

Comparing jewish law and hammurabi code

Law



1) The Babylonian law tried to put a monetary value on different parts of justice, and equate crimes together regardless of intention, leading to the popular saying, “ an eye for an eye”. This view does not work with a large, professional bureaucracy as it would soon leave the leading kingdom bankrupt. The use of volunteers by the state is exemplified by the “ success” of the laws. The leading kingdom believed that laws would be upheld by volunteers, thus preventing anarchy, and establishing rule over the Babylonian people.

Public works were also upheld by the “ volunteers” as they brought forward people to self-declared Babylonian justice. The kingdom trusted them to bring themselves into justice, thus leading to the pivotal role of the “ volunteers”. With the invention of laws, came the power enforcement of the king. The king uses the power of fear to get people to embrace the laws, thus leaving public works behind, in the list of priorities. The state would use the common people for labor, following religion, supporting infrastructure, managing businesses, and controlling the state economic input.

2) Women had rights to guard them from being abused by other men or their husbands. In Babylonian law, husbands were not allowed to cheat on their wives and blame it upon them, and decree the incident their fault.

3) Babylonia had social classes, starting from the top of the social classes consists of free landowning class, which consists of nobles, people of royalty, officials, warriors, commanders, priests, merchants, and some artisans and shopkeepers. Next in the social classes group, are the common people, who usually work as dependent farmers and artisans, whose legal attachment to royal, temple, or private estates made them the primary rural work force in

society. The lowest class in the social hierarchy was the slaves, who were usually prisoners of war, or insolvent debtors. The Jewish law was more lenient on punishments regarding the lower classes, meaning, slaves would be punished equally as members of the free landowning class.

4) Jewish religion had sumptuous, passionate religion that followed strict guidelines “in the name of God” and the Jewish law was seen as originating from Jehovah, the Jewish god. Babylonian religion however, unlike Jewish Law stressed the power mostly on the state, and supported the moral and ethical views of the common people, but not necessarily on the view of God.

5) The source for the Babylonian law in Mesopotamia originated from the views of Hammurabi, a victorious king. The source for the Jewish law mostly came from the Old Testament, especially Exodus, the second book of the Bible; meaning the Jews’ laws were influenced by their religious views concerning moral and ethical interpretations. These differences in the strictness and severity in law being followed between Babylonians and the Jews, made the priests in Mesopotamia not as powerful as the priests that have the power to influence and govern Jewish law.

6) The main similarities between the Babylonian and Jewish laws are that both laws deliver justice when the situation demands it. In Hammurabi’s code, justice is delivered when a man indirectly does something to another man without any malicious intent- followed by Babylonians of Mesopotamia. In Jewish law, justice is delivered only when the man purposely did harm to another man.

7) Both laws of the Jews and the Babylonians differed from modern ideas of law, because instead of doing damage in the same way as it was delivered, such as when a man breaks another man's bone and gets his bone broken, modern ideas of law is that if a man breaks another man's bone, he is either fined, goes to jail, or both. He is not harmed in the same way he delivered the harm. Because the modern society has come to realize that “ an eye for an eye make the world blind” and is an inhumane punishment that includes the casting of harm onto another person.

8) Jewish law centers more on god and religion, and is harsher in comparison to Babylonian law, which centers more on political power and control. Jewish law has harsher laws which make punishments strict especially for women, usually because of religious views and commonly and widely accepted philosophies.