

## A Comparative Study of the Verbal Analyses of the Case Laws of the Law Code of Hammurabi and the Book of the Covenant, Exodus 20-23

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### Abstract

This paper considers the fact that the verbal forms typically used in the protases (if-clauses) of conditional sentences in the law code of Hammurabi (*iptaras* and *iprus*) have a typical value of past ('if a man **stole** a man's small child ...'), while the verbal forms typically used in the protases of conditional sentences in the Book of the Covenant (*yiqtōl* and *wēqātal*) have a typical value of future ('if a man **will steal** another man ...'). Meanwhile, the verbal forms typically used in the apodoses (then-clauses) of conditional sentences in both CoH (*iparras*) and BC (*yiqtōl* and *wēqātal*) have a typical value of future ('... then he **must be killed**'). The conclusion of the research is that there are minor differences between the verbal forms in CoH and BC. The differences seem to have to do with the perception of whether the crime is seen as already having taken place (CoH) or to take place in the future (BC).

**Key Words:** the Law Code of Hammurabi, the Book of the Covenant, Protasis, Apodosis

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### INTRODUCTION

Akkadian (c.2000-1500 B.C.) and Biblical Hebrew (c.1000 B.C.- A.D. 70) are related Semitic languages and therefore have related verbal system. Their verbal systems are generally considered to be complex because their verbal forms are highly polysemous. The study of verbal systems is concerned with describing the verbal forms in a language in terms of the features of tense, aspect and modality. There is no straightforward method for interpreting these verbal forms (Joosten 39). Furthermore, the categorization of their verbal forms into tense, aspect and modality has been a difficult task. For instance, scholars first understood Biblical Hebrew as having tenses. Thus, many theories have been propounded in this regard. These theories are held by scholars like Gesenius, Blau, Rainey, Gropp and others. Tense has to do with the principle by which events are located in a given time-frame such as the past, the present or the future (Joosten 22). Later, scholars began to know about aspect-oriented theory, which emerged from Ewald's relative tense theory (Warren 64). They began to assert that Biblical Hebrew is a language with no tense, but with aspect (Hatav 2). Aspect is usually referred to the point of view from which a process is represented (Joosten 28). It is distinguished into two categories, the perfective and imperfective aspect. While the perfective aspect is defined as 'semantically punctual, complete, bounded, viewed from the outside' (Cohen, 'The Tense-Aspect System' 34), the imperfective aspect is 'semantically durative, incomplete, habitual, continuous, referring to a process, unbounded, viewed from the inside' (Cohen, 'The Tense-Aspect System' 34). Presently, the modality approach has been added to the circle. Modality has been understood by many scholars as the 'attitude or opinions' of the speaker towards an utterance (Cook, 'The Biblical Hebrew Verbal System' 64). There are many types of modality, but two of these are relevant for this work: epistemic modality and deontic modality. While epistemic modality has to do 'with the degree of knowledge regarding a process, as in expressions of doubt, likelihood, expectation or assertion', deontic modality has to do 'with what makes a process a necessity as in expressions of intention, volition, permission or obligation' (Joosten 31). However, there is an overlapping in the three approaches. Warren argues that tense marking sometimes will often imply aspectual and modal functions. Aspect will tend to imply tense. Modal forms will also tend to imply aspect and tense (Warren 65-66).

In this study, I delve into solving a problem in relation to comparative study of the verbal systems of Akkadian in the law code of Hammurabi (c.900-500 B.C.) and Biblical Hebrew in the of case laws of Book of the Covenant (c.1792-1750 BC). Why do the protases of conditional sentences in the law code of Hammurabi (CoH) have a typical value of past and the protases of conditional sentences in the Book of the Covenant (BC) have a typical value of future? And, why do the apodoses of conditional sentences in both CoH and BC have a typical value of future? I offer analyses of laws in CoH and BC in order to identify the verbal forms that appear in them, and then clarify the roles of these verbal forms. I then conclude by relating the roles of these verbal forms to the contexts of CoH and BC.

