

The Code of Hammurabi (Early Eighteenth Century B.C.)

Read this document and turn in a typewritten answer to the Six C's.

The law code promulgated by King Hammurabi (r. c. 1792—1 750 B.C.) of Babylon elucidates the inner workings of Mesopotamian society, the cradle of the world's first civilization. The copy of the code excerpted here is inscribed on a stone pillar, crowned by a bas-relief depicting the god of justice commissioning Hammurabi to write the laws. This image embodies the Mesopotamian belief that kings were divinely appointed and thereby responsible for imparting justice and promoting their subjects' well-being. As a messenger of the divine will, King Hammurabi influenced both the public and the private lives of his people. As the following selection reveals, he was especially concerned with protecting property rights and the social hierarchy, with slaves at the bottom and free persons at the top. By codifying laws in writing, Hammurabi helped set an enduring precedent in the Western tradition.

Pay particular attention to the laws that are in bold face type (bold face added by Dr. Lukens).

When lofty Anum, king of the Anunnaki, (and) Enlil, lord of heaven and earth, the determiner of the destinies of the land, determined for Marduk, the first-born of Enki, the Enlil functions over all mankind, made him great among the Igigi, called Babylon by its exalted name, made it supreme in the world, established for him in its midst an enduring kingship, whose foundations are as firm as heaven and earth— at that time Anum and Enlil named me to promote the welfare of the people, me, Hammurabi, the devout, god-fearing prince, to cause justice to prevail in the land, to destroy the wicked and the evil, that the strong might not oppress the weak, to rise like the sun over the black-headed (people), and to light up the land.... When Marduk commissioned me to guide the people aright, to direct the land, I established law and justice in the language of the land, thereby promoting the welfare of the people. At that time (I decreed):

THE LAWS

If a seignior [usually an upper class man, but sometimes any free man] accused a(nother) seignior and brought a charge of murder against him, but has not proved it, his accuser shall be put to death.

If a seignior brought a charge of sorcery against a(nother) seignior, but has not proved it, the one against whom the charge of sorcery was brought, upon going to the river,' shall throw himself into the river, and if the river has then overpowered him, his accuser shall take over his estate; if the river has shown that seignior to be innocent and he has accordingly come forth safe, the one who brought the charge of sorcery against him shall be put to death, while the one who threw himself into the river shall take over the estate of his accuser.

If a seignior came forward with false testimony in a case, and has not proved the word which he spoke, if that case was a case involving life, that seignior shall be put to death.

If a seignior has purchased or he received for safe-keeping either silver or gold or a male slave or a female slave or an ox or a sheep or an ass or any sort of thing from the hand of a seignior's son or a seignior's slave without witnesses and contracts, since that seignior is a thief, he shall be put to death.

If a seignior stole either an ox or a sheep or an ass or a pig or a boat, if it belonged to the church (or) if it belonged to the state, he shall make thirtyfold restitution; if it belonged to a private citizen, he shall make good tenfold. If the thief does not have sufficient to make restitution, he shall be put to death....

If a seignior has stolen the young son of a(nother) seignior, he shall be put to death.

If a seignior has helped either a male slave of the state or a female slave of the state or a male slave of a private citizen or a female slave of a private citizen to escape through the city-gate, he shall be put to death.

If a seignior has harbored in his house either a fugitive male or female slave belonging to the state or to a private citizen and has not brought him forth at the summons of the police, that householder shall be put to death.

If a seignior made a breach in a house, they shall put him to death in front of that breach and wall him in.

If a seignior committed robbery and has been caught, that seignior shall be put to death. **If the robber has not been caught**, the robbed seignior shall set forth the particulars regarding his lost property in the presence of god, and **the city and governor**, in whose territory and district the robbery was committed, **shall make good to him his lost property.**

If it was a life (that was lost), the city and governor shall pay one mina' of silver to his people. . . .

If a seignior rented a field for cultivation, but has not produced grain in the field, they shall prove that he did no work on the field and he shall give grain to the owner of the field on the basis of those adjoining it.

If he did not cultivate the field, but has neglected (it), he shall give grain to the owner of the field on the basis of those adjoining it; furthermore, the field which he neglected he shall break up with mattocks, harrow and return to the owner of the field.

If a shepherd has not come to an agreement with the owner of a field to pasture sheep on the grass, but has pastured sheep on the field without the consent of the owner of the field, when the owner of the field harvests his field, the shepherd who pastured the sheep on the field without the consent of the owner of the field shall give in addition twenty *kur* of grain per eighteen *iku* to the owner of the field.

