



A Comparative Study of Word Orders in the Law Code of Hammurabi and the Book of Covenant

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ABSTRACT

The article examines how words are arranged in twenty-nine laws of the law code of Hammurabi and Exodus 21:2-22:16 through a comparative study to argue that these words are arranged to reflect Babylonian and Israelite theologies. The words are arranged in the Law Code of Hammurabi to reflect the distinction of social classes in Babylonian society. The *awilum* is rated highest, followed by *muškênum* and followed by *wardum-amtum*. As for the Book of the Covenant, the words are arranged to reflect the high value placed on human life in Israelite society. The laws do not discriminate in terms of social class. They express a great concern for the rights of the less privileged and encourage human good treatment. Thus, the conclusion is that there exists a relationship between the Book of the Covenant and the law code of Hammurabi and this relationship can be said to be moderate. The Book of the Covenant can be said to be a translation and adaptation of the law code of Hammurabi or any other ancient law code. Therefore, syntax is of great significance in the study of the ancient law codes because it helps to understand the content of these law codes. This article contributes to the study of the ancient law codes.

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INTRODUCTION

The law code of Hammurabi has been recovered, and it is the longest and best organized among the law codes recovered. The laws in the law code of Hammurabi were inscribed on an eight feet high diorite stele. The law code of Hammurabi had originally contained about 282 laws, arranged in forty-nine rows of approximately 4000 lines and 8000 words.¹ The 282 laws were inserted between a prologue and an epilogue. The prologue and the epilogue are written ‘in the mathematically precise hymnal-epic dialect of the language and are a beautiful example of archaic Babylonian cuneiform’.²

Biblical scholars generally use the term ‘the Book of the Covenant’ or sometimes ‘the Covenant Code’ for Exodus 20:22-23:33. The two terms can be used interchangeably for the text. The term ‘the

¹ R.E. Hayden, “Hammurabi,” in *The International Standard Bible Dictionary*, ed. Bromiley, Geoffrey W. (Exeter: The Paternoster Press, 1982), 606.

² William White, “Hammurabi, Code of,” in *The New International Dictionary of Biblical Archaeology*, ed. by Edward M. Blaiklock et al. (Grand Rapids: Regency Reference Library, 1983), 227.

Book of the Covenant' actually derives from Exodus 24:7. In Exodus 24:7, Moses is portrayed as taking the Book of the covenant and reading it to the hearing of the people. Thus, the Book of the Covenant refers to the words of Yahweh that Moses wrote down and read to the people (Exod 24:4-7). John Van Seters divides the Book of the Covenant into the prologue (20:22-26), the laws (21:2-23:19) and the epilogue (23:20-33). He describes the prologue of the Book of the Covenant as a connector, which links the theophanic event with the laws of the Book of the Covenant. He depicts the epilogue as a connector, which links the theophanic event and the Book of the Covenant with the event of the conquest of the Promised Land.³ The body of laws in the Book of the Covenant is categorized into two major types: the apodictic laws and the casuistic laws.

The law code of Hammurabi and the Book of the Covenant were written in different languages. The law code of Hammurabi was inscribed in Akkadian, which is the language of the Assyrians and Babylonians of ancient Mesopotamia. Akkadian belongs to the Semitic family of languages, and it was used in Mesopotamian literature collection of the Ancient Near East from roughly 2400 B.C. to A.D. 100.⁴ The law code of Hammurabi was specifically inscribed in Old Akkadian (2000-1500 B.C.), the Akkadian of southern Mesopotamia during the period of the first dynasty of Babylonia.⁵ It was written using the cuneiform script. The Book of the Covenant was composed in Biblical Hebrew (c.1000 B.C.-A.D. 70). Both languages are related to Semitic languages and therefore have related grammar, semantics, and syntax.

The term 'syntax', according to P.H. Matthews, is derived from the ancient Greek *syntaxis*, 'a verbal noun that means "arrangement" or "setting out together"'. It refers to the branch of grammar that deals with how words, with or without appropriate inflections, are arranged to show connections of meaning within a sentence.⁶ Victoria Fromkin defines syntax "as part of our linguistic knowledge that tells us what constitutes a well-informed string of words, and how to put words together to form phrases, clauses, and sentences."⁷ It specifies how words may be combined to produce grammatical, well-informed sentences.⁸ Andrew Carnie defines it as "the level of linguistic organization that mediates between sounds and meaning, where words are organized into phrases and sentences."⁹ It is one of the processes involved in linguistic analysis.

Word order is an aspect of syntax. Agustinus Gianto defines it as the relative order among the functional constituents of a sentence, that is, subject, verb, and object (S, V, O).¹⁰ It is the typical way, in which words are arranged in simple sentences. Moreover, it is important for the interpretation of the sentence. Therefore, there is a relationship between the word order and the interpretation of the sentence. Fromkin says that this kind of relationship involves interaction between the syntactic rules governing the structure of sentences and the semantic rules of reference and thematic role assignment.¹¹ Some of these rules will be discussed later in this article.

