

## 1.5 Hammurabi's Law Code

In the twenty-second year of his reign, the Amorite King Hammurabi (d. 1750 B.C.E.), who had made Babylon his capital and conquered Mesopotamia, issued a comprehensive code of laws. He caused them to be inscribed on stones that were erected at crossroads and in marketplaces throughout his kingdom so that all his subjects would know them. A selection of these laws follows.

Source: [gopher://gopher.vt.edu: 10010/11/](http://gopher.vt.edu), translated by Leonard W. King  
[Accessed through [http:// eawc.evansville.edu/anthology/hammurabi.htm](http://eawc.evansville.edu/anthology/hammurabi.htm)]

When Anu the Sublime, King of the Anunaki, and Bel, the lord of Heaven and earth, who decreed the fate of the land, assigned to Marduk, the over-ruling son of Ea, God of righteousness, dominion over earthly man, and made him great...; then 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....

When Marduk sent me to rule over men, to give the protection of right to the land, I did right and righteousness in..., and brought about the well-being of the oppressed.

### THE CODE OF LAWS

#### [to ensure good justice]

3. If any one bring an accusation of any crime before the elders, and does not prove what he has charged, he shall, if it be a capital offense charged, be put to death.

5. If a judge try a case, reach a decision, and present his judgment in writing; if later error shall appear in his decision, and it be through his own fault, then he shall pay twelve times the fine set by him in the case, and he shall be publicly removed from the judge's bench, and never again shall he sit there to render judgement.

#### [criminal law of property]

8. 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.

21. 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.

22. If any one is committing a robbery and is caught, then he shall be put to death.

23. If the robber is not caught, then shall he who was robbed claim under oath the amount of his loss; then shall the community, and... on whose ground and territory and in whose domain it was compensate him for the goods stolen.

#### [property laws concerning agriculture and irrigation]

42. If any one take over a field to till it, and obtain no harvest therefrom, it must be proved that he did no work on the field, and he must deliver grain, just as his neighbor raised, to the owner of the field.

45. If a man rent his field for tillage for a fixed rental, and receive the rent of his field, but bad weather come and destroy the harvest, the injury falls upon the tiller of the soil.

46. If he do not receive a fixed rental for his field, but lets it on half or third shares of the harvest, the grain on the field shall be divided proportionately between the tiller and the owner.

48. If any one owe a debt for a loan, and a storm prostrates the grain, or the harvest fail, or the grain does not grow for lack of water; in that year he need not give his creditor any grain, he washes his debt-tablet in water and pays no rent for this year.

53. 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.

55. If any one open his ditches to water his crop, but is careless, and the water flood the field of his neighbor, then he shall pay his neighbor corn for his loss.

**[laws governing debts and obligations]**

108. If a tavern-keeper (feminine form) does not accept corn 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.

117. 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 labor: 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.

121. If any one store corn in another man's house he shall pay him storage at the rate of one gur1 for every five ka2 of corn per year.

122. If any one give another silver, gold, or anything else to keep, he shall show everything to some witness, draw up a contract, and then hand it over for safe keeping.

123. If he turn it over for safe keeping without witness or contract, and if he to whom it was given deny it, then he has no legitimate claim.

**[laws concerning marriage, family, and inheritance]**

128. If a man take a woman to wife, but have no intercourse with her, this woman is no wife to him.

129. If a man's wife be surprised [in a sexually compromising situation] with another man, both shall be tied and thrown into the water, but the husband may pardon his wife and the king his [subjects].

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, this man shall be put to death, but the wife is blameless.

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

133. If a man is taken prisoner in war, and there is a sustenance in his house, but his wife leave house and court, and go to another house: because this wife did not keep her court, and went to another house, she shall be judicially condemned and thrown into the water.

134. If any one be captured in war and there is not sustenance in his house, if then his wife go to another house this woman shall be held blameless.

136. If any one leave his house, run away, and then his wife go to another house, if then he return, and wishes to take his wife back: because he fled from his home and ran away, the wife of this runaway shall not return to her husband.

137. 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, and a part of the usufruct of field, 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.

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.

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.

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.

145. If a man take a wife, and she bear him no children, and he intend to take another wife: if he take this second wife, and bring her into the house, this second wife shall not be allowed equality with his wife.

