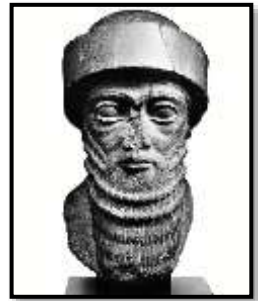


“Have To” History: Hammurabi (King of Babylon)

Stuff You Don't Really Want To Know (But For Some Reason Have To)

Three Big Things:

1. Responsible for the best-known and arguably most influential set of legal codes in the ancient world. Key issue: they were written down and publicly posted.
2. Brought Mesopotamia together as a more-or-less united empire (this time with Babylon as the seat of central authority) for the first time since Sargon six centuries prior.
3. Seriously, the written law thing. It's just huge. “An eye for an eye”? That was his. Innocent until proven guilty? Punishment fitting the crime? Throwing people in rivers to see if they float? That's Hammurabi, baby.



Background

Mesopotamia had been united under Sargon of Akkad around the 24th Century B.C. It held together for a century or so after his death, then fell back into a collection of various city-states, no doubt vying for power and influence, sometimes uniting *against* nomadic outsiders or other external threats and sometimes uniting *with* those outsiders against one another.

Hammurabi was the sixth king of Babylon, having assumed the throne from his unfortunately-named father, Sin-Muballit. They seem to have been Amorites, originally a tribe from western Syria and one of the groups most often mentioned in the Old Testament as both scary and deserving of slaughter whenever possible. Then again, records from this time period are fragmentary and the language maddeningly inconsistent, so a term like “Amorite” may have been more of a title or categorization than a specific ethnic group or family name. Like much from this era, the issue is cloaked in contradictory evidence and academic debate.

It can seriously get heated, in the right crowd... which is oddly awesome and tragic at the same time.

Hammurabi began his reign around 1800 B.C. and for several years remained fairly conservative. He excelled at the complexities of running a complex nation via correspondence and financing and bureaucracy, and had a personal focus on detail not always associated with absolute power. Hammurabi and his peeps restored some temples, completed some public works projects, and otherwise followed in daddy's footsteps – until Babylonian territory was invaded by Elam (outsiders we don't actually care about right now). That seems to have unleashed Hammurabi's aggressive side, for he not only effectively repelled the invaders, he expanded his own domain in the process.

And he *kept* expanding it for the remainder of his rule.

The Code of Hammurabi

But what he's really remembered for are those laws. Two hundred and eighty-two “if X, then Y” statements, spoken with the authority of the gods and claiming to promote the best interests of the little people.

Anu and Bel called by name me, Hammurabi, the exalted prince, who feared God, to bring about the rule of righteousness in the land, to destroy the wicked and the evil-doers; so that the strong should not harm the weak... {They called me to} enlighten the land, to further the well-being of mankind...

When Marduk sent me to rule over men, to give the protection of right to the land, I did right and righteousness... and brought about the well-being of the oppressed...

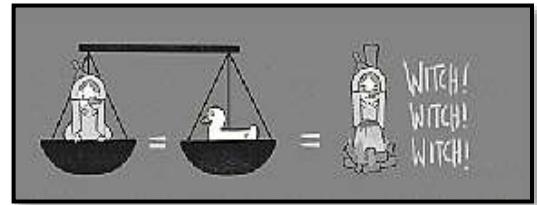
Nowhere was it claimed he was humble or self-effacing.

2. If anyone bring an accusation against a man, and the accused go to the river and leap into the river, if he sink in the river his accuser shall take possession of his house. But if the river prove that the accused is not guilty, and he escape unhurt, then he who had brought the accusation shall be put to death, while he who leaped into the river shall take possession of the house that had belonged to his accuser.

3. If anyone bring an accusation of any crime before the elders, and does not prove what he has charged, he shall, if it be a capital offense charged, be put to death...

8. If anyone steal cattle or sheep, or an ass, or a pig or a goat, if it belong to a god or to the court, the thief shall pay thirtyfold therefor; if they belonged to a freed man of the king he shall pay tenfold; if the thief has nothing with which to pay he shall be put to death.

There was a lot of putting wrong-doers to death. If there were uncertainty, you might be thrown into the river to determine your innocence or guilt – a pithy reminder that this was still a civilization built around sacred water and the whims of whichever gods controlled its rise and fall.



