

ONE THE GIFT IN ANTIQUITY

*Exchange, Favor, and Sacrifice,
from Hammurabi to the Bible*

KAUṬILYA, A BRAHMIN in the fourth century B.C., known also as Chanakya, who was minister to the Indian king Chandragupta Maurya, wrote a fascinating book on the art of government entitled *Arthashastra*, which might be translated as “Instructions on Material Prosperity.” The Indian economist Amartya Sen has suggested a simpler translation: “Economics.” The Sanskrit text, discovered in 1905, also explores the vast and evergreen phenomenon of corruption.

According to Kauṭilya, a contemporary of Aristotle, those who govern must use every means to attain their objectives; rules of rigor and honesty seem to apply, at least in substance, only to their subjects. This message ultimately aligns Kauṭilya with Machiavelli, in spite of the

considerable distance in time between the two men and the different historical contexts in which they lived and wrote. Among Kauṭilya's adages, the best known may be the one about how difficult it is to prove the financial dishonesty of a public official. "Just as fish moving under water cannot possibly be found out either as drinking or not drinking water, so government servants employed in government work cannot be found out [while] taking money [for themselves]." He noted in the *Arthashastra*, "Just as it is impossible not to taste the honey or the poison that finds itself at the tip of the tongue, so it is impossible for a government servant not to eat up, at least a bit of the king's revenue."¹

In antiquity, greasing the wheels was a custom every bit as widespread as it is today, but it was not always condemned. Basically a religious practice such as sacrifice constitutes, with all the distinctions and caveats that we might apply to a ritual and its attendant symbolisms, a form of quid pro quo. The message that is transmitted—through the hierarchies of the religious caste, to be sure—is that the deity or deities are more likely to smile upon the rich man, who can afford to immolate valuable livestock, than upon the poor man. In the Old Testament judges and rulers turn their favor to the most forthcoming of their subjects: cunning zealots, willing to spend profuse amounts of money and immolate sacrificial victims. The trading of favors, and the necessary reciprocity underlying that relationship, are not only tolerated and admitted—they are even regulated and formalized. Cutting partially in the opposite direction is an equally ancient concept, namely that of the Jubilee, the year in which all debts and all contracts are dissolved and forgiven. But

that tangent would take us too far afield, in part because sacrifice, favor, and corruption are concepts that we must keep quite separate, particularly in a historic and symbolic universe that possesses codes of behavior and rituals that are profoundly different from our own.

On the less slippery terrain of human, not divine, affairs, Hammurabi, one of the most celebrated lawmakers of the ancient world, wrote that a judge should be expelled from his post if he changed a verdict that had already been sealed. There is no evidence that this was a specific reaction on Hammurabi's part to verdicts that had been changed in return for a payoff to solve a situation, so we cannot say whether this was a measure intended to prevent cases of the corruption of judges. It is possible, instead, that the punishment had to do with verdicts not applied or even cases of judges who had not done their part in exchange for a gift. In fact, not only was the custom of gift giving widespread, but there might even be an express condemnation of the reverse customs—failure to offer a gift, or of a judge's refusal of a gift.

In ancient Mesopotamia, Gimil-Ninurta, a poor but free man and a citizen of Nippur, seeks to improve his lot. All he has is his goat. Leading the goat by his left hand, he brings it to the residence of the mayor, and is made to wait. But when the mayor hears that he has something to offer he is indignant at his slaves. A citizen of Nippur, he says, should be admitted promptly. He sends for Gimil-Ninurta and asks, "What is your problem that you bring me an offering?" Gimil-Ninurta says nothing but greets him with his right hand, invokes blessings on him, and gives him the goat. The mayor

announces he will hold a feast. But when the feast is held, all that Gimil-Ninurta receives is a bone and a sinew of the goat and stale beer. He asks the meaning of such treatment. In reply he is beaten on the mayor's orders. He departs, vowing vengeance. Later, Gimil-Ninurta visits the king of the entire country and offers him one mina of gold in return for the use of the royal chariot for a day. The king asks no questions but agrees at once. In the chariot Gimil-Ninurta returns to Nippur, where the mayor receives him as a high official of the realm. Installed in the mayor's residence, he secretly opens the chest he has brought and pretends the gold he says was in it has disappeared. He implies that the mayor is guilty of stealing it and gives the mayor three beatings for his crime. The mayor also placates him with a gift of two minas of gold.²

This story, which appears in *Bribes*, by John Thomas Noonan—one of the few authors who has attempted to explore in a thorough and diachronic manner the topic of political corruption over the centuries—and is known by the title “The Poor Man of Nippur,” probably dates from 1500 B.C. It shows how among the peoples of ancient Mesopotamia the law of reciprocity—the natural rule of *quid pro quo*—was strictly respected, whereas any wandering from the straight and narrow path was punished. The misdeed lay not in the act of making an interested gift but rather in breaking with the logic of the exchange: in failing to offer value in exchange for value received.

