

The Code of Hammurabi

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- It is one of the oldest set of laws yet discovered by modern archaeologists.
- It dates back to 18th century B.C. by Hammurabi, the king of Babylon.
- Hammurabi was the one who conquered the Sumerian dynasty, thus bringing an end to the centuries-long Sumerian domination of Mesopotamia.

- It was excavated in 1901 by a French archaeologist Jean-Vincent Scheil. It now stands in the Louvre Museum in Paris.
- The stela holds the most well-preserved and comprehensive lists of ancient laws in existence.
- Because of its size, it may have been meant for public display when it was first erected in an ancient Babylonian city.
- The Code lays out the basis of both criminal and civil law, and defines procedures for commerce and trade.

The Description of the Code of Hammurabi

- It was carved on an 7-8ft high stone monolith.
- At the top is an engraved depiction of Hammurabi with the god of justice, Shamash.
- Below that picture are columns of inscription in the Akkadian language.
- The tablet has 16 columns of text on the front and 28 on the back.

- Between a prologue and epilogue (in which Hammurabi invokes the gods and discusses the greatness of his justice) lies the meat of the artifact. It enumerates almost 300 laws, all in a conditional if/then format.
- These laws illuminate the Babylonians' sense of justice, which was surprisingly ahead of its time in some ways.
- It has shed light on the laws, culture and life in Babylonia.
- It offers remarkable insights into the history of law, social justice, and even the Bible.



The Law Code of Hammurabi depicts the king himself receiving the law from Shamash, the Babylonian god of justice. It provides incredible insight into the civil laws and customs of the ancient world, and shows similarities to the laws contained in the *Torah* (first five books) of the Bible.



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About 100 of these laws concern matters of property and commerce, including debt, interest , and collateral.

- For instance, if a dam broke and subsequent flooding destroyed crops, the law point it to the negligence of the dam's owner, who had to compensate the farmers who lost crops.
- In terms of loan, the laws also established certain standards and limits for loan agreements to control an abuse of usury. The code stipulates that a lender could charge at most 20 percent for a silver-based loan and 33.3 percent for a grain loan. Lenders also had to finalize the contract in front of witnesses and wait for harvest time before demanding repayment.

- Also, the code addresses the idea of a secured loan (one backed by valuable collateral) as well. Property in the form of land and houses -- or even wives and children -- could serve as collateral, too. Those in severe debt could enter indentured servitude to pay it off.

Approximately 100 laws concerns family and issues ranging from marriage and children to inheritance, adultery and incest.

- Marriages were often a business arrangement between the prospective husband and father of the desired wife.
- Divorce was attainable, though more easily for the man than the woman.
- Divorce often carried a fee and sometimes required the husband to return the dowry.

- Incest and a wife's adultery were punishable by exile or death.
- The code sees the father as the head of the household. Until the child married, the father had legal rights to use children for labor for himself or his debtors.
- Fathers could even choose to sell their children off. Not only that, but were a child to strike a father, the child's hands were cut off.

Criminal Laws

- An “eye for an eye” law
- King Hammurabi instituted some very harsh punishments for certain crimes to keep his society stable.
- Physical mutilation was one common option for punishment -- whether that meant a child's hands or a woman's breasts cut off.
- Death was another punishment. The code explicitly mentions about 28 crimes that warrant death, including robbery, adultery, and casting spells of witchcraft.

- Punishments often depended on the social status of the perpetrator. When a member of the elite committed a grievous crime against a person of lower status, he or she may have been asked to pay a fee. When the roles were reversed, the lower-class criminal might receive a harsher punishment.
- "an eye for an eye and a tooth for a tooth." For a time, people thought this idea, called **lex talionis** (law of retribution), originated with Moses and Hebrew law. The discovery of the Code of Hammurabi cast doubt on this. The code not only included lex talionis, but it literally dictated such laws for eyes and teeth. If one put out another's eye, he or she would lose an eye.

● Historians were surprised to find the idea of lex talionis in a code that predated Mosaic Law (the laws of Moses and the Hebrews) by a couple hundred years. Many jumped to the conclusion that Mosaic Law evolved from the Code of Hammurabi. Scholars quickly dismissed this idea and have come to accept that both probably share a common origin; there are too many significant differences between the two sets of laws to conclude that Mosaic Law is based on the Code of Hammurabi [source: Bromiley]. Historians frequently point out that Mosaic Law is more humane, and while the Code of Hammurabi designates punishments according to a perpetrator's class, Mosaic Law doesn't make this distinction [source: Berolzheimer].

Importance of the Code of Hammurabi

- The Code of Hammurabi is of special interest to biblical archaeologists because of the similarities between it and the Mosaic Law. Instances of correspondence include the famous "eye for an eye" principle. This has led some scholars to speculate that Moses, who lived around three centuries after Hammurabi, borrowed his law from the Babylonian monarch. This view has been discredited however. The similarities are limited and often superficial. For example, in the Mosaic Law, the "eye for an eye" principle is universal. In the Hammurabi Law the "eye for an eye" principle only applies if both parties are of equal status (i.e. lower class, middle class, upper class, clerical, nobility, etc.).