

HISTORY OF THE JEWS

By Josephus

Book Four

[continues]

CHAPTER EIGHT

THE POLITY SETTLED BY MOSES; AND HOW HE
DISAPPEARED FROM AMONG MANKIND.

WHEN forty years were completed, within thirty days, Moses gathered the congregation together near Jordan, where the city Abila now stands, a place full of palm-trees; and all the people being come together, he spake thus to them: -

“O you Israelites and fellow soldiers, who have been partners with me in this long and uneasy journey; since it is now the will of God, and the course of old age, at a hundred and twenty, requires it that I should depart out of this life; and since God has forbidden me to be a patron or an assistant to you in what remains to be done beyond Jordan; I thought it reasonable not to leave off my endeavors even now for your happiness, but to do my utmost to procure for you the eternal enjoyment of good things, and a

memorial for myself, when you shall be in the fruition of great plenty and prosperity. Come, therefore, let me suggest to you by what means you may be happy, and may leave an eternal prosperous possession thereof to your children after you, and then let me thus go out of the world; and I cannot but deserve to be believed by you, both on account of the great things I have already done for you, and because, when souls are about to leave the body, they speak with the sincerest freedom. O children of Israel! there is but one source of happiness for all mankind, the favor of God for he alone is able to give good things to those that deserve them, and to deprive those of them that sin against him; towards whom, if you behave yourselves according to his will, and according to what I, who well understand his mind, do exhort you to, you will both be esteemed blessed, and will be admired by all men; and will never come into misfortunes, nor cease to be happy: you will then preserve the possession of the good things you already have, and will quickly obtain those that you are at present in want of, - only do you be obedient to those whom God would have you to follow. Nor do you prefer any other constitution of government before the laws now given you; neither do you disregard that way of Divine worship which you now have, nor change it for any other form: and if you do this, you will be the most courageous of all men, in undergoing the fatigues of war, and will not be easily conquered by any of your enemies; for while God is present with you to assist you, it is to be expected that you will be able to despise the opposition of all mankind; and great rewards of virtue are proposed for you, if you preserve that virtue through your

whole lives. Virtue itself is indeed the principal and the first reward, and after that it bestows abundance of others; so that your exercise of virtue towards other men will make your own lives happy, and render you more glorious than foreigners can be, and procure you an undisputed reputation with posterity. These blessings you will be able to obtain, in case you hearken to and observe those laws which, by Divine revelation, I have ordained for you; that is, in case you withal meditate upon the wisdom that is in them. I am going from you myself, rejoicing in the good things you enjoy; and I recommend you to the wise conduct of your law, to the becoming order of your polity, and to the virtues of your commanders, who will take care of what is for your advantage. And that God, who has been till now your Leader, and by whose goodwill I have myself been useful to you, will not put a period now to his providence over you, but as long as you desire to have him your Protector in your pursuits after virtue, so long will you enjoy his care over you. Your high priest also Eleazar, as well as Joshua, with the senate, and chief of your tribes, will go before you, and suggest the best advices to you; by following which advices you will continue to be happy: to whom do you give ear without reluctance, as sensible that all such as know well how to be governed, will also know how to govern, if they be promoted to that authority themselves. And do not you esteem liberty to consist in opposing such directions as your governors think fit to give you for your practice, - as at present indeed you place your liberty in nothing else but abusing your benefactors; which error if you can avoid for the time to come, your affairs will be in a better

condition than they have hitherto been. Nor do you ever indulge such a degree of passion in these matters, as you have oftentimes done when you have been very angry at me; for you know that I have been oftener in danger of death from you than from our enemies. What I now put you in mind of, is not done in order to reproach you; for I do not think it proper, now I am going out of the world, to bring this to your remembrance, in order to leave you offended at me, since, at the time when I underwent those hardships from you, I was not angry at you; but I do it in order to make you wiser hereafter, and to teach you that this will be for your security; I mean, that you never be injurious to those that preside over you, even when you are become rich, as you will be to a great degree when you have passed over Jordan, and are in possession of the land of Canaan. Since, when you shall have once proceeded so far by your wealth, as to a contempt and disregard of virtue, you will also forfeit the favor of God; and when you have made him your enemy, you will be beaten in war, and will have the land which you possess taken away again from you by your enemies, and this with great reproaches upon your conduct. You will be scattered over the whole world, and will, as slaves, entirely fill both sea and land; and when once you have had the experience of what I now say, you will repent, and remember the laws you have broken, when it is too late. Whence I would advise you, if you intend to preserve these laws, to leave none of your enemies alive when you have conquered them, but to look upon it as for your advantage to destroy them all, lest, if you permit them to live, you taste of their manners, and thereby corrupt your own proper institutions.

I also do further exhort you, to overthrow their altars, and their groves, and whatsoever temples they have among them, and to burn all such, their nation, and their very memory with fire; for by this means alone the safety of your own happy constitution can be firmly secured to you. And in order to prevent your ignorance of virtue, and the degeneracy of your nature into vice, I have also ordained you laws, by Divine suggestion, and a form of government, which are so good, that if you regularly observe them, you will be esteemed of all men the most happy."

