

FROM THE LAWS OF HAMMURABI, CA. 1772 BCE

This law code, assembled by King Hammurabi of Babylon, consists of almost three hundred laws and accompanying punishments. It is recorded in the Akkadian language in cuneiform on several tablets (one of which is on display at the Louvre Museum in Paris). Although the most famous of these laws-"An eye for an eye, a tooth for a tooth"-deals with responses to harmful acts, many of the laws deal with economic peace, such as proper payment of wages, or social peace, such as the framework for divorce.

When the lofty Anu, king of the Anunnaki gods, and Enlil, lord of heaven and earth, he who determines the destiny of the land, committed the rule of all mankind to Marduk, the chief son of Ea; when they made him great among the Igigi gods; when they pronounced the lofty name of Bab-ylon; when they made it famous among the quarters of the world and in its midst established an everlasting kingdom whose foundations were firm as heaven and earth at that time, Anu and Enlil named me, Hammurabi, the exalted prince, the worshipper of the gods, to cause justice to prevail in the land, to destroy the wicked and the evil, to prevent the strong from oppressing the weak, to go forth like the sun over the black-headed people, to enlighten the land and to further the welfare of the people.

Hammurabi, the shepherd named by Enlil, am I, who brought about plenty and abundance; obedient to the mighty Shamash; rebuilt Ebabbar for Shamash, his helper; the powerful king, the sun of Babylon, who caused light to go forth over the lands of Sumer and Akkad; the king who caused the four quarters of the world to render obedience; the favorite of Ishtar.

When Marduk sent me to rule the people and to bring help to the country, I established the law and justice in the language of the land and promoted the welfare of the people. At that time (I decreed):

THE ADMINISTRATION OF JUSTICE

1. If a man accuses a man and charges him with murder but cannot convict him, the accuser shall be put to death.....
3. If a man in a case before the court offers testimony concerning deeds of violence and does not establish the testimony that he has given that the case is involved, the man shall be put to death.
4. If he offers testimony concerning grain or money, he shall himself bear the penalty imposed in that case.
5. If a judge pronounces a judgment, renders a decision, delivers a sealed verdict, and afterward reverses his judgment, they shall prosecute the judge for reversing the judgment he has pronounced, and he shall pay twelvefold the damages awarded in said judgment; and publicly they shall expel him from his seat of judgment, and he shall not return, and with the judges in a case he shall not take his seat.

PROPERTY

9. If a man who has lost anything that which was lost in the hand of another man, and the man in whose hand the lost property is found says, "A man sold it to me, I purchased it in the presence of witnesses"; and the owner of the lost property says, "I will bring witnesses who know the lost property"; if the purchaser produce the seller who has sold it to him and the witnesses in whose presence he purchases it, and the owner of the lost property produce witnesses who know his lost property, the judges shall look into their matters. The witnesses in whose presence the purchase was made and the witnesses who know the lost property shall declare what they know in the

presence of god. The seller shall be put to death as a thief; the owner of the lost property shall receive his lost property; the purchases shall take from the estate of the seller the money which he paid out.

10. If the alleged purchases do not produce the seller who sold it to him and the witnesses in whose presence he purchased it, and if the owner of the lost property produces witnesses who know the lost property, the purchaser is a thief, he shall be put to death; the owner of the lost property shall receive his lost property.

11. If the alleged owner of the lost property does not produce witnesses who know his lost property, he is a mischief-maker; he has stirred up strife, and he shall be put to death.

22. If a man practices brigandage and is captured, that man shall be put to death.

23. If the brigand is not captured, the man who has been robbed shall establish the amount of his loss before the god, and the governor, in whose land or border the robbery was committed, shall compensate him for whatever was lost.

24. If a life is lost, the city and governor shall pay one-tenth of silver to his heirs.

IRRIGATION

53. If a man neglects to strengthen his dike and does not strengthen his dike, and a break is made in his dike, and he lets the water carry away farmland, then the man in whose dike the break has been made shall restore the grain which he has damaged.

54. If he is not able to restore the grain, they will set him and his goods free, and the farmers whose grain the water has carried away will divide the results of the sale.

55. If a man opens his canal for irrigation and neglects it, letting the water carry away an adjacent field, he shall measure out the grain based on the adjacent fields.

56. If a man opens the water and lets the water carry away the preparations of an adjacent field, he shall measure out ten kor of grain for each gan [of damaged land].

HOUSE RENTAL

78. If a man who is a tenant has paid the full amount of money for his rent for the year to the owner of the house, and the owner says to him before his days are full, "Vacate," the owner of the house, because he made the tenant move out of his house before his days were full, shall lose the money which the tenant paid him

CAPITAL AND INTEREST

86. If a merchant put out grain at interest, for one kor, he shall receive one hundred sila of grain as interest [i.e., 20 percent].