A tiring number of the codes deal with contracts or other types of personal liability. Others set specific rates for different sorts of labor. There's guidance for handling accusations of adultery or other marital difficulties, or unappreciative children. Some punishments varied by social class – harming the wealthy carried a greater penalty than harming the commoners. Still, overall, the code suggests the accused have a right to defend themselves before the law and that guilt must be well-established before punitive action is considered.

An Eye For An Eye

The section for which Hammurabi's Law is most remembered, of course, goes something like this:

196. If a man put out the eye of another man, his eye shall be put out.

197. If he break another man's bone, his bone shall be broken.

198. If he put out the eye of a freed man, or break the bone of a freed man, he shall pay one gold mina...

200. If a man knock out the teeth of his equal, his teeth shall be knocked out.

201. If he knock out the teeth of a freed man, he shall pay one-third of a gold mina.

202. If any one strike the body of a man higher in rank than he, he shall receive sixty blows with an ox-whip in public.

The “eye for an eye” system is known in legal circles as *lex talionis* – “retributive justice.” This and many of the other approaches taken by Hammurabi were later echoed in Old Testament law (see Exodus 21 in particular).

Summary

Hammurabi's laws were written at a time of expanding Babylonian empire. His kingdom was absorbing a variety of ethnic and tribal groups, speaking different languages, worshipping different gods, and rooted in a disparate tangle of customs and legal traditions. Many considered personal vengeance or ongoing “blood feuds” (think Hatfields and McCoys, or Swift and Perry) to be not only acceptable but honorably essential. Without some clear, firm, unifying set of expectations, as well as a clear message that the state (with a little help from the gods) would address any substantive issues itself – and that attempting to handle things on your own would be dealt with severely – Babylon might well have caved in on itself before outsiders even had a chance to undermine or overthrow it.

Maybe not every nation would flourish under such detailed and unbending rules, but it was most likely exactly what Hammurabi's Babylon needed for peace and prosperity.

You Wanna Sound REALLY Smart? {Extra Stuff}

Dam, Hammurabi! - Hammurabi was apparently quite the realpolitikster, making and breaking treaties and side deals with rapid but cold-hearted brilliance, thousands of years before “Machiavellian” was even a word. His army won more than they lost, which helped, and they could be merciless. One of Hammurabi’s trademark moves was to dam up major rivers before they reached enemy territory, then either starve the entire region or drown them by releasing the waters as an unstoppable flood.

Dude.

Are You SURE No One Saw Anything? - Check out this series of codes:

21. If anyone break a hole into a house (to enter and steal), he shall be put to death before that hole and be buried.

22. If anyone is committing a robbery and is caught, then he shall be put to death.

23. If the robber is not caught, then shall he who was robbed claim under oath the amount of his loss; then shall the community... in whose domain it was compensate him for the goods stolen.

24. If persons are stolen, then shall the community... pay one mina of silver to their relatives.

Those last two are interesting – the community responsibility bit. It’s unclear whether this idea was drawn from existing customs, or if it were perhaps intended to build a sense of mutual accountability.

You’re Not My Real Dad! - Hammurabi’s Code was a bit harsh on filial shortcomings – especially if you were adopted:



191. If a man, who had adopted a son and reared him, founded a household, and had children, wish to put this adopted son out, then this son shall not simply go his way. His adoptive father shall give him of his wealth one-third of a child's portion, and then he may go. He shall not give him of the field, garden, and house.

192. If a son of a paramour or a prostitute say to his adoptive father or mother: “You are not my father, or my mother,” his tongue shall be cut off.

193. If the son of a paramour or a prostitute desire his father's house, and desert his adoptive father and adoptive mother, and goes to his father's house, then shall his eye be put out...

195. If a son strike his father, his hands shall be hewn off.

Are You Accusing Yahweh of Plagiarism? - Periodic cultural melodrama over stuff like the chronology of Hammurabi vs. Moses, or the Gilgamesh flood story vs. the Noah version, generally stems from a popular, but false, dichotomy between inspiration and incorporation. There’s nothing particularly suspicious about legal codes sharing common elements or social norms evolving from existing customs. (For that matter, if there had been a flood covering part or all of the planet, you’d fully expect a variety of stories about it to show up across time and culture. We can’t agree on basic facts in the daily news of the 21st century A.D. – you expect more of the 21st B.C.?)

The suggestion that any hint of outside influence somehow negates the divine would defrock the most sanctified sermon or inspirational song upon discovering the use of standard rhetorical devices or popular chord changes. It’s a silly argument. History rarely disproves anything meaningful about faith; faith rarely benefits by twisting history.

It is supposedly *truth*, after all, which sets us *free*.

