

LEX TALIONIS JUSTICE: HAMMURABI VERSUS MOSAIC

By David Lee Burris

what are other
words for
lex talionis?

retaliation, tit for tat,
quid pro quo, eye for an eye,
reparation, restitution,
recompense, atonement



Thesaurus.plus





A Tongue-less Kingdom

Lex talionis is a principle code that is first found in the Babylonian Law, dating back in to 1700 BC. It was believed that if society was not bound by this type of law, then people will look to seek revenge upon their evil-doer and punish them beyond the damage received; possibly leading to the one's death. With lex talionis, the punishment is limited to the degree of whatever damage was done. That is, only if the two are within the same social status. Because of this, lex talionis is commonly translated or interpreted as " an eye for an eye". This is be found in Hammurabi's Code of Law. Hammurabi was one of the kings during the First Babylonian Dynasty from 1792 BC to 1750 BC. The easiest and most extreme example of his law of exact reciprocity is if someone was to go and murder another person, then the criminal will be punished by having his or her own life taken in return. However, the literal translation from Latin to English is the " law of retaliation". That being said, it is not always the case where a death is followed by another death. As long as the retaliation is limited to the crime, anything is alright. For example, instead of a punishment leading to the criminal's death, the criminal will pay the sum value of the deceased's life.

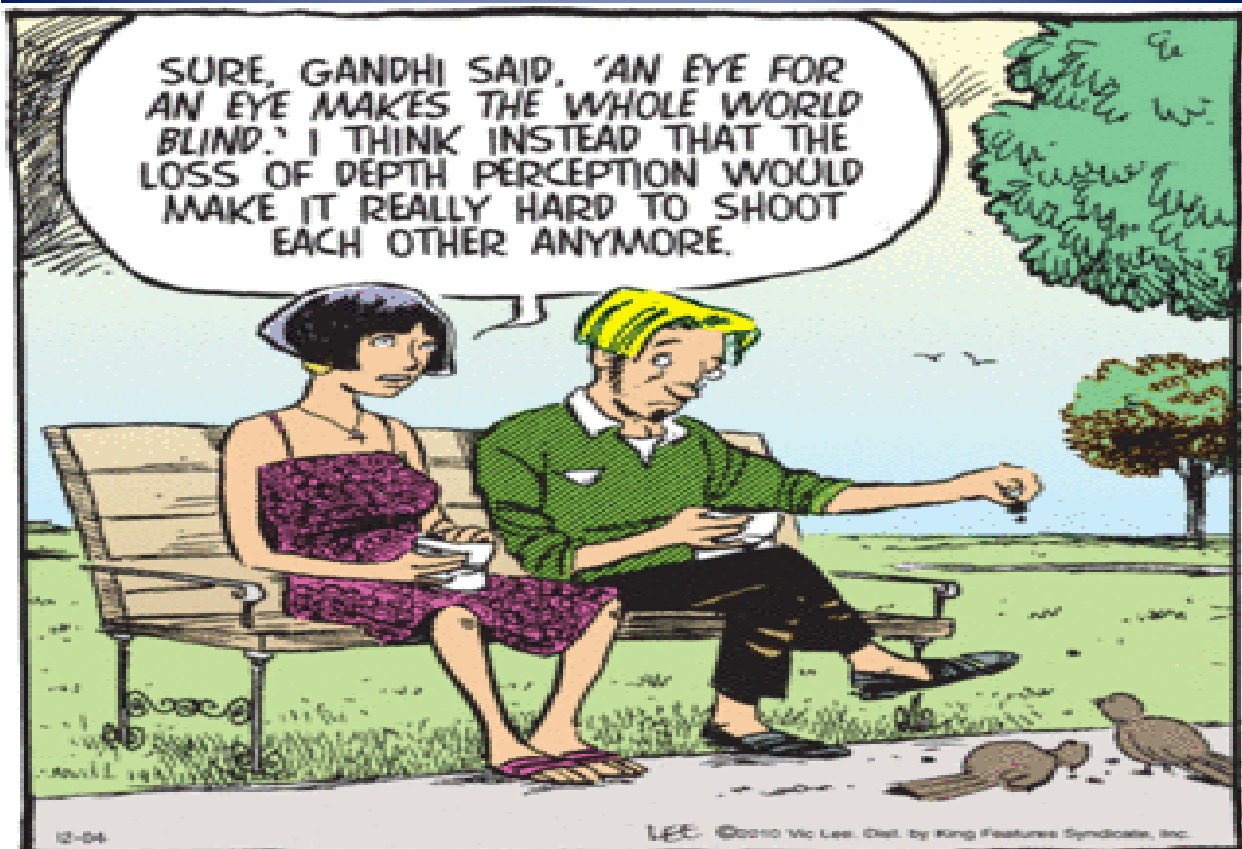
What is the *Lex Talionis*?

