

Hammurabi

You be the judge—A father and son are having a disagreement. Anger grows and the argument gets louder. The confrontation continues and harsh words flow thick and fast. In the heat of the moment, the son loses his temper and strikes his father. What should his punishment be?

Notice that no time frame was included in the description of the scene above. If the incident took place in the country of Babylonia around 1700 B.C. when Hammurabi ruled, the son would lose his hand! Hammurabi's Code, the set of laws by which Hammurabi governed his empire, stated that the punishment for a son who struck his father was to have his hand cut off. Hammurabi's Code, which we might find hard to live with today, was considered a sign of progress in that place, at that time. In fact, Hammurabi is famous in history as the world's first maker of written laws.

Hammurabi ruled the country of Babylonia and conquered the whole region of the Tigris and Euphrates Rivers from Babylon to the Persian Gulf. During the first thirty years that Hammurabi was king, he warred with surrounding countries. After establishing his empire, Hammurabi turned his attention to running his kingdom in a peaceful and just manner. He built the capital, Babylon, into a magnificent city with canals and river waterways. He encouraged learning, especially astronomy, mathematics, and literature.

Hammurabi collected many of the laws which had been in effect in earlier times. These he combined with his decisions in local conflicts into what is known as Hammurabi's Code. The Code dealt with many issues—assault, marriage, medical practices, agriculture, wages, trade, property, and slavery. These laws, the first example of a codified body of laws, were designed to protect the weak, dispense justice, and provide fairness.

Because Hammurabi acted as a judge, many of his laws are worded as warnings, such as: "If a freeman destroys the eye of another freeman, his eye shall be destroyed. If anyone breaks a freeman's bone, his bone shall be broken. If a freeman knocks out the tooth of a freeman of his own rank, his own tooth shall be knocked out."¹ Although these laws seem harsh by today's standards, they protected the weak and also provided compensation so that if a person accidentally caused injury to another, he could compensate the injured party with money instead of suffering the same injury as punishment.

A complete copy of Hammurabi's Code was found in 1902 in what is now Susa, Iran, on an eight-foot high stone monument. At the top of the monument are two figures that shows Hammurabi receiving the laws from the sun god. Below, in cuneiform (a system of wedge-shaped writing),

are engraved a prologue, a listing of the laws, and an epilogue. The prologue tells that Hammurabi was ordered by the sun god to provide justice and good government for the Babylonians. Three hundred laws follow the Code. Other partial clay tablets of the laws have been found, which indicate that Hammurabi had the laws inscribed in clay, baked, and then publicly displayed so that the people would have easy access to them.

Hammurabi's decisions were written on clay tablets because clay was readily available in the Tigris-Euphrates valley. The Babylonians learned, over a period of years, how to make the best clay for writing tablets, how to dry the clay, and even how to make clay envelopes that would shrink as they dried to seal around the inner tablet.

Cuneiform, the wedge-shaped writing, developed over a long period of time. Originally, a pictogram was used. Then, as pictograms were replaced by symbols that stood for syllables and sounds, the symbols looked less and less like the original picture. The Babylonians used a piece of bone or wood with a flat, narrow tip as a pencil. By pressing hard at the tip, a triangular wedge was indented in the clay. The other end could be used to make dots or lines.

Besides being used for recording laws, clay was also used for recording history, making mathematical tables and charts, and writing letters or prescriptions. Clay was also used for making household items, or decorative pieces, such as figurines or statues.

Had the Babylonians not used the clay which was readily available to keep their written records, we would not have so many artifacts that reveal so much about their culture and about Hammurabi and the gift of a codified system of laws he gave the world.

CHAPTER
2

Section 1

PRIMARY SOURCE from *The Code of Hammurabi*

More than 3,500 years ago, Hammurabi, king of the Babylonian Empire, ordered scribes to chisel a code of 282 laws onto a tall column of black stone. The column also featured an introduction explaining the intent of the code and a summary of Hammurabi's kingly deeds. As you read these laws from the code, think about how Mesopotamians defined crimes and how criminals were punished.

