

THE CODE OF HAMMURABI: LAW OF MESOPOTAMIA

A Unit of Study for Grades 6-10

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UNIVERSITY OF CALIFORNIA, LOS ANGELES**

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TABLE OF CONTENTS

Introduction

Approach and Rationale	1
Content and Organization	1

Teacher Background Materials

Unit Overview	3
Unit Context	3
Unit Objectives	3
Correlation to National Standards for History	4
Introduction to <i>The Code of Hammurabi: Law of Mesopotamia</i>	4
Lesson Plans	6

Dramatic Moment	7
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Lessons

Lesson One: Law and Justice in Sumer and Babylonia	8
Lesson Two: The Code of Hammurabi and Other Ancient Codes	17
Lesson Three: Court Cases from the Ancient Near East and Today	47

Annotated Bibliography	59
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TEACHER BACKGROUND

I. UNIT OVERVIEW

The purpose of this unit is to study the origin, significance, and administration of law within the Babylonian Empire. The social, economic, moral, and political complexity of the state in the 18th Century B.C. required a written code as a norm by which justice could be obtained. The Code of Hammurabi, a compilation of customs, earlier codes and court decisions, provided for social order. It was based on the ancient concept that law was both human and divine and given to the ruler by the gods so that he could govern his people ethically. The documents selected for this unit reflect man's early progress toward justice under the law.

Laws are written to maintain social order and the development of law reflects the values of the civilization in which the laws were enacted. Law as a comparative theme can link the Mesopotamian period to others, (e.g. Egyptian Negative Confessions, the Mosaic Law, the laws of the Greek city states, the Twelve Tablets of Rome, etc.) Law can also be used to relate the present to the past and perhaps to help the students understand why we study history.

II. UNIT CONTEXT

These lessons should be taught as part of a unit on Mesopotamia. By the Babylonian Period, the development of a sophisticated culture with its class structure, occupational specialization, trade relations, religious beliefs, and government bureaucracy required a system of written rules. Though not the first written law, the Code of Hammurabi (1792–1750 B.C.) was one of the earliest collections of law to survive (and the basis for later Semitic codes). It was used to maintain order within a complex empire.

III. UNIT OBJECTIVES

1. To identify the need for a written code of law.
2. To identify the various people involved in and the steps taken in the process of law.
3. To recognize that laws are enacted to protect the citizens.
4. To understand that law codes vary in degree of strictness.
5. To appreciate the necessity of government to provide justice and order in a civilized society.

IV. CORRELATION TO NATIONAL STANDARDS FOR HISTORY

The Code of Hammurabi: Law of Mesopotamia provides teaching materials that address *National Standards for History*, Basic Edition (National Center for History in the Schools, 1996), **Era 2** “Early Civilizations and the Emergence of Pastoral Peoples, 4000–1000 B.C.” Lessons in this teaching unit specifically address **Standard 1A** by having students compare the development of religious and ethical belief systems in early civilizations and study how written records reveal political and legal life. Lessons also address **Standard 4** on the development of political institutions and state authority in ancient civilizations.

This unit likewise integrates a number of Historical Thinking Standards including: **Standard 2**, Historical Comprehension (reconstruct the literal meaning of a historical passage); **Standard 3**, Historical Analysis and Interpretation (compare and contrast different sets of ideas, values, and behaviors); **Standard 4** Historical Research (employ quantitative analysis to explore migration patterns); and **Standard 5** Historical Issues—Analysis and Decision-Making (evaluate alternative courses of action.)

V. INTRODUCTION TO *The Code of Hammurabi: Law of Mesopotamia* by Amanda H. Podany

Mesopotamian history can be characterized as having been shaped by two conflicting forces: the desire for independence on the part of individual cities, and the pervasive ideal of a united land. Throughout most of the third millennium B.C. city-states remained independent of one another, although periodically kings would forge larger kingdoms by means of conquest. The residents of each city had a strong allegiance to their own state and to the god who resided in its greatest temple, and they resisted domination by any other city, and, by extension, its god.

Nevertheless, the city-states also always shared a sense of community. The inhabitants of Mesopotamia recognized their common religion, culture, and written language, and called themselves as a group “the black-headed ones.” Sargon of Akkad, who ruled for fifty-five years during the twenty-third century B.C., was the first king to unite the people politically in an empire that stretched from the Mediterranean Sea in the north to the Persian Gulf in the south. His memory was evoked for thousands of years after his death by kings who strove to emulate his achievement. However, his empire did not last long; after only a few generations it was brought down by a combination of internal rebellion and external attack, and was succeeded by a smaller empire ruled by Sumerian kings at the city of Ur.

