

And did not seven masters lay its foundations?  
 One square mile of city, one square mile of  
 gardens,  
 One square mile of clay pits, a half square mile  
 of Ishtar's dwelling,  
 Three and a half square miles is the measure of  
 Uruk!

\* \* \*

## REVIEW QUESTIONS

1. What kind of figure is Gilgamesh?
2. What becomes of his quest in this epic, and why?
3. What roles do the gods play in the story?
4. When his quest is completed, what is Gilgamesh's view of his fate?

## FROM The Code of Hammurabi

*Dating to the reign of Hammurabi of Babylon (the conventional dates for which are 1795–1750 B.C.E.), the Laws of Hammurabi are not the earliest Mesopotamian compilation of legal rulings known to us. They are, however, the longest and most diverse collection and undoubtedly constitute the single most informative document yet discovered regarding concepts of justice and social regulation in Mesopotamian society. Hammurabi's laws also provide extremely important evidence about the status and rights of women of various social classes in Babylonian society in the early second millennium B.C.E.*

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**W**hen the august god Anu, king of the Anunnaku deities, and the god Enlil, lord of heaven and earth, who determines the destinies of the land, allotted supreme power over all peoples to the god Marduk, the first-born son of the god Ea, exalted him among the Igigu deities, named the city of Babylon with its august name and made it supreme within the regions of the world, and established for him within it eternal kingship whose foundations are as fixed as heaven and earth, at that time, the gods Anu and Enlil, for the enhancement of the well-being of the people, named me by my name: Hammurabi, the pious prince, who venerates the gods, to make justice prevail in the land, to abolish the wicked and the evil, to prevent the strong from oppressing the weak, to rise like the sun-god Shamash over all humankind, to illuminate the land.

I am Hammurabi, the shepherd, selected by the god Enlil, he who heaps high abundance and plenty, who perfects every possible thing for the city Nippur, the city known as band-of-heaven-and-earth, the pious provider of the Ekur temple;

the capable king, the restorer of the city Eridu, the purifier of the rites of the Eabzu temple;

the onslaught of the four regions of the world, who magnifies the reputation of the city Babylon, who gladdens the heart of his divine lord Marduk, whose days are devoted to the Esagil temple;

\* \* \*

When the god Marduk commanded me to provide just ways for the people of the land in order

to attain appropriate behavior, I established truth and justice as the declaration of the land, I enhanced the well-being of the people.

\* \* \*

1. If a man accuses another man and charges him with homicide but cannot bring proof against him, his accuser shall be killed.

\* \* \*

2. If a man charges another man with practicing witchcraft but cannot bring proof against him, he who is charged with witchcraft shall go to the divine River Ordeal,<sup>1</sup> he shall indeed submit to the divine River Ordeal; if the divine River Ordeal should overwhelm him, his accuser shall take full legal possession of his estate; if the divine River Ordeal should clear that man and should he survive, he who made the charge of witchcraft against him shall be killed; he who submitted to the divine River Ordeal shall take full legal possession of his accuser's estate.

3. If a man comes forward to give false testimony in a case but cannot bring evidence for his accusation, if that case involves a capital offense, that man shall be killed.

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6. If a man steals valuables belonging to the god or to the palace, that man shall be killed, and also he who received the stolen goods from him shall be killed.

7. If a man should purchase silver, gold, a slave, a slave woman, an ox, a sheep, a donkey, or anything else whatsoever, from a son of a man or from a slave of a man without witnesses or a contract—or if he accepts the goods for safekeeping—that man is a thief, he shall be killed.

<sup>1</sup> The man would take an oath swearing to his innocence before the river god. He then would be required to plunge into the river. If he survived, he was deemed innocent; if he drowned, it was deemed the punishment of the river god, in whose name he had falsely sworn. [Editor.]

8. If a man steals an ox, a sheep, a donkey, a pig, or a boat—if it belongs either to the god or to the palace, he shall give thirtyfold; if it belongs to a commoner, he shall replace it tenfold; if the thief does not have anything to give, he shall be killed.

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15. If a man should enable a palace slave, a palace slave woman, a commoner's slave, or a commoner's slave woman to leave through the main city-gate, he shall be killed.

