
Hammurabi's Code: Was It Just?

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Overview: One of the world's oldest sets of laws was written by Hammurabi ("ha-moo-rob-bee"), king of Babylon in the 18th century BCE. Hammurabi's Code is often studied to understand the values of ancient Mesopotamia, and also to understand the concept of justice. This Mini-Q explores the idea of fairness – what is "just" – by asking you to think about the punishments and rewards that made up Hammurabi's code.

The Documents:

Document A: The Stone Stele ("stee-lee")

Document B: Epilogue of the Code

Document C: Family Law

Document D: Property Law

Document E: Personal-Injury Law

A Mini Document Based Question (Mini-Q)

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Nearly 4,000 years ago, a man named Hammurabi (“ha-moo-rob-bee”) became king of a small **city-state** called Babylon. Today Babylon exists only as an archaeological site in central Iraq. But in Hammurabi’s time, it was the capital of the kingdom of **Babylonia**.

We know little about Hammurabi’s personal life. We don’t know his birth date, how many wives and children he had, or how and when he died. We aren’t even sure what he looked like. However, thanks to thousands of clay writing tablets that have been found by archaeologists, we know something about Hammurabi’s military campaigns and his dealings with surrounding city-states. We also know quite a bit about everyday life in Babylonia.

The tablets tell us that Hammurabi ruled for 42 years. For the first 30 of these years, Hammurabi’s control was limited mostly to the city of Babylon. He was involved in what one historian calls, “lots of squabbles with other small kings in other small city-states,” some of them no more than 50 miles away. This changed, however. With victories over Larsa in the south and Mari in the north, Hammurabi became the ruler of much of **Mesopotamia**.

Hammurabi was not starting with a blank slate. Beginning around 3500 BCE, the Sumerian people had developed Mesopotamia into the world’s first civilization. By the time Hammurabi took power in 1792 BCE, **cuneiform** writing had already been around for 1,700 years.

Hammurabi would eventually rule over an estimated population of 1,000,000. Most of his subjects were farmers. The people lived in city-states surrounded by fields and watered by irrigation canals that were fed by the Tigris and Euphrates rivers.

After his victories at Larsa and Mari, Hammurabi’s thoughts of war gave way to thoughts of peace. These, in turn, gave way to thoughts of justice. In the 38th year of his rule, Hammurabi had 282 laws carved on a large, pillar-like stone called a **stele** (“stee-lee”). Together, these laws have been called Hammurabi’s Code. Historians believe that several of these inscribed steles were placed around the kingdom, though only one has been found intact.

Hammurabi was not the first Mesopotamian ruler to put his laws into writing, but his code is the most complete. By studying his

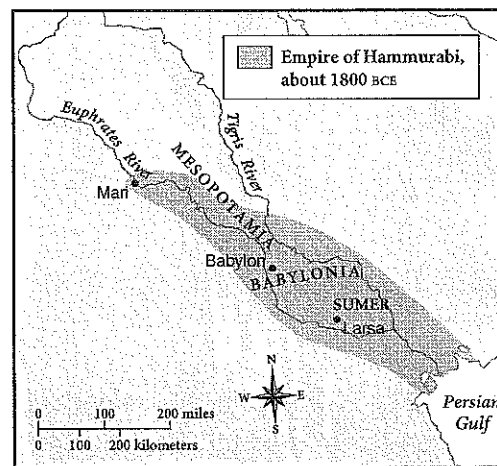
laws, historians have been able to get a good picture of many aspects of Babylonian society—work and family life, social structures, trade and government. For example, we know that there were three distinct social classes: land owners, free people who did not own land, and slaves. The many farm and irrigation laws tell us that Babylonians depended upon their crops for survival.

The code also tells us of everyday problems, like buildings collapsing, oxen getting loose and trampling fields, and neighbors squabbling, much as they do today. Hammurabi tried to bring order and fairness to it all.

What follows are five documents that provide a sampling of Hammurabi’s laws. Some students of Babylonia have found the laws overly harsh. Others have found them to be quite balanced, given the hard realities of ancient life.

