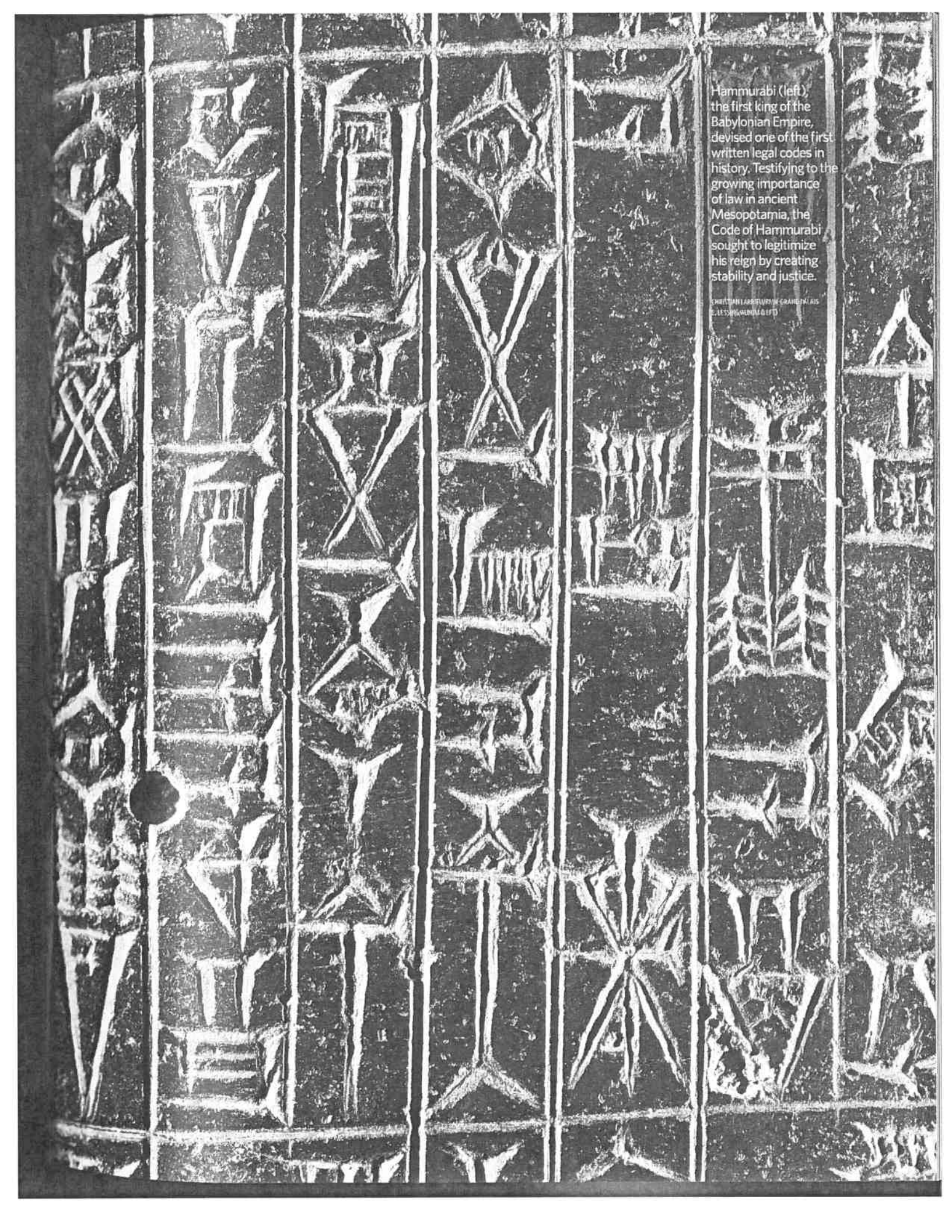




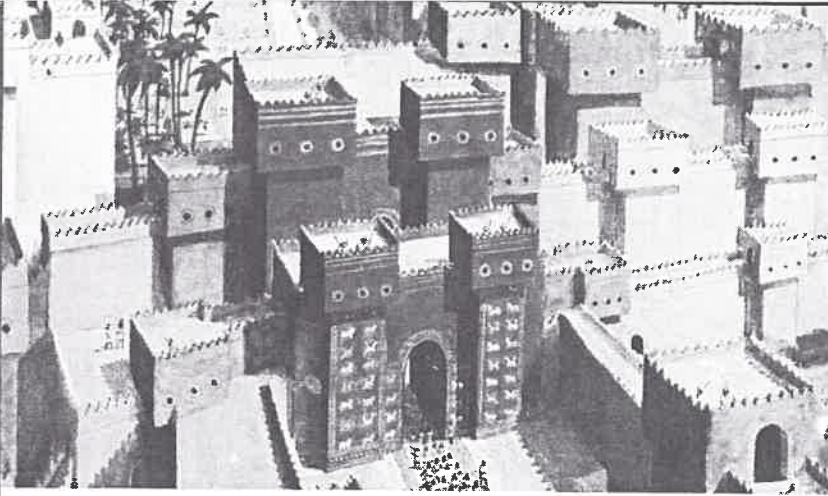
THE FIRST LAWMAKERS

To control the complex cities, states, and empires that emerged 4,000 years ago, the warrior kings of Mesopotamia were forced to take up a new weapon: the sword of justice. The rule of law had begun.



Hammurabi (left), the first king of the Babylonian Empire, devised one of the first written legal codes in history. Testifying to the growing importance of law in ancient Mesopotamia, the Code of Hammurabi sought to legitimize his reign by creating stability and justice.

CHRISTIAN LABBEY/REUTERS/GRANDFACIS
EASTPHOTO/ALBUMA G EFTD



BPK/SCALA, FLORENCE

BRINGING LAW TO THE LAND

The emergence of the world's first written laws in Mesopotamia is inseparable from the birth and development of complex urban societies in the region, as city governments grew into states ruling over ever more territory and people. The first legal texts dealt with basic economic relations, but 1,200 years later the Code of Hammurabi encompassed much more: crime, family law, tax, and even the workings of justice itself.



SCALA, FLORENCE



POLITICS

LAW

4000 - 3100 B.C.
The Uruk period marks the birth of the great city-states.

2900 - 2350 B.C.
Early Dynastic Period sees struggles between Sumerian cities (Uruk, Lagash, Kish, Ur).

2450 B.C.
The first dynasty of Lagash founded by Ur-Nanshe. Its king will be Urukagina.

2350 - 2150 B.C.
Akkadian Empire grows under Sargon I and later Naram-Sin.

3000 - 2900 B.C.
The first legal precedents are created in the form of cuneiform texts recording simple legal transactions like the sale and purchase of land between related individuals.

2320 B.C.
After acceding to the throne Urukagina, king of the city-state of Lagash, promotes what is considered to be the first legal code in history. No copy of it has been found.

Soldier (tortoiseshell), Ur, third millennium B.C.

Inscriptions on the reforms of Urukagina, 2320

BY THE RIVERS OF BABYLON

When Hammurabi came to the throne, Babylon was the greatest city in Mesopotamia. He made it his capital, and it remained the commercial and administrative center of Babylonia for centuries. Its ruins are in present-day Iraq, 55 miles south of Baghdad.

