

From Gods revenge to modern jurisprudence

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Abstract

The three main questions asked are; firstly, when was monotheism introduced to the Canaanites in the Levant and how is Jahve significantly different from other deities from the same time. Secondly how did this faith change the society and its moral values. Thirdly which of these changes became permanent? The original tribal society of the Hebrews seems to have adopted the judgment of God in replacement of the old heathen custom of blood feud which causes immense violence between individual clans. They included many examples of how to uphold the justice of God as case-laws in their religious canon, the Old Testament. Later these ideas become common knowledge through the Septuagint in the Hellenistic Judaism and the first Christian societies. It may be said that the biblical thought, especially the ten commandments, contain the basic philosophical principles behind modern jurisprudence which seems to have the Noahide laws as its moral base, even though that is not intentional on part of the lawmakers.

Keywords: *Revenge, monotheism, religion, case-law, state, society*

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I. INTRODUCTION

In religious studies the investigations of the beginning of monotheism follows two main paths. The first is the study of the Old Testament and related scriptures and the second one is archeological, which can look much farther back in time, but does not leave such a clear picture of events as the Bible does. The third path is also possible, but less known, that is the sociological approach; (Esler, 2006).

Monotheism can be traced back 1200 - 1500 years BCE. It originates among the Hebrews, a Semitic nation that lives in the Levant at this time. It is called Canaan in the Bible, the location is modern Palestine, Lebanon, Syria and small parts of Iraq and Jordan. There are very few Semite populations in this area today, the inhabitants are mainly Arabs and the main language is Arabic. In the 20th century however, European Jews moved into the area, reestablished the state of Israel and took up Hebrew, as their official language. It was displaced by Aramaic, probably in the 3rd century CE.

In the following we shall discuss the social changes that came about as consequence of the change from heathendom to monotheism, especially the changes in morale caused by it. Three main questions will be research object of this article.

The first question is when, where and why monotheism comes into being and in what respect Jahve, God Almighty, is different from other Gods worshipped in that era.

The second question is what social changes did occur and how the morale of the society did change when the new religious law was accepted.

The third question is what changes became permanent and did they have an influence on the society we have today.

It is possible that many will think that the answers to these question are obvious, but they are not common research objects. To take an example, many books on ancient law do not mention the religious laws of old, they state that the laws of western nations originates from Roman laws, (Maine and Scala, 2001). A part of the first question is popular as a research object; (Edelman,1996), (Goodman, 1996), (Klinghoffer, 2003) but it is more difficult to find something about the other two.

Antique texts on clay tablets found in cities like Ebla; (Magnusson, 1977) , Mari, Ugarit; (Smith, 2001) and Alalakh, that are older than biblical texts but have strong similarities with them. These societies were polytheistic; (Sommer, 2009). The main deity was the war god El, later Jahve (Yahve, YHWH) comes into the picture about 1100 BCE; (Moor, 1990). The people live on agriculture and cattle farming and kings rule the cities, at least from time to time, and tribal wars are common. The Bible seems to be in agreement with archeology on this.

The Hebrews were a Canaanite nation of 12 tribes, of which Judah appears to be the largest. When the stories begin, these tribes appear to be under the yoke of Philistines as well as fighting among themselves; (Davies and Rogerson, 2005). But then they unite in such a way, that all 12 tribes undergo a common ruling authority of one God, Yahweh. Their united army then defeats the Philistines, subdue what later is called

Palestine and Lebanon, and found the kingdom of Israel. The monotheistic belief has come into being and the united tribes become the nation of Israel; (Moor, 1990): (Noort, Ruiten and Vos, 2009). The narratives in the Bible of the establishment of the State of Israel are far more accurate than analogous accounts of other nations. For a long time, scholars have held the view that the Biblical texts are true and do not expect anything else but archeological research would support the Bible as a historical source. This has also happened to a large extent; (Davies and Rogerson), 2005. In the whole region, especially Palestine south of Lake Gennesaret, there have been enormous archaeological excavations and many incredibly well-preserved artifacts and entire libraries have been found; (Vaughn and Killebrew, 2003). It is possible to say that none of what is found there significantly contradicts the Bible.

In other words, archaeological findings have not caused significant problems in interpreting the Bible. The problem is rather what has not been found. It can be said that nothing has been found that can be confidently associated with the famous kings, Saul, David and Solomon. The Temple of Solomon has been found, but nothing that links Solomon to take an example; (Vaughn and Killebrew, 2003). Then there are no ancient sources about Moses or the life of the Israelites in the wilderness, nor about the bondage of Hebrews in Egypt, but this issue is extensively studied; (Bimson, 1988). Many believe that the monotheism of today's Judaism developed in the heights of Judea in the 13th century BC or so. That being said, it is important to note that it is immaterial to the content of this article whether the stories in Bible are historically accurate or not.

The religious image is much clearer, than the archeological one. The Bible's accounts of Hebrew ancestors give exactly the image of the community and faith of the ancient Israelites that archeologists expect. They are shepherds (Bedouins) who live in tents and are polytheists, all but the ancestor of the nation (Hebrews and indeed Arabs too) Abraham; (Klinghoffer, 2003). It can be understood in the stories of him that the heathen custom of human sacrifices is not far off in his time, both in time and space; (Assmann, J., 2008).