In this Mini-Q, you are asked to consider justice on three levels: fairness to the accused, fairness to the victim, and fairness and security for society. With this measuring stick in mind, read the documents and answer the question:

Hammurabi’s Code: Was it just?



Document A

Source: Stone stele of Hammurabi's Code from the ancient artifacts collection of the Louvre Museum in Paris, France, circa 1754 BCE.

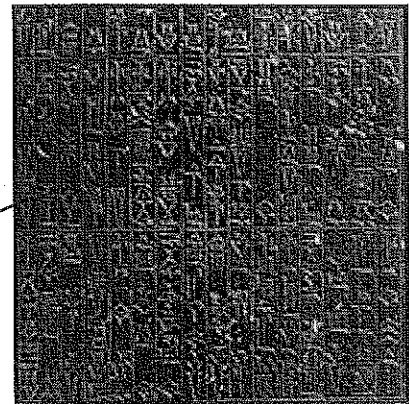
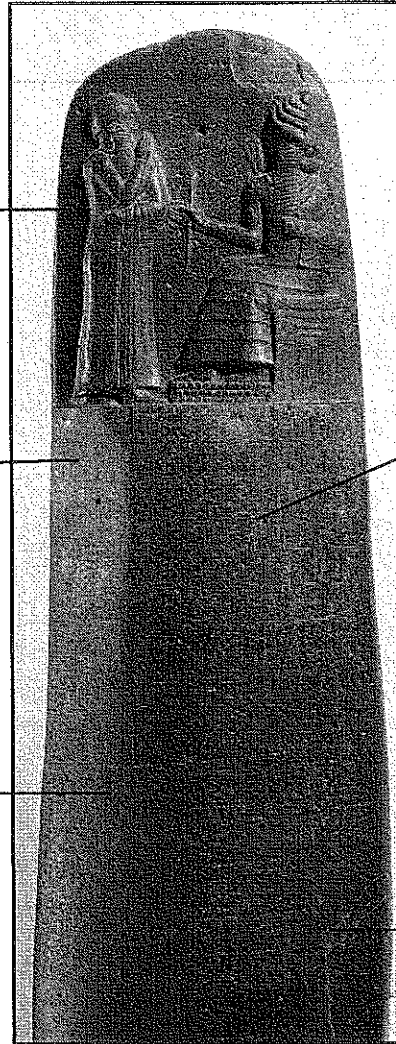
Note: The stele, carved from black diorite, stands more than eight feet tall and weighs four tons. This photograph shows the top third of the stele.

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The carving at the top of the stele shows Hammurabi standing before Shamash, the god of justice, who is seated on his throne. Shamash is instructing Hammurabi in the law.

Below the two figures is the Prologue, in which Hammurabi lists the names of the gods, saying that they have given him the right to rule. The Prologue, like the rest of the code, is written in wedge-shaped cuneiform letters that have been carved into the stone.

Below the Prologue, closer to the base, are the 282 laws, organized by theme, including family life, agriculture, theft and professional standards. There are a total of 3,500 lines of writing, covering both sides of the stele.



Detail of the stele carvings.

Following the laws is an Epilogue, in which Hammurabi states how the laws should be carried out.

Document Analysis

1. What kind of writing was used to inscribe the code on the stele?
2. The code is divided into what three parts?
3. From where or whom does Hammurabi get the laws?
4. Is there any evidence in this document that can be used to argue that Hammurabi's Code was just?
5. Is there any evidence in this document that can be used to argue that Hammurabi's Code was not just?

Document B

Source: Excerpts from the Epilogue of Hammurabi's Code, circa 1754 BCE.

... Hammurabi, the protecting king am I. ... That the strong might not injure the weak, in order to protect the widows and orphans, ... I set up these my precious words, written upon my memorial stone, before the image of me, as king of righteousness.

.... By the command of Shamash, the great god and judge of heaven and earth, let righteousness go forth in the land.... Let no destruction befall my monument ... let my name be ever repeated; let the oppressed, who has a case at law, come and stand before this my image as king of righteousness; let him read the inscription, and understand my precious words....

