

The Code of Hammurabi

There were many laws created within Mesopotamia but none were as famous as the Judgments of Hammurabi, later known as **The Code of Hammurabi**. It was discovered in 1901 and is believed to have been written in Babylon during the eighteenth century B.C.E. The laws are inscribed on a stone pillar that is over seven feet high and more than six feet in circumference.

The laws of the Mesopotamia region may have been created in Sumer, Babylon, Assyria or other regions but what has been discovered is that there is a common theme to all of these laws. The prologue of Hammurabi's laws declares, "*to promote the welfare of the people, . . . to cause justice to prevail in the land, to destroy the wicked and the evil, that the strong might not oppress the weak.*"

Hammurabi's code is a collection of decisions (*misharum* or equality rulings) that the king made in response to specific cases and perceived injustices. It is a compilation [set] of justices rather than a systematic code but it covers a wide variety of crimes and circumstances. It allows extensive insight into the structure and values of eighteen-century B.C.E. Babylonian society.

Instructions: Read the following excerpts from The Code of Hammurabi and answer the questions that follow on a separate sheet of paper. Use full sentences in your answers.

Prologue

When Marduk (the chief god of Babylon) had instituted me governor of men, to conduct and to direct, Right and Justice I established in the land, for the good of the people

The Administration of Justice

3. If in a lawsuit a man gives damning evidence, and his word that he has spoken is not justified, then, if the suit be a capital one (A case in which death is the penalty), that man shall be slain . . .

5. If a judge has heard a case, and given a decision, and delivered a written verdict, and if afterward his case is disproved, and that judge is convicted as the cause of the misjudgment, then he shall pay twelve times the penalty awarded in that case. In public assembly he shall be thrown from the seat of judgment; he shall not return; and he shall not sit with the judges upon a case . . .

Felons and Victims

22. If a man has perpetrated brigandage (committed a crime), and has been caught, that man shall be slain.

23. If the brigand (thief) has not been taken (captured), the man plundered (victim) shall claim before god (the god of that specific city) what he has lost; and the city and governor whose land and boundary the theft has taken place shall restore to him all that he has lost.

24. If a life, the city and governor shall pay one mina of silver to his people.
(A mina is about 500 grams of silver and to his people means that family of the slain person).

Property

29. If his son is under age, and unable to administer his [deceased} father's affairs, then a third part of the field and garden shall be given to his mother, and his mother shall bring him up

38. A captain, soldier, or official may not give his field, or garden, or house to his wife or his daughter; neither can they be given as payment for debt.

39. He may bequeath (hand down) in writing to his wife or daughter a field, a garden, or a house that he may have bought, and may give it as payment for a debt. . . .

Winesellers and Taverns

110. If a priestess who has not remained in the temple, shall open a wine-shop, or enter a wine-shop for drink, that women shall be burned. . . .

Marriage and the Family

129. If the wife of a man is found lying with another male, they shall be bound and thrown into the water. If the husband lets his wife live, then the king shall let his servant live. . . .

138. If a man has decided to divorce . . . a wife who has presented him with children, then he shall give back to that woman her dowry and he shall give her the use of field, garden, and property, and she shall bring up her children. After she has brought up her children, she shall take a son's portion of all that is given to her children, and she may marry the husband of her heart.

142. If a woman hates her husband and say "You shall not possess me," the reason for her dislike shall be inquired into. If she is careful, and has no fault, but her husband takes himself away and neglects her, then the woman is not to blame. She shall take her dowry and go back to her father's house. . . .

Personal Injury

195. If a son has struck his father, his hands shall be cut off.

196. If a man has destroyed the eye of another free man, his own eye shall be destroyed.

197. If he has broken the bone of a free man, his bone shall be broken

198. If he has destroyed the eye of a peasant, or broken a bone of a peasant, he shall pay one mina of silver.

199. If he has destroyed the eye of a man's slave, or broken a bone of a man's slave, he shall pay half his value.

200. If a man has knocked out the teeth of a man of the same rank, his own teeth shall be knocked out

201. If he has knocked out the teeth of a peasant, he shall pay one-third of a mina of silver.

202. If a man strikes the body of a man who is superior in status, he shall publicly receive sixty lashes with a cowhide whip. . . .

Consumer Protection

215. If a physician has treated a man with a metal knife for a severe wound, and has cured the man, or has opened a man's tumor with a metal knife, and cured a man's eye, then he shall receive ten shekels of silver.

217. If a physician has treated a man with a metal knife for a severe wound, and has caused the man to die, or has opened a man's tumor with a metal knife, and destroyed the man's eye, his hands shall be cut off. . . .

229. If a builder has built a house for a man, and his work is not strong, and if the house he has built falls in and kills the householder, that builder shall be slain.

230. If the child of the householder is killed, the child of that builder shall be slain.

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Name: _____

Instructions: Read the following excerpts from The Code of Hammurabi and answer the questions that follow on a separate sheet of paper. Use full sentences in your answers.

- 1) What happens if a man is guilty of perjury (lying or not telling the truth) during a trial?
- 2) What is the penalty for a judge who does not rule correctly on a law case?
- 3) In the section of **Felons and Victims**, what happens to a man who has committed a crime and has been caught?
- 4) If a crime has taken place and the robber killed a man during the crime, what is the law regarding the dead persons family?
- 5) Did the Code of Hammurabi give rights to women? Explain your answer based on the code.
- 6) How do we know that women in Mesopotamia were allowed high religious status?
- 7) What were the rules for divorce under the Code of Hammurabi?
- 8) Is the Code of Hammurabi fair and just for all men? Explain using specific examples.
- 9) What happens if a son hits his father?
- 10) In your own opinion, should we have laws like the Code of Hammurabi in today's society? Explain your answer