

The Code of Hammurabi

By ReadWorks

We may take for granted the existence of written laws. Many people grow up with the understanding that certain laws exist. If you fail to stop at a stop sign in your car, you will likely receive a fine. Refusal to pay your taxes can result in a prison sentence. In some states, killing another human being can even result in the death penalty.

The U.S. Constitution, the supreme law of the United States of America, was written to ensure that everyone knows the laws of living in this country. Instead of allowing a single ruler to impose his or her will, people are required to follow a set of written laws. Breaking them comes with certain punishments. Based on the code of laws, a judge determines the punishment for a particular crime. Committing murder is a much larger crime than running a red light. Thus, the punishment for murder is much greater than failing to stop at a red light.

Written laws existed long before the U.S. Constitution. Historians trace the creation of written laws to around 1772 B.C. At that time, what we now consider Iraq was known as Mesopotamia. And the ruler of Mesopotamia was a man named King Hammurabi. Hammurabi was a member of the Babylonian people. He was also a talented military leader and a smart governor. It was he who is credited with creating the first written laws.

Hammurabi's Code often required the criminal to receive the same injury that he or she had inflicted on a victim in an effort to make the punishment fit the crime. Such laws may seem harsh today, but they were intended to prevent society from descending into chaos and disorder. They helped to advance the rule of law in Mesopotamia.

Hammurabi created 282 laws, which dealt with aspects of everyday life. Crimes came with specific penalties, and many of them were punishable by death. The laws were inscribed on a stone pillar, and became known as Hammurabi's Code. To ensure that everyone knew all 282 laws, they were also probably read aloud in public on a regular basis. That way, no one could be excused for committing a crime because of not knowing the law. Laws in the United States function in a similar way. The United States government usually allows people full access to its laws, so the fact that you don't know that running a red light is illegal in the U.S. does not excuse you from paying a fine for doing so.

One of many differences between Hammurabi's Code and the U.S. Constitution is that the laws in Hammurabi's Code often depended on social standing. Soldiers and noblemen had certain rights that ordinary citizens and poor people did not. Still, the existence of laws prevented a future single ruler from imposing his will on the populace.

Hammurabi's Code also dealt with similar issues that we confront in our own justice system today. The laws covered issues related to trade, marriage, taxes, theft, and murder, among other things. To create the code, the king collected laws from different regions of Mesopotamia and compiled them into a single rulebook. If a person was accused of a crime, that person would face

a judge. This judge would determine whether the accused person was innocent or guilty of the crime. If the person was found guilty, then the judge would prescribe the appropriate punishment as written in Hammurabi's Code.

Here's an example of how Hammurabi's Code might have been used in Mesopotamia. Imagine a shepherd is accused of stealing a sheep that was taken from a nobleman's flock. The shepherd and the nobleman are both brought before a judge. The nobleman introduces a witness. The witness claims to have seen the shepherd in the nobleman's field the night before the nobleman realized one of his sheep was missing. Then, the witness says, "The shepherd picked a sheep up and ran off with it in the direction of his own property." The witness is certain it was the same man because she got a good look at the shepherd's face and he was wearing the same hat that he now has on during this "trial." Later, the nobleman points out that the sheep found at the shepherd's place was marked with the nobleman's brand.

In an attempt to defend himself, the shepherd claims he purchased the sheep from a man in town. The shepherd names the man in town, and that man is also brought before the judge. The man says that he has never seen the shepherd and also that he was not selling sheep in the market on the day that the shepherd says he bought the sheep. The man continues to say that he was visiting his daughters. The man's daughters and their husbands act as witnesses and confirm that he was not in the market on said day.

Since the shepherd's story of purchasing a sheep from the marketplace has been cast into doubt by witnesses, the judge determines that he is guilty of stealing the sheep. The judge consults Hammurabi's Code.

Law number eight states: "If any one steals cattle or sheep, or an ass, or a pig or a goat, if it belongs to a god or to the court, the thief shall pay thirtyfold therefor." This means that if a man steals a sheep that's owned by the ruling class in Mesopotamia, he would be required to pay 30 times the amount of the sheep's worth. The law continues: "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." Because the shepherd is found guilty of stealing the sheep from a nobleman and noblemen are considered to be members of the court, the shepherd is required to pay 30 times the cost of the sheep based on the law. According to Hammurabi's Code, if the shepherd does not have enough money to cover his payment, he will be put to death.

Fortunately for the shepherd, he has many other sheep in his flock. He sells 30 of his sheep and pays the nobleman. As a result, the shepherd now has only three sheep left in his flock.