



THE CODE OF HAMMURABI (Ex. 22:16, 17)

Babylon's king Hammurabi (1792–1750 B.C.) is best known for his law code. The Code of Hammurabi (as it is called) contains 282 laws and has numerous parallels with Scripture. Few of the laws, however, were ever cited in existing Old Babylonian court cases. At any rate, the collection of laws therein is incomplete and ignores many subjects. Hammurabi did not create these laws; rather, they appear to be a collection of diverse traditions.

The format of the Code of Hammurabi shows a similarity with laws in Exodus, Leviticus, and Deuteronomy. Both the Code of Hammurabi and the Covenant Code, found in Ex. 20:22–23:33, have a series of laws structured in an “if . . . then” format. These laws begin with the word “if” introducing a description of a potentially criminal situation. The format continues with the word “then,” offering a description of the penalty. This format or style of law is often called case law since its format describes particular cases or situations.

The “if . . . then” format of the Code of Hammurabi appears frequently in the Covenant Code (with and without the word “then”; Ex. 22:8, 16, 17). The similarities of these two codes (and others) show there was a widespread legal tradition in the 2nd millennium B.C. In fact a number of situations mentioned in the Hammurabi code are virtually duplicated in the Mosaic code, often with different penalties.



Code of Hammurabi (remnant shown) shares numerous parallels with scriptural laws recorded in Exodus, Leviticus, and Deuteronomy.

²⁶“If a man strikes the eye of his male or female servant, and destroys it, he shall let him go free for the sake of his eye. ²⁷And if he knocks out the tooth of his male or female servant, he shall let him go free for the sake of his tooth.

Animal Control Laws

²⁸“If an ox gores a man or a woman to death, then the ox shall surely be stoned, and its flesh shall not be eaten; but the owner of the ox *shall be* acquitted. ²⁹But if the ox tended to thrust with its horn in times past, and it has been made known to his owner, and he has not kept it confined, so that it has killed a man or a woman, the ox shall be stoned and its owner also shall be put to death. ³⁰If there is imposed on him a sum of money, then he shall pay to redeem his life, whatever is imposed on him. ³¹Whether it has gored a son or gored a daughter, according to this judgment it shall be done to him. ³²If the ox gores a male or female servant, he shall give to their master thirty shekels of silver, and the ox shall be stoned.

³³“And if a man opens a pit, or if a man digs a pit and does not cover it, and an ox or a donkey falls in it, ³⁴the owner of the pit shall make *it* good; he shall give money to their owner, but the dead *animal* shall be his.

³⁵“If one man's ox hurts another's, so that it dies, then they shall sell the live ox and divide

the money from it; and the dead *ox* they shall also divide. ³⁶Or if it was known that the ox tended to thrust in time past, and its owner has not kept it confined, he shall surely pay *ox* for *ox*, and the dead animal shall be his own.

Responsibility for Property

22 ¹“If a man steals an ox or a sheep, and slaughters it or sells it, he shall restore five oxen for an ox and four sheep for a sheep. ²If the thief is found breaking in, and he is struck so that he dies, *there shall be* no guilt for his bloodshed. ³If the sun has risen on him, *there shall be* guilt for his bloodshed. He should make full restitution; if he has nothing, then he shall be sold for his theft. ⁴If the theft is certainly found alive in his hand, whether it is an ox or donkey or sheep, he shall restore double.

⁵“If a man causes a field or vineyard to be grazed, and lets loose his animal, and it feeds in another man's field, he shall make restitution from the best of his own field and the best of his own vineyard.

⁶“If fire breaks out and catches in thorns, so that stacked grain, standing grain, or the field is consumed, he who kindled the fire shall surely make restitution.

⁷“If a man delivers to his neighbor money or articles to keep, and it is stolen out of the man's house, if the thief is found, he shall pay double. ⁸If the thief is not found, then the master of the house shall be brought to the judges *to see* whether he has put his hand into his neighbor's goods.

⁹“For any kind of trespass, *whether it concerns* an ox, a donkey, a sheep, or clothing, *or* for any kind of lost thing which *another* claims to be his, the cause of both parties shall come before

Culture & Society

The law that requires a penalty equal to the damage caused by the crime is called *Lex talionis*. This is a Latin term that means “law of retaliation.” The idea is familiar to most people through its expression in the Hebrew Bible (Ex. 21:24). Some ancient codes called for penalties greater than the injury to be repaid.