16. If a man should harbor a fugitive slave or slave woman of either the palace or of a commoner in his house and not bring him out at the herald's public proclamation, that householder shall be killed.

17. If a man seizes a fugitive slave or slave woman in the open country and leads him back to his owner, the slave owner shall give him 2 shekels of silver.

18. If that slave should refuse to identify his owner, he shall lead him off to the palace, his circumstances shall be investigated, and they shall return him to his owner.

19. If he should detain that slave in his own house and afterward the slave is discovered in his possession, that man shall be killed.

20. If the slave should escape the custody of the one who seized him, that man shall swear an oath by the god to the owner of the slave, and he shall be released.

21. If a man breaks into a house, they shall kill him and hang him in front of that very breach.

22. If a man commits a robbery and is then seized, that man shall be killed.

\* \* \*

53. If a man neglects to reinforce the embankment of the irrigation canal of his field and does not reinforce its embankment, and then a breach opens in its embankment and allows the water to carry away the common irrigated area, the man in whose embankment the breach opened shall replace the grain whose loss he caused.

54. If he cannot replace the grain they shall sell him and his property, and the residents of the common irrigated area whose grain crops the water carried away shall divide (the proceeds).

55. If a man opens his branch of the canal for irrigation and negligently allows the water to carry away his neighbor's field, he shall measure and deliver grain in accordance with his neighbor's yield.

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102. If a merchant should give silver to a trading agent for an investment venture, and he incurs a loss on his journeys, he shall return silver to the merchant in the amount of the capital sum.

103. If enemy forces should make him abandon whatever goods he is transporting while on his business trip, the trading agent shall swear an oath by the god and shall be released.

104. If a merchant gives a trading agent grain, wool, oil, or any other commodity for local transactions, the trading agent shall return to the merchant the silver for each transaction; the trading agent shall collect a sealed receipt for each payment in silver that he gives to the merchant.

105. If the trading agent should be negligent and not take a sealed receipt for each payment in silver that he gives to the merchant, any silver that is not documented in a sealed receipt will not be included in the final accounting.

\* \* \*

108. If a woman innkeeper should refuse to accept grain for the price of beer but accepts only silver measured by the large weight, thereby reducing the value of beer in relation to the value of grain, they shall charge and convict that woman innkeeper and they shall cast her into the water.

109. If there should be a woman innkeeper in whose house criminals congregate, and she does not seize those criminals and lead them off to the palace authorities, that woman innkeeper shall be killed.

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117. If an obligation is outstanding against a man and he sells or gives into debt service his wife, his

son, or his daughter, they shall perform service in the house of their buyer or of the one who holds them in debt service for three years; their release shall be secured in the fourth year.

118. If he should give a male or female slave into debt service, the merchant may extend the term beyond the three years, he may sell him; there are no grounds for a claim.

119. If an obligation is outstanding against a man and he therefore sells his slave woman who has borne him children, the owner of the slave woman shall weigh and deliver the silver which the merchant weighed and delivered as the loan and he shall thereby redeem his slave woman.

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128. If a man marries a wife but does not draw up a formal contract for her, she is not a wife.

129. If a man's wife should be seized lying with another male, they shall bind them and throw them into the water; if the wife's master allows his wife to live, then the king shall allow his subject (i.e., the other male) to live.

130. If a man pins down another man's virgin wife who is still residing in her father's house, and they seize him lying with her, that man shall be killed; that woman shall be released.

131. If her husband accuses his own wife of adultery, although she has not been seized lying with another male, she shall swear to her innocence by an oath by the god, and return to her house.

132. If a man's wife should have a finger pointed against her in accusation involving another male, although she has not been seized lying with another male, she shall submit to the divine River Ordeal for her husband.

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134. If a man should be captured and there are not sufficient provisions in his house, his wife may enter another's house; that woman will not be subject to any penalty.

135. If a man should be captured and there are not sufficient provisions in his house, before his return his wife enters another's house and bears children, and afterwards her husband returns and

gets back to his city, that woman shall return to her first husband; the children shall inherit from their father.

136. If a man deserts his city and flees, and after his departure his wife enters another's house—if that man then should return and seize his wife, because he repudiated his city and fled, the wife of the deserter will not return to her husband.

