of the Mosaic Code. There is grave reason for a preoccupation with this subject at the present time because the world has just witnessed one of the greatest seeming contradictions of
history — the genocidal elimination of almost 6,000,000 Jews, descendants of those people into whose hands was given the Law of Moses, the basis of the morality which governs most of the civilized world today. More pertinent in motivating this particular study, however, is the aftermath of this holocaust in which the surviving remnants of this people of the Book is being denied refuge in Palestine, the land in which this same Mosaic Code was nurtured.

The method of the study will be first to bring the people of Israel into the configuration of history as a distinct separate nation. Having established Israel as an ethnic group, it will be important to trace its migrations up to that point in its development when it received the book of law, and when, it might be said, the Israelite nation donned for the first time the formal vestments of a national constitution. The study's treatment of these migrations need only be a cursory one. The important consideration will be to establish a geographical frame of reference in which Israel's contacts with various cultural entities may be clearly noted.

Thinking of this first part as a completed picture hung like a huge back-drop on a stage, the study will proceed to its second part: this marshalls out upon the stage, against the back-drop, the component elements of the Mosaic Code. This is intended to give the reader a quick insight into the historical progression in Hebrew law-making — an understanding of the conditions which motivated the Hebrew law-makers, an appreciation of the spirit which underlay the law.

The third and final part of the study will attempt to relate specific factors of the Mosaic Code with those cultures which historians and archaeologists have demonstrated as having had most definite bearing upon Israel's cultural development. As in Part I the study will lean heavily upon
external evidence produced by archaeological research. In this respect it is fortunate that the law codes of some of Israel's forbears and contemporaries have been discovered almost intact and made available for use by translations into English.
PART I

DEVELOPMENT OF ISRAEL AS A NATION
THE BIBLE NARRATIVE

"The Old Testament seemingly furnishes a complete account of the making of Israel." Genesis 12:5 starts the pilgrimage which led Abraham and his family out of Haran in northern Mesopotamia across the Jordan and into the land of Canaan. He went first to Shechem; there he built an altar "unto the Lord, who appeared unto him." From Shechem he traveled southward to Bethel where he built another altar. He continued further south to Hebron where, outside of his brief sojourn in Egypt, he lived permanently.

His grandson, Jacob, passed through Palestine travelling the same route which Abraham had followed. Jacob settled among the Aramaeans. He married and later, with his family, returned to Canaan. A famine in the land forced them to migrate to Egypt. There they assumed the shepherd's life and became an extremely large group.

Through Joseph, the son of Jacob, the people of Israel had enjoyed freedom, though aliens in the land of Egypt. For Pharaoh had placed his complete confidence and trust in Joseph and had said to Joseph: "Thou shalt be over my house, and according unto thy word shall all my people be ruled: only in the throne will I be greater than thou." But "there arose up a new king over Egypt, which knew not Joseph." The new Pharaoh enslaved the Israelites.

2. Genesis 12:7
3. Genesis 41:40
4. Exodus 1:8
Led by Moses, they left Egypt passing by the mount of Sinai where a covenant was made with Yahweh. From there they pushed their way further east, round the Dead Sea. Finally, under the military leadership of Joshua, they battled their way into the land of Canaan.

This, then, is the bible narrative. It is a simple, straightforward tale which sees the fulfilment of Yahweh's oft-repeated promise that Abraham's progeny will be vast in numbers and that the product of his seed would occupy Canaan driving out the hostile inhabitants before them. But the very simplicity of the tale lends incredulity to it. It is hardly probable that one man, through the generations, eventually develops into a whole nation. History does not progress along such straight, unbroken lines.

Actually, "Israel was not complete," Pederson tells us, "when the immigration took place, its tribes having formed in the country itself. The Patriarchal legends and the story of the immigration show us the view taken by later Israel of its own making. As these legends have been handed to us through the various written sources, they only came into existence when Israel had long been fully developed and the spirit of later Israel speaks through them."

However, there are many indications that the bible material has not been based on pure fiction. Although this thesis will concern itself with more detailed archaeological substantiation of the bible story later, mention may be made now of the thousands of clay tablets of the fifteenth century B.C. found at Nuzi in northeast Iraq. Cyrus H. Gordon, reporting on these discoveries in the Biblical Archaeologist, says: "A point of interest

5. Pederson, Johs. Israel, Its Life and Culture. (I-II) 1926, P. 16
which these discoveries have for the Biblical student is that the Nuzians were Hurrians, the long-lost Horites of the Old Testament. Even more significant is the fact that the archives of the Horite city of Nuzi reflect ways of living that are relatively close in time and place to those of the Patriarchs. Consequently, they clear up some of our misunderstandings regarding the lives of Abraham, Isaac and Jacob, who wandered between Mesopotamia and Egypt in the first half of the second millennium B.C."

The Hyksos domination in Egypt may well serve as a starting point in a survey of archaeological discoveries throwing light upon the early movements of the Israelites and their ancestors. Although information about the Hyksos is very meagre, it is fairly well-established that they were foreign invaders who poured into Egypt from the north-east and "...by main force they easily seized it (the land) without striking a blow; and having overpowered the rulers of the land, they then burned...cities ruthlessly, razed to the ground the temples of the gods, and treated all the natives with cruel hostility...".

The Hyksos "may have been of mixed stock but the preponderant element among them seems to have been Semitic." The names of some of the chieftains according to C. F. Burney are semitic. H. R. Hall notes that among the names known from Hyksos scarabs unearthed by W. M. Flinders Petrie occurs that of a king called \textit{IHEFUK-HUR} which he relates to the Semitic 'Yakub' (Jacob).

1. Josephus. \textit{Against Apion}.
cf. such names as Nahman, 'Abd & Hur (\textit{Jour. Pal. Or. Soc.}, 1931 P. 114, N. 1)
It is interesting to note, too, that when finally driven out of Egypt by Ahmosi I, the Hyksos withstood this monarch’s siege for three years in northern Syria where they were finally defeated by him. The implication is that, being of Semitic origin, the Hyksos pursued a line of retreat into the land occupied by their kindred, the people of Amurru (the region stretching westward from the Euphrates, and including the whole Syrian littoral). The value of associating the Hyksos with Semitic origins lies in the credence which is thereby lent to the friendly reception which the Hebrews were supposed to have received in Egypt at this particular period.

The accession of Ahmosi I, who expelled the Hyksos from Egypt, is dated c. 1580 B.C. The invasion of Palestine and Syria begun by this founder of the Eighteenth Egyptian Dynasty was continued by later dynasties of kings. Thutmosis I (c. 1539 B.C.) and later Thutmosis III (c. 1539 B.C.) secured for Egypt the region as far north as Carchemish on the upper Euphrates. Thutmosis III's successors Amenhotep II (c. 1480 B.C.) and Thutmosis IV (c. 1420 B.C.) maintained Egypt's Asiatic empire without territorial loss.

The Tell-el-Amarna letters discovered in Egypt in 1887 supply evidence for the reigns of Amenhotep III (c. 1411 B.C.) and his successor Amenhotep IV (c. 1375 B.C.). This correspondence is of unusual significance for it illuminates greatly the history of Syria and the surrounding countries of Western Asia together with their relations with Egypt and with each other.

It was under the administration of Amenhotep IV that Egypt began to lose hold upon its territorial possessions in Palestine. Local dissensions, intrigue became quite common among the many little Canaanite principalities and their petty rulers. There was a steady flow of correspondence from them to the Egyptian Pharaoh to whom they owed allegiance. ARAD–Hiba,
at that time the governor of Jerusalem and anxious to protect the interests of the Egyptian king, was one of the interesting correspondents of the day. It is in his letters to the Pharaoh requesting the dispatch of troops that allusion is made to the part played by the Khabiru in southern Palestine. "The Khabiru, writes ARAD-Hiba, have plundered all the king's territory and occupied his cities."

In addition to ARAD-Hiba's letters, the only ones among the Tell-el-Amarna correspondence to mention the Khabiru, there are many other letters which mention a people whose name is ideographically SA-GAZ who apparently occupy a position as freebooters and aggressors against constituted authority identical with that occupied by the Khabiru. The importance of this identification lies in the fact that the aggressions of SA-GAZ were widespread and that if the Khabiru are identical with SA-GAZ, they must have permeated not merely southern and central Canaan, but also Phoenicia and northern Syria according to letters written by Rib-Adda, governor of Gebal, who claimed that SA-GAZ were employed in the reduction of Phoenician cities. The probable interchangeability of the terms "SA-GAZ" and "Khabiru" was established by the discovery of Professor Winckler of the Boghazkoy documents. Winckler stated that "besides mention of the SA-GAZ people, there is also reference to the SA-GAZ gods, and that as a variant of this latter there exists the reading 'ilani Khabiri', i.e. 'Khabiru-gods'."

SA-GAZ, continues Burney, is used to indicate "a tribe or tribes from a particular locality, united by racial affinity. This is clear from

5. Burney, C.F. Israel's Settlement in Canaan. P. 66f
6. All allusions to SA-GAZ are collected by Weber in Knudtzon, P. 111f
7. Burney, C.F. Israel's Settlement in Canaan. P. 70
the fact that the ideogram is followed in two of its occurrences by the affix KI 'country' or 'place', which is used both with the names of countries or districts and with the names of tribes emanating from such districts. In one occurrence of Khabiru we likewise find KI added marking the term similarly as racial and not merely appellative."

It becomes, then, a distinct possibility that the Khabiru were merely the southern branch of the racial movement into Western Syria represented by the aggressions of the SA-GAZ. Since they are mentioned in the occupation of Schechem (letters of ARAD-Hiba) and the Prince of Megiddo wrote letters expressing concern over the activity of the SA-GAZ, it would seem they had gained a footing in the South and also in Central Canaan.

There is another reference in one of ARAD-Hiba's letters which seems to identify the Khabiru with SA-GAZ still further north. "When there was a ship (or a fleet) at sea", he writes, "the King's strong arm held the land of Nahrîma and the land of Karpasi (?); but now the Khabiru hold all the King's cities." Here the allusion is probably to the Egyptian fleet which had possessed a base in the Phoenician harbor ever since the conquests of Thutmosis III. In such a strategic position the Pharaoh had been enabled to reach Naharin without delay and to suppress any incipient revolt in the extreme northern part of his Asiatic empire. Now, apparently, there is no fleet in the Phoenician harbor and the Khabiru seize the opportunity to capture either Naharin in the north or the Phoenician port cities so

8. IBID P. 73

9. cf. ARAD-Hiba's statement: "Behold, this deed is the deed of Milkili and the sons of Labaya, who have given up the King's territory to the Khabiru" with the statement of Biridiya of Megiddo: "Behold two sons of Labaya have given their money to the SA-GAZ."
essential to Egypt's military advantage. Accordingly, the SA-GAZ to whom Rib-Adda of Gebel refers as employed by the Amorites for the reduction of the Phoenician cities were quite possibly Khabiru, as well as were the southern aggressors. This point is of extreme value in explaining the Khabiru question.

A people called "Sutu", who are associated with a people called "Akhlamu", figure in other external evidences establishing the identity and approximate location of a Hebrew tribe. The latter are known to have been an Aramaean nomadic or semi-nomadic people. There have been found several references placing this Sutu people as nomadic inhabitants of the northern part of the Syrian desert to the west of the upper Euphrates, and linking them with the SA-GAZ Khabiru.

Both peoples are in the service of the chieftain Namyawaza as mercenaries; Rib-Adda of Gebal, who complains repeatedly of the aggressions of the SA-GAZ, also states that one Pahura has sent Sutu who have killed his 10 Serdanu mercenaries. A chronicle states that the Kassite king of Kardunias, Kadas-man-Harbe I (c. end of fifteenth century B.C.) effected the conquest of the marauding Sutu from east to west, and destroyed their power, built 11 fortresses in Amurru, etc. The Assyrian king Adad-nirari I (c. 1310-1280) tells of the victory of his father over a people called the Akhlamu and the 12 Sutu.

10. Burney, C.F. Israel's Settlement in Canaan. P. 74f
11. IBID P. 74
The Akhlamu are known to have been an Aramaean nomadic or semi-nomadic people because the Hittite king, Hattusili II, makes the "Akhlamu-peril" his excuse for ending diplomatic relations with the king of Kardunias. Tigrath-Pileser I (c. 1100 B.C.) relates that he defeated "the Aramaean Akhlamu" who inhabited the district in the neighborhood of Carchemish.

The "Egyptian term for the Semitic nomads of the Asiatic desert is Sasu, a word reputedly foreign to the language, and which has been plausibly connected with the West-Semitic root 'sasa', 'to plunder'. The Sasu, then, are simply 'the plunderers' or 'brigands'." Now there is also evidence, says Burney, that SA-GAZ was ordinarily read in Babylonian as 'habbatum', meaning 'robber' or 'plunderer'. The agreement in meaning between the ideogram SA-GAZ and 'Sasu' can hardly be just coincidental.

The Egyptian king Sety I (c. 1313 B.C.) adopted measures to restore Egypt's rule in Palestine. At the beginning of his reign he received a report of conditions in the land of Canaan which read: "The vanquished Sasu, they plan rebellion, rising against the Asiatics of Haru. They have taken to cursing and quarrelling, each of them slaying his neighbor, and they disregard the laws of the palace." This report, picturing conditions in Canaan, is a striking parallel to the situation described in the Amarna letters and indicates that the SA-GAZ Khabiru of the latter were one and the same with those people labeled Sasu by the Egyptians. Haru was the name

14. Burney, C.F. Israel's Settlement in Canaan. P. 76
15. IBID P. 72
given by the Egyptians to Southern Palestine and the "Asiatics of Haru" are probably the subordinate Canaanite puppet rulers to whom Egypt delegated authority.

Having established a strong, albeit a hypothetical, connection between the SA-GAZ-Khabiru, the Sasu and the Sutu, we have the concomitant evidence which tends to locate the Khabiru in the north Syrian desert, the region which both cuneiform and biblical records associate with Aramaeans. Further, the SA-GAZ achieved their greatest notoriety as mercenaries employed by Abd-Asirta and his sons, and the land of Amurru over which these chieftains ruled extended (as Winckler has proved from the Boghazkoy documents) from the Lebanon eastward across the Syrian desert to the Euphrates, taking in just the northern part of the desert inhabited by Aramaean nomads. It follows rather strongly, then, that the SA-GAZ — and therefore the Khabiru -- were Aramaean nomads.

Using the foregoing material as a basis we can only theorize concerning the synonymity of the Khabiru with the Hebrews. The theory posed by Finegan seems to bring the Israelites into closest harmony with the Khabiru. The basis of his theory is the statement in Exodus 1:11 that the Israelites "built for Pharaoh store-cities, Pithom and Raamesses." In the days of Ramesses II the Israelites could have toiled in construction work at Raamesses and Pithom, both of which cities were rebuilt by this Pharaoh.

"Unless," says Finegan, "we are to regard Exodus 1:11 as an erroneous or anachronistic statement, we must conclude that Ramesses II was the Pharaoh of the oppression." External evidence exists in support of these

17. Finegan, J. Light From the Ancient Past. P. 107f
allusions to large-scale building activity and to the fact that Ramesses II resided in the Delta and devoted the early years of his administration mainly to building operations at Tanis. Since Exodus indicates that the Israelites were settled not far from Pharaoh's court and since Psalm 78:12, 43 states definitely that they lived "in the land of Egypt, in the field of Zoan", (Zoan is the Hebrew name for Tanis) there is created the very definite impression of Israelites living in the vicinity of Tanis at a time when Pharaoh's court was there. This situation was true of the time of Ramesses II.

It was around 1301 B.C. that Ramesses II came to the throne. According to the Merneptah Stela, Israelites were in western Palestine around 1229 B.C. Supposing that the Israelites slaved for Ramesses II for about ten years before their Exodus, the latter would date in the vicinity of 1290 B.C. Now accepting the Bible figure of forty years in the wilderness, the Hebrews would have entered Palestine around 1250 B.C. Also accepting the figure of 430 years as the length of the Hebrews' sojourn in Egypt, Finegan emerges with the date of 1720 B.C. as the Hebrew entry into Egypt. Since this latter date coincides fairly well with the time of the Hyksos entry into Egypt, there is some additional basis for suspecting the Semitic affinity enjoyed by the Hyksos and the possible relationship between the Hyksos and the Hebrews.