When he had spoken thus, he gave them the laws and the constitution of government written in a book. Upon which the people fell into tears, and appeared already touched with the sense that they should have a great want of their conductor, because they remembered what a number of dangers he had passed through, and what care he had taken of their preservation: they desponded about what would come upon them after he was dead, and thought they should never have another governor like him; and feared that God would then take less care of them when Moses was gone, who used to intercede for them. They also repented of what they had said to him in the wilderness when they were angry, and were in grief on those accounts, insomuch that the whole body of the people fell into tears with such bitterness, that it was past the power of words to comfort them in their affliction. However, Moses gave them some consolation; and by calling them off the thought how worthy he was of their weeping for him, he exhorted them to keep to that form of government he had given them; and then the congregation was

dissolved at that time.

Accordingly, I shall now first describe this form of government which was agreeable to the dignity and virtue of Moses; and shall thereby inform those that read these Antiquities, what our original settlements were, and shall then proceed to the remaining histories. Now those settlements are all still in writing, as he left them; and we shall add nothing by way of ornament, nor any thing besides what Moses left us; only we shall so far innovate, as to digest the several kinds of laws into a regular system; for they were by him left in writing as they were accidentally scattered in their delivery, and as he upon inquiry had learned them of God. On which account I have thought it necessary to premise this observation beforehand, lest any of my own countrymen should blame me, as having been guilty of an offense herein. Now part of our constitution will include the laws that belong to our political state. As for those laws which Moses left concerning our common conversation and intercourse one with another, I have reserved that for a discourse concerning our manner of life, and the occasions of those laws; which I propose to myself, with God's assistance, to write, after I have finished the work I am now upon.

When you have possessed yourselves of the land of Canaan, and have leisure to enjoy the good things of it, and when you have afterward determined to build cities, if you will do what is pleasing to God, you will have a secure state of happiness. Let there be then one city of the land of Canaan, and this situate in the most agreeable place for

its goodness, and very eminent in itself, and let it be that which God shall choose for himself by prophetic revelation. Let there also be one temple therein, and one altar, not reared of hewn stones, but of such as you gather together at random; which stones, when they are whited over with mortar, will have a handsome appearance, and be beautiful to the sight. Let the ascent to it be not by steps but by an acclivity of raised earth. And let there be neither an altar nor a temple in any other city; for God is but one, and the nation of the Hebrews is but one.

He that blasphemeth God, let him be stoned; and let him hang upon a tree all that day, and then let him be buried in an ignominious and obscure manner.

Let those that live as remote as the bounds of the land which the Hebrews shall possess, come to that city where the temple shall be, and this three times in a year, that they may give thanks to God for his former benefits, and may entreat him for those they shall want hereafter; and let them, by this means, maintain a friendly correspondence with one another by such meetings and feastings together, for it is a good thing for those that are of the same stock, and under the same institution of laws, not to be unacquainted with each other; which acquaintance will be maintained by thus conversing together, and by seeing and talking with one another, and so renewing the memorials of this union; for if they do not thus converse together continually, they will appear like mere strangers to one another.

Let there be taken out of your fruits a tenth, besides that which you have allotted to give to the priests and Levites. This you may indeed sell in the country, but it is to be used in those feasts and sacrifices that are to be celebrated in the holy city; for it is fit that you should enjoy those fruits of the earth which God gives you to possess, so as may be to the honor of the donor.

You are not to offer sacrifices out of the hire of a woman who is a harlot for the Deity is not pleased with any thing that arises from such abuses of nature; of which sort none can be worse than this prostitution of the body. In like manner no one may take the price of the covering of a bitch, either of one that is used in hunting, or in keeping of sheep, and thence sacrifice to God.

Let no one blaspheme those gods which other cities esteem such; nor may any one steal what belongs to strange temples, nor take away the gifts that are dedicated to any god.

Let not any one of you wear a garment made of woolen and linen, for that is appointed to be for the priests alone.

When the multitude are assembled together unto the holy city for sacrificing every seventh year, at the feast of tabernacles, let the high priest stand upon a high desk, whence he may be heard, and let him read the laws to all the people; and let neither the women nor the children be hindered from hearing, no, nor the servants neither; for it is a good thing that those laws should be engraven in their souls, and preserved in their memories,

that so it may not be possible to blot them out; for by this means they will not be guilty of sin, when they cannot plead ignorance of what the laws have enjoined them. The laws also will have a greater authority among them, as foretelling what they will suffer if they break them; and imprinting in their souls by this hearing what they command them to do, that so there may always be within their minds that intention of the laws which they have despised and broken, and have thereby been the causes of their own mischief. Let the children also learn the laws, as the first thing they are taught, which will be the best thing they can be taught, and will be the cause of their future felicity.

Let every one commemorate before God the benefits which he bestowed upon them at their deliverance out of the land of Egypt, and this twice every day, both when the day begins and when the hour of sleep comes on, gratitude being in its own nature a just thing, and serving not only by way of return for past, but also by way of invitation of future favors. They are also to inscribe the principal blessings they have received from God upon their doors, and show the same remembrance of them upon their arms; as also they are to bear on their forehead and their arm those wonders which declare the power of God, and his good-will towards them, that God's readiness to bless them may appear every where conspicuous about them.