At more than seven feet tall, the jet-black pillar looms menacingly over visitors to the Louvre in Paris, much as it would over the first city dwellers nearly 4,000 years ago. Around 1758 B.C. a gifted Mesopotamian craftsman was charged with carving a great slab of diorite into an imposing royal stela. His mandate was to inspire awe in all who beheld it. He did a good job. Now as then, the eye is irresistibly drawn to the top of this daunting monument, where the sculptor has wrought a scene of intense solemnity.

Here is King Hammurabi of Babylon, raising his right hand in a gesture of reverence toward a majestic figure seated on a throne. This is Shamash, the Mesopotamian god of the sun and of justice, a deity who exercised the power of light over darkness and evil. Shamash is offering Hammurabi a staff and a ring, the sacred objects with which this monarch will rule his subjects. The god's feet rest on the mountains, and from his shoulders

burst rays of sunshine. Below this impressive scene the monument is packed with a density of cuneiform script, with thousands of characters detailing the largest set of laws ever to be compiled prior to the Roman Republic. The code that stands as a precursor to modern legal systems would forever bear the name of the king who commissioned it.

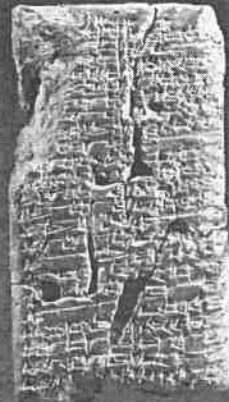
In a time when few people could read, the visual impact of the stela's grandiose design was crucial for conveying the gravity of its message to illiterate citizens. Displaying this monument in a prominent public place made a powerful statement: Hammurabi was more than just a strong king, he was also wise and just. But despite the impressive legal decrees laid down in its text, there is still much debate over the extent to which they were actually applied. It is unclear whether these laws were ever intended to be rigorously enforced, or if they were assembled and displayed simply to reinforce the authority of the ruler and be a warning to his subjects.