## ANALYSIS OF SOME LAWS IN CoH

I limit my analysis to 24 laws<sup>1</sup> in CoH. And I restrict the study to main clause verbs. In these laws, there appear three finite verbal forms: *iptaras*, *iprus* and *iparras*. These verbal forms appear in the protases and apodoses of conditional sentences in CoH, and each of them functions differently in the laws. The statistical data of the verbal forms in CoH are represented in the table below.

Verbal Form	Frequency	Percentage (%)
<i>iptaras</i> , 'he has decided'	23	28
<i>iprus</i> , 'he decided'	21	26
<i>iparras</i> , 'he will decide'	37	46
<b>Total</b>	<b>81</b>	<b>100</b>

### Iptaras

*Iptaras* (traditionally called perfect or T-perfect (Deutscher 31)) has a typical value of past, but with a specific nuance in meaning. The nuance is believed to be actuality. Through *iptaras*, the speaker represents the past event as still actual to the moment of speech (Kouwenberg 140). It is best rendered as 'someone has done something', 'something has happened' or 'something has been done' (Goetze 312, 321). It appears only in the protases of conditional sentences, and is identified as perfective aspect (Kouwenberg 94-95). It is most often used to express the conditional events in the protases. It occupies the 'foreground' or main line of the protases of the legal text. Any verbal form which occupies the 'foreground' of the text usually pushes the story or conversation forward. And any verbal form which occupies the 'background' provides some kind of background information which is critical to understanding the main story line (Witt 26). Of the 23 occurrences, 14 appear without the particle *-ma*, 'and', 7 appear in a chain of *iprus-ma ... iptaras* and 2 appear in *iptaras-ma ... iptaras* chain. When *iptaras* appears without the particle *-ma*, as in (1), it indicates that the event is completed at the moment referred to in the apodosis of conditional sentences (Cohen 127). This demonstrates that it expresses anteriority to the event described in the apodosis. It serves as a point of reference for apodictic clause (Loesov 89, 90). It also serves to indicate the current relevance of a past event. When we talk about the current relevance, we mean 'a present state resulting from a past action' (Loesov 85).<sup>2</sup> This indicates that *iptaras* in the protases of CoH is 'present perfect', which contains the punishable acts.

#### 1. CoH 14

*šumma awīlum mār awīlim šeḥram ištariq, iddāk.*<sup>3</sup>  
 'if a man **has stolen [iptaras]** man's small child, he **must be killed [iparras]**'.

When *iptaras* appears in a chain of *iptaras-ma ... iptaras*, as in (2), it serves the same role as when it appears without the particle *-ma* as described above. In addition, there is a logical relationship between the two clauses which contain *iptaras*, where the first clause is logically subordinate to the second.

#### 2. CoH 206

*šumma awīlum awīlam ina risbātīm imtaḥašma simmam ištakanšu, awīlum šū 'ina idū la amḥašu' itamma u asām ippal.*  
 'if a man **has struck [iptaras + ma]** another man in a brawl **and has injured him [iptaras]**, that man must solemnly declare **[iparras]**, 'I did not wound **[iprus]** him intentionally.' It is he who must be responsible for the physician' **[iparras]**.

But when *iptaras* appears in a chain of *iprus-ma ... iptaras*, as in (3), *iprus* normally forms the background for the more salient event, which occurs as *iptaras*. *Iptaras* thus represents the events that are legally the most

<sup>1</sup>I consider the laws which are closely paralleled to the casuistic laws in BC, and they are CoH 8, 14, 21, 57-58, 117-119, 120-126, 195, 196-200, 206-208, 209-214 and 250-252.

<sup>2</sup>See also B. Comrie, *Aspect: An Introduction to the Study of the Verbal Aspect and Related Problem*. Cambridge, 1976, p.56ff., 60f.

<sup>3</sup>I follow the work of M.E.J. Richardson in my CoH transliteration and translation (see M.E.J. Richardson, *Hammurabi's Law: Text, Translation and Glossary*, London: T&T Clark International, A Continuum Imprint, 2004)

relevant (Cohen 127).<sup>4</sup> So *iptaras* indicates the critical event, the event upon which the judgment in the apodosis is based (Huehnergard 157).