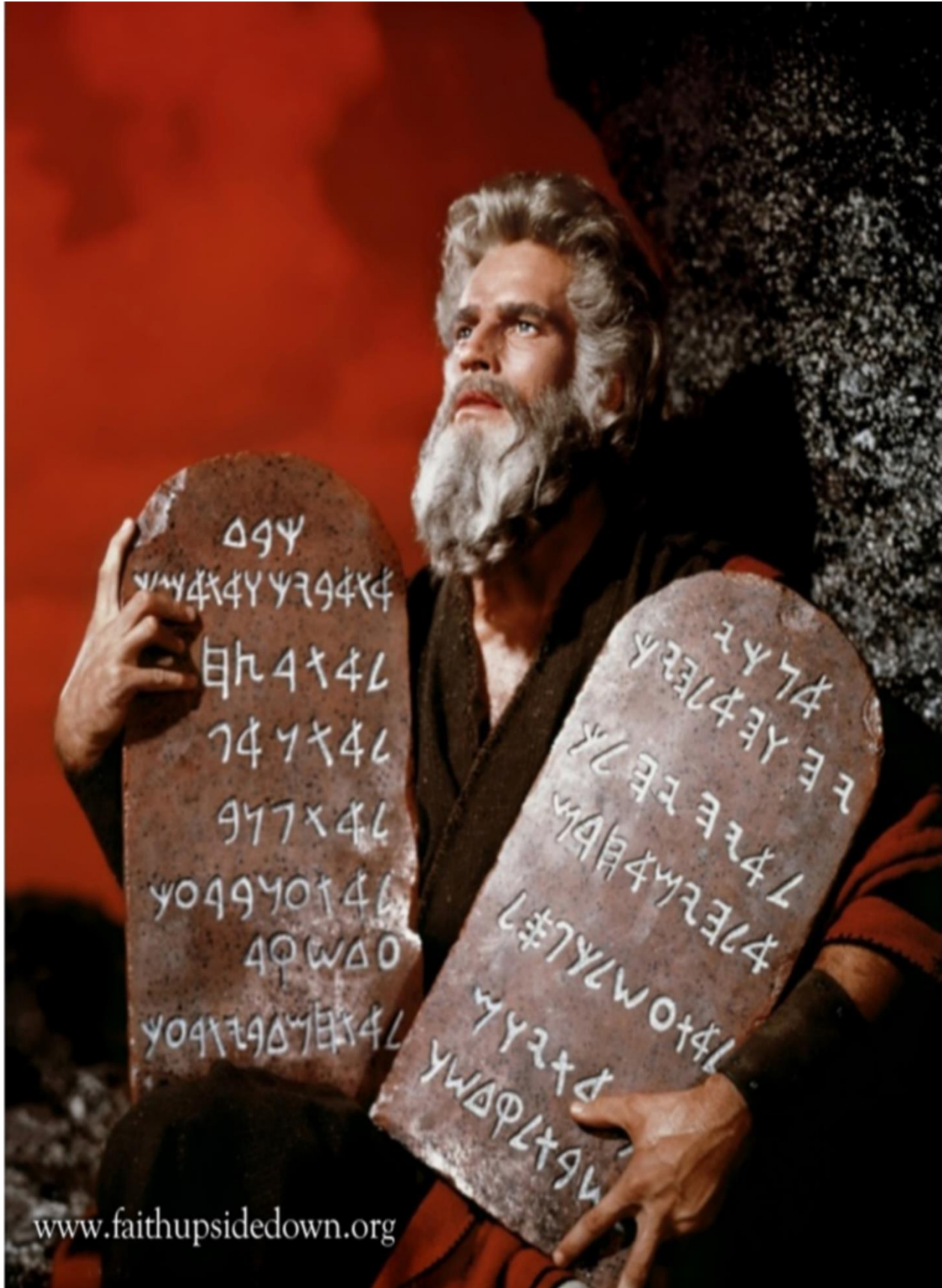
1. This “eye for eye” law applies to personal injury only.
2. The law is for use in court to determine just punishments for personal wrongs.
3. There is no provision for vigilantism in the statements of “an eye for an eye.”
4. This law was a *limitation* on retaliation.

Ex: Lamech: Gen 4:15, 23-24

- God is merciful to Cain
- Sinful Lamech makes God’s mercy the basis for his unjust over-kill

5. The wronged party was not responsible to require everything the Law demands! Ex: Mt 1:19







Moses & the Art of Writing

ERIC LYONS, M.Min.

INSPIRATION OF THE BIBLE FACTUAL ACCURACY

Some time ago, a young lady from a local university visited our offices at Apologetics Press and requested to speak to someone about a “new theory” she had been taught in her freshmen literature class. For the first time in her life, she was told that Moses could not have been the author of the first five books of the Old Testament. Supposedly, Jesus, Ezra, Paul, and others were wrong in ascribing these books to Moses (cf. Mark 12:26; Ezra 6:18; 2 Corinthians 3:15). This impressionable young freshman was beginning to think what she had learned regarding the Mosaic authorship of the Pentateuch in her Sunday school class and at the Christian school she had attended nearly all of her life was wrong.

The idea that Moses didn’t write the Pentateuch—a theory known as the Documentary Hypothesis — actually has been thrown into the faces of Christians for more than two centuries. And yet, amazingly, one of the first assumptions upon which this theory rests was disproved long ago. From the earliest period of the development of the Documentary Hypothesis, it was assumed that Moses lived in an age prior to the knowledge of writing. One of the “founding fathers” of the Documentary Hypothesis, Julius Wellhausen, was convinced that “ancient Israel was certainly not without God-given bases for ordering of human life; **only they were not fixed in writing**” (1885, p. 393). Just a few years later, Hermann Schultz declared: “Of the legendary character of the pre-Mosaic narrators, the time of which they treat is a sufficient proof. **It was a time prior to all knowledge of writing**” (1898, pp. 25-26, emp. added). These suppositions most certainly had an impact on these men’s belief in (and promotion of) the theory that Moses could not have written the first five books of the Old Testament.

One major problem with the Documentary Hypothesis is that we now know Moses did not live “prior to all knowledge of writing.” In fact, he lived **long after** the art of writing was known. A veritable plethora of archaeological discoveries has proven one of the earliest assumptions of the Wellhausen theory to be wrong.

- In 1949, C.F.A. Schaeffer “found a tablet at Ras Shamra containing the thirty letters of the Ugaritic alphabet in their proper order. It was discovered that the sequence of the Ugaritic alphabet was the same as modern Hebrew, revealing that **the Hebrew alphabet goes back at least 3,500 years**” (Jackson, 1982, p. 32, emp. added).
- In 1933, J.L. Starkey, who had studied under famed archaeologist W.M.F. Petrie, excavated the city of Lachish, which had figured prominently in Joshua’s conquest of Canaan (Joshua 10). Among other things, he unearthed a pottery water pitcher “inscribed with a dedication in eleven archaic letters, the earliest ‘Hebrew’ inscription known” (Wiseman, 1974, p. 705). According to Charles Pfeiffer, “The Old, or palaeo-Hebrew script is the form of writing which is similar to that used by the Phoenicians. A royal inscription of King Shaphatball of Gebal (Byblos) in this alphabet dates from about 1600 B.C.” (1966, p. 33).
- In 1901-1902, the Code of Hammurabi was discovered at the ancient site of Susa (what is now Iran) by a French archaeological expedition under the direction of Jacques de Morgan. It was written on a piece of black diorite nearly eight feet high, and contained 282 sections. In their book, *Archaeology and Bible History*, Joseph Free and Howard Vos stated:

The **Code of Hammurabi was written several hundred years before the time of Moses** (1500-1400 B.C.). **This code, from the period 2000-1700 B.C.**, contains advanced laws similar to those in the Mosaic laws. . . In the view of this archaeological evidence, the destructive critic can no longer insist that the laws of Moses are too advanced for his time (1992, pp. 103,55).