Around 2000 B.C. this empire, too, came to an end as a result of the same forces, and Mesopotamian unity disintegrated; in its place local kings formed many small kingdoms, not unlike those of the earliest Sumerian times. There was an important difference, however. The kings of the second millennium almost all bore Semitic names. Sumerian seems by this time to have become a dead language, used only for literary and religious purposes. Some of the new dynasts were from old Akkadian families, but others were newcomers to Mesopotamia, Amorites from the west who had invaded in the first centuries of the second millennium, settled, and adopted native Mesopotamian culture.

One of the new Amorite dynasties took up residence in the city of Babylon, which had previously played no significant role in Mesopotamian history. In 1792 B.C. a king named Hammurabi (or Hammurapi) succeeded to the throne in Babylon, and was to prove himself an heir to Sargon in his conquest of the whole land of Mesopotamia. Also like Sargon his achievements were remembered for many generations. Hammurabi tends to be known best today, however, not for his military victories or his administrative abilities but for his law code.

In fact we know that the issuance of a code of law was standard procedure for Mesopotamian kings long before the time of Hammurabi. Written law was both a source of legitimacy for the king (since law ultimately derived from the gods and was passed on by the king and since he functioned as the supreme source of justice) and proof of his concern for the well-being of his people. The law codes were not exhaustive; many obvious crimes are not mentioned. They seem rather to have been lists of legal precedents by which future cases would be judged. One also finds no absolute laws of the kind seen later in the Biblical Ten Commandments; all Mesopotamian law was conditional. Hammurabi's code is the best known of the laws because it is the best preserved but, as is shown in the unit that follows, other law codes dealt with similar issues and reflect similar assumptions.

The codes are fascinating today not only for the insight they provide into the complex and sophisticated legal system constructed by the Mesopotamians, but also for their revelations about Mesopotamian life, the everyday concerns of people who lived over 3500 years ago.

LESSON THREE

COURT CASES FROM THE ANCIENT NEAR EAST AND TODAY

A. OBJECTIVES

- ◆ Read court cases and letters from the Ancient Near East and identify the social and economic concerns they express.
- ◆ Use the Code of Hammurabi and the Laws of Eshnunna to arrive at justice in these court cases.
- ◆ Apply these ancient codes and laws to modern issues of justice, social values and economics.

B. LESSON ACTIVITIES

1. Collect the homework from **Lesson Two (Worksheet 3)**. Read and discuss some of the school laws written by students.

If you are going to use law as a topical approach to history, save ten or so of the best for a growing bulletin board.

2. Ancient Cases (Group Work)

- a. Tell your students: “As authors of the law, you know that this is only the first step in the process of justice. Law, to have meaning, must be enforced through the courts. So today we are going to do two things: first, we are going to work with original court cases, legal documents and letters from Mesopotamia to see that justice is done, and then we will work with a modern question of justice found on the front page of the newspaper.”
- b. Explain to students: “Before you begin, however, I want you to know about ‘the oath’ mentioned in one of your documents.” Give a brief explanation (see enclosed **Document 10** by S. Dalley.)
- c. Divide students into work groups. Give each student **Documents 4** and **5**, the law codes from **Lesson Two**. Then give each group one set of documents (**Documents 6–10**). Tell students:

Lesson Three

“Using the codes and your work sheets from yesterday as a help and guide, I want you to work together to answer the questions at the end of the resources. You will have about 15 minutes to work.”

Answer Guide

Document 6: Laws on Adoption: H185 through H191; possibly H150 and E59

Document 7: Law on Inheritance: H166

Document 8: Law on Oxen: H245 and H249

Document 9: Law on Family Debts: E24 and H117

- d. After 15 minutes, collect the documents (for grading) and discuss each case using the questions on the document sheet.

3. Modern Cases - Group Work

- a. Tell the students that working as a group they are to select a front page legal case (e.g. murder, ownership, environment, etc.) and using their knowledge of modern law and the codes of ancient law they are to fill in the worksheet. (**Student Worksheet 4**). They will have 10 minutes to answer the questions and then they can discuss the cases.
- b. Discuss the cases using the worksheet questions.

4. Summary

What have we learned about ancient and modern law? Discuss and list on the board:

- a. Laws fit the needs and values of society.
- b. Laws change over time.
- c. Law is for the protection of the individuals in society.
- d. The need for order in society does not change.
- e. Punishments fit the value system of society
- f. Our modern legal system has its roots in ancient laws and codes.