### 3. CoH 250

*šumma alpu, sūqam ina alākišu awīlam ikkipma uštamūt dīnum šū rugummām ul išu.*  
'if an ox while walking along the road **gored [iprus+ ma]** a man **and has caused his death [iptaras]**, there must be no cause for complaint [verbless]'.  
*iprus*

*Iprus* (traditionally called preterite (Deutscher 31)) is thought to have a typical value of past. It refers to an action as a past fact, and is usually expressed as 'somebody did something' (Goetze 312). It is therefore normally translated with a simple past tense (Huehnergard 19). *Iprus* appears in the protases and apodoses of conditional sentences, and is identified as having perfective aspect. Of the 21 occurrences, 17 appear in the protases of conditional sentences and 4 in the apodoses of conditional sentences. In the protases, 7 appear without any particle, 9 appear with the particle *-ma* and 1 appears with the subjunctive marker *-u* (indicating subordinate clause). The four that appear in the apodoses are with the subjunctive marker *-u*. When *iprus* appears without any particle in the protasis, as in (4), it is used in the same sense as *iptaras*. It indicates the foregrounded event, the event upon which the judgment in the apodosis is based (Huehnergard 157).

### 4. CoH 21

*šumma awīlum bītam ipluš, ina pani pilšim šuāti idukkūšuma ihallalūšu.*  
'If a man **smashed [iprus]** a way into a house, they must kill [**iparras**] and hang [**iparras**] him just where he broke in'.

When it appears with the particle *-ma*, as in (5), it expresses those facts which serve as 'background' leading up to the most important fact or facts that the lawmaker wishes to provide a legal remedy for in the apodosis (Maloney 277-280). So in this case, it depicts background activities as opposed to *iptaras* forms (Cohen 7). It denotes a situation that is anterior to the situation expressed by a verb in *iptaras* form (See Loesov 2004).

### 5. CoH 209

*šumma awīlum mārat awīlim imḥašma ša libbiša uštaddīši, 10 šiqil kaspam ana ša libbiša išaqqal*  
'if a man **struck [iprus + ma]** the daughter of a man **and has made [iptaras]** her lose her unborn child, he must pay [**iparras**] ten shekels of silver for the foetus'.

When it appears with the subordination marker *-u* in the protases and apodoses, as in (6) and (7), it serves as a referential event to an event previously mentioned in the protasis (Cohen, 2012:133).

### 6. CoH 120

*šumma awīlum se'ašu, ana našpakūtīm ina bīt awīlum išpakma ina qarītīm ibbūm ittabši u lu bēl bītīm našpakam iptēma še'am ilqe, u lu še'am ša ina bītīšu iššapku ana gamrim ittakir, bēl še'im maḥar ilim še'ašu ubārma bēl bītīm se'am ša ilqū uštašannāma ana bēl še'im inaddin*  
*if a man stored [iprus] his grain into store in another man's storehouse and then a loss has occurred [iptaras] in the granary, or the owner opened [iprus] storehouse and took [iprus] the grain, or he has completely disagreed [iptaras] about the grain which was deposited [iprus = u] in his house, the owner of the grain must declare [iparras] in the presence of the god the amount of grain, and the owner of the house must give [iparras] the owner of the grain must make double [iparras] the amount of grain he took.*

### 7. CoH 119

*šumma awīlam e'iltum išbassuma amassu ša mārī uldušum ana kaspim ittadin, kasap tamkārūm išqulu bēl amtīm išaqqalma amassu ipaṭṭar.*

<sup>4</sup>See also Mahoney, 1982: 177f. and Loesov, The T-Perfect in the Akkadian of Old Babylonian Letters, 2004:150-155)

'if a man is gripped [*iprus+ma*] in poverty and has sold [*iptaras*] his slave-girl for silver after she has borne him sons, the slave-girl's owner may pay [*iparras*] back the silver the merchant loaned [*iprus = u*] and he must redeem [*iparras*] his slave-girl'.

