

# Hammurabi's Code

## Would You Sink or Swim?

Do you know how to swim? In ancient Babylonia, knowing how to swim could mean the difference between innocence and guilt, life and death. If someone accused you of a wrong, the only way to determine the truth was for you to jump into the Euphrates River. Emerging from the river alive and unharmed established your innocence, and your accuser was then put to death. But drowning in the river proved your guilt, and your accuser was then awarded your house.

### A Public Proclamation

Babylonians lived according to laws fundamentally different from the ones you may be familiar with. Hammurabi, King of Babylonia from 1792 to 1750 B.C., included this trial by water in one of the world's earliest, comprehensive collection of laws. Known as Hammurabi's Code, it was publicly proclaimed and prominently displayed throughout the world's first metropolis.

Hammurabi carved the code on to a diorite *stele*, or black stone monument, making his laws written in stone. The stele measured seven and a half feet in height and six feet in circumference. A picture at the top of the monument shows King Hammurabi receiving the law code from Shamash, the Sumerian sun god and god of justice.

Although many Babylonians could not read, King Hammurabi displayed the stele in Sippar, the city of Shamash, and in numerous temples dedicated to the local gods and on similar monuments throughout his kingdom. His decision to display the law code was in keeping with other kings of his time who also erected large monuments for all to see.

### Discovery of the Code

Who discovered the code? Jacques de Morgan, a French archeologist, discovered it in 1901 in Susa (which is now in Iran). Today, it is displayed in the Louvre Museum in Paris, France. There are other Sumerian legal documents which precede Hammurabi's Code by several centuries, including one drawn up by the King of Ur around 2100 B.C. and another by the King of Lipit-Ishtar of Isin around 1920 B.C. Hammurabi probably

used these earlier laws as a source when drawing up his code, but his code is still the best preserved legal document that reflects an ancient social structure.

The laws are written in cuneiform, a picture-writing script invented by the Sumerians of Mesopotamia. Cuneiform is similar to Egyptian hieroglyphics except it is more abstract. Hammurabi made sure to write the code using everyday language because he wanted anyone who read it to be able to understand its language and meanings.

There are forty-nine columns of writing, which include a preamble, epilogue, and 282 laws. The preamble describes Hammurabi's role as the protector of people, a responsibility given to him from the gods. Hammurabi's responsibility was to protect the weak and oppressed and to ensure that justice prevailed. The epilogue is a summary of his legal accomplishments. The 282 laws address numerous daily life matters.

What do these laws say? You already know about the Euphrates River test of guilt or innocence. All the laws govern daily life matters, such as familial, criminal, civil, and economic or business dealings. They rarely take into account a person's motivation: excuses and explanations are irrelevant. Only the facts matter.

### The Law of Retaliation

Hammurabi believed in *lex talionis*, or the law of retaliation, which is the idea that the law provides retaliation for the wronged person. The criminal provisions of the code reflect *lex talionis*. Hammurabi believed in an eye for an eye, a tooth for a tooth. If you fought with another person and poked out his eye, the only way to make things right was to have your eye poked out too. If you knocked out

another person's tooth, then the only just punishment was to knock out your own tooth too. If you broke someone's bone, your bone had to be broken too.

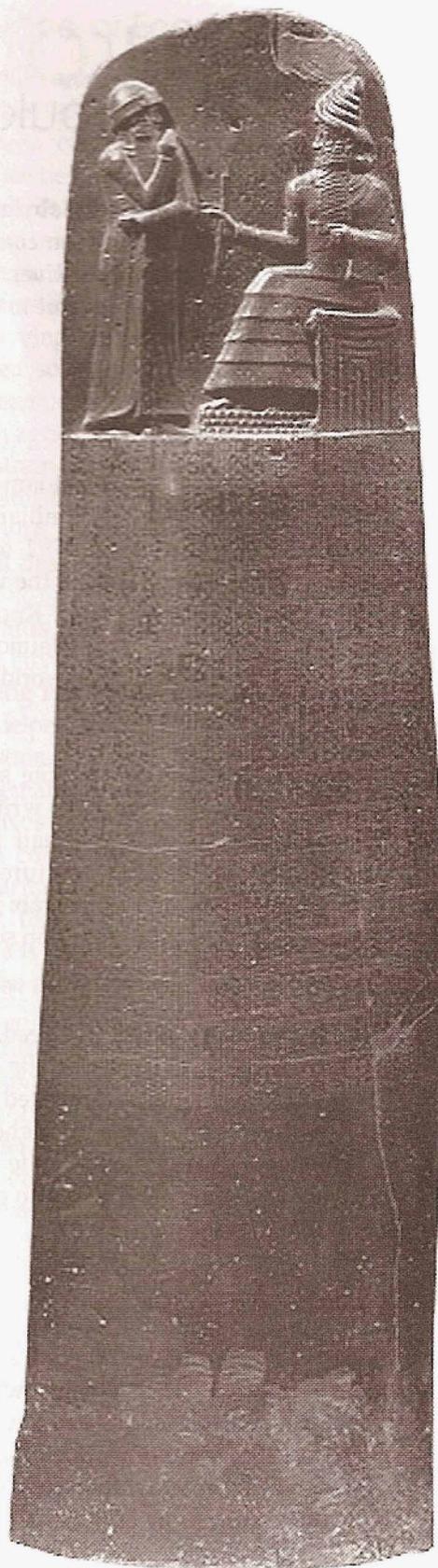
What did Hammurabi's Code say about people's jobs and their responsibilities? Whether you made a living as a shepherd, judge, or doctor, you had to be extra careful in your work. Otherwise, you could suffer serious consequences for your actions, including heavy fines, banishment from your occupation, or even losing a limb. A shepherd who let his flock feed in someone else's cornfield had to pay four times the damage to the crop owner. A judge who botched a judgment because of stupidity or carelessness lost his job forever and paid a heavy fine. A doctor who made a mistake and caused someone's death lost his hand.