The date of 1250 B.C. ascribed as the possible time of Israel's entry into Palestine may help establish the probability of the Khabiru-Hebrew relationship. The Tell-el-Amarna letters which mention the Khabiru, the chronicles of the Assyrian king Adad-nirari I recording the victory of his father over the Akhlamu, Tiglath-Pileser's chronicle of his defeat of the Aramaean Akhlamu, reports to Egyptian king Sety I concerning the rebellious
Sasu (references to the association of Khabiru, Akhlamu and Sutu have been made above) all date from approximately the same period as that in which the Israelites were entering Palestine. The dates to which these letters and chronicles refer do have a wide range going from c. 1375 B.C. to 1100 B.C. But in view of the evidence at hand, some degree of flexibility in dates must be allowed.

In addition to the foregoing evidence, the Bible narrative itself is helpful in substantiating a possible relationship between the Khabiru and the Hebrews. Above was noted the relationship between the Khabiru and the Aramaeans. It is interesting to note Old Testament references to the Aramaeans as these affect the Hebrews. In several instances Abraham, while not himself termed an Aramaean, is connected with Aramaeans. Isaac, Abraham's son, "was forty years old when he took Rebekah to wife, the daughter of Bethuel the Syrian of Padan-Aram, the sister to Laban the Syrian." Isaac's son Jacob married the daughters of Laban, who of course were also Aramaeans. The Lord says of Jacob to the people of Israel: "And thou shalt speak and say before the Lord thy God, A Syrian ready to perish was my father, and he went down into Egypt, and sojourned there with a few and became there a nation, great, mighty and populous."

When Jacob returned from Padan-Aram, he re-entered Canaan bearing the new name of Israel. Together with his sons he settled at or near Shechem.

18. Genesis 24:20
19. Deut. 26:5
20. Gen. 32:28; 35:10
21. Gen. 34:18, 19
Now Shechem is mentioned in the letters of ARAD-Hiba, when he writes the Pharaoh that Khabiru have plundered all the king's territory and that the district of Shechem has fallen into their hands. The picture given by the Amarna letters of Aramaean nomads flocking into Syria-Palestine and forcibly subduing its cities lends credence to the theory that the eastern wing of this invasion included Israel's ancestors. Added substantiation comes from the "equivalence between the names 'Khabiru' and 'Hebrew'."

While the many problems involved in this matter are not all solved to the satisfaction of the scholars, the evidence thus far does point to some relationship of the Khabiru with the Hebrews albeit the latter might have been merely a smaller group within a larger group of so-called outsiders who were known as the Khabiru.

The Hebrew Migration

The foregoing has been necessary in order to fix clearly in mind the identity of those people into whose hands was given the Mosaic code of law. Since this study primarily is concerned with the contributions which earlier and contemporary cultures made to this law, it would not be amiss to trace quickly the migrations of these Hebrew tribes determining insofar as possible with which cultures they had actual living contact.

The migrations of Israel's ancestors from their early home in the east westward into Canaan, is depicted in the stories of the Old Testament as a series of movements trailing over a long period of time. Although the traditional migrations are for the most part concerned with individuals,

22. Burney, C.F. *Israel's Settlement in Canaan*. P. 67
23. *IBID* P. 77
there is reason to assume that the reference actually was to tribes. The earliest of these tribal movements is represented by the journey of Abraham and his nephew Lot from Harran into Southern Canaan which resulted in the creation of divisions among the Hebrews — Jacob, Edom, Moab and Ammon.

In Genesis 14 the impression is created that Abraham is a contemporary of Amraphel; for a long time Hammurabi, king of the First Babylonian Dynasty was identified with Amraphel. Consequently, Abraham was dated as of 2100 B.C. and a contemporary of Hammurabi. However, there has been some dispute about the authenticity of this identification and the exact date of Abraham is left in doubt. However, external evidence does exist which helps place Abraham in Mesopotamia within the general period indicated by biblical tradition.

In the first place, "Abraham" occurs as a personal name at about this time in Babylonia. Some contracts are described by George A. Barton in which one of the contracting parties is called "Abraham". These documents come from Dilbat a few miles south of Borsippa, just across the Euphrates River from Babylon.

Secondly, there are traces of lunar worship in the early Hebrew religion. The name "Yahveh" comes into prominence at the period of the first Babylonian Dynasty; and evidence appeared to indicate that the knowledge and worship of this deity in Babylonia was due to the 'Amorite'.


immigrants, who may be supposed to have been the founders of the First Dynasty... at this period by far the largest number of theophoric names are framed in honor of the moon-god Sin. Among these, we have already noticed 'Sin-ya-tum', which appears to equate or identify Sin with Yatum or Yahweh. Abraham's movements are represented in the Old Testament as dictated by the influence of a higher form of religion than was current at the time of Babylonia. And in Joshua 24:2 we find: "Your fathers dwelt of old time beyond the River (Euphrates), even Terah, the father of Abraham, and the father of Nahor, and they served other gods." The implication is that the "other gods" may possibly have referred to those other than Sin because of its relation to Yahweh.

Harran, the gateway by which Babylonian trade and culture permeated into the Syrian wasteland and Canaan, contained a temple of Sin. "Included in the pantheon of Harran were Sarratu ('the Queen'), wife of the moon-god Sin and Malkatu ('the Princess'), a title of the goddess Istar. The names Sarratu and Malkatu are identical in form with the Hebrew Sarah and Milcah, who are related to have been respectively the wife and sister-in-law of Abraham and to have joined in the migration from Ur to Harran." (Gen. 11:27A)

Another identification of early Hebrew religion with the moon-god Sin is derived from the fact that the mountain at which God revealed himself to Moses is called Sinai in the J and P narratives.

In addition to the foregoing, which offers good ground for believing that a Semitic clan movement from Ur to Harran and thence to Southern

28. Ibid. P. 249f
Canaan was taking place at this time, other evidence points to a knowledge of Khabiru (who, we have reasonably convinced ourselves, are most likely the Hebrews) at Larsa in the reign of the Elamite Rim-Sin. The latter is known as a contemporary of Hammurabi, placing knowledge of the Khabiru seven centuries before the time of the Tell-el-Amarna letters. The evidence referred to is a tablet published by Pere Scheil bearing a brief memorandum: "These are 4 (or 5) garments for the officers of the Khabiru which Ibni-Adad...has received. Levied (?) on the property of the temple of Samas by Ili-ippalzam. (Month of) Nisan, 11th day (year of) Rim-Sin, king."

We have, therefore, fairly reasonably evidence supporting the Old Testament tradition which relates the beginning of the Hebrew movement westward; and we may deduce that it is but a part of a larger Aramaean movement which probably was sustained over a period of many centuries. It is of prime interest to our study to note with Finegan that "if Abraham did come from Mesopotamia sometime in the early second millenium B.C. it is necessary to revise the usual picture of him as a primitive nomad accustomed only to the open spaces of the desert, and to recognize that at least to some extent he was the heir of a complex and age-old civilization."

Most of the extra-biblical evidence which substantiates the Israelite migration into Canaan has been alluded to earlier in this study while establishing the probable relationship between Khabiru and Hebrews. Recapitulating briefly we may note that if the Hebrew immigration into Canaan represented by Abraham actually took place in the vicinity of 2000 B.C., then it could logically follow that a tribe called Jacob, descended from Abraham,

29. Burney, C.F. Israel's Settlement in Canaan. P. 78, N. 2
30. Finegan, J. Light From the Ancient Past. P. 61
should have given its name to a place called Jacob-el in Southern or Central Canaan around 1480 B.C. The tribe of Jacob, after crossing the Jordan eastward, returned to Canaan at a later period increased by fresh Aramaean accessions. This may well have been in the process of happening around 1375 B.C. since the Amarna letters indicate that an Aramaean people called Khabiru were surging forcibly into Canaan and were gradually gaining a footing on a semi-nomadic basis much as Jacob-Israel and his "sons" are represented in Genesis as doing. That Jacob, in making his westward migration, is pressed by the Aramaean Laban is in conformity with the presentation in the Amarna letters of the Khabiru-movement as part and parcel of a widespread Aramaean movement as represented by the SA-GAZ and the Sutu.

Reference was made, also, to the seizure of the district of Shechem by the Khabiru. In this regard the story in Genesis 34 has great significance: "And it came to pass on the third day, when they were sore, that two of the sons of Jacob...took each man his sword, and came upon the city (Shechem) unawares, and slew all the males...The sons of Jacob came upon the slain, and plundered the city...." The inference to be found here is that Shechem, or the Shechem district, which eventually came in post-Exodus times to form part of the possessions of the Joseph-tribes, had been captured at an earlier period by another division of the Israelites.

Finally, the allusion to Israel as a people in Canaan in the reign of Merneptah about 1200 B.C. is in agreement with the biblical tradition

31. Burney, C.F. Israel's Settlement in Canaan. P. 86
32. Ibid P. 86
33. See P. 12
that Jacob, upon entering Canaan for the second time, assumed the name of Israel. Merneptah was the son of Ramesses II and succeeded him on the Egyptian throne about 1225 B.C. His succession, whether by coincidence or not, was greeted by revolt in Canaan which he quelled in his third year. Merneptah's reference to this campaign is of unusual significance from the biblical point of view because it is here that Israel is mentioned among other Palestinian localities as having been plundered and subdued. Merneptah's statement is: "Israel is desolated, his seed is not,""and the name Israel is marked by the determinative meaning 'men' showing that it denotes a people and not a country."

Having established with some satisfaction the Hebrew origins in Mesopotamia about 2000 B.C. and having found fair substantiation for the biblical account of the migrations from Ur to Harran then westward into Canaan, it now devolves upon the preparatio of this study to uncover reasonable evidence of Hebrew sojourn in Egypt in support of the Old Testament tradition.

It is from the reign of Thutmosis III and onward that occasional reference is found in Egyptian documents to a people called "Apuriu" or "Apriu". The name is preceded by the determinative form which denotes foreigners. Other allusions to the Apuriu crop up in the reigns of Ramses II (c. 1167–61). In these allusions the Apuriu in Egypt are performing heavy manual labor in connection with the building projects of the Egyptian kings.

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34. Breasted, J.H. Ancient Records of Egypt. P. 264
35. Burney, C.F. Israel's Settlement in Canaan. P. 82
36. IBID P. 62
(cf. Exodus 1:11 "Therefore did they set over them taskmasters to afflict them (Israel) with their burdens. And they built for Pharaoh store-cities, Pithom and Raamses."

One of the scholars who rejected this theory of identification of "Apuriu" with "Hebrews" was J. H. Breasted. Yet in his Ancient Records of Egypt he has mentioned an inscription commemorating the inspection of sculptors and builders in the Eighteenth Dynasty in the reign of Thutmosis III. In his interpretive material Breasted wrote: "The heavier works of the Anon temple are here under inspection by Rekhmire (vizier to Thutmosis III). Of particular interest are the semitic foreigners who appear among the brick-makers..." The inscription itself is translated to read: "Captivity which his majesty brought for the work of the temple of Amon." "This," continued Breasted, "is, of course, precisely what was afterward exacted of the Hebrews." While this last reference does not give a conclusive basis for supposing that Hebrews inhabited Egypt at this particular time, other extenuating circumstances of history remain to be examined.

For example, if Abraham represents a Hebrew migration to Canaan some centuries before the Hyksos invasion of Egypt, and if, as it has been pointed out, this invasion was quite plausibly a southern movement of the people of Amurru, the almost contemporary incursion of the Aryans from Iran and the Anatolians from Asia Minor into Mesopotamia and Northern Syria must have caused at first a considerable displacement of the semitic population which was pressed southwestwards into Southern Syria and Palestine. The


result was that the Semites "burst the ancient barrier of Egypt." It is quite possible that some of Israel's ancestors who occupied Southern Canaan may have been involved in this displacement.

From the reign of Thutmosis III and on when Canaan was a province of Egypt and the intercourse between the two countries was fairly close and continuing (as the Amarna letters indicate), the situation is favorable for those circumstances which, according to the Genesis tradition, brought about the entry of Israel's ancestors into Egypt. There is an Egyptian inscription which tells of Asiatic refugees begging for and receiving permission to enter Egypt. This inscription dates from the close of the Eighteenth Dynasty, according to Breasted. According to the translation Breasted cites: "...A few of the Asiatics...have come (begging) (a home in the domain) of Pharaoh ...after the manner of your fathers' father since the beginning..." The allusion, of course, is that it had long been customary for the Pharaohs to grant such admission.

Barton points to some interesting evidences in support of the Joseph tradition in Egypt. The name of Joseph's wife, Aserath (in Egyptian As-Neit, 'favorite of the Goddess Neith') occurs from the Eighteenth Dynasty onward. "Such names as Potiphar, the master of Joseph (Genesis 39:1) and Potiphera, Joseph's father-in-law (Genesis 41:45) in Egyptian Pedfre, 'he whom the God Re gives', as well as the name given to Joseph, Zaphenath-paneach (Genesis 41:45) in Egyptian De-pnute-ct-cnkh, 'the God speaks and he lives' are common in Egypt from the beginning of the Twenty-second Dynasty 945 B.C."

40. Barton, Geo. A. Archaeology and the Bible. P. 24
T. J. Meek has said that "...the word 'Apriu' is now definitely equated with the cuneiform 'Khabiru' and the Hebrew 'Ibrim'" and thus we have still another attestation to the presence of Hebrews in Egypt. In I Samuel 2:27f Yahweh is represented as addressing Eli, the priest at Shiloh, through a man of God, in the following words: "Did I reveal myself unto the house of thy father, when they were in Egypt in bondage to Pharaoh's house?" Here, says Meek, "the house of the father (referred to) can be none other than the house of the Levi, as scholars have agreed, and the fact that the passage is probably late does not invalidate the statement that Levi was in Egypt. If it was a new tradition that the author was initiating here, he would have been more explicit in his reference and actually named Levi, but he is clearly giving expression to a generally accepted fact."

Meek advances still another argument for Israel's stay in Egypt. It is based on the surprising number of Egyptian personal names in Hebrew genealogies. "The following are unquestionably Egyptian viz., Moses, Assir, Pashhur, Hophni, Phinehas and Merari...The proportion of Egyptian names among the Levites is surprisingly large and can scarcely be accidental."

There is also to be submitted the results of Sir Flinders Petrie's excavations at Tell-el-Yehutiyyeh, about twenty miles north of Cairo, where he discovered what he believed to have been one of the original encampments of the Hyksos in Egypt. Because it was not at all like any structure of the native Egyptians and because pottery and art objects unlike any made


41. Meek, T.J. American Journal of Semitic Languages. LVI April 1939 N. 2, PP. 113-120
42. IBID PP. 113-120
43. IBID PP. 113-120
by the native Egyptians were found, Petrie concluded that this all was the work of the Hyksos before they had been in Egypt long enough to have adopted Egyptian civilization. Another such camp was discovered by Petrie at the site of Heliopolis, the biblical Or.

"Most striking is the obvious relation in which the Joseph story and the later history of Israel in Egypt stand to the Hyksos movement. The king who knew not Joseph and who oppressed the Israelites should be a Pharaoh of the New Empire after the expulsion of the hated Asiatics from Egypt. With this agrees the fact that the Israelites were settled around the Hyksos capital of Egypt, in the 'plain of Tanis' (Zoan, Psalms 78:12, 13). That there was a long Semitic occupation of the northeastern Delta before the New Empire is certain from the Canaanite placenames found there in the New Empire, which include Succoth, Baalzaphon, Migdol, Zlu and probably Goshen itself."

PART II

THE MOSAIC CODE DEFINED
ISRAEL'S LEGAL SYSTEM

Preface

The scholarly controversy which has attended discussion related to the sources of Old Testament law necessitates some definition of the subject matter with which this particular study is concerned. Despite the fact that no Hebrew law, whether oral or written, was considered binding unless of Mosaic origin, in the critical judgment of certain bible students Israel's legal history could have assumed its present form and maturity of interpretation only after it had attained a more highly developed condition of culture and civilization than could have been the case in the primitive nomadic stage of Moses' leadership. "The history," writes Genung, "is in fact composite; its component elements reflecting differences of coloring due to different ages, and to the traditions and thought habits of different sections of the country."