#### Iparras

*Iparras* (traditionally called present-future or durative (Huehnergard 98)) has a typical value of future. But, it can also be used for present, durative and habitual actions as well as a range of modal meanings such as 'may', 'can', 'should' or 'must' (Deutscher 31). It is always posterior to a given reference point (which is the time of the law formulation) and since the future is close to modality, it can denote the latter in the legal apodosis (Cohen 127). It appears only in the apodoses of conditional sentences, and is identified as having imperfective aspect. It appears to signal foreground in the apodoses. Of the 37 occurrences, 3 appear without the particle *-ma* and 4 appear with the particle *-ma*. When it appears without the particle *-ma*, as in (8), it serves to indicate anticipated information which depends on the validity of the protasis.

#### 8. CoH 198

*šumma in muškēnim uḥtappid u lu ešemti muškēnim ištebir, I mana kaspam išaqqal.*

'if he has destroyed [*iptaras*] the sight of a working man or broken a bone of a working man, he **must pay** [*iparras*] one mana of silver'.

When we have a chain of *iparras-ma ... iparras*, as in (9), the first clause which has *iparras-ma* is logically related to the second clause with *iparras* (Huehnergard 50).

#### 9. CoH 206

*šumma awīlum awīlam ina risbātim imtaḥašma simmam ištakanšu, awīlum šū 'ina idū la amḥašu' itamma u asām ippal.*

'if a man has struck [*iptaras*] another man in a brawl and has injured him, that man **must solemnly declare** [*iparras + ma*], 'I did not wound him intentionally' **and then he must pay** [*iparras*] the physician'.

#### Summary

The three verbal forms *iptaras*, *iprus* and *iparras* in CoH are distributed, so as to express various events in the protases and apodoses of conditional sentences. Each plays different roles in CoH. *Iptaras* appears as a perfective aspect. It functions to express the critical and foregrounded conditional events in the protases. *Iprus* also appears as a perfective aspect. It is sometimes used in the same sense as *iptaras*. In addition, it is used to express background events in a chain of *iprus-ma ... iptaras*. It is also used to express referential events when it appears with the subordination marker *-u*. *Iparras* appears as an imperfective aspect. It serves to express the anticipatory consequences and signals foreground in the apodoses. The roles of these verbal forms are summarized in the table below:

Category	Verbal Form
Protasis: Conditional Events	1. <i>Iptaras</i> – Primary foreground situation 2. <i>Iprus</i> – Secondary foreground situation, past background situation and referential situation
Apodosis: Anticipatory Consequences	1. <i>Iparras</i> – Primary foreground situation 2. <i>Iprus</i> – Referential situation

#### ANALYSIS OF EXODUS 21:2-22:16

In Exodus 21:2-22:16, there appear three finite verbal forms: *yiqṭōl*, *wēqāṭal* and *qāṭal* and three non-finite verbal forms: *qāṭōl*, *qōṭēl*, and *qəṭōl*. But I restrict my study to verbs *yiqṭōl*, *wēqāṭal*, *qāṭal* and *qōṭēl*. These verbal forms appear in the protases and apodoses of conditional sentences in BC, and each of them functions

differently in the laws. The statistical data of the verbal forms in Exodus 21:2-22:16 are represented in the table below.

Verb Form	Frequency	Percentage (%)
<i>yiqṭōl</i> , 'he kills'/'he will kill'	102	60
<i>wēqāṭal</i> , 'and he kills'/'and he will kill'	44	26
<i>qāṭal</i> , 'he has killed'	14	8
<i>qōṭēl</i> , 'he kills'	10	6
Total	170	100

### Yiqṭōl

*Yiqṭōl* (traditionally called prefix conjugation or imperfective (Joosten viii)) usually functions to refer to a process not yet begun (Joosten 268), to describe events belonging to the future (Driver 28), to express an action only as doing, and not as done, and to express a command (Driver 29). Joosten further stretches that over 80% of *yiqṭōl* form in a typical text may have a future-modal function (Joosten 268). *Yiqṭōl* can appear as a 'long' *yiqṭōl* and a 'short' *yiqṭōl*. While the 'long' *yiqṭōl* signifies the present-future or modal, the 'short' signifies usually jussive mood (Waltke and O'Connor 496).