87. If he puts money out at interest, for one shekel of silver, he shall receive one-fifth of a shekel, and he shall lose whatever he puts out at interest.

93. If a merchant puts out grain or silver at interest, and when he puts it out at interest, he gives silver by the small stone and grain by the small mea-sure, but when he receives it back, he receives silver by the large stone and grain by the large measure, that man shall lose whatever he put out.

REGULATION OF TRADE

104. If a merchant gives an agent grain, wool, oil, or goods of any kind with which to trade, the agent shall write down the money received and return it to the merchant. The agent shall take a sealed receipt for the money which he gives to the merchant.

105. If the agent is careless and does not take a receipt for the money he has given to the merchant, the money not receipted shall not be placed in his account.

108. If a barmaid does not take grain in payment for drink but takes money by the great stone or makes the measure of drink smaller than the measure of grain, they shall prosecute that barmaid and throw her into the water.

109. If outlaws hatch a conspiracy in the house of a wine seller, and she does not arrest these outlaws and bring them to the palace, that wine seller shall be put to death.

110. If a priestess or a nun who is not resident in a convent opens a wineshop or enters a wineshop for a drink, they shall burn that woman.

DEBT SLAVERY

117. If an obligation of a man matures and he gives his wife, his son, or his daughter, or binds them over to service, for three years, they shall work in the house of their purchaser or master; in the fourth year, their freedom shall be given to them.

118. If he binds over to service a male or female slave, and if the merchant transfers or sells such a slave, there is no ground for a suit...

MARRIAGE AND THE FAMILY

128. If a man takes a wife and does not draw up a contract with her, that woman is not a wife.

129. If the wife of a man is taken in lying with another man, they shall bind them and throw them into the water. If the husband of the woman spares the life of his wife, the king [also] shall spare the life of his servant...

136. If a man deserts his city and runs away, and afterward, his wife enters another house, if that man returns and seizes his wife because he hates his city and flees, the wife of the fugitive shall not return to her husband...

138. If a man put away his wife who has not borne him children, he shall give her money to the amount of her marriage settlement, and he shall make good to her dowry, which she brought from her father's house, and then he may put her away...

141. If the wife of a man who is living in his house set her face to go out, playing the fool, ruining her house, and belittling her husband, they shall convict her; if her husband announces her divorce, he may put her away. For her journey home, no alimony shall be given to her. If her husband does not announce her divorce, her husband may take another woman. That woman [the first wife] shall dwell in the house of her husband as a maidservant.

142. If a woman hates her husband and says, "Thou shalt not have me," her past shall be inquired into for any deficiency of hers, and if she has been careful and is without past sin and her husband has been going out and greatly belittling her, that woman has no blame. She shall take her dowry and go to her father's house.

143. If she has not been careful, has been going out, ruining her house, and belittles her husband, they shall throw that woman into the water.
145. If a man takes a wife and she does not present him with children, and he sets his face to take a concubine, that man may take a concubine and bring her into his house. That concubine shall not take precedence over his wife.
146. If a man takes a wife and she gives a maidservant to her husband and she bears children and afterward that maidservant would take precedence of her mistress; because she has borne children, her mistress may not sell her for money, but she may reduce her to bondage and count her among the maidservants
150. If a man makes his wife a present of a field, garden, house, and goods and delivers to her a sealed deed after the death of her husband, her children may not make any claim against her. The mother, after her death, may give them to her child whom she loves, but to a brother she may not give them...
159. If a man who has brought a present to the house of his [prospective] father-in-law and has given the marriage settlement looks with longing upon another woman and says to his father-in-law, "I will not take thy daughter," the father of the daughter shall take to himself whatever was brought to him.
160. If a man brings a present to the house of his [prospective] father-in-law and gives a marriage settlement and the father of the daughter says, "I will not give thee my daughter," he the father-in-law shall double everything which was brought to him and return it.
162. If a man takes a wife and she bears him children and that woman dies, her father may not lay claim to her dowry. Her dowry belongs to the children...
165. If a man makes a present of field, garden, and house to his son who is first in his eyes and writes for him a sealed deed, after the father dies, when the brothers divide, he shall take the present which the father gave him, and over and above they shall divide the goods of the father's house equally...
168. If a man set his face to disinherit his son and says to the judges, "I will disinherit my son," the judges shall inquire into his past, and if the son has not committed a crime sufficiently grave to cut him off from sonship, the father may not cut off his son from sonship
170. If a man's wife bears him children and his maid-servant bears him children, and the father during his lifetime says to the children which the maid-servant bore him, "My children," and reckons them with the children of his wife, after the father dies, the children of the wife and the children of the maidservant shall divide the goods of the father's house equally. The child of the wife shall have the right of choice at the division.

ADOPTION

185. If a man, with his father's consent, takes a young child for sonship and rears him, one may not bring a claim for that adopted son...
191. If a man who has taken a young child for sonship and reared him establishes a house and later has children, if he sets his face to cut off the adopted son, that son shall not go away empty.