148. If a man take a wife, and she be seized by disease, if he then desire to take a second wife he shall not put away his wife, who has been attacked by disease, but he shall keep her in the house which he has built and support her so long as she lives.

149. If this woman does not wish to remain in her husband's house, then he shall compensate her for the dowry that she brought with her from her father's house, and she may go.

154. If a man be guilty of incest with his daughter, he shall be driven from the place (exiled).

157. If any one be guilty of incest with his mother after his father, both shall be burned.

158. If any one be surprised after his father with his chief wife, who has borne children, he shall be driven out of his father's house.

159. If any one, who has brought chattels into his father-in-law's house, and has paid the purchase-money, looks for another wife, and says to his father-in-law: "I do not want your daughter," the girl's father may keep all that he had brought.

160. If a man bring chattels into the house of his father-in-law, and pay the "purchase price" (for his wife): if then the father of the girl say: "I will not give you my daughter," he shall give him back all that he brought with him.

163. If a man marry a woman and she bear him no sons; if then this woman die, if the "purchase price" which he had paid into the house of his father-in-law is repaid to him, her husband shall have no claim upon the dowry of this woman; it belongs to her father's house.

168. 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.

170. If his wife bear sons to a man, or his maid-servant have borne sons, and the father while still living says to the children whom his maid-servant has borne: "My sons," and he count them with the sons of his wife; if then the father die, then the sons of the wife and of the maid-servant shall divide the paternal property in common. The son of the wife is to partition and choose.

180. If a father give a present to his daughter-either marriageable or a prostitute (unmarriageable)-and then die, then she is to receive a portion as a child from the paternal estate, and enjoy its usufruct so long as she lives. Her estate belongs to her brothers.

184. If a man do not give a dowry to his daughter by a concubine, and no husband; if then her father die, her brother shall give her a dowry according to her father's wealth and secure a husband for her.

185. If a man adopt a child and to his name as son, and rear him, this grown son can not be demanded back again.

190. If a man does not maintain a child that he has adopted as a son and reared with his other children, then his adopted son may return to his father's house.

#### **[laws concerning physical harm to persons or animals]**

195. If a son strike his father, his hands shall be hewn off.

196. If a man put out the eye of another man, his eye shall be put out.

197. If he break another man's bone, his bone shall be broken.

198. If he put out the eye of a freed man, or break the bone of a freed man, he shall pay one gold 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 freed man, he shall pay one-third of a gold mina.

202. 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.

203. If a free-born man strike the body of another free-born man or equal rank, he shall pay one gold mina.

204. If a freed man strike the body of another freed man, he shall pay ten shekels in money.

205. If the slave of a freed man strike the body of a freed man, his ear shall be cut off.

206. 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.

207. If the man die of his wound, he shall swear similarly, and if he (the deceased) was a free-born man, he shall pay half a mina in money.

208. If he was a freed man, he shall pay one-third of a mina.

209. If a man strike a free-born woman so that she lose her unborn child, he shall pay ten shekels for her loss.

210. If the woman die, his daughter shall be put to death.

211. If a woman of the free class lose her child by a blow, he shall pay five shekels....

212. If this woman die, he shall pay half a mina.

213. If he strike the maidservant of a man, and she lose her child, he shall pay two shekels....

214. If this maid-servant die, he shall pay one-third of a mina.

#### **[liability laws and fair prices]**

219. If a physician make a large incision in the slave of a freed man, and kill him, he shall replace the slave with another slave.

221. If a physician heal the broken bone or diseased soft part of a man, the patient shall pay the physician five shekels in money.