Before this portrait let every man who has a legal dispute come forward, read this text, and heed its precious words. The stone tablet will enlighten him in his trouble, and thus may he find justice and breathe easier in his heart, speaking these words: "Hammurabi is a king who cares for his people like a loving father."

1

If a man bring an accusation against a man, and charge him with a capital crime, but cannot prove it, he, the accuser, shall be put to death.

48

If a man owe a debt and Adad inundate his field and carry away the produce, or, through lack of water, grain have not grown in the field, in that year he shall not make any return of grain to the creditor, he shall alter his contract-tablet and he shall not pay the interest for that entire year.

53

If a man neglect to strengthen his dike and do not strengthen it, and a break be made in his dike and the water carry away the farm-land, the man in whose dike the break has been made shall restore the grain which he has damaged.

54

If he be not able to restore the grain, they shall sell him and his goods, and the farmers whose grain the water has carried away shall share the results of the sale.

113

If a man hold a debt of grain or money against a man, and if he take grain without the consent of the owner from the heap or the granary, they shall call that man to account for taking grain without the consent of the owner from the heap or the granary, and he shall return as much grain as he took, and he shall forfeit all that he has lent, whatever it be.

148

If a man take a wife and she become afflicted with disease, and if he set his face to take another, he may. His wife, who is afflicted with disease, he shall not put away. She shall remain in the house which he has built and he shall maintain her as long as she lives.

149

If that woman do not elect to remain in her husband's house, he shall make good to her the dowry which she brought from her father's house and she may go.

153

If a woman bring about the death of her husband for the sake of another man, they shall impale her.

195

If a son strike his father, they shall cut off his fingers.

196

If a man destroy the eye of another man, they shall destroy his eye.

197

If one break a man's bone, they shall break his bone.

200

If a man knock out a tooth of a man of his own rank, they shall knock out his tooth.

216

If he be a freeman, he (the physician) shall receive five shekels.

218

If a physician operate on a man for a severe wound with a bronze lancet [surgical knife] and cause the man's death; or open an abscess (in the eye) of a man with a bronze lancet and destroy the man's eye, they shall cut off his fingers.

225

If he operate on an ox or a donkey for a severe wound and cause its death, he shall give the owner of the ox or donkey one fourth its value.

229

If a builder build a house for a man and do not make its construction firm, and the house which he has built collapse and cause the death of the owner of the house, that builder shall be put to death.

250

If a bull, when passing through the street, gore a man and bring about his death, this case has no penalty.

I, Hammurabi, who was a perfect king to the downtrodden people entrusted to me by the god Enlil, I who was, by Marduk's order, their shepherd, have never tarried, never rested. I gave the people beautiful places, kept all pressing needs far away, and made their lives easier. With the mighty weapons given me by the gods Zababa and Ishtar, with the wisdom granted me by Ea, with the powers I hold from Marduk, I wiped out enemies on every side, put an end to wars, brought prosperity to our land, allowed men to live in peace and let no one fall upon them or harass them. I was called by the great gods, wherefore I became the good shepherd whose staff is straight. My righteous shadow

has stretched across my city. I have gathered Sumer and Akkade in my arms, that they might thrive under my protection. I shield them in my peace and protect them in my wisdom. That the strong might not oppress the weak, that the widow and orphan might receive their due, here in Babylon have I inscribed my precious words on a memorial stone and erected my statue as King of Justice.

from Robert Francis Harper, *The Code of Hammurabi, King of Babylon* (Chicago: The University of Chicago Press, 1904). Reprinted in Pierre Schwob, ed., *Great Documents of the World: Milestones of Human Thought* (Maidenhead, England: McGraw Hill, 1977).

Activity Options

1. **Making Judgments** With a small group, role-play Mesopotamians who live in the Babylonian Empire. Take turns acting as criminals who break specific laws in Hammurabi's Code, scribes who record the legal proceedings, and judges who sentence the criminals according to the code.
2. **Perceiving Relationships** Invite a local attorney to speak to the class about today's judicial system. Discuss ways in which laws and penalties for breaking the law in the United States are similar and different to laws and penalties in the Babylonian Empire.

