Hammerabi’s Code: Was It Just?

Overview: One of the world’s oldest sets of laws was written by Hammerabi (ha-moo-ROB-bee), king of Babylonia in the 18th century BCE. Hammerabi’s Code is often studied to understand the values of ancient Mesopotamia. This Mini-Q explores the idea of fairness – what is “just” – by asking you to think about the punishments and rewards that made up Hammerabi’s Code.

The Documents:

- Document A: The Stone Stele (stee-lee)
- Document B: Epilogue of the code
- Document C: Family Law
- Document D: Property Law
- Document E: Personal Injury Law

Hook Exercise: What is Justice?

Leaders throughout history have had to grapple with the task of creating just, or fair, laws. One such leader was Hammerabi, whose laws are the subject of this Mini-Q. Hammerabi’s concern was creating just laws for the people of Babylonia 4,000 years ago.

Task 1: With a partner, talk through the two cases below and discuss the questions that follow. In each case, you will consider justice in three ways: Is the outcome fair to the accused? Is the outcome fair to the victim? Is the outcome in the best interest of the general society?

Case A: Eddie is caught shoplifting a cell phone from the Apple Store. Eddie is 15 years old, it is a first offense. The police call his parents and Eddie returns the phone. There will be no criminal record.

In judging whether this is fair handling of the case, ask:
- Is it fair to Eddie?
- Is it fair to the Apple Store?
- Is it fair to society? Is it in the best interest of society?

Case B: J.D. is caught shoplifting a cell phone at the Apple Store. J.D. is 19 years old. This will be his third felony conviction, all for shoplifting. Because of the Three Strikes Law, his state requires that he serve a minimum of ten years in prison with no chance of parole.

In judging whether this is fair handling of the case, ask:
- Is it fair to JD?
- Is it fair to the Apple Store?
- Is it fair to society? Is it in the best interest of society?

Task 2: Pick one rule in your school, then decide if it is just. Explain.
- Is it fair to the rule breaker?
- Is it fair to those who are harmed?
- Is it fair to the greater school community?
Document A
Source: stone stele of Hammurabi’s Code from the ancient artifacts collection of the Louvre Museum in Paris, France circa 1754BCE

Note: the stele, carved from black diorite, stands more than eight feet tall and weighs four tons. This photograph shows the top third of the stele.

The carving at the top of the stele shows Hammurabi standing before Shamash, the god of justice, who is seated on his throne. Shamash is instructing Hammurabi on the law.

Below the two figures is the Prologue, in which Hammurabi lists the names of the gods, saying that they have given him the right to rule. The Prologue, like the rest of the code, is written in wedge-shaped cuneiform letters that have been carved into the stone.

Below the Prologue, closer to the base, are the 282 laws, organized by theme, including family life, agriculture, theft and professional standards. There are a total of 3,500 lines of writing covering both sides of the stele.

Document Analysis

1. What kind of writing was used to inscribe the code on the stele?
2. The code is divided into what three parts?
3. From where, or whom, does Hammurabi get the laws?
4. Is there any evidence in this document that can be used to argue that Hammurabi’s code was just (fair)?
5. Is there any evidence in this document that can be used to argue that Hammurabi’s Code was not just (fair)?

Document B
Source: Excerpts from the Epilogue of Hammurabi’s Code, circa 1754 BCE

…Hammurabi, the protecting king am I…That the strong might not injure the weak, in order to protect the widows and orphans…I set up these my precious words, written upon my memorial stone, before the image of me, as king of righteousness

…By the command of Shamash, the great god and judge of heaven and earth, let righteousness go forth in the land…Let no destruction befall my monument;…let my name be ever repeated; let the oppressed, who has a case at law, come and stand before this my image as king of righteousness, let him read the inscription and understand my precious words….

…In future time, through all coming generations, let the king, who may be in the land, observe the words of righteousness which I have written on my monument; let him not alter the law of the land which I have given.

…If this ruler does not esteem my word,….if he destroys the law which I have given,…may the great gods of heaven and earth…inflict a curse…upon his family, his land, his warriors, his subjects, and his troops.

