

Chapter 2

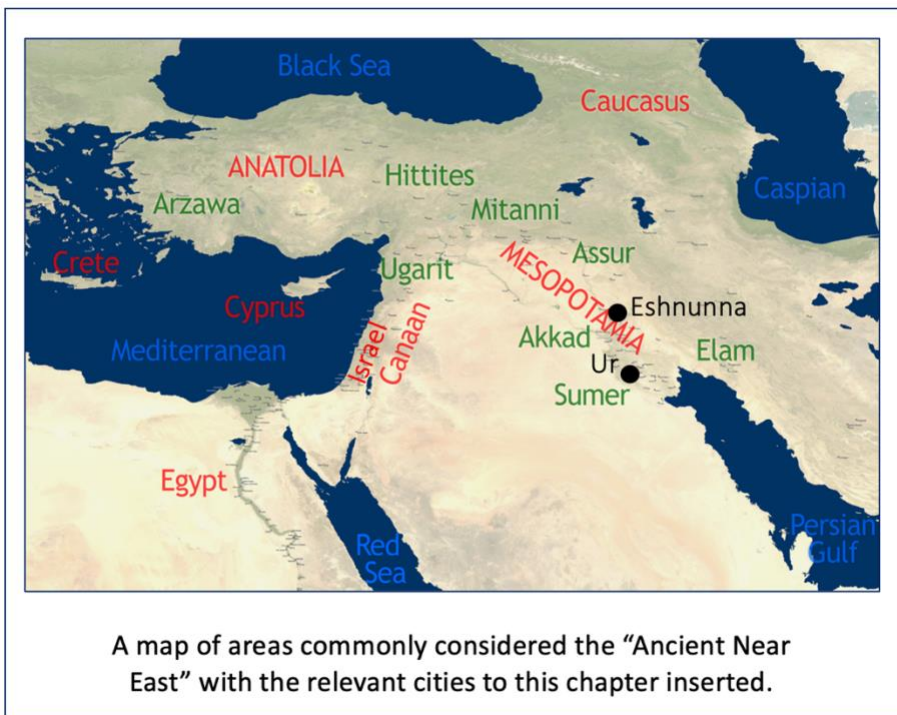
Biblical Law in Cultural Context

Science offers great hopes for tomorrow. Whether one seeks a vaccine for an epidemic, treatment for cancer, or simply a better mode of transportation, science advances optimism. Scientific knowledge is constantly expanding and things that were science fiction fifty years ago are taken for granted today.

To some degree, people may fall prey to the idea that all areas of civilization progress like science does. This assessment would not be accurate or fair, however. A clear example is in the area of law.

Certainly, the legal system found in most developed countries today is more complicated and intricate than many legal systems of history, but law itself is as old as human civilization. Rules of relationships and transactions, modes of accountability and fairness – these predate even the ability to write them down.

The earliest legal codes available for study are those of the Ancient Near East, a common term to label the area that spans the modern countries of Egypt to the South, Turkey to the North, and Iran to the East.



Legal codes are not some modern invention; they certainly weren't invented on Mount Sinai with the Biblical Law.¹ Legal codes long pre-existed Israel and the Israelites. Depending on how one dates Israel's exodus from Egypt, the Biblical Law could date as early as the mid-1400's BC, although I think the earliest dates more likely in the 1200's BC, during the reign of Ramesses II of Egypt.

"Proto-writing" (very primitive writing with symbols) arose around two-thousand years earlier, roughly 3200-2900BC. Full writing came swiftly after that. Already by the time of writing, broad legal codes were in place, just ready to be recorded in a fashion that allows one to study it today. The earliest written legal codes indicate that courts were already in use, property rights existed, rules for contracts were in place, and more. Many modern legal concepts were regularly used over 5,000 years ago.

These ancient legal codes are important, because one of the best ways to understand Biblical Law is to compare and contrast it its neighbors. In doing so, three points readily stand out:

1. The Biblical Law held much in common with other legal codes, setting out common rules of behavior for people in society.
2. Unlike other ancient legal codes, however, the Biblical Law was more than society's code of conduct. It was a revelation of God and what God expected from Israel.
3. Because of the difference in the Biblical Law being a revelation of God and the expected behavior of God, violating the legal code had a profound implication not found in other codes. Violation of Biblical Law amounted to "sin," aka, an offence against God and his character.

To illustrate and sharpen these comparisons and contrasts, I use legal codes that arose in the same geographic region with a time span both before and after the Biblical Law.

