

THE OLDEST WRITTEN CODE

IN a volume of SELECTED SUMERIAN AND BABYLONIAN TEXTS published by the University Museum, Henry Frederick Lutz has carefully copied, among many others, a few texts rightly catalogued by Dr. Stephen Langdon as SUMERIAN CODE OF LAWS (Nos. 100, 101, 102 and p. 128).

They are copies from tablets (probably school work) originating from Nippur and turn out to be extracts from a Code of Laws which may be considered as the prototype and source of Hammurabi's Code. Some sentences of the latter (in Babylonian) are a servile translation of the former (in Sumerian).

The following are what I believe the most essential points in the three tablets (Nos. 100 and 101 are duplicates).

I. Three paragraphs concerning land culture.

1. *Should the owner have granted a fallow land to a gardener to be planted as an orchard, if the latter has not entirely completed his work when they share, the fallow part shall fall to the gardener's lot.*

This corresponds to the 61st article of the Code of Hammurabi. In a prior paragraph of the same is stated that after a lapse of five years they shall share equally, the first option being secured to the owner.

2. *Should a man enter another man's orchard and abide in the plantation, he shall pay 10 silver shekels.*

A paragraph perhaps found in the great gap of the Code of Hammurabi, which begins precisely in this section.

3. *Should a man cut down a tree in another man's orchard, he shall pay a half silver mine.*

This paragraph corresponds to the 59th article of the Code of Hammurabi, with only one addition, "without the owner's consent." The order of the paragraphs differ too, and this article is placed before the preceding.

II. Two paragraphs concerning buildings.

1. *A house owner has a right to extend over a neighbouring waste ground provided he has given notice to the owner of the waste*

ground and they agree as to the terms of the rent, and he insures him against any damages done.

2. Should the owner of a house not knowing how to manage it, let another man undertake it, the latter shall during three years profit by his industry, the owner not being empowered to turn him out.

These two articles may have existed in the great gap of the Code of Hammurabi which we know contained this very section of laws relating to buildings.

III. Two paragraphs concerning slaves.

1. Should a man shelter a fugitive slave during a month, he shall give slave for slave, and in case he should not be able to do it, he shall pay 25 silver shekels.

The Code of Hammurabi, Article 15, deals only with the desertion of the palace slaves and resolves on death penalty as a sanction for the receiver.

2. Should a slave contest the rights of his master concerning his bondage he shall be convicted anew and sold.

Article 282 of the Code of Hammurabi provides for the penalty in this case in the cutting of one ear.

IV. Two paragraphs concerning the responsibility of mercenaries.

1. Should a mercenary driven by fear have neglected to face a danger threatening his master's property, he is not guilty and shall stand before the court that sues him.

2. If he was notoriously powerless, he is not guilty, nor is there any ground for a law suit.

The Code of Hammurabi, Article 266, deals only with cases of open constraint against sheep herding. The shepherd is sworn in and discharged.

V. Five articles relating to family affairs.

1. Should a man marry a second wife who bears him children, this woman's dowry belongs to her children, but the children of the first and of the second wife share equally the goods of their father.

This corresponds to the 107th article of the Code of Hammurabi, expressed however in a more dilated form in the Code.

2. *Should there be living children of the wife, the children of the servant shall not share with them the house of the father, but the servant and her children shall be released from slavery.*

Compare Articles 170 and 171 of the Code of Hammurabi.

3. *Should the wife die and the husband marry the servant who bore him children, their condition is changed and they do increase the family.*

This text is truncated and the interpretation doubtful. Nothing of this kind is in the Code of Hammurabi.

4. *If the wife has borne no children and the husband has some children from his relations with another woman, he shall provide for her food and clothing, and the children of the other woman shall be heir to their father, but their mother shall not abide by the husband, so long as the wife is alive.*

Nothing of this kind is in the Code of Hammurabi.

