The Code of Hammurabi is a well-preserved Babylonian law code, dating to ca. 1700 BC (short chronology). It is one of the oldest deciphered writings of significant length in the world. The sixth Babylonian king, Hammurabi, enacted the code, and partial copies exist on a human-sized stone stele and various clay tablets. The Code consists of 282 laws, with scaled punishments, adjusting "an eye for an eye, a tooth for a tooth" (lex talionis)[1] as graded depending on social status, of slave versus free man.[2]

Nearly one-half of the Code deals with matters of contract, establishing for example the wages to be paid to ox driver or a surgeon. Other provisions set the terms of a transaction, establishing the liability of a builder for a house that collapses, for example, or property that is damaged while left in the care of another. Approximately a third of the code addresses issues concerning household and family relationships such as inheritance, divorce, paternity and sexual behavior. Only one provision appears to impose obligations on an official; this provision establishes that a judge who reaches an incorrect decision is to be fined and removed from the bench permanently.[3] A handful of provisions address issues related to military service.

One nearly complete example of the Code survives today, on a diorite stele in the shape of a huge index finger,[4] 2.25 m or 7.4 ft tall (see images at right). The Code is inscribed in the Akkadian language, using cuneiform script carved into the stele, today on display in the Louvre, in Paris.

History

Hammurabi ruled for 42 years, 1792 to 1750 B.C., in the preface to the law code, he states, "Anu and Bel called by name me, Hammurabi, the exalted prince, who feared God, to bring about the rule in the land."[5]

In 1901 Egyptologist Gustave Jéquier, a member of an expedition headed by Jacques de Morgan, found the stele containing the Code of Hammurabi in what is now Khūzestān, Iran (ancient Susa, Elam), where it had been taken as plunder by the Elamite king Shutruk-Nahhunte in the 12th century B.C.

It is currently on display at the Louvre, in Paris.[6]
Law

The Code of Hammurabi was one of several sets of laws in the Ancient Near East.[7] Earlier collections of laws include the Code of Ur-Nammu, king of Ur (ca. 2050 BC), the Laws of Eshnunna (ca. 1930 BC) and the codex of Lipit-Ishtar of Isin (ca. 1870 BC), while later ones include the Hittite laws, the Assyrian laws, and Mosaic Law.[8] These codes come from similar cultures in a relatively small geographical area, and they have passages which resemble each other.[9]

The code has been seen as an early example of a fundamental law regulating a government — i.e., a primitive form of what is now known as a constitution.[10] [11] The code is also one of the earliest examples of the idea of presumption of innocence, and it also suggests that both the accused and accuser have the opportunity to provide evidence.[12] The occasional nature of many provisions suggests that the Code may be better read as a codification of supplementary judicial decisions of the king. Rather than being a modern legal code or constitution, it may have as its purpose the self-glorification of Hammurabi by memorializing his wisdom and justice. Its copying in subsequent generations indicates that it was used as a model of legal and judicial reasoning.[13]

Examples

Here are nineteen example laws, in their entirety, of the Code of Hammurabi[14], translated into English:

