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Hammurabi Laws

The Hammurabi law code was created by King UR III in the early 22nd Century and consists of 40 laws that address homicide, family issues, and personal injury. Throughout the Middle East, the Shari law was created using the Hammurabi law code as a basis. It has been modified by several kings and their generations. The following is a summary of the laws of the Hammurabi law code. The law has been in existence for over 1500 years and ceased utility until the Islamic era.

The laws are engraved carefully in 49 columns. The text is divided into the three sections: a prologue, the laws, and an epilogue. Hammurabi first explains how the gods arranged themselves into a society and chose him as king to ensure justice. He then lists more than a dozen gods and cities that support him.

Hammurabi's law code is by far the most extensive legal text. It is engraved on a seven foot basalt stele, now in Louvre, that was recovered in Susa, Iran, where it had been taken as war booty about 500 years after Hammurabi's rule. The text includes a prologue that sets out situations inherited by the king and outlines some of his tasks as ruler. These laws reinforce the idea that kings are the mortal representatives of the gods, given the task of dispensing justice for their people. Laws by other kings who followed Ur Nammu survived in a fragmentary state, but they expand our comprehension of legal issues. Although these distinctions in punishment may seem unjust, the fact that laws existed for each class ensured some level of protection even for slaves.

Personal injury laws established fines for damages done; fines we also levied against perjurers. Most surviving laws provide for the poorest members of society and illustrated a desire to ensure justice for all. In addition to social status, several laws referred to family connections and relationships. In general, the laws reinforced the authority of the father, who protected and controlled his family.

The first Law of this code states:

“If a man commits a homicide, they shall kill that man,” followed by, “If a man acts lawlessly, they should kill him.”

Several of the laws concern women and marriage:

Law: Women who initiated sexual relations can be killed. When a man divorces his wife, he must handover a mina of silver (dowry) in compensation for turning her out of his house.

Law: When someone rents an ox and the animal is hurt, the renter pays fines that vary according to the severity of the animal's injury.

Law: If someone helps a slave escape or knowingly harbors an escaped slave, he must give up one of his slaves in compensation.

Law: If a neighbor cuts down one of your trees, he will pay you 20 shekels.

The first five laws are devoted to legal proceedings, specifically, legislation designed to prevent perjury and corrupt judges.

The laws are followed by penalties for property damage and theft, then problems that arise over the real estate. Also addressed are matters concerned with loans, marriage and inheritance, fees for various professions, and rates for hiring workers, animals, or boats.

Themes recur in Hammurabi's law code: One of the most informative aspects of the code relates to social status. The punishment for a crime usually varied according to the offender's status, and certain social classes were specifically defined in the laws.

In Hammurabi's laws, three groups of people were listed: free people (awilum), slaves (wardum), and commoners (mushkenum). This seems to create a strict social framework, but in reality, these social classes raise additional questions.

Penalties were connected to one's social status; for example:

Law: "If a free person blinded another free person, then the offender would be blinded, but if a free person blinded a slave or commoner, he was to pay a fine."

Several legal issues revolved around women and concerns specific to marriage and divorce.

The divorce laws varied depending on whether the husband or wife initiated the action. The price paid for a wife whose husband divorced also varied depending on social status. Reasons were also given for women to initiate divorce, such as abuse or adultery.

Inheritance law provides further insight into family life and reveals an interest in protecting family property and preventing lawsuits between family members.

Laws were set forth to ensure that no one damaged irrigation canals or used them improperly.

Law: A negligent farmer who caused a flow by failing to reinforce the embankment on his section of a canal, he had to replace the lost rain.

Law: In contrast, a flood sent by the rain god Adad that resulted in a failed harvest would earn a debtor a year's reprieve on the interest of a loan.

The king also legislated fees and responsibilities for professions:

Female innkeepers were singled out in two laws, one that required them to accept measures of grain as payment for beer in addition to silver, and another that prevented them from allowing

criminals to stay in their inns without reporting them to the palace. If an innkeeper failed to alert the authorities, she would be killed.

Law: Physician's fees were established, with their prices for surgery, especially eye surgery, more than other aspects of healing. A physician could earn 10 shekels of silver for a successful operation on a free person's eye; if the surgery resulted in the death or blindness of the patient, then the surgeon's hand would be cut off.

Law: A veterinarian who operated on an ox or a donkey would be paid one sixth of a shekel if the animal was healed.

Architects and builders were held responsible for the safety of the structures they erected.

Law: If a builder constructed a house, but it was unsound and collapsed killing the owner, then the builder would be killed. If the son of the homeowner was killed, the builder's son would be killed.

In less tragic circumstances, when no one died or was injured, the builder was required to repair the structure at his own expense.

Likewise, boatmen who lost cargo because of carelessness had to replace the goods.

Hammurabi concluded his list of laws with a praise poem to himself and a message to future kings. Should a future ruler contemplate changing the Hammurabi's laws, the Babylonian king encourages the gods to visit terrible ordeals on him.

Although Hammurabi's laws seem extensive, they do not address many important social ills nor do they create a workable set of legal precedents that could effectively resolve disputes.

A survey of all law codes shows that the laws were not always new but could belong to earlier codes issued by other kings. Major components of a well established legal system are missing; the basic organization of a justice system, along with civic and political responsibilities, is not established in these texts.

The goal of a law code likely was not practical but ideological. Through a law code, the king guarantees justice, and the fact that he displays these laws in public prove his concern for justice.

The law codes are part of a king's message to his people. We see that rulers had to acknowledge different economics and social distinctions to show their willingness to protect all members of society.

Laws pertaining to status of women:

Situations in which women exposed themselves as victims or instigators of a crime.

The punishments mandated in these laws often included body mutilation; a woman who stole, for example, could have her ears cut off by her husband.

Death is mandated for any woman who commits adultery.

A group of edicts governs the behavior of palace officials, especially women. The goal here was to control interactions between men and women. Usually men and women were separated into different quarters of the palace, and a man had to have permission to visit women's quarters. Eunuchs were employed in the palace, but the regulations permitted eunuchs to speak to women only with the permission of the palace commander.

The laws mandated that women be veiled and have their shoulders covered in any conversation with a male attendant. Even conversational distance between males and females was established –no closer than seven paces.

The Middle Assyrian laws seem much more restrictive laws of the earlier periods, especially with respect to women.

Laws are fascinating for the specific situations or issues they describe and the manner in which rulers settled them.

From law codes: We can determine the issues that were probably the most contentious, such as property disputes, especially with respect to inheritance or divorce, or those that required an intermediary, such as setting wages and fees, as well as penalties. Social divisions required different levels of punishment, as did one's gender.

There is no evidence on how the laws were enforced in Babylon or Ashur. For example, we have evidence of lawsuits and corrupt judges, but nothing about lawyers or advocates. Law codes were in reality another public monument sponsored by the king to promote his rule of his people.