5. *Should the wife be unfaithful, she shall live in a state of seclusion at home, and a second wife may eventually take her place and rank as first.*

Article 129 of the Code of Hammurabi condemns the partners in adultery to death by water. Provision being made for the grant of mercy. In fact the new text does not speak of effective adultery but only—maybe it is an euphemism—of turning the eyes aside.

The text is truncated and our interpretation doubtful.

V. S.

NIPPUR'S GOLD TREASURE

AS the goddess of love Ishtar descended into Hades in quest of her youthful lover Tammuz, she had to divest herself of her queenly attire, her crown, earrings, necklace, breastplate, bracelets and anklets, girdle of precious stones; and when she passed the seventh gate, she was nude. For such is the rule of Hades.

This old Babylonian legend embodies some historical facts so far as jewels are concerned. Nearly all these jewels and a few more are found in a tablet from Nippur dated in the 5th year of the Cassite King Nazimaruttash, about B. C. 1300. The tablet is not complete. There must be an interval of four to five lines between the two portions preserved. The left corner is broken off.

The tablet contains a catalogue of over 125 jewels in gold and precious stones, chalcedony, lapis-lazuli, agate, etc. They rank from caskets all gold, or with stones inlaid, down to necklaces, bracelets, anklets, seal-cylinders in gold mounting, eyes of stone in gold mounting, breastplates, earrings, tablet mould and tongue of gold. They were brought over from Nippur and Dur-Kurigalzu to a third place Ardi-Bêlit, the last two being only parts of the same town of Nippur. The tablet itself does not state under what circumstances the removal was made. But the information supplied by the excavations and the Tell El-Amarna letters, the official correspondence between the Cassite kings of this period and the rulers of Egypt, will help us to realize the importance of this gold treasure.

This was both a temple and royal treasure. It was in fact a well established political rule down from the time of the kings of Ur and before, that the legitimate king is the representative of the god, his *shakkanakku*, entrusted with his seal, acting in his name and disposing of his property and the same jewels mentioned in this record, so characteristic of the Cassites by their form and material, are mentioned again in royal despatches; and some of them have indeed been excavated near the temple, covered with inscriptions which are a sure warrant of the name and piety of the royal donor.

The largest collection of Cassite antiquities, was discovered by Dr. Peters at Nippur in 1890. They were all votive objects in form of discs, sceptre knobs, tablets, axes, rings, seal-cylinders and eyes. They

were presented to the various shrines of the temple: to Enlil, Ninlil, Ninib, Nusku, by the Cassite kings from Kurigalzu down to Kashtiliashu (about B. C. 1400 to 1200). This collection included all sorts of precious material: agate, lapis-lazuli, magnesite, feldspar, ivory, turquoise, malachite, amethyst, gold and porphyry, as well as other materials not yet worked. They were preserved in a wooden box just outside the temple wall. They may have been rescued from the ruins of the temple at a later period, probably in the Parthian time, but they were once undoubtedly part of the sacred treasury. Our present tablet is just a deed of record of such a collection.

Official letters to and from the Cassite kings are full of details concerning gold and stone jewels. They were sent and received as gift and dowry at a time when political relations between Egypt, Babylon and neighbouring countries were strengthened by marriage ties.

Burnaburiash, king of Babylon, complains to Amenophis IV of Egypt: "From the time when thy father and my father established friendship they sent rich gifts to each other, now my brother has sent unto me as a gift two manehs of gold. I would that thou shouldst send me as much gold as thy father sent. . . or half as much. Why only two manehs? Now the work in the temple is great. I have undertaken it with vigour and I shall perform it thoroughly. Therefore send me much gold. . . . As a gift unto thee I send three manehs of lapis-lazuli."—So Egypt exported gold and received lapis-lazuli. The mother of Amenophis IV, Queen Thuaa, wore lovely earrings of lapis-lazuli and gold.