What we do know is that the story of how these remarkable laws came into being began





BRITISH MUSEUM/VISUALS, FLORENCE



E. LESSING/ALBUM



E. LESSING/ALBUM



ARGO/ALBUM

2100 - 2000 B.C.

The third dynasty of Ur forms the powerful empire of Sumer. Invasions by the Amorites, combined with attacks from the kingdoms of Elam and Shimashki, bring about the collapse of Ur.

2000 - 1800 B.C.

The Isin and Larsa period sees Amorite nomads establishing dynasties in Mesopotamia. Political upheaval in the south is caused by the struggle for hegemony between the cities of Isin and Larsa.

Mid 19th-century B.C.

The seizure of the Diyala River Valley gives the city of Eshnunna control over vital commercial routes between the Zagros Mountains and southern Mesopotamia. Around 1760 B.C. Hammurabi takes Eshnunna.

1792 B.C.

Hammurabi, sixth king of the first Amorite dynasty of Babylon, accedes to the throne. His son, Samsu-iluna succeeds him in 1750 B.C., by which time his empire stretches from the Persian Gulf to the middle Euphrates.

2112 - 2047 B.C.

The first Mesopotamian legal code is written: The Code of Ur-Nammu. Although attributed to the first king of the third Ur dynasty, it could be the work of his son and successor, Shulgi.

1934 - 1924 B.C.

Lipit-Ishtar, king of the city of Isin, fights to consolidate his control of Sumer (Lower Mesopotamia). To support his authority he orders the writing of his own legal code.

1800 B.C.

In the first year of Dadusha's reign over the city of Eshnunna, a new legal code is proclaimed. It almost coincides with that of the great King Hammurabi.

1758 B.C.

Hammurabi of Babylon orders the compiling of a legal code that will be remembered as the first comprehensive legal corpus in history.

Urukagina 20. Urukagina. Foundation Figure, 2112 a.c.

Prologue to the Code of Lipit-Ishtar

Fighters on a Eshnunna relief, third millennium a.c.

Stela dedicated to Hammurabi, second millennium B.C.

hundreds of years earlier with the most ancient of all legal systems—the Sumerian laws. These first emerged in Mesopotamia toward the end of the third millennium B.C., a natural result of the evolution of complex urban societies and the development of writing.

The Code Makers

“Urukagina has reached agreement with the god Ningirsu that the orphan and the widow will not be at the mercy of the powerful.” This pious injunction comes from the legal reforms put in place by Urukagina, king of the city of Lagash. Faced with an economic crisis, Urukagina enacted a series of measures designed to cancel the mounting taxes of his citizens. These rulings are among the first to demonstrate how important making and enforcing laws had become for Mesopotamia’s rulers. To the three guiding values of kingship—strength, courage, and a warrior spirit—Urukagina would be the first to add a fourth: justice.

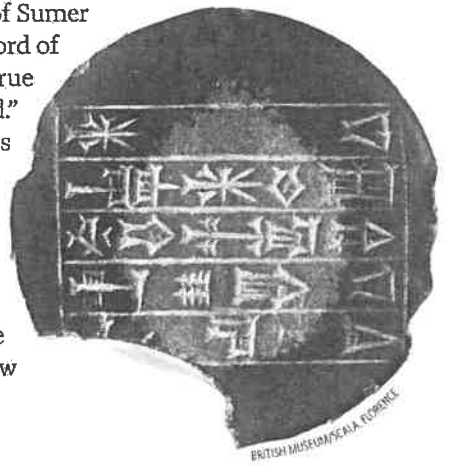
This was an era of significant political and social upheaval, when the city-state had begun

evolving toward a new political structure: empire. The first large-scale empire in Mesopotamia took shape with the extensive territorial conquests made by Sargon of Akkad, who came to the throne in 2334 B.C. When his Akkadian Empire fell it was replaced by another powerful and imperialist state, the third dynasty of Ur. Its founder, King Ur-Nammu, published the earliest law code yet discovered—the Code of Ur-Nammu. In its prologue the monarch unequivocally establishes his role as the guarantor of justice: “Then did Ur-Nammu the mighty warrior, king of Ur, king of Sumer and Akkad, by the might of Nanna, lord of the city, and in accordance with the true word of Utu, establish justice in the land.” Nearly 350 years before Hammurabi this monarch was already emphasizing the nascent but increasingly important idea that Mesopotamian rulers had a duty to safeguard the established order and uphold justice.

Ur-Nammu’s set of laws was one of the world’s first attempts to draw

A RULER BY DIVINE RIGHT

This agate stone (below) is inscribed with a dedication to the god Shamash by King Hammurabi. From 1792-1750 B.C. the monarch ruled over one of the major power centers of Mesopotamia.