... 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....

... If this ruler does not esteem my words, ... if he destroys the law which I have given, ... may the great gods of heaven and earth ... inflict a curse ... upon his family, his land, his warriors, his subjects, and his troops.

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Document Analysis

1. According to Hammurabi, what was his purpose for having written these laws?
2. Who commanded Hammurabi to create this monument?
3. What does Hammurabi threaten will happen to any future Babylonian king who does not follow these laws?
4. How can you use this document to argue that Hammurabi's Code was just?
5. How can you use this document to argue that Hammurabi's Code was not just?

Document C

Source: Excerpts from Hammurabi's Code, circa 1754 BCE.

Note: There are 282 laws in Hammurabi's Code. The numbers below refer to their order on the stele.

Law 129: If a married lady is caught [in adultery] with another man, they shall bind them and cast them into the water.

Law 148: If a man has married a wife and a disease has seized her, if he is determined to marry a second wife, he shall marry her. He shall not divorce the wife whom the disease has seized. She shall dwell in the house they have built together, and he shall maintain her as long as she lives.

Law 168: If a man has determined to disinherit his son and has declared before the judge, "I cut off my son," the judge shall inquire into the son's past, and, if the son has not committed a grave misdemeanor ..., the father shall not disinherit his son.

Law 195: If a son has struck his father, his hands shall be cut off.

Document Analysis

1. In Law 129, what does it mean to "bind them and cast them into the water?"
2. In Law 168, what does it mean to "disinherit" a son?
3. Two crimes in the document result in physical punishment. What are those crimes? How might Hammurabi argue that the punishments were just?
4. Hammurabi said that his code was meant to protect the weak. Is there evidence in this document that the code did so?
5. Overall, are these laws regarding family just?

Document D

Source: Excerpts from Hammurabi's Code, circa 1754 BCE.

Law 21: If a man has broken through the wall [to rob] a house, they shall put him to death and pierce him, or hang him in the hole in the wall which he has made.

Law 23: If the robber is not caught, the man who has been robbed shall formally declare whatever he has lost before a god, and the city and the mayor in whose territory or district the robbery has been committed shall replace for him whatever he has lost.

Law 48: If a man has borrowed money to plant his fields and a storm has flooded his field or carried away the crop, ... in that year he does not have to pay his creditor.

Laws 53, 54: If a man has opened his trench for irrigation and the waters have flooded his neighbor's field, the man must restore the crop he has caused to be lost.

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Document Analysis

1. In Law 21, what is the penalty for breaking into a home?
2. How might Hammurabi justify the harsh punishment?
3. In Law 23, if the robber is not caught, who reimburses the victim for his or her loss?
4. How might Hammurabi have justified reimbursing the victim?
5. In Law 48, what is a creditor? Is Law 48 fair to creditors?
6. Overall, are these laws regarding property just?

Document E

Source: Excerpts from Hammurabi's Code, circa 1754 BCE.

Law 196: If a man has knocked out the eye of a free man, his eye shall be knocked out.

Law 199: If he has knocked out the eye of a slave ... he shall pay half his value.

Law 209: If a man strikes the daughter of a free man and causes her to lose the fruit of her womb, he shall pay 10 shekels of silver...

Law 213: If he has struck the slave-girl of a free man and causes her to lose the fruit of her womb, he shall pay 2 shekels of silver.

Law 215: If a surgeon has operated with a bronze lancet on the body of a free man ... and saves the man's life, he shall receive 10 shekels of silver.

Law 218: If a surgeon has operated with a bronze lancet on a free man for a serious injury, and has caused his death, ... his hands shall be cut off.

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Document Analysis

1. Examine laws 196 and 199. How do you think Hammurabi would justify the different punishments for the same crime?
2. What is the meaning of "fruit of her womb"?
3. How might Hammurabi argue that laws 215 and 218 were just?
4. How could you use these laws about personal injury to argue that Hammurabi's Code was not just?
5. Is justice absolute? That is, is a just punishment in 1800 BCE also a just punishment today? Explain your thinking.