The Code of Hammurabi established beyond doubt that writing was known hundreds of years before Moses.

As early as 1938, respected archaeologist William F. Albright, in discussing the various writing systems that existed in the Middle East during the pre-Mosaic times, wrote:

In this connection it may be said that writing was well known in Palestine and Syria throughout the Patriarchal Age (Middle Bronze, 2100-1500 B.C.).

No fewer than five scripts are known to have been in use: (1) Egyptian hieroglyphs, used for personal and place names by the Canaanites; (2) Accadian Cuneiform; (3) the hieroglyphiform syllabary of Phoenicia; (4) the linear alphabet of Sinai; and (5) the cuneiform alphabet of Ugarit which was discovered in 1929 (1938, p. 186).

Numerous archaeological discoveries of the past 100 years have proved once and for all that the art of writing was not only known during Moses' day, but also long before Moses came on the scene. Although skeptics, liberal theologians, and college professors will continue to perpetuate the Documentary Hypothesis, they must be informed (or reminded) of the fact that one of the foundational assumptions upon which the theory rests has been shattered by archeological evidence.

REFERENCES

Albright, W.F. (1938), "Archaeology Confronts Biblical Criticism," *The American Scholar*, 7:186, April.

Free, Joseph P. and Howard F. Vos (1992), *Archaeology and Bible History* (Grand Rapids, MI: Zondervan).

Jackson, Wayne (1982), *Biblical Studies in the Light of Archaeology* (Montgomery, AL: Apologetics Press).

Pfeiffer, Charles F. (1966), *The Biblical World* (Grand Rapids, MI: Baker).

Sayce, A.H. (1904), *Monument Facts and Higher Critical Fancies* (London: The Religious Tract Society).

Schultz, Hermann (1898), *Old Testament Theology* (Edinburgh: T&T Clark), translated from the fourth edition by H. A. Patterson.

Wellhausen, Julius (1885), *Prolegomena to the History of Israel* (Edinburgh: Adam and Charles Black), translated by Black and Menzies.

Wiseman, D.J. (1974), *The New Bible Dictionary*, ed. J.D. Douglas (Grand Rapids, MI: Eerdmans).



YOU BE THE JUDGE

HAMMURABI, THE
KING OF
RIGHTEOUSNESS ON
WHOM SHAMASH HAS
CONFERRED THE
LAW, AM I!

Genesis 14:1-2

¹And it came to pass in the days of Amraphel king of Shinar, Arioch king of Ellasar, Chedorlaomer king of Elam, and Tidal king of nations;
²That these made war with Bera king of Sodom, and with Birsha king of Gomorrah, Shinab king of Admah, and Shemeber king of Zeboim, and the king of Bela, which is Zoar.

Hammurabi Was Amraphel King Of Shinar

The War of Sodom



GENESIS 11: 2 @ SHINAR - CASE STUDY EARLY LESSONS LEARNED



THE CODE OF HAMMURABI:

The Code of Hammurabi

Hammurabi's laws are often called the Code of Hammurabi. Hammurabi's Code was written in cuneiform, a kind of writing that, to us, might seem like a secret language. Cuneiform was not written with paint or ink on a flat surface. Instead, people wrote cuneiform by pushing a chisel into wet clay or stone. The word cuneiform means "shaped like a wedge" in Latin. The English language can be written using about 64 symbols—the 26 capital letters, the 26 lower case letters and about a dozen punctuation marks. Cuneiform writers used more than 2,000 different symbols, which made it difficult to learn and to write. The writers carefully carved records of business deals and other everyday matters into tablets of wet clay. These tablets were then baked hard, like pottery, to preserve the writing. Very important records, like Hammurabi's Code, were often carved directly into hard stone. Hammurabi's Code was meant to help govern a vast empire. Copies of his code, written in clay and stone, have been found all over Mesopotamia.

I Set Truth and Justice Throughout the Land

The Code of Hammurabi begins with a long introduction. The king names all the city-states he's conquered. He boasts about his victories. It's clear his laws are made for a mighty empire. Finally, he says: "The Great God Murduck commanded me to give justice to all the people of the land. I let them have good government. I set forth truth and justice throughout the land and made the people prosper. At that time, I issued the following decrees." A list of

statements. The laws are about the same subject are laws is about witchcraft. It tells and punished. Since the demons and the supernatural, thought the witchcraft laws of laws described different perjury (lying in court) and harshly punished. The penalty death. People who bought Babylonian methods of drowning, burning, beheading against stealing and their owning property had become

important in Babylon. Many of Hammurabi's laws described rules for trading, establishing prices, and setting standards on workmanship. Builders in Babylon had to be especially careful. If a house collapsed and killed the owner's son, the builder's son was put to death. Barbers, doctors, salespeople, farmers and slaves were told how to behave. Hammurabi even set wages for some jobs. A Babylonian shepherd was to receive 33 bushels of grain a year, no more and no less. The code says something about almost every aspect of Babylonian life. There are laws about marriage and families, about borrowing and lending money, about irrigating fields. Hammurabi's Code ends with a stern warning. In a long curse, Hammurabi describes what will happen to anybody who does not respect his laws. "May the mighty gods in heaven and earth curse him," says the king, "and his children, and his land, his people, his nation."