You or someone in your family might even die if you weren't careful. If you were a house builder and built a poorly constructed house that toppled and killed the owner, then you would be put to death. If the same house fell on the owner's son and killed the owner's son, then your son must also die.

## Rules for Business and Social Classes

We know that the Babylonians lived under a stern sense of justice. What else does Hammurabi's Code reveal about Babylonian society? Babylonians lived in an advanced business society. The code protected property and business contracts. *Lex talionis* also applied to the code's economic provisions. If an irrigator didn't repair his dike, and the dike broke and caused a flood, the irrigator must compensate for the damage to his neighbor's crops by providing monetary compensation or selling a family member to pay for the damage.

Hammurabi's Code also reflects a sharp division among the three Babylonian classes. *Amelu*, or free citizens, such as government officials, priests, and soldiers of the army, had aristocratic privileges and often received severe retaliation and more money for injuries. *Muskinu*, or middle class citizens, such as merchants, shopkeepers, and schoolmasters, received monetary compensation for bodily injuries. *Ardu*, or slaves, were looked upon as property. The code exacted harsher punishments for an offense against an *amelu* than for an offense against a *muskinu* or *ardu*, such as an arti-



Stele of Hammurabi

san, farmer, or slave. A freed man who struck another freed man had to pay a fine. But a slave who struck a freed man had his ear cut off as punishment.

## Family Law

The code's longest chapter addresses family relationships, which were the basis of Babylonian society. Engagement, marriage, divorce, adoption, and inheritance followed strict rules. A Babylonian man could divorce his wife, but not before he restored her dowry. If they had children, the wife received custody of their children.

What about children who lived during these Babylonian times? What did Hammurabi's Code say? A child who hit his father with his hand would have the striking hand cut off as punishment. A Babylonian father maintained legal control over his children until they married. He had a right to his children's labor in return for their keep and for providing shelter, food, and clothes. A father could hire his children out and receive their wages. If a father owed a debt, he could pay off the debt by selling his children.

Even though the code described appropriate punishments, it also protected its citizens, including women and slaves. Women could own property and engage in business. A husband had a legal duty to support his wife. A slave could own possessions, including other slaves, and could also purchase his freedom. But until then, he was under the care of his master.

Each one of King Hammurabi's 282 laws reveals a cultural, legal, or social aspect that helped maintain order and justice in Babylonian society. Would you sink or swim under Hammurabi's Code?



### *About the author*

*Joanne Liu is a freelance writer and attorney in Austin, Tex. She holds a B.A. in political science and economics from Brown University and a J.D. from Boston University.*

## Discussion or Essay Questions

Hammurabi's Code is displayed in the Louvre Museum in Paris, France. Are there monuments of law displayed in your country? What are they and where are they displayed? What are the purposes of these monuments, and how are they similar to or different from the purpose(s) of Hammurabi's Code? Where can you find and read the laws of your town, state or province, and country?

Hammurabi's Code contains a preamble, which states the purpose of the text that follows. Do you know of other historical documents that contain preambles? What are they?

Hammurabi's Code addresses specific situations that may arise in daily life. Choose one of Hammurabi's rules that you agree with. Explain why you agree with this rule. Now, find at least one rule that you disagree with. Explain why you disagree and rewrite it.

Hammurabi had his code carved onto diorite, which is one of the world's hardest stones to sculpt. Why do you think he chose to carve the code onto this type of stone?



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### **Ages 9-12**

*The Life & Times of Hammurabi* by Tamera Bryant

### **Ages 12+**

*King Hammurabi of Babylon: A Biography*  
by Marc Van De Mieroop