It can be argued that the evolutionary history of Hebrews from a tribal community to a religious state is a logical consequence of their living conditions; (Hillel, 2006), but the fact is that Hebrews adopted monotheism 1000 - 1500 years ahead of their neighbors, (Eliasson and Petursson, 2015)

Religious studies of the Old Testament and related texts are very extensive, both in terms of age, origin, content and interpretation of Biblical texts among modern scholars. Most of this is beyond the scope of this paper, so it is sufficient to take one of these scholars as an example of the conclusion commonly reached on the origin of the Jewish nation and their faith. The longest and most rooted tradition is among the scholars of Judaism. Examples of one of them and what they teach as accepted science is professor Christine Hayes (Professor of Classical Judaism: Classical Judaica) at Yale University. Her teaching material is open online.

Christine Hayes teaches that the Exodus is a collection of excerpts from various other publications, now lost. There the name of God has been written in various ways, but all of them recall the name of El. But to go over this story quickly, Professor Hayes does not teach that monotheistic belief has developed directly from the faith in El. The reason is probably that according to the Biblical history of the creation of the world, Yahve has always been with man since he created Adam and his people has always believed in him. Various movements of orthodoxy still believe this, and there is no special scientific need for uprooting this belief. Here it is supposed that El, or a similar Semitic deity, is the forerunner to Yahve. Studies also indicate that there have been occasional backlashes in the faith of the Hebrews and people have begun to believe in other Semitic gods common in the land of Canaan, such as Bal and the goddess Asherah; (Ide, 1991), but then they turn away from their error, either persuaded or threatened to do so. This is also fully consistent with the Bible; (Rosenbaum and Rosenbaum, 2002).

There is therefore nothing that suggests otherwise, but that the Hebrews shake off the Philistines and create the state of Israeli 1200-1100 for Christ. But this seems to be the only triumph of the Hebrews. After the story of the glorious state of Israel, the history of the Hebrew nation is a story of defeat and suffering under the yoke of neighbors militarily stronger than them. But they never lose their faith completely and return home from thralldom in exile stronger in their belief than before, whenever they become free to do so.

Why the Hebrews, or the Israelites, survive the thralldom better than other peoples, is possibly the strict definition of who is Jewish and who does not. The one is a Jew who is born of a Jewish mother. It is common practice in old societies, that sons of slaves or concubines do not share the rights of freeborn men, they do not inherit their father's wealth or social status. This has been so from the beginning of time. But when the Hebrews themselves are in bondage, and their women are taken as concubines of their masters, their children will be Jews and then the Hebrews increase in number more quickly, than the master race. So, if the Jews have been enslaved as much as the Bible tells us, it explains why the nation did not vanish as many other vanquished nations did. Their culture and the belief in Jahve really did save them, regardless of the historical correctness of the Biblical texts.

The original Israeli kingdom of Saul, David and Solomon, splits in two, Israel and Judea. During the 9th – 8th century BCE the state Israel is constantly under the attack of its stronger neighbors and disintegrates. Judah also suffers foreign occupation from time to time, but survives. The invasion of the Assyrian army into

Canaan in the eighth century BCE starts what history calls the diaspora, the population of the state of Israeli is scattered all over the neighboring countries and this goes on for the next 800 years. At this time, the state is under the domination of the Assyrians, the Persians, the Macedonians and finally Judea comes under the Roman empire. They almost finished the Jewish nation off when they suppress their rebellion in 70 CE with tremendous brutality.

During these 800 years, the Jews scattered and settled in many cities of the eastern Mediterranean, Alexandria and Ephesus are the best known of them. But in Rome itself, there was a large Jewish community. In these communities, Greek was the common language so these populations were known by the common name: Hellenistic Jews or Hellenized Jews. But they lived by Jewish customs, and upheld their faith and the law.

This is examined more closely in the forthcoming discussion that is kept as shorty as possible and only selected individuals out of many fine scholars are cited.

II. COMMUNITIES AND LAWS

The community of nomadic tribes

Before the agricultural revolution, there were unwritten laws in the nomadic community. These laws were very related to the various forces of nature and beliefs in the supernatural, e.g. a curse or a taboo that must not be broken upon penalty of death by the supernatural force; (Assman, J., 1992). But the real right was the right of the strongest and everyone could apply that right if all the social rules of an honest killing were honored. Honest killing was e.g. duel. The system of revenge was honored, especially revenge of the blood for its power of deterrence. This was the only system of jurisprudence.

In such societies there is immense violence. There are studies that suggest that revenge is one of the most common causes of death in primitive societies. There are examples that half of all grown males may have been involved in homicides, one-third of them becoming victims themselves, and two-thirds of all adults have lost close relatives in violent acts; (Chagnon, 1988)

The revenge was really the only system of justice, especially the family's revenge. In fact, there is no doubt that a system of revenge has prevailed among nomads in Judea before the days of monotheism. The Biblical texts bears witness to that. We take Joshua 7:1 as an example:

But the Israelites acted unfaithfully in regard to the devoted things; Achan son of Carmi, the son of Zimri, the son of Zerah, of the tribe of Judah, took some of them. So, the LORD's anger burned against Israel.