Let there be seven men to judge in every city, and these such as have been before most zealous in the exercise of virtue and righteousness. Let every judge have two officers allotted him out of

the tribe of Levi. Let those that are chosen to judge in the several cities be had in great honor; and let none be permitted to revile any others when these are present, nor to carry themselves in an insolent manner to them; it being natural that reverence towards those in high offices among men should procure men's fear and reverence towards God. Let those that judge be permitted to determine according as they think to be right, unless any one can show that they have taken bribes, to the perversion of justice, or can allege any other accusation against them, whereby it may appear that they have passed an unjust sentence; for it is not fit that causes should be openly determined out of regard to gain, or to the dignity of the suitors, but that the judges should esteem what is right before all other things, otherwise God will by that means be despised, and esteemed inferior to those, the dread of whose power has occasioned the unjust sentence; for justice is the power of God. He therefore that gratifies those in great dignity, supposes them more potent than God himself. But if these judges be unable to give a just sentence about the causes that come before them, (which case is not unfrequent in human affairs,) let them send the cause undetermined to the holy city, and there let the high priest, the prophet, and the sanhedrim, determine as it shall seem good to them.

But let not a single witness be credited, but three, or two at the least, and those such whose testimony is confirmed by their good lives. But let not the testimony of women be admitted, on account of the levity and boldness of their sex Nor let servants be admitted to give testimony, on

account of the ignobility of their soul; since it is probable that they may not speak truth, either out of hope of gain, or fear of punishment. But if any one be believed to have borne false witness, let him, when he is convicted, suffer all the very same punishments which he against whom he bore witness was to have suffered.

If a murder be committed in any place, and he that did it be not found, nor is there any suspicion upon one as if he had hated the man, and so had killed him, let there be a very diligent inquiry made after the man, and rewards proposed to any one who will discover him; but if still no information can be procured, let the magistrates and senate of those cities that lie near the place in which the murder was committed, assemble together, and measure the distance from the place where the dead body lies; then let the magistrates of the nearest city thereto purchase a heifer, and bring it to a valley, and to a place therein where there is no land ploughed or trees planted, and let them cut the sinews of the heifer; then the priests and Levites, and the senate of that city, shall take water and wash their hands over the head of the heifer; and they shall openly declare that their hands are innocent of this murder, and that they have neither done it themselves, nor been assisting to any that did it. They shall also beseech God to be merciful to them, that no such horrid act may any more be done in that land.

Aristocracy, and the way of living under it, is the best constitution: and may you never have any inclination to any other form of government; and may you always love that form, and have the laws

for your governors, and govern all your actions according to them; for you need no supreme governor but God. But if you shall desire a king, let him be one of your own nation; let him be always careful of justice and other virtues perpetually; let him submit to the laws, and esteem God's commands to be his highest wisdom; but let him do nothing without the high priest and the votes of the senators: let him not have a great number of wives, nor pursue after abundance of riches, nor a multitude of horses, whereby he may grow too proud to submit to the laws. And if he affect any such things, let him be restrained, lest he become so potent that his state be inconsistent with your welfare.

Let it not be esteemed lawful to remove boundaries, neither our own, nor of those with whom we are at peace. Have a care you do not take those landmarks away which are, as it were, a divine and unshaken limitation of rights made by God himself, to last for ever; since this going beyond limits, and gaining ground upon others, is the occasion of wars and seditions; for those that remove boundaries are not far off an attempt to subvert the laws.

He that plants a piece of land, the trees of which produce fruits before the fourth year, is not to bring thence any first-fruits to God, nor is he to make use of that fruit himself, for it is not produced in its proper season; for when nature has a force put upon her at an unseasonable time, the fruit is not proper for God, nor for the master's use; but let the owner gather all that is grown on the fourth year, for then it is in its

proper season. And let him that has gathered it carry it to the holy city, and spend that, together with the tithe of his other fruits, in feasting with his friends, with the orphans, and the widows. But on the fifth year the fruit is his own, and he may use it as he pleases.

You are not to sow with seed a piece of land which is planted with vines, for it is enough that it supply nourishment to that plant, and be not harassed by ploughing also. You are to plough your land with oxen, and not to oblige other animals to come under the same yoke with them; but to till your land with those beasts that are of the same kind with each other. The seeds are also to be pure, and without mixture, and not to be compounded of two or three sorts, since nature does not rejoice in the union of things that are not in their own nature alike; nor are you to permit beasts of different kinds to gender together, for there is reason to fear that this unnatural abuse may extend from beasts of different kinds to men, though it takes its first rise from evil practices about such smaller things. Nor is any thing to be allowed, by imitation whereof any degree of subversion may creep into the constitution. Nor do the laws neglect small matters, but provide that even those may be managed after an unblamable manner.

Let not those that reap, and gather in the corn that is reaped, gather in the gleanings also; but let them rather leave some handfuls for those that are in want of the necessaries of life, that it may be a support and a supply to them, in order to their subsistence. In like manner when they gather