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138. If a man intends to divorce his first-ranking wife who did not bear him children, he shall give her silver as much as was her bridewealth and restore to her the dowry that she brought from her father's house, and he shall divorce her.

139. If there is no bridewealth, he shall give her 60 shekels of silver as a divorce settlement.

140. If he is a commoner, he shall give her 20 shekels of silver.

141. If the wife of a man who is residing in the man's house should decide to leave, and she appropriates goods, squanders her household possessions, or disparages her husband, they shall charge and convict her; and if her husband should declare his intention to divorce her, then he shall divorce her; neither her travel expenses, nor her divorce settlement, nor anything else shall be given to her. If her husband should not declare his intention to divorce her, then her husband may marry another woman and that first woman shall reside in her husband's house as a slave woman.

142. If a woman repudiates her husband, and declares, "You will not have marital relations with me"—her circumstances shall be investigated by the authorities of her city quarter, and if she is circumspect and without fault, but her husband is wayward and disparages her greatly, that woman will not be subject to any penalty; she shall take her dowry and she shall depart for her father's house.

143. If she is not circumspect but is wayward, squanders her household possessions, and disparages her husband, they shall cast that woman into the water.

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150. If a man awards to his wife a field, orchard, house, or movable property, and makes out a sealed document for her, after her husband's death her children will not bring a claim against her; the mother shall give her estate to whichever of her children she loves, but she will not give it to an outsider.

151. If a woman who is residing in a man's house should have her husband agree by binding contract that no creditor of her husband shall seize her for his debts—if that man has a debt incurred before marrying that woman, his creditors will not seize his wife; and if that woman has a debt incurred before entering the man's house, her creditors will not seize her husband.

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153. If a man's wife has her husband killed on account of (her relationship with) another male, they shall impale that woman.

154. If a man should carnally know his daughter, they shall banish that man from the city.

155. If a man selects a bride for his son and his son carnally knows her, after which he himself then lies with her and they seize him in the act, they shall bind that man and cast him into the water.

156. If a man selects a bride for his son and his son does not yet carnally know her, and he himself then lies with her, he shall weigh and deliver to her 30 shekels of silver; moreover, he shall restore to her whatever she brought from her father's house, and a husband of her choice shall marry her.

157. If a man, after his father's death, should lie with his mother, they shall burn them both.

158. If a man, after his father's death, should be discovered in the lap of the father's principal wife who had borne children, that man shall be disinherited from the paternal estate.

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162. If a man marries a wife, she bears him children, and that woman then goes to her fate, her father shall have no claim to her dowry; her dowry belongs only to her children.

163. If a man marries a wife but she does not provide him with children, and that woman goes

to her fate—if his father-in-law then returns to him the bridewealth that that man brought to his father-in-law's house, her husband shall have no claim to that woman's dowry; her dowry belongs only to her father's house.

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169. If he should be guilty of a grave offense deserving the penalty of disinheritance by his father, they shall pardon him for his first one; if he should commit a grave offense a second time, the father may disinherit his son.

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188. If a craftsman takes a young child to rear and then teaches him his craft, he will not be reclaimed.

189. If he should not teach him his craft, that rearling shall return to his father's house.

190. If a man should not reckon the young child whom he took and raised in adoption as equal with his children, that rearling shall return to his father's house.

191. If a man establishes his household by reckoning as equal with any future children the young child whom he took and raised in adoption, but afterwards he has children of his own and then decides to disinherit the rearling, that young child will not depart empty-handed; the father who raised him shall give him a one-third share of his property as his inheritance and he shall depart; he will not give him any property from field, orchard, or house.

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195. If a child should strike his father, they shall cut off his hand.

196. If an *awīlu* should blind the eye of another *awīlu*, they shall blind his eye.<sup>2</sup>

<sup>2</sup> The most basic meaning of *awīlu* is "man." In this context it seems to represent a free man, probably an owner of private land and with a status higher than that of a "commoner." [Editor.]

197. If he should break the bone of another *awīlu*, they shall break his bone.

198. If he should blind the eye of a commoner or break the bone of a commoner, he shall weigh and deliver 60 shekels of silver.