Document Analysis

1. According to Hammurabi, what was his purpose for having written these laws?
2. Who commanded Hammurabi to create this monument?
3. What does Hammurabi threaten will happen to any future Babylonian king who does not follow these laws?
4. How can you use this document to argue that Hammurabi’s Code was just?
5. How can you use this document to argue that Hammurabi’s Code was not just?
Document C

Family Law

Source: Excerpts from Hammurabi’s Code, c. 1754 BCE
Note: There are 282 laws in Hammurabi’s Code. The numbers below refer to their order on the Stele.

Law 129: If a married lady is caught [in adultery] with another man, they shall bind them and cast them into the water.

Law 148: If a man has married a wife and a disease has seized her, if he is determined to marry a second wife, he shall marry her. He shall not divorce the wife whom the disease has seized. She shall dwell in the house they have built together, and he shall maintain her as long as she lives.

Law 168: If a man has determined to disinherit his son and has declared before the judge, “I cut off my son,” the judge shall inquire into the son’s past, and, if the son has not committed a grave misdemeanor…, the father shall not disinherit his son.

Law 195: If a son has struck his father, his hands shall be cut off.

Document Analysis

1. In Law 129, what does it mean to “bind them and cast them into the water?”

2. In Law 168, what does it mean to “disinherit” a son?

3. Two crimes in the document result in physical punishment. What are those crimes? How might Hammurabi argue that the punishments were just?

4. Hammurabi said that his code was meant to protect the weak. Is there evidence in this document that he code did so?

5. Overall, are these laws regarding family just? That is, are they fair to the accused? To the victim? To society as a whole?

Document D

Property Law

Source: Excerpts from Hammurabi’s Code, c. 1754 BCE

Law 21: If a man has broken through the wall [to rob] a house, they shall put him to death and pierce him, or hang him in the hole in the wall which he has made.

Law 23: If the robber is not caught, the man who has been robbed shall formally declare whatever he has lost before a god, and the city and the mayor in whose territory or district the robbery has been committed shall replace for him whatever he has lost.

Law 48: If a man has borrowed money to plant his fields and a storm has flooded his field or carried away the crop,…in that year he does not have to pay his creditor.

Law 53, 54: If a man has opened his trench for irrigation and the waters have flooded his neighbor’s field, the man must restore the crop he has caused to be lost.

Document Analysis

1. In Law 21, what is the penalty for breaking into a home?

2. How might Hammurabi justify the harsh punishment?

3. In Law 23, if the robber is not caught, who reimburses the victim for his or her loss?

4. How might Hammurabi have justified reimbursing the victim?

5. In Law 48, what is a creditor? Is Law 48 fair to creditors?

6. Overall, are these laws regarding property just?
**Document E**

Source: Excerpts from Hammurabi’s Code, c.1754BCE

**Law 196**: If a man has knocked out the eye of a free man, his eye shall be knocked out.

**Law 199**: If he has knocked out the eye of a slave...he shall pay half his value.

**Law 209**: If a man strikes the daughter of a free man and causes her to lose the fruit of her womb, he shall pay 10 shekels of silver...

**Law 213**: If he has struck the slave-girl of a free man and causes her to lose the fruit of her womb, he shall pay 2 shekels of silver.

**Law 215**: If a surgeon has operated with a bronze lancet on the body of a free man ...and saves the man’s life, he shall receive 10 shekels of silver.

**Law 218**: If a surgeon has operated with a bronze lancet on a free man for a serious injury, and has caused his death,...his hands shall be cut off.

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**Document Analysis**

1. Examine laws 196 and 199. How do you think Hammurabi would justify the different punishments for the same crime?

2. What is the meaning of “Fruit of her womb”?

3. How might Hammurabi argue that laws 215 and 218 were just?

4. How could you use these laws about personal injury to argue that Hammurabi’s Code was not just?

5. Is justice absolute? That is, is a punishment in 1800 BCE also a fair punishment today? Explain your thinking.

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**Bucketing – getting ready to write**

**Bucketing**

Look over all the documents and organize them into your final buckets. Write labels under each bucket and place the letters of the documents in the buckets where they belong. You can put a document in more than one bucket. Remember, your buckets are going to become your body paragraphs.

![Bucketing Diagram]

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**Thesis Development and Road map**

On the chicken foot below, write your thesis and your road map. Your thesis is always an opinion and answers the Mini-Q question. The road map is created from your bucket labels and lists the topic areas you will examine in order to prove your thesis.

Hammurabi’s code was ....

**Example 1**

**Example 2**

**Example 3**