**The Code of Hammurabi [18th Century BCE]**

*Of the several law codes surviving from the ancient Middle East, the most famous after the Hebrew Torah is the Code of Hammurabi, sixth king of the Amorite Dynasty of Old Babylon. It is best known from a beautifully engraved diorite stela now in the Louvre Museum which also depicts the king receiving the law from Shamash, the god of justice. This copy was made long after Hammurabi's time, and it is clear that his was a long-lasting contribution to Mesopotamian civil ization. It encodes many laws which had probably evolved over a long period of time, but is interesting to the general reader because of what it tells us about the attitudes and daily lives of the ancient Babylonians. In the following selection, most of the long prologue praising Hammurabi's power and wisdom is omitted.*

*What do these laws tell us about attitudes toward slavery? What indication is there that some Babylonian women engaged in business? Clearly men had more rights than women in this society; but what laws can you identify that seem aimed at protecting certain rights of women? Which laws deviate from the egalitarian standard of "an eye for an eye and a tooth for a tooth?" What qualities does this text say a ruler should have to enable him to write new laws?*

. . . 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. . . .

15: If anyone take a male or female slave of the court, or a male or female slave of a freed man, outside the city gates [to escape], he shall be put to death.

16: If anyone 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 [police], the master of the house shall be put to death.

53: If anyone 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.

54: If he be not able to replace the [grain], then he and his possessions shall be divided among the farmers whose corn he has flooded.

108: If a [woman wine-seller] does not accept [grain] according to gross weight in payment of drink, but takes money, and the price of the drink is less than that of the corn, she shall be convicted and thrown into the water. (1)

109: If conspirators meet in the house of a [woman wine-seller], and these conspirators are not captured and delivered to the court, the [wine-seller] shall be put to death.

110: If a "sister of a god"[nun] open a tavern, or enter a tavern to drink, then shall this woman be burned to death.

129: If a man's wife be surprised [having intercourse] with another man, both shall be tied and thrown into the water, but the husband may pardon his wife and the king his slaves.

130: If a man violate the wife (betrothed or child-wife) of another man, who has never known a man, and still lives in her father's house, and sleep with her and be surprised [caught], this man shall be put to death, but the wife is blameless.

131: If a man bring a charge against [his] wife, but she is not surprised with another man, she must take an oath and then may return to her house.

132: If the "finger is pointed" at a man's wife about another man, but she is not caught sleeping with the other man, she shall jump into the river for [the sake of her] husband. (2)

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.

141: If a man's wife, who lives in his house, wishes to leave it, plunges into debt [to go into business], 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 congenial 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. (3)

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.

195: If a son strike his father, his hands shall be [cut] off. (4)

196: If a [noble-]man put out the eye of another [noble-]man, his eye shall be put out. (5)

197: If he break another [noble-]man's bone, his bone shall be broken.

198: If he put out the eye of a [commoner], or break the bone of a [commoner], he shall pay one [silver] 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 [commoner], he shall pay one-third of a [silver] mina.

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.

Hammurabi, the king of righteousness, on whom Shamash has conferred right (or law) am I. My words are well considered; my deeds are not equaled; to bring low those that were high; to humble the proud, to expel insolence.

Translated by L. W. King (1915), edited by Paul Brians.

(1) This refers to a practice known as trial by ordeal which has been commonplace in many cultures, including Medieval Europe. It was believed that the Euphrates River would act as judge of people accused of various crimes. If, when thrown into the river, the accused floated, she was considered innocent; but if she sank, the river had found her guilty. For an interesting instance of a different trial by ordeal in ancient Hebrew law, see Numbers 5:11 31.

(2) I. e. to prove her innocence.

(3) The right of women to initiate divorce proceedings is extremely rare in ancient civilizations.

(4) Cf. Hebrew law, which prescribes the death penalty for such an act (Exodus 21:15) and extends its scope to mothers.

(5) Note how punishments are administered according to the social status of the attacker and the victim. "Equality before the law" is a rare concept in ancient times.