Legal Documents from Mesopotamia
(Primary Source)

Tarmiya, the son of Huya, appeared with Shukriya and Kula-hupi, with (these) two brothers of his, the sons of Huya, in a lawsuit before the judges of Nuzi with reference to the female slave [Sululi-Ishtar], where upon Tarmiya spoke thus before the judges, "My father, Huya, was sick and lay on a couch; then my father seized my hand and spoke thus to me, 'My other sons, being older, have acquired wives; but you have not acquired a wife; so I give you herewith Sululi-Ishtar as your wife.'" Then the judges demanded the witnesses of Tarmiya [and Tarmiya] had his witnesses appear [before the judges]: . . . , the son of Hurshaya, . . . , the son of Ikkiya, . . . , the son of Itrusha, [and] . . . , the son of Hamanna. [These] witnesses of [Tarmiya] were examined before the judges, whereupon the judges spoke to Shukriya and Kula-hupi, "Go and take the oath of the gods against the witnesses of Tarmiya." Shukriya and Kula-hupi shrank from the gods so that Tarmiya prevailed in the lawsuit and the judges assigned the female slave Sululi-Ishtar, to Tarmiya.

(The names of the three persons, each preceded by "The seal of .") The signature of Iliya.

Discussion Questions

1. Where is the case being tried?
2. What is the case about?
3. Who is the defendant?
4. Who are the plaintiffs?
5. Why did Tarmiya win the case?
6. Which laws of Eshnunna or Hammurabi are applicable to this document? (List with the letter E or H and the number of the law.)
7. What does the case tell you about Mesopotamian values?

Real Adoption

(Primary Source)

The tablet of adoption belonging to [Zike], the son of Akkuya: he gave his son Shennima in adoption to Shuriha-ilu, and Shuriha-ilu, with reference to Shennima, [from] all the lands. . . . [and] his earnings of every sort he gave to Shennima one [portion] of his property. If Shutiha-ilu should have a son of his own, as the principal [son] he shall take a double share; Shennima shall then be next in order [and] take his proper share. As long as Shuriha-ilu is alive, Shennima shall revere him. When Shuriha-ilu [dies], Shennima shall become the heir. Furthermore, Kelim-ninu has been given in marriage to Shennima. If Kelimninu bears [children], Shennima shall not take another wife; but if Kelim-ninu does not bear, Kelim-ninu shall acquire a woman of the land of Lullu as wife for Shennima, and Kelim-ninu may not send the off-spring away. Any sons that may be born to Shennima from the womb of Kelim-ninu, to [these] sons shall be given [all] the lands [and] buildings of every sort. [However], if she does not bear a son, [then] the daughter of Kelim-ninu from the lands [and] buildings shall take one [portion] of the property. Furthermore, Shuriha-itu shall not adopt another son in addition to Shennima. Whoever among them defaults shall compensate with 1 mina of silver [and] 1 mina of gold.

Furthermore, Yalampa is given as a hand maid to Kelim-ninu and Shatimninu has been made co-parent. As long as she is alive, she [i.e. Yalampa] shall revere her and Shatim-ninu shall not annul the [agreement].

If Kelim-ninu bears [children] and Shennima takes another wife., she may take her dowry and leave.

(The names of the nine persons and the scribe as witnesses, each preceded by the witness-sign.)

The remaining sons of Zike may not lay claim to the lands [and] buildings belonging to the [above] one [portion] of the property.

The tablet was written after the proclamation.

[Sealed by eight persons., seven of whom were already named as witnesses.]

Discussion Questions

1. What things of value have been given or promised to Shennima by his father in adoption, Shuriha-flu?

2. If Shuriha-flu should have children of his own, what happens to Shennima?

3. From the document you can learn about the Mesopotamian's view of marriage and family.
 - a. What is the primary reason for marriage?

 - b. What rights does the wife have?

 - c. What are the rights of the children?

 - d. Why are points a, b, and c above important in this civilization?

4. What makes this document legal?

5. Which laws of Eshnunna or Hammurabi are applicable to this document? List with the letter E or H and the number of the laws.

Tell Luga: Sin-Putram Sends the Following Message

(Primary Source)

May the gods Enlil and Ninurta keep you in good health.

Lugatum moved his bulls to the fortified area in order to plant sesame, and (my man) Ubar-Lulu was going along with them as ox driver. One of the bulls in his care died, so they came to me with this dispute; I questioned the ox drivers who accompanied Ubar-Lulu, and they declared as follows: "The bull strayed away (from the herd) to eat grass; he fell down and died." I said, "Go to Nippur, to the city where there are judges; let them decide your case!" The judges in Nippur gave them their decision and handed Ubar-Lulu over to the Garden Gate in order to take the oath there. Lugatum, however, is not accepting this decision. Please take good care of Ubar-Lulu so that he does not suffer a loss.