Perhaps because the modern historical method of Old Testament interpretation is of relatively recent origin ("not until A.D. 1521 was the Mosaic authorship of the Pentateuch for the first time in modern days brought into question"), perhaps because many of the old and even present-day Hebrew

4. Smith, J.M. Powis. The Origin and History of Hebrew Law. vii
sages are loathe to part with the traditional concept of the Old Testament, it has become common usage to identify all of the codes in the Pentateuch as the Mosaic Code. In this instance, therefore, the term "Mosaic Code" is being used to mean all of those separate codes found in the Pentateuch. The technique seems logical and permissible particularly because this study is not a history but a cultural analysis of Hebrew law — particularly an analysis of the cultural sources other than Israelitish responsible for certain components of this Hebrew law.

As a background for this study, there is forthwith presented a survey of the codes which comprise Mosaic law, defining and delimiting the area in which this exploration will move.

Origin and Growth of Israelitish Law

The original decisions that formed the precedents upon which the common law was built were handed down by regularly appointed judges who were recognized leaders of the people like Moses or who were tribal or family heads. ("And Moses said unto his father-in-law, Because the people come unto me to inquire of God: when they have a matter they come unto me; and I judge between a man and his neighbor, and I make them know the statutes of God, and his laws...And Moses chose able men out of all Israel, and made them heads over the people...And they judged the people at all seasons.") Later there is indication that kings or military chieftains were responsible for new laws as when King David promulgated a new regulation on his own initiative regarding the division of the spoils of war. "And it was so from that day forward, that he made it a statute and an ordinance for Israel unto this
day." Most of the laws probably came from the priests. "For the priest's lips should keep knowledge, and they should seek the law at his mouth; for he is the messenger of Jehovah of hosts." Perhaps the most significant renderings of the law came from the officially established courts, an account of which is given Dt. 17:8-12.

**Primitive Hebrew Codes**

"Since the priests did not write their history until after the exile, the place to look for the primitive records of Hebrew law is in the early Judean prophetic narratives, committed to writing about 800 B.C." In Exodus 34 is found what appears to be the oldest recorded group of Hebrew laws. According to the early Judean prophetic tradition associated with them they are the original ten commandments written by Moses on two tablets of stone at the bidding of Jehovah (Exodus 34:1, 4, 27, 28). Enjoying a central position this decalogue was supplemented at various times by humane laws and by civil and criminal legislation.

Certain evidence exists which points to the ten commandments as the "primitive corner-stone" of Israelitish legislation. In the first place each of the regulations is repeated in some form elsewhere in other groups of laws. Secondly, they define religion in terms of ritual which suggests that they antedate Amos and Isaiah, both of whom defined religion in terms

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6. I Samuel 30:25  
7. Malachi 2:7  
8. Kent, C.F. *Israel's Laws and Legal Precedents*. P. 16  
10. IBID P. 211
of love and service. Thirdly, in common with the utterances of all early religions, these primitive commands simply emphasize matters of cult.

A supplementary body of ceremonial and humane laws developed as new ideas dawned upon the consciousness of the Israelites. Also, the demands of a settled agricultural life necessitated a corresponding group of civil and criminal laws. It was natural for the Israelites to adapt for their own use the customs of their neighboring Canaanites who were the inheritors of the older Babylonian laws. The latter, of course, were modified to conform to the needs of the Hebrew people.

To distinguish the above from the legal systems of later periods, these oldest collections of laws may be generally classified as the Primitive Codes for they record in concrete form the earliest revelation of the Divine Will through the life and institutions of the ancient Israelites.

Deuteronomistic Codes

The simple agricultural equanimity of the Hebrew people was shattered by the invasion of Assyrian armies about the middle of the eighth century B.C. New conditions and problems resulted therefrom. The sweep of Assyrian thought and religious institutions represented a dire threat to the Hebrew way of life; and it produced energetic reactions among the prophets of that age. Outstanding among the latter were Amos, Hosea, Isaiah and Micah who devoted themselves to the formulation of principles which were designed to invest Israel with lofty, ethical and religious standards. The results of their activity are recorded in the book of Deuteronomy.

This is definitely a prophetic book with the emphasis placed strongly on the performance of essentially good deeds and upon things of the

11. Kent, C.F. Israel's Laws and Legal Precedents. P. 16
spirit rather than upon the mere observance of cult ritual. Worship is important to a certain extent in this book — insofar as it expresses an attitude of loyalty to Jehovah. The appeal is mainly to the conscience of the individual. Results are not sought through threats of punishment.

Although much of the laws found in the previous code is represented in Deuteronomy, the reproduction is actually one of the spirit not of verbiage, except in a few cases (cf. Ex. 34:26b with Dt. 12:21c).

The evidence points to the probability that the laws found in Deuteronomy are a century or two later than those of the Primitive Codes. First kingship is implied: "When thou art come unto the land which Jehovah thy God giveth thee, and shalt possess it, and shalt dwell therein, and shalt say, I will set a king over me like all the nations that are round about me." Kent infers from Dt. 17:16, 17, which warns against a king accumulating undue wealth for himself, that the prophets are inveighing against the crimes of such rulers as Solomon and Ahab. The injunction against shrines and sacred images found in Dt. 12:3, 16:22 is in contradiction to the early prophetic narratives where such images were countenanced. Finally the passages in Dt. 17:25-29 contain dire warnings to the people that transgression of the law on their part will bring about their dispersal whereby they "shall be left few in numbers among the nations, whither Jehovah shall lead you away." This last seems like it might be a reflection of the Babylonian exile.

That this book of Deuteronomy was the Book of the Covenant found

12. Pfeiffer, R.H. Introduction to the Old Testament. P. 54
13. Deuteronomy 17:4
14. Kent, C.F. Israel's Laws and Legal Precedents. P. 33
by Hilkiah the priest while conducting repairs in the temple (II Kings 22), has been accepted by many of the bible critics. The reforms instituted by Josiah, after the newly discovered law-book has been verified by Huldah, the prophetess, and had been made known to all the people, are in remarkable relation to the demands found in Deuteronomy.

Josiah ordered all the symbols of the heathen cult to be brought out of the temple and destroyed. This compares with Dt. 12:3 — "And ye shall overthrow their altars, and break their pillars, and burn their groves with fire; and ye shall hew down the graven images of their Gods and destroy the names of them out of that place." Practically every recorded act during that period of reformation has its parallel in Deuteronomy. It was this law-book, then, which regulated the life of Palestinian Jewry until the days of Nehemiah and Ezra.

The book of Deuteronomy may be divided into seven rather general classifications: 1) the laws found in the prophetic decalogue 2) ceremonial and religious laws 3) appointment and duties of public officials 4) criminal laws 5) military laws to be observed in case of war 6) a miscellaneous collection of civil, criminal, humane and religious laws 7) laws related to the presentation of the first fruits and the triennial tithe.

To distinguish these codes from the earlier primitive codes on the one hand and later development of Israelitish law on the other, they have come to be known as the Deuteronomic or Prophetic codes. "In them is found

15. Pfeiffer, Robert H. Introduction to the Old Testament. P. 52
16. IBID P. 55
17. For a complete breakdown and analysis of the codes appearing in Deuteronomy see Pfeiffer's Introduction to the Old Testament. P. 232-38
a large proportion of the noblest and most enduring legislation in the Old Testament."

Ezekiel and the Holiness Code

The Assyrian conquest and the subsequent Babylonian exile of the Hebrew people had a tremendous effect upon the culture of the latter. The new conditions of the exile under which they found themselves had the effect of transforming them quite suddenly into a literary people. The scribe became an important figure in society because the preservation of laws and institutions was closely connected with the future of the race.

The conditions of life during the exile were, to the minds of Jewish religious leaders, sources of grave danger. They feared that the pagan customs would eat away at the pillars supporting the lofty ethical standards which were reached in the Deuteronomic Codes. Accordingly, the exiled priests strove to bind the Hebrews so tightly to their former way of life that despite their sojourn in a foreign land their own religion would not be dissipated. "Hence they proceeded to record the customary usages of the destroyed temple, to improve upon these where improvement was necessary and feasible, and thus to develop codes adapted to the needs of that restored Jewish community which was the object of their dreams."

The prophet Ezekiel, carried captive to Babylonia in 597 B.C., described an extremely detailed vision in which the restored Jewish community, the temple, the new sanctuary in Mount Zion had appeared. This description is supplemented by the ordinances to be observed in connection with the new temple and sanctuary and by an account of the methods by which the restored

land of Israel is to be rehabilitated and allotted from Ezekiel's code. (Ezekiel 40-48)

Ezekiel may well be termed a pioneer of the Babylonian exile—the period whence stemmed the new movement identifying religion much more closely with ritualistic observances, trying to develop a detailed series of laws strictly regulating the life of the people and paying strictest attention to the ceremonial services of the temple. Ezekiel was set to convince his contemporaries that eventually there would be a return for Israel to its native land. His code was predicated upon this return and was an attempt to inspire and prepare the Hebrew people.

Underlying all of Ezekiel's preaching is the dominant conception of Jehovah's holiness. The arrangement of the temple, its ritual, the laws guarding the ceremonial purity of the priests, the careful allotment of the land so as to guard the central sanctuary and the Holy One inhabiting it from contact with anything common or unclean, all stress the supreme holiness of Jehovah and impose upon Jehovah's people the obligation to be holy.

These same conceptions reappear in the laws of Leviticus 17-26. They are so distinctive that this collection has come to be known as the Holiness Code. The basic thought which runs like a thread through the entire group is that expressed by Jehovah in Leviticus 22:31-32 when he says: "Ye shall observe my commands and do them: I am Jehovah. And ye shall not profane my holy name; but I will be treated as holy among the Israelites. I am Jehovah who maketh you holy, who brought you out of the land of Egypt to be your God: I am Jehovah." (cf. Lev. 19:2; 20:7, 8, 26; 21:6-8, 15, 23; 22:9, 16)

20. Pfeiffer, R.H. Introduction to the Old Testament. P. 242f
Between Ezekiel's code and the Holiness Code there is amazing similarity. In the words of Pfeiffer "the similarity is too striking to be accidental; if one author did not borrow from the other, they both made use of common sources."

In its present form the Holiness Code consists of about ten groups of laws revolving about the slaughter of animals and sacrifice, religious, moral and ceremonial duties. The many civil, criminal and humane laws included point convincingly to the fact that the code was intended for the people as a whole -- not merely for the priests. It would seem that this code was a blend of the holiness factors so dominant in Ezekiel's book and the love and righteousness factors typical of Deuteronomy.

The Priestly Codes

"For at least two centuries after the fall of Jerusalem in 586 B.C. the influences that had led Ezekiel and the author or authors of the Holiness Code to develop their legal systems continued to bear abundant fruit. As a result there is now extant a large body of heterogeneous regulations scattered through Exodus, Leviticus and Numbers which is known as the Priestly Code. There are certain distinguishing characteristics which set this code most definitely apart from Israel's earlier laws. The primary characteristic is that with the exception of Numbers 27:1-11, 35, 36, the

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21. IBID P. 245. For a detailed comparison of the Ezekiel and Holiness Codes see Pfeiffer's Introduction to the Old Testament. PP. 241-46
22. For a complete list and analysis of the laws see Pfeiffer's Introduction to the Old Testament. P. 239ff
23. IBID P. 242; also Kent, C.F. Israel's Laws and Legal Precedents. P. 41
24. IBID P. 43
laws of this code relate to ceremonial observances.

The laws are also distinguished by the fact that they assume throughout the belief in one supreme deity. They are written from the point of view of the wilderness and assume that the institutions which developed in the later days of the kingdom or grew out of the changed conditions of the exile were in full operation in the age of Moses. They represent a distinct departure from earlier legislation because of the apparent sharp separation which was made between the priesthood and the laity. Ezekiel started this trend in his separation of priest and Levite. In fact even the duties and functions of each class of temple ministers is clearly defined in great detail.

The groundwork of the Priestly Codes consists of an historical introduction to the Old Testament laws as a whole and of a more or less homogeneous group of laws which is adjusted to this particular framework. The historical sections do nothing much more than trace Israel's history to its settlement in Canaan. They find their real objective, however, in the covenant and traditional legislation at Sinai.

To this groundwork belong the main body of laws regarding the Passover (Ex. 12:1-13, 43-49), the detailed directions regarding the tabernacles (Ex. 25-29), the Sabbath law (Ex. 32:2, 3), the consecration of the priesthood (Lev. 9, 10), the day of atonement (Lev. 16), the sacred calendar

    also Pfeiffer, R.H. *Introduction to the Old Testament*. P. 256
26. IBID P. 258ff
27. IBID P. 257
28. IBID P. 250
(Lev. 23:4-8), the lamps and the shewbread (Lev. 24:1-9), the census at Sinai (Nu. 1:1-4), the Levites (Nu. 3), the priestly benediction (Nu. 6:22-27), the use of the trumpets (Nu. 10:18) and the duties and dues of the priests and the Levites (Nu. 18).

The Priestly Codes are intimately concerned with forms of procedure. There is inherent the strong tendency to make the ritual extremely elaborate. There is a certain clever foresight noticeable in the Priestly Codes which realized the vast amount of time and energy that would have to be employed in overseeing and enforcing the performance of the vast body of ritual. Apparently it was taken into account that the complete time of the priests would have to be devoted to such a task and therefore provisions were made in the codes for the support of the priests. The supplemental laws increase in many ways the income of the temple and the priests; the tithe of the ground, for example, is extended to the herd; and the poll tax becomes one-half instead of one-third of a shekel.

Although the supplemental laws of the Priestly Code fill an overwhelming space in the Pentateuch, there is such a degree of redundancy and reiteration of older regulations that their importance is hardly in proportion to their volume. For nearly two thousand years the legal development that began in remote Semitic antiquity can be traced in the life and literature of the Israelites. The Priestly Codes definitely do not reach the high-water mark in that development. It is perhaps in the Deuteronomic Code that the loftiest ideals were expressed in all of the Hebrew legislation. The preoccupation of the Priestly Codes with ceremonialism and ritual harks back to the primitive when religion was expressed exclusively through ritual.

29. Cf. Ibid P. 251
PART III

CULTURAL INFLUENCES ON ISRAEL'S LEGAL SYSTEM
The first part of this study went to some lengths in order to present the tangible archaeological evidence which would indicate the cultures responsible, in varying degrees, for shaping Israel's way of life as this is reflected in the Mosaic Code. Those cultures whose shadows loom largest against this historical backdrop are those of Babylonia, Egypt, Canaan, Assyria, Hittites and the Hurrians. These latter by no means stand out as separate entities completely independent of each other. On the contrary, the instances of their inter-relationships are many. But in the main, they were the cultures which attained greatest individuality of character and which contributed very definitely to the Mosaic Code.

BABYLONIAN BACKGROUNDS

In the light of discoveries which have taken place during the past century, it would seem that the study of the Mosaic Code ought to start with the legal system of early Babylonia. The geography of Babylonia is important in this respect. Natural gateways opened in every direction and thereby aided the pursuance of commerce. The Tigris and Euphrates with their tributaries penetrated far into the well-populated lands to the east and north of Babylonia. The Aramaeans and Arabs, on the west, were great land traders and carried Babylonian wares to the Egyptians, Phoenicians and southern Arabians bringing back with them products from these ancient centers of civilization. To the south the Persian Gulf opened into the Indian Ocean and thereby commanded trade with India and Arabia. That Babylonia consequently developed a dominantly commercial civilization follows logically.

Because the Babylonians had perfected a system of writing at
least one thousand years before the days of Moses, they were able to record their legal system; many thousands of legal documents have been discovered in the ruins of Babylonia. Other material unearthed demonstrated the important bearing which Babylonian culture had on Hebrew traditions and religious ideas. Old Testament biblical tradition, for example, carries the beginnings of the Hebrews to settlements in the Euphrates Valley — in fact human beginnings are placed here by Genesis. Contact between Palestine and Babylonia is maintained by tradition after the migration of the Terahites from Ur and Harran. (Abraham sends his servant to his old home to obtain a wife for his son.) The relationship between Palestine and Babylonia is noted particularly in the military or political dominance over the western lands (Amurru) extended by the Babylonian Sargon c. 2600 B.C. A thousand years later the Babylonian language became the medium of diplomatic exchange between Palestine and Egypt.

Traditions concerning the creation of the world and the great flood in which Noah figured and which are found in Genesis have amazing parallels in Babylonian literature.