The article will examine how words are arranged in twenty-nine laws of the law code of Hammurabi and Exodus 21:2-22:16 through a comparative study to argue that these words are arranged to reflect Babylonian and Israelite theologies. In addition, the relationship that exists between the two law codes will be explicated.

³ John Van Seters, *A Law Book for the Diaspora: Revision in the Study of the Covenant Code* (Oxford ; New York: Oxford University Press, 2003), 6.

⁴ Erica Reiner, *A Linguistic Analysis of Akkadian* (Berlin: De Gruyter, 1966), 20.

⁵ John Huehnergard, *A Grammar of Akkadian*, (Harvard Semitic Studies, no. 45), (Atlanta, GA: Scholars Press, 1997), xxii.

⁶ P. H. Matthews, *Syntax*, (Cambridge Textbooks in Linguistics), (Cambridge: Cambridge University Press, 1981), 1.

⁷ Victoria Fromkin, ed., *Linguistics: An Introduction to Linguistic Theory* (Oxford, U.K: Blackwell, 2000), 8.

⁸ Fromkin, *Linguistics: An Introduction to Linguistic Theory*, 90.

⁹ Andrew Carnie, *Syntax: A Generative Introduction* (Oxford: Blackwell, 2002), 20.

¹⁰ Agustinus Gianto, *Word Order Variation in the Akkadian of Byblos*, (Studia Pohl 15), (Roma: Pontificio Istituto Biblico, 1990), 1.

¹¹ Fromkin, *Linguistics: An Introduction to Linguistic Theory*, 102.

SOME SYNTACTIC RULES

Basic Word Order

It has been held that a basic word order exists and is discernible for any given language.¹² Four basic criteria have so far been used to identify basic word order. They are clause type, frequency, distribution, and pragmatic markedness.

Clause Type

The task of clause type is to identify which type of clause is basic and then set it apart for an individual language.¹³ The type that is often identified as representing basic word order is ‘stylistically neutral, independent, indicative clauses with full nouns phrase participants, where the subject is definite, agentive and human, the object is a definite semantic patient, and the verb represents an action, not a state or an event’.¹⁴ When clause type is used as the primary criterion in determining basic word order for a language, it does not mean that the basic order within the basic clause type is identical to the statistically prevalent word order in the language.¹⁵ Clauses of this kind may not appear frequently in a particular discourse because of the nature of human communication. This does not annul the identification of basic clauses in a text; rather, it indicates that this criterion cannot be used alone but only in conjunction with other criteria.¹⁶

Frequency

Frequency focuses on the word order that appears mostly in a given language. Here, statistics are often used to determine which word order frequently appears, which is assigned the role of basic word order. Takamitsu Muraoka affirms that this criterion is often used to determine the normal word order in Biblical Hebrew.¹⁷ The problem with it, however, is that when the difference in frequency of two data is too small for one to be more frequent than the other, one is not confident to say that one is basic.

Distribution

The third criterion is based on the test of distribution. The basic issue in this criterion is the ‘environment’ and not ‘statistics’. Whenever there are two or more alternatives for a syntactic construction, the one that appears in the greater number of environments is the basic order.¹⁸

Pragmatic

The last criterion by which basic word order is often examined is pragmatic. This criterion is useful for determining the basic word order for languages that have too many variations in their word order. Robert Holmstedt argues that ‘this approach identifies basic word order on the basis of what is judged to be the least pragmatically marked, or neutral order’. He explains that any clauses that are judged to be without contrast and emphasis represent the basic word order in this approach.¹⁹ This criterion is thought to be context-dependent.²⁰

Information Structure

Sometimes, the order of constituents may be rearranged in a variety of ways due to the information structure within the sentence. Information structure is categorized under the linguistic discipline of

¹² Robert D. Holmstedt, *The Relative Clause in Biblical Hebrew: A Linguistic Analysis* (University of Wisconsin, 2002), 128.

¹³ Holmstedt, *The Relative Clause in Biblical Hebrew: A Linguistic Analysis*, 129.

¹⁴ Anna Siewierska, *Word Order Rules*, (Croom Helm Linguistic Series), (London : Croom Helm , 1988), 8.

¹⁵ Holmstedt, *The Relative Clause in Biblical Hebrew*, 129.

¹⁶ R. D. Holmstedt, “Word Order and Information Structure in Ruth and Jonah: A Generative-Typological Analysis,” *Journal of Semitic Studies*, 54, no. 1 (March 1, 2009): 116–117.

¹⁷ T. Muraoka, *Emphatic Words and Structures in Biblical Hebrew* (Leiden: Magnes Press, 1985), 30.

¹⁸ Holmstedt, “Word Order and Information Structure in Ruth and Jonah,” 119.

¹⁹ Holmstedt, *The Relative Clause in Biblical Hebrew*, 130.

