

The Code of Hammurabi

...If a man has come forward in a lawsuit for the witnessing of false things, and has not proved the thing that he said, if that lawsuit is a capital case, that man shall be put to death. If he came forward for witnessing about corn or silver, he shall bear the penalty (that would apply to) that case.

If a man has concealed in his house a lost slave or slave-girl belonging to the Palace or to a subject, and has not brought him (or her) out at the proclamation of the crier, the owner of the house shall be put to death.

If a fire has broken out in a man's house, and a man who has gone to extinguish it has cast his eye on the property of the owner of the house and has taken the property of the owner of the house, that man shall be thrown into the fire.

If a man is subject to a debt bearing interest and... a high flood has carried (his crop) away, or because of lack of water he has not produced any corn in that field, in that year he shall not return any corn to (his) creditor. He shall... not pay any interest for that year...

If a man has destroyed the eye of a man of the "gentlemen" class, they shall destroy his eye. If he has broken a gentleman's bone, they shall break his bone. If he has destroyed the eye of a commoner or broken the bone of a commoner, he shall pay one shekel of silver. If he has destroyed the eye of a gentleman's slave, or broken a bone of a gentleman's slave, he shall pay half (the slave's) price...

If a surgeon has made an (incision) in a gentleman with a bronze lancet, and has thereby saved the gentleman's life... he shall receive five shekels of silver. If (the patient is) a slave, the slave's master shall pay the surgeon two shekels of silver.

If the surgeon has made an (incision) in a gentleman with a bronze lancet, and has thereby caused the gentleman to die... they shall cut off the surgeon's hand.

If a builder has made a house for a man but has not made his work strong, so that the house he made falls down and causes the death of the owner of the house, that builder shall be put to death. If it causes the death of the son of the owner of the house, they shall kill the son of that builder...

If a man strikes a man's daughter (and do her injury) he shall pay ten shekels of silver.

If that woman die, they shall put hie daughter to death.

If a male slave say to his master: "Thou are not my master," his master shall prove him to be his slave and shall cut off his ear.

If a son has struck his father, they shall cut off his hand.

If a man stole either an ox, a sheep or an ass, or a pig or boat: if it be from a god (temple) or a palace, he shall pay thirty times its value; if it be from a freeman (private citizen) he shall pay ten times its value. If the thief have nothing wherewith to pay he shall be put to death.

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Phase One:

Answer the following questions which relate to the primary source material that you have read. Record your answer in your notes

- 1) What does the Code of Hammurabi tell us about the class structure in Babylon? Make specific reference to at least three of the laws listed to back up your response.
- 2) What can be said about the Babylonians attitudes towards:
 - a) family?
 - b) property?
 - c) the value of human life?

Again make reference to at least one law from the Code of Hammurabi to support each comment.

- 3) What value and morals appear to be most important to the Babylonians?
- 4) Does it matter to the Babylonians if an action is deliberate or accidental? What does this tell us about their society?

Phase Two:

Imagine that you are a tribunal of Babylonian judges. You must cast judgment on each of the following individuals. What will your final verdict be? Support each verdict with reference to the specific law that applies in each situation.

- A) Ishak, in a fit of rage, threw a cooking pot at his father. The pot struck Ishak's father in the head, and a shard of pottery put out his father's eye.
- B) One night, Taras came across a young girl being set upon by thieves. He rescued her and brought her into his home until she recovered. The next day, the crier announced that a slave-girl of Shawas, a wealthy merchant, has run away. Taras did not make the connection between the announcement and the girl he had helped. Shawas found the girl in Taras' house and had Taras arrested.
- C) Sinnaveh's house collapsed on night, with the result that Sinneveh, a commoner, had both legs broken. Gildas, the builder, is brought to trial.
- D) Ashok, who had fallen on bad times, took a pig from the home of his brother and killed it to feed his family. Ashok did not know that the pig was property of the local temple, and that his brother was tending it while the priest was meeting with the king.

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Phase Three:

Remaining in the role of Babylonian judges, cast judgement on the following cases. In this case, there is no law listed which outlines how you should deal with the problem. You must decide how the Babylonians would deal with this, based upon the law you do know and their moral and value system. For each judgement, provide a brief rationale for why you made your judgement in the way that you did...

- A) Turok's prize bull broke out of its enclosure and ran rampant through the streets of the town. Before Turok was able to get it under control, it trampled and gored the five-year old son of the local priest. The child died three days later.
- B) Hanan bought a slave from a slaver passing through his town. It turned out that the slave had run away from Ashwar, his rightful owner. What will be your judgement on Hanan and the slave?
- C) Azriel kidnaps the daughter of a commoner and rapes her. Before he is caught for this offense, he also rapes a slave-girl belonging to a fairly wealthy merchant. How would he be punished for each offense.