282 decrees, or laws, followed this arranged in groups, so that all the laws listed together. The first group of how witches should be tried, judged Babylonians strongly believed in it isn't surprising that Hammurabi should be listed first. The next group kinds of crimes, like kidnapping, stealing. Crimes against property were for almost any kind of stealing was stolen property were also killed. execution were harsh. They included and impaling. The number of laws service penalties show how important to the Babylonians. Trade was also

Code of Hammurabi

- To enforce his rule, Hammurabi collected all the laws of Babylon in a code that would apply everywhere in the land
- Most extensive law code from the ancient world (c. 1800 BCE)
- Code of 282 laws inscribed on a stone pillar placed in the public hall for all to see
- Hammurabi Stone depicts Hammurabi as receiving his authority from god Shamash
- Set of divinely inspired laws; as well as societal laws
- Punishments were designed to fit the crimes as people must be responsible for own actions
- Hammurabi Code was an origin to the concept of "eye for an eye..." ie. If a son struck his father, the son's hand would be cut off
- Consequences for crimes depended on rank in society (ie. only fines for nobility)



Hammurabi's Code



- ANCIENT **PROPAGANDA**
- BOTH HAMMURABI AND SHAMASH ARE THE SAME HEIGHT.
→ SYMBOLIC THAT THEY ARE **EQUALS**.
- THIS IMAGE DEPICTS SHAMASH DIRECTLY GIVING THE 282 LAWS TO HAMMURABI.



The Code Of Hammurabi

- Created by Hammurabi himself to bring order and justice to his empire
- 282 laws recorded on stones tablets for all to read
- Established the “rule of law”, all people equal before the law (punishments differ for social class)
- Presumption of Innocence
- Both parties can provide evidence
- Jury trial
- Punishments are “eye for an eye”
- 196. If a man put out the eye of another man, his eye shall be put out
- 3. If any one bring an accusation of any crime before the elders, and does not prove what he has charged, he shall, if it be a capital offense charged, be put to death.
- If any one steal the property of a temple or of the court, he shall be put to death, and also the one who receives the stolen thing from him shall be put to death.

SOME OF THE LAWS IN THE CODE OF HAMMURABI..

202. If any one strikes the body of a man higher in rank than he, he shall receive sixty blows with an ox-whip in public.
203. If a free-born man strikes the body of another free-born man or equal rank, he shall pay one gold mina.
204. If a freed man strikes the body of another freed man, he shall pay ten shekels in money.
205. If the slave of a freed man strike the body of a freed man, his ear shall be cut off.
206. If during a quarrel one man strike another and wound him, then he shall swear, "I did not injure him wittingly," and pay the physicians.
207. If the man dies of his wound, he shall swear similarly, and if he (the deceased) was a free-born man, he shall pay half a mina in money.
208. If he was a freed man, he shall pay one-third of a mina.
209. If a man strikes a free-born woman so that she lose her unborn child, he shall pay ten shekels for her loss.
210. If the woman die, his daughter shall be put to death.
211. If a woman of the free class lose her child by a blow, he shall pay five shekels in money.
212. If this woman dies, he shall pay half a mina.

SOME OF THE LAWS OF THE CODE OF HAMMURABI THAT IS RELATED TO HEALTH CARE..

215. If a physician make a large incision with an operating knife and cure it, or if he open a tumor (over the eye) with an operating knife, and saves the eye, he shall receive ten shekels in money.
216. If the patient be a freed man, he receives five shekels.
217. If he be the slave of some one, his owner shall give the physician two shekels.
218. If a physician make a large incision with the operating knife, and kill him, or open a tumor with the operating knife, and cut out the eye, his hands shall be cut off.
219. If a physician make a large incision in the slave of a freed man, and kill him, he shall replace the slave with another slave.
220. If he had opened a tumor with the operating knife, and put out his eye, he shall pay half his value.
221. If a physician heals the broken bone or diseased soft part of a man, the patient shall pay the physician five shekels in money.
222. If he were a freed man he shall pay three shekels.
223. If he were a slave his owner shall pay the physician two shekels.



CASE 8. CODE 2



**HOW IS THE TRUTH DETERMINED
WHEN ONE MAN BRINGS AN
ACCUSATION AGAINST ANOTHER?**

If any one bring an accusation against a man, and the accused go to the river and leap into the river, if he sink in the river his accuser shall take possession of his house. But if the river prove that the accused is not guilty, and he escape unhurt, then he who had brought the accusation shall be put to death, while he who leaped into the river shall take possession of the house that had belonged to his accuser.

CASE 4. CODE 110



**WHAT SHOULD BE DONE WHEN A
SISTER OF GOD (OR NUN) ENTERS
A WINE SHOP FOR TO DRINK?**

If a "sister of god" (nun) who is not living in a convent opens a wine shop or enters a wine shop for a drink, they shall burn that woman.

CASE 2. CODE 117



**WHAT HAPPENS IF A MAN IS
UNABLE TO PAY HIS DEBTS?**

If a man be in debt and is unable to pay his creditors, he shall sell his wife, son, or daughter, or bind them over to service. For three years they shall work in the houses of their purchaser or master; in the fourth year they shall be given their freedom.

CASE 6. CODE 143



WHAT SHOULD BE DONE ABOUT A WIFE WHO IGNORES HER DUTIES AND BELITTLES HER HUSBAND?

If the woman has not been careful but has gadded about, neglecting her house and belittling her husband, they shall throw that woman into the water.

CASE 3. CODE 185



WHAT SHOULD BE DONE IF A SON IS ADOPTED AND THEN THE BIRTH-PARENTS WANT HIM BACK?

If a man takes in his own home a young boy as a son and rears him, one may not bring claim for that adopted son.

CASE 7. CODE 195



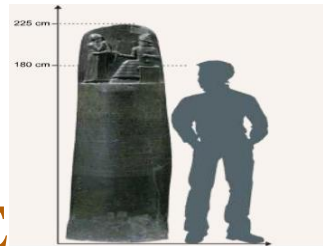
WHAT SHOULD HAPPEN TO A BOY WHO SLAPS HIS FATHER?

That son's hand shall be cut off.



INTRODUCTION

Law is a system of rules that are enforced through social institutions to govern behavior. Laws can be made by a collective group of legislators or by a single person. Law provides not only an important source a society's legal history, but also their religion, philosophy, and economic and social structures. Law also raises important and complex issues concerning equality, fairness, and justice. The history of law links closely to the development of civilization.



HAMMURABI'S CODE

By the 22nd century BCE, the ancient Sumerian ruler Ur-Nammu had formulated the first law code, which consisted of statements using such wording like (...*"Should an individual do such and such a thing, such and such a thing will happen to him or her."*) in an effort to provide specific rules for specific infractions. By the 18th century BC, the Babylonian King Hammurabi fashioned a collection of 282 laws, carved on an impressive seven-and-a-half-foot stone pillar, or **stele** (STEE lee). The text is written in cuneiform script and the Akkadian language, and it set standards of conduct and justice, with harsh punishments like "an eye for an eye, a tooth for a tooth".