²⁰ Holmstedt, “Word Order and Information Structure in Ruth and Jonah,” 129.

pragmatics. Its components are topic, focus, theme, and rheme. Moreover, a distinction between the topic and focus can be made from a pragmatic point of view. Topic, according to Sebastiaan Floor, is ‘what the sentence is about, often-but not always-reflected to by subjects’.²¹ It generally corresponds with the subject and it is what the sentence is about.²² Nomi Erteschik-Shir describes it as that entity a speaker wants to say something about which he considers as relevant to the addressee. It tells the addressee something about the topic that he did not know before.²³ Topic includes discourse topic, new topic, given topic, resumed topic, subtopic, and subject.²⁴

Focus is defined as ‘the element of information that is added to the presupposition of a sentence.’²⁵ It is ‘a way of specially marking the salient, important information of a sentence.’²⁶ To focus, therefore, is to mark an item as informationally prominent. Knud Lambrecht suggests that both new and old information can be focused on functional purposes.²⁷ Furthermore, Cook and Holmstedt explain that focus represents a constituent that is highlighted for emphasis, that is, for contrast or identification.²⁸ It is concerned with the information contrasted with possible alternatives.²⁹

In a sentence, information can be new, given, emphasized, contrasted and the like. While the theme is the given information in a clause, rheme is the new information in the clause. Eran Cohen explains that these two terms do not fully correspond to the terms ‘subject’ and ‘predicate’, they are rather determined in relation to the givenness or newness of the information.³⁰ Topic is an entity beyond the basic structure of theme and rheme in a clause, but it can also serve as theme. It is ‘what is being discussed.’³¹

Triggered Inversion in Hebrew

Modern Hebrew generally exhibits a Subject-Verb (SV) word order in a declarative sentence, and it is held that whenever the order is not SV, it means that the basic word order has been inverted.³² The word order in Biblical Hebrew is thought to be like the word order in Modern Hebrew. It is often analysed as an SV language that exhibits a phenomenon called triggered inversion. The constituents placed in front of the subject and verb are responsible for the triggered inversion from SV basic order to Verb-Subject (VS) order.³³ Like Modern Hebrew, a fronted constituent triggers the inversion of the basic SV order to VS order. Some of the constituents that trigger inversion are relative words, interrogatives, causal words, as well as semantic members, such as modal operators (whether overt or covert) and negative operators.³⁴

²¹ Sebastiaan Jonathan Floor, *From Information Structure, Topic, and Focus, to Theme in Biblical Hebrew* (Stellenbosch: University of Stellenbosch, 2014), 3.

²² Floor, *From Information Structure, Topic, and Focus, to Theme in Biblical Hebrew*, 21.

²³ Nomi Erteschik-Shir, *Information Structure the Syntax-Discourse Interface* (Oxford: Oxford University Press, 2007), 3.

²⁴ Christo H.J. van der Merwe, “Discourse Linguistics and Biblical Grammar,” in *Biblical Hebrew and Discourse Linguistics*, ed. by Robert D. Bergen (Dallas: Summer Institute of Linguistics, Inc., 1994), 30.

²⁵ Floor, *From Information Structure, Topic, and Focus, to Theme in Biblical Hebrew*, 3.

²⁶ Merwe, “Discourse Linguistics and Biblical Grammar,” 29.

²⁷ Knud Lambrecht, *Information Structure and Sentence Form: Topic, Focus, and the Mental Representations of Discourse Referents* (Cambridge: Cambridge university press, 1996), 240.

²⁸ John A. Cook and Robert D. Holmstedt, *Ancient Hebrew: A Student Grammar* (Draft Copy, 2007), 181.

²⁹ Holmstedt, “Word Order and Information Structure in Ruth and Jonah,” 128.

³⁰ Eran Cohen, *Conditional Structures in Mesopotamian Old Babylonian* (Winona Lake, Ind.: Eisenbrauns, 2012), 9.

³¹ Cohen, *Conditional Structures in Mesopotamian Old Babylonian*, 9.

³² Lewis Glinert, *Modern Hebrew: An Essential Grammar*, 3rd ed. (New York: Routledge, 2005), 162.

³³ Holmstedt, *The Relative Clause in Biblical Hebrew*, 148.

³⁴ Holmstedt, “Word Order and Information Structure in Ruth and Jonah,” 124.

SYNTAX: WORD ORDER IN THE LAW CODE OF HAMMURABI

In Old Akkadian, the commonest order of constituents, especially in prose text, is Subject-Direct Object-Adjunct-Verb. 'Adjuncts' are adverbs and preposition phrases (including indirect objects).³⁵

In the twenty-nine laws analysed, there are ninety-four clauses. Of the ninety-four clauses, there are twenty-five clauses with explicit subjects, objects, and finite verbs. In this analysis, these twenty-five clauses with explicit subjects (S), objects (O), and finite verbs (V) will be considered. As such, the following data as regards word order:

SOV = 22 (88%)

OSV = 3 (12%)

The data includes all types of clauses, but the focus will be on conditional clauses and apodictic clauses. From the data above, it is appropriate to say that the laws exhibit SOV order in terms of frequency.

