

Hammurabi's Code, c. 1800 B.C.E.

King Hammurabi of Babylon conquered the entire area of Mesopotamia (including Sumer) between 1793 and 1750 B.C.E. His law code provides us with a rare insight into the daily life of ancient urban society.

Law codes give us an idea of a people's sense of justice and notions of proper punishment. This selection includes only parts of Hammurabi's Code, so we cannot conclude that if something is not mentioned here it was not a matter of legal concern. We can, however, deduce much about Babylonian society from the laws mentioned in this selection.

What do these laws tell us about class divisions or social distinctions in Babylonian society? What can we learn from these laws about the roles of women and men? Which laws or punishments seem unusual today? What does that difference suggest to you about ancient Babylon compared to modern society?

THINKING HISTORICALLY

As a primary source, law codes are extremely useful. They zero in on a society's main concerns, revealing minutiae of daily life in great detail. But, for a number of reasons, law codes cannot be viewed as a precise reflection of society.

We cannot assume, for instance, that all of Hammurabi's laws were strictly followed or enforced, anymore than we can assume that for our own society. If there was a law against something, we can safely assume that some people obeyed it and some people did not. (That is, if no one engaged in the behavior, there would be no need for the law.) Therefore, law codes suggest a broad range of behaviors in a society.

While laws tell us something about the concerns of the society that produces them, we cannot presume that all members of society

share the same concerns. Recall that, especially in ancient society, laws were written by the literate, powerful few. What evidence do you see of the upper-class composition of Babylonian law in this code?

Finally, if an ancient law seems similar to our own, we cannot assume that the law reflects motives, intents, or goals similar to our own laws. Laws must be considered within the context of the society in which they were created. Notice, for instance, the laws in Hammurabi's Code that may seem, by our standards, intended to protect women. On closer examination, what appears to be their goal?

Property and Theft¹

6. If a man steals valuables belonging to the god or to the palace, that man shall be killed, and also he who receives the stolen goods from him shall be killed.

8. If a man steals an ox, a sheep, a donkey, a pig, or a boat — if it belongs either to the god or to the palace, he shall give thirtyfold; if it belongs to a commoner, he shall replace it tenfold; if the thief does not have anything to give, he shall be killed.

14. If a man should kidnap the young child of another man, he shall be killed.

15. If a man should enable a palace slave, a palace slave woman, a commoner's slave, or a commoner's slave woman to leave through the main city-gate, he shall be killed.

17. If a man seizes a fugitive slave or a slave woman in the open country and leads him back to his owner, the slave owner shall give him 2 shekels of silver.

21. If a man breaks into a house, they shall kill him and hang him in front of that very breach.

22. If a man commits a robbery and is then seized, that man shall be killed.

24. If a life (is lost during the robbery), the city and the governor shall weigh and deliver to his kinsmen 60 shekels of silver.

Economics and Contracts

48. If a man has a debt lodged against him, and the storm god Adad devastates his field or a flood sweeps away his crops, or there is no grain grown in the field due to insufficient water — in that year he will not

¹ Topical headings added by the editor of this volume are in neither the original nor translated source. [Ed.]

repay grain to his creditor; he shall suspend performance of his contract and he will not give interest payments for that year.

53. If a man neglects to reinforce the embankment of (the irrigation canal of) his field and does not reinforce its embankment and allows the water to carry away the common irrigated area, the man in whose embankment the breach opened shall replace the grain whose loss he caused.

59. If a man cuts down a tree in another man's date orchard without the permission of the owner of the orchard, he shall weigh and deliver 30 shekels of silver.

117. If an obligation is outstanding against a man and he sells or gives into debt service his wife, his son, or his daughter, they shall perform service in the house of their buyer of the one who holds them in debt service for three years; their release shall be secured in the fourth year.

Family and Marriage

128. If a man marries a wife but does not draw up a formal contract for her, that woman is not a wife.

129. If a man's wife should be seized lying with another male, they shall bind them and cast them into the water; if the wife's master allows his wife to live, then the king shall allow his subject (i.e., the other male) to live.

130. If a man pins down another man's virgin wife who is still residing in her father's house, and they seize him lying with her, that man shall be killed; that woman shall be released.

142. If a woman repudiates her husband, and declares, "You will not have marital relations with me"—her circumstances shall be investigated by the authorities of her city quarter, and if she is circumspect and without fault, but her husband is wayward and disparages her greatly, that woman will not be subject to any penalty; she shall take her dowry and she shall depart for her father's house.

143. If she is not circumspect but is wayward, squanders her household possessions, and disparages her husband, they shall cast that woman into the water.

155. If a man selects a bride for his son and his son carnally knows her, after which he himself then lies with her and they seize him in the act, they shall bind that man and cast him into the water.

156. If a man selects a bride for his son and his son does not yet carnally know her, he shall weigh and deliver to her 30 shekels of silver; moreover, he shall restore to her whatever she brought from her father's house, and a husband of her choice shall marry her.

Assault and Personal Injury

195. If a child should strike his father, they shall cut off his hand.

196. If an *awīlu* [highest class] should blind the eye of another *awīlu*, they shall blind his eye.

197. If he should break the bone of another *awīlu*, they shall break his bone.

198. If he should blind the eye of a commoner or break the bone of a commoner, he shall weigh and deliver 60 shekels of silver.

199. If he should blind the eye of an *awīlu*'s slave or break the bone of an *awīlu*'s slave, he shall weigh and deliver one half of his value (in silver).

200. If an *awīlu* should knock out the tooth of another *awīlu* of his own rank, they shall knock out his tooth.

201. If he should knock out the tooth of a commoner, he shall weigh and deliver 20 shekels of silver.

202. If an *awīlu* should strike the cheek of an *awīlu* who is of status higher than his own, he shall be flogged in the public assembly with 60 stripes of an ox whip.

Responsibility and Liability

229. If a builder constructs a house for a man but does not make his work sound, and the house that he constructs collapses and causes the death of the householder, that builder shall be killed.

230. If it should cause the death of a son of the householder, they shall kill a son of that builder.

231. If it should cause the death of a slave of the householder, he shall give to the householder a slave of comparable value for the slave.

232. If it should cause the loss of property, he shall replace anything that is lost; moreover, because he did not make sound the house which he constructed and it collapsed, he shall construct (anew) the house which collapsed at his own expense.

251. If a man's ox is a known gorer, and the authorities of his city quarter notify him that it is a known gorer, but he does not blunt its horns or control his ox, and that ox gores to death a member of the *awīlu* class, he (the owner) shall give 30 shekels of silver.

252. If it is a man's slave (who is fatally gored), he shall give 20 shekels of silver.