Here things devoted to God are taken, a taboo is broken, it is in most religions a mortal sin. It is noteworthy that the text considers not only Achan son of Carmi but also his direct male lineage of four generations. This is called the maximal lineage; (Davies, and Rogerson, 2005). In ancient Hebrew writings this is called the names in the brackets.

- Fathers house [bet av] Carmi
- Family [bayit] Zimri (Zabdai is closer to the Hebrew)
- Clan (Maximal lineage) [mispahah] Zerakites
- Tribe [sevet] Judah

All male descendants of the forefather in maximal lineage have the obligation of revenge towards everyone in the clan. This can make a significant fighting force.

Taking the sanctified things is a crime against the Lord and the Israelites lose their battles, this is very serious, they are in the middle of the war for winning the Promised Land for themselves. Their commander Joshua prostrates himself for the Arch of the Covenant in search of an explanation. The Bible tells how he gets it, Joshua 7:10:

The LORD said to Joshua, "Stand up! What are you doing down on your face? Israel has sinned; they have violated my covenant, which I commanded them to keep. They have taken some of the devoted things; they have stolen, they have lied, they have put them with their own possessions. That is why the Israelites cannot stand against their enemies; they turn their backs and run because they have been made liable to destruction. I will not be with you anymore unless you destroy whatever among you is devoted to destruction. "Go, consecrate the people. Tell them. Consecrate yourselves in preparation for tomorrow; for this is what the LORD, the God of Israel, says: That which is devoted is among you, O Israel. You cannot stand against your enemies until you remove it." In the morning, present yourselves tribe by tribe. The tribe that the LORD takes shall come forward clan by clan; the clan that the LORD takes shall come forward family by family; and the family that the LORD takes shall come forward man by man.

He who is caught with the devoted things shall be destroyed by fire, along with all that belongs to him. He has violated the covenant of the LORD and has done a disgraceful thing in Israel!

Here the judgment of God is fallen with clear orders how it shall be announced to the tribes, clans and families. We can ask why; it is because they have to accept the judgment of God and stay away of avenging themselves. The judgement is actually the revenge of God, they are not to avenge and the respective clans has to accept that in front of all the other clans.

Joshua 7:16:

Early the next morning Joshua had Israel come forward by tribes, and Judah was taken.

The clans of Judah came forward, and he took the Zerahites. He had the clan of the Zerahites come forward by families, and Zimri was taken.

Joshua had his family come forward man by man, and Achan son of Carmi, the son of Zimri, the son of Zerah, of the tribe of Judah, was taken.

Then Joshua said to Achan, "My son, give glory to the LORD, the God of Israel, and give him the praise. Tell me what you have done; do not hide it from me."

Achan replied, "It is true! I have sinned against the LORD, the God of Israel. This is what I have done: When I saw in the plunder a beautiful robe from Babylonia, two hundred shekels of silver and a wedge of gold weighing fifty shekels, I coveted them and took them. They are hidden in the ground inside my tent, with the silver underneath."

So, Joshua sent messengers, and they ran to the tent, and there it was, hidden in his tent, with the silver underneath.

They took the things from the tent, brought them to Joshua and all the Israelites and spread them out before the LORD.

Then Joshua, together with all Israel, took Achan son of Zerah, the silver, the robe, the gold wedge, his sons and daughters, his cattle, donkeys and sheep, his tent and all that he had, to the Valley of Achor.

Joshua said, "Why have you brought this trouble on us? The LORD will bring trouble on you today." Then all Israel stoned him, and after they had stoned the rest, they burned them.

Over Achan they heaped up a large pile of rocks, which remains to this day. Then the LORD turned from his fierce anger. Therefore, that place has been called the Valley of Achor ever since.

This story has two interesting points. First, it shows us the general of the unified army of many tribes, he needs to hold up discipline. Second, he proclaims a judgment in the name of God instead of his own. Achan violates Gods covenant with the nation and he breaks a direct military command. But instead of the usual manner of a heathen tribal society to deal with such incidents, he is judged by God. In this case God's judgment replaces the revenge. If the text is scrutinized it turns out that this section can be used as a legal example (legal source or case-law) on how to handle this kind of crime. This story is a part of a legal system. This story is probably never supposed to be a historical account of what happened. The purpose of this text is to serve as a case-law.

But it can also be seen that Joshua goes further than the Lord dictates, he also burns the children. Why? The reason is obvious, he has previously had everyone with a duty to avenge Achan, or to take revenge on his clan, to accept the judgment of God, but that is not binding for the children, he does not trust that the children will not try to avenge their father at a later date. A hasty revenge on their part could threaten the peace between the tribes. When they are gone, the last individuals to avenge their father's blood are wiped out forever. Joshua is in the middle of a war and he takes no such risks, he enforces the judgement of God, but uses the methods of heathendom. This is likely intentionally written down by the writer of the book of Joshua, there may have been important clans in Joshua's army that were not entirely convinced followers of Jahve. Later on, this is not a problem, e.g. when the reform of Hezekiah is accepted (Table 1), but it is not easy to change the written word in the canon.

