

THE CODE OF HAMMURABI

Use the following excerpts from the Code of Hammurabi to learn about Babylonian society and the importance of written laws. Translated by Robert Harper, 1904 (<http://oll.libertyfund.org/titles/hammurabi-the-code-of-hammurabi>)

When, Anu and Bel [Babylonian gods] called me, Hammurabi, 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. . . When Marduk [a god] 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.

3. If a man, in a case (pending judgment), bear false (threatening) witness, or do not establish the testimony that he has given, if that case be a case involving life, that man shall be put to death.

4. If a man (in a case) bear witness for grain or money (as a bribe), he shall himself bear the penalty imposed in that case.

11. If the owner (claimant) of the lost property do not produce witnesses to identify his lost property, he has attempted fraud (has lied), he has stirred up strife, he shall be put to death.

22. If a man practice [robbery] and be captured, that man shall be put to death.

23. If the [robber] 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 [about one pound] of silver to his heirs.

102. If a merchant give money to an agent as a favor, and the latter meet with a reverse where he goes, he shall return the principal of the money to the merchant.

104. If a merchant give to an agent grain, wool, oil or goods of any kind with which to trade, the agent shall write down the value and return (the money) to the merchant. The agent shall take a sealed receipt for the money which he gives to the merchant.

109. If outlaws collect in the house of a wine-seller, and she do not arrest these outlaws and bring them to the palace, that wine-seller shall be put to death.

110. If a priestess who is not living in a [convent], open a wine-shop or enter a wine-shop for a drink, they shall burn that woman.

136. If a man desert his city and flee and afterwards his wife enter into another house; if that man return and would take his wife, the wife of the fugitive shall not return to her husband because he hated his city and fled.

138. If a man would put away his wife who has not borne him children, he shall give her money to the amount of her marriage settlement and he shall make good to her the dowry which she brought from her father's house and then he may put her away.

162. If a man take a wife and she bear him children and that woman die, her father may not lay claim to her dowry. Her dowry belongs to her children.

195. If a son strike his father, they shall cut off his fingers.

196. If a man destroy the eye of another man, 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 freeman 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 freeman, he shall pay one-third mana of silver.

206. If a man strike another man in a quarrel and wound him, he shall swear: "I struck him without intent," and he shall be responsible for the physician.

207. If (he) die as the result of the [blow], he shall swear (as above), and if he be a man, he shall pay one-half mana of silver.

208. If (he) be a freeman, he shall pay one-third mana of silver.

218. If a physician operate on a man for a severe wound with a bronze lancet and cause the man's death; or open an abscess (in the eye) of a man with a bronze lancet and destroy the man's eye, they shall cut off his fingers.

219. If a physician operate on a slave of a freeman for a severe wound with a bronze lancet and cause his death, he shall restore a slave of equal value.

220. If he open an abscess (in his eye) with a bronze lancet, and destroy his eye, he shall pay silver to the extent of one-half of his price.

221. If a physician set a broken bone for a man or cure his diseased bowels, the patient shall give five shekels of silver to the physician.

222. If he be a freeman, he shall give three shekels of silver.

223. If it be a man's slave, the owner of the slave shall give two shekels of silver to the physician.

226. If a brander, without the consent of the owner of the slave, brand a slave with the sign that he cannot be sold, they shall cut off the fingers of that brander.

229. If a builder build a house for a man and do not make its construction firm, and the house which he has built collapse and cause the death of the owner of the house, that builder shall be put to death.

233. If a builder build a house for a man and do not make its construction meet the requirements and a wall fall in, that builder shall strengthen that wall at his own expense.

240. If a boat under way strike a ferryboat (or boat at anchor), and sink it, the owner of the boat whose boat was sunk shall make declaration in the presence of god of everything that was lost in his boat and (the owner) of (the vessel) under way which sank the ferryboat shall replace his boat and whatever was lost.

The righteous laws, which Hammurabi, the wise king, established and (by which) he gave the land stable support and pure government. Hammurabi, the perfect king, am I. . . In the days that are yet to come, for all future time, may the king who is in the land observe the words of righteousness which I have written upon my monument! May he not alter the judgments of the land which I have pronounced, or the decisions of the country which I have rendered! May he not efface my statues! If that man have wisdom, if he wish to give his land good government, let him give attention to the words which I have written upon my monument! And may this monument enlighten him as to procedure and administration, the judgments which I have pronounced, and the decisions which I have rendered for the land!