

Hammurabi's Code

- Date** ■ 1792–1750 B.C.
- Place** ■ Babylon, Babylonia (in modern Iraq)
- Type of Source** ■ Government document/law code (original in Akkadian)
- Author** ■ Attributed to King Hammurabi
- Historical Context** ■ King Hammurabi of Babylon conquered much of Mesopotamia, establishing the First Babylonian Empire. During his reign, he approved a new law code, which remains the oldest complete law code discovered. He hoped to protect the people of the empire from arbitrary attacks and to insure that the position of the upper classes was protected. The code contains 282 separate laws covering criminal laws against assault and murder, religious laws against blasphemy and witchcraft, and civil laws regarding contracts and marriage. There are even laws dealing with ox cart traffic. Its most complete form is a seven-foot tall stele made of volcanic rock, found in 1901 in Susa, Iran. Headings are added to the original.

Prologue

When **Anu** the Sublime, King of the **Anunaki**, and **Bel**, the lord of Heaven and earth, who decreed the fate of the land, assigned to **Marduk**, the overruling son of **Ea**, God of righteousness, dominion over earthly man, and made him great among the **Igigi**, they called Babylon by his illustrious name, made it great on earth, and founded an everlasting kingdom in it, whose foundations are laid so solidly as those of heaven and earth; then Anu and Bel called by name me, Hammurabi, the exalted prince, who feared **God**, to bring about the rule of righteousness in the land, to destroy the wicked and the evil-doers; so that the strong should not harm the weak; so that I should rule over the **black-headed people** like **Shamash**, and enlighten the land, to further the well-being of mankind...

When Marduk sent me to rule over men, to give the protection of right to the land, I did right and righteousness in [illegible], and brought about the well-being of the oppressed.

Accusations

1. If any one **ensnare** another, putting a **ban upon** him, but he cannot prove it, then he that ensnared him shall be put to death.
2. If any one bring an accusation against a man, and the accused **go to the river and leap into the river**, if he sink in the river his accuser shall take possession of his house. But if the river prove that the accused is not guilty, and he escape unhurt, then he who had brought the accusation shall be put to death, while he who leaped into the river shall take possession of the house that had belonged to his accuser.
3. If any one bring an accusation of any crime before the elders, and does not prove what he has charged, he shall, if it be a capital offense charged, be put to death.

Anu

god of the sky, also the judge of souls

Anunaki

the main gods of the Mesopotamian myths

Bel

Akkadian for "Lord." This is usually the title for Marduk, but it is sometimes used with other gods. Western Semites, such as the Hebrews and Phoenicians, used the title "Baal."

Marduk

patron god of Babylon. According to the Babylonian creation story, Marduk killed the ancient goddess of chaos and created the world from her body.

Ea

god of water and crafts. Ea turned over authority over humanity to Marduk.

Igigi

another group of gods

God

Hammurabi means any god of importance.

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4. If he satisfy the elders to impose a fine of grain or money, he shall receive the fine that the action produces.
5. If a judge try a case, reach a decision, and present his judgment in writing; if later error shall appear in his decision, and it be through his own fault, then he shall pay twelve times the fine set by him in the case, and he shall be publicly removed from the judge's bench, and never again shall he sit there to render judgement.

Property Crimes

16. If any one receive into his house a runaway male or female slave of the court, or of a freedman, and does not bring it out at the public proclamation of the **major domus**, the master of the house shall be put to death.
17. If any one find runaway male or female slaves in the open country and bring them to their masters, the master of the slaves shall pay him two **shekels** of silver.
18. If the slave will not give the name of the master, the finder shall bring him to the palace; a further investigation must follow, and the slave shall be returned to his master.
19. If he hold the slaves in his house, and they are caught there, he shall be put to death.
20. If the slave that he caught run away from him, then shall he swear to the owners of the slave, and he is free of all blame.
21. If any one break a hole into a house [break in to steal], he shall be put to death before that hole and be buried.
22. If any one is committing a robbery and is caught, then he shall be put to death.
23. If the robber is not caught, then shall he who was robbed claim under oath the amount of his loss; then shall the community, and [illegible] on whose ground and territory and in whose domain it was compensate him for the goods stolen.
24. If persons are stolen, then shall the community and [illegible] pay one **mina** of silver to their relatives.
25. If fire break out in a house, and some one who comes to put it out cast his eye upon the property of the owner of the house [tries to take the property], and take the property of the master of the house, he shall be thrown into that self-same fire.

Rental Agreements

45. If a man rent his field for **tillage** for a fixed rental, and receive the rent of his field, but bad weather come and destroy the harvest, the **injury** falls upon the tiller of the soil.

black-headed people
the civilized people of Mesopotamia. Neighboring tribes, especially nomadic tribes, sometimes had brown or reddish hair.

Shamash
the sun god, also the god seen at the top of the law stele (see website photos for Unit 1).

ensnare
arrest

ban upon
accusation against

go to the river and leap into the river
Trial by ordeal such as described here was a common test of guilt until modern times.

major domus
head of the palace, the king's chief servant

shekels
a small weight, believed to be about 0.3 ounces.