*Yiqṭōl* is the main tense and primary form in conditional sentences in BC, so it expresses the foreground situation in the laws. It is used to describe the conditional situations in the protases and the legal consequences in the apodoses. It has a typical value of future. It appears modally in the protases and apodoses. As a modal verb, it is used in the protases to denote propositions which are knowledge-based and are usually labeled epistemic (Hatav 116-117). It is used to express the speaker's attitude to the truth-value or factual status of the proposition in the protases (Palmer 8), as in (13).<sup>5</sup>

#### 10. Exodus 21:2<sup>6</sup>

כִּי תִקְנֶה עֶבֶד עִבְרִי שֵׁשׁ שָׁנִים יַעֲבֹד וּבְשִׁבְעַת הַיָּמִים לְהַפְשִׁי הֵנָּם:

'When you buy [*yiqṭōl*] a Hebrew slave, he shall serve six years, and in the seventh he shall go out free, for nothing'.

Also as a modal verb, it is used in the apodoses to denote directives which are not yet actualized and are usually labeled deontic (Palmer 8). Thus, its usage denotes the obligation, emanating from an external source (Palmer 9). The modal verb 'must', which, like other modal verbs, expresses the relation between the factual world and the nonfactual world, is often used for it (DeClerk 39). Furthermore, *yiqṭōl* is used to represent a real situation which arises as a legal consequence of the situation described in the protasis (Waltke and O'Connor 511), as in (14).<sup>7</sup> Sometimes, *yiqṭōl* is used with *qāṭōl* to stress the condition or consequence of the laws, as in (15).<sup>8</sup>

#### 11. Exodus 21:34

בְּעַל הַבּוֹר יִשְׁלַם כֶּסֶף יוֹשִׁיב לְבַעְלָיו וְהַמֵּת יִהְיֶה לּוֹ:

'the owner of the pit must make restoration [*yiqṭōl*]. He must give [*yiqṭōl*] money to its owner, and the dead beast must be [*yiqṭōl*] his'.

#### 12. Exodus 21:17

וּמִקְלָל אָבִיו וְאִמּוֹ מוֹת יוּמָת:

'Whoever curses his father or his mother must surely be put to death [*yiqṭōl*].

### Wēqāṭal

*Wēqāṭal* (traditionally called the suffix conjugation preceded by *waw* or perfect consecutive (Joosten viii)) is thought to have its origin in perfective *qāṭal* (see Waltke and O'Connor 521-523 and Joosten, 'Biblical Weqatal

<sup>5</sup>See also Exodus 21:4, 7, 9, 11, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 35, 37; 22:1, 4, 5, 6, 7, 9, 13.

<sup>6</sup>The Hebrew text used is the 'Masoretic Text' and my English text is based on the 'English Standard Version'.

<sup>7</sup>See also Exodus 21:2, 3, 7, 9, 10, 21, 26, 27, 29, 32, 34, 37; 22:3, 4, 6, 11, 12, 14, 16.

<sup>8</sup>See also Exodus 21:5, 12, 15, 19, 20, 22, 28, 36; 22:2, 3, 5, 11, 12, 13, 15.

and Syriac hwa Qatēl' 3). It also has a typical value of future. Furthermore, its semantics, according to Cook, are compatible with temporally successive expressions (Cook, 'The Semantics of Verbal Pragmatics' 265). He defines temporary succession as the 'the linear portrayal of events according to the order or their occurrence in the depicted world' (Cook, 'The Semantics of Verbal Pragmatics' 251). *Wēqāṭal* is the form of preference for expressing chronological sequence (Kompaoré 65). Joosten emphasizes that *wēqāṭal* and *yiqṭōl* often occur in the same context, and when they occur side by side, it is hard to detect any temporal, modal or aspectual difference between these forms. They share exactly the same temporal-aspectual-modal functions. Both can be used as expressions of futurity-modality (Joosten 18-19). Furthermore, *wēqāṭal* is often used to continue other modal forms like imperatives, jussives and cohortatives in the protases (Holmstedt 137).