Code of Hammurabi

With the above as a general background, we may now turn our attention to the specific elements of Babylonian tradition which are visibly reflected in the precise formulations of the Mosaic Code. Most important in

1. Kent, C.F. *Israel's Laws and Legal Precedents*. P. 3
such considerations in the Code of Hammurabi. Hammurabi is credited with having been the real founder of the Babylonian Empire. His code of law was found by French excavators in Susa in December 1901 and January 1902. In the epilogue of his code Hammurabi states his motives as follows: "that the great should not oppress the weak, to counsel the widow and orphan, to render judgment and to decide the decisions of the land, and to succor the injured". The code is exclusively concerned with civil laws. First is stated the offense or the case of dispute; then follows the penalty or the course of legal action.

Personal and family laws in the Mosaic Code have several parallels in the Code of Hammurabi. (hereinafter referred to as C.H.)

In Ex. 21, Dt. 5, 21, 27 and Lev. 19, 20 occur admonitions relating to filial duty. Transgressions of such duty may be met with the death penalty. The law here is much more vindictive than its earlier Babylonian predecessor which is found in C.H. 168-169 and which provides merely that a father may cut off his child from sonship; and this may be done only after the son has committed a second offense.

The law found in Dt. 21 which refers to a man's relationship to a female prisoner of war has a parallel in the C.H. 137. Although the latter refers to concubines in general, the principle is the same. Both laws require that the woman with whom the man has lived and has had sexual relations may not be turned away from the man's home without adequate provision having been made for her first.

In Dt. 22 and Nu. 5 are laws relating to the chastity of a wife and the penalty for unchastity. Somewhat parallel but more lenient are the provisions made in C.H. 131 for such a situation. Whereas Nu. 5 requires a
wife suspected of unchastity to undergo certain tests at the hands of the priest, the Babylonian woman had only to swear an oath testifying to her chastity in order to be completely absolved. In both C.H. 131 and in Dt. 22, however, the penalty for a woman assuredly known to have deceived her husband was death.

Although there are regulations regarding divorce both in C.H. 138-142 and in the Mosaic Code, it is interesting to note that in the former the laws are affirmatively stated citing instances where divorce is permissible. In the Mosaic Code, the emphasis is negative pointing out primarily where divorce is not possible. A further difference is the fact that divorce as described in Dt. 24:1 is entirely in the husband's favor and a matter of his sole perogative wherein he sends away his wife without any provision for her future maintenance. The C.H. provides the wife at least with money to the amount of her marriage settlement and the dowry which she brought from her father's house.

In Exodus 21:2 are laws pertaining to Hebrew "slaves". Especially interesting are verses 5 and 6 where the "slave" enters voluntarily into permanent servitude. The Babylonian tablets found at Nuzi (Iraq) are a source of information on this subject. As Gordon relates it is quite normal in Nuzi for the Khabiru to enter voluntarily into permanent slavery. For example, "Sin-Balti, A Khabiru woman, caused herself to enter the house of Tehiptilla in servitude. If Sin-Balti breaks the contract and goes into another house, Tehiptilla may pluck out Sin-Balti's eyes and sell her for a price" (N. 1425). Another tablet reads: "As for Silli-Kubi the Khabiru his

The institution of slavery may be traced to the earliest period of Semitic history. The laws regulating this ancient institution antedated the Hebrews by ages. It was an important feature of Semitic society, representing not so much the oppression as the protection of the poor, the weak and the insecure. It was for the latter a haven of refuge for which society had made no other provision. Consequently, it became common and had little stigma attached to it.

In Babylonia, as in Israel afterward, slaves were carefully guarded by law. Lev. 25 provides that a Hebrew who has been forced to sell himself into slavery through sheer economic necessity may be redeemed from his purchases. Customs applying in Babylonia suggested the principle underlying this system of redemption. Cases are on record of Babylonian slaves buying their own freedom. A nobleman becoming enslaved through some particular vicissitude could anytime be redeemed by his family and his (the slave's) master was in no way able to prevent it.

The law protecting slaves against injury done to them by their masters is incorporated in Ex. 21. It marks an advance over the C.H. which simply protects the rights of masters and says nothing about the rights of slaves. However, both in the C.H. and Ex. 21 masters are compensated for injuries suffered by slaves as a result of the negligence of others.

The laws covering reparations for damage or loss of property

5. IBID P. 12
through negligence or deliberate fraud as listed in Ex. 21, 22; Lev. 6 and 24 are almost identical with the regulations applied to this subject by the C.H. 24:5-24:9. In the latter the reference to property is made universally in terms of an ox. It seems reasonable to assume, however, that the ox was symbolic of all property. Damages sustained by such ox while under the guardianship of someone other than the owner had to be restored to the owner either in money or in kind except when the damage was an act of a god.

The parallel between Ex. 22:8 and C.H. 103 is striking inasmuch as both laws provide that if a man claims to be robbed of money which he was holding in trust for another, he may take an oath before God to vouchsafe his innocence. On the other hand Ex. 22:7 makes a man obligated to make double restitution of that which was held in trust by him, if it was stolen out of his house and he was found out to be the thief. In C.H. 125, however, the owner of the house whence goods held in trust were stolen must make restitution regardless of whether he was the thief or not. The theft is laid to his negligence. This latter seems paradoxical when compared to C.H. 103 mentioned above.

There is ample precedent in the C.H. 179-182 for the law in Nu. 27 which makes it legal for a daughter to inherit her father's estate in the event that there is no son.

The laws of Dt. 19:14, 27:17 referring to land-stealing are reminiscent of the curses invoked by the ancient Babylonian kings upon those who removed their neighbor's landmarks.

A diligent comparison of C.H. with Old Testament laws brings the

7. IBID P. 191
noteworthy realization that while the former was especially careful and meticulously detailed in its provisions for property rights the same assiduousness was shown by Israel's lawmakers in their concern for life and limb. Herein lies the great moral value of the Mosaic Code.

The judiciary in Babylonia might have consisted of perhaps four to twelve persons among whom were usually to be found civil officials, scribes, priests and elders. There was no formal and distinct judicial organization. A similar court operated in Jerusalem during the latter days of the monarchy. In Babylonia the plaintiff and defendant produced their own witnesses who were sworn in and carefully examined.

Dt. 19 contains the admonition to false witnesses that they will receive the punishment that their false evidence would have brought to the unjustly accused. In C.H. 3, 4 exactly the same warning is sounded to false witnesses.

Lev. 20:10 and Dt. 22:22 referring to cases of adultery compare with C.H. 129 in which both the man and woman involved are put to death. There is a single difference — a supplementary provision in the C.H. which gives the offended husband the right to spare his wife's life. Should he choose this course, the king then spares the life of him who entered into adultery with the married woman.

Although the laws found in the Mosaic Code (specifically in Dt. 22:30, 27:20, 22, 23; Lev. 18:6-18, 20:11, 12, 14, 17, 20, 21) regarding incest have some foundation in C.H. 155-157, they are far more extensive in their application to all blood relatives. On the other hand, the C.H. provides definite penalties for incest whereas the Mosaic Code does not.

8. IBID PP. 80-112
The Primitive Codes and the Deuteronomic Codes are very specific on the matters of kidnapping, both providing the death penalty for the kidnapper. Kidnapping in the C.H. is punishable in the same way. However in the C.H. the only crime listed is that of stealing a man's son who is a minor. The Mosaic Code refers to any person who is stolen.

In both the Hebrew and Babylonian systems the law of retaliation is predominant in cases of assault. (cf. the Holiness Code Lev. 21:19 and cf. C.H. 196, 197) However, in both systems there is the tendency to substitute a milder penalty when the victim is a slave or a commoner. (cf. Ex. 21:26, 27 and C.H. 198, 199)

Definite relationships are apparent between the personal injury laws cited in the Primitive Codes (Ex. 21:28-32) providing that injuries caused by animals are the responsibility of the animal's owner except when the owner was not aware of his animal's dangerous propensities. Although Ex. 21:29 provides the death penalty for the negligent owner, Ex. 21:30 gives him the opportunity of redeeming his life through ransom. This latter provision is in accord with C.H. 25. Both codes further reduce the penalty or amount of compensation in case the afflicted person is a servant or slave.

The law of retaliation also operates in Ex. 21:22 and in C.H. 209-210 when personal injury to a pregnant woman causes miscarriage and death. Miscarriage alone, however, in both codes call for a money retribution. In the C.H. 211-211 miscarriage of a servant or slave woman demands smaller penalty.

Both in Ex. 23:1, Lev. 19:16 and in C.H. 127 are there admonitions against spreading false reports about people. No penalty is provided in the Primitive and Holiness Codes. The C.H. provides, however, that the
offender shall be hailed before the judges and have the hair of his forehead cut off.

In that part of the Mosaic Code commonly identified as the ceremonial laws are to be found several rites or practices which trace their beginnings to early Babylonian civilization. They are probably motivated by the tendency to associate the gods with certain places and objects so as to make religion more intelligible and acceptable to the rank and file of the people.

The first settlement of Babylonia is represented by what is known as the Obeid culture. This name is derived from Telle-Obeid, a small mound four and one half miles northeast of Ur. As early as in level XIX at Tepe Gawra, which corresponds to the beginning of the Obeid period, the remains of a temple were found which is claimed to be the oldest religious structure known to man. At a later level (XIII) an acropolis was found. Three monumental temple buildings complete with shrine and cult chamber surrounded a main courtyard.

In Uruk (the Uruk period, according to Finegan, dates probably in the latter part of the 4th millenium B.C.) was found the first ziggurat, an artificial mountain built on a high place for a god whose shrine stood on its summit.

In the third dynasty of Ur temples were constructed which suggested many of the practises inherent in Mosaic Law. Indications were there which pointed to worship by sacrifice. Also apparent was the business of payments of tithes and taxes within the sacred area. The temples with their cult chambers, the ziggurats or high places, the tithes and taxes all have a

9. Finegan, J. Light From the Ancient Past. P. 16
position in Israelitish law. The following specific parallels may be made.

Reference is made in Nu. 10:33, 35, 36, in Dt. 10:1-5, 31:24-26 and in Ex. 25:10-22 to the ark of the covenant in which were to have reposed the two stone tablets of the law given to Moses. Sacred arks were also in common use among ancient semitic people. The Babylonians made them in the shape of ships and they were carried in sacred processions. They were used for the transportation of the gods' images both on land and on water. The ship of the Babylonian god Nabu was also provided with a captain and a crew. Often, in later times, these ships or arks were richly adorned or studded with precious stones.

The cherubim, which are mentioned in Ex. 25 as part of the ark's ornamentation, are like the colossi which guarded the Assyrian and Babylonian palaces. They were symbolic of strength, the wings of a bird in swift flight, and the faces of men of intelligence. The primary function of the cherub in Israelite religious symbolism is illustrated by two biblical passages. A very ancient hymn, found twice in the bible has the words, "And He rode upon a cherub and did fly." (I Sam 22:11, Ps. 18:11) The conception of the deity as standing or as enthroned on an animal or hybrid creature was exceedingly common in the ancient Near East. In Babylonia the figure of a deity is replaced in certain cases by a winged shrine and later by a thunderbolt. So in Israelite symbolism between 1300 and 900 B.C. Jehovah was conceived as enthroned upon the golden cherubim or standing on a golden bull.


Deuteronomy 21:5 states: "Jehovah thy God hath chosen the priests the sons of Levi to minister to him, and to bless in the name of Jehovah. And according to their sentence shall every dispute and case of assault be decided." The original idea underlying the institution indicated in Dt. 21:5 seems to have been that the god or gods chose certain men to represent them. The archaic Babylonian sign for king pictures the hand of the god resting on the head of the man thus chosen and commissioned to rule in his behalf. Sometimes the primitive priest-king was thought of as being related to the gods; sometimes the bond of kingship was believed established by contact with the blood of the sacrificial animal which the priest slew in behalf of the tribe or nation. The same rite of anointing with oil was employed in consecrating both Babylonian king and priest as was used by the Hebrews. 12

Joshua 9:26, 27, regarding the use made of captives as slaves of the sanctuary, has its precedent in an ancient Babylonian custom, whereby prisoners of war were dedicated to the deity in gratitude for the victories gained. Upon them fell all the menial duties of the sanctuary.

Leviticus 21:1-9, 22:1-9, 10:6-9; Ex. 30:17-21 outline detailed rules for ceremonial cleanliness. The Babylonians, too, insisted upon freedom from personal blemishes in the case of the priests. 13 Also among the Babylonians certain animals were considered unclean and not fit for sacrifice. Stress was laid on the quality of the sacrifice. The animals had to be without blemish, and if well-nurtured, they would be all the more pleasing in the sight of the gods. 14

13. IBID P. 659
14. IBID P. 662
The custom of the offering of the first fruits is detailed in Ex. 34:26; Dt. 18:4, 26:1-11; Lev. 19:24, 23:10, 11; Nu. 15:17-21; Lev. 2:14-16 and has its Babylonian corollary. "The first fruits of extensive groves are offered by Ashurnasibal to Ashur and the temples of his land."

Tithes or taxes exacted from the produce of the people's efforts were theoretically supposed originally to be given to God. They were later increased so as to support the priests and the temple functions. The laws regarding payment of tithes are recorded inDt. 14:22-27, 26:12-15; Nu. 18:25-32; Lev. 27:30-33. There are frequent references to tithes in the clay tablets forming part of the archives of the Babylonian temples. Monthly tributes are also mentioned; and these indicate, says Jastrow, that the Babylonians were taxed in some way for the support of the temples.

The earliest Babylonian inscriptions contain frequent references to both animal and vegetable sacrifices. Nebuchadnezzar, for example, tells us that he provided for the sacrifice of six lambs daily; also for Nabu's temple at Borshippa the daily sacrifices were arranged on a still larger scale, and included two fattened bulls of perfect form, sixteen smaller animals, offerings of birds, fish, leek, various kinds of honey, cream and the finest oil. The laws and literature of sacrifice reflect the ideas of a primitive age when the prevailing conception of the gods was anthropomorphic. These practices are taken over in great substance by the Hebrews and are

15. IBID P. 675
16. IBID P. 668
17. M. Jastrow's reference to the Grotefend Cylinder Col. ii. 11. 36-39 from IBID P. 667
18. IBID P. 667
reflected in the large body of law relating to sacrifice of animals, to the cereal offerings.

The function of libations illustrated by the reference to Jacob anointing with oil the stone on which he had slept, thus making it a holy place (Gen. 28:18, 35:14) is common in Babylonian times when it was customary to anoint the foundation stones of temples and palaces with oil and wine. Over the thresholds and the stones — bearing commemorative or votive inscriptions — libations of oil, honey and wine were poured.

The custom of displaying showbread (Ex. 25:30; Lev. 24:5-9) was practised in ancient Babylonia. The Holiness and Priestly Codes contain several references to peace-offerings. They are found in Lev. 22:21, 19:5-8, 3:1, 6-10, 7:11-14, 20, 21, 28-32. These seem to be intended to establish harmonious relationships between the deity and the one making the offering. The same kind of offerings (shulmu) are referred to frequently in the Babylonian texts. The following extracts from ancient prayers are to the point:

"Accept the gift he brings, receive his ransom money; let him walk before them on the ground of peace (shulme)" (4 R 54:47); also "May the man afflicted with fever be purified like shining metal by means of a gracious peace offering." (K 246)

The laws regarding the day of atonement (Lev. 16, 23, 26-32; Nu. 29:7-11) appear to be among the latest sections of the Pentateuch. Its background is probably the Babylonian exile and its motive is the deep sense of guilt which must have been impressed upon the conscience of the Jews as a

19. IBID P. 664

20. Kent, C.F. Israel's Laws and Legal Precedents. P. 246
result of its catastrophic captivity. The emphasis of the priests during the exile was on holiness so that Jehovah, the holy one, would be served by a holy people. In the priestly school holiness or godliness meant cleanliness or ceremonial purity. Therefore the ritual on the day of atonement was developed to rid the nation and the sanctuary of all possible forms of defilement overlooked or not provided for by the other detailed ceremonial laws. It naturally became, then, the most important day in the calendar. It was like a day of great national confession of individual as well as national guilt for sins committed during the preceding year.