Hammurabi's laws were much more severe than Ur-Nammu's laws. One reason for that was that in earlier times, communities were largely of the same cultural background. But as Hammurabi took control of Babylon, their society had become much more complex, with different tribes, leaders, and religions from different cultures, battling for power. In that regard, the code was so harsh in order to prevent serious cultural feuds & conflicts between various groups. **Punishments weren't equal for all people and penalties changed depending on one's social status, (slave, freeman, or priest)**

CASE 9, CODE 200



WHAT HAPPENS TO A PATRICIAN WHO PUNCHES AND KNOCKS OUT THE TOOTH OF A MAN THAT IS HIS EQUAL?

If a patrician has knocked out the tooth of a man that is his equal, his tooth shall be knocked out.

CASE 10, CODE 201



WHAT SHOULD HAPPEN TO A PATRICIAN WHO AS KNOCKED OUT THE TOOTH OF A PLEBEIAN?

If a patrician has knocked out the tooth of a plebeian, he shall pay one-third of a mina of silver.

It is divided into three parts:

1. A historical introduction relating King Hammurabi role as "protector of the weak and oppressed," and the formation of his empire and achievements;
2. A concluding paragraph which sums up his legal work and expressing his desire to have the code remain the law of his land even after his death;
3. Almost three hundred laws and legal decisions governing daily life in the kingdom of Babylon. The legal part of the text uses everyday language and is here simplified, for the king wanted it to be understood by all. However, the legal decisions are all constructed in the same manner.

The laws are grouped together in chapters, the issues addressed cover criminal and civil laws. The principal subjects are family law, slavery, and professional, commercial, agricultural and administrative law. Economic measures set prices and salaries. The longest chapter concerns the family, which formed the basis of Babylonian society. It deals with engagement, marriage and divorce, adultery and incest, children and adoption and inheritance, and duties of children's nurses. **The 613 commandments which the Ten Commandments summarize, deal with similar issues regarding family, business practices, slavery, property rights and judicial procedures.**

What is Religious Law? Though Hammurabi claimed to receive his code from the Babylonian god of justice, Shamash, it's not primarily a set of religious laws. Religious law is defined as codes of ethics and morality which are upheld and required by a God. Examples of religious law include customary Hindu (Indian) law, Islamic Sharia law, and the divine law of the Torah and the Bible. Instead, Hammurabi's set of rules was more like a typical legal code, and less like a religious document.

THE CODE OF HAMMURABI AND THE LAWS OF MOSES. II.¹

BY JOHN R. SAMPEY, D.D., LL.D.

IV. COMPARISON OF HAMMURABI'S CODE WITH THE PENTATEUCH.

In instituting a comparison of the Code of Hammurabi with the Laws of Moses, we are embarrassed by the wealth of material in the two codes that might properly be brought under review. It will be necessary, in this brief article, to omit much that one would like to include. We shall consider

1. PRINCIPLES AND PRECEPTS IN WHICH HAMMURABI AND MOSES AGREE.

(a) Here we put at the front that which probably first attracts the attention of the general reader as he takes a rapid survey of Hammurabi's Code, viz., the *lex talionis*: "If a man destroy the eye of another man, they shall destroy his eye. If one break a man's bone, they shall break his bone. If a man knock out a tooth of a man of his own rank, they shall knock out his tooth" (CH,² 196, 197 and 200). In the Pentateuch the law of retaliation is fully stated in Ex. 21:23-25; Lev. 24:19f; Deut. 19:21. That law required the sacrifice of "life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burning for burning, wound for wound, stripe for stripe."

(b) Intended harm must be punished as well as the overt act. Compare CH, 1-4 with Deut. 19:16-21. Hammurabi's Code opens with a recognition of this principle:

¹Completed from the Baptist Review and Expositor, April, 1904.

²CH stands for Code of Hammurabi.

234 *The Baptist Review and Expositor.*

“If a man bring an accusation against a man, and charge him with a (capital) crime, but cannot prove it, he, the accuser, shall be put to death.” Moses lays down as the punishment for the man who testifies falsely against his brother: “Then shall ye do unto him as he had thought to do unto his brother.”

(c) The principle of full restitution for damage has the approval of both lawgivers. Moses deals with this subject at length in Ex. 21:33—22:15. The principle receives frequent recognition in the Code of Hammurabi, and he does not hesitate to use the multiplication table in assessing damages. While Moses requires fivefold restitution for stealing an ox, Hammurabi demands sixfold from the merchant who tries to cheat his agent, twelvefold from the judge who alters his verdict and thirtyfold for stealing an animal from temple or palace (CH, 107, 5 and 8). Where the blame is not great, the general principle obtains in both codes that justice is satisfied if a man restores to the owner “ox for ox, sheep for sheep” (Ex. 22:12, 14 and CH, 245, 53, 59, and often).

(d) Both Hammurabi and Moses admit the use of an oath of innocence to avoid making restitution. Hammurabi writes: “If a man hire an ox and a god strike it and it die, the man who hired the ox shall take an oath before god and go free” (CH, 249. Compare Ex. 22:10 f).

(e) Neither lawgiver would allow a creditor to hold in pledge what was necessary to health and life. For the Hebrew the outer garment served as a covering from the night chill (Ex. 22:26f), and the handmill was indispensable in preparing food (Deut. 24:6). For the agriculturist of the Babylonian plain the ox was his means of earning a living, and so Hammurabi writes: “If a man seize an ox for debt, he shall pay one-third mana of silver” (C H, 241).

(f) Both codes make large use of the death penalty.

(1) For kidnaping (Ex. 21:16; Deut. 24:7 and C H, 14).