The father who reared him shall give to him of his goods one-third the portion of a son, and then he shall go. He need not give him of field, garden, or house.

PERSONAL INJURY AND MANSLAUGHTER

195. If a man strikes his father, they shall cut off his hand.

196. If a man destroys the eye of another man, they shall destroy his eye.

197. If he breaks a man's bone, they shall break his bone.

198. If he destroys the eye of a common man or breaks the bone of a common man, he shall pay one mina of silver.

199. If he destroys the eye of a man's slave or breaks the bone of a man's slave, he shall pay one-half his price...

206. If a man strikes another man in a quarrel and wounds him, that man shall swear, "I did not strike him intentionally," and he shall be re-sponsible for the physician.

207. If he dies as a result of the blow, he shall swear as above, and if it were the son of a gentleman, he shall pay one-third mina of silver. ...

PHYSICIAN'S FEES

215. If a physician makes a deep incision upon a man with his bronze lancet and saves the man's life, or if he operates on the eye socket of a man with his bronze lancet and saves that man's eye, he shall receive ten shekels of silver.

216. If it were a common man, he shall receive five shekels.

217. If it were a man's slave, the owner of the slave shall give two shekels of silver to the physician.

218. If a physician makes a deep incision upon a man with his bronze lancet and causes the man's death, or operates on the eye socket of a man with his bronze lancet and destroys the man's eye, they shall cut off his hand...

221. If a physician sets a broken bone for a man or cures a sprained tendon, the patient shall give five shekels of silver to the physician.

222. If it were a common man, he shall give three shekels of silver.

223. If it were a man's slave, the owner of the slave shall give two shekels of silver to the physician...

228. If a builder erects a house for a man and completes it, he shall give him two shekels of silver per sar of the house as his wage.

229. If a builder erects a house for a man and does not make its construction firm, and the house he built collapses and causes the death of the owner, that builder shall be put to death.

233. If a builder erects a house for a man and does not surround it with walls of proper construction, and a wall falls in, that builder shall strengthen that wall at his own expense.

EPILOGUE

The righteous laws that Hammurabi, the wise king, established and by which he gave the land stable support and good government. Hammurabi, the perfect king, am I. I was not careless, nor was I neglectful of the black-headed people, whose rule Enlil presented and Marduk delivered to me.

The great gods proclaimed me, and I am the guardian shepherd whose scepter is righteous and whose beneficent shadow is spread over my city. In my bosom, I carried the people of the land of Sumer and Akkad; under my protection, I brought their brethren into security; in my wisdom, I sheltered them.

That the strong might not oppress the weak, and that they should give justice to the orphan and the widow, in Babylon, the city whose turrets Anu and Enlil raised, in Esagila, the temple whose foundations are firm as heaven and earth, for the pronouncing of judgments in the land, for the rendering of decisions for the land, and to give justice to the oppressed, thy weighty words I have written upon my monument, and in the presence of my image as king of righteousness have I established it.

The king who is preeminent among kings am I. My words are precious; my wisdom is unrivaled. By the command of Shamash, the great judge of heaven and earth, may I make righteousness to shine forth on the land. By the order of Marduk, my lord, may no one efface my statues, may my name be remembered with favor in Esagila forever.

Let any oppressed man who has a cause come before my image as king of justice! Let him read the inscription on my monument! Let him give heed to my weighty words! May my monument enlighten him on his cause, and may he understand his case! May he set his heart at ease! (and he will exclaim): "Ham-murabi indeed is a ruler who is like a real father to his people; he has given reverence to the words of Marduk, his lord; he has obtained victory for Marduk in north and south; he has made glad the heart of Marduk, his lord; he has established prosperity for the people for all time and given good government to the land..."

In the days that are yet to come, for all future time, may the king who is in the land observe the words of justice which I have written upon my monument! May he not alter the judgments of the land which I have pronounced or the decisions of the country which I have rendered! May he not efface my statues! If that man has wisdom, if he wishes to give his land good government, let him give attention to the words which I have written upon my monument! And may this monument enlighten him as to procedure and administration, the judgments which I have pronounced, and the decisions which I have rendered for the land! And let him rightly rule his black-headed people; let him pronounce judgments for them and render for them decisions! Let him root out the wicked and the evil from his land! Let him promote the welfare of his people!

Hammurabi, the king of justice, to whom Shamash has committed truth, am I. My words are weighty; my deeds are unrivaled; only to the fool are they vain; to the wise they are worthy of every praise.

STUDY QUESTIONS

1. How, specifically, is Hammurabi proclaiming himself an agent of divine power, especially at the document's beginning and conclusion?
2. What does the document suggest about the relative status of women in Babylonian society at this period?
3. When are financial and capital punishments applied in the code, and is there a consistent principle at work here?