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. The Bible makes similar references to punishment. In Exodus 21:12-27, the Bible says, “Life for life, eye for eye, tooth for tooth, hand for hand, foot for foot.” Deuteronomy 19:21 says, “Whoever strikes a man a mortal blow must be put to death.”

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. But, 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 tried a case and it was discovered his decision was wrong, and it was his fault, then the judge would pay twelve times the fine set by him in the case. He would be publicly removed from the judge’s bench and could never render judgment again.

   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 that was not sturdy and the house collapsed and killed the owner of the house, the builder was put to death. If the house collapsed and it caused the death of the owner’s son, a son of the 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, breaking into a house and stealing, or robbery.**

4. **Here is what the Code says about divorce and separation.**

   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.

   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.

   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.

   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.

   If a woman wished to leave her husband, there could be a trial, and if she was not at fault and it could be proven that the husband left and neglected her, then the woman was not guilty and could take her dowry and return to her father’s house. However, if she was not innocent, but left her husband and ruined her house or neglected her husband, she was thrown into the river.

5. **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.

6. **Here are some other unusual laws from the Code.**

   If fire broke out in a house and someone who helped put out the fire stole something from the house, he was thrown into the fire.

   If conspirators met in the house of a tavern-keeper and were not captured and delivered to the court, the tavern-keeper was put to death.

   If a slave was found guilty of saying to his master, “You are not my master,” his master would cut off the slave’s ear.

   If a son hit his father, his hands would be cut off.
Answer the following questions regarding Hammurabi’s Code

1) Does this remind you of any type of justice that took place in the early history of our country?

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

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

4a) What is your impression of the Babylonian laws regarding divorce?

4b) Which seemed the fairest? Why?

4c) Which seemed the least fair? Why?

4d) How would you compare these laws with the modern divorce laws?

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

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