199. If he should blind the eye of an *awīlu*'s slave or break the bone of an *awīlu*'s slave, he shall weigh and deliver one-half of his value in silver.

200. If an *awīlu* should knock out the tooth of another *awīlu* of his own rank, they shall knock out his tooth.

201. If he should knock out the tooth of a commoner, he shall weigh and deliver 20 shekels of silver.

202. If an *awīlu* should strike the cheek of an *awīlu* who is of status higher than his own, he shall be flogged in the public assembly with 60 stripes of an ox whip.

203. If a member of the *awīlu*-class should strike the cheek of another member of the *awīlu*-class who is his equal, he shall weigh and deliver 60 shekels of silver.

204. If a commoner should strike the cheek of another commoner, he shall weigh and deliver 10 shekels of silver.

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209. If an *awīlu* strikes a woman of the *awīlu*-class and thereby causes her to miscarry her fetus, he shall weigh and deliver 10 shekels of silver for her fetus.

210. If that woman should die, they shall kill his daughter.

211. If he should cause a woman of the commoner-class to miscarry her fetus by the beating, he shall weigh and deliver 5 shekels of silver.

212. If that woman should die, he shall weigh and deliver 30 shekels of silver.

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218. If a physician performs major surgery with a bronze lancet upon an *awīlu* and thus causes the *awīlu*'s death, or opens an *awīlu*'s temple with a

bronze lancet and thus blinds the *awīlu*'s eye, they shall cut off his hand.

219. If a physician performs major surgery with a bronze lancet upon a slave of a commoner and thus causes the slave's death, he shall replace the slave with a slave of comparable value.

220. If he opens his (the commoner's slave's) temple with a bronze lancet and thus blinds his eye, he shall weigh and deliver silver equal to half his value.

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226. If a barber shaves off the slave-hairlock of a slave not belonging to him without the consent of the slave's owner, they shall cut off that barber's hand.

227. If a man misinforms a barber so that he then shaves off the slave-hairlock of a slave not belonging to him, they shall kill that man and hang him in his own doorway; the barber shall swear, "I did not knowingly shave it off," and he shall be released.

\* \* \*

These are the just decisions which Hammurabi, the able king, has established and thereby has directed the land along the course of truth and the correct way of life.

I am Hammurabi, noble king. I have not been careless or negligent toward humankind, granted to my care by the god Enlil, and with whose shepherding the god Marduk charged me. I have sought for them peaceful places, I removed serious difficulties, I spread light over them. With the mighty weapon which the gods Zababa and Ishtar bestowed upon me, with the wisdom which the god Ea allotted to me, with the ability which the god Marduk gave me, I annihilated enemies everywhere, I put an end to wars, I enhanced the well-being of the land, I made the people of all settlements lie in safe pastures, I did not tolerate anyone intimidating them. The great gods having chosen me, I am indeed the shepherd who brings

peace, whose scepter is just. My benevolent shade is spread over my city, I held the people of the lands of Sumer and Akkad safely on my lap. They prospered under my protective spirit, I maintained them in peace, with my skillful wisdom I sheltered them.

In order that the mighty not wrong the weak, to provide just ways for the waif and the widow, I have inscribed my precious pronouncements upon my stela and set it up before the statue of me, the king of justice, in the city of Babylon, the city which the gods Anu and Enlil have elevated, within the Esagil, the temple whose foundations are fixed as are heaven and earth, in order to render the judgments of the land, to give the verdicts of the land, and to provide just ways for the wronged.

## REVIEW QUESTIONS

1. Of the hundreds of records of litigation that exist from the era of Hammurabi and his successors, not one specifically states that a dispute was resolved in accordance with Hammurabi's laws; some, in fact, record rulings that directly contradict those laws. This has caused some scholars to question why Hammurabi had these laws compiled in the first place. Why do you think Hammurabi had his laws compiled? (Do the prologue and epilogue to the laws provide any clues?)
2. What principles of justice and compensation are evident in these laws, and what kinds of recourse did society have against wrongdoers?
3. What evidence of social classes in Babylonian society do they provide?
4. How did women's rights compare with those of men?
5. What do these laws tell us about Mesopotamian views on sexual activity?
6. What do they tell us about power and authority within Mesopotamian families?