It is possible that this institution was derived from the Babylonian day of appeasement (Shabbatum). Doubtless the Jewish priests in the Babylonian exile were influenced to some degree by the prominence of this kindred idea among their neighbors and masters.
THE HURRIANS

The Hurrians, who figured in Near-Eastern cultural development, first appear in history about 2140 B.C. They came down from the Kurdish mountains into Northern Mesopotamia, especially the East-Tigris country. According to T. E. Meek the Hurrian migration occurred not earlier than the beginning of the second millennium, probably just after the golden ages of Hammurabi in Babylonia and the Twelfth Dynasty in Egypt, at a time when the Near East was weak and could easily have been overcome by an invading horde like the Hurrians. Hurrian names, common in Southern Mesopotamia during the Third Dynasty of Ur, continued fairly numerous under the First Dynasty of Babylon. Hurrian tablets were discovered at Mari supposed to antedate the eighteenth century B.C. To this early phase of Hurrian literature (c. 2140-1800 B.C.) belong some of the Hurrian religious texts found at the ancient Hittite capital of Boghazkoy in Asia Minor as well as the lost Hurrian originals of several mythological texts which had been translated into Hittite.

The significance of Hurrian culture in relation to the Hebrews arises from the fact that the customary law found in the patriarchal stories of Genesis find close kinship with Nuzian social and legal practice. Nuzi was a Hurrian city which was supposed to have been destroyed by fire in the middle of the second millennium B.C. In 1925 Professor Edward Chiera began

21. Albright, W.F. From the Stone Age to Christianity. P. 110
22. Meek, T.E. Excavations at Nuzi. Cambridge
Harvard University Press; 1935: Vol. III, P. xii
excavations at Nuzi which has yielded important information concerning the Hurrians (Biblical Horites). These Nuzian archives contain a varied list of documents covering all sorts of business and family contracts and court records. Sale adoptions and real adoptions are mentioned. There is also a group of documents relating to the division of inheritance, marriage, security, loans and purchase of slaves. 23

Some striking parallels to Old Testament tradition have been pointed out by C. H. Gordon in the Biblical Archaeologist as occurring in the Nuzian tablets. Reference has already been made (see p. 38) to the custom of voluntary servitude. Parallels have also been found in the Nuzian tablets substantiating Old Testament customs of inheritance. Other parallels are found in etymology. For example the name 𒄀 šašu (AN), "El is my god," is absolutely identical with the biblical name 𒈩 šəš. 25

The Hurrian occupation of Syria and parts of Palestine probably was the result of the Hyksos movement. The Hurrians, having adopted as they did the principal gods, heroes and myths of the Sumero-Accadians, were responsible for that Sumero-Accadian culture reaching the Hittites and other Anatolian peoples. The fact that the Hebrew migration from Mesopotamia to Canaan was probably contemporary with the movement forming the prelude to the Hyksos Age suggests a composite ethnic origin for the Hebrews including Hurrian as well as Semitic elements.

The latter is borne out by the evidence presented in the 20,000


tablets discovered at Mari relating mainly to the first half of the seventeenth century B.C. Mari seems to have been the most important state in Western Asia. Its power reached up to Euphrates from the frontier of Babylonia proper to the south of Carchemish. The personal names of the people of Mari were nearly all Amorite, with some Accadian and Hurrian names; the tablets, though written in Accadian, are replete with Amorite words, expressions and grammatical peculiarities. Mari represents, then, the result of the adoption of Accadian culture by a nomadic West-Semitic folk speaking a tongue which must have been almost identical with the ancestral Hebrew of the Patriarchs. The culture of northwestern Mesopotamia, the region around Harran, place name in the early migration of Israel, was a mixture of Hurrian and Amorite elements, on a Sumero-Accadian foundation.

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26. Albright, W.F. *From the Stone Age to Christianity*. P. 112
Three hundred miles north of Babylon had appeared another important civilization. Surrounded by belligerent neighbors, it was forced to maintain a hard military life. It overcame by sheer military prowess what might be called its parent cities in Elam, Sumeria, Akkad and Babylonia; it conquered Phoenicia and Egypt and for two centuries dominated the Near East with brutal power. The god Ashur gave the name of Assyria to this new state.

The government of Ashurbanipal, (c. 670 B.C.) which ruled Assyria, Babylonia, Palestine, Syria, Phoenicia, Sumeria, Elam and Egypt, was probably the most extensive administrative organization ever seen in the Mediterranean world; only Hammurabi and the Egyptian king Thutmosis III had ever approached it. The Assyrian government was primarily an instrument of war, for war was usually more profitable than peace. War cemented discipline, it intensified patriotism, it strengthened the power of the monarch. War resulted in material gain for the conquering nation; it enriched the capital with spoils and slaves. For this reason Assyrian history is one long record of cities destroyed and fields laid waste.

The army, therefore, was the most vital part of the government. Next to the army the chief reliance of the monarch was upon the church, and he was very concerned about the proper support of the priests. The god Ashur was supposed to be the real head of the state; all pronouncements and edicts were in his name; taxes were collected for his treasury and all campaigns were waged to furnish him with spoils and glory. The king himself was described as a god, usually an incarnation of Shamash, the sun. Sometimes the Assyrian puppet state was allowed autonomy to practise its own religion.
and its own law so long as it remitted tribute promptly.

In so loose an organization any weakness in the central or administrative power encouraged rebellion or at least a spirit of negligence in regard to tributary payment. As a consequence it was often necessary to reconquer subject states. To avoid these recurrent rebellions Tilgath-Pileser III, Assyria's monarch from 746 to 728 B.C., established the technique of deporting conquered populations to alien habitats. His theory was that such mingling with natives of strange lands might cause his enemies to lose their unity and thereby minimize the opportunity for further rebellion. The exile of the Hebrews to Babylon some years later is an example of this technique in operation.

Babylonian-Assyrian Connections

Many historical treatments of Assyria consider it as of a whole with Babylonia. In the words of Smith, however: "The present duty of those who would understand the ancient East is to discover, and estimate the value of, the features which distinguish one land, one people, from another, in order that a more sharply defined conception than has hitherto been possible shall be attributed to the terms 'Assyrian' and 'Babylonian'. It may be that absolute precision in using these terms will prove as impossible as it would be to distinguish between 'Latin' and 'Greek' in considering the civilization of Rome in the first century of our era.

The fact that lands other than Babylonia exercised great influence on the Tigris Valley adds to the difficulty of marking out distinct Assyrian characteristics of civilization. During the time of the Assyrian empire there

was throughout Western Asia an average level of civilization which makes it almost impossible to distinguish one land from another.

The lack of distinguishing cultural characteristics is especially noticeable in the religious sphere. With the exception of Ashur, every one of the Assyrian gods was worshipped in Babylonia. The same held true in regard to religious practices. Religious festivals of Assyria were held at the same time and in the same manner as those in Babylonia except for certain isolated peculiarities.

Assyrian Influences on Hebrew Ceremonial Laws

In view of the preceding material which treated Babylonian influences on parallels to the ceremonial laws found in Old Testament legislation, it will suffice to note summarily those areas in which similar parallels are found in Assyrian culture. The cherubim which adorned the Hebrew ark of the covenant also were used to guard Assyrian palaces. The custom of having the chief priest of the tribe serve as king may be traced back to the early Assyrian usage of having the rulers of the city-states synonymous with the heads of the national religion. In this way Assyrian rulers were subject to certain religious ceremonial restrictions. Many of the Hebrew cult practices of sacrifice, peace and sin offerings, purification rites etc. were equally prevalent in Assyrian culture.

Fast days, established during times of national distress, were

28. IBID P. 317


30. For detailed account of Babylonian-Assyrian religious temples and cults see Jastrow's The Religion of Babylonia and Assyria. Chap. 26, P. 612
part of Assyrian religious cult and find their counterpart in the principle of self-denial ordered in the Hebrew day of atonement. To appease angered gods whose temples might have been devastated in war, atonement and purification rites were observed. Jastrow mentions the incident of Nabubaliddin who, restoring the Shamash cult at Sippar, purifies himself by taking water and washing his mouth preliminary to bringing sacrifices to Shamash in his shrine.

On seal cylinders have been found evidences of tree worship in Assyria. "The comparison," says Jastrow, "with the ashera or pole worship among Phoenicians and Hebrews is fully justified....."

The most significant evidence testifying to social conditions of the Middle Assyrian Period (13th to 11th centuries) consists, in part, of a law code. The Assyrian Code, says Smith, "would be better not termed a code at all; the laws contemplate individual cases, and clearly rose from judgments in particular cases".

Assyrian Law and Its Bearing on Hebrew Legislation

In discussing the similarities between the Assyrian laws and Hebrew legislation, it should be borne in mind that no conclusive evidence seems to identify the similarities as direct borrowings. We may safely assume, however, that parts of Israelite law most definitely, even if unconsciously, mirror Assyrian influences.

One of the outstanding contrasts between the Assyrian Code and the Mosaic Code lies in the fact that the former seems to reflect a much more

31. IBID P. 688
32. IBID P. 689
33. Smith, Sidney. Early History of Assyria. P. 318
advanced stage of civilization than do the early Hebrew laws. There is at-
testation of this in the much more detailed handling of certain situations by
the Assyrians than is apparent in the Hebrew law. For example, Ex. 21:22 of
the Hebrew Code has a single law covering the case of a pregnant woman suf-
fering miscarriage. The law requires the offender (he who causes the mis-
carriage) to pay whatever fine the woman's husband may levy upon him. If
there is injury to the woman beyond the loss of the embryo, then the law of
retaliation is observed. Assyrian law, on the other hand, devotes five sec-
tions to this subject. As in the Hebrew law, the offender must pay a fine.
The fine, however, is fixed by law. If the infant is lost, substitution of
another child must be made. Unless the embryo was very small, the offender
is condemned to death. Otherwise, the offender is allowed to substitute a
"life". If the injury was inflicted in the very early stages of pregnancy, a
fine must be paid. If the miscarriage is caused to a harlot, the offender
must make restitution with a life. If a woman aborts herself, she shall be
crucified and shall remain unburied. (Assyrian Codes ## 21 and 49-52; As-
syrian Codes will hereinafter be referred to as A.C.) The indications are,
therefore, that the Assyrians have a much wider range of experience behind
them insofar as the formulation of their laws were concerned.

The following are further points of contact between Assyrian and
Hebrew legislation: both systems prohibit and penalize adultery, although in
Hebrew legislation the penalties are more severe — death to both or one of
the offending parties where the perpetrators are avowedly guilty. In Hebrew
legislation the laws against adultery are found in Dt. 5:18, 22:22-24; Lev.
18:20, 20:10; Nu. 5:12, 13, 18, 21, 23, 24, 26, 27, 31. In A.C. ## 22-24,
where adultery is mentioned, the man who commits adultery in innocence must
pay a fine stipulated by law. Nowhere in the Hebrew laws on adultery is such an instance mentioned. In A.C. #22 the law provides that in cases of doubt, that is where the man professes innocence of any abuse toward the woman, despite the woman's claims to the contrary, he must endure the river ordeal. If he survives the river, he then receives whatever punishment is meted out to the woman by her husband. In A.C. #23 a married woman who, through trickery, is involved in adulterous relations may go free upon admission of the illicit act. The man involved and the procuress are condemned to death. If the married woman does not admit to the illicit act, her husband may punish her as he pleases. The adulterer and procuress are put to death. In A.C. #24 a married woman voluntarily leaving her husband to go live in somebody else's home would, upon the discovery of her transgression, be taken back home by her husband and mutilated by him in retribution. The husband, who was master of the house in which the offending wife illicitly dwelled may claim innocence saying he knew nothing of the strange woman's presence in his house. In this case he must endure the river ordeal to prove his innocence. Otherwise, he must pay a stipulated fine to the offended husband.

The significant interpretations to be made in regard to the similarities and differences observed in Hebrew and Assyrian laws on adultery are that Assyrians did not seem to consider adultery an offense against morality or religion as such. Further, there does not seem to be an overbearing concern with the rights of the women involved. The offense is regarded as one chiefly against the husband. The prevalence of punishment by the imposition of fines suggests that the Assyrian considered his wife as property to a certain extent and demanded payment in return for the deprivation of property temporarily suffered. As Driver and Miles indicate, if women, before marriage,
underwent sacral prostitution, it is unlikely that sexual offenses would be
terribly frowned upon as such.

Both in Dt. 25:11 and in A.C. #8 penalties are meted out to the
woman who injures a man's testicles. In the Hebrew law the offending woman's
hand is cut off. In the Assyrian Code her finger is cut off unless the other
testicle of the man became infected as a result of surgery. In this case the
woman has both her eyes destroyed. The foregoing is based on a translation
by D.D. Luckenbill. Driver and Miles in their translation of A.C. #8 do not
agree that the destruction of the eyes are referred to. Although they do not
commit themselves definitely, they are inclined to believe that the text
refers to the tearing out of the woman's nipples or breasts inasmuch as this
would be in closest conformity with the lex talionis. They base this on the
fact that the male's procreative organs are involved. There is also the fact
that there is precedent for the cutting off of a wet nurse's breasts in the
Babylonian Code.

In the Assyrian Code there are two groups of laws, namely ## 12-
16 and ## 55-6, which deal with sexual offenses committed either with or
without the consent of the woman. Of these two groups of laws, one deals
with married women, the other with unmarried women. The important distinc-
tion is that offenses concerning married women are in the class of adultery
and seemingly more serious. Acts committed with unmarried girls are con-
sidered comparatively trivial. This is further evidence of the "property"

Clarendon Press. 1935. P. 78


36. Driver and Miles. The Assyrian Laws. P. 31
evaluation placed upon married women. Another distinction, not always clear, is between acts committed with and without the consent of the woman. While not always expressly stated the circumstances outlined by the Assyrian laws give ample clues: in A.C. #13 the woman leaves her house and goes to the man, in #14 she is found by him in a brothel or other public place and in #56 she gives herself to the man. The Hebrew law regarding rape, found in Dt. 22:25-27, has exactly the same provisions as found in A.C. #12. Both refer to the rape of a married woman without the latter's consent. In both laws the death penalty is meted out to the man and the woman is allowed to go free.

Some similarity between the Assyrian Code and the Mosaic Code is found in comparing the laws of Sodomy (Lev. 18:22, 20:13) with the law in the A.C. #20 (Tablet A). Both refer to a man having intercourse with another man. In the Hebrew Code both men involved in the act are put to death. The Assyrian Code merely provides that the man having intercourse with his companion be castrated. It is not clear from the available translations whether the man punishable by castration is he who assumed initiative in the illicit relationship or the other. Determination of guilt in this matter is rather vague.

The Assyrian laws contain several references to certain customs connected with marriage which resemble the levirate. The levirate marriage is mentioned in Dt. 25:5-10 of the Old Testament legislation. The levirate marriage provides that if brothers live together and one of them dies without having had a son, the wife of the dead man shall not marry outside of her husband's family; she shall have sexual relations with the brother of her dead husband. The first-born of this union shall succeed in the name of the dead husband, and shall take his name. A brother-in-law, unwilling to assume
this obligation, could be publicly shamed by his widowed sister-in-law. An instance of sororate occurs in A.C. #31 where a man has brought wedding gifts to his father-in-law's house but his bride dies before the completion of the marriage. He thereupon may obtain the consent of his father-in-law and marry one of the bride's sisters, if she has any. He has no duty to do this; neither can he enforce his right to a sister against his father-in-law's will. The logic behind this principle is that the marriage was not actually completed although gifts were given; therefore, the marriage contract could not be considered fulfilled. Another case where the Hebrew custom of levirate marriage is approached may be found in A.C. #30 where a dead son's wife is given by his father to another son. Again in A.C. #33 the dead son's wife is given to his father.

The custom of the levirate probably stemmed from the desire typical of ancient peoples to ensure the continuance of the family and thereby of the ancestral property and ancestral cult. The Babylonians and Assyrians accomplished this objective by polygamy and by the recognition of the legitimacy of children born of slave-wives, maids, concubines or by adoption. Although some of these practices were employed by the Hebrews, their chief method was the levirate.

In both the Hebrew Primitive and Holiness Codes are found laws against slander. They are very general and in both cases (Ex. 23:1; Lev. 19:16) are mere admonitions carrying no penalties. Laws concerning slander are found also in Assyrian laws 17-19. These are most specific both in reference to the particular nature of the slander and to the penalties accruing to the

37. Ibid. p. 249
slanderer. In the Assyrian Code the slander refers to false charges made concerning whoredom on the part of a man's wife and sodomy on the part of a man. The penalty involves a fine, forced labor, mutilation and corporal punishment.