If a merchant lent grain, wool, oil, or any goods at all to a trader to retail, the trader shall write down the value and pay (it) back to the merchant, with the trader obtaining a sealed receipt for the money which he pays to the merchant.

If the trader has been careless and so has not obtained a sealed receipt for the money which he paid to the merchant, the money with no sealed receipt may not be credited to the account.

If a trader borrowed money from a merchant and has then disputed (the fact) with his merchant, that merchant in the presence of god and witnesses shall prove that the trader borrowed the money and the trader shall pay to the merchant threefold the full amount of money that he borrowed.

When a merchant entrusted (something) to a trader and the trader has returned to his merchant whatever the merchant gave him, if the merchant has then disputed with him whatever the trader gave him, that trader shall prove it against the merchant in the presence of god and witnesses and the merchant shall pay to the trader sixfold whatever he received because he had a dispute with his trader.

If a woman wine seller, instead of receiving grain for the price of a drink, has received money by the large weight and so has made the value of the drink less than the value of the grain, they shall prove it against that wine seller' and throw her into the water.

If outlaws have congregated in the establishment of a woman wine seller and she has not arrested those outlaws and did not take them to the palace, that wine seller shall be put to death....

If a seignior pointed the finger at a nun or the wife of a(nother) seignior, but has proved nothing, they shall drag that seignior into the presence of the judges and also cut off half his (hair).

If a seignior acquired a wife, but did not draw up the contracts for her, that woman is no wife.

If the wife of a seignior has been caught while lying with another man, they shall bind them and throw them into the water. If the husband of the woman wishes to spare his wife, then the king in turn may spare his subject.

If a seignior bound the (betrothed) wife of a(nother) seignior, who had had no intercourse with a male and was still living in her father's house, and he has lain in her bosom and they have caught him, that seignior shall be put to death, while that woman shall go free.

If a seignior's wife was accused by her husband, but she was not caught while lying with another man, she shall make affirmation by god and return to her house.

If the finger was pointed at the wife of a seignior because of another man, but she has not been caught while lying with the other man, she shall throw herself into the river for the sake of her husband.

If a seignior was taken captive, but there was sufficient to live on in his house, his wife [shall not leave her house, but she shall take care of her person by not] entering [the house of another].

If that woman did not take care of her person, but has entered the house of another, they shall prove it against that woman and throw her into the water.

If the seignior was taken captive and there was not sufficient to live on in his house, his wife may enter the house of another, with that woman incurring no blame at all.

If, when a seignior was taken captive and there was not sufficient to live on in his house, his wife has then entered the house of another before his (return) and has borne children, (and) later her husband has returned and has reached his city, that woman shall return to her first husband, while the children shall go with their father.

If, when a seignior deserted his city and then ran away, his wife has entered the house of another after his (departure), if that seignior has returned and wishes to take back his wife, the wife of the fugitive shall not return to her husband because he scorned his city and ran away. . . .

If a seignior wishes to divorce his wife who did not bear him children, he shall give her money to the full amount of her marriage-price and he shall also make good to her the dowry which she brought from her father's house and then he may divorce her.

If there was no marriage-price, he shall give her one mina of silver as the divorce-settlement.

If he is a peasant, he shall give her one-third mina of silver.

If a seignior's wife, who was living in the house of the seignior, has made up her mind to leave in order that she may engage in business, thus neglecting her house (and) humiliating her husband, they shall prove it against her; and if her husband has then decided on her divorce, he may divorce her, with nothing to be given her as her divorce-settlement upon her departure. If her husband has not decided on her divorce, her husband may marry another woman, with the former woman living in the house of her husband like a maidservant.

If a woman so hated her husband that she has declared, "You may not have me," her record shall be investigated at her city council, and if she was careful and was not at fault, even though her husband has been going out and disparaging her greatly, that woman, without incurring any blame at all, may take her dowry and go off to her father's house.

If she was not careful, but was a gadabout, thus neglecting her house (and) humiliating her husband, they shall throw that woman into the water....

When a seignior married a woman and a fever has then seized her, if he has made up his mind to marry another, he may marry (her), without divorcing his wife whom the fever seized; she shall live in the house which he built and he shall continue to support her as long as she lives.

If that woman has refused to live in her husband's house, he shall make good her dowry to her which she brought from her father's house and then she may leave.

If a seignior, upon presenting a field, orchard, house, or goods to his wife, left a sealed document with her, her children may not enter a claim against her after (the death of) her husband, since the mother may give her inheritance to that son of hers whom she likes, (but) she may not give (it) to an outsider.