¹ Throughout I use the capitalized term "Biblical Law" to refer to the legal code delivered in the Pentateuch (Genesis through Deuteronomy).

Legal Codes that Pre-date Sinai

Scholars tend to accord the oldest written legal code from ancient Ur, labelling them as the “Laws of Ur-Nammu,” dating around 2100BC. Depending on how one dates the patriarchs in the Bible, this is likely around 100 years or so before the time of Abraham, who also hailed from Ur.

Although a good bit of the prologue and preamble is missing, the text begins with the claim that Ur-Nammu was divinely appointed to his kingship. The laws set forth are claimed as laws of Nammu, the King of Ur, but also claiming Nammu to be the son of the goddess Ninsun.

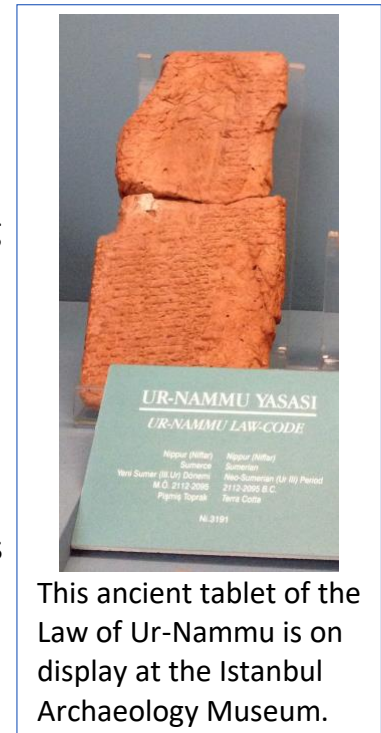
The laws of Ur-Nammu range from criminal matters of murder, robbery, and kidnapping to family law matters of divorce, remarriage and cohabitation. Tort laws of assault and battery, contract laws related to renting out property, and even laws concerning the careless flooding of another’s land are included.

Among the more interesting laws are:

- “If a man commits murder, that man shall be executed.”
- “If a man commits robbery, he will be executed.”
- “If a young man’s wife, by her own wish, goes after a(nother) man and he lies with her, (then) that woman shall be executed, (but) that man shall be set free.”²

Another ancient code found very close to Abraham’s time are the “Laws of Lipit-Ishtar of Isin,” typically dated around 1930BC. Coming from at least 17 tablets and fragments, these laws are written in the ancient Sumerian language. The laws draw their name from Lipit-Ishtar, the fifth king in a line of those in the Isin Dynasty.

With his kingdom spanning ancient Sumer and Akkad, Abraham’s Ur would have



This ancient tablet of the Law of Ur-Nammu is on display at the Istanbul Archaeology Museum.

² Kitchen, Ken, *Treaty, Law and Covenant in the Ancient Near East, Part 1: The Texts* (Harrassowitz Verlag 2012), at 59.

been under these laws. While the laws aren't too different than those of Ur-Nammu in many ways, one set of legal rulings are particularly interesting in light of a narrative found in Genesis. The law says,

If a man takes a wife and she bears him a child, and that child is still alive; and a slave-woman (also) bears children to her master (then) the father shall grant freedom to the slave-woman and her children; the slave's children shall not divide the inheritance with their (ex)-master's children.³

The story in Genesis begins in Genesis 16. Abraham, named simply Abram at the time, and his wife Sarah are not able to have children. So, Sarah gives her servant Hagar to Abram as a surrogate. This is something thoroughly unsurprising under the laws Abram and Sarah had in their culture. Hagar gives birth to Ishmael. After some intervening narrative, Genesis 21 resumes the relevant narrative. Well over a decade later, Sarah conceives and gives birth to Abraham's son, Isaac.

At this point, Abraham and Sarah are in a situation contemplated by the Laws of Lipit-Ishtar. Abraham has a child by his wife and one by a slave-woman. The law said that Abraham was to give the slave woman her freedom, but that their child was not to have a part of the father's inheritance.

The Genesis narrative is consistent with the Laws of Lipit-Ishtar. Sarah is the one who calls on Abraham to follow the law and kick out Hagar and Ishmael, depriving Ishmael of any inheritance. Abraham is reluctant to do so, having a father's love for his son Ishmael. God speaks to Abraham and tells him to do as Sarah insisted. God would not abandon Hagar or Ishmael. God promised to make of Ishmael a great nation. God would be supplying Ishmael's inheritance. Abraham gave Hagar and Ishmael food and water and sent them out. Their story line doesn't end there, however. Genesis finishes the story line explaining that God was good to his word, and the line of Ishmael continued.