The subject of A.C. #47 is witchcraft or sorcery. It requires that sorcerer or soferess by put to death. This agrees completely with Lev. 18:27 of the Holiness Code. The law of Ex. 22:18, however, condemns only the sorceress to death. The Deuteronomic law 18:10-11 forbids every kind of divination and sorcery, while it does not provoke any penalties. While the motive underlying the severe Assyrian penalty for sorcery is not stated, it seems to be the extreme fear with which practitioners of this art were regarded. The sorcerer is described in one incantatory text as a being "in whose heart the word of my misfortune dwells, on whose tongue my ruin is begotten, on whose lips my poison originates, in whose footsteps death stands." No motives for Hebrew law of sorcery are explicitly given either though the most obvious is the religious motive — that of substituting the voice of the prophet for that of the soothsayer.

The Assyrian and Mosaic Codes both make ample provision for instances of theft although the Assyrian Code makes distinctions between thefts caused by wives and thefts caused by others. Theft is a crime in both societies. In practically all cases where an Assyrian person is proved guilty of theft, he must make restitution with interest of that which he has stolen. This agrees with the provisions for theft found in Ex. 22:1-4; Lev. 6:2-5. The Assyrian thief, in addition to making restitution is visited

38. Tallgrist Magl. iii 89-93 (translated in Driver and Miles PP. 118f)
with corporal punishment as well. In Tablet B of the Assyrian Code #9 provides that a man who has encroached upon the land of another shall do forced labor for the king for one month. The same offense is noted in Dt. 19:14 and carries no penalty. It is also mentioned in Dt. 27:17 and here merely invokes a curse on the offender.

Hebraic law makes no mention whatever about stealing on the part of women. The Assyrians have a series of rules on this subject. It is difficult to determine why there should have been a special female class of thieves; it might simply have been in accord with the unequal status assigned to women in those times.

One rule found in Ex. 22 permits the thief to be sold in payment of his obligations should he not have the wherewithal to make restitution. And Ex. 22:2 provides that the person killing a thief in the act of breaking and entering is not to be adjudged guilty of murder.

Finally, in our consideration of the Mosaic Code and what it may have derived from Assyrian cultures, it is interesting to note the rules which apply in both societies for the care of the rights of slaves. Although there are no direct parallels in the laws concerning slavery, our interest is aroused by the fact that both societies did write specific humane legislation in behalf of slaves. In the Assyrian Code we find reference to slaves in Tablet C #1-3. Herein it is stipulated that a person can not sell another person if the latter is being held in bondage as security for a pledge. Transgression of this law merits loss of the sale money, corporal punishment, forced labor and reparation to the owner of the equivalent of the slave's sale price. If the slave is sold into another country and dies there, the transgressor pays with his own life.
The Mosaic Code in Ex. 21:2-4, 26, 27 provides for the manumission of slaves in the seventh year; it states the conditions of his freedom; it protects him from physical assault by his master. In Dt. 15:12 the manumission of slaves is accompanied by the furnishing of supplies by the master so that the slave does not go out empty-handed. Lev. 25:10 sets aside the fiftieth year as the year of jubilee in which all slaves are freed and to "proclaim liberty throughout the land to all its inhabitants." Dt. 23:15 forbids the return of an escaped slave to its master.

It would seem from the foregoing analysis of Hebrew and Assyrian parallels that if the Hebrews borrowed directly from the latter, they did so with great discrimination. Although a certain amount of humane spirit is evident in both, the Assyrian legislation is far more practical and precise reflecting much greater progress in civilization than was true at the time the Hebrew codes were written.
HITTITE INFLUENCES

Hittite Origins

That the Hittites were intruders in Syria as well as in Western Asia Minor is borne out by certain evidences which indicate their descent from the ranges of the Taurus mountains. It was somewhere around the beginning of the second millennium that they made their appearance in Asia Minor and Syria. Their culture was considered high.

There is some probability that the Hittites settled in Palestine during the Middle Bronze Age (c. 2000 - c. 1500 B.C.). Finegan believes that their settlement had some connection with the Hyksos. In Genesis 23 Hebron is mentioned as being the dwelling place of the "Children of Heth". The term "Heth" refers to the Hittites. In Ezekiel 16:3-5 Jerusalem is described as a Canaanite city built both by the Amorites and Hittites: "Thy birth and thy nativity is of the land of the Canaanite; the Amorite was thy father, and thy mother was a Hittite."

There were two main periods of Hittite influence. The old Hittite kingdom went back to the time of the First Dynasty of Babylon (c. 1830 - c. 1550 B.C.). The new Hittite kingdom flourished around 1400 to 1200 B.C. Subbiluliuma was the great king of this period; he conquered the Mesopotamian kingdoms of Mittani and the Hurri, sent armies into Syria and invaded Palestine.

40. Olmstead, A.T. History of Palestine and Syria. PP. 116ff
41. Finegan, Jack. Light from the Ancient Past. P. 125
The Hittite language, recently deciphered by Hronzny from the ten thousand clay tablets found at Boghazkoy by Hugo Winckler, was largely of Indo-European affinity. They acquired the use of cuneiform from the Babylonians and mingled a great deal with the ancient Hebrews.

Parallels in the Hittite and Mosaic Codes

The first five laws in the Hittite Code deal with cases of murder. The only similarity in principle that exists between these Hittite laws and the Hebraic laws of murder is that which differentiates between the premeditated or wilful murder on one hand and the accidental murder on the other. The Hittite law provides penalties in both instances except that in the latter type of slaying the penalty is milder. In Hebraic law there is no penalty for accidental slaying provided that the offender flees to a city of refuge. Other than this the two codes are entirely different in spirit. In Hebrew law murder is punishable only by death; no differentiation is made in the social status of the person killed. The Hittite Code provides for monetary penalties, for the replacement of the victim's life with the lives of other persons. It also varies the amount of reparation according to the social status of the victim — whether he be free man, merchant or slave.

The law #10 of the Hittite Code requires that a man who has caused injury to another so as to incapacitate him is financially responsible for the injured's maintainence during the time of his incapacitation, this maintenance being inclusive of physician's fees. This law has a striking


43. Based on a translation of the Hittite Code by Dr. Arnold Walthers in J.M.P. Smith's The Origin and History of Hebrew Law. PP. 247-274
resemblance to Ex. 21:18 which acquits a man of criminal guilt resulting from assault, but requires him to pay damages to compensate for the injured's loss of time until he is thoroughly healed.

Both codes make provision for assault on slaves. The Hittite Code, however, is concerned with the material loss indirectly suffered by a slave-owner because of the slave's injury and demands financial compensation to the slave-owner from the assailant. The Hebrew Code refers to assault on the slave by his own master and calls for the slave's freedom in retribution.

Hittite Code laws #13-16 provide financial penalties for disfigurement of persons through assault while Lev. 24 invokes the law of retaliation for offenses of disfigurement.

In both codes there is inflicted a penalty on anyone causing a woman to miscarry. In both codes the penalty is a fine with the exception that in the Mosaic Code (Ex. 21:24, 25) the law of retaliation -- "life for a life...." -- is imposed when physical harm comes to the woman as a result of the miscarriage. The laws of miscarriage are stated in the #17, 18 of the Hittite Code.

It is interesting to note that laws pertaining to the return of escaped slaves appear in the Hittite Code #22-24 and in the Deuteronomic Code (Dt. 23:15). The latter, however, has the strict injunction that the finder of an escaped slave shall not return him to his master. The Hittites encouraged the return of escaped slaves by placing bounties on their heads.

In #14 of the Hittite Code magic is treated as a crime and is subject to the judgment of the king. This law finds parallels in Ex. 22:18; Lev. 18:27, 19:26, 20:6. In the latter instances, however, death is the punishment meted out to the sorcerer.
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Hittite law #45 states that the finder of a lost piece of property must return the same to its owner, if the latter is known. The owner of such property must reward the finder. Failure to return the property brands the finder as a thief. Although the Mosaic Code does not go so far as to brand the finder of lost property as a thief, nor to provide rewards to the finder, Ex. 23:4 of the Primitive Codes and Dt. 22:1-3 of the Deuteronomic Codes do require restoration of lost property.

The Hittites and the Hebrews seemed to share a common attitude toward the place of priests in their respective societies. Hittite law #50 specifically exempts high priests from the payment of the king's taxes. Hebrew law goes even further and provides that the Levites, who were of the priestly class, should derive their maintenance from the taxes paid to the Jewish community (Dt. 14:27; Nu. 18:30).

Laws ## 57-71 of the Hittite Code refer to the theft of domestic animals and provide in each case that the thief compensate the aggrieved owner with a number of animals of the same variety and in excess of the amount of the actual theft. This principle of compensation with interest is followed exactly in the Primitive Codes (Ex. 22:1).

Law #72 in the Hittite Code holding the owner of property responsible for the death of an ox on his property is similar to Ex. 21:33, 34 which requires a man to make good the loss of an ox which met death by falling into his open cistern.

Law #75 of the Hittite Code and Ex. 22:10-13 are very much alike in that both provide that an animal borrowed for temporary use, and stolen, maimed or killed during this period, must be replaced in kind unless the borrower take an oath that the animal came to harm out of no negligence on
his part. In the latter instance the borrower is completely absolved and need not make restitution of any kind. Another similarity in laws regarding animals is found in Dt. 25:4 and #78 of the Hittite Code requiring that a threshing ox be not muzzled.

Law #106 of the Hittite Code and Ex. 22:5, 6 are alike; both refer to negligent incendiarism resulting in the loss of another's field and requiring the negligent person to make restitution for the field destroyed by fire.

It seems that both in the Hittite Code (laws #168, 169) and in Dt. 19:14, 27:17 a sacrilegious taint is attached to the altering of land boundaries. The Hittite Code requires some sort of ceremonial cleansing or offering to make the matter of the boundary right again. Dt. 27:17 calls down a curse on him who removes his neighbor's landmark.

Both codes contain severe admonitions against bestiality. Law #187 of the Hittite Code and Ex. 22:19 of the Primitive Codes provide the death penalty to any man having intercourse with an animal. The Hittite Code makes two exceptions, however, in #200A, making intercourse with a horse or mule unpunishable.

Hittite law #189 may be compared with Lev. 20:11; they deal with incest and invoke the death penalty upon the offenders. The Hebrew legislation, however, is much more detailed upon this matter of incest than is the Hittite Code. The latter is also more lenient providing in #190 that there be no punishment when the incest is performed upon the mutual acquiescence of both parties.

There is indication in law #193 of the Hittite Code that the practice of levirate marriage existed. Levirate marriage is set forth in
Dt. 25:5-10. The difference in the two laws, however, lies in their approach to the subject. Whereas Mosaic law is positive on this matter encouraging the brother of a diseased husband to live with his sister-in-law, the Hittite Code merely condones this practice saying that for this there is no punishment.

The law of rape as it is applied in Dt. 22:25-27 is exactly similar to the first part of law #197 of the Hittite Code: that if the man rape the woman in such surroundings as to make it impossible for her to secure help, then the crime is the man's only and he must pay for it with his life.

Both codes have a law concerning adultery. In the Hebrew legislation it is found in the Deuteronomistic, Holiness and Priestly Codes; in the Hittite Code it is found in law #198. The essential difference in the two laws, however, is that the Mosaic Code provides death to the adulterers automatically, should their guilt be proven. The Hittite Code allows the decision for or against the death penalty to be made by the cuckolded husband.

Other Mosaic Parallels in Hittite Culture

The temple plans of the Hittites as described in Sayce's *The Hittites* compare rather closely with Ezekiel's temple plan so minutely described in Ezek. 40:1-27. The temple, writes Sayce, stood "in the very centre of the 'Holy City'. It consisted of an outer court and an inner sanctuary which again contained a Holy of Holies, entered only by the high-priest and those of his companions who were 'nearest the gods'. The temple was erected on an artificial mound or platform, more than twelve feet in height, and its walls and ceiling within were brilliant with gold. Its doors were also gilded, but the Holy of Holies or innermost shrine was not provided with
doors, being separated from the rest of the building; it would seem, like the Holy of Holies in the Jewish temple, by a curtain or veil."

As with the Hebrews, the Hittite religion called for sacrificial offerings. During the many festivals, people flocked to the temple; numerous and rich offerings were brought to the shrine. Goats and sheep were the most common sacrificial victims. This compares with the type of sacrificial animal required in Lev. 18:19 of the Holiness Code. The only animal whose flesh was forbidden to be either sacrificed or eaten was the swine. As among the Hebrews, it was regarded as unclean (see Lev. 11:7).

In Ex. 21:12-14; Dt. 19:1-13, 4:41-43; Nu. 35:9-15 appear instructions concerning cities of refuge to which may flee persons who accidentally have slain others. Should such slayers reach these cities of refuge, they may continue to live there unmolested. This practice seems to have very definite antecedents in Hittite social customs. The Hittites also provided "holy cities" to which persons guilty of homicide could escape and be safe from pursuers. Once within the precincts of the "holy city" and supposedly under the protection of that city's deity, they could not be injured or slain. The Hittites were more liberal, however, according the privileges of the cities of refuge not only to those who had slain by accident, but also to the debtor and political refugee.

44. Sayce, A.H. The Hittites, The Story of a Forgotten Empire. P. 104
45. IBID P. 107
46. IBID PP. 113f
CANAANITE INFLUENCES

Preface

The land of Canaan, present-day Palestine, formed one of the most important highroads of the Near East. It was a road which led from Egypt to Asia Minor, Assyria, Babylonia and Persia. It was a battle-ground for the Egyptians, the Babylonians, the Assyrians and the Hittites. Because of its peculiar geographical position and its resultant strategic importance to the economy of its neighbors, Canaan was exposed to a multiplicity of cultural influences.

It becomes apparent, therefore, that the broad outlines of Hebrew culture were being fixed long centuries before the entrance of the Hebrews into Canaan. The language of the Old Testament was used by the Canaanites and Phoenicians a thousand years before the entry of Hebrews into Canaan. At their entrance the Hebrews were simple nomads at an extremely low cultured stage. During the slow process in which they conquered the land, they intermarried with the native Canaanites, absorbing a good deal of their customs and beliefs.

This tendency of the invading Hebrews to assimilate with the early inhabitants is particularly noticeable in the area of religious thought and practice. Because so much of Hebrew religious tenets is incorporated throughout the Mosaic Code, this study is interested in probing those antecedents of or parallels to Mosaic elements believed to be definitely part of

Canaanite social structure. Constantly borne in mind is the realization that Canaanite customs doubtlessly were influenced by some of those cultures previously discussed in this study.

Ras Shamra Inscriptions

In seeking to determine the pertinent aspects of Canaanite culture in its relation to the Mosaic Code, several notable excavations lend valuable aid. Primary among these is the work of two French archaeologists, M.M. Schaeffer and Chenet, who dug up clay tablets with a new kind of cuneiform writing among the ruins of Ras Shamra in North Syria, opposite the Island of Cyprus. The original discovery was made in 1929 and was supplemented by further excavations in 1930-32.

Some of the contents of these tablets consist of ceremonial rituals which are very much akin to the phrasing of the bible. The carefully indicated schedule of sacrifices and offerings of the Ras Shamra cultus can be traced mainly in the Priestly legislation of the Pentateuch: the trespass or guilt offering mentioned in the Ras Shamra tablets is found in Lev. 19:21, 22; 5:14-19; 6:1-7; 7:1-7. It provides that anyone sinning by disobeying any of Jehovah's commands must expiate his sin by bringing a ram to the temple for sacrifice. The Ras Shamra peace offering found in the Holiness and Priestly Codes (Lev. 22:21; 19:5-8; 3:1, 6-16; 7:11-14, 20, 21, 28-32) were the most common kind of private sacrifices. They are supposed to be offerings intended to establish harmonious relations between the deity and the individual offerer.

The tribute offerings mentioned in the Ras Shamra letters have allusions in Dt. 16:17 — "every man shall give as he is able according to

the individual gift with which Jehovah thy God hath blessed thee*. The wave offering of Ras Shamra finds expression in Ex. 29:24; Lev. 7:30; Nu. 6:20. The wave offering signified that the item or items being offered were swung towards and from the altar; the action symbolized their presentation to Jehovah and his return of them to the giver. The custom of the firstfruits so popular in Hebrew law is another Canaanitish practice as borne out by the Ras Shamra tablets. In the Hebrew legislation it appears in Ex. 34:26 of the Primitive Codes, in Lev. 2:12 and Nu. 18:12 of the Priestly Codes and in Dt. 26:2 of the Deuteronomic Codes. It was probably natural for the Hebrews, gradually passing into the agricultural stage as they did to take over this custom of bringing the first products of their fields and orchards to Jehovah.

