

# IN SEARCH OF THE BIBLICAL HAMMURABI

DAVID S. FARKAS

The relationship between the Code of Hammurabi and some portions of the Bible is taken for granted by scholars today. Much has been written about the striking similarities between the goring ox of Exodus 21 and the same poor beast in what is called LH 251 of Hammurabi's Code. Just as striking are the contrasts between the Torah Law and Hammurabi's Code (see: LH 16, 19, 106, 197, 209, 210, 229 and 230) in the laws of runaway slaves, the rejection of cross-generational civil punishment, and even the famous *lex talionis*. These have all been analyzed and re-analyzed in light of what was learned with the discovery of Hammurabi's Code in 1901.<sup>1</sup> Yet it seems to me that Hammurabi himself poses a far greater biblical mystery than anything written in his Code. For beyond confronting the questions posed by the similarities between the Bible and the Code, one must grapple with a more fundamental problem: Why isn't Hammurabi himself mentioned in the Bible?

To be sure, it is certainly true that not all contemporary figures are mentioned in the Bible. Still, Hammurabi is widely recognized to have been the dominant political power in his era, which has been dated from as early as 1848 BCE to as late as 1736 BCE.<sup>2</sup> This period coincides roughly with the lifespan of Abraham, who, according to the traditional Jewish chronology, lived from 1812 until 1637 BCE. The Bible describes numerous diplomatic activities between Abraham and the political leaders of the day, so there is at least reason to believe that a powerful ruler such as Hammurabi would have made an appearance on the biblical stage.

Moreover, Hammurabi was famous for more than just his military exploits – he was a lawgiver as well. Although other legal codes have been discovered in the century-plus since it was discovered in Susa, Hammurabi's Code remains preeminent among them.<sup>3</sup> With all of this, the great king's reign is passed over in silence. The Bible never mentions his name, and seems to be entirely unaware of his very existence.

*David S Farkas received his rabbinic ordination from Ner Israel Rabbinical College in 1999. A Toronto native, he lives with his family in Cleveland, Ohio, where he practices management-side labor law with the international law firm of Squire, Sanders & Dempsey LLP.*

Or is it?

*AND IT CAME TO PASS IN THE DAYS OF AMRAPHEL KING OF SHINAR, ARIOCH KING OF ELLASAR, CHEDORLAOMER KING OF ELAM...*

In Genesis we learn of a major battle that took place near the Dead Sea. The first of the kings mentioned is *Amraphel*, king of *Shinar*. Who exactly was this king? Ever since the days of the famed Assyriologist, Eberhard Schrader (1836-1908), scholars have identified this king with none other than Hammurabi. Many points have been observed in support of this. The assonance of names, for example, is striking. According to many scholars the two names are extremely close phonetically, if not actually identical.<sup>4</sup> The connection between the two names becomes clearer when we consider that the familiar English spellings of the names as we know them are really approximations of *Ammi-rabi* or *Ammurapi* or *Hammum-rabi*, some of which are close to *Amraphel*. Moreover, Amraphel's kingdom, Shinar, has long been identified with the Sumerian/Babylonian Empire where Hammurabi held sway.<sup>5</sup> Thus, there is some degree of evidence that enables us to identify one with the other.<sup>6</sup>

This alone, then, might appear to have resolved our question. Hammurabi is mentioned in the Bible, only he is mentioned by the name of Amraphel. Yet this answer, by itself, is unsatisfying. For we know Hammurabi to have been a famous potentate, one of the first great rulers of recorded civilization. Amraphel, by contrast, is barely known today outside of the Bible, if at all. It seems very unusual that the great and mighty Hammurabi should be identified with so anonymous a figure as Amraphel.

Here is where the rabbinic sages enter the picture. According to our sages, as shown below, Amraphel is none other than the famous Nimrod. Nimrod, of course, was hardly a run-of-the-mill ruler. Genesis describes him as the first man to amass power.<sup>7</sup> There are many extant rabbinical legends and traditions concerning Nimrod. Perhaps the most famous speaks of him having Abraham thrown into a fiery furnace in Ur Kasdim.<sup>8</sup> Another legend holds that Nimrod came into possession of Adam's hunting garments (which gave him control over the wild beasts) until it was forcefully wrested away from him by Esau.<sup>9</sup> The description of him as a "powerful" ruler, and the legends

that sprang up around him, show that he was seen already in ancient times as an important figure.

These legends are critically important to our investigation. Nimrod, our sages say, is named such because he brought "rebellion" to the world against God, a play on the word *mered* which forms the root of the name *Nimrod*.<sup>10</sup> Nimrod is identified with *Amraphel*, because he told (*amar*) Abraham to fall (*[na]fal*) into the furnace, in the above-mentioned legendary incident in Ur Kasdim.<sup>11</sup> Still another midrash holds that Nimrod is also called *Amraphel* because his words caused "darkness", a *notarikon*-type play on the words *amarah* ("statement") and *afelah* ("darkness").<sup>12</sup>

Thus, scholars identify Hammurabi with Amraphel, and the sages identify Amraphel with Nimrod. This leads us to the conclusion that, based on midrashic tradition, Amraphel, Nimrod and Hammurabi are all the same person. Indeed, the name Hammurabi might actually mean "*Ham* the Great", for Nimrod was the grandson of Ham, son of Noah. Thus, Hammurabi is indeed mentioned in the Torah. The same man portrayed in the Bible as the mighty king Nimrod is known today to the world at large as the mighty king Hammurabi.