Later Burnaburiash complains anew, that twenty manehs of gold sent were not full weight when put in the furnace. Among the gifts he sent to a daughter of Amenophis IV who married a prince of Karduniash, there were thrones of precious wood and gold, couches in wood, gold and ivory.

Tushratta, a king of Mitani in Northern Mesopotamia, asks the king of Egypt for a large quantity of gold, both payment for past expenses and gift in return for his daughter whom Amenophis IV had married. Himself sends to his own sister Gilukhipa, wife of the same Amenophis: "gold bracelets, earrings, toilet bowl and a measure of choicest oil."

Akizzi, the governor of Katna wants from Egypt gold to embellish the image of the sun-god.

The same texts mention all sorts of necklaces in gold and precious

stones for men, women and even horses. Not only gold chains or thorny links, but necklaces of lapis-lazuli and gold; gold, lapis and some other stone. One necklace has 70 beads, half of them lapis-lazuli, with a pendant in a gold mounting; another one 20 and 19 beads lapis and gold and a pendant. A horse necklace has 88 stones in gold mounting, 44 beads of gold and a pendant.

Breastplates were beautiful works of gold, silver and ivory.

Seal cylinders mounted in gold caps are a characteristic feature of the Cassite times. Most of the seal impressions on clay tablets show traces of a decorative border cut on the gold of the metal caps.

Kudurâni, superintendent of a store house near Pi-nâri, writes to king Kadeshman Turgu about those "stone eyes" which the jewelers of the temple were polishing.

In the store room of the temple, the safe for keeping treasures, sacrificial gifts and documents were discovered by Haynes in the S. E. wall of the fortified enclosure. It was a cellar 36 feet by 11½ and 8½ deep, with a ledge all round the walls. It dates from King Ur Engur, about B. C. 2300, and covers a smaller and earlier cellar 2 feet below. The store room of the temple of Sippar is frequently mentioned in inscriptions. And the sacred magazine of the earliest rulers of Lagash were both granary and safe for valuable property and offerings.

We cannot expect to find any more valuable property in those treasure-houses. They were the very first things the enemy would look for in case of invasion. King Assurbanipal, when he thoroughly destroyed Susa, boasts that he opened the sacred treasuries of gold and silver of their god Shushinak. In Nippur and Lagash the many objects of art gathered in the surroundings of those cellars, bear witness to the process of savage destruction. Babylonian monuments such as the code of Hammurabi, and the stele of Naram-Sin were carried away as spoil into Elam. King Kurigalzu brought back from Susa and presented again to Ninlil in Nippur a little block of lapis-lazuli, dedicated to "Ninni for the life of Dungi of Ur 500 years earlier and stolen later by the Elamites.

Should we try to realize the historical background of our tablet, we must bear in mind the following facts. Nippur was ruined by an Elamite invasion at the time of King Kastiliashu, about B. C. 1250. He is the last king mentioned in that collection of votive objects preserved near the temple down to the time of the Parthian kings. No Cassite tablets have been found in Nippur which antedate Burna-

huriash, about B. C. 1380. He is the best known correspondent of the Egyptian kings, so anxious to secure gold for the temple work, and exchange gifts and jewels. Now the Cassite kings brought a foreign rule in Babylonia, but got only by degrees the control of the whole land. We know that: "King Kurigalzu having conquered the country of the sea, added Babylon and Borsippa unto his country." A sure proof that he did not rule them before. This king did build in Nippur, probably his residence at the time, a palace or fortress, named after him: Dür-Kurigalzu. It was connected with old Nippur—the temple complex—by a stone dam or canal, which passed likewise by Ardi-Bêlit, in which the jewels were stored from the two other places. Kurigalzu and his son Burnaburiash were strong kings, allies and relatives of the kings of Egypt. But soon after them the growing power of Assyria brought trouble in the land. King Assuruballit following up that current matrimonial policy, gave his daughter as a wife unto the son and heir of Burnaburiash. The Cassite resented the intrusion, revolted and killed the prince, which fact brought the Assyrian armies down in Babylonia with the secret aim to extend Assyrian protectorate over this country.