References to the bread of the gods are found both in the Ras Shamra tablets and in Lev. 21:6, 8, 17. The burnt offering is mentioned in both places (specifically Lev. 4:12) and the whole-burnt offering in Lev. 6:16; Dt. 13:16, 33:10. The new moon offering which figures in the Ras Shamra schedule of rituals has its Hebraic counterpart in Nu. 28:11 which reads: "On the first days of your months ye shall offer a burnt-offering to Jehovah, two young bullocks and one ram, and seven yearling rams without blemish." The feast of the new moon was one of the oldest Hebrew institutions — originally a family feast celebrated with a clan sacrifice.

The divine names "El" and "Elohim" appear often on the Ras Shamra tablets. These are words that are written countless times in the original

49. Kent, C.F. Israel’s Laws and Legal Precedents. n. f P. 193
50. IBID P. 262
Hebrew version of the bible and are translated "God" in our English versions. (cf. the first sentence of the bible: "In the beginning Elohim created the heavens and the earth.") The name "Yah" which is better known as Jehovah occurs in the following passage of one of the Ras Shamra tablets: "The name of my son is Yah-Elat...." Marston says that the "portion of the tablet, on which further words of this sentence were written, has been broken away; so Elat may begin another sentence and not link up with Yah; or on the other hand it may actually be Yah-Elim, in other words Jehovah-Elohim."

The ceremony of the boiling of a kid in its mother's milk described in the Ras Shamra tablets has been the subject of considerable discussion. Despite the fact that the native religion of the Hebrews was strongly influenced in a positive manner by the inhabitants of Canaan, in this last-mentioned instance the Hebrews reacted negatively and Ex. 34:26 prohibits the boiling of a kid in its mother's milk.

Another major area of the Ras Shamra tablets which has direct bearing on Mosaic law encompasses the references made to the temple and its furnishings. The tablets refer to the courtyard of the tent which is in accord with the Court of the Tabernacle or of the Dwelling found in Ex. 27:9. The holy place of the holy places is practically the same as the Hebrew "Holy of Holies" in Ex. 26:33, 34 etc. The tablets mention the table of gold in the sanctuary which compares with the table (Ex. 25:24) which "thou shalt overlay (it) with pure gold". In the tablets the sacred enclosure was

51. Marston, Sir Charles. New Bible Evidence. P. 190

Graham, W.C. Journal of Religion. 11 (1934) P. 321
regarded as "sanctuary". The expression of "guest" is the same used in the Old Testament for the "alien within the gates" (Dt. 5:14). There is an allusion in the Ras Shamra tablets to a sacred object called "Ed" round which the women worshippers danced. This may be a reference to the ark of the covenant since the word for "covenant" is "Eduth". Certain offerings are made on the hearth or ashpit. This practice has a familiar sound in Lev. 4:12: "even the whole bullock shall be carried forth outside the camp to a clean place, where the ashes are thrown out, and he shall burn it on the wood with fire; where the ashes are thrown out shall it be burnt." The sacred number "seven" in Canaanite ritual is intoned frequently in the Old Testament in connection with "the seventh day" (Ex. 32:2) or with the "year of release" (Dt. 15:1). The Ras Shamra tablets mention "seven" quite often -- for festivals of seven days duration, seven years reign of the king, seven years influence of departed spirits etc.

Lachish Excavations

The excavations at Lachish have contributed further evidence linking Hebrew ritualistic practices with those current during the more ancient Canaanitish times. One of the outstanding features uncovered at Lachish was the temple. Its description lends credence to the religious parallels drawn above from the Ras Shamra tablets. A small vestibule in the temple led into the sanctuary proper. There stood a raised shrine. At the base of the shrine was a hearth beside which stood a receptacle to hold a bowl for the libations. On the other side of the shrine was a large bin, presumably for meat or grain offerings. A niche for lamps was next to the

53. Marston, Sir Charles. New Bible Evidence. P. 191
libation stand. Around three sides of the room were benches, on one of which the worshipper laid his offering. All about the shrine and the rubbish pits connected with the building were large quantities of bones from sheep, oxen and other animals. The striking factor about this last discovery was that most of the bones were from the right foreleg. Compare this with Lev. 7:32 of the Priestly Codes: "And the right thigh shall ye give to the priest as a contribution out of the peace-offerings which ye sacrifice".

Other Archaeological Evidences

In Taanach, excavated by Ernst Sellin in 1902-03, were found altars hewn out of natural rock rising about three feet above the surrounding surface. On the upper surface, approached by steps carved out of the rock, was a large oval hole for sacrifice plus three smaller holes. Upright pillars were also found and in many cases were believed to be sacred stones.

Not only did the gods take up their abode in sacred stones, but also in open fields. The vineyard, to illustrate this Canaanish belief, was planted simultaneously with grain and vine so that the spirits of the field would not be deprived of their due. This primitive conception prevailed at the time of the Hebrew law-givers (cf. Lev. 17:7 "and they shall no more offer their sacrifices to the satyrs, which they faithlessly worship"). Similar conceptions lay behind the prohibitions to sow a field with two kinds of seed (Lev. 19:19), to yoke together an ox and an ass to plough (Dt. 22:10),

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55. Finegan, Jack. Light From the Ancient Past. P. 138
or to mate an ox and an ass (Lev. 19:19) or to wear garments made of wool and linen woven together (Dt. 22:11).

Also in deference to the spirits of the field the Canaanites left the fruit of their trees untouched for the first years -- it was the due portion of the gods. This is definitely paralleled in Lev. 19:23-25 requiring that the fruit of the trees not be eaten for three years, but that in the fourth year it "shall be holy, a praise offering to Jehovah".

Just as it was customary for the Canaanites to place such things as sickness under the care of a deity, the Hebrews merely transferred the care of sickness to the priest who was Jehovah's personal representative (cf. the laws of leprosy in Lev. 13, 14).

As in the case of the kid being seethed in its mother's milk and of the spirits of the field, other Old Testament legislation closely related to Canaanitish times is characterized by its strong negative reactions. When Dt. 22:5 forbids women to wear male dress and vice versa, the Hebrew lawgivers are expressing their antipathy toward the Canaanite practice of harboring female harlots in the sanctuary who prostituted themselves in the service of the deity, Astarte. In Cyprus men in female dress and women in male dress sacrificed to the bearded Astarte.

Excavations by Macalister have disclosed the existence of a cemetery with the skeletons of little children, probably first-born children offered in sacrifice. He only found a rampart of earth containing a large number of human skulls with no trace of other parts of the body. These were located near some standing stones, one of which might have been a sacred stone, the others constituting a "guard of honor". This would seem to indicate that Canaanite religion indulged in human sacrifice. Old Testament
legislation requiring that the first-born be given as a tribute to Jehovah is found in Ex. 34:19, 20; 22:19; 13:1; Nu. 3:11-13.

The habit of worshipping at high places or at sacred stones or trees was acquired from the Canaanites by the Hebrews. For this reason there are so many Palestinian localities, places of worship, which indicate an elevation: Rama, Geba, Gibea, Gibeon etc.

The Canaanite cult was that of an agricultural people; its highest expressions were the joyous celebrations which developed in connection with the culture of the land and of the vine. Occasion for festivity was the corn harvest or the grape gathering when the people came together and gave to the god of harvest what was his due and ensured his continued help by feasting together in his presence. In the pre-exilic Hebrew calendar are listed the Passover, Feast of the Unleavened Bread, Feast of Weeks or Harvest, Feast of Ingathering or Tabernacles. All these, in the manner of the Canaanites, were festive occasions when the people came together "to rejoice before Jehovah".

The external religious life of the Hebrews centered about these great festivals which were related to the seasons as they affected the agricultural life of the community. At such times the covenant between Jehovah and his people was renewed as the people brought gifts as tribute to their divinity.

For the final Canaanite influence upon the Mosaic Code which this study may cite, reference must be made to the rite of circumcision mentioned in Gen. 17:9-14; 21:4; Lev. 12:3; Ex. 12:48. This was a practice generally observed among the western semites. Kent thinks it is a survival from the Phallic worship extant in ancient times. The priestly traditions represent

57. IBID P. 105
it as revealed to Abraham and imposed upon all his descendants as a symbol of cleansing and consecration to Jehovah, and of the sacred covenant between God and his people.
INFLUENCES OF ANCIENT EGYPT

Preface

As early as the Fourth Dynasty (c. 2840-2680) we have the record of the Palermo Stone testifying to commerce between Palestine and Egypt. From the mausoleum of Sahura in Abusir (south of Cairo) came a relief representing the return of the Egyptian fleet from the Lebanon district in the days of the Fifth Dynasty. Prisoners, recognizable as Semites, are being forced by the Egyptian crews to join in a shout of homage to Sahura. From records going back to the Sixth Dynasty under King Pepi (c. 2740 B.C.) we learn of an expedition made against Palestine. In the Twelfth Dynasty are already indications of a busy commerce between Egypt and Palestine. Explorations of graves at Gezer pointed to the existence of an Egyptian colony there — inferring an Egyptian suzerainty. The Thirteenth Dynasty fell under the sway of the Hyksos whose Palestinian and Syrian affinity has been attested to earlier in this study. Thus we can see that there was between Egypt and Palestine a long period of mutual influence. To all this we must add the very obvious fact of the Exodus under Moses in establishing our justification for seeking Egyptian influence upon the Mosaic Code.

There is extant today hardly any records of practical legislation which might have been in force in ancient Egypt. The only material of this kind available for analysis is the Decree of Harmhab, first king of the Nineteenth Dynasty, which consisted of enactments designed to cope with the chaotic conditions which existed upon his ascension to the throne.

58. Bertholet, A. A History of Hebrew Civilization. PP. 48ff
Decree of Harmhab

The Decree of Harmhab was intended to prevent the oppressive abuses connected with the collection of taxes from the common people, who were always being robbed and impoverished by the fiscal officers. The enactments of the Decree have a) a statement of the abuse, b) a statement of a hypothetical commission of the offense by the officials concerned, c) a statement of the penalty to be inflicted. Practically all of the enactments deal with theft, especially the theft of that which the oppressed was to have used as payment of his taxes to Pharaoh. The spirit of this legislation, in the narrowness of its conception, is so far removed from the Hebrew legislation that it is hardly possible that it had any appreciable effect on the Hebrew law-makers.

Monotheism

The subject of monotheism has been frequently alluded to as the most significant contribution made by the Egyptians to Hebrew culture and religion. Amenhotep IV, or Akhenaten as he was later called, was the first known founder of a new religion of solar monotheism. The sun had always been a dominant factor in the Nile Valley and had for long dynasties been identified as a god. At Heliopolis, near Memphis, the sun was adored under the name of Re and was considered as the greatest of all gods. Although this exaltation of Re to the supreme place among the gods denoted a tendency toward monotheism, in actual practice polytheism operated to serve the practical religious needs of the people. Other gods were retained in subordinate positions as assistants to the sun god.

Amenhotep IV was personally responsible for lifting Re out of the position as supreme god to that of the only god. Under the name of Aten
(formerly used as the name of the solar disk) he prescribed a solar mono-
theism. He changed his own name from Amenhotep, meaning "Amon is satisfied", to Akhenaten, "He who is beneficial to Aton". He suppressed the priesthood that was in opposition to this change and installed a reign of religious per-
secution to enforce the observance of his new religion. Worship of idols was forbidden and the Aten was depicted as the sun's disk with life-giving rays.

The significance of Aten, the sun-god, in relation to Hebrew religion lies in the powers and qualities which were attributed to him and which resemble so remarkably those of Jehovah. In the cliffs surrounding the plain of Tell-el-Amarna, as Akhenaten's site is now known, were found a number of tombs of Akhenaten's nobles. In these tombs were found inscriptions which were hymns of the Aten faith. The following lines from one of these (be-
lieved echoed centuries later by the 10th Psalm) are relevant:

"O sole God, beside whom there is no other.
Thou didst create the earth according to thy heart.
Thou settest every man into his place,
Thou suppliest their necessities,
How benevolent are thy designs, O lord of eternity!
Thou makest the seasons
In order to make develop all that thou hast made.
Winter to bring them coolness, 59
And heat that they may taste thee.

The power of Aten was all-embracing. His was a life-giving power
and his fatherly kindness filled the whole world. With his exclusive deifi-
cation truth came to be the standard by which all things were measured.
Prayer to the Aten was all that was needed to assure a happy after life.

This, then, was Egyptian monotheism; and it was in force long
before monotheism became accepted by the Hebrews. It is entirely possible

that Akhenaten's monotheism survived in Canaan to influence the Hebrew prophets or that it was absorbed in some measure by Moses during his sojourn in Egypt.

Religious Rites

Excavations of temples known to have been constructed by the Egyptians have revealed certain similarities between Egyptian and Hebrew rites of worship. An Egyptian temple at Sinai, dedicated to the goddess, the Lady of Turquoise, had provisions within for a whole series of ceremonial washings. Just before the entrance to the temple was found a long libation tank. Across a broad court was situated a large room in the center of which stood a round basin surrounded by four pillars. Another oblong tank in the corner of this room indicated other ablutions. In the Mosaic Code references to ceremonial washings are made rather frequently in relation to the washing of burnt offerings in Ezek. 40:38; in Ex. 30:17-20 Jehovah commands Moses to make a laver of brass to be placed, full of water, between the tent of the meeting and the altar so that "Aaron and his sons may wash their hands and their feet in it; whenever they enter the tent of the meeting...that they die not...."

In addition to the ablutions other signs remain to show parallels between Egyptian religious rites and those of Hebrews. For instance jars and cups were found testifying to the sacred meals associated with animal sacrifices. Some fifty tons of finest white ash indicate the portions of the 60 sacrificed beasts burned for the Lady of Turquoise. Animal sacrifice is common, of course, throughout all the codes of the Pentateuch.

60. Petrie, Sir Wm. Flinders. Researches in Sinai.
Other excavations at Beth Shan disclosing the Temple of Mekal and at Sapuna have produced similar evidences as those mentioned above. At Sapuna were found documents telling of the ritual of the first-fruits (Ex. 34:26; Dt. 18:14; 26:1-11; Lev. 19:24, 23; Nu. 15), of sin offerings (Lev. 19:20-22, 5:14-19, 7:1-7), of whole burnt offerings (Lev. 1:13), and of peace offerings (Lev. 22:21, 19:5-8, 3:1, 6-16, 7:11-14).

Reference has been previously made to the ancient Semitic practice of designating the head of the family as priest also — the chief priest of the tribe being the sheik, and the chief priest of the nation being the king. It may here be noted that this custom of assigning priestly duties to the king was in force among the ancient Egyptians.

Egyptian parallels are also found to the Hebrew practice of making prisoners of war slaves of the sanctuary (Josh. 9:26, 27). In Egypt the menial duties of the temple were given to war captives. They cultivated the fields and tended the flocks belonging to the temple.

Ceremonial cleanliness (Lev. 21:1-9, 22:1-9, 10:8, 9, 6, 7; Ex. 30:17-21) applied to the priests received rigorous attention in most of the ancient religions. The Egyptian priests wore linen and were required to bathe twice each day.

References to circumcision are made in several instances of the Mosaic Code (Gen. 17:9-14, 21:4; Lev. 12:3; Ex. 12:48). This rite of circumcision seemed to be general practice among the western Semites. It is supposed to have been adopted from the Egyptians, according to Herodutus. It may be that the Semites, living in hot climates, had an understanding of the

61. Rowe, Alan. Topography and History of Beth Shan.
hygienic importance of circumcision. More probably, however, this practice of circumcision was a survival of the phallic worship which was very extensive in antiquity, and was regarded as a religious rite.

Two other interesting parallels between Egyptian and Hebrew ritual may be mentioned to complete the account. One is the custom of placing bread, called showbread, in the sight of Jehovah (Ex. 25:30; Lev. 24:5-9); in Egypt loaves of bread were placed before the gods. The other concerns an animal sacrifice described in Nu. 19:1-13 in which the sacrificial animal must specifically be a red cow. This agrees with the Egyptian custom requiring red oxen for certain sacrifices.