their grapes, let them leave some smaller bunches for the poor, and let them pass over some of the fruits of the olive-trees, when they gather them, and leave them to be partaken of by those that have none of their own; for the advantage arising from the exact collection of all, will not be so considerable to the owners as will arise from the gratitude of the poor. And God will provide that the land shall more willingly produce what shall be for the nourishment of its fruits, in case you do not merely take care of your own advantage, but have regard to the support of others also. Nor are you to muzzle the mouths of the oxen when they tread the ears of corn in the thrashing-floor; for it is not just to restrain our fellow-laboring animals, and those that work in order to its production, of this fruit of their labors. Nor are you to prohibit those that pass by at the time when your fruits are ripe to touch them, but to give them leave to fill themselves full of what you have; and this whether they be of your own country or strangers, - as being glad of the opportunity of giving them some part of your fruits when they are ripe; but let it not be esteemed lawful for them to carry any away. Nor let those that gather the grapes, and carry them to the wine-presses, restrain those whom they meet from eating of them; for it is unjust, out of envy, to hinder those that desire it, to partake of the good things that come into the world according to God's will, and this while the season is at the height, and is hastening away as it pleases God. Nay, if some, out of bashfulness, are unwilling to touch these fruits, let them be encouraged to take of them (I mean, those that are Israelites) as if they were themselves the owners

and lords, on account of the kindred there is between them. Nay, let them desire men that come from other countries, to partake of these tokens of friendship which God has given in their proper season; for that is not to be deemed as idly spent, which any one out of kindness communicates to another, since God bestows plenty of good things on men, not only for themselves to reap the advantage, but also to give to others in a way of generosity; and he is desirous, by this means, to make known to others his peculiar kindness to the people of Israel, and how freely he communicates happiness to them, while they abundantly communicate out of their great superfluities to even these foreigners also. But for him that acts contrary to this law, let him be beaten with forty stripes save one by the public executioner; let him undergo this punishment, which is a most ignominious one for a free-man, and this because he was such a slave to gain as to lay a blot upon his dignity; for it is proper for you who have had the experience of the afflictions in Egypt, and of those in the wilderness, to make provision for those that are in the like circumstances; and while you have now obtained plenty yourselves, through the mercy and providence of God, to distribute of the same plenty, by the like sympathy, to such as stand in need of it.

Besides those two tithes, which I have already said you are to pay every year, the one for the Levites, the other for the festivals, you are to bring every third year a third tithe to be distributed to those that want; to women also that are widows, and to children that are orphans. But as to the ripe fruits, let them carry that which

is ripe first of all into the temple; and when they have blessed God for that land which bare them, and which he had given them for a possession, when they have also offered those sacrifices which the law has commanded them to bring, let them give the first-fruits to the priests. But when any one hath done this, and hath brought the tithe of all that he hath, together with those first-fruits that are for the Levites, and for the festivals, and when he is about to go home, let him stand before the holy house, and return thanks to God, that he hath delivered them from the injurious treatment they had in Egypt, and hath given them a good land, and a large, and lets them enjoy the fruits thereof; and when he hath openly testified that he hath fully paid the tithes [and other dues] according to the laws of Moses, let him entreat God that he will be ever merciful and gracious to him, and continue so to be to all the Hebrews, both by preserving the good things which he hath already given them, and by adding what it is still in his power to bestow upon them.

Let the Hebrews marry, at the age fit for it, virgins that are free, and born of good parents. And he that does not marry a virgin, let him not corrupt another man's wife, and marry her, nor grieve her former husband. Nor let free men marry slaves, although their affections should strongly bias any of them so to do; for it is decent, and for the dignity of the persons themselves, to govern those their affections. And further, no one ought to marry a harlot, whose matrimonial oblations, arising from the prostitution of her body, God will not receive; for by these means the

dispositions of the children will be liberal and virtuous; I mean, when they are not born of base parents, and of the lustful conjunction of such as marry women that are not free. If any one has been espoused to a woman as to a virgin, and does not afterward find her so to be, let him bring his action, and accuse her, and let him make use of such indications to prove his accusation as he is furnished withal; and let the father or the brother of the damsel, or some one that is after them nearest of kin to her, defend her. If the damsel obtain a sentence in her favor, that she had not been guilty, let her live with her husband that accused her; and let him not have any further power at all to put her away, unless she give him very great occasions of suspicion, and such as can be no way contradicted. But for him that brings an accusation and calumny against his wife in an impudent and rash manner, let him be punished by receiving forty stripes save one, and let him pay fifty shekels to her father: but if the damsel be convicted, as having been corrupted, and is one of the common people, let her be stoned, because she did not preserve her virginity till she were lawfully married; but if she were the daughter of a priest, let her be burnt alive. If any one has two wives, and if he greatly respect and be kind to one of them, either out of his affection to her, or for her beauty, or for some other reason, while the other is of less esteem with him; and if the son of her that is beloved be the younger by birth than another born of the other wife, but endeavors to obtain the right of primogeniture from his father's kindness to his mother, and would thereby obtain a double portion of his father's substance, for that double portion is

what I have allotted him in the laws, - let not this be permitted; for it is unjust that he who is the elder by birth should be deprived of what is due to him, on the father's disposition of his estate, because his mother was not equally regarded by him. He that hath corrupted a damsel espoused to another man, in case he had her consent, let both him and her be put to death, for they are both equally guilty; the man, because he persuaded the woman willingly to submit to a most impure action, and to prefer it to lawful wedlock; the woman, because she was persuaded to yield herself to be corrupted, either for pleasure or for gain. However, if a man light on a woman when she is alone, and forces her, where nobody was present to come to her assistance, let him only be put to death. Let him that hath corrupted a virgin not yet espoused marry her; but if the father of the damsel be not willing that she should be his wife, let him pay fifty shekels as the price of her prostitution. He that desires to be divorced from his wife for any cause whatsoever, (and many such causes happen among men,) let him in writing give assurance that he will never use her as his wife any more; for by this means she may be at liberty to marry another husband, although before this bill of divorce be given, she is not to be permitted so to do: but if she be misused by him also, or if, when he is dead, her first husband would marry her again, it shall not be lawful for her to return to him. If a woman's husband die, and leave her without children, let his brother marry her, and let him call the son that is born to him by his brother's name, and educate him as the heir of his inheritance, for this procedure will be for the benefit of the public, because