Many true Christians are horrified when they read the Biblical texts describing the revenge; (Apressyan, 2009). Some faithful believers see this text as God's universal message; (Donne and Alford 1839), but in discussing them, we must not forget the social circumstances of the people who first received them and what the purpose of delivering this message to these people was.

The religious state

Hebrews 10:30, and Deuteronomy 32:35 says: *The revenge is mine, I will repay.* Psalm 36:7 says: *Your righteousness is like the mighty mountains, your justice like the great deep. O LORD, you preserve both man and beast.* How are these texts compatible? Those who interpret them as describing an avenging God find it very difficult to put these texts together in one reasonable meaning. If they are viewed in the context of a tribal society with a heathen past on the verge of accepting a monotheistic religion, the texts fall into place as the law of a union which may be called the religious state, or the rule of law by God. The revenge is mine, I will repay does not mean that God will take revenge on you for each of your offenses; (Apressyan, 2009), The revenge that you must carry out according to your duties as an avenger, God takes over from you. You, as an individual or a clan, are forbidden to avenge except God allows you to do so. Your righteousness is like the mighty mountains, your justice like the great deep means that God is the supreme judge and everyone has to accept his verdicts. We see a community in which the revenge is replaced by the judgment of God. God takes care of the vengeance; it is taken from you by God. To get rid of the blood revenge this way, should be regarded as a tremendous social

reform, probably the greatest reform ever achieved by mankind. But when God is the supreme judge he has to be alone, he cannot have other Gods interfering in his judgements. Monotheism is born.

In the nomadic society, continual blood revenge prevented the unification of tribes in one nation. The Hebrews were neither the first nor the only ones to understand this, where strong military leaders became kings, they sometimes set laws and took legal actions to keep the revenge of the blood under control. But the legal tradition died with these kings. The Hebrews show us a new force, strong enough to make the reform permanent, the belief in one God, this sets them apart from other nations. To sacrifice the vengeance and be subject to the Lord's ruling and righteousness, the 12 Hebrew tribes of Genesis unite so Joshua wins the holy land relatively easily with the united army. This happens again, 2000 years later, when Mohammed unites the Arabs under this same ruling power of the same God and they win all neighboring countries and North Africa for Islam in a very short time.

The monotheistic religion is followed by the religious courts, later comes the written law, or the law book of the religious state, the holy scripture, or the canon. In such a united religious community, no single tribe or race can leave the union and denounce their obligations to God, it costs war. But the divisive powers are still amongst the people, unification of many tribes into one nation is clearly not done with faith in God alone. The Bible reports on such an event and nothing is left out. The incident is an act of violence against an innocent woman by Benjaminite's in the city of Gibeah. Judges 20:12:

The tribes of Israel sent men throughout the tribe of Benjamin, saying, "What about this awful crime that was committed among you? Now surrender those wicked men of Gibeah so that we may put them to death and purge the evil from Israel." But the Benjaminite's would not listen to their fellow Israelites.

In these days Pinehas, son of Eleazar son of Aron serves as high priest. He leads a united army of all the other tribes against the Benjaminite's, it becomes a long and bloody war, but eventually the Benjaminite's are subdued and brought back into the community. By this act of war, Pinehas introduces the rule, that no tribe has the right to leave the union of the religious state, and become independent again. When this chapter is included in the Bible it becomes a case-law. Abraham Lincoln, president of the United States of America repeats this action in 1861, starting the civil war in the US against the Confederate States, the out breakers from the Union. Did the Bible convince him to do it ? To late to ask that question.

There is more about Israel's juridical system. We have in Numbers 35:9:

Then the LORD said to Moses: "Speak to the Israelites and say to them: 'When you cross the Jordan into Canaan, select some towns to be your cities of refuge, to which a person who has killed someone accidentally may flee. They will be places of refuge from the avenger, so that a person accused of murder may not die before he stands trial before the assembly. These six towns you give will be your cities of refuge. Give three on this side of the Jordan and three in Canaan as cities of refuge. These six towns will be a place of refuge for Israelites, aliens and any other people living among them, so that anyone who has killed another accidentally can flee there. "If a man strikes someone with an iron object so that he dies, he is a murderer; the murderer shall be put to death. Or if anyone has a stone in his hand that could kill, and he strikes someone so that he dies, he is a murderer; the murderer shall be put to death. Or if anyone has a wooden object in his hand that could kill, and he hits someone so that he dies, he is a murderer; the murderer shall be put to death. The avenger of blood shall put the murderer to death; when he meets him, he shall put him to death. If anyone with malice aforethought shoves another or throws something at him intentionally so that he dies or if in hostility he hits him with his fist so that he dies, that person shall be put to death; he is a murderer. The avenger of blood shall put the murderer to death when he meets him. "But if without hostility someone suddenly shoves another or throws something at him unintentionally or, without seeing him, drops a stone on him that could kill him, and he dies, then since he was not his enemy and he did not intend to harm him, the assembly must judge between him and the avenger of blood according to these regulations. The assembly must protect the one accused of murder from the avenger of blood and send him back to the city of refuge to which he fled. He must stay there until the death of the high priest, who was anointed with the holy oil. "But if the accused ever goes outside the limits of the city of refuge to which he has fled and the avenger of blood finds him outside the city, the avenger of blood may kill the accused without being guilty of murder. The accused must stay in his city of refuge until the death of the high priest; only after the death of the high priest may he return to his own property. "These are to be legal requirements for you throughout the generations to come, wherever you live. "Anyone who kills a person is to be put to death as a murderer only on the testimony of witnesses. But no one is to be put to death on the testimony of only one witness. Do not accept a ransom for the life of a murderer, who deserves to die. He must surely be put to death. Do not accept a ransom for anyone who has fled to a city of refuge and so allow him to go back and live on his own land before the death of the high priest. Do not pollute the land where you are. Bloodshed pollutes the land, and atonement cannot be made for the land on which blood has been shed, except by the blood of the one who shed it. Do not defile the land where you live and where I dwell, for I, the LORD, dwell among the Israelites.'