While the Midrash is not an historical source, this identification fits both the biblical narrative and what we know of the history of the ancient Near East in the relevant time frame. For in the epic Dead Sea battle described in the Bible, Amraphel is portrayed as subservient to the neighboring Elamite king, Chedorlaomer. The "five kings" of ancient Canaan rebelled against this Elamite king after twelve years of subservience, causing Chedorlaomer to take up arms to quell the rebellion. This description accords with what we know of Hammurabi's exploits against the Elamite enemies of Babylon.<sup>13</sup>

Yet something still nags at the reader. Why would Hammurabi, if our hypothesis is correct, be described in Genesis 10:9 as "a mighty hunter before the Lord"? This seems like a strange description for a king. Moreover, Nimrod was depicted by the sages as someone who caused the world to rebel against God. Nimrod brought "darkness" to the world. Hammurabi, on the other hand, is known to the world as a great king, as one who introduced the rule of law into an uncivilized society through his civil code. So who was he – a despotic tyrant – or a wise leader devoted to the rule of law? Can these two diametrically opposing viewpoints be reconciled?<sup>14</sup>

Jewish tradition holds that the ideal law is God's law, as expressed in His Torah. Man might be obligated to establish legal codes for temporal life, codes with which man is expected to abide. But no man-made legal system could ever supplant God's Torah as the ideal legal system. The very suggestion of it is ludicrous, in the eyes of tradition, for no mere mortal could ever match the divine wisdom contained in the Torah.

With the emergence of Hammurabi/Nimrod, though, we can imagine that men began to look at things differently. No longer was God the final arbiter on what was right or wrong. Instead, man was. The Torah had yet to be given in Nimrod's time, but according to rabbinic tradition, the Noahide laws were already known. With the enactment and acceptance of Hammurabi's Code, man began to emerge from his complete dependence upon God as the source of all law. Hammurabi's Code gave mankind the gift of self-government. Although Hammurabi pays lip service to the god of justice as the originator of the Code, and on the top of the stone stele is a carved relief of Hammurabi receiving the law from the sun god Shamash,<sup>15</sup> in the preamble and epilogue he himself claims to be the wise author of the laws.<sup>16</sup> This code taught man that God alone was no longer the source of the law. Rather, the law was to come from man, using the human faculties endowed within him.

In an otherwise unrelated *aggadah*, the sages state that when the Torah was first translated into the Greek Septuagint, "darkness descended upon the world" for three days.<sup>17</sup> A translation, the sages knew, would eventually have to be made, but nevertheless, they also knew that a translation was the first step towards diluting the purity of the Torah as it was written originally. Thus, they spoke of the translation as bringing "darkness" to the world. It seems to me our sages may have held the same reservations about Hammurabi/Nimrod's Code. Although it was an inevitability, it set in motion the idea of a society free of God. Thus, Nimrod is described in the same terms reserved for the translators of the Torah, as having brought "rebellion" and "darkness" to the world.

A remarkable statement in the *Targum Yerushalmi* commentary on Genesis 10:9 supports both this understanding of Nimrod's character, and our identification of him with Hammurabi. It is unclear when and by whom this Targum was authored, but for a *terminus ad quem*, it is already cited by R. Hai Gaon (939-1038).<sup>18</sup> Genesis 10:9 states, *He was a mighty hunter* [gibbor tzayid]

before the Lord; therefore it is said, "Like Nimrod a mighty hunter before the Lord." The word *tzayid* means "chase, hunt" while *tzayyad* can mean "trapper" as well as "hunter." Commenting on this verse, *Targum Yerushalmi* states that the mighty hunter Nimrod entrapped men with his words. What would he say? He would say, "Distance yourselves from the laws of Shem and attach yourselves to the laws of Nimrod."<sup>19</sup>

This is an astounding statement. We have here an echo of a tradition that this Nimrod - whom we have identified with Hammurabi - had a law code. Moreover, it was a law code that he used to deliberately distance man from the laws of Shem, i.e., the Noahide laws of God Himself. Consider that the Code of Hammurabi was unknown to the modern world until the beginning of the 20th century. Yet the tradition alluded to here dates from at least a thousand years before that. Somehow the ancient collective Jewish memory, as preserved in the *Targum Yerushalmi*, retained the memory of the existence of an ancient code many centuries before it was actually discovered by the Western world.<sup>20</sup>

All of the *dramatis personae* mentioned in this short essay have surfaced before in various books and periodicals. Yet to my knowledge, the steps showing the evidence for the identification of Nimrod with Hammurabi have not previously been set forth clearly. As for why the ancient sages saw in him the seeds of rebellion and darkness, whereas the world at large saw him as an early enlightened king, my suggestion stands as stated. Perhaps, like so many other biblical mysteries, the final resolution still lies quietly underground, waiting for its time to be discovered.

