

<h2>Hammurabi Code.</h2> <p>c:\world\one\hamm.wp</p> <p>The first examples of the codification of law come from the Tigris-Euphrates Valley, during the reign of Hammurabi, c. 1728 - 2686 B.C., ruler of the Babylonian Empire. The Code of Hammurabi is the most comprehensive, though not the first, law code form this region. The complete code had 282 clauses dealing with every aspect of life. The Code was composed of Decrees of justice which Hammurabi the Wise King established, for the land a just law and a happy rule.</p>	
<p>1. Felony. 1. If a free man committed robbery and has been caught, that free man shall be put to death.</p>	<p>Purpose: Evaluation: Amendment:</p>
<p>If a free man came forward with false testimony in a case and has not proved the word which he spoke, if that case was a case involving a life, that free man shall be put to death.</p>	
<p>For stealing an ox, sheep, ass, pig or ship from the temple or palace a thirtyfold restitution must be made, but only tenfold if the thief is a poor man, and if he has nought to pay he is put to death.</p>	
<p>The thief who is found stealing with the stolen cattle alive in his possession must restore double, whereas if he has killed or disposed of his booty he must restore five times the number of oxen and four times the number of sheep. If he has nothing wherewith to pay, he is sold for his theft and becomes the property of the robbed man.</p>	
<p>Theft of jewels by a carrier is punished by a fivefold restitution, whilst for misusing a deposit apparently twofold is restored.</p>	
<p>2. Domestic Relations. 1. If a free man wishes to divorce his wife who did not bear him children, he shall give her money to the full amount of her marriage price and he shall also make good to her the dowry which she brought from her father's house, and then he may divorce her.</p>	<p>Purpose: Evaluation: Amendment:</p>
<p>If a woman hates her husband and says, "Thou shalt not possess me," an inquiry is held and her past behavior examined, and if she has been thrifty and free from fault, and it is her husband who has gone out and neglected her, the woman is judged free from blame. She is allowed to take her marriage portion and return to her father's house. But if the blame is on her side the woman is thrown into the waters.</p>	
<p>If a woman . . . has gone out, ruined her house, belittled her husband, she shall be drowned.</p>	
<p>If a son has struck his father, they shall cut off his hand.</p>	
<p>The stubborn and rebellious son who paid no regard to his parents, and though they admonished him, heeded not their voice, is brought before the elders of the city and is put to death by the whole community.</p>	

<p>3. Property Crimes. 1. If a freeman stole the property of church or state, that free man shall be put to death. Also the one who received the stolen goods from his hand shall be put to death.</p>	<p>Purpose: Evaluation: Amendment:</p>
<p>If a fire broke out in a free man's house and a freeman who went to extinguish it cast his eye on the goods of the owner of the house and has appropriated the goods of the owner of the house, that free man shall be thrown into that fire.</p>	
<p>If a free man cut down a tree in another freeman orchard without the consent of the owner of the orchard, he shall pay one half mina of silver.</p>	
<p>If the free man hired an ox and has caused its death through carelessness or through beating, he shall make good ox for ox to the owner of the ox.</p>	
<p>If a wild bull gored a man in its charge and killed him, no claim could be made; but if the ox was known to gore and its vice had been made known to its owner, and he had not cut or blunted its horns, or kept it under restraint, compensation must be made.</p>	
<p>4. Commercial Law. 1. A man might pledge or sell his wife and children for a debt, but at the end of three years they were to be returned. The slaves who were delivered over in order to work off a debt, might be removed or sold by the merchant (the creditor) at his will, and no objection could be raised.</p>	<p>Purpose: Evaluation: Amendment:</p>
<p>If a woman is living in a man's house, and her husband has bound himself that no creditor of his may seize her, and has drawn up a deed (to this effect), she cannot be held responsible, and is safe, provided the debt was contracted before the marriage. Similarly, the husband cannot be taken by his wife's creditor if she had contracted a debt before he took her. On the other hand, they share the responsibility if they have run into debt since the woman came to the man's house, and both of them must answer.</p>	
<p>If a man has bought silver or gold, man-servant or maidservant, ox or sheep or ass or anything else, from the son of a man or the man-servant of a man, or has received it on deposit without witness or contract, he is a thief and shall be put to death.</p>	
<p>In cases of damage to property it is ship for ship, goods for goods, ox for ox, sheep for sheep, man for man, woman for woman, son for son, slave for slave, limb for limb, tooth for tooth, eye for eye. If the sufferer is of lower standing a pecuniary compensation suffices. Thus, the loss of the poor man's eye or the fracture of his limb may be covered by a payment of half of a mina of silver, whilst his tooth is valued at one-third of a mina.</p>	
<p>The man who has caused a finger to be pointed against a votary or a man's wife and has not proved his case, is brought before the judge and is branded on the forehead.</p>	
<p>E. Slave Law. 1. If the servant died under his owner's hand from ill-usage, vengeance must certainly be taken. If death does not</p>	