The correctness of this view is confirmed by an Assyrian document of king Adad Nirari, great grandson of Assuruballit and likely contemporary of Nazimaruttash under whose reign our tablet was compiled. The king of Assyria claims for himself and his father the title of priest of Enlil. And we know the political meaning and profits attached to the title. His grandfather not having extended his rule so far south is simply priest of Ashur, fighting the rebellious Cassites. The great grandfather Assuruballit has a vague title of priest of the gods. (Up until today the rule prevails of calling the name of the legitimate king in public prayers.)

The extreme southern limit of that fight for greater Assyria is given by Adad-Nirari as: "from *Lubdi* and *Rapaqu*." And the king claims that he was the restorer of the ruined towns of the Cassites. We know too that the temple tower in Nippur underwent a thorough repairing under King Kadashman—Turgu, the successor of Nazimaruttash. Curiously enough *Lubdi*—the name of a town, or proper name—is mentioned in this tablet along with jewels removed from or out of it.

Whatever was the import of the Assyrian drive in the South, storing new jewels or making sure of the old ones in safe Ardi-Bêlit,

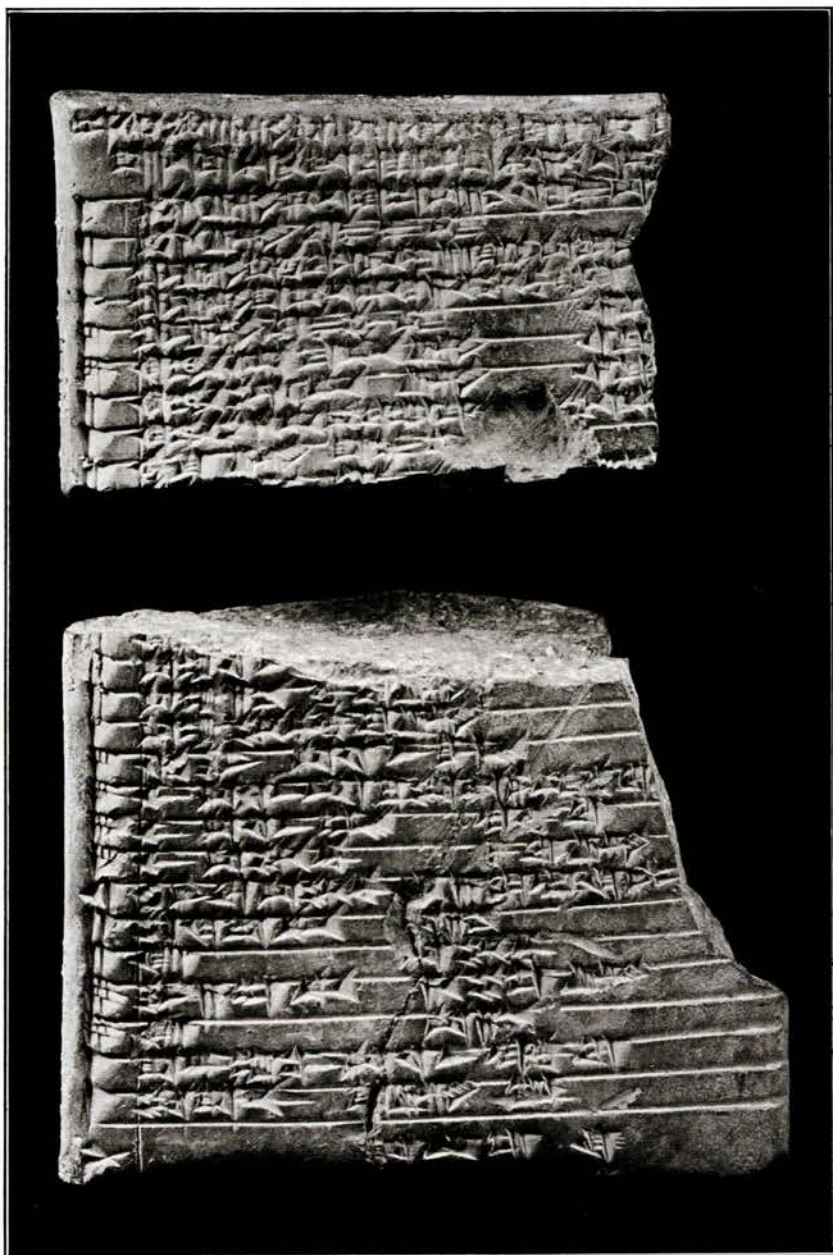
was a good precaution in troubled time of King Nazimaruttash. Moreover, it affords us the pleasure of reviewing this collection of fine jewelry.