#### NOTES

1. There is an enormous amount of literature devoted to understanding the comparisons and contrasts between biblical law and Hammurabi's Code. See, for example, Victor H. Matthews and Don C. Benjamin, *Old Testament Parallels* (New York: Paulist Press, 1997) pp. 101-109. J. H. Hertz, *The Pentateuch and Haftorahs* (London: Soncino Press, 1965) pp. 403-406. M. Zer-Kavod, "The Code of Hammurabi and the Laws of the Torah", *Jewish Bible Quarterly* 26:2 (1998) p. 107, and sources cited therein. This is a rich field of inquiry, but not the subject of this essay.
2. J. Kugel, *How to Read the Bible: A Guide to Scripture, Then and Now* (New York: Free Press, 2007) p. 270.

3. There were quite a few sets of laws in the ancient Near East that we know of today. These include the Code of Ur-Nammu, king of Ur (ca. 2050 BCE), the Laws of Eshnunna (ca. 1930 BCE) and the codex of Lipit-Ishtar of Isin (ca. 1870 BCE). Yet the Code of Hammurabi remains the best-known of all the ancient codes. A representative statement appears in Cyrus H. Gordon, *The World of the Old Testament* (New York: Doubleday and Company, Inc., 1958) p. 80, "Hammurabi's formulation is by far the best organized and most comprehensive of antiquity" after the Law of Moses.
4. Kevin Knight, *New Advent Catholic Encyclopedia*, entry on *Amraphel* ("Phonetically, the two names are identical"). See however *The Anchor Bible – Genesis*, pp. 106-107.
5. See, e.g., Y. Levin, "Nimrod the Mighty, King of Kish, King of Sumer and Akkad" *Vetus Testamentum* LII:3 (2002) 350-366 at 352 ("The general consensus is that Shina'ar refers to southern Mesopotamia, perhaps a dialectic form of "Sumer" citing P.A. Deimel "Sumer=Shinnar" *Biblica* 2, pp. 71-74).
6. The identification of Hammurabi with Amraphel is taken for granted in some contemporary Jewish Bible commentaries, for example in Hertz's *The Pentateuch and Haftorahs* p. 50, "Amraphel, usually identified with Hammurabi," and p. 404, "King Amraphel, better known as Hammurabi." See however *The JPS Torah Commentary – Genesis*, p. 103, where this identification is rejected.
7. See R. Aryeh Kaplan's felicitous translation to Genesis 10:8 in *The Living Torah* (New York: Moznaim, 1981), "Cush was the father of Nimrod, who was the first to amass power in the world."
8. Genesis Rabbah 38:13.
9. *Pirkei de-Rabbi Elazar* 24.
10. TB *Pesahim* 94b. Cf. however, EGH Kraeling, "The Origin and Real Name of Nimrud," *AJS* 38 (1921-22) 217-18, where it is conjectured that *Marad* was a place name in ancient Babylon, and the name Nimrod refers to the king's dominion over that location.
11. Cf. TB *Eruvin* 53a.
12. Genesis Rabbah 42:4.
13. *Old Testament Parallels*, p. 101.
14. In A. Pinker, "Nimrod Found?" *Jewish Bible Quarterly* 26:4 (1998) p. 217, Aron Pinker suggests that Nimrod was not actually a man but a deity — specifically, the Babylonian god Marduk. He cites the existence of historical documents mentioning Marduk in Hammurabi's day, but surprisingly does not appear aware of the possibility (at least) that Nimrod was actually Hammurabi. Interestingly, Pinker begins his essay by asking: "Though described as a mighty hunter, conqueror and builder of cities, the name "Nimrod" is not found in Babylonian cuneiform records. Why?" This essay begins with what can be called the mirror-image question: Not, "Why isn't Nimrod mentioned in the Babylonian annals?", but, "Why isn't Hammurabi mentioned in the Bible?"
15. Gordon, p. 82.
16. Howard F. Vos, *Nelson's New Illustrated Bible Manners and Customs* (Nashville: Thomas Nelson Publishers, 1999) p. 99.
17. *Megillat Ta'anit* regarding the eighth of Tevet; *Massekhet Soferim* 1:8.

18. *Jewish Encyclopedia* (NY: 1906), entry under Targum.
19. For this reference I am indebted to Rabbi Josh Waxman, on whose "parsha blog" website I first learned of this extraordinary passage in the Targum.
20. The existence of King Hammurabi was known even before the Code was discovered. See F.C. Eiselen, *The Christian View of the Old Testament* (New York: Methodist Book Concern, 1912) p. 188 (The author also identifies Hammurabi with Amraphel).