*Wēqāṭal* appears as a modal form in Exodus 21:2-22:16. It is used in the same sense as *yiqṭōl*. It is identified as an extension of the form's primary modal meanings in the protases and apodoses. Just like *yiqṭōl*, it signals foreground situations in the protases and apodoses. In the protases, it has an epistemic sense. It is used to continue the description of the situation already introduced by *yiqṭōl* in the protases, as in (16).<sup>9</sup> So it does not appear in the clause introduced by the particle כִּי or אִם. It is used to express foregrounded, temporally successive situations in the protases (See Cook, 'The Semantics of Verbal Pragmatics' 264-269).

13. Exodus 21:26

וְכִי־יִכֶּה אִישׁ אֶת־עֵינֵי עַבְדּוֹ אֹרְאָת־עֵינֵי אִמְתּוֹ וְשִׁחַתָּהּ לְחַפְשֵׁי יִשְׁלַחְנָהּ תַּחַת עֵינָיו:

*'When a man strikes the eye of his slave, male or female, and if he destroys [wēqāṭal] it, he shall let the slave go free because of his eye'.*

In the protases, it also appears as alternative situations, as in (17).<sup>10</sup> It is especially used after participle to describe temporal or alternative situation in the protases.

14. Exodus 21:16

וְגַב אִישׁ וּמָכְרוֹ וְנִמְצָא בְיָדוֹ מוֹת יוֹמָת:

*'Whoever steals a man and sells him [wēqāṭal], or anyone found [wēqāṭal] in possession of him, must die'.*

From its frequent use in the apodoses, *wēqāṭal* has a deontic sense. And it often marks temporal succession. Temporal succession refers 'to the order of their occurrence in the depicted world' (Cook, 'The Semantics of Verbal Pragmatics' 251). *Wēqāṭal* is always a continuation form, so never comes first in the chain. It also expresses a consequent (logical and/or chronological) situation to a situation represented by a protasis (Waltke and O'Connor, 1990:529). Waltke and O'Connor refer the relative *waw* in *wēqāṭal* as apodosis *waw*, which is equivalent to English 'then'. This apodosis *waw* usually introduces an apodosis after a protasis (Waltke and O'Connor 521), as in (18).<sup>11</sup>

15. Exodus 21:11

וְאִם־שָׁלַשׁ־אֵלֶּה לֹא יַעֲשֶׂה לָּהּ וְיִצְאָהּ הַנֶּגֶם אִין כֶּסֶף:

*'And if he does not do these three things for her, then she shall go out [wēqāṭal] for nothing, without payment of money'.*

Qāṭal

*Qāṭal* (traditionally called perfective or suffix conjugation (Joosten viii)) is used to denote an action completed and finished at a definite moment in the past, fixed by the narrative (Driver 13). *Qāṭal* has been translated with English as simple past, past perfect, present perfect, present, future perfect and modal (Cook, 'The Biblical Hebrew Verbal System' 75).

*Qāṭal* appears only in the protases in the text. In many instances, it has a typical value of past. It also refers to anterior situations (Hatav 147). Driver describes it as actions relating to a past time, which might have happened but did not happen, which are therefore only for the moment conceived as having occurred, under conditions not actually realized (Driver 23). Thus, its clauses refer to situations that precede the situations described in the

<sup>9</sup>See also Exodus 21:4, 12, 16, 18, 19, 20, 22, 26, 28, 29, 33, 35, 37; 22:1,5, 6, 9, 15.

<sup>10</sup>See also Exodus 21:12; 22:4

<sup>11</sup>See also Exodus 21:3, 6, 8, 19, 22, 23, 30; 22:2, 7, 10.

protases. It is used to give background information to the laws. In such situation, it is used to express a completed action, as in (19).<sup>12</sup>

16. Exodus 21:8

אם-רעה בעיני אדניה אשר-לו יעדה והפדה לעם נכרי לא-ימשל למכרה בבגדו-בה:

*'If she does not please her master, who **has designated her [qāṭal]** for himself, then he shall let her be redeemed. He shall have no right to sell her to a foreign people, since he has broken faith with her'.*