Conditional clauses

The data of conditional clauses in the laws is as follows:

SOV = 15 (88%)

OSV = 2 (12%)

Seventeen clauses are conditional. In terms of frequency, this data shows that fifteen (88%) of the clauses exhibit SOV order, and the remaining two (12%) OSV order. This proves that the conditional clauses in the Law Code of Hammurabi (CoH) exhibit SOV order as stated below:

Šumma awīlum mār awīlim šeḫram ištariq

When a man has stolen man's small child. (CoH 14)

Šumma awīlum awīlam ina risbātīm imtaḫaṣma

When a man has struck another man in a fight. (CoH 206)

On a few occasions where the conditional clauses exhibit OSV, there is an emphasis on information or contrast of information, as stated below.

Šumma awīlam e'iltum iṣbassuma

When poverty overtook a man. (CoH 117)

Apodictic Clauses

The data of apodictic clauses in the laws is as follows:

SOV = 7

OSV = 1

Eight clauses are apodictic. In terms of frequency, this data demonstrates that seven (87%) of the clauses exhibit SOV order and the remaining one (13%) OSV order. Therefore, the apodictic clauses in the Law Code of Hammurabi also exhibit SOV order, as stated below.

bēl eqlim eqelšu iṣṣid

the owner of the field must harvest his field. (CoH 57)

bēl še'im maḫar ilim še'ašu ubârma

the owner of the grain must clarify his grain before gods. (CoH 120)

³⁵ Huehnergard, *A Grammar of Akkadian*, , 19.

Moreover, where there is OSV order, it is for the reason of emphasis or contrast as stated below.

kasap tamk̄arum išqulu bēl amtim išaqqalma

the owner of the female slave must pay the silver (CoH 119)

SYNTAX: WORD ORDER IN EXODUS 21:2-22:16

Much work has been done on the word order of Biblical Hebrew in the past thirty years. Most often, word order is strictly connected to discourse concerns. The discourse type that has received more attention is the narrative text. Various works on the word order of the narrative text have always demonstrated that Biblical Hebrew is a Verb-Subject language. Most often, the conclusions of scholars are based on statistics, yet many other scholars have proven the conclusion that Biblical Hebrew is a Verb-Subject language wrong, and have argued that it is a Subject-Verb language. In this section, the genre of casuistic law will be considered to understand the nature of word order in biblical Hebrew. Only the subject (S) and verb (V) in the clauses will be considered. Hence, Subject-Verb (SV) and Verb-Subject (VS) rather than Subject-Verb-Object (SVO) and Verb-Subject-Object (VSO) will be used.

Exodus 21:2-22:16 is expressed in the genre of casuistic law, and is associated with conditional clauses, apodictic clauses, and modal clauses. Moreover, these clauses in Biblical Hebrew always exhibit VS basic order in terms of frequency. This means that the SV word order of Biblical Hebrew has been inverted to VS word order. Each of these clauses will be analysed and the theories on word order will be applied to explicate the word order of Exodus 21:2-22:16.

Clauses with Explicit Subject

There are 170 clauses in the text. Of these, fifty clauses are with explicit subjects (S) and finite verbs (V). In the analysis, of these fifty clauses, the following data is found as regards word order:

VS = 40 (80%)

SV = 10 (20%)

The data includes all types of clauses. Below, the focus will be on the modal clauses, the conditional clauses, and the apodictic clauses. From the data above, it is appropriate to say that the text exhibits VS word order in terms of frequency.

Modal Clauses

The data of modal clauses in the text is as follows:

VS = 40 (80%)

SV = 10 (20%)

In terms of frequency, this data shows that 80% of the clauses exhibit VS basic order, and the remaining 20% SV order. There are fifty modal verbs in the text. Out of these, thirty-nine are modal *yiqṭōl*, nine modal *wēqāṭal*, and two modal *qāṭal*. Of the thirty-nine modal *yiqṭōl*, twenty-nine appear in the conditional clauses (protases) and ten in the apodictic clauses. Of the twenty-nine modal *yiqṭōl* in the conditional clauses, seventeen appear in וְ-clauses, eleven in אִם-clauses and one in אִלּוּ-clause. Of the nine modal *wēqāṭal*, four appear in the conditional clauses and the remaining five in the apodictic clauses. The two modal *qāṭal* appear in the conditional clauses.

Of the thirty modal *yiqṭōl* in the text, thirty-one stand in a clause-initial position, that is to say, the *yiqṭōl*-construction clauses in the text exhibit VS basic order, as in Exodus 21:7 and Exodus 22:6.³⁶

וְכִי־יִמְכַר אִישׁ אֶת־בְּתוּלוֹ לְאִמָּה

³⁶Exodus 21:5; 21:14; 21:18; 21:20; 21:22; 21:26; 22:1; 22:3; 22:4; 22:6; 22:8, etc.

