

# Code of Hammurabi

(early 18th century B.C.)

## THE STELAE

When Anu the Sublime, King of the Anunaki, and Bel, the lord of Heaven and earth, who decreed the fate of the land, assigned to Marduk, the overruling son of Ea, God of righteousness, dominion over earthly man, and made him great among the Igigi, they called Babylon by his illustrious name, made it great on earth, and founded an everlasting kingdom in it, whose foundations are laid so solidly as those of heaven and earth; then Anu and Bel called by name me, Hammurabi, the exalted prince, who feared God, to bring about the rule of righteousness in the land, to destroy the wicked and the evil-doers; so that the strong should not harm the weak; and enlighten the land, to further the well-being of mankind.

Hammurabi, the prince, called of Bel am I, making riches and increase, enriching Nippur and Dur-ilu beyond compare, sublime patron of E-kur; who reestablished Eridu and purified the worship of Eapsu; who conquered the four quarters of the world, made great the name of Babylon, rejoiced the heart of Marduk, his lord who daily pays his devotions in Saggil; the royal scion whom Sin made; who enriched Ur; the humble, the reverent, who brings wealth to Gish-shir-gal; the white king, heard of Shamash, the mighty, who again laid the foundations of Sippara... the mighty son of Sin-muballit; the royal scion of Eternity; the mighty monarch, the sun of Babylon, whose rays shed light over the land of Sumer and Akkad; the king, obeyed by the four quarters of the world; Beloved of Ninni, am I.

When Marduk sent me to rule over men, to give the protection of right to the land, I did right and righteousness in ..., and brought about the well-being of the oppressed.

## The Code of Laws

2. 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.
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.
6. 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.
7. If any one buy from the son or the slave of another man, without witnesses or a contract, silver or gold, a male or female slave, an ox or a sheep, an ass or anything, or if he take it in charge, he is considered a thief and shall be put to death.
8. If any one steal cattle or sheep, or an ass, or a pig or a goat, if it belong to a god or to the court, the thief shall pay thirty fold therefore; if they belonged to a freed man of the king he shall pay tenfold; if the thief has nothing with which to pay he shall be put to death.
9. If any one lose an article, and find it in the possession of another: if the person in whose possession the thing is found say "A merchant sold it to me, I paid for it before witnesses," and if the owner of the thing say, "I will bring witnesses who know my property," then shall the purchaser bring the merchant who sold it to him, and the witnesses before whom he bought it, and the owner shall bring witnesses who can identify his property. The judge shall examine their testimony -- both of the witnesses before whom the price was paid, and of the witnesses who identify the lost article on oath. The merchant is then proved to be a thief and shall be put to death. The owner of the lost article receives his property, and he who bought it receives the money he paid from the estate of the merchant.
11. If the owner does not bring witnesses to identify the lost article, he is an evil-doer, he has slandered, and shall be put to death.
14. If any one steal the minor son of another, he shall be put to death.
22. If any one is committing a robbery and is caught, then he shall be put to death.
57. If a shepherd, without the permission of the owner of the field, and without the knowledge of the owner of the sheep, lets the sheep into a field to graze, then the owner of the field shall harvest his crop, and the shepherd, who had pastured his flock there without permission of the owner of the field, shall pay to the owner twenty gur of corn for every ten gan.
116. If the prisoner die in prison from blows or maltreatment, the master of the prisoner shall convict the merchant before the judge. If he was a free-born man, the son of the merchant shall be put to death; if it was a slave, he shall pay one-third of a mina of gold, and all that the master of the prisoner gave he shall forfeit.
122. If any one give another silver, gold, or anything else to keep, he shall show everything to some witness, draw up a contract, and then hand it over for safe keeping.
123. If he turn it over for safe keeping without witness or contract, and if he to whom it was given deny it, then he has no legitimate claim.
126. If any one who has not lost his goods state that they have been lost, and make false claims: if he claim his goods and amount of injury before God, even though he has not lost them, he shall be fully compensated for all his loss claimed. (I.e., the oath is all that is needed.)
131. If a man bring a charge against one's wife, but she is not surprised with another man, she must take an oath and then may return to her house.
132. If the "finger is pointed" at a man's wife about another man, but she is not caught sleeping with the other man, she shall jump into the river for her husband.
195. If a son strike his father, his hands shall be hewn off.
196. If a man put out the eye of another man, his eye shall be put out.
197. If he break another man's bone, his bone shall be broken.
198. If he put out the eye of a freed man, or break the bone of a freed man, he shall pay one gold mina.
199. If he put out the eye of a man's slave, or break the bone of a man's slave, he shall pay one-half of its value.
200. If a man knock out the teeth of his equal, his teeth shall be knocked out.
229. If a builder build a house for some one, and does not construct it properly, and the house which he built fall in and kill its owner, then that builder shall be put to death.
230. If it kill the son of the owner the son of that builder shall be put to death.
233. If a builder build a house for some one, even though he has not yet completed it; if then the walls seem toppling, the builder must make the walls solid from his own means.

## Questions for Analysis

### **1) Trial and Judgment**

- a) In some cases guilt or innocence is determined by recourse to divine intervention (laws 2, 131, 132 – the gods determine the verdict), whereas in others it is determined by examination of physical evidence or witnesses (laws 122, 123). What assumption(s) can you make about Mesopotamian society?
- b) If you were to be judged as a suspect in a crime, how would you prefer to be judged? Why?
- c) How does the legal system in the United States today judge those suspected of crimes?

### **2) Social Classes**

- a) Mesopotamian society has been characterized as patriarchal (dominated by male heads of households). Does the evidence in this code tend to support or refute that judgment? (Cite specific examples to answer each part)
- b) What does the code reveal about different social classes in this society? (Cite specific examples to answer each part)
- c) In the United States today, do the laws support different treatment based on social class? Give examples from the Constitution.

### **3) Property**

- a) How does the code protect commerce (trade) and property? (Cite specific examples)
- b) Is property considered important in the United States today? Give examples from the Constitution.

### **4) The General Welfare**

- a) How does Hammurabi seek to provide for the basic welfare of his subjects and to protect them from the effects of crime?
- b) In the United States today, how do the laws help to provide for the general welfare of the citizens? (Give at least 3 examples that you can think of)

### **5) Punishment**

- a) The principle of “an eye for an eye, and a tooth for a tooth” today is usually associated with severe punishments and lack of compassion. Is this idea found in Hammurabi’s Code? (Cite specific examples)
- b) Does this idea exist anywhere or in anyway in law in the United States?