This text may be a bit confusing for the modern person, but from the perspective of the transition from the old system to the reformed one, it is quite clear. In the system of revenge, the avenger was able to kill a murderer and declare himself as avenger. He has fulfilled the obligation of revenge of the blood and is a warrior and a hero. But according to the biblical text, it is forbidden. First there must be a legal ruling, in favor of the avenger. Otherwise, the avenger is a wrongdoer, a criminal.

Six cities of refuge are named and written about them. Deuteronomy 19:11 *However, if someone, hating a neighbor, lies in wait, attacks, and strikes the neighbor dead, and then flees to one of these cities, the elders of the killer's own city shall send and have the killer taken from there, to be handed over to the avenger of blood and slain.* Here the executive power remains in the hands of the same person as in the blood revenge, but the judicial power does not, it is with the religious court. This part of the heathen culture lives on, and this is the reason why the execution of Achans children is told in the book of Joshua.

This practice of religious law seems to be such that these cities of refuge have been the seats of religious courts of justice. They were six at the beginning of the story, but later they increased in number. These cities were sacred sanctuaries and they may be the forerunners to sanctuary of the church, so important in Europe in the Middle Ages. However, the enforcement of punishments was in the hands of victim's clan. Of course, this is an awkward situation that with time has to be taken over by a responsible executive power.

In monarchies the executive power is invested in the king. This is very natural. One of the best-known executions in history is the crucifixion of Christ, Matthew 26:57

Those who had arrested Jesus led him away to Caiaphas the high priest, where the scribes and the elders were assembled. Peter was following him at a distance as far as the high priest's courtyard, and going inside he sat down with the servants to see the outcome. The chief priests and the entire Sanhedrin kept trying to obtain false testimony against Jesus in order to put him to death, but they found none, though many false witnesses came forward. Finally, two came forward who stated, "This man said, I can destroy the temple of God and within three days rebuild it." The high priest rose and addressed him, "Have you no answer? What are these men testifying against you?" But Jesus was silent. Then the high priest said to him, "I order you to tell us under oath before the living God whether you are the Messiah, the Son of God." Jesus said to him in reply, "You have said so. But I tell you: From now on you will see 'the Son of Man seated at the right hand of the Power' and 'coming on the clouds of heaven.' Then the high priest tore his robes and said, "He has blasphemed! What further need have we of witnesses? You have now heard the blasphemy; what is your opinion?" They said in reply, "He deserves to die!"

This is the story how Jesus is arrested and interrogated by a religious jury how finds him guilty of blasphemy, a deadly sin in a religious state. Matthew 27:1: *Early in the morning, all the chief priests and the elders of the people made their plans how to have Jesus executed. So, they bound him, led him away and handed him over to Pilate the governor. Pilate has his doubts about his guilt, but crucifies him never the less.*

Here we are a thousand years ahead, the religious state of Judea is firmly established but under the rule of foreign kings, this time the Romans. At this time the Romans have a powerful king, the emperor of Rome, and a fairly strong legal tradition in various respect, but apply reckless violence in the spirit of revenge. The emperor can bypass the law when he likes, and this time the Jews are allowed to honor their faith, worship Jahve and not the gods of Rome. The governor of Judea does not make an attempt to uphold Roman law, but rather adheres to the rulings of the Judaic courts and enforces them even when he does not find them just. Rome is not risking her good relations with the local elite for the life of a single prophet.

There, the division of power has come about in almost every way as we know it today. The power of the legislature is entirely in the hand of God, and he publishes it through prophets. God is the chief judge and proclaims his judgements through the priests. This of course leaves the problem who is a true prophet and who is not, but that is beyond the scope of this article. God himself is also the supreme holder of executive power, but entrusts this to the king who is supposed to be the protector of the faith.

The religious law

But how is the legal tradition of Judaism? Is it as unique as the religion that is its foundation? When the legal texts are examined closely and the religious content is separated, a legal basis is found, which is largely in the spirit of the law of retaliation (Lex Talionis). The best-known law of this type is the laws of king Hammurabi in Babylon (Code of Hammurabi) from about 1700 BC but the legal tradition of Judaism is not a copy of it.