לֹא תֵצֵא כְּצֵאת הָעֶבְדִים

When a **man sells** his daughter to be a slave,
she must not go out as the male slaves do. (Exod 21:7)

All the *wēqāṭal* in the modal clauses stand in a clause-initial position, that is to say, the *wēqāṭal*-construction clauses in the text exhibit VS basic order, as in Exodus 21:18.³⁷

וְכִי־יִרְיֹבֶן אַנְשִׁים
וְהִכָּה־אִישׁ אֶת־רֵעֵהוּ בְּאֶבֶן אוֹ בְּאֶגְרֹף
וְלֹא יָמוּת
וְנָפֵל לְמִשְׁכָּב

And when **men quarrel, and one strikes** the other with a stone or with his fist and the man does not die but takes to his bed (Exod 21:18)

One of the modal *qāṭal* in the clauses stands in a clause-initial position, as in Exodus 22:4.

אִם־זָרְתָה הַשֶּׁמֶשׁ עָלָיו
דָּמִים לוֹ
שָׁלֵם יִשְׁלֹם
אִם־אֵין לוֹ
וְנָמְכָר בְּגִבְתּוֹ

However, if **the sun has risen** on him, there must be bloodguilt for him.

He must surely pay.

If he has nothing,
Then he must be sold for his theft (Exod 22:4)

Therefore, of the fifty modal verbs in the text, forty-one stand in a clause-initial position. Thus, in terms of frequency, modal clauses exhibit VS basic order. This confirms the arguments of Revell³⁸ and Cook³⁹ that modal clauses always exhibit VS basic order. Hence, a modal clause reflects triggered inversion, and a modal verb is a potential trigger that inverts SV basic order to VS order in BH.

Conditional Clauses

The data of conditional clauses in the text is as follows:

כי-Conditional Clauses

VS = 21 (0%)

SV = 0 (100%)

³⁷Exodus 21:3; 21:22; 22:7; 22:10.

³⁸E.J. Revell, "The System of the Verb in Standard Biblical Prose," *Hebrew Union College Annual* 60 (1989): 14–21.

³⁹John A. Cook, *The Biblical Hebrew Verbal System: A Grammaticalization Approach* (University of Wisconsin–Madison, 2002), 134–144.

א- Conditional Clauses

VS = 8 (67%)

SV = 4 (33%)

א-Conditional Clause

VS = 1

SV = 0

א-Conditional Clause

VS=0

SV=1

Conditional clauses are closely associated with modal verbs. This makes the conditional clauses always exhibit VS basic order. The conditional clauses in the text are introduced by the particles **כי**, **אם**, **או** or **אשר**.

All twenty-one **כי**-conditional clauses exhibit VS basic order, as in Exodus 21:33.⁴⁰

וְכִי־יִפְתַּח אִישׁ בּוֹר
אוּ כִי־יִכְרֶה אִישׁ בֶּרֶךְ
וְלֹא יִכְסֶנּוּ
וְנִפְלְשָׁמָה שׁוֹר אוּ חֲמֹר

When a **man opens** a pit,

or when a **man digs** a pit

and does not cover it,

and an ox or a donkey falls into it, (Exod 21:33)

The particle **כי** is one of the triggers that invert SV basic order to VS order. A **כי**-conditional clause usually begins with topic units of main case law.⁴¹ This makes the clauses topic constituent. Moreover, the fronting of a topic constituent always results in VS order. The clauses further contain modal verbs, which are also triggers that invert basic order. Three factors trigger the inversion of basic order in a **כי**-conditional clause. So if the first factor, that is the particle **כי** triggers the inversion from SV basic order to VS order, then the second, that is, the fronting of a topic constituent triggers the inversion from VS order to SV order, and the third, that is the modal verb again triggers the inversion from SV order to VS order. Thus, **כי**-conditional clauses exhibit VS basic order.

There are twelve **א**-conditional clauses. Eight of these clauses exhibit VS basic order, as in (4)⁴² above and the remaining four exhibit SV basic order, as in Exodus 21:4.⁴³

⁴⁰ Exodus 21:7; 21:14; 21:18; 21:20; 21:22; 22:4; 22:5 22:6; 22:9; 22:13, etc.

⁴¹ Anne E. Garber Kompaoré, "Discourse Analysis of Directive Texts: The Case of Biblical Law" (Elkhart, Indiana, Associated Mennonite Biblical Seminary, 2004), 33.

⁴² Exodus 21:5; 21:32; 22:1; 22:3; 22:6; 22:7; 22:10.

⁴³ Exodus 21:23; 21:30; Exodus 21:23.