thereby families will not fail, and the estate will continue among the kindred; and this will be for the solace of wives under their affliction, that they are to be married to the next relation of their former husbands. But if the brother will not marry her, let the woman come before the senate, and protest openly that this brother will not admit her for his wife, but will injure the memory of his deceased brother, while she is willing to continue in the family, and to hear him children. And when the senate have inquired of him for what reason it is that he is averse to this marriage, whether he gives a bad or a good reason, the matter must come to this issue, That the woman shall loose the sandals of the brother, and shall spit in his face, and say, He deserves this reproachful treatment from her, as having injured the memory of the deceased. And then let him go away out of the senate, and bear this reproach upon him all his life long; and let her marry to whom she pleases, of such as seek her in marriage. But now, if any man take captive, either a virgin, or one that hath been married, and has a mind to marry her, let him not be allowed to bring her to bed to him, or to live with her as his wife, before she hath her head shaven, and hath put on her mourning habit, and lamented her relations and friends that were slain in the battle, that by this means she may give vent to her sorrow for them, and after that may betake herself to feasting and matrimony; for it is good for him that takes a woman, in order to have children by her, to be complaisant to her inclinations, and not merely to pursue his own pleasure, while he hath no regard to what is agreeable to her. But when thirty days are past, as the time of

mourning, for so many are sufficient to prudent persons for lamenting the dearest friends, then let them proceed to the marriage; but in case when he hath satisfied his lust, he be too proud to retain her for his wife, let him not have it in his power to make her a slave, but let her go away whither she pleases, and have that privilege of a free woman.

As to those young men that despise their parents, and do not pay them honor, but offer them affronts, either because they are ashamed of them or think themselves wiser than they, - in the first place, let their parents admonish them in words, (for they are by nature of authority sufficient for becoming their judges,) and let them say thus to them: - That they cohabited together, not for the sake of pleasure, nor for the augmentation of their riches, by joining both their stocks together, but that they might have children to take care of them in their old age, and might by them have what they then should want. And say further to him, "That when thou wast born, we took thee up with gladness, and gave God the greatest thanks for thee, and brought thee up with great care, and spared for nothing that appeared useful for thy preservation, and for thy instruction in what was most excellent. And now, since it is reasonable to forgive the sins of those that are young, let it suffice thee to have given so many indications of thy contempt of us; reform thyself, and act more wisely for the time to come; considering that God is displeased with those that are insolent towards their parents, because he is himself the Father of the whole race of mankind, and seems to bear part of that

dishonor which falls upon those that have the same name, when they do not meet with dire returns from their children. And on such the law inflicts inexorable punishment; of which punishment mayst thou never have the experience." Now if the insolence of young men be thus cured, let them escape the reproach which their former errors deserved; for by this means the lawgiver will appear to be good, and parents happy, while they never behold either a son or a daughter brought to punishment. But if it happen that these words and instructions, conveyed by them in order to reclaim the man, appear to be useless, then the offender renders the laws implacable enemies to the insolence he has offered his parents; let him therefore be brought forth by these very parents out of the city, with a multitude following him, and there let him be stoned; and when he has continued there for one whole day, that all the people may see him, let him be buried in the night. And thus it is that we bury all whom the laws condemn to die, upon any account whatsoever. Let our enemies that fall in battle be also buried; nor let any one dead body lie above the ground, or suffer a punishment beyond what justice requires.

Let no one lend to any one of the Hebrews upon usury, neither usury of what is eaten or what is drunken, for it is not just to make advantage of the misfortunes of one of thy own countrymen; but when thou hast been assistant to his necessities, think it thy gain if thou obtainest their gratitude to thee; and withal that reward which will come to thee from God, for thy humanity towards him.

Those who have borrowed either silver or any sort of fruits, whether dry or wet, (I mean this, when the Jewish affairs shall, by the blessing of God, be to their own mind,) let the borrowers bring them again, and restore them with pleasure to those who lent them, laying them up, as it were, in their own treasuries, and justly expecting to receive them thence, if they shall want them again. But if they be without shame, and do not restore it, let not the lender go to the borrower's house, and take a pledge himself, before judgment be given concerning it; but let him require the pledge, and let the debtor bring it of himself, without the least opposition to him that comes upon him under the protection of the law. And if he that gave the pledge be rich, let the creditor retain it till what he lent be paid him again; but if he be poor, let him that takes it return it before the going down of the sun, especially if the pledge be a garment, that the debtor may have it for a covering in his sleep, God himself naturally showing mercy to the poor. It is also not lawful to take a millstone, nor any utensil thereto belonging, for a pledge, that the debtor, may not be deprived of instruments to get their food withal, and lest they be undone by their necessity.