TRANSLATION OF THE TEXT.

Gold work from Nippur and Dür-Kurigalzu, [brought] into the town Ardi-Bêlit in the month of Shabat, the 5th year of [King] Nazimaruttash.

- 1 casket of gold with a cover of lapis-lazuli and a bottom of . . . stone,
- 2 caskets of gold coating,
- 1 box of gold with vultures (?) and eagles in . . stone (inlaid),
- 1 box of gold the cover of which has 5 eyes of agate inlaid,
- 5 boxes of gold coating, 14½ shekels¹ in weight,
- 7 necklaces in form of chain of gold, 11 shekels in weight,
- 2 necklaces in form of thorns of gold, 14 shekels in weight,
- 1 necklace in form of thorns, with a pendant . . ,
- 2 bracelets of gold with fruits (?) . . ,
-x. . . . of gold coating . . , 3 shekels in weight,
- 2 anklets of gold . . ,
- 2 seal-cylinders of chalcedony (?) . . ,
- 2 seal-cylinders of lapis-lazuli, with gold mounting,
- 1 seal cylinder of agate with gold mounting,
- 5 necklaces of large chalcedony stones,
- 7 eyes of chalcedony stone together with a dainty coat of mail in a
gold mounting,
- 6 eyes of small chalcedony stones, no mounting,
- 4 eyes of agate with gold mounting,
- 11 cut (hilt or ring ?) agate stones together with 6 arms . . ,
- 2 breastplates of lapis-lazuli,
- 2 breastplates of agate,
- 8 earrings of compact gold,
- 8 earrings of lapis-lazuli,
- 1 tablet mould of chalcedony, no mounting,
- 1 tongue of russet gold,
- Total (treasure) from Nippur.
- 1 casket of russet gold, ½ maneh in weight
- 2 boxes of russet gold together with one . . . from *Lubdi*, 15 shekels
in weight,

¹ The value of the golden shekel is about \$9.10; its weight equals 9 dwts. 2 4-7 grs. Troy. One maneh equals 60 shekels.



Catalogue of gold treasure of Nippur. Dated about 1300 B. C.
FIG. 72.

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- 3 boxes of pale gold, 11 shekels in weight,
3 necklaces in form of chain of russet gold, $10\frac{1}{3}$ shekels in weight,
2 necklaces in form of chain of russet gold, 10 shekels in weight,
2 bracelets of russet gold, with a facing in shape of a bull, $17\frac{1}{3}$
shekels in weight,
1 anklet of russet gold, 2 shekels in weight,
Total (treasure) from Dūr-Kurigalzu, from the hands of Shabar. .
5 boxes of russet gold coating. . ,
1 bracelet of russet gold coating. . ,
1 anklet of russet gold coating. . ,
11 necklaces of chalcedony, agate, 5. . stones, . . ,
(Total treasure) from il Ninib-rizu.
(. . x . .) gold coating. . ,
10 (. . .)
Month of Shabat, the 25th day,
of the 5th year,
of King Nazimaruttash.

L. L.