אם-אֶדְנִי יִתֶּן-לוֹ אִשָּׁה
 וְיִלְדֶה-לוֹ בָּנִים אוֹ בָנוֹת
 הָאִשָּׁה וְיִלְדֶיהָ תִּהְיֶה לְאֶדְנֶיהָ
 וְהוּא יֵצֵא בְּגֹפוֹ

If **his master** gives him a wife
 and she bears to him sons or daughters,
 the wife and her children must be her master's,
 and he must go out as a single person. (Exod 21:4)

The particle אִם also triggers the inversion of SV basic order to VS order. אִם-conditional clauses present varieties of the same topic introduced by a כִּי conditional clause.⁴⁴ The varieties that exist under the same main case law make the clauses pragmatically marked. The clauses also contain modal verbs, which are also triggers that invert basic order. These three factors cause אִם-conditional clauses to reverse SV basic order. Nevertheless, they exhibit SV basic order whenever a constituent, especially a subject, is highlighted for some sort of emphasis for contrast or identification. For instance, in Exodus 21:4 the constituent אֶדְנִי *ʾdōnāv*, ‘**master**’ is fronted for the sake of emphasis. It is contrasted with the previous subject, a Hebrew slave. The same applies to Exodus 21:23. The subject אָסוֹן *ʾāṣōn*, ‘**harm**’, is fronted to present a contrasting situation. The fronting of subjects in these two cases results in SV order.

The אִם-conditional clause exhibits VS basic order, as in Exodus 21:36.

אוֹ נֹדַע
 כִּי שׁוֹר נִגַּח הוּא מִתְּמוֹל שְׁלֶשֶׁם
 וְלֹא יִשְׁמְרֵנוּ בְּעָלָיו
 שְׁלֶם יִשְׁלֶם שׁוֹר תַּחַת הַשׁוֹר
 וְהַמֵּת יִהְיֶה-לוֹ

Or if it is known
 that the ox has been accustomed to gore in the past,
 and **its owner has not kept** it in,
 he shall repay ox for ox,
 and the dead beast shall be his. (Exod 21:36)

Like other conditional clauses, אִם-conditional clause exhibits VS basic order. It can also be deduced from Exodus 21:36 that לֹא *lō*, ‘not’ is closely associated with modal verbs. In conditional clauses, it works together with the modal verb to affect the word order in a clause.⁴⁵

⁴⁴ Kompaoré, “Discourse Analysis of Directive Texts,” 33.

⁴⁵ Exodus 21:22; 21:28; 22:7.

The וְאִשֶּׁר-לֹא צָדָה conditional clause exhibits SV basic order, as in Exodus 21:13.

וְאִשֶּׁר לֹא צָדָה
וְהָאֱלֹהִים אָנָּה לְיָדוֹ
וְשָׂמַתִּי לָךְ מְקוֹם
אֲשֶׁר יָנוּס שָׁמָּה

But if he did not lie in wait,
but **God let him fall** into his hand,
then I will appoint for you a place
to which he may flee. (Exod. 21:13)

The clause exhibits SV basic because the subject וְהָאֱלֹהִים *v^ehā^elōhîm* is highlighted for emphasis sake.

Apodictic Clauses

The data of apodictic in the text is as follows:

Wəqāṭal-Construction Clauses

VS = 5 (100%)

SV = 0 (0%)

Yiqṭōl-Construction Clauses

VS = 5 (50%)

SV = 5 (50%)

There are fifteen apodictic clauses in the text. All these clauses contain modal verbs: modal *yiqṭōl* and *wəqāṭal*.

Of the ten *Yiqṭōl*-Construction Clauses, five exhibit VS basic order, as in Exodus 21:28.⁴⁶

וְכִי־יִגַּח שׁוֹר אֶת־אִישׁ אוֹ אֶת־אִשָּׁה וַיָּמָת
סָקוּל יִסָּקֵל הַשׁוֹר
וְלֹא יֵאָכַל אֶת־בְּשָׂרוֹ
וּבֶעַל הַשׁוֹר נָקִי

And when an ox gores a man or a woman to death,
the ox must surely be stoned,
and its flesh must not be eaten,
but the owner of the ox must not be liable. (Exod 21:28)

⁴⁶ Exodus 21:22; 22:8.

Modal *yiqṭōl* in *yiqṭōl*-construction clauses causes the trigger inversion from SV basic order to VS order. In these five clauses, there are no focus-fronted constituent and topic-fronted constituent. This makes the clauses exhibit VS basic order.

The other five clauses exhibit SV basic order, as in Exodus 21:29.⁴⁷

וְאִם שׁוֹר נִגַּח הוּא מִתְמַלְּל שְׁלִשָּׁם
וְהוּעַד בְּבָעָלָיו
וְלֹא יִשְׁמְרֵנוּ
וְהָמִית אִישׁ אִו אִשָּׁה
הַשׁוֹר יִסָּקֵל
וְגַם-בְּבָעָלָיו יוּמָת

But if the ox has been accustomed to gore in the past,
and its owner is to be notified but does not keep it in,
and it kills a man or a woman,
the ox must be stoned,

and its owner also must be put to death. (Exod 21:29)

Modal *yiqṭōl* in *yiqṭōl*-construction clauses, first, causes the trigger inversion from SV basic order to VS order. There is a focus-fronted constituent in these five clauses. For instance, in Exodus 21:29, the subjects **הַשׁוֹר** *haššôr*, ‘**the ox**’ and **בְּבָעָלָיו** *b^e‘alâv*, ‘**its owner**’ are highlighted for emphasis of identification. Because they are focus-fronted, their fronting results in SV order.