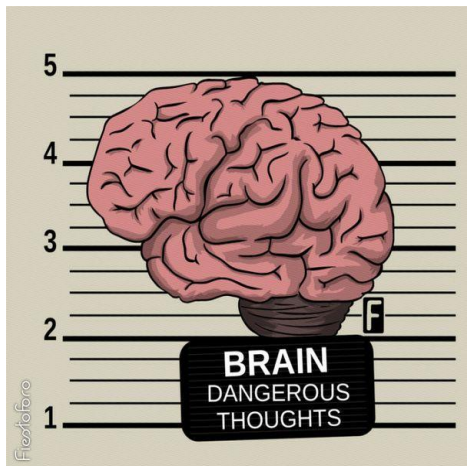
TEN COMMANDMENTS

The Ten Commandments (also known as the Decalogue) are ten laws in the Bible that God gave to the people of Israel shortly after the exodus from Egypt. The Ten Commandments are listed twice in the Hebrew Bible. Both versions state that God inscribed them on two stone tablets, which he gave to Moses. The commandments include instructions to worship only God, to honor parents, and to keep the sabbath holy; as well as laws against worshipping false idols, taking the Lord's name in vain, murder, adultery, theft, dishonesty, and desiring things that belong to other people.

There are 613 commandments contained in the Old Testament Law, and the Ten Commandments is essentially a brief summary of those laws. This is unlike Hammurabi's code, which doesn't have a summary of its laws. Another difference is that the Ten Commandments were written in Hebrew and weren't displayed around town for all to see. However, like Hammurabi's Code, some of the language in these commandments contains phrases like "an eye for an eye, a tooth for a tooth." Additionally, both impose the death penalty in cases of adultery and kidnapping.

Their similarity goes beyond that. Statute 206 of the Hammurabi's Code says, ***"If during a quarrel one man strike another and wound him, then he shall swear, 'I didn't injure him wittingly,' and pay the physicians."***

The Law of Moses is comparable: ***“If people quarrel and one person hits another with a stone or with their fist and the victim does not die but is confined to bed, the one who struck the blow will not be held liable (responsible) if the other can get up and walk around outside with a staff (cane); however, the guilty party must pay the injured person for any loss of time and see that the victim is completely healed.”***



One of the major differences between the Decalogue & Hammurabi’s Code is the nature of some of the laws. The instructions given by the Babylonian king all deal with punishing actions, whereas one of the commandments seeks to stop you from having bad thoughts. The tenth commandment states that simply desiring things that belong to others is breaking God’s law,

even if you don’t act on those feelings. The inclusion of “thought crime” makes the Ten Commandments unique, making it almost impossible to perfectly obey. Therefore, believers must rely on God’s mercy and grace to forgive them when they break laws like this.

In this way, these were religious laws that not only dealt with justice, but also with your relationship to God. Whereas the Mesopotamians believed the god Shamash gave Hammurabi his law code so people could **get along with one another**, in the Bible, the law code was given primarily so people could **get along with God**.

“The Ten Commandments includes both absolute and casuistic laws, while the code of Hammurabi contains the casuistic laws that had the strongest sentences for the offender and the judges.

The documents fit into the cause-and-effect cycle of history by providing the foundation of current contract laws. The documents provide the foundation of the Babylonian legal precedent, which have remained in force over the decades. The code of Hammurabi includes the Babylonian and Assyrian Laws, Contracts and Letters, and customs have survived since early times & the neo-Babylonian empire. The code of Hammurabi also defines a number of laws such as the law of Assyria that was mainly derived from the code of Hammurabi and the Babylonian law and may have lead to the redefinition of the then existing laws.

The documents expose the historical era’s codes and the tribal customs proceeded by the code. For all the activities, and crimes it is criminalizing, it exposes us to the blood feud, and failures of lex talionis features prominent in the preceding tribal customs. The primitive customs are replaced by the Hammurabi’s code meaning that the primitive codes were biased, and subjective as opposed to objective. This indicates that legal decision during the era was at the behest and whim of the king as he made the final rulings on any case. The similarities between the two are that the king had a right to defer a case, and to request for a fresh trial, while the actions in contravention of the ten commandments was punished in public through stoning. This means that in most cases, the decision was thorough as both the prosecutor, and defendant were liable and stood equal chances of being executed in event of biased trials.”

— INTERNET ESSAY, EDITED

The Code of Hammurabi by Truth Magazine

The Code of Hammurabi, was discovered by a French archaeological expedition under the direction of Jacques de Morgan in 1901-1902 at the ancient site of Susa in what is now Iran. It was written on a piece of black diorite, 2.25 m (7 ft. 5 in.) in height & contained 282 sections. Although the block was broken into three pieces, the major portion of it has been restored and is now in the Louvre in Paris.

Many scholars believe the code is actually a series of amendments to the common law of Babylonia. It addresses legal procedure with statements for penalties for unjust accusations, false testimony, and injustice done by judges. In addition, it has laws concerning property rights, loans, deposits, debts, domestic property, and family rights. The sections covering personal injury invoke penalties for injuries sustained at the hand of another as well as permanent injury incurred by unsuccessful operations that were performed by physicians. In addition, the code established rates for various services in trade and commerce.

The Code of Hammurabi and the Written Word

Bible critics once made the charge that Moses could not have written the first five books of the Old Testament because the art of writing was not developed until well after his death. This criticism, however, has been negated by a multitude of archaeological discoveries, among which is The Code of Hammurabi. Free and Vos have stated:

The Code of Hammurabi was written several hundred years before the time of Moses (c. 1500-1400 B.C.). This code, from the period 2000-1700 B.C., contains advanced laws similar to those in the Mosaic laws... In view of this archaeological evidence, the destructive critic can no longer insist that the laws of Moses are too advanced for his time... (Free, Joseph P. & Howard F. Vos [1992], *Archaeology and Bible History* 103, 55).

The Code of Hammurabi, among other discoveries of ancient writing, established beyond doubt that writing was practiced for hundreds of years before the time of Moses. This fact is so well documented by archaeological discovery and historical confirmation that only the dishonest or misinformed critic of the Bible would appeal to this line of argumentation.

Similarity & Contrast Between Hammurabi Code & Mosaic Law

The other misuse of the Code of Hammurabi against the Law of Moses by Bible critics was the similarities between the two systems. Since it had been established that the Code predated the Law, it was charged that Moses had plagiarized Hammurabi, or at least had borrowed from him.

It is true that the Code and the Law contain many similarities. However, most of the similarity ends with the topics they address. The specifics as to how the topic is handled are, in most cases, different, if not contrasting.