This law may be called Jewish Talion, it is going to be long lived, the legal practices do change somewhat over the years. Laws of this type are well known under the nickname "eye-for-eye-tooth-for-tooth", this wording occurs both in the Bible and in Hammurabi and beyond. These are laws based on the thesis that penalties should fall on the guilty party. This is also the main principle of blood revenge, so we can ask what is the difference?

The difference is two very important issues. First, punishment under the law of retaliation does not apply except after a previous judgment. Second: Punishment should be imposed on that guilty, this is not a condition in the revenge system, it is the right of the avenger to kill almost anyone close to the guilty party.

It is clear to everyone that killing someone you choose, in a time when you choose, is an impossible system to live with in a community where people live in farmsteads nearby each other, so the need to abolish the blood revenge is obvious, as soon as people start living by farming the land. Therefore, the law (Talion) is spread in communities of farming peoples, see further in Table 1. Hindu and Chinese laws are included in the table without their context and similarity to other laws having been examined, but it is clear that they will be comparable with legal systems of other peasant peoples. The Hellenes and the Romans are rather late, but with them a new chapter opens when these countries adopt Christianity.

Table 1: Main laws of antiquity, with estimated time periods

2000 BCE	Mesopotamia			
	1850 Oldest laws			
	1700 Hammurabi			
1500				
	Hebrews			
	1300 Moses	Hindus		
		1280 Manu		
		Chinese		
1000		1000 Chou Dyna.	Hellenes	
			800 Rhodes	
			621 Draco	
	715 Hezekiah		600 Lycurgus	
500		536 Criminal law	530 Solon	
	440 Nehemiah	400FaJing/Lik'vei		Romans
			399 Socrates	450 12 Tablets
		210 Qin		286 Aquila
	90 Pharisee	206 Han		250 Law schools
1	10 Qumran			50 Cicero

III. RELIGIOUS AND MORAL FOUNDATION OF THE LAW

Covenants of Jahve

From time to time Yahweh makes a covenant with his chosen people, something that other Gods of neighboring countries do not. The covenants are different from other statutory provisions in that they impose direct moral rules on human beings that each one should maintain in his or her daily life. They are therefore merely a moral constitution that other laws must respect and be in agreement with. Here are the most important covenants:

- Covenant with Noah. Genesis 9: 1 - 17. The Lord blesses Noah and his descendants.
- Covenant with Abraham. Genesis 17: 7. *Abraham gets the land of Canaan.*
- Covenant with Isaac. Genesis 17:21. A covenant with Abraham renewed Isaac.
- Covenant with Jacob. Genesis 28:12 - 15. *Jacob's dream, he gets the land.*
- Covenant with Joseph. Genesis 49:22 - 26. Closes the covenants of Abraham, Isaac and Jacob.
- Covenant with Moses. The Ten Commandments, the foundation of Mosaic law
- Covenant with Israel. Deuteronomy 29: 1 - 29 *Reminder and warning*
- Covenant with David. 2 Samuel 7: 1 - 17 The king shall be a descendant of king David.

More covenants are mentioned and more commandments, these are the most significant. The Jewish claim to the Holy Land (Palestine) is still to this day based on the covenants with Abraham, Isaac, Jacob and Joseph. Associated with the covenant with David is the prophecy of the Messiah, this covenant being a significant foundation for Christ to be claimed king of the Jews.

Laws of Noah and Moses

The covenants with Noah and Moses may be considered as the most important in legal terms. There is no dispute that the Mosaic Law is based on the covenant with Moses of which the 10 commandments are a part. But there are also commandments in the covenant with Noah. In Talmud, they are considered the laws of all people and foreigners who hold them are welcomed in the Jewish state and enjoy civil rights there. Today, this block is called Noahide law. It is very interesting to compare them to the 10 commandments.

The upper section of Table 2 is the Noahide Laws. The numbers behind each line refer to the numbered lines in the lower section, to show where the Noahide law and the 10 commandments are in agreement. In a quick look one can see that the Noahide Laws correspond almost completely to the commandments. Of the commandments number one and four are missing in the Noahide law. Foreigners are not obliged to follow them.

Table 2: Comparison of Noahide law and the 10 Commandments

Laws of the descendants of Noah (Talmud) [Laws of all men]
1. You should practice equality and promote justice [5, 9, 10]
2. You shall not worship an idol [1, 2]
3. Thou shalt not blaspheme [3]
4. Do not commit adultery [7]
5. You shall not murder [6]
6. Do not steal [8]
7. But the flesh that is still alive, that is, with blood, ye shall not eat
The 10 commandments (Talmud) [Laws of Judea]
1. I am the Lord your God; you shall have no other gods. [2]
2. Do not worship idols [2]
3. Thou shalt not blaspheme [3]
4. You shall keep the Sabbath holy.
5. You must honor your father and mother [1]
6. You shall not murder [5]
7. Do not commit adultery [4]
8. Do not steal [6]
9. You shall not bear false witness against your neighbor. [1]
10. You shall not covet your neighbor's wife or property [1]

What is particularly interesting about this from the perspective of Western civilization is that the Noahide Law applies to all people, without exception. There is no dispute about this in the Western world, not even to this day. According to the Jerusalem Apostles of old, Christians are to be bound by these laws from around 50 CE. The written law (Torah) in which the Old Testament is the foundation, implements laws based on the 10 commandments. It therefore also becomes the holy scripture of the early Christians, since the New Testament had not come into existence in 50 CE. When the Council of Jerusalem declares in this year that Christians were not obligated to keep all of the Law of Moses, they appear to be denying Pharisaic Judaism as it is in the Talmud rather than Judaism as such. The Talmud is not written law until 200 - 500 CE, it is still a verbal law in Christ's day and there is great controversy about it in that days as one can see in the New Testament. At least Christians deny the circumcision in 50 CE which is obligatory in the Pharisaic Judaism and Rabbinic Judaism as well.