mina
roughly one pound

tillage
growing crops

injury
the financial loss

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46. If he do not receive a fixed rental for his field, but lets it on half or third shares of the harvest, the grain on the field shall be divided proportionately between the tiller and the owner.
47. If the tiller, because he did not succeed in the first year, has had the soil tilled by others, the owner may raise no objection; the field has been cultivated and he receives the harvest according to agreement.
48. If any one owe a debt for a loan, and a storm **prostrates** the grain, or the harvest fail, or the grain does not grow for lack of water; in that year he need not give his creditor any grain, he **washes his debt-tablet** in water and pays no rent for this year.
49. If any one take money from a merchant, and give the merchant a field tillable for corn or sesame and order him to plant grain or sesame in the field, and to harvest the crop; if the cultivator plant grain or sesame in the field, at the harvest the grain or sesame that is in the field shall belong to the owner of the field and he shall pay grain as rent, for the money he received from the merchant, and the livelihood of the cultivator shall he give to the merchant.
50. If he give a cultivated corn-field or a cultivated sesame-field, the grain or sesame in the field shall belong to the owner of the field, and he shall return the money to the merchant as rent.
51. If he have no money to repay, then he shall pay in grain or sesame in place of the money as rent for what he received from the merchant, according to the **royal tariff**.
52. If the cultivator do not plant grain or sesame in the field, the debtor's contract is not weakened.
53. If any one be too lazy to keep his **dam** in proper condition, and does not so keep it; if then the dam break and all the fields be flooded, then shall he in whose dam the break occurred be sold for money, and the money shall replace the grain which he has caused to be ruined...

Marriage and Families

133. If a man is taken prisoner in war, and there is a sustenance in his house, but his wife leave house and **court**, and go to another house: because this wife did not keep her court, and went to another house, she shall be judicially condemned and **thrown into the water**.
134. If any one be captured in war and there is not sustenance in his house, if then his wife go to another house this woman shall be held blameless.
135. If a man be taken prisoner in war and there be no sustenance in his house and his wife go to another house and bear children; and if later her husband return and come to his home: then this wife shall return to her husband, but the children follow their father.

prostrates
destroys, crushes

washes his debt-tablet
Since Babylonian records were written in clay, washing a tablet in water would wear off the writing, effectively voiding the contract.

royal tariff
official rate

dam
All farmland in Mesopotamia required some flood protection and irrigation.

court
fidelity, love

thrown into the water
Throwing people into the river was the punishment for adulterers.

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136. If any one leave his house, run away, and then his wife go to another house, if then he return, and wishes to take his wife back: because he fled from his home and ran away, the wife of this runaway shall not return to her husband.
137. If a man wish to separate from a woman who has borne him children, or from his wife who has borne him children: then he shall give that wife her dowry, and a part of the use of field, garden, and property, so that she can rear her children. When she has brought up her children, a portion of all that is given to the children, equal as that of one son, shall be given to her. She may then marry the man of her heart.
138. If a man wishes to separate from his wife who has borne him no children, he shall give her the amount of her purchase money and the dowry which she brought from her father's house, and let her go.
139. If there was no purchase price he shall give her one mina of gold as a gift of release.
140. If he be a **freed man** he shall give her one-third of a mina of gold.
141. If a man's wife, who lives in his house, wishes to leave it, plunges into debt, tries to ruin her house, neglects her husband, and is judicially convicted: if her husband offer her release, she may go on her way, and he gives her nothing as a gift of release. If her husband does not wish to release her, and if he take another wife, she shall remain as servant in her husband's house.
142. If a woman quarrel with her husband, and say: "You are not [pleasing] to me," the reasons for her prejudice must be presented. If she is guiltless, and there is no fault on her part, but he leaves and neglects her, then no guilt attaches to this woman, she shall take her dowry and go back to her father's house.
143. If she is not innocent, but leaves her husband, and ruins her house, neglecting her husband, this woman shall be cast into the water...

Assault and Injury

196. If a man put out the eye of another man, his eye shall be put out.
197. If he break another man's bone, his bone shall be broken.
198. If he put out the eye of a freed man, or break the bone of a freed man, he shall pay one gold mina.
199. If he put out the eye of a man's slave, or break the bone of a man's slave, he shall pay one-half of its value.
200. If a man knock out the teeth of his equal, his teeth shall be knocked out.
201. If he knock out the teeth of a freed man, he shall pay one-third of a gold mina.

freed man
a former slave who has been released.

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202. If any one strike the body of a man higher in rank than he, he shall receive sixty blows with an ox-whip in public.
203. If a free-born man strike the body of another free-born man or equal rank, he shall pay one gold mina.
204. If a freed man strike the body of another freed man, he shall pay ten shekels in money.
205. If the slave of a freed man strike the body of a freed man, his ear shall be cut off.
206. If during a quarrel one man strike another and wound him, then he shall swear, "I did not injure him wittingly," and pay the physicians.
207. If the man die of his wound, he shall swear similarly, and if he [the deceased] was a free-born man, he shall pay half a mina in money.
208. If he was a freed man, he shall pay one-third of a mina.
209. If a man strike a free-born woman so that she lose her unborn child, he shall pay ten shekels for her loss.
210. If the woman die, his daughter shall be put to death...

Traffic Laws

250. If while an ox is passing on the street [market] some one push it, and kill it, the owner can set up no claim in the suit [against the hirer].
251. If an ox be a goring ox, and it shown that he is a gorer, and [the owner] does not bind his horns, or fasten the ox up, and the ox gore a free-born man and kill him, the owner shall pay one-half a mina in money.
252. If [the ox] kills a man's slave, [the owner] shall pay one-third of a mina...

Epilogue

In future time, through all coming generations, let the king, who may be in the land, observe the words of righteousness which I have written on my monument; let him not alter the law of the land which I have given, the edicts which I have enacted; my monument let him not mar. If such a ruler have wisdom, and be able to keep his land in order, he shall observe the words which I have written in this inscription; the rule, statute, and law of the land which I have given; the decisions which I have made will this inscription show him; let him rule his subjects accordingly, speak justice to them, give right decisions, root out the miscreants and criminals from this land, and grant prosperity to his subjects...

Source: "Hammurabi's Code of Laws," *Exploring Ancient World Cultures: Readings from the Ancient Near East*, 1997., <<http://eawc.evansville.edu/anthology/hammurabi.htm>> (May 23, 2011).