

# CODE OF HAMMURABI

BABYLON (MESOPOTAMIA), 1754 BCE

## SUMMARY

The Code of Hammurabi, established in the Babylonian region of Mesopotamia, dates back to 1754 BCE. It is one of the world's oldest and most complete legal codes.

King Hammurabi was the sixth king of the First Babylonian Dynasty. His code worked not only to compensate the victims of crimes, but also to punish perpetrators. The document contains the earliest example of the legal principle of 'innocent until proven guilty.'

King Hammurabi's legacy can still be seen today. In fact, in the United States Supreme Court building, a depiction of Hammurabi is carved into the marble relief alongside twenty-three other great lawmakers in history.

## SOURCE

"Hammurabi's Code of Laws," adapted from L.W. King translation, <http://faculty.collin.edu/mbailey/hammurabi%27s%20laws.htm>.



Stele with Code of Hammurabi (Louvre Museum/Wikimedia Commons)

## DOCUMENT TEXT

*Note: This version of Hammurabi's Code has been adapted into simplified English from L.W. King's translation. Parts of this document have been removed for length. [...] indicates that text has been removed.*

1. If anyone accuses another of murder but cannot prove it, then the accuser shall be put to death.
2. If anyone accuses someone else of sorcery, the accused shall leap into the river, and if s/he drowns the accuser shall take possession of the accused's house and belongings. However, if the accused reaches the shore unharmed and the river thus proves that the accused is innocent of the charges, then the accuser shall be put to death, while the one who leaped into the river shall take possession of the house and belongings of the accuser. [...]
5. If a judge tries a case, reaches a decision, and presents his judgment in writing but later an error is found that is the judge's own fault, then the judge must pay twelve times the fine set by him in the case; in addition, he shall be publicly removed from the judge's bench, never again to sit on the bench nor render judgment.
6. If anyone steals anything from the temple or the court, he will be put to death, and also the one who has received the stolen goods will be put to death.
7. If anyone buys from the son or the slave of another silver or gold, a male or female slave, an ox or a sheep, an ass or anything, (without witnesses or a contract)... or if he agrees to take charge of stolen property, he is considered a thief and shall be put to death. [...]
21. If anyone breaks into a house to steal, he will be put to death before that point of entry and be buried there (walled into the house). [...]
25. If fire breaks out in a house, and someone who comes to help put it out casts his eye upon the property of the owner of the house and then steals the property of the master of the house (looting), he shall be thrown into that self-same fire. [...]

27. If a chieftain or man be caught in the misfortune of the king (captured in battle), and if his fields and garden be given to another and he take possession, if he returns, his field and garden shall be returned to him, and he shall take it over again. [...]
48. If anyone owes a debt for a loan, and a storm wipes out the grain, or the harvest fails, or the grain does not grow for lack of water; in that year he need not give his creditor any grain in payment, he washes his debt-tablet in water and pays no rent for this year. [...]
53. If anyone be too lazy to keep his dam in proper condition, and if the dam then breaks and all the fields get flooded, then whoever let the dam break shall be sold for money (enslaved), and the money shall replace the crops which he has caused to be ruined. [...]
108. If a woman wineseller / tavern-keeper (feminine) does not accept grain according to gross weight in payment of drink, but takes money so that the price of the drink is less than that of the grain, she shall be convicted and thrown into the water.
109. If outlaws meet in the tavern and are not captured and delivered to the court / palace, the female tavern-keeper shall be put to death.
110. If a holy woman opens a tavern door or enters a tavern for a drink, she shall be burned to death [...]
117. If anyone fails to repay a 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. [...]
127. If anyone "point the finger" at (slanders or accuses of adultery) a holy woman or someone else's wife but cannot prove it, this man shall be taken before the judges and his brow shall be marked (by cutting the skin, or perhaps cutting off half his hair.)
128. If a man takes a woman to wife, but has no intercourse with her or does not draw up a marriage contract, this woman is no wife to him.
129. If a man's wife be surprised (in flagrante delicto / having sex) with another man, both shall be tied together and thrown into the water, but if the husband wishes to pardon his wife, then the king may also pardon the man, but otherwise, the king has no power to free them. [...]
132. If the "finger is pointed" at a man's wife about another man (if she is accused of adultery), but she is not caught sleeping with the other man, she shall jump into the river for her husband's sake.
133. If a man is taken prisoner in war, and there is enough sustenance in his house, but his wife does leave and go to another house, because this wife did not keep her vows, she shall be judicially condemned and thrown into the water.
134. If anyone is captured in war and there is not sustenance in his house, if then his wife goes to another house this woman shall be held blameless. [...]
137. If a man wishes 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 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. [...]

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. [...]
192. If an adopted son says to his adoptive father or mother: "You are not my father, or my mother," his tongue shall be cut off. [...]
195. If a son strikes his father, his hands shall be cut off.
196. If a man put out the eye of a nobleman (amelu), his eye shall be put out. [An eye for an eye] [...]
198. If he puts out the eye of a freed man, or breaks the bone of a freed man, he shall pay one goldmina.
199. If he puts out the eye of a man's slave, or breaks the bone of a man's slave, he shall pay one-half of its value.
200. If a man knocks out the teeth of his equal, his teeth shall be knocked out. [tooth for a tooth] [...]
218. If a physician performs an operation and kills someone or cuts out his eye, the doctor's hands shall be cut off.
219. If a physician performs an operation on the slave of a freed man and kills him, the doctor shall replace the slave with another slave. [...]
227. If anyone deceive a barber, and have him mark a slave not for sale with the sign of a slave, the deceiver shall be put to death, and buried in his house. The barber shall swear: "I did not mark him wittingly," and shall be guiltless. [...]
229. If a builder builds a house for someone, and does not construct it properly, and the house which he built falls and kills its owner, then that builder shall be put to death.
230. If it kills the son of the owner, the son of that builder shall be put to death. [...]
232. If it ruins 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, that is at his own expense. [...]
282. If a slave says to his master: "You are not my master," if they convict him his master shall cut off his ear.