There seems to have been good agreement between the Jews and Christians on all the general ethics as it appears in the Old Testament, except what it gradually ceases to be law and becomes ethics when Christianity takes over. However, some of the Mosaic Laws are causing great controversy even today.

But this controversy does not seem to apply to the Noahide laws. The last general recognition of the Noahide Law, is passed in the US Congress of January 3, 1991.

IV. SPREADING OF BIBLICAL LAW

Septuagint

The knowledge of the laws of Israel spreads slowly to neighboring countries, especially the Hellenic region. Sailing and trade is common in the eastern Mediterranean, first are the Egyptians, then the Phoenicians (who were a Canaanite nation) and lastly the Greeks and the Romans. The first Greek laws are from Rhodes (Table 1) and it must be considered that people there have known of the Hebrew legal tradition, but it is not

known whether people in Rhodes had any intention of learning from it. But from the legal texts one can see, that neither Greek nor Roman law goes against blood feuds and vendettas in the same way as the Mosaic Law. Therefore, it cannot be said that Greek or Roman city states introduced the new ethics of Judah and Israel.

The Greek and Roman legal tradition therefore lacks the firmness and determination the religious power secures. There is little independent judiciary. It exists to a certain degree in the various assemblies of freeborn men that existed in both Greek and Roman states. However, powerful military kings seem to get away with ignoring the legal system easily when they want to, e.g. the Roman emperors proclaimed their own laws (*constituiones*).

Due to the diaspora, a large number of Hebrews settled in the various cities of the Hellenic, Phoenician and Roman worlds. Some believe that a million Jews lived in Alexandria in the third century BC; (Larue, 1968). These are doubtless exaggerations, people have probably found Alexandria to be as large as Rome, but presumably it is not far off to believe that some hundreds of thousands of Jews at least lived outside Judea, and Alexandria was by far their largest settlement.

During the diaspora period, the Jews lose their native Hebrew. Palestine takes up Aramaic but Jews outside Judea use Greek. Then it happens that the large Jewish community in Alexandria agrees to hire a team of 70 scholars to translate the Old Testament into Greek. The work begins in the third century BC and is completed 100 - 200 years later. At the same time, translation into other languages begins, and gradually translating the Old Testament is translated into six languages.

The first translation is called the Septuagint, (Latin phrase: *septuaginta interpretum*, or translation of the seventy interpreters), (Brenton, 1900). It makes the ethics of monotheism accessible and becomes the main canon of Hellenic Judaism. The Septuagint has clearly been invaluable to Judaic congregations in cities such as Alexandria, Ephesus and Rome for maintaining Jewish faith and culture.

With the advent of Christianity there will be a complete break in the development of the law. The evolution of the religion from Judaism to Christianity is much clearer, Christians reject the Pharisees, adopt the humanitarian views of Christ, and open up the religious community to all believers. Matthew 28:19 *Therefore go and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit*. This is totally unacceptable in Judaism. Foreigners cannot be accepted into Judaism and the God given right to the Holy Land, and Jahve has no son. But the Hellenic Judaism, which is landless anyway, takes the teachings of Christ with open arms from his apostles. It has been argued that early Christianity and Hellenic Judaism are almost the same religion; (McGrath, 2009), but there is no reason to uphold this view here.

What follows is the well-known story of the Christian faith, Constantine, Emperor of Rome, stops the persecution of Christians and makes them his allies in 313. Theodosius makes Christianity a state religion in the Roman Empire in 380. The Roman Empire splits in two parts, both states continue as Christians, but the Western Roman State goes bankrupt and disintegrates. But what about the law? There is no immediate change in legal tradition, neither in the time of Constantine nor in the time of Theodosius. Constantine may have wanted to get a lawbook out of the First Council of Nicaea in 325, but what he got was a religious canon, the Bible, which by no means could replace Roman law.

The legal work in the Bible is virtually the unchanged case-laws of Judaism in the Old Testament. Although Christians do not want to undergo Judaism again, the Old Testament (Septuagint) must be included in the Bible, they have lived according to this law. The members of the Nicene Council may have been so preoccupied with religion that they did not remember that judicial power has to work, not just in religious theory, but also in the community they live. This is very understandable indeed, the Roman Empire is in a legal vacuum, Christianity has become a state religion because of people who have lived under Hellenic Judaism. But now the Christian congregations are full of people who know only the one thing about Judaism: That the Jews crucified the Christ they are supposed to believe in.