Bible critics often point to the principle of equal retribution in the Code. Paragraphs 196, 197, 199 establish, an eye for an eye, a broken bone for a broken bone & a tooth for a tooth, respectively. However, the Code treats those who are born free, made free, and who are slaves differently in the matter of retribution. Equal retribution is practiced only toward those who are born free. A price of one gold mina was to be paid to an injured freed man, and if the injured were to be a slave, the offender was to pay one-half of the slaves value to his master. No mention is made of a slave who suffers permanent injury at the hand of their owner, however the Law of Moses provided for the freedom of a slave that was so injured (Exod. 21:26-27).

The Law provided that, “. . . he that smiteth his father, or his mother, shall be surely put to death” (Exod. 21:15). In comparison and contrast, the Code provided, “If a son strike his father, his hands shall be hewn off” (§195).

Numerous comparisons can be made between the Code of Hammurabi and the Law of Moses. Few are exactly the same, however similarities are striking. Perhaps one explanation for these similarities can be the civil and moral portion of the law of God that was handed down by word of mouth through the patriarchs. Just as there are similarities between Mosaic Law and the law of Christ in their moral principles, it should not be surprising to find hints of the civil and moral aspect of the Patriarchal Law in the written codes of the ancient cultures; even though these cultures had become corrupt and, like Hammurabi, also attributed their code to gods of idolatry.

Explanation of Pre-Mosaic Customs: **Among the Patriarchs**

Perhaps the most valuable aspect of the Code of Hammurabi is the insight it provides into the customs of patriarchal cultures. Although, as near as one can now tell, Abraham lived shortly before the time of Hammurabi, other ancient writings verify that many of the customs that Hammurabi codified were widely practiced by patriarchal cultures.

For instance, Abraham had resigned himself to the situation that Eliezer of Damascus, “one born in my house (i.e., the son of one of his slaves) is mine heir” (Genesis 15:2-3). This statement is consistent with the practice of adoption as outlined in the Code of Hammurabi and more ancient codes. Therefore, in the mind of Abraham, adoption of a child born to one of his slaves presented an acceptable solution to God’s promise as it was stated in Genesis 6:2-3.

In addition, the insistence of Sarah, Rachel, and Leah for their husbands to bear them children by their handmaids (Genesis 16:1ff; 30:1ff, 9ff) is consistent with the cultural custom that is described in paragraphs 144 and 146 of the Code of Hammurabi. As written in the Code, it is apparent that the practice was common prior to the time of Hammurabi; however, his code protected all parties involved in this arrangement.

Paragraphs 159-161 of the Code address fair treatment of the “purchase price” for a bride in the event the prospective groom or father-in-law should change his mind about the marriage. Although there are some differences, the practice of a dowry purchase price is consistent with what we find in Genesis 24:10, 53, where we find Abraham’s servant went in search of Isaac’s prospective wife with “goodly things of his master’s in his hand,” and then giving Rebekah and Rebekah’s mother and brother precious things. The practice of a “purchase price” being paid to the father of the bride is especially evident in the case where Jacob, when he did not have possession of a “purchase price,” worked for Laban for two consecutive seven year periods in order to satisfy the “purchase price” for each of Laban’s daughters, Rachel and Leah.

Conclusion

Archaeological discoveries provide us with some fascinating information that enhances our appreciation of the Bible text. Perhaps, most striking, as exemplified in the early years of Abraham, is how ancient cultures attempted to make God’s revelation fit their cultural practice rather than fully embrace God’s promise. Thousands of years have passed, but mankind continues to make the same mistakes. However, like Abraham, we come to know the grace of God and his blessings when we fully accept him at his word.

The Code of Hammurabi

The discovery of the Code of Hammurabi reveals several interesting ideas when compared to the Law of Moses.

In the winter of 1901-02, a French archaeological team, under the direction of M. J. de Morgan, discovered at ancient Susa (cf. Shushan — Esth. 1:2) in southwest Persia, a black stone stele (some 7 ft. tall). On it was the “Code of Hammurabi.”

The monument, which had been captured by the Persians, contained 282 laws reflecting the Babylonian judicial regime of the 18th century B.C. It is now in the Louvre in Paris.

Hammurabi was a king of the first Babylonian dynasty. Though there has been some controversy over the exact time of his reign, it is now generally believed that he ruled for 43 years (c. 1792-50 B.C.).

A comparison of this code, with that of the Hebrew system in terms of both similarities and differences, suggests a number of interesting things. Let us give consideration to some of these.

Moses too complex?

First, hostile critics of the Bible long argued that the Levitical code couldn't have been authored by Moses, as Old Testament testimony asserts (cf. Lev. 1:1), and as New Testament evidence confirms (Mt. 19:8; Mk. 7:10; 10:2-5; Jn. 7:46-47).

Supposedly, the Hebraic system is much too structured and formal to have come from such a distant historical era.

The discovery of Hammurabi's code exploded that theory. It is at least two centuries older than the Mosaic system, and yet is structured in a precise fashion.

Civil law must have higher authority

Second, both the Mosaic system and Hammurabi's suggest that civil law, which is designed to regulate human social conduct, must be based upon a higher standard than the arbitrary whims of man.

The Mosaic economy appeals directly to the authority of Jehovah (cf. Ex. 20:1ff). The Hammurabi stele, in a more indirect manner, hints of the same principle.

For example, at the top of the stele, there is a carving of Hammurabi standing before the sun god, Samas, who is extending a scepter to the king. This probably suggests that these laws were to be regarded as buttressed by divine authority.

Some ordinances specifically state such. A partnership between two businessmen is ratified by an oath "before the gods" (Barton 1937, 387).

On the other hand, there is a dramatic difference in attitude. Moses emphatically credits God as the source of his law, while Hammurabi, both in the prologue and in the epilogue, boasts that he, not Samas, is responsible for justice in the land (Barton 1937, 406).

Universal principles of moral law

Third, the common laws of these systems, which protect life and property (frequently almost identical in phraseology), reveal that there is an **ultimate moral standard** lying in the background of these codes. Other ancient legal codes argue similarly.

This reinforces Paul's affirmation in the book of Romans that there was an original moral law, embedded in the conscience of man, that either accused or excused him (Romans 2:14-15).

Noted archaeologist Siegfried Horn contends that these "similarities show that [the moral principles] go back to the same God, the Author of right and truth" (1955, 40).