Let death be the punishment for stealing a man; but he that hath purloined gold or silver, let him pay double. If any one kill a man that is stealing something out of his house, let him be esteemed guiltless, although the man were only breaking in at the wall. Let him that hath stolen cattle pay fourfold what is lost, excepting the case of an

ox, for which let the thief pay fivefold. Let him that is so poor that he cannot pay what mulet is laid upon him, be his servant to whom he was adjudged to pay it.

If any one be sold to one of his own nation, let him serve him six years, and on the seventh let him go free. But if he have a son by a woman servant in his purchaser's house, and if, on account of his good-will to his master, and his natural affection to his wife and children, he will be his servant still, let him be set free only at the coming of the year of jubilee, which is the fiftieth year, and let him then take away with him his children and wife, and let them be free also.

If any one find gold or silver on the road, let him inquire after him that lost it, and make proclamation of the place where he found it, and then restore it to him again, as not thinking it right to make his own profit by the loss of another. And the same rule is to be observed in cattle found to have wandered away into a lonely place. If the owner be not presently discovered, let him that is the finder keep it with himself, and appeal to God that he has not purloined what belongs to another.

It is not lawful to pass by any beast that is in distress, when in a storm it is fallen down in the mire, but to endeavor to preserve it, as having a sympathy with it in its pain.

It is also a duty to show the roads to those who do not know them, and not to esteem it a matter

for sport, when we hinder others' advantages, by setting them in a wrong way.

In like manner, let no one revile a person blind or dumb.

If men strive together, and there be no instrument of iron, let him that is smitten be avenged immediately, by inflicting the same punishment on him that smote him: but if when he is carried home he lie sick many days, and then die, let him that smote him not escape punishment; but if he that is smitten escape death, and yet be at great expense for his cure, the smiter shall pay for all that has been expended during the time of his sickness, and for all that he has paid the physician. He that kicks a woman with child, so that the woman miscarry, let him pay a fine in money, as the judges shall determine, as having diminished the multitude by the destruction of what was in her womb; and let money also be given the woman's husband by him that kicked her; but if she die of the stroke, let him also be put to death, the law judging it equitable that life should go for life.

Let no one of the Israelites keep any poison that may cause death, or any other harm; but if he be caught with it, let him be put to death, and suffer the very same mischief that he would have brought upon them for whom the poison was prepared.

He that maimeth any one, let him undergo the like himself, and be deprived of the same member of which he hath deprived the other, unless he that

is maimed will accept of money instead of it for the law makes the sufferer the judge of the value of what he hath suffered, and permits him to estimate it, unless he will be more severe.

Let him that is the owner of an ox which pusheth with his horn, kill him: but if he pushes and gores any one in the thrashing-floor, let him be put to death by stoning, and let him not be thought fit for food: but if his owner be convicted as having known what his nature was, and hath not kept him up, let him also be put to death, as being the occasion of the ox's having killed a man. But if the ox have killed a man-servant, or a maid-servant, let him be stoned; and let the owner of the ox pay thirty shekels to the master of him that was slain; but if it be an ox that is thus smitten and killed, let both the oxen, that which smote the other and that which was killed, be sold, and let the owners of them divide their price between them.

Let those that dig a well or a pit be careful to lay planks over them, and so keep them shut up, not in order to hinder any persons from drawing water, but that there may be no danger of falling into them. But if any one's beast fall into such a well or pit thus digged, and not shut up, and perish, let the owner pay its price to the owner of the beast. Let there be a battlement round the tops of your houses instead of a wall, that may prevent any persons from rolling down and perishing.

Let him that has received any thing in trust for another, take care to keep it as a sacred and

divine thing; and let no one invent any contrivance whereby to deprive him that hath intrusted it with him of the same, and this whether he be a man or a woman; no, not although he or she were to gain an immense sum of gold, and this where he cannot be convicted of it by any body; for it is fit that a man's own conscience, which knows what he hath, should in all cases oblige him to do well. Let this conscience be his witness, and make him always act so as may procure him commendation from others; but let him chiefly have regard to God, from whom no wicked man can lie concealed: but if he in whom the trust was reposed, without any deceit of his own, lose what he was intrusted withal, let him come before the seven judges, and swear by God that nothing hath been lost willingly, or with a wicked intention, and that he hath not made use of any part thereof, and so let him depart without blame; but if he hath made use of the least part of what was committed to him, and it be lost, let him be condemned to repay all that he had received. After the same manner as in these trusts it is to be, if any one defraud those that undergo bodily labor for him. And let it be always remembered, that we are not to defraud a poor man of his wages, as being sensible that God has allotted these wages to him instead of land and other possessions; nay, this payment is not at all to be delayed, but to be made that very day, since God is not willing to deprive the laborer of the immediate use of what he hath labored for.

You are not to punish children for the faults of their parents, but on account of their own virtue rather to vouchsafe them commiseration, because

they were born of wicked parents, than hatred, because they were born of bad ones. Nor indeed ought we to impute the sin of children to their fathers, while young persons indulge themselves in many practices different from what they have been instructed in, and this by their proud refusal of such instruction.

Let those that have made themselves eunuchs be had in detestation; and do you avoid any conversation with them who have deprived themselves of their manhood, and of that fruit of generation which God has given to men for the increase of their kind: let such be driven away, as if they had killed their children, since they beforehand have lost what should procure them; for evident it is, that while their soul is become effeminate, they have withal transfused that effeminacy to their body also. In like manner do you treat all that is of a monstrous nature when it is looked on; nor is it lawful to geld men or any other animals.