In few occasions, it is used in the same sense as *yiqṭōl* in describing propositional situations. It appears with אַם in some occasions to express the propositional situation, as in (20).<sup>13</sup>

17. Exodus 22:2a (Eng. 3a)

אם-נִרְתָּהּ השָׁמֶשׁ עָלָיו דָּמִים לוֹ שְׁלֵם יִשְׁלֹם:

*'but if the sun has risen [qāṭal] on him, there shall be bloodguilt for him'.*

It also appears with אַי in the protases. Sometimes אַי introduces subcase of the main or subsidiary protasis (Wenham 98). In such case, אַי seems to act like a *waw*-relative. Where אַי immediately precedes the verb, *qāṭal* is used instead of *yiqṭōl*, as in (21).<sup>14</sup>

18. Exodus 21:37 (Eng. 22:1)

כִּי יִגְנֹב-אִישׁ שׂוֹר אוֹ-שֵׂה וּטְבָחוֹ אוֹ מִכְרוֹ תִּמְשֶׁה בְּקָר וְיִשְׁלֹם תַּחַת הַשּׂוֹר וְנֹאֲרָב־עֲצָאן תַּחַת הַשֶּׂה:

*'If a man steals an ox or a sheep, and kills it or sells it [qāṭal], he shall repay five oxen for an ox, and four sheep for a sheep'.*

Where there is a noun between אַי and the verb, *yiqṭōl* is used, as in (22).

19. Exodus 21:31

אוֹ-בֶן יִנָּח אוֹ-בַת יִנָּח כַּמִּשְׁפָּט הַזֶּה יַעֲשֶׂה לוֹ:

*'Or if it gores [yiqṭōl] a man's son or it gores [yiqṭōl] a daughter, he shall be dealt with according to this same rule'.*

*Qōṭēl*

*Qōṭēl* is the Hebrew active participle. It is a verbal noun. It participates in both nominal and verbal characteristics. It has four principal functions in biblical Hebrew: it functions as a substantive, an adjective, a relative and a predicate (Waltke and O'Connor 613). As substantive, the *qōṭēl* functions as a noun, most often occurring with the definite article (Arnold 82). As adjective, it functions attributively (ascribes a quality to a noun) (Arnold 78) and predicatively (expresses an assertion about a noun or pronoun in a nominal clause) (Arnold 79). *Qōṭēl* can be used as the equivalent of relative clauses. It is also used as the predicate of a verbless clause.

In Exodus 21:1-22:16, *qōṭēl* is taken as equivalent to כִּי and finite verb in the protases of Exodus 21:12, 15, 16, 17. The finite verb expresses modality of necessity, as in (26). It has the same sense as *yiqṭōl*.

20. Exodus 21:17

וּמִקְלָל אָבִיו וְאִמּוֹ מוֹת יוּמָת:

*'When a man curses [qōṭēl] his father or his mother shall be put to death'.*

<sup>12</sup>See also Exodus 21:5; 22:15.

<sup>13</sup>See also Exodus 22:2, 7.

<sup>14</sup>See also Exodus 21:36; 22:13.

### Summary

The four verbal forms *yiqṭōl*, *wēqāṭal*, *qāṭal* and *qōṭēl* in Exodus 21:2-22:16 are distributed so as to express various situations in the protases and apodoses of casuistic laws. Each plays different roles in the text. *Yiqṭōl* appears modally. It expresses the foreground situations in the protases and apodoses. It has an epistemic sense in the protases and a deontic sense in the apodoses. *Wēqāṭal* appears modally. It has the same sense as *yiqṭōl*. In addition, it is often used to continue the description of the necessary conditional situations in the protases and obligatory consequent situations in the apodoses. *Qāṭal* appears as a perfective aspect and a modal verb. As a perfective aspect, it gives past background information to the laws. As a modal, it is used in the same sense as *yiqṭōl*. *Qōṭēl* is used as modal and non-modal forms in modal clauses. As modal, it is used in the same sense as *yiqṭōl*. As non-modal, it functions as an anticipated background situation. The summary of the functions of verbal forms in Exodus 21:1-22:16 is stated below:

Category	Verbal Form
Protasis: Necessary Propositions	<ol style="list-style-type: none"> <li>1. <i>Yiqṭōl</i> – Primary foreground situation</li> <li>2. <i>Wēqāṭal</i> – Secondary foreground situation</li> <li>3. <i>Qāṭal</i> – Secondary foreground situation</li> <li>4. <i>Qāṭal</i> – Past background situation</li> <li>5. <i>Qōṭēl</i> – Secondary foreground situation</li> </ol>
Apodosis: Obligatory Directives	<ol style="list-style-type: none"> <li>1. <i>Qiqṭōl</i> – Primary foreground situation</li> <li>2. <i>Wēqāṭal</i> – Secondary foreground situation</li> </ol>

### CONCLUSION

The roles of the verbal forms in CoH and BC and their implications for the contexts of CoH and BC are thus stated as follows:

- While *iptaras* and *iprus* are the main verbal forms in the protases of conditional sentences in CoH, *yiqṭōl* and *wēqāṭal* are the main verbal forms in BC.
- While *iptaras* and *iprus* carry perfective aspect, appear indicatively, have a typical value of past and are used to express the conditional events, *yiqṭōl* and *wēqāṭal* carry modality, have a typical value of future and are used to express the necessary propositions in the protases of conditional sentences in BC.
- While *iparras* is used as the main verbal form in the apodoses of conditional sentences in CoH, and it carries imperfective aspect, appears indicatively, have a typical value of future and is used to express the anticipatory consequences in the apodoses, *yiqṭōl* and *wēqāṭal* still remain the main verbs used in the apodoses of conditional sentences in BC and are used to express the obligatory consequences in the apodoses.
- Therefore, the verbal forms in CoH: *iptaras*, *iprus* and *iparras* being indicative and used in the modal clauses point to the fact that the laws in CoH were formulated based on the events that took place during the reign of Hammurabi, CoH must, thus, be read in the historical and political context of Hammurabi's long reign of 43 years.



- Therefore, the verbal forms in BC: *yiqṭōl* and *wəqāṭal* being modal suggests that the laws in BC are Yahweh's propositions and directives for the Israelites. The propositions in the protases are knowledge-based because they are based on the events already known to the people. The directives in the apodoses are Yahweh's attitude towards the offenses described in the protases. BC must, thus, be a later insertion into the Sinai narrative context.
- Based on these findings, I submit that BC might have depended on a known legal code indirectly, however, its verbal system demonstrates that even if BC has depended on a known legal code, it has not been written using a strict direct syntactic correspondence.
- All the verbal forms in both CoH and the casuistic laws of BC are used to express the conditions in the protases and the legal consequences in the apodoses.
- Moreover, all of them being expressed in the conditional construction indicate that the verbal forms in CoH and BC are all equivalent in meaning, but belong to different categories.
- *Iptaras* and *iprus* which are the main verbal forms in the protases of conditional sentences in CoH carry perfective aspect, appear indicatively and have a typical value of past.
- In addition, *iparras*, the main verbal form, in the apodoses of conditional sentences in CoH carries imperfective aspect, appears indicatively and has a typical value of future.
- *Yiqṭōl* and *wəqāṭal*, the main verbal forms, in BC carry modality, appear modally and have a typical value of future.
- Therefore, the verbal forms in CoH: *iptaras*, *iprus* and *iparras* being indicative and used in the modal clauses point to the fact that the laws in CoH were formulated based on the events that took place during the reign of Hammurabi.
- Moreover, the verbal forms in BC: *yiqṭōl* and *wəqāṭal* being modal suggests that the laws in BC are Yahweh's propositions and directives for the Israelites on Mount Sinai. The propositions in the protases are knowledge-based because they are based on the events already known to the people, and the directives in the apodoses are Yahweh's attitude towards the offenses described in the protases. The E-writers might have invented these verbal forms, which are different from the older law codes to fit the Sinai narrative context.
- The comparisons of the grammatical contexts of CoH and BC demonstrate that there are minor differences between the verbal forms in CoH and BC. The differences seem to have to do with the perception of whether the crime is seen as already having taken place (CoH) or to take place in the future (BC).

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