In the Roman Republic, there was a remarkable legal tradition with civil courts under the direction of a Praetor. This tradition continues into Late Antiquity; (Humfress, 2007). Many honor Greek or Roman law, or what is left of them after the law declared by the various tyrants (*constituiones*). Jews try to uphold their laws and Christians try to establish diocesan courts to resolve their disputes in their own manner. There is legal chaos in the Roman Empire in the early days of Christianity. The later traditions that the same laws must apply to everyone, and verdicts of a judge must be based on a published law, are far away in the future.

Later development

The laws discussed and legal practices associated with them, are very different from the modern legal systems. In today's democratic societies the power is secularized, religious states are rather few. Never has religion had many followers, especially the Abrahamic religions. Modern jurisprudence is to be based on a social agreement on what is right and wrong, just as it was in the old days, but the system supposed to assure this is entirely different.

The development towards modern jurisprudence in Europe commences with Justian I, emperor of the East-Roman Empire, especially his law book *Corpus Juris Civilis*, the first attempt to issue a comprehensive civil law. *Corpus Juris Civilis* breaks the religious tradition, it is more based on Roman law than the Bible. From this book there is a clear path to modern times, it goes through *Corpus Juris Canonici*, the law of the Roman Catholic Church, and the works of various scholars to the European monarchies. The monk St. Thomas Aquinas was a very influential scholar; his main work was *Summa Theologia*. This, and further development is described in (Eliasson and Petursson, 2015) and will not be repeated here.

V. DISCUSSION

Monotheism comes into being when the Hebrews accept to worship Jahve as there one and only God. Jahve is very different from other deities. He is God Almighty, lawgiver, supreme judge, and he leads his chosen people to the promised land. He announces his will and intentions and his covenants with his people through prophets. His priests operate religious courts of law who judge by a law, a Jewish Talion. In the beginning there is no official power that executes the verdicts of the priests, that is left to the clan of the plaintiff, later the king takes over the executive power. The time frame for this change may be estimated 1200 - 600 BCE and the place the Judean heights. The first question in the introduction is thus answered.

The worship of Aton under Ikhnaton pharaoh in Egypt about 1450 BC may be seen as the first attempt to establish monotheism, but it failed, and examination shows that Aton and Jahve have very little in common (Eliasson, 2013).

The answer to the second question is mainly the change that occurs when Talion is introduced. The most important is the change in public morale from the old blood revenge to the acceptance of the law and the rulings of the religious courts. This change does not happen just by announcing the law in public, it takes constant indoctrination over a long time. The priests have their churches, the synagogues, to achieve this. With time, an avenger of the blood who kills in an act of revenge without permission from the court is no longer an acclaimed hero but a wrongdoer himself.

This paves the way to a social order based on canon law, the first and the most important step towards modern society based on written law that mirrors the public morale on what is right or wrong. This happens because the Old Testament becomes a part of the Bible and the Mosaic law thereby influences authorities and scholars in the world that accept the Bible, and the Bible also has some influence outside this world. This answer to the third question may be deducted from previous chapters, further discussion with references to many scholars is in (Eliasson and Petursson, 2015). There are also many other things, the mercy of God and the obligation to forgive in the New Testament and its profound effects on Christian law, but that will not be discussed further.

However, the fight against the blood revenge is far from over. The above mentioned indoctrination in churches has no effect outside the religious communities, so if they have another rules, the old blood revenge is the only possibility in dealings with them. This is the sorry state of things on the international arena today, it may be called a savage custom to send execution parties or drones with bombs to avenge wrongdoings by people of foreign nations, but this is never the less a practice adopted by some leaders. It can also be said, that the fight of the Christian church against the blood revenge was always hampered by the rule set in the feudal society of the middle ages, that nobility did not have to answer to the law set for commoners. Noblemen could duel and kill each other without much interference.

VI. CONCLUSION

It may be concluded that the Hebrews were the first to accept monotheism and they used it to create a social order based on religious law, the Talion, with the main purpose of outlawing the blood revenge and unite the different tribes and clans in a permanent union. This is because the blood revenge only works in a nomadic society where people live far from each other in clans, it does not work in a society where individuals live from farming their land side by side.

The Hebrews successfully establish the union of all tribes, where everyone has to accept the faith in the one God, respect his covenants, his laws and the rulings of his religious courts. In this they practically outlaw blood revenge from their society and replace it with the Jewish Talion. It becomes the task of Christians and Muslims to facilitate similar developments in their societies.

The union has also the benefit of creating a powerful united army. The Hebrew army creates the kingdom of Israel, the Muslim army creates the Islamic Caliphate about 2000 years later. The military strength of a united army makes it possible to prevent the outbreak of individual tribes or clans and maintain the union.

In all this we see that the monotheism is not born as a spiritual movement, but as a powerful force, a religious power that operates according to the canon. In the beginning heathen methods are used to firmly establish the power. The written law comes later and in the beginning of our era, the religious law is firmly

established among the Jews, in spite of foreign occupation. An important part of this law, the Noahide Law, lives on and the consensus in modern society of what is right or wrong, is largely in agreement with this law.

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