An Eye for an Eye

One possible weekend activity in Saudi Arabia is to join several thousand excited people watching someone's head being chopped off by an executioner waving a 4-foot-long curved sword.

Two British nurses, Deborah Parry, 38, and Lucille McLauchlan, 31, on trial before Saudi courts for allegedly murdering 55-year-old Australian Yvonne Gilford last year, face the possibility of being beheaded this way. The two nurses, allegedly caught with Ms. Gilford's automatic bank card after she was found stabbed and bludgeoned in the dorms of a medical complex in December, had originally "confessed" before retracting their statements saying they were innocent and their confessions were made under pressure and harassment from the Saudi police.

In this Middle Eastern kingdom, capital punishment is a fact of life. The oil-rich country of 18 million people has seen the execution of 81 people this year, the latest on 25 August when a Pakistani man was beheaded for heroin smuggling. A total of 68 people were beheaded in 1996 compared to 45 executions in the United States, with a population of 260 million.

The almost weekly event is a spectacle that is held ceremoniously after the Friday prayers, where many Muslims gather. Executions are carried out in the court of the main mosque or in a square in front of the provincial governor's palace. The audience throngs feverishly to watch the whipping of an adulterer, the amputation of the hand of a thief or the beheading of a murderer, rapist or drug trafficker. Westerners watch anxiously trying to hide their cameras and wait for the moment to take the picture of an event they do not have back at home. "It is a strange feeling when you are watching," said an expatriate in the Saudi Kingdom who refrained from giving his name. "You just go with the mob. They are happy to see justice done and you just do not get the feeling you can have mercy on a criminal in a ceremony like that." According to eyewitnesses, in the case of the capital punishment, convicts are usually drugged to lessen their resistance. They are taken out of a van with their hands tied behind their back and are ordered into a squatting position. Immediately, the ax falls. A doctor is present to examine the body to certify death. Cleaners rush with water hoses to clean the blood while the body is wrapped in plastic sheets and placed back into the van. The acts of death is broadcast on the national radio and TV.

Those convicted of crimes such as serial killings or murders of several people, or combined crimes, are administered a more painful method of death. The masterful swordsman hits the back of the neck three times without completely chopping off the head. In more serious cases criminals are crucified for 24 hours as an example and deterrent. In 1993 two Saudi Arabian nationals and an Egyptian were executed and crucified in the city of Haql for the murder of a man, his wife and four children, and raping the wife.

Amnesty International has labeled this method of execution as "particularly violent for all those involved; the victims, their families and on-lookers." But many of the on-lookers shake the hand of the executioner, thought to be blessed for carrying out the orders of God. The view held in Saudi Arabia is that murderers should be killed unless the closest male relative of the victim accepts *diya*, or "blood-money." Islamic law, known as *sharia*, specifies the death penalty as a deterrent for those who commit crimes. Women too are subject to the same method of punishment but usually face a firing squad. Many Saudis argue that this is a merciful method of killing since it brings death faster than the electric chair or the gas chamber.

The oil industry has fueled the transformation of the Saudi Arabian society from rural or Bedouin to a rapidly commercial consuming one, characterized by a labor market comprised mainly of foreigners. Pakistanis, Indians and Yemenis constitute the bulk of the kingdom's foreign workforce, and many have met their end this way. Westerners have been treated with comparative leniency. Members of the House of Saud are also generally believed to be above that law. The Saudi regime is generally considered a friendly regime by the West. The ruling Saudi family is very keen to keep their image untarnished concerning human rights. Westerners are generally granted access to lawyers. The case of the British nurses is particularly applauded. "Of all other trials in Saudi Arabia, this one stands out," said Sharouf Al Ammry, of Amnesty International in London. "The difference is that the defendants have been offered access to lawyers. This is unprecedented in the Saudi justice system. We welcome that very much."