immediately ensue the owner in unpunished.	
2. If a slave is maimed in consequence of his cruelty (mention is made of the loss of an eye or tooth) he is to be freed.	
3. If a freeman has helped either a male slave of the state or a female slave of the state or a male slave of a private citizen or a female slave of a private citizen to escape through the city gate, he shall be put to death.	
4. If through the negligence of another the servant dies, the offender is ordered to render servant for servant.	
5. If the servant has been assaulted or negligently doctored, and loses an eye or a limb, the compensation is fixed at half his price.	
F. Personal Injury. 1. If a free man has destroyed the eye of a member of the aristocracy, they shall destroy his eye. If he has broken [the] limb of a patrician, his limb shall be broken.	
2. If he has destroyed the eye of a commoner or broken the bone of a commoner, he shall pay one mina of silver.	
3. The man who struck another in a quarrel and caused a wound can swear, "I did not strike him wittingly," but must answer for the physician. If the man dies of his blows, the offender must swear and make a compensation, half a mina for a freeman, and if the victim was a poor man, one-third of a mina.	
4. If in operating upon the wound the patient dies or his eye is lost, the doctor's hands are cut off.	
5. The man who tied a magical spell and put a ban upon another and could not justify himself is put to death. If a man put a charm upon another and could not justify himself the case is left for the river-god to decide. The man upon whom the spell is cast-not the wizard-plunges into the holy river, and if it overcomes him, the weaver of the spell takes over the victim's house, but if the ordeal shows him to be innocent and preserves him, the wizard is put to death and his house is taken by the victim.	
G. Morality. 1. The man who has known his daughter is (to be) driven out of the city.	
2. Intercourse with a man's own mother is punished by burning the pair together.	
3. The man who has betrothed a bride to his son, and has had intercourse with her, receives a punishment which varies according to whether the marriage has or has not been consummated. In the former case, the man is bound and cast into the water. In the latter, he pays half a mina of silver and returns to her all that she has brought from her father's house, and she is free to marry the man of her heart.	
4. The seducer of a damsel, a virgin who is not betrothed, pays fifty shekels of silver to the father, and is obliged to marry her without the right of divorce. If she is betrothed, and the presumption is that she was unwilling, he is put to death, and the girl is blameless. In a crowded city, the presumption is that she consented, and both are	

stoned to death, the penalty for adultery.	
5. When the wife is actually caught in the act of adultery with a male, the pair are bound together and thrown into the water, unless the owner of the wife would preserve his wife, or the king his servant.	
H. Karl Marx. Political power is merely the organized power of one class for oppressing another. Karl Marx and Friedrich Engels, <i>Manifesto of the Communist Party</i> , 1911.	

Hammurabi Code Discussion	
1. What is the purpose of legislation?	
2. How should we evaluate the Hammurabi Code?	
3. Compare Hammurabi Code with US laws	
4. Small groups rewrite legislation.	
Evaluation do you think that this is a good law or a bad law as written?	
Amendments. If this is a bad law, rewrite the legislation to make it a good law.	