

Code of Hammurabi: Primary Source

The Code of Hammurabi was discovered in the Ancient city of Babylon. Babylon was located in what is present-day Iraq along the Euphrates River. On the east side of the river the King of the Babylonian Empire, Hammurabi had his palace. It was here that Hammurabi ordered the erection of an 8 foot tall stela(Large Slab) with the Code of Hammurabi written in cuneiform upon it. The laws were numbered between #1 and #282.

ANALYSIS - Read the Code and answer the following questions.

1-2. Why do you think a law code is necessary for society?

3-6. Select 3 laws from Hammurabi's Code that you think would pertain to society or daily life in Babylon the most. Justify your selections.

1

2

3

7-9. Based on the Hammurabi Code, what conclusions can be made about:

a) women's rights?

b) social order / structure?

c) individual rights?

10-11. Is anyone "above the law"? Explain.

12. What criticisms can be made about the Hammurabi Code?

13-14 Compare Hammurabi's Code to today's legal code. What is one major similarities and one major differences?

15. Is there any law that still exists in its exact form?

The Code of Hammurabi

- 2) If any one steal the property of a temple or of the court, he shall be put to death, and also the one who receives the stolen thing from him shall be put to death.
- 3) If any one steal cattle or sheep, or an ass, or a pig or a goat, if it belong to a god or to the court, the thief shall pay thirtyfold therefore; if they belonged to a freed man of the king he shall pay tenfold; if the thief has nothing with which to pay he shall be put to death.
- 5) 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.
- 6) 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, and take the property of the master of the house, he shall be thrown into that self-same fire.
- 7) 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 corn which he has caused to be ruined.
- 10) If any one fail to meet a claim for debt, and sell himself, his wife, his son, and daughter for money or give them away to forced labour: they shall work for three years in the house of the man who bought them, or the proprietor, and in the fourth year they shall be set free.
- 11) If any one be captured in war and there is not sustenance (somebody that makes enough money to live on) in his house, if then his wife go to another house this woman shall be held blameless.
- 13) 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.
- 14) 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 (wedding gift), and a part of the 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.
- 15) 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.

- 16) If a man wish to put his son out of his house, and declare before the judge: "I want to put my son out," then the judge shall examine into his reasons. If the son be guilty of no great fault, for which he can be rightfully put out, the father shall not put him out.
- 17) If an artisan has undertaken to rear a child and teaches him his craft, he can not be demanded back.
- 18) If a son of a paramour or a prostitute say to his adoptive father or mother: "You are not my father, or my mother," his tongue shall be cut off.
- 19) If a son strike his father, his hands shall be hewn off.
- 20) If a man put out the eye of another man, his eye shall be put out.
- 21) If he break another man's bone, his bone shall be broken.
- 22) If a man knock out the teeth of his equal, his teeth shall be knocked out.
- 23) 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.
- 24) If the slave of a freed man strike the body of a freed man, his ear shall be cut off.
- 25) 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.
- 26) If a man strike a free-born woman so that she lose her unborn child, he shall pay ten shekels for her loss. If the woman die, his daughter shall be put to death.
- 27) If a physician make a large incision with the operating knife, and kill him, or open a tumour with the operating knife, and cut out the eye, his hands shall be cut off.
- 28) If a builder build a house for some one, and does not construct it properly, and the house which he built fall in and kill its owner, then that builder shall be put to death. If it kill the son of the owner the son of that builder shall be put to death.
- 29) If a man rent his boat to a sailor, and the sailor is careless, and the boat is wrecked or goes aground, the sailor shall give the owner of the boat another boat as compensation.
- 30) If any one hire oxen, and kill them by bad treatment or blows, he shall compensate the owner, oxen for oxen.