Noonan comments that the most serious misdeed lay not in the act of corrupting but in the effect of corruption: breaking one's word in a society where keeping one's word

was considered to be a divine characteristic. He cites in this connection a fragment of a hymn to the sun god Shamash, preserved in the library of Ashurbanipal in Nineveh, where we can read the following phrase: “Your manifest utterance may not be changed.”³ The word *tatu* used in the text of Hammurabi, in a section titled “The Corrupt Judge,” generically indicates the offering of a subordinate. Offering and corruption therefore trail off one into the other, and a more generalized condemnation of corrupt giving will only arrive later, in the modern age, even while the practice of exchange will in any case remain a constant custom.

A bright thread runs between corruption, profferings, and sacrifices, and it handsomely bears investigation because we should naturally distinguish between customs and usages, although the underlying perception may be nothing more than a mere matter of nuance. A substantial portion of the revenue of the priestly caste unquestionably came from offerings. In the ancient sanctuary of Shiloh, during the sacrifices, the priests had a right to everything that a “flesh hook of three teeth” could take (I Samuel 2:13–15). Evidently, when meeting with prophets you should never show up empty-handed. That is why, in I Samuel 9:7, Saul hesitates to approach Samuel to seek advice; to the servant who suggests he do so, he explains, “But, behold, if we go, what shall we bring the man? For the bread is spent in our vessels, and there is not a present to bring to the man of God: what have we?” The servant reassures Saul and offers the fourth part of a shekel of silver that he has with him for Saul to offer to Samuel. In Genesis (28:20–22), Jacob does not hesitate to propose a deal with the Almighty, a sort of daring contract with the

Lord: "If God will be with me, and will keep me in this way that I go, and will give me bread to eat, and raiment to put on, So that I come again to my father's house in peace; then shall the Lord be my God: And this stone, which I have set for a pillar, shall be God's house: and of all that thou shalt give me I will surely give the tenth unto thee."

In short, it is no accident that Delilah, corrupted by the Philistines to get the secret of Samson's strength, is not entirely depicted as a negative figure, but if anything as a cunning and skillful woman. The Old Testament of course does not advocate the idea of corruption established as a system. Among the instructions that God gives Moses is this: "And thou shalt take no gift: for the gift blindeth the wise, and perverteth the words of the righteous" (Exodus 23:8). The Lord does not accept offerings from those who are unworthy, but only from a man whom He deems just. All the same, the principle of exchange, of the reciprocity of relations between men and their God, still permeates much of the sacred scriptures. The ancient society of the Middle East as mirrored in the Old Testament appears to be informed by this principle.

Things change in the New Testament, where a logic of the freely given, or at least a different way of calculating "favours," comes to the fore. Let us recall one of the most famous of Jesus's parables, that of the poor widow and her miserable offering to the treasury of the Temple. At the same time there is a public denunciation of the emblematic episode of the "generous" Simon Magus, ready to offer cash to acquire the powers conferred by the Holy Spirit. When Simon saw Peter and John come from Jerusalem to baptize a number of converts like him, and "saw that

through laying on of the apostles' hands the Holy Ghost was given, he offered them money, saying, give me also this power, that on whomsoever I lay hands, he may receive the Holy Ghost" (Acts 8:18–19)—words that cost him a harsh accusation from Peter and an extraordinary posthumous celebrity. This episode is the origin of the concept of simony, the buying or selling of a church office or preferment, which is, so to speak, the ecclesiastical version of corruption and which for many centuries the church would continue to condemn—or at least pay lip service to that condemnation—while largely tolerating it until the practice prompted the outraged denunciation of Martin Luther.

We cannot forget, for that matter, that there was an offer of cash at the heart of one of the central episodes of all Christian history, the corruption of Judas Iscariot, the man who held the disciples' money and who sold his master, Jesus, to the Romans for thirty pieces of silver—a betrayal so rife with consequences that for Judas, in the Christian tradition, there is no redemption.

But an examination of the correlation between corruption and betrayal—especially in a context as dense with meaning as the evangelical setting—would only take us away from our chosen topic, that of politics. Instead, to stay on topic, it is interesting to see what happens in the political heart of the much celebrated cradle of democracy: Athens.