Source: Reprinted as published in *Letters From Mesopotamia: Official Business, and Private Letters on Clay Tablets from Two Millennia*, by A. Leo Oppenheim, copyright 1967, with the kind permission of the copyright owner, University of Chicago Press.

Discussion Questions

1. Where was the case heard?

2. What law had the judges used when they required Ubar-Lulu to take the oath? List letter E or H and the number of the law.

3. Why was Lugatum not willing to accept the decision, and why was he appealing the case?

4. What other law would Lugatum use? List letter E or H and number of the law.

5. Under that law, what loss would LJbar-Lulu suffer?

6. What social values does this case address?

**Tell Ahu-Kinum:
Awil-Amurrim Sends the Following Messages:**

(Primary Source)

Immediately after you left for the trip, Imgur-Sin arrived here and claimed: “He owes me one-third of a mina of silver.” He took your wife and your daughter as pledges. Come back before your wife and daughter die from the work of constantly grinding barley while in detention. Please, get your wife and daughter out of this.

Source: Reprinted as published in *Letters From Mesopotamia: Official Business, and Private Letters on Clay Tablets from Two Millennia*, by A. Leo Oppenheim, copyright 1967, with the kind permission of the copyright owner, University of Chicago Press.

Discussion Questions

1. Under what law might Imgur-Sin take the women? List letter E or H and the number of the law.

2. What is the most valuable for Imgur-Sin? For Awil-Amurrim?

3. By taking the women, what law might Imgur-Sin be violating? List letter E or H and the number of the law.

4. If Imgur-Sin is in violation of the law, what does his punishment tell you about Mesopotamian values?

5. Under that law, what loss would Ubar-Lulu suffer?

6. What social values does this case address?

“Oath of the God”

Mari and Karana

The “oath of god” ceremony was used for treaties of friendship and alliance between two states or countries, and, for many other kinds of agreements and disagreements, great and small.

“Speak to Iltani, thus Napsuia-Addu. May Shamash and Mar-duk grant you long life. Concerning the garment belonging to the ruler’s servant which was given (accidentally?) to his textile-worker: the men have sworn the oath of the gods here. Give the order that they are to return the servant’s garment.”

If disputants were unwilling to take the oath or could not be relied upon to follow the correct procedure, certain officials known for the occasion as *musazkirum*, “commissioners of oaths”, would be sent to administer the oath. From southern texts we know that a piece of the god’s property was hired out from a temple to be present at the ceremony, as if to represent the god.

To some extent the ceremony was used as a lie detector or proof of innocence: “They made them swear the ‘oath of gods’, and they came out unharmed,” says a letter, showing that it was an ordeal in which the gods, who were responsible for justice on earth, would surely punish those who were doing wrong.

The same divine concern with justice can be found in the river ordeal, which like the “oath of the gods” occurs in Hammurabi’s code of laws, as a means of settling a claim fairly. Rivers were to some extent considered divine: if a man was thrown into the river, the river god would make sure that a guilty man would drown, and an innocent man would come out unharmed.

“Now, I am going to take those two men down to the river-god; and their accusers are being guarded here in prison. Let one of your trustworthy servants take them down to the river god; if those men come out safe, I shall burn their accusers in a fire. If the men die, I shall give their houses here and their dependents to their accusers.”

The river god did not always give a clear-cut result. There is a difficult text which records a dispute over the ownership of a border town, in which it was decided that one man and three women should take the ordeal. The first three survived, but the third woman drowned. In a similar text four villagers took the ordeal by jumping into the river clutching a handful of earth from that village, proclaiming as they jumped: “That village is my village! It was allotted in a share a long time ago, and was not given to So-and-So!”

There was presumably more to the ordeal than simply swimming, but we do not know exactly what happened, except that a particular distance is set for each person, according to that letter. In neighboring Iran, perhaps at this period, the details of a river ordeal are described in a Sanskrit text: The accused man submerged himself by holding the thighs of a man standing upright in water. As he went under, he said: "Through truth protect me, Varuna." At that instant an archer shot an arrow, and a runner ran to fetch it. If when he returned with the arrow, the accused was alive, he was innocent; if drowned, guilty.

Source: Reprinted as published in *Mari and Karana: Two Old Babylonian Cities* (pp. 126 and 127), by Stephanie Dalley, copyright 1984, with the kind permission of the copyright owner, Longman, Inc.

Modern Legal Cases

1. In two or three sentences, summarize the case. Get the headlines.
2. Predict the modern outcome (judgement) in the case. If your group is not in agreement, list all the options.
3. What would be the judgement under the ancient laws? Give letter and number of the laws.
4. How do judgements compare? Why are they similar or different?
5. From the law what can you deduce about the society that produced them?