- If anyone ensnares another, putting a ban upon him, but he cannot prove it, then he that ensnared him shall be put to death.
- If anyone brings an accusation against a man, and the accused goes to the river and leaps into the river, if he sinks in the river his accuser shall take possession of his house. But if the river proves that the accused is not guilty, and he escapes unhurt, then he who had brought the accusation shall be put to death, while he who leaped into the river shall take possession of the house that had belonged to his accuser.
- If anyone finds runaway male or female slaves in the open country and brings them to their masters, the master of the slaves shall pay him two shekels of silver.
- If anyone brings an accusation of any crime before the elders, and does not prove what he has charged, he shall, if a capital offense is charged, be put to death.
- If a builder builds a house for someone, and does not construct it properly, and the house which he built falls in and kills its owner, then the builder shall be put to death. (Another variant of this is: If the owner's son dies, then the builder's son shall be put to death.)
- If a son strikes his father, his hands shall be hewn off.
- If a man gives his child to a nurse and the child dies in her hands, but the nurse, unbeknown to the father and mother, nurses another child, then they shall convict her of having nursed another child without the knowledge of the father and mother and her breasts shall be cut off.
- If anyone steals the minor son of another, he will be put to death.
• If a man takes a woman as a wife, but has no intercourse with her, this woman is no wife to him.
• If a man strikes a free-born woman so that she loses her unborn child, he shall pay ten shekels for her loss.
• If a man puts out the eye of a patrician, his eye shall be put out.
• If a man knocks the teeth out of another man, his own teeth will be knocked out.
• If anyone strikes the body of a man higher in rank than he, he shall receive sixty blows with an ox-whip in public.
• If a freeborn man strikes the body of another freeborn man of equal rank, he shall pay one gold mina.
• If the slave of a freed man strikes the body of a freed man, his ear shall be cut off.
• If anyone commits a robbery and is caught, he shall be put to death.
• If anyone opens his ditches to water his crop, but is careless, and the water floods his neighbor's field, he shall pay his neighbor corn for his loss.
• If a judge tries a case, reaches a decision, and presents his judgment in writing; and later it is discovered that his decision was in error, and it was his own fault, he shall pay twelve times the fine set by him in the case and be removed from the judge's bench...

There are 282 such laws in the Code of Hammurabi, each usually no more than a sentence or two. The 282 laws are bracketed by a Prologue in which Hammurabi introduces himself, and an Epilogue in which he sets forth his hopes and prayers for his code of laws.

Other copies
Various copies of portions of the Code of Hammurabi have been found on baked clay tablets, some possibly older than the celebrated diorite stele now in the Louvre. The Prologue of the Code of Hammurabi (the first 305 inscribed squares on the stele) is on such a tablet, also at the Louvre (Inv #AO 10237). Some gaps in the list of benefits bestowed on cities recently annexed by Hammurabi may imply that it is older than the famous stele (it is currently dated to the early 18th century BCE).[15] Likewise, the Museum of the Ancient Orient, part of the Istanbul Archaeology Museums, also has a "Code of Hammurabi" clay tablet, dated to 1750 BC, in (Room 5, Inv # Ni 2358).[16][17]

In July, 2010, archaeologists reported that a fragmentary Akkadian cuneiform tablet was discovered at Tel Hazor, Israel, containing a ca. 1700 BC text that was said to be partly parallel to portions of the Hammurabi code. The Hazor law code fragments are currently being prepared for publication by a team from the Hebrew University of Jerusalem.[18]

References
[9] Barton 2009, p.406. Barton, a professor of Semitic languages at the University of Pennsylvania from 1922 to 1931, stated that while there are similarities between the Mosaic Law and the Code of Hammurabi, a study of the entirety of both laws "convinces the student that the laws of the Old Testament are in no essential way dependent upon the Babylonian laws." He states that "such resemblances" arose from "a similarity of antecedents and of general intellectual outlook" between the two cultures, but that "the striking differences show that there was no direct borrowing."
What is a Constitution? William David Thomas, Gareth Stevens (2008) p. 8


http://www.wsu.edu/~dee/MESO/CODE.HTM


Bibliography


External links

• HG-Hammu (http://www.historyguide.org/ancient/hammurabi.html), historyguide.org
• speechisfire.com (http://www.speechisfire.com/) - Includes soundfiles with extracts from the Code being read in Babylonian by a modern scholar.
• The Code of Hammurabi Translated by L. W. King (http://www.holyebooks.org/babylonia/the_code_of_hammurabi/index.html)
• Law Code of Hammurabi, king of Babylon | Musée du Louvre (http://www.louvre.fr/liv/oeuvres/detail.notice.jsp?sessionid=HKtvj0p5v5RnxZmHFSyPpMhwMxtM0r26Pkk7JDT5QN3QsI58Qt!168458495?CONTENT<>cnt_id=10134198673226487&FOLDER<>folder_id=9852723696500800&baseIndex=0&bmLocale=en)
• English Translation | University of Evansville (http://eawc.evansville.edu/anthology/hammurabi.htm)
• Code Of Hammurabi - Ancestor of Modern Law (http://www.famoushistorialevents.net/code-hammurabi/)
• English translation of the Code of Hammurabi (http://www.wsu.edu/~dee/MESO/CODE.HTM)