

from the
CODE OF HAMMURABI
about 1750 B.C.

Hammurabi ruled the Babylonian Empire for 42 years. At the end of his long reign, Hammurabi's legal decisions were collected and inscribed on a stone tablet in a Babylonian temple. The 282 laws of the Code of Hammurabi represent the earliest known legal system. The laws governed such things as lying, stealing, assault, debt, business partnerships, marriage, and divorce. In seeking protection for all members of Babylonian society, Hammurabi relied on the philosophy of equal retaliation, otherwise known as "an eye for an eye."

THINK THROUGH HISTORY: Identifying Problems

Although the Code of Hammurabi is considered humane for the time in which it was written, it also reflects the inequality of Babylonian society. Give an example of the inequality in the Code of Hammurabi.

The Prologue

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. . . .

The Laws

- 3: If a man 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 man shall be put to death.
- 6: If a man stole the property of church or state, that man shall be put to death; also the one who received the stolen goods from his hand shall be put to death.
- 15: If a man 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.

- 22: If a man committed robbery and has been caught, that man shall be put to death.
- 23: If the robber has not been caught, the robbed man 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.
- 55: If a man, upon opening his canal for irrigation, became so lazy that he has let the water ravage a field adjoining his, he shall measure out grain on the basis of those adjoining his.
- 59: If a man cut down a tree in (another) man's orchard without the consent of the owner of the orchard, he shall pay one-half mina of silver.¹
- 98: If a man gave money to (another) man for a partnership, they shall divide equally in the presence of god the profit or loss which was incurred.
- 109: 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.
- 122: If a man wishes to give silver, gold, or any sort of thing to (another) man for safekeeping, he shall show to witnesses the full amount that he wishes to give, arrange the contracts, and then commit (it) to safekeeping.
- 123: If he gave (it) for safekeeping without witnesses and contracts and they have denied (its receipt) to him at the place where he made the deposit, that case is not subject to claim.
- 143: If a woman was not careful, but was a gadabout, thus neglecting her house (and) humiliating her husband, they shall throw that woman into the water.
- 162: If, when a man 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.
- 175: If either a palace slave or a private citizen's slave married the daughter of a man and she has borne children, the owner of the slave may not lay claim to the children of the man's daughter for service.
- 202: If a man has struck the cheek of a man who is superior to him, he shall be beaten sixty (times) with an oxtail whip in the assembly.
- 203: If a member of the aristocracy has struck the cheek of (another) member of the aristocracy who is of the same rank as himself, he shall pay one mina of silver.
- 204: If a commoner has struck the cheek of (another) commoner, he shall pay ten shekels of silver.
- 205: If a man's slave has struck the cheek of a member of the aristocracy, they shall cut off his ear.
- 215: If a physician performed a major operation on a man with a bronze lancet and has saved the man's life, or he opened up the eye-socket of a man with a bronze lancet and has saved the man's eye, he shall receive ten shekels of silver.

1. one-half mina of silver: a mina was a unit used to measure weight

218: If a physician performed a major operation on a man with a bronze lancet and has caused the man's death, or he opened up the eye-socket of a man and has destroyed the man's eye, they shall cut off his hand.

Source: Excerpt from *The Code of Hammurabi*, translated by Theophile J. Meek, in *Ancient Near Eastern Texts*, edited by James B. Pritchard (Princeton: Princeton University Press, 1950), pp. 163–175.

THINK THROUGH HISTORY: ANSWER

The Code of Hammurabi sets forth unequal punishments for certain people. For instance, a man striking another man of equal rank would simply be fined. However, a man striking someone of superior rank would be beaten.