"Teachings of Amen-em-ope"

The "Teachings of Amen-em-ope" have particular significance in a comparison of Egyptian culture with Hebraic culture because of the ethical atmosphere so closely akin to that found in the Book of Deuteronomy. Amen-em-ope has an exalted sense of the deity. He emphasizes man's duty to his fellows; he interprets deeds of righteousness as emanating from the divine will.

Specific comparisons may be made as follows: Dt. 12:19 and the "Teachings" V 6:16, 17 show a solicitude for the personnel of the temple. The Hebrew Code requires that Levite should not be forsaken. The Egyptian admonition reads: "Remove not a servant of God in order to benefit another".

The lofty code represented inDt. 16:19 which says that people must be judged impartially regardless of wealth or poverty and which warns

61. For a complete account of Egyptian religious ritual see Wilkinson, Sir John Gardner's Manners and Customs of the Ancient Egyptians. London J. Murray 1837
the judge against the acceptance of bribes for the perversion of justice has a remarkable antecedent in "Teachings of Amen-em-ope" XX 20:21, 22; 21:1-4:

"Bring no man into misfortune in a court of justice
And disturb not the just man.
Be not influenced by fine clothes
And refuse not him who is in rags.
Receive no gift from one who is powerful
And oppress not the poor for his benefit."

Identical admonitions are found in Dt. 19:14 and in "Teachings" VI 7:12 against the removal of land or boundary marks.

Both the "Teachings" (XIII 16:1, 2) and the Deuteronomic Code (Dt. 19:18, 19) inveigh against bearing false witness. The latter, however, provides that the bringer of false testimony be inflicted with the punishment that would have been meted out to the accused, had the latter actually been guilty.

The "Teachings of Amen-em-ope" (VIII 11:6, 7) read: "Cry not 'crime' at a man; hide the manner of (a fugitive's) flight". While this teaching is not repeated in all its ramifications in Deuteronomy, there is an echo of it in Dt. 23:15: "Thou shalt not deliver unto his master a servant which is escaped from his master unto thee."

In "Teachings" II 4:4, 5 it is written: "Beware of robbing the poor and of oppressing the weak." This ethical precept found translation into Hebrew legislation in Dt. 24:14, 15: "Thou shalt not oppress an hired servant that is poor and needy...in his day thou shalt give him his hire..."

In Dt. 24:19, 21 we read: "When thou reapest thine harvest in the field, and hast forgot a sheaf in the field, thou shalt not go again to fetch it; it shall be for the stranger, for the fatherless and for the widow..." "Teachings" XXVIII 26:9-12 makes reference to the widow who gathers ears of corn which have fallen in the field; it also has the admonition to
show kindness to strangers. It is quite probable that in both instances the act of leaving the fallen sheaf in the field is merely symbolical of the general ethical precept to be considerate of the needs of others.

Both in the Egyptian "Teachings" (XVI 17:18, 19, 22; 17:1, 4) and in Dt. 25:13-15 are found specific commands to maintain honest weights and measures. The Egyptian inscription has Thoth sitting beside the scales, observing the measuring and guaranteeing that it will be honest.

A final parallel between the Mosaic Code and the "Teachings of Amen-em-ope" may be cited. Dt. 27:18 and Lev. 19:114 call for a curse upon him who afflicts those physically handicapped by blindness or deafness. "Teachings" XXV 24:9 reads: "Laugh not at a blind man." It may be assumed that there is inherent here the implication that persons with any kind of physical handicap should be treated tolerantly.

Admonitions of Ipuwer

An important document shedding light on the social and moral forces extant in ancient Egypt is that containing the admonitions of Ipuwer. Ipuwer was a wise man who was troubled by the moral chaos that was degenerating Egypt. He gives vent to his troubled soul by a long and impassioned arraignment of these social ills. His admonitions are pertinent to the student of the Mosaic Code because they are so similar to the invectives of the Hebrew prophets against Jewish moral degeneration. The criticisms of the


64. A Papyrus in the London Museum. Published in 1909 by Alan H. Gardiner (The Admonitions of an Egyptian Sage, Leipzig 1909)
prophets, however, resulted in definite legislation designed to cure the moral evils of the land.

Ipuwer, with searching vision, surveys the life of the Nile-dwellers. He sees a government virtually suspended; "the laws of the judgment-hall are cast forth, men walk upon them in the public places, the poor break them open in the midst of the streets....Indeed, officials are slain....the grain of Egypt is any comer's....A man smites his brother of the same mother....Behold a man is slain by the side of his brother while he (the brother) (forsakes) him to save his own limbs....Blood is everywhere....The storehouse is laid waste; its keeper is stretched on the ground....He who was a robber is lord of wealth....Indeed, chests of ebony are smashed and luxurious acacia-wood is split into (billets)....Indeed, gates, columns and (walls) are burned up...."

The above samples of Ipuwer's lamentations are sufficient to indicate the close parallelism with many of the social conditions against which the Hebrew prophets inveighed and which found expression in the Primitive Code, the Deuteronomic Code, the Holiness and the Priestly Codes. Then, too, Ipuwer looked to a future redemption of society and thought that the instrument of such a redemption would be a righteous king who would purge the earth of the wicked. This might quite probably be the earliest expression of the Hebrew messianic dream. That such a conception might have wide circulation in the early East is borne out by the Egyptian Story of the Two Brothers which passed into the Old Testament as the story of Joseph. It is quite possible, then, that the imagination of the Hebrew prophets was fired by the Egyptian vision of the ideal age.
Wisdom of Ptah-hotpe

The Wisdom of Ptah-hotpe is the worldly sagacity of a seasoned statesman which he is passing on to his son about to succeed him in office. It is actually a collection of precepts which had developed among the officials of the Egyptian state and which were compiled and put into the mouth of Ptah-hotpe. They are important to our study because they deal, to a great extent, with personal character and behavior and because in several instances they have unmistakable echoes in the Mosaic Code.

Reference is made to the following excerpts from the Ptah-hotpe documents because their particular applicability to the Hebrew Codes: "If thou ploughest and there is growth in the field, the god gives it (as) increase in thy hand. Satisfy not thine own mouth beside thy kin." (7, 5-6)

This compares to Lev. 25:35 — "If thy fellow country-man become poor and fall into poverty with thee, thou shalt support him, and he shall live with thee."

In #9, 7-13 Ptah-hotpe says: "If thou desirest to establish friendship in a house, into which thou enterest as lord, as brother, or as friend, wheresoever thou enterest in, beware of approaching the women...." This admonition is akin with the highly developed sexual morality code found in Mosaic law.

The Hebrew law against covetousness found in Dt. 5:21 has an Egyptian forbear in Ptah-hotpe #9, 13-10, 5: "If thou desirest that thy procedure be good, withhold thee from all evil, beware of occasion of avarice ....it is a bundle of everything base...." Avarice is also mentioned in

65. The Wisdom of Ptah-hotpe is preserved in five manuscripts: (1) the Papyrus Prisse in the Bibliotheque Nationale, Paris, Nos. 183-191; (2) the three papyri in the British Museum, Nos. 10371, 10435 and 10509; a wooden writing-tablet in the Cairo Museum, known as the Tablette Carnarvon, No. 41790.
Ex. 23:1 of the Primitive Code states: "Thou shalt not spread abroad a false report." Ptah-hotpe #11, 5-7 we find: "Repeat not a word of hearsay."

Impartiality of judgment is a virtue cited in Ptah-hotpe #13, 1-4. It occurs also in Dt. 16:19 (mentioned above in relation to the "Teachings of Amen-em-ope"). It might be said in passing that the last two precepts mentioned, concerning hearsay and the impartiality of judgment, are repeated again in the Installation of the Vizier, a traditional address orally delivered by the king whenever a new incumbent was inducted into the vizierial office.

It is apparent, then, that the Egyptians were developing at a surprisingly early date a sense of the moral unworthiness of man and a consciousness of moral obligation which had not found expression in general practice. Amen-em-ope, Ipuwer and Ptah-hotpe might be classed as social crusaders. The exaltation of Re and the resultant monotheism with its vision of beneficent rule was an Egyptian concept of Messianism.

66. This document has survived in three different copies, each a hieroglyphic wall inscription, in three different tombs of the Eighteenth Dynasty at Thebes. The best preserved and most important of the three is in the tomb of Rekhmire, vizier under Thutmose III (1501-1447 B.C.).
PART IV

FINDINGS AND CONCLUSIONS
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From time to time throughout this study mention has been made of the way the cultural strands of Egypt, Babylonia, Assyria, Canaan had become intertwined from the dawn of civilization on through what is known as the Middle Bronze period. James H. Breasted has called this period "the first internationalism". It is this constant intermingling of cultures which makes it somewhat unrealistic to attempt a separate analysis of the contributions which each culture made to the Mosaic Code. For this reason many of the precepts and regulations of the Mosaic Code have been traced back to more than one source.

It is true that many of Israel's laws were inherited from a more ancient Semitic past; but it is also true that throughout the Mosaic Code there runs a certain spirit of individuality. This individuality is expressed mainly in the greater humanity expressed by the law — a greater consideration for human life than was exemplified in the legislation of any of the other cultures. Only the wisdom of the Egyptian sages approached the moral righteousness found in the Mosaic Code. But the admonitions of the Egyptian teachers were not incorporated into any formal set of laws for the government of individuals.

Some question has been raised in the circles of biblical scholars as to the Mosaic authorship of the Hebrew law. This matter has been touched on in the study. It does not seem logical to assume that the elaborate legal codes found in the Pentateuch had any real relationship to the nomad people whom Moses led out of the desert. Moses, however, as a prophet and leader, called the Israelitish race into being, inspired it with ideals and
interpreted the will of God. As he acted the judge in disputes and litiga-
tions he laid the foundation of future Hebraic law.

Later the developing law became codified and put into writing by
the scribes. As this was done, the traditions of Mosaic origin were pre-
served. Even the modification and supplementation of the law through the
ensuing years failed to remove from Moses' name the traditional title to the
law.
PART V

ABSTRACT OF THE THESIS
The purpose of this study has been to determine upon what cultural sources the Hebrew lawmakers and prophets drew in their formulation of the Mosaic Code. To validate the choice of cultural sources selected for analysis the study first established the people of Israel as a distinct nation in the configuration of history, tracing its migrations up to that point in its development when it made its first legal covenant with God. In this way was determined the peoples with whom the Israelite nation made contact and with whose cultures they were to a greater or less degree impregnated.

The Old Testament seemingly furnishes a complete account of the making of Israel. Abraham led his family out of Haran in Northern Mesopotamia into the land of Canaan. His grandson, Jacob, years later moved to Egypt. In Egypt the Israelites were eventually placed in bondage by an unfriendly Pharaoh. There they slaved until led out of the land by Moses.

It is hardly probable, however, that one man, through the generations, eventually developed into a whole nation. History does not progress in such straight unbroken lines. However archaeological evidence has been found to substantiate the early movements of the Israelites as they have been narrated by the Old Testament. This evidence comes mainly from the Tell-el-Amarna letters, the Boghazkoy documents, the Pere Scheil tablet and the Merneptah stela. These have fairly conclusively established the fact that a people called "Khabiru" penetrated into Canaan and Syria and were associated with the Aramaeans at a time agreeing with the bible version of Israel's wanderings. Babylonian records extant around 2000 B.C. testify also to the
existence of Khabiru in lower Mesopotamia. This supports the story of Abraham's movement from Ur to Harran. Finally, Egyptian records allude to a people called Apuriu who performed heavy manual labor in Egypt and who were linked to the Khabiru. This agrees with the Old Testament account of the bondage suffered by Hebrews in Egypt.

The second part of this study has surveyed the various codes of law found in the Pentateuch; these codes together make up the Mosaic Code with which this study is concerned.

The original decisions that formed the precedents upon which common law was built were handed down by regularly appointed judges who were recognized leaders of the people. The ten commandments are the "primitive cornerstone" of Israelitish legislation. A supplementary body of ceremonial and humane laws developed as new ideas dawned upon the consciousness of the Israelites. This oldest collection of laws are classified as the Primitive Codes.

The invasion of the Assyrian armies about the middle of the eighth century B.C. brought new conditions, new thought and new religious institutions. The latter were the product of Amos, Hosea, Isaiah and Micah and became known as the book of Deuteronomy -- a prophetic book with emphasis on ethics and righteousness rather than upon observance of cult ritual. The evidence points to the probability that the laws found in Deuteronomy are a century or two later than those of the Primitive Code. The book of Deuteronomy may be divided into seven general classifications:

1) laws found in the prophetic decalogue 2) ceremonial and religious laws 3) appointment and duties of public officials 4) criminal laws 5) military laws 6) a miscellaneous collection of civil, criminal, humane and religious
laws related to the presentation of first fruits or tithes.

Assyrian conquest and the subsequent Babylonian exile of the Hebrew people had a tremendous effect on the culture of the latter. To bind the Hebrews to their religion and to protect them from assimilation with their captors, the prophet Ezekiel drew up a code identifying religion much more closely with ritualistic observance. Underlying all of Ezekiel's preaching is the dominant conception of Jehovah's holiness. Between Ezekiel's Code and the Holiness Code is an amazing similarity suggesting the use of common sources.

The chief characteristic of the Priestly Code is its relation to ceremonial observances. It represents a sharp departure from earlier legislation because of the distinct separation made between priests and laity. The preoccupation of the Priestly Code with ceremonialism and ritual harks back to the primitive when religion was expressed exclusively through ritual.

The study then proceeded to examine the cultural influences which were brought to bear on Israel's legal system. Babylonian influences played a large part. Forming an important antecedent to Hebrew civil and criminal laws was the Babylonian Code of Hammurabi. In this code were found parallels to Hebrew laws concerning family and marriage relations, slavery, property rights, the judiciary, adultery, incest, kidnapping, assault, personal injury and slander. Throughout Babylonian culture are found the following parallels to Hebrew ceremonial laws: the ark of the covenant, sacred officials, slaves of the sanctuary, ceremonial cleanliness, first fruits, tithes and taxes, sacrificial offerings, libations and showbread, peace offerings and the day of atonement.

Among the Assyrians are also found connections with Mosaic law.
Ceremonial parallels exist in regard to cherubim, priests and rulers, day of atonement and purification rites. The Assyrian Code has parallels to Hebrew criminal and civil legislation: miscarriages and abortions, adultery, indecent assault, rape, sodomy, levirate marriage, slander, sorcery and witchcraft, theft and the care of slaves.

Distinct similarities are found existing in the Mosaic and Hittite Codes. These are mainly in the area of civil and criminal laws and cover such things as murder, assault, return of escaped slaves, magical contamination, restoration of lost property, support of priests, theft of animals, injury to animals, incendiaryism, land laws, bestiality, incest, levirate marriage, rape and adultery. In addition there are similarities regarding laws of temple architecture, sacrificial offerings and cities of refuge.

In exploring Canaanite influences, most of them are found to be in the area of ritualistic observance. The Ras Shamra inscriptions are a chief source of evidence; they relate Canaanite practices similar to the Hebrews in regard to guilt, peace, tribute and wave offerings to new moon and burnt offerings, to the custom of the first fruits and in regard to the temple and its furnishings. Other excavations at Lachish and at Tamach disclose Canaanite customs affecting the Hebrews in regard to sacrifice of the first-born, agricultural festivals and circumcision.

In reviewing Egyptian influences on the Mosaic Code we find monotheism to be its chief contribution. It was established by Akhenaten who made the sun-god Re the supreme and only divinity over the world. Many Egyptian religious rites have found Hebraic echoes. There are the customs of ceremonial washings, animal sacrifice, family heads and priests, slaves of
the sanctuary, ceremonial cleanliness and circumcision. In the "Teachings of Amen-em-ope" are found admonitions regarding care of temple personnel, impartial justice, false witness, return of fugitives, consideration for the weak and poor, kindness to strangers, use of correct weights and measures and kindness to the handicapped. The "Admonitions of Ipuwer" are a lament upon the degenerating social conditions of Egypt. He inveighs like the Hebrew prophets of old against the absence of righteousness and morality. He looks to the future redemption of the land by a righteous king. This is akin to the Hebrew messianic vision. The "Wisdom of Ptah-hotpe" involves consideration of the unfortunate, sexual morality, covetousness, hearsay, impartiality of judgment; these all have their echoes in the Mosaic Code.
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