Another set of laws from the same region, yet a few hundred years later are the Laws of Eshnunna, a city north of Ur (generally dated around 1800-1700BC). Like Ur-Nammu's laws, the laws cover many areas covered also by the Biblical Law,

³ *Ibid.*, at 77, law section 25.B xviii.

and by laws today. Laws covered theft, sexual offenses, bodily injury, property damage, and more.

The Laws of Eshnunna set up fines for various offenses as well as prices that could be charged for certain materials. These give the reader an idea of relative values that society placed on objects. For example, a “kor” of grain went for one shekel of silver. (A “kor” would equal roughly 80 one-gallon jars filled with grain. A shekel of silver would be roughly the weight of half of a modern silver dollar coin.) That same shekel could get one the equivalent of an ancient Uber for a full three days! (“A wagon together with its oxen and driver...if paid in silver 1/3 shekel (is) its hire. All the day he shall drive it.”⁴) The code also gives prices for cooking oils and fats. Much like today’s grocery stores, the price of sesame oil was over twice as much as the price of lard.

When it came to trespassing, the code made an interesting distinction.

A man who is seized in the field of a commoner, among the sheav(es), in broad daylight, shall weigh out 10 shekels of silver. (He who is seized at night, among the sheav(es) shall die, he shall not live.⁵

Discussing the gravity of “you have no reason to go into another’s field in the dead of night,” friend Steven Morris told me, “Yes, you could claim that you hit the baseball into the adjoining field during the day, but they didn’t play baseball at night!”

The most famous of the ancient legal codes is likely the Code of Hammurabi. Typically dated roughly the same time as the Laws of Eshnunna, between 1800 and 1700BC, a good bit of the code is carved onto a 7.5-foot stone that now stands in the Louvre in Paris.

The Code of Hammurabi has an interesting introduction. The authority of Hammurabi is set out as deigned by the gods to achieve justice, destroy evil, not allow the mighty to exploit the weak, and improve the well-being of the people.

⁴ *Ibid.*, at 99.

⁵ *Ibid.*, at 101.

Those are the same aims of law today. Toward that end, the laws set out crimes and punishments.



Hammurabi's crimes and punishments give insight into the values of the society at that time. For example, if a man stole an ox that belongs to the gods or a temple, the man had to pay 30 times the value in punishment. If, however, the man simply stole the ox from another person, the fine is only ten times the value.

In family law matters, if a woman was betrothed to a man, and the man was verbally abusive, the woman had the right to flee the marriage (assuming it had not yet been consummated). Even the dowry had to be returned.⁶

Legal Codes that Post-date Sinai

Shortly after the time when Moses would have received the Biblical Law, archaeologists have provided the world with findings of the legal codes of the Assyrians (roughly 1100-1000BC, these are technically "Middle-Assyrian" laws).

⁶ *Ibid.*, at 111ff, esp. at sections 8 and 143.

Again, these laws have a great deal in common with the ancient Biblical Law, and even with modern legal codes.

An example of a Middle-Assyrian law that relates closely to a section of the Biblical Law concerns marriage of a woman whose husband has died. In the Biblical Law,

If brothers dwell together, and one of them dies and has no son, the wife of the dead man shall not be married outside the family to a stranger. Her husband's brother shall go in to her and take her as his wife and perform the duty of a husband's brother to her (Dt. 25:5).

The Biblical Law continues to give directions and explanations in the event things don't go too smoothly.

In Middle-Assyrian laws, a similar situation is set out where there are two brothers in one family. Here is the situation described:

- A father has two sons, I will call Brother A and Brother B.
- Brother A is married, Brother B is not.
- A marriage contract is made for Brother B, and the dowry is paid, but the marriage is not yet consummated.
- Brother A dies, and his widow returns to live in her Father's home.

With those facts, the father of Brothers A and B is instructed under the law to give the widow of Brother A to Brother B to be his wife.

There are more elaborate details provided for variations on the situation, but this was a typical family law in the era of Moses up through even the story of Ruth, who was given in marriage to a relative upon the death of her husband.

There are also some interesting twists in the Middle-Assyrian codes, at least measured by our standards today. In the Assyrian Codes, if a wife hit her husband (or any man), she was fined and beaten. But if the woman simply cussed out her husband or some other man, she just had to live with the consequences!⁷

⁷ *Ibid.* at 657ff, esp. Tablet A sections 2 and 20. For the marriage laws, see p. 667, sections 30-31.

