

Hammurabi's Code

Hammurabi was a king of Babylonia in southern Mesopotamia and probably ruled for about 40 years, beginning in 1792 B.C. Babylon was but one of several kingdoms in Mesopotamia, but when Hammurabi was king, he conquered the leaders of the other kingdoms and created an enlarged Mesopotamian state. Hammurabi was not only an excellent military leader, he was a skilled administrator as well. His crowning achievement was a code of laws he had drawn up. This code is known as Hammurabi's Code. These laws were taken, for the most part, from the written laws developed by the Sumerians and covered every aspect of Babylonian life. Hammurabi's Code, however, had an additional element - revenge.

In Sumer, the punishment for crimes was usually a fine. Hammurabi's Code added the ancient custom of "an eye for an eye, and a tooth for a tooth." In other words, if you do something bad to a person, the court will retaliate and do the same thing to you.

Like the Sumerians, however, a person's punishment depended on who was wronged. For example, if a man put out the eye of another man, his eye would be put out. But if he put out the eye of a freed man (a former slave), he would pay one gold mina. If he put out the eye of a man's slave, then he would have to pay one-half of the slave's value.

Here are just some of the laws and principles set forth in Hammurabi's Code.



1. In some cases, Hammurabi's Code relied on the River-God to judge a case.

For example, if a person accused another of a crime against him, the accused could go to the river and jump in. If he drowned, the person who accused him of the crime took possession of his house. However, if he didn't drown, it meant the River-God had decided he was innocent. The person who brought the accusation was then put to death, and the one who leaped into the river took possession of the house that had belonged to his accuser.

2. The Code had specific penalties for professional men who made mistakes:

- a. **Judges:** If a judge reached a decision in a case, and later error appeared in his decision, and it was through his own fault, then he would pay twelve times the fine set by him in the case, and be publicly removed from the judge's bench.
- b. **Physicians:** If a physician killed a patient or cut out a patient's eye when trying to remove a tumor, the physician would have his hands cut off.
- c. **Builders:** If a builder built a house for someone, and did not construct it properly, and the house fell down and killed its owner, then that builder was put to death. If it killed the son of the owner, the son of that builder was put to death.

3. A person could be put to death for stealing from a temple, receiving stolen goods from a temple, stealing the minor son of another, keeping a runaway slave and not returning him to his owner, and breaking into a house and stealing.

4. If anyone is committing a robbery and is caught, he shall be put to death. If the robber is not caught, then shall he who was robbed claim under oath the amount of his loss and the community shall compensate him for the goods.

5. Here is what the Code says about divorce and separation.

- A. If a man's wife became sick and he wanted to take a second wife, he couldn't divorce his sick wife. He had to keep her and support her as long as she lived.
- B. If a man wished to divorce his wife, he had to give back her dowry and give her the use of part of his field for farming, part of his garden, and part of his property so that she could provide for her children. When the children were grown, a portion equal to that which was given to the children was given to her. She could then marry any man she chose.
- C. If a man wished to divorce his wife and they had no children, he had to return the purchase money and dowry and release her. If there was no purchase price, he had to give her one mina of gold as a gift.
- D. If a woman who wished to leave her husband plunged him into debt, tried to ruin her house, or neglected her husband, she could be taken to court, and, if convicted, her husband could release her and give her nothing. If her husband did not wish to release her, he could take another wife, and the first wife was required to remain a servant in her husband's house.

6. Much of the Code dealt with revenge. Here are some examples.

If a man destroyed the eye of another, his own eye would be destroyed. If a man broke the bone of another, his bone would be broken. If a man knocked out the teeth of another, his teeth would be knocked out.

7. Here are some other unusual laws from the Code.

- A. If anyone failed to meet a claim for debt, and sold himself, his wife, his son, and daughter for money or gave them to forced labor: they shall work for three years in the house of the man who bought them, and the fourth year be free.
- B. If conspirators (people planning something bad) met in the house of a tavern-keeper and were not captured and delivered to the court, the tavern-keeper was put to death.
- C. If fire broke out in a house and someone who helped put out the fire stole something from the house, he was thrown into a fire.
- D. If a son hit his father, his hands would be cut off.
- E. If a man struck a free-born woman so that she lost her unborn child, he shall pay ten shekels for her loss. If the woman dies, his daughter shall be put to death.
- F. If a man was taken prisoner in war, and his wife left their house and went to another house, she was condemned and thrown into the river.

Answer the following questions regarding Hammurabi's Code

2) Do you think these were fair and just punishments? Explain.

3) Were these punishments too harsh? Explain your answer.

4) What were the Sumerians trying to accomplish with this law? Would it work today?

5a) Which divorce law seemed the fairest? Why?

5b) Which divorce law seemed the least fair? Why?

6) Do you think these punishments were fair? Would they work today? Why?

7) Which of these laws is the best? Which is the worst? Why?

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