All the five *wěqāṭal*-construction clauses exhibit VS basic order, as in Exodus 21:6.⁴⁸

וְהִגִּישׁוּ אֶדְנָיו אֶל-הָאֱלֹהִים
וְהִגִּישׁוּ אֶל-הַדֶּלֶת אִו אֶל-הַמְּזוּזָה
וְרָצַע אֶדְנָיו אֶת-אָזְנוֹ בַּמַּרְצָע
וַעֲבָדוּ לְעֹלָם

then his master must bring him to God,
and he must bring him to the door or the doorpost.
His master must also bore his ear through with an awl,
and he must be his slave forever. (Exod 21:6)

As a modal verb, *wěqāṭal* triggers the inversion from SV basic order to VS order. Since it is often used to continue other modal verbs, it may be difficult to find focus-fronted constituent and topic-fronted constituent in *wěqāṭal*-construction clauses. Because of this *wěqāṭal*-construction clauses always exhibit VS basic order.

⁴⁷ Exodus 21:32; 21:34; 22:10.

⁴⁸ Exodus 21:3; 22:7; 22:10.

COMPARISON

As discussed above, the Law Code of Hammurabi often exhibits SOV word order in terms of frequency. This implies that the emphases of the Law Code of Hammurabi are always on the subjects of the laws. Whenever there is an OSV word order, it can be deduced that the Law Code of Hammurabi places special prominence on the objects of actions.⁴⁹ Thus, special emphasis is always placed on either subject or object. The reason for placing special emphasis on the subjects and the objects in the Law Code of Hammurabi is that three social classes (*awīlum*, *muškēnum* and *wardum-amtum*) are distinguished in the Law Code of Hammurabi, and these three classes are not treated in the same way. The *awīlum* is classified as higher than the others are. The *muškēnum* is always liable to smaller compensation for injuries inflicted and subject to less severe penalties for more serious criminal offenses (CoH 202-208). The *wardum-amtum* sometimes is considered a property (CoH 116-117), and at other times he is considered to be a person (CoH 250-252).⁵⁰

Moreover, as mentioned earlier, the casuistic laws of the Book of the Covenant often exhibit VSO word order. It has also been established that the casuistic laws of the Book of the Covenant comprise mostly verbal clauses, and emphases are always on the situations or actions found in the laws or on what the subjects do, and not on the subjects or the objects themselves.⁵¹ Nevertheless, in the case where they exhibit SVO or OSV word order, as in Exodus 21:4, the subject or the object in the clause is highlighted for emphasis, contrast or identification. Here, the emphasis is on the description of the subject.⁵² In the Book of the Covenant, there is no such distinction between classes among people.

Since there is more emphasis on the actions in the clauses than the subjects and the objects, this suggests that the Book of the Covenant places a higher value on human life and does not discriminate in terms of social class.⁵³ Instead of distinguishing between the less privileged and free persons, the laws are arranged to express a great concern for the rights of the less-privileged and to encourage the humane treatment of them. Thus, through the emphasis placed on the actions, a higher value is placed on human life than on any property in the laws.

RELATIONSHIP

The foregoing comparisons between the word orders and contents of the Law Code of Hammurabi and the Book of the Covenant have demonstrated that there are connections between the Law Code of Hammurabi and the Book of the Covenant and between the Book of the Covenant and other Ancient Near Eastern law codes. These connections can be said to be moderate. The existence of these connections then calls for an explanation of the precise nature of the relationship that exists especially between the Law Code of Hammurabi and the Book of the Covenant. What could have been responsible for the striking similarities and stark differences between word orders of these law codes? How best can the relationship between the Law Code of Hammurabi and the Book of the Covenant be explicated?

Comparisons between the word orders and contents of the Law Code of Hammurabi and the Book of the Covenant reveal both some degree of similarity (especially in their contents) and some degree of difference (especially in their grammar) between the two texts. The differences prove that Ancient Near Eastern codes are not usually written using strict direct grammatical correspondence. This, therefore, suggests that composers usually have freedom in employing the most suitable grammar that fits their contexts. For instance, the word orders in the Law Code of Hammurabi and in the casuistic laws of the Book of the Covenant reflect their theological concepts of humans.

⁴⁹ Gianto, *Word Order Variation in the Akkadian of Byblos*, 122.

⁵⁰ Erwin J. Urch, "The Law Code of Hammurabi," *American Bar Association Journal*, Vol. 15, No. 7 (July 1929): 438.

⁵¹ Alviero. Niccacci, *The Syntax of the Verb in Classical Hebrew Prose* (Sheffield, England: JSOT Press, 1990), 23.

⁵² Niccacci, *The Syntax of the Verb in Classical Hebrew Prose*, 23.

⁵³ Walther Eichrodt, *Theology of the Old Testament*, Translated by J.A. Baker, vol. Vol. One (Philadelphia: The Westminster Press, 1961), 77-79.

