6. The Code of Hammurabi

The Prologue
When lofty Anum, king of the Anunnaki, (and) Enlil, lord of heaven and earth, the determiner of the destinies of the land, determined for Marduk, the first-born of Enki, the Enlil functions over all mankind, made him great among the Igigi, called Babylon by its exalted name, made it supreme in the world, established for him in its midst an enduring kingship,

whose foundations are as firm as heaven and earth—at that time Anum and Enlil named me to promote the welfare of the people, me, Hammurabi, the devout, god-fearing prince, to cause justice to prevail in the land, to destroy the wicked and the evil, that the strong might not oppress the weak, to rise like the sun over the black-headed (people), and to light up the land. ... When Marduk commissioned me to guide the people aright, to direct the land, I established law and justice in the language of the land, thereby promoting the welfare of the people.

At that time I decreed:

THE LAWS

1. If a seignior accused another seignior and brought a charge of murder against him, but has not proved it, his accuser shall be put to death. ...

3. If a seignior came forward with false testimony in a case, and has not proved the word which he spoke, if that case was a case involving life, that seignior shall be put to death.

4. If he came forward with (false) testimony concerning grain or money, he shall bear the penalty of that case.

5. If a judge gave a judgment, rendered a decision, deposited a sealed document, but later has altered his judgment, they shall prove that that judge altered the judgment which he gave and he shall pay twelvefold the claim which holds in that case; furthermore, they shall expel him in the assembly from his seat of judgment and he shall never again sit with the judges in a case.

6. If a seignior stole the property of church or state, that seignior shall be put to death; also the one who received the stolen goods from his hand shall be put to death.

7. If a seignior has purchased or he received for safekeeping either silver or gold or a male slave or a female slave or an ox or a sheep or an ass or any sort of thing from the hand of a seignior's son or a seignior's slave without witnesses and contracts, since that seignior is a thief, he shall be put to death.

8. If a seignior stole either an ox or a sheep or an ass or a pig or a boat, if it belonged to the church (or) if it belonged to the state, he shall make thirtyfold restitution; if it belonged to a private citizen, he shall make good tenfold. If the thief does not have sufficient to make restitution, he shall be put to death.

9. When a seignior, (some of) whose property was lost, has found his lost property in the possession of another seignior, if the seignior in whose possession the lost (property) was found has declared, "A seller sold (it) to me; I made the purchase in the presence of witnesses," and the owner of the lost (property) in turn has declared, "I will produce witnesses testifying to my lost (property);" the purchaser having then produced the seller who made the sale to him, and the witnesses in whose presence he made the purchase, and the owner of the lost (property) having also produced the witnesses testifying to his lost (property), the judges shall consider their evidence, and the witnesses in whose presence the purchase was made, along with the witnesses testifying to the lost (property), shall declare what they know in the presence of god, and since the seller was the thief, he shall be put to death, while the owner of the lost (property) shall take his lost (property), with the purchaser obtaining from the estate of the seller the money that he paid out.

10. If the (professed) purchaser has not produced the seller who made the sale to him and the witnesses in whose presence he made the purchase, but the owner of the lost property has produced witnesses testifying to his lost property, since the (professed) purchaser was the thief, he shall be put to death, while the owner of the lost property shall take his lost property.

11. If the (professed) owner of the lost property has not produced witnesses testifying to his lost property, since he was a cheat and started a false report, he shall be put to death. ...

22. If a seignior committed robbery and has been caught, that seignior shall be put to death.

23. If the robber has not been caught, the robbed seignior shall set forth the particulars regarding his lost property in the presence of god, and the city and governor, in whose territory and district the robbery was committed, shall make good to him his lost property.

24. If it was a life (that was lost), the city and governor shall pay one mina of silver to his people.

25. If fire broke out in a seignior's house and a seignior, 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 seignior shall be thrown into that fire. ...

88. If a merchant [lent] grain at interest, he shall receive sixty qi of grain per kur as interest. If he lent money at interest, he shall receive one-sixth (shelkel) six se (i.e. one-fifth shelkel) per shelkel of silver as interest.

17. seignior: a free man of some standing in the community.
18. mina: a weight of 500 grams.
19. qi, kur: there were 300 qi in a kur. Thus, the interest rate was 20 percent.
20. se: there were 180 se in a shelkel. Thus, the interest rate, again, was 20 percent.
89: If a seignior, who [incurred] a debt, does not have the money to pay (it) back, but has the grain, [the merchant] shall take grain for his money [with its interest] in accordance with the ratio fixed by the king.

90: If the merchant increased the interest beyond [sixty qu] per kur [of grain] (or one-sixth (shekel) six še [per shekel of money] and has collected (it), he shall forfeit whatever he lent.

104: If a merchant lent grain, wool, oil, or any goods at all to a trader to retail, the trader shall write down the value and pay (it) back to the merchant, with the trader obtaining a sealed receipt for the money which he pays to the merchant.

105: If the trader has been careless and so has not obtained a sealed receipt for the money which he paid to the merchant, the money with no sealed receipt may not be credited to the account.

195: If a son has struck his father, they shall cut off his hand.

196: If a seignior has destroyed the eye of a member of the aristocracy, they shall destroy his eye.

197: If he has broken a (other) seignior’s bone, they shall break his bone.

198: If he has destroyed the eye of a commoner or broken the bone of a commoner, he shall pay one mina of silver.

199: If he has destroyed the eye of a seignior’s slave or broken the bone of a seignior’s slave, he shall pay one-half his value.

200: If a seignior has knocked out a tooth of a seignior of his own rank, they shall knock out his tooth.

201: If he has knocked out a commoner’s tooth, he shall pay one-third mina of silver.

202: If a seignior has struck the cheek of a seignior who is superior to him, he shall be beaten sixty (times) with an oxtail whip in the assembly.

203: If a member of the aristocracy has struck the cheek of a (other) member of the aristocracy who is of the same rank as himself, he shall pay one mina of silver.

204: If a commoner has struck the cheek of a (other) commoner, he shall pay ten shekels of silver.

205: If a seignior’s slave has struck the cheek of a member of the aristocracy, they shall cut off his ear.

206: If a seignior has struck a (other) seignior in a brawl and has inflicted an injury on him, that seignior shall swear, “I did not strike him deliberately”; and he shall also pay for the physician.

207: If he has died because of his blow, he shall swear (as before), and if it was a member of the aristocracy, he shall pay one-half mina of silver. . .

[42]