Historically credible

Fourth, a comparison of the systems demonstrates how well-adapted each was for its own land.

In dry Palestine, a man must be careful not to start a fire that burns his neighbor's crop (Ex. 22:6). In the Babylonian code, a man had to guard against leaving his sluice gate open so that he did not flood his neighbor's field. There is no comparable ordinance in the Mosaic law, because canal irrigation did not exist in the hills of Canaan.

This is but one evidence of the independency of the accounts. Contrary to the charges of some critics, the Hebrew code was not borrowed from Babylon.

"There are many similarities [between the Mosaic system and the Babylonian] since they are dealing with areas where there is universal agreement. In spite of the resemblances there is no evidence of borrowing" (Hayden 1982, 608).

Mosaical code elevated by divine inspiration

Fifth, there are numerous examples which reveal that the Mosaic code, given by divine inspiration, has a "more elevated character than its Babylonian counterpart" (Horn 1955, 40). Consider several cases.

The poor

The Hebrew law contains generous provisions for the poor. Every seventh year, the Israelite land owner was to let his land "lie fallow," that the poor might reap the "volunteer" produce (Ex. 23:10-11; cf. also Lev. 19:9; Deut. 24:19).

By way of contrast, rich Babylon made no similar provision for its indigent. Dr. Barton stated that Babylon "felt no such social sympathy" (1937, 385).

Slavery

The issue of slavery is always troubling. Ideally, God never intended that one human own another. Hebrew law was introduced into a primitive culture where slavery was common. It was not designed to radically overthrow this evil institution in a moment of time.

Rather, Israelite law was intended to regulate the practice, and sow the seeds that could lead to its eventual abolition—with the ultimate assistance of the teaching of Jesus Christ.

But note this point of contrast between the Israelite code and Hammurabi's. Under the Babylonian regime, harboring a runaway slave brought a death sentence. But the Hebrew system forbade returning to his master a slave seeking refuge (Deut. 23:15).

Again, note this difference. A Hebrew servant who loved his master and volunteered his services for life, had his ear pierced as a token of the agreement (Exodus 21:6). The Babylonian slave who merely said to his owner: "You don't own me," had his ear cut off!

Consider the case of Sarah and Hagar, during the days of Abraham, even long before the Mosaic law was given. When Sarah proved barren, she offered Hagar, her handmaid, to bear a child for Abraham (Gen. 16:1ff). The code of Hammurabi reveals this as a common practice in the ancient Near East.

However, if the handmaid later "ranks herself with her mistress," she could be sold into slavery. "The concubine shall be fettered and counted among the slaves" (Caiger 1944, 30).

Hagar apparently adopted a disposition somewhat like this (cf. Gen. 16:4). Sarah, therefore, actually was quite merciful in that she only "cast out" her insolent servant (Gen. 21:10).

The Hebrew religion was elevated above that of its pagan neighbors.

240 *The Baptist Review and Expositor.*

interest just as among other nations (Deut. 15:7-11; 23:19f). The Babylonians lent on interest in the same fashion as modern bankers, taking mortgages on real estate and personal property as security.

d. Unkindness to strangers, orphans, the blind, hired servants and slaves is repeatedly forbidden in the Pentateuch (Ex. 22:21-24; Lev. 19:33f; Deut. 24:14f, 17f). By Moses, slaves are regarded as human beings and also as property; by Hammurabi they are treated as merely the property of their owner (Compare Ex. 21:20f, 26f with C H, 199, 231, 219). Moses founded his ethical code on love towards one's neighbor, and it is worthy of note that the Hebrew was commanded to love the stranger as himself (Lev. 19:9-34). Many persons fail to link Lev. 19:34 with Lev. 19:18.

e. Moses forbids cruelty to animals (Ex. 23:19; Deut. 25:4). Hammurabi protects them merely as property having a money value (C H, 245-248).

f. Moses punished severely a son for cursing father or mother (Ex. 21:17; Lev. 20:9).

g. Moses and Hammurabi are in sharp contrast on the subject of punishing children for the sins of their parents. In naming the penalties for neglect in constructing a house, Hammurabi states that the builder shall be put to death if the house collapse and kill the owner of the house. Yet further he decrees: "If it cause the death of a son of the owner of the house, they shall put to death a son of that builder" (230). This law of retaliation applies also to daughters, so that a man who had killed the daughter of another man would suffer punishment not in his own person but in that of his daughter. "If that woman die, they shall put his daughter to death" (210).

The Law of Moses sounds a bugle blast against any such procedure. "The fathers shall not be put to death for the children, neither shall the children be put to death for the fathers: every man shall be put to death for

No crude heathenism

Finally, the Israelite code was not cluttered with the crude polytheism of heathenism, nor with its superstition. The code of Hammurabi, to the contrary, was encumbered grossly by both.

The explanation for this distinction is obvious. The former originated directly with the true God; the latter, though containing traces of a moral genesis, had degraded over many generations of time.

The many lines of evidence establishing the Bible's credibility are amazing.

SOURCES

- Barton, George A. 1937. *Archaeology and The Bible*. Philadelphia: American Sunday-School Union.
- Caiger, Stephen L. 1944. *Bible and Space—An Introduction to Biblical Archaeology*. London: Oxford University Press.
- Hayden, R. E. 1982. "Hammurabi." *The International Standard Bible Encyclopedia*. Vol. II. Revised, G. W. Bromiley, ed. Grand Rapids, MI: Eerdmans.
- Horn, Siegfried H. 1955. *Light From the Dust Heaps*. Washington, D.C.: Review & Herald.

- Wayne Jackson, *Apologetics Press*

Many merciful provisions of the Mosaic system are not found in Hammurabi's Code. The weekly Sabbath, the Sabbatic year and the year of jubilee brought rest and joy to the poor in Israel (Ex. 23:10-12; Lev. 25:1-55). The gleanings of harvest and vintage and the corners of the field belonged to the poor and needy (Deut. 24:19-22; Lev. 19:9f). Every third year the people were to lay up a tithe of their increase for joyous feasts to which the Levite, the stranger and the orphan were to be invited (Deut. 14:28f). Kindness to the unfortunate and helpless was to be the rule of Israel's life (Lev. 19:14; Deut. 27:18).