Implications

One can peruse these ancient legal codes and find many similarities one with another. The amounts of fines might differ. The actual crimes or actions might have variations. The economic values may fluctuate. But basic concepts of justice and the needs of a regulated society dictate core legal concepts and principles.

Furthermore, as indicated in brief above, the Biblical Code was written with many similar laws arising in the culture surround Israel both geographically and in time. Yet the Biblical Law contains some sharp and fundamental distinctions. The distinctions are centered in the role of God in the law.

The laws of Ur-Nammu were based on the gods giving the divine right for Ur-Nammu to reign as king. The laws of Lipit-Ishtar were premised on Lipit-Ishtar being designated ruler by the gods. The laws of Eshnunna were premised on Eshnunna being properly made king by the gods.

In stark contrast, the Biblical Laws were never accorded to be the laws of one particular Israelite leader or king. Not even Moses claimed authorship of the Biblical Laws. Those laws were God's divine decrees. For the Ten Commandments, God even wrote those upon stone with his own finger (Ex. 31:18; 32:16).

The Biblical Law is all about God. God led Moses to Sinai. God had the people encamp at Sinai's base. God instructed the people *not* to go up onto the mountain. God visited the people in thunder and a storm settling on the mountain. God spoke to Moses as his communication piece. (The people were understandably petrified and weren't even remotely interested in chasing up the mountain for a better view of God.)

God's law was not premised on Moses being a great man. It wasn't based on what anyone brought to the table. The basis for God's law was God himself. He began his legal discourse telling Moses,

I am the LORD your God, who brought you out of the land of Egypt, out of the house of slavery (Ex. 20:2).

God wanted the Israelites to see the scene of him conversing with Moses from the dark cloud. God was insistent that the people

may hear when I speak with you, and may also believe you forever (Ex. 19:9).

The Biblical law was a divine revelation, not a code devised by a king. As the Lord explained it, the scene was set so Israel should have no doubt on this.

On the morning of the third day there were thunders and lightnings and a thick cloud on the mountain and a very loud trumpet blast, so that all the people in the camp trembled. Then Moses brought the people out of the camp to meet God, and they took their stand at the foot of the mountain. Now Mount Sinai was wrapped in smoke because the LORD had descended on it in fire. The smoke of it went up like the smoke of a kiln, and the whole mountain trembled greatly. And as the sound of the trumpet grew louder and louder, Moses spoke, and God answered him in thunder. The LORD came down on Mount Sinai, to the top of the mountain. And the LORD called Moses to the top of the mountain, and Moses went up (Ex. 19:16-20).

Exodus makes clear the divine origin of the Biblical Law noting that, "God spoke all these words..." (Ex. 20:1).

The law of God was oriented to God. God was emphatic that the law was his revelation of the behavior that his holiness called forth from the people. The Israelites were to be holy as God himself was holy. The holy morality and laws expressed by God were rooted in the morality and character of God himself. God told Israel they were to be,

to me a kingdom of priests and a holy nation (Ex. 19:6).

God himself was the source of holiness and explanation of holiness. As he explained to his priests,

I am the LORD your God. Consecrate yourselves therefore, and be holy, for I am holy.... For I am the LORD who brought you up out of

the land of Egypt to be your God. You shall therefore be holy, for I am holy.” (Lev. 11:44-45).

But it wasn't just the priests who were called to be holy like God. All of Israel was called to be holy. Holiness came from adhering to the Law as God set it out. This Law was God's ethics expressed in that time, place and culture.

Speak to all the congregation of the people of Israel and say to them, You shall be holy, for I the LORD your God am holy.... Consecrate yourselves, therefore, and be holy, for I am the LORD your God.... You shall be holy to me, for I the LORD am holy and have separated you from the peoples, that you should be mine. (Lev. 19:2; 20:7, 26).

The feasts God instructed Israel to observe were God's feasts for God's holy purposes.

Speak to the people of Israel and say to them, These are the appointed feasts of the LORD that you shall proclaim as holy convocations; they are my appointed feasts (Lev. 23:2).

Keeping God's commandments were keeping God's holiness.

So you shall remember and do all my commandments, and be holy to your God (Num. 15:40).

As one reads and understand the Biblical Law as a reflection of God and his character, one must understand it was firmly rooted in the culture of the day, but one shouldn't lose the underlying point: For God's people in that day and location, the Law set out how God's morality was manifested in the life of Israel.

Armed with this premise, one is ready to discourse on various types and aspects of Israel's Biblical Law. The focus rewards one with insights into God himself. In the righteousness shown by the Law, one beholds the face of God!

As for me, I shall behold your face in righteousness (Ps. 17:15).