The conclusion, therefore, is that there exists a moderate positive relationship between the Law Code of Hammurabi and the casuistic laws of the Book of the Covenant, that is, there is a moderate connection between them. It is then possible that the Book of the Covenant is literary dependent on a version of the Law Code of Hammurabi, the Book of the Covenant can be referred to as another translation and adaptation of previous Ancient Near Eastern law codes.

According to Mildred L. Larson, translation consists of ‘studying lexicon, grammatical, structure, communication situation, and cultural context of the source language text, analyzing it in order to determine its meaning, and the reconstructing this same meaning using a lexical and grammatical structure which are appropriate in the receptor language and its cultural context’.⁵⁴ It can be categorized as word-for-word translation, literal translation or faithful translation. When it is target language-oriented, it can be categorized as adaptation, free translation, idiomatic translation or communicative translation.

According to Peter Newmark, word-for-word translation is an interlinear translation where the source language word-order is preserved and the words translated singly by their most common meanings, out of context. In literal translation, the source language’s grammatical constructions are converted to their nearest target language equivalents but the lexical words are again translated singly, out of context. A faithful translation attempts to reproduce the precise contextual meaning of the original within the constraints of the target language’s grammatical structures. It ‘transfers’ cultural words and preserves the degree and lexical ‘abnormality’ in the translation. According to him, adaptation is the ‘freest’ form of translation. It is used only for plays and poetry. The themes are usually preserved, the source language culture converted to the target language culture and the text rewritten. Free translation reproduces the matter without the manner or the content without the form of the original. Idiomatic translation reproduces the ‘message’ of the original but tends to distort nuances of meaning by preferring idioms where these do not exist in the original. Communicative translation attempts to render the exact contextual meaning of the original in such a way that both context and language are readily acceptable and comprehensible to the readership.⁵⁵

Thus, the Book of the Covenant is a rewriting of these older law codes. In its rewriting, it majorly depended on Canaanite laws and a version of the Law Code of Hammurabi, which is also literary dependent on the older law codes. This is a normal tradition in the compilation of law codes in the Ancient Near East. A new law code is usually literary dependent on the previous ones. And in the process of rewriting the Book of the Covenant, its translators decoded the contents and the form of the source texts (a version of the Law Code of Hammurabi and Canaanite laws in particular). They maintained the form of the source texts, and they encoded the contents of the source texts in their own theological, cultural and historical contexts. In light of the comparisons above, the Book of the Covenant cannot be adjudged as a word-for-word, literal, faithful, or direct translation of the older law codes. It cannot also be adjudged as an oblique translation, rather it can be said that it shares some elements of an oblique translation. It is an adaptation of Canaanite laws and a version of the Law Code of Hammurabi. This can be categorized as an ‘indirect translation’ of the older law codes, a version of the Law Code of Hammurabi and Canaanite laws in particular. This kind of translation in today’s language for translation is the ‘freest’ form of translation. The translators of the Book of the Covenant did not often use loan words or loan words plus explanations in their rewriting, rather they often used related words, and sometimes unrelated words in their rewriting. They always replaced the theological issues in the source texts with their own considering their impact on their readers. They also substituted a culture-specific item or expression with their society’s item. They are often translated by omission or addition of words or expressions in some contexts. They sometimes preserved the themes and contents of the older law codes and many times they deviated from them, especially when considering their own contexts. Thus, the translators often looked at their historical, cultural and theological

⁵⁴ Mildred L. Larson, *Meaning-Based Translation: A Guide to Cross-Language Equivalence* (Lanham: University Press of America, Inc., 1998), 3.

⁵⁵ Peter Newmark, *A Textbook of Translation* (Harlow: Longman, 2006), 45–47.

contexts when translating. Most often, they added extra information, not in the older law codes, they usually changed the meaning of the older law codes and they always altered the facts of the historical, theological and cultural contexts of the older law codes.

CONCLUSION

The comparative study of contents and word orders in the Law Code of Hammurabi and the Book of the Covenant has demonstrated that there are both similarities and differences between the two law codes. Meanwhile, there are similarities in their contents and a lot of differences in their word orders. The differences prove that Ancient Near Eastern law codes are not usually written using a strict direct grammatical correspondence. This, therefore, suggests that composers usually have freedom in employing the most suitable grammar that fits their theological contexts. For instance, the word orders in the Law Code of Hammurabi and the casuistic laws of the Book of the Covenant reflect their theological concepts of humans. The words are arranged in the Law Code of Hammurabi to reflect the distinction of social classes in Babylonian society. The *awilum* is rated highest, followed by *muškēnum* and followed by *wardum-amtum*. As for the Book of the Covenant, the words are arranged to reflect the high value placed on human life in Israelite society. The laws do not discriminate in terms of social class. They express a great concern for the rights of the less privileged and encourage human good treatment. Thus, word orders in the Law Code of Hammurabi and the Book of the Covenant reflect Babylonian and Israelite theologies. Thus, the conclusion is that there exists a relationship between the Book of the Covenant and the law code of Hammurabi and this relationship can be said to be moderate. The Book of the Covenant can be said to be a translation and adaptation of the law code of Hammurabi or any other ancient law code.

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