Let this be the constitution of your political laws in time of peace, and God will be so merciful as to preserve this excellent settlement free from disturbance: and may that time never come which may innovate any thing, and change it for the contrary. But since it must needs happen that mankind fall into troubles and dangers, either undesignedly or intentionally, come let us make a few constitutions concerning them, that so being apprised beforehand what ought to be done, you may have salutary counsels ready when you want them, and may not then be obliged to go to seek what is to be done, and so be unprovided, and fall into

dangerous circumstances. May you be a laborious people, and exercise your souls in virtuous actions, and thereby possess and inherit the land without wars; while neither any foreigners make war upon it, and so afflict you, nor any internal sedition seize upon it, whereby you may do things that are contrary to your fathers, and so lose the laws which they have established. And may you continue in the observation of those laws which God hath approved of, and hath delivered to you. Let all sort of warlike operations, whether they befall you now in your own time, or hereafter in the times of your posterity, be done out of your own borders: but when you are about to go to war, send embassages and heralds to those who are your voluntary enemies, for it is a right thing to make use of words to them before you come to your weapons of war; and assure them thereby, that although you have a numerous army, with horses and weapons, and, above these, a God merciful to you, and ready to assist you, you do however desire them not to compel you to fight against them, nor to take from them what they have, which will indeed be our gain, but what they will have no reason to wish we should take to ourselves. And if they hearken to you, it will be proper for you to keep peace with them; but if they trust in their own strength, as superior to yours, and will not do you justice, lead your army against them, making use of God as your supreme Commander, but ordaining for a lieutenant under him one that is of the greatest courage among you; for these different commanders, besides their being an obstacle to actions that are to be done on the sudden, are a disadvantage to those that make use of them. Lead an army pure, and of chosen men,

composed of all such as have extraordinary strength of body and hardiness of soul; but do you send away the timorous part, lest they run away in the time of action, and so afford an advantage to your enemies. Do you also give leave to those that have lately built them houses, and have not yet lived in them a year's time; and to those that have planted them vineyards, and have not yet been partakers of their fruits, - to continue in their own country; as well as those also who have betrothed, or lately married them wives, lest they have such an affection for these things that they be too sparing of their lives, and, by reserving themselves for these enjoyments, they become voluntary cowards, on account of their wives.

When you have pitched your camp, take care that you do nothing that is cruel. And when you are engaged in a siege; and want timber for the making of warlike engines, do not you render the land naked by cutting down trees that bear fruit, but spare them, as considering that they were made for the benefit of men; and that if they could speak, they would have a just plea against you, because, though they are not occasions of the war, they are unjustly treated, and suffer in it, and would, if they were able, remove themselves into another land. When you have beaten your enemies in battle, slay those that have fought against you; but preserve the others alive, that they may pay you tribute, excepting the nation of the Canaanites; for as to that people, you must entirely destroy them.

Take care, especially in your battles, that no woman use the habit of a man, nor man the garment

of a woman.

This was the form of political government which was left us by Moses. Moreover, he had already delivered laws in writing in the fortieth year [after they came out of Egypt], concerning which we will discourse in another book. But now on the following days (for he called them to assemble continually) he delivered blessings to them, and curses upon those that should not live according to the laws, but should transgress the duties that were determined for them to observe. After this, he read to them a poetic song, which was composed in hexameter verse, and left it to them in the holy book: it contained a prediction of what was to come to pass afterward; agreeably whereto all things have happened all along, and do still happen to us; and wherein he has not at all deviated from the truth. Accordingly, he delivered these books to the priest, with the ark; into which he also put the ten commandments, written on two tables. He delivered to them the tabernacle also, and exhorted the people, that when they had conquered the land, and were settled in it, they should not forget the injuries of the Amalekites, but make war against them, and inflict punishment upon them for what mischief they did them when they were in the wilderness; and that when they had got possession of the land of the Canaanites, and when they had destroyed the whole multitude of its inhabitants, as they ought to do, they should erect an altar that should face the rising sun, not far from the city of Shechem, between the two mountains, that of Gerizzim, situate on the right hand, and that called Ebal, on the left; and that the army should be so divided, that six tribes

should stand upon each of the two mountains, and with them the Levites and the priests. And that first, those that were upon Mount Gerizzim should pray for the best blessings upon those who were diligent about the worship of God, and the observation of his laws, and who did not reject what Moses had said to them; while the other wished them all manner of happiness also; and when these last put up the like prayers, the former praised them. After this, curses were denounced upon those that should transgress those laws, they, answering one another alternately, by way of confirmation of what had been said. Moses also wrote their blessings and their curses, that they might learn them so thoroughly, that they might never be forgotten by length of time. And when he was ready to die, he wrote these blessings and curses upon the altar, on each side of it; where he says also the people stood, and then sacrificed and offered burnt-offerings, though after that day they never offered upon it any other sacrifice, for it was not lawful so to do. These are the constitutions of Moses; and the Hebrew nation still live according to them.