If a seignior's wife has brought about the death of her husband because of another man, they shall impale that woman on stakes....

If, when a seignior acquired a wife, she bore him children and that woman has then gone to (her) fate, her father may not lay claim to her dowry, since her dowry belongs to her children.

If a seignior acquired a wife and that woman has gone to (her) fate without providing him with children, if his father-in-law has then returned to him the marriage-price which that seignior brought to the house of his father-in-law, her husband may not lay claim to the dowry of that woman, since her dowry belongs to her father's house....

If a member of the artisan class took a son as a foster child and has taught him his handi craft, he may never be reclaimed. . . .

If a son has struck his father, they shall cut off his hand.

If a seignior has destroyed the eye of a member of the aristocracy, they shall destroy his eye.

If he has broken a(nother) seignior's bone, they shall break his bone.

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

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

If a seignior has knocked out a tooth of a seignior of his own rank, they shall knock out his tooth.

If he has knocked out a commoner's tooth, he shall pay one-third mina of silver.

If a seignior has struck the cheek of a seignior who is superior to him, he shall be beaten sixty (times) with an oxtail whip in the assembly.

If a member of the aristocracy has struck the cheek of a(nother) member of the aristocracy who is of the same rank as himself, he shall pay one mina of silver.

If a commoner has struck the cheek of a(nother) commoner, he shall pay ten shekels of silver.

If a seignior's slave has struck the cheek of a member of the aristocracy, they shall cut off his ear.

If a seignior has struck a(nother) seignior in a brawl and has inflicted an injury on him, that seignior shall swear, "I did not strike him deliberately"; and he shall also pay for the physician.

If he has died because of his blow, he shall swear (as before), and if it was a member of the aristocracy, he shall pay one-half mina of silver.

If it was a member of the commonalty, he shall pay one-third mina of silver.

If a seignior struck a(nother) seignior's daughter and has caused her to have a miscarriage, he shall pay ten shekels of silver for her fetus.

If that woman has died, they shall put his daughter to death.

If by a blow he has caused a commoner's daughter to have a miscarriage, he shall pay five shekels of silver.

If that woman has died, he shall pay one-half mina of silver.

If he struck a seignior's female slave and has caused her to have a miscarriage, he shall pay two shekels of silver.

If that female slave has died, he shall pay one-third mina of silver. .

If an ox, when it was walking along the street, gored a seignior to death, that case is not subject to claim.

If a seignior's ox was a gorer and his city council made it known to him that it was a gorer, but he did not pad its horns (or) tie up his ox, and that ox gored to death a member of the aristocracy, he shall give one-half mina of silver.

If it was a seignior's slave, he shall give one-third mina of silver.

THE EPILOGUE

The laws of justice, which Hammurabi, the efficient king, set up, and by which he caused the land to take the right way and have good government. I, Hammurabi, the perfect king, was not careless (or) neglectful of the black-headed (people), whom Enlil had presented to me, (and) whose shepherding Marduk had committed to me; I sought out peaceful regions for them; I overcame grievous difficulties; I caused light to rise on them. With the mighty weapon which Zababa and Inanna entrusted to me, with the insight that Enki allotted to me, with the ability that Marduk gave me, I rooted out the enemy above and

below; I made an end of war; I promoted the welfare of the land; I made the peoples rest in friendly habitations; I did not let them have anyone to terrorize them. The great gods called me, so I became the beneficent shepherd whose scepter is righteous; my benign shadow is spread over my city. In my bosom I carried the peoples of the land of Sumer and Akkad; they prospered under my protection; I always governed them in peace; I sheltered them in my wisdom. In order that the strong might not oppress the weak, that justice might be dealt the orphan (and) the widow, in Babylon, the city whose head Anum and Enlil raised aloft, in Esagila, the temple whose foundations stand firm like heaven and earth, I wrote my precious words on my stela, and in the presence of the statue of me, the king of justice, I set (it) up in order to administer the law of the land, to prescribe the ordinances of the land, to give justice to the oppressed.

Ideas to consider when answering the Six C's and studying for exams:

1. **What do the Prologue and Epilogue indicate about the status of Mesopotamian rulers?**
2. **What values or ideals governing the code do you see underlying these excerpts?**
3. **What does the code reveal in particular about women's position in Mesopotamian society? What does it say about social classes?**
4. **Historians traditionally view cities, formal political systems, knowledge of writing, and diverse crafts as defining features of civilization. Which of these features are reflected in the code?**