222. If he were a freed man he shall pay three shekels.

223. If he were a slave his owner shall pay the physician two shekels.
224. If a veterinary surgeon perform a serious operation on an ass or an ox, and cure it, the owner shall pay the surgeon one-sixth of a shekel as a fee.
225. If he perform a serious operation on an ass or ox, and kill it, he shall pay the owner one-fourth of its value.
228. If a builder build a house for some one and complete it, he shall give him a fee of two shekels in money for each sar of surface.
229. 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.
230. If it kill the son of the owner the son of that builder shall be put to death.
231. If it kill a slave of the owner, then he shall pay slave for slave to the owner of the house.
232. If it ruin goods, he shall make compensation for all that has been ruined, and inasmuch as he did not construct properly this house which he built and it fell, he shall re-erect the house from his own means.
234. If a shipbuilder build a boat of sixty gur for a man, he shall pay him a fee of two shekels in money.
235. If a shipbuilder build a boat for some one, and do not make it tight, if during that same year that boat is sent away and suffers injury, the shipbuilder shall take the boat apart and put it together tight at his own expense. The tight boat he shall give to the boat owner.
239. If a man hire a sailor, he shall pay him six gur of corn per year.
244. If any one hire an ox or an ass, and a lion kill it in the field, the loss is upon its owner.
245. If any one hire oxen, and kill them by bad treatment or blows, he shall compensate the owner, oxen for oxen.
247. If any one hire an ox, and put out its eye, he shall pay the owner one-half of its value.
249. If any one hire an ox, and God strike it that it die, the man who hired it shall swear by God and be considered guiltless.
251. If an ox be a goring ox, and it shown that he is a gorer, and he do not bind his horns, or fasten the ox up, and the ox gore a free-born man and kill him, the owner shall pay one-half a mina in money.
257. If any one hire a field laborer, he shall pay him eight gur of corn per year.
258. If any one hire an ox-driver, he shall pay him six gur of corn per year.
261. If any one hire a herdsman for cattle or sheep, he shall pay him eight gur of corn per [year].
263. If he kill the cattle or sheep that were given to him, he shall compensate the owner with cattle for cattle and sheep for sheep.
267. If the herdsman overlook something, and an accident happen in the stable, then the herdsman is at fault for the accident which he has caused in the stable, and he must compensate the owner for the cattle or sheep.
282. If a slave say to his master: "You are not my master," if they convict him his master shall cut off his ear.

## THE EPILOGUE

Laws of justice which Hammurabi, the wise king, established. A righteous law, and pious statute did he teach the land. Hammurabi, the protecting king am I. I have not withdrawn myself from the men, whom Bel gave to me, the rule over whom Marduk gave to me, I was not negligent, but I made them a peaceful abiding-place.... That the strong might not injure the weak, in order to protect the widows and orphans, I have in Babylon the city where Anu and Bel raise high their head, in E-Sagil, the Temple, whose foundations stand firm as heaven and earth, in order to bespeak justice in the land, to settle all disputes, and heal all injuries, set up these my precious words, written upon my memorial stone, before the image of me, as king of righteousness.

The king who ruleth among the kings of the cities am I. My words are well considered; there is no wisdom like unto mine. By the command of Shamash, the great judge of heaven and earth, let righteousness go forth in the land: by the order of Marduk, my lord, let no destruction befall my monument. In E-Sagil, which I love, 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: the inscription will explain his case to him; he will find out what is just, and his heart will be glad, so that he will say:

"Hammurabi is a ruler, who is as a father to his subjects, who holds the words of Marduk in reverence, who has achieved conquest for Marduk over the north and south, who rejoices the heart of Marduk, his lord, who has bestowed benefits for ever and ever on his subjects, and has established order in the land."

... If a succeeding ruler considers my words, which I have written in this my inscription, if he do not annul my law, nor corrupt my words, nor change my monument, then may Shamash lengthen that king's reign, as he has that of me, the king of righteousness, that he may reign in righteousness over his subjects.

.....

If this ruler do not esteem my words, which I have written in my inscription, if he despise my curses, and fear not the curse of God, if he destroy the law which I have given, corrupt my words, change my monument, efface my name, write his name there, or on account of the curses commission another so to do, that man... may the great God (Anu), the Father of the gods, who has ordered my rule, withdraw from him the glory of royalty, break his scepter, curse his destiny. May Bel, the lord, who fixeth destiny, ... order with his potent mouth the destruction of his city, the dispersion of his subjects, the cutting off of his rule, the removal of his name and memory from the land. ... May Bel curse him with the potent curses of his mouth that can not be altered, and may they come upon him forthwith.

**Questions:**

1. What are the authority and principles on which this law code is based?
2. How are the law codes similar to the "Laws of the Hebrews" in document 1.6?
3. What do these two law codes reveal about the social structure, family, and the position of women in each society?