On the next day, Moses called the people together, with the women and children, to a congregation, so as the very slaves were present also, that they might engage themselves to the observation of these laws by oath; and that, duly considering the meaning of God in them, they might not, either for favor of their kindred, or out of fear of any one, or indeed for any motive whatsoever, think any thing ought to be preferred to these laws, and so might transgress them. That in case any one of their own blood, or any city,

should attempt to confound or dissolve their constitution of government, they should take vengeance upon them, both all in general, and each person in particular; and when they had conquered them, should overturn their city to the very foundations, and, if possible, should not leave the least footsteps of such madness: but that if they were not able to take such vengeance, they should still demonstrate that what was done was contrary to their wills. So the multitude bound themselves by oath so to do.

Moses taught them also by what means their sacrifices might be the most acceptable to God; and how they should go forth to war, making use of the stones (in the high priest's breastplate) for their direction, as I have before signified. Joshua also prophesied while Moses was present. And when Moses had recapitulated whatsoever he had done for the preservation of the people, both in their wars and in peace, and had composed them a body of laws, and procured them an excellent form of government, he foretold, as God had declared to him "That if they transgressed that institution for the worship of God, they should experience the following miseries: - Their land should be full of weapons of war from their enemies, and their cities should be overthrown, and their temple should be burnt that they should be sold for slaves, to such men as would have no pity on them in their afflictions; that they would then repent, when that repentance would no way profit them under their sufferings. "Yet," said he, "will that God who founded your nation, restore your cities to your citizens, with their temple also; and you shall lose these advantages not once only, but

often.”

NOW when Moses had encouraged Joshua to lead out the army against the Canaanites, by telling him that God would assist him in all his undertakings, and had blessed the whole multitude, he said, “Since I am going to my forefathers, and God has determined that this should be the day of my departure to them, I return him thanks while I am still alive and present with you, for that providence he hath exercised over you, which hath not only delivered us from the miseries we lay under, but hath bestowed a state of prosperity upon us; as also, that he hath assisted me in the pains I took, and in all the contrivances I had in my care about you, in order to better your condition, and hath on all occasions showed himself favorable to us; or rather he it was who first conducted our affairs, and brought them to a happy conclusion, by making use of me as a vicarious general under him, and as a minister in those matters wherein he was willing to do you good: on which account I think it proper to bless that Divine Power which will take care of you for the time to come, and this in order to repay that debt which I owe him, and to leave behind me a memorial that we are obliged to worship and honor him, and to keep those laws which are the most excellent gift of all those he hath already bestowed upon us, or which, if he continue favorable to us, he will bestow upon us hereafter. Certainly a human legislator is a terrible enemy when his laws are affronted, and are made to no purpose. And may you never experience that displeasure of God which will be the consequence of the neglect of these his laws, which he, who is

your Creator, hath given you.”

When Moses had spoken thus at the end of his life, and had foretold what would befall to every one of their tribes afterward, with the addition of a blessing to them, the multitude fell into tears, insomuch that even the women, by beating their breasts, made manifest the deep concern they had when he was about to die. The children also lamented still more, as not able to contain their grief; and thereby declared, that even at their age they were sensible of his virtue and mighty deeds; and truly there seemed to be a strife betwixt the young and the old who should most grieve for him. The old grieved because they knew what a careful protector they were to be deprived of, and so lamented their future state; but the young grieved, not only for that, but also because it so happened that they were to be left by him before they had well tasted of his virtue. Now one may make a guess at the excess of this sorrow and lamentation of the multitude, from what happened to the legislator himself; for although he was always persuaded that he ought not to be cast down at the approach of death, since the undergoing it was agreeable to the will of God and the law of nature, yet what the people did so overbore him, that he wept himself. Now as he went thence to the place where he was to vanish out of their sight, they all followed after him weeping; but Moses beckoned with his hand to those that were remote from him, and bade them stay behind in quiet, while he exhorted those that were near to him that they would not render his departure so lamentable. Whereupon they thought they ought to grant him that favor, to let him depart according as he

himself desired; so they restrained themselves, though weeping still towards one another. All those who accompanied him were the senate, and Eleazar the high priest, and Joshua their commander. Now as soon as they were come to the mountain called Abarim, (which is a very high mountain, situate over against Jericho, and one that affords, to such as are upon it, a prospect of the greatest part of the excellent land of Canaan,) he dismissed the senate; and as he was going to embrace Eleazar and Joshua, and was still discoursing with them, a cloud stood over him on the sudden, and he disappeared in a certain valley, although he wrote in the holy books that he died, which was done out of fear, lest they should venture to say that, because of his extraordinary virtue, he went to God.

Now Moses lived in all one hundred and twenty years; a third part of which time, abating one month, he was the people's ruler; and he died on the last month of the year, which is called by the Macedonians Dystrus, but by us Adar, on the first day of the month. He was one that exceeded all men that ever were in understanding, and made the best use of what that understanding suggested to him. He had a very graceful way of speaking and addressing himself to the multitude; and as to his other qualifications, he had such a full command of his passions, as if he hardly had any such in his soul, and only knew them by their names, as rather perceiving them in other men than in himself. He was also such a general of an army as is seldom seen, as well as such a prophet as was never known, and this to such a degree, that whatsoever he pronounced, you would think you

heard the voice of God himself. So the people mourned for him thirty days: nor did ever any grief so deeply affect the Hebrews as did this upon the death of Moses: nor were those that had experienced his conduct the only persons that desired him, but those also that perused the laws he left behind him had a strong desire after him, and by them gathered the extraordinary virtue he was master of. And this shall suffice for the declaration of the manner of the death of Moses.

