

MESOPOTAMIA: HAMMURABI'S CODE

The Babylonians were an invading people who reunited the city states of Mesopotamia by conquest. The victorious king, Hammurabi, reigned for forty-three years, earning a reputation for justice and efficiency. His law code, from around 1700 B.C.E., consisted of 282 case laws written on a stone slab; it was discovered in Iran. The code does not represent a carefully articulated philosophy of the state, but rather highlights selected decisions the king and his officials rendered for the purpose of providing precedents for just rulings. It is not clear that the code had great influence on the law itself, but it does provide a window into various aspects of Babylonian society.

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When the lofty Anu, king of the Anunnaki, and Bel, 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 pronounced the lofty name of Babylon: 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, Ann and Bel called me, Hummurabi, the exalted prince, the worshiper 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 enlighten the land and to further the welfare of the people. Hammurabi, the governor named by Bel, am I, who brought about plenty and abundance; . . .

. . . the ancient seed of royalty, 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 Nana, am I. When Marduk sent me to rule the people and to bring help to the country, I established law and justice in the land and promoted the welfare of the people.

§1.

¶ If a man bring an accusation against a man, and charge him with a (capital) crime, but cannot prove it, he, the accuser, shall be put to death.

§2.

¶ If a man charge a man with sorcery, and cannot prove it, he who is charged with sorcery shall go to the river, into the river he shall throw himself and if the river overcome him, his accuser shall take to himself his house (estate). If the river show that man to be innocent and he come forth unharmed, he who charged him with

sozery shall be put to death. He who threw himself into the river shall take to himself the house of his accuser.

§ If a man has come forward to bear witness to a felony and then has not proved the statement he has made, if that case (is) a capital one, that man shall be put to death.

§ If a man aid a male or female slave of the palace, or a male or female slave of a freeman to escape from the city gate, he shall be put to death.

§ If a man seize a male or female slave, a fugitive, in the field and bring that (slave) back to his owner, the owner of the slave shall pay him two shekels of silver.

§23.

§ If the brigand be not captured, the man who has been robbed, shall, in the presence of god, make an itemized statement of his loss, and the city and the governor, in whose province and jurisdiction the robbery was committed, shall compensate him for whatever was lost.

§24.

§ If it be a life (that is lost), the city and governor shall pay one mana of silver to his heirs.

§26.

§ If either an officer or a constable, who is ordered to go on an errand of the king, do not go but hire a substitute and despatch him in his stead, that officer or constable shall be put to death; his hired substitute shall take to himself his (the officer's) house.

§53.

§ If a man neglect to strengthen his dyke and do not strengthen it, and a break be made in his dyke and the water carry away the farm-land, the man in whose dyke the break has been made shall restore the grain which he has damaged.

§127.

§ If a man point the finger at a priestess or the wife of another and cannot justify it, they shall drag that man before the judges and they shall brand his forehead.

§128.

§ If a man take a wife and do not arrange with her the (proper) contracts, that woman is not a (legal) wife.

§129.

§ If the wife of a man be taken in lying with another man, they shall bind them and throw them into the water. If the husband of the woman would save his wife, or if the king would save his male servant (he may).

§130.

§ If a man force the (betrothed) wife of another who has not known a male and is living in her father's house, and he lie in her bosom and they take him, that man shall be put to death and that woman shall go free.

§131.

§ If a man accuse his wife and she has not been taken in lying with another man, she shall take an oath in the name of god and she shall return to her house.

§132.

§ If the finger have been pointed at the wife of a man because of another man, and she have not been taken in lying with another man, for her husband's sake she shall throw herself into the river.

§142.

§ If a woman hate her husband, and say: "Thou shalt not have me," they shall inquire into her antecedents for her defects; and if she have been a careful mistress and be without reproach and her husband have been going about and greatly belittling her, that woman has no blame. She shall receive her dowry and shall go to her father's house.

§143.

§ If she have not been a careful mistress, have gadded about, have neglected her house and have belittled her husband, they shall throw that woman into the water.

§144.

§ If a man take a wife and that wife give a maid servant to her husband and she bear children; if that man set his face to take a concubine, they shall not countenance him. He may not take a concubine.

§145.

§ If a man take a wife and she do not present him with children and he set his face to take a concubine, that man may take a concubine and bring her into his house. That concubine shall not rank with his wife.

§146.

§ If a man take a wife and she give a maid servant to her husband, and that maid servant bear children and afterwards would take rank with 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 maid servants.

§196.

§ If a man destroy the eye of another freeman [i.e., a man in the upper class], they shall destroy his eye.

§197.

§ If one break a man's bone, they shall break his bone.

§198.

§ If one destroy the eye of a villein [a dependent laborer] or break the bone of a freeman, he shall pay one mana of silver.

§199.

§ If one destroy the eye of a man's slave or break a bone of a man's slave he shall pay one-half his price.

§200.

§ If a man knock out a tooth of a man of his own rank, they shall knock out his tooth.

§201.

§ If one knock out a tooth of a villein, he shall pay one-third mana of silver.

§203.

§ If a man strike another man of his own rank, he shall pay one mana of silver.

§204.

§ If a villein strike a villein, he shall pay ten shekels of silver.

§205.

§ If a man's slave strike a man's son, they shall cut off his ear.

§253.

§ If a man hire a man to oversee his farm and furnish him the seed-grain and intrust him with oxen and contract with him to cultivate the field, and that man steal either the seed or the crop and it be found in his possession, they shall cut off his fingers.

§254.

§ If he take the seed-grain and overwork the oxen, he shall restore the quantity of grain which he has hoed.