BRITISH MUSEUM/VISUALS, FLORENCE

THE WRATH OF THE GODS

A CURSE UPON TRANSGRESSORS

Earthly punishments awaited those who contravened the laws enshrined in the Mesopotamian legal codes. In their epilogues, divine wrath was called down on rulers who later altered or ignored these laws. Among the curses invoked in the Code of Hammurabi, the king beseeches Enlil, supreme

deity of the Mesopotamian pantheon, to bring "rebellion [on such a successor] which his hand cannot control . . . may he ordain the years of his rule in groaning, years of scarcity, years of famine, darkness without light, and death with seeing eyes be fated to him." The god Adad is requested to "withhold from him rain from heaven, and the flood of water from the springs, destroying all his

land by famine and want." King Hammurabi asks the god Nergal to deploy his strength "to burn up his subjects like a slender reed," while the goddess Nintu is called on to "deny him a son . . . and give him no successors among men." The goddess Ninkarrak is invoked to inflict "fever, and severe wounds that cannot be healed, and whose nature the physician does not understand."



PRISMA/ALBUM

PROTECTED BY THE GODS

A *kudurru* or stone document recording a land grant (above) shows the symbols of the gods Sin, Ishtar, and Shamash. Mesopotamian religion worshipped a pantheon of gods who often behaved like mortals, resulting in a rich and extensive mythology.

together and codify a state's legal practices. Besides laying down the law, it included powerful deterrents in the form of severe punishments for transgressors. Many of its penalties seem both cruel and unusual to modern sensibilities; adulterers, for example, could expect the death penalty. Other punishments appear to anticipate the biblical injunction, written centuries later, of an eye for an eye: "If a man commits a murder," it says, "then that man will himself be put to death."

I Am The Law

From around 2000 B.C. southern Mesopotamia suffered a prolonged period of political instability. It was during these turbulent years that Lipit-Ishtar, king of the city of Isin, developed another of the world's first legal codes. As Ur-Nammu before him, Lipit-Ishtar considered it his monarchical right to uphold order in his land. Indeed he believed it to be his exclusive prerogative, divinely bestowed on him by the gods.

This fundamental idea is expressed in the code's prologue: "At that time, I, Lipit-Ishtar, the pious shepherd of the city of Nippur . . .

the king of the city of Isin, king of the lands of Sumer and Akkad, chosen as the heart's desire of the goddess Inanna, by the command of the god Enlil, established justice in the lands of Sumer and Akkad." This statement contains a metaphor much used by Mesopotamian rulers: shepherd. As the shepherd tends his flock, so the monarch protects, guides, and corrects the behavior of his people by means of the law. "I ensured that parents cared for their children," says Lipit-Ishtar, "I ensured that children cared for their parents." Lipit-Ishtar stresses the novel idea that a ruler commands more than military might; he is also *shar misharim*, Akkadian for "king of justice."

The Code of Lipit-Ishtar contains 38 extant laws covering subjects as diverse as murder, land management, the status of slaves, tax evasion, inheritance, marriage, and the hiring of oxen and boats. Such a wide variety of situations reflects the growing needs of an ever more complex urban society in which harmonious living was increasingly difficult without recourse to an established system of laws and punishments.



GEORG GERSTER/AGE FOTOSTOCK

The First Legal Systems

What also emerges is a systematization of the way the laws are written. In the Code of Lipit-Ishtar each legal case or article is presented in two parts. The first part, the protasis, lays out the hypothetical situation using the conditional tense. The second part, the apodosis, details the corresponding sentence or penalty to be enforced. For example: "If one man accuses another man, but has no basis for his accusation, and on a matter of which the accused knows nothing, and if the accuser is not able to substantiate his assertion, he will then suffer a sanction equivalent to that injury about which he had made his false accusation." A similar structure had been used in the laws of Ur-Nammu and would appear again in the Code of Hammurabi and other much later laws of the Assyrian Middle Kingdom.

Indeed, the overall organization of most Mesopotamian legal codes followed traditions laid down by Ur-Nammu. This includes the use of a prologue and an epilogue that reflect the ruler's ideology. Within the prologue a prominent role is given to the gods of the Sumerian-Akkadian

pantheon, especially Enlil, Shamash, and Marduk, who alone granted the king his divine right to make laws. The epilogue takes the important stand of condemning any who dare question the validity of the law, declaring such an act a crime in itself. Lipit-Ishtar's epilogue lays down terrible curses on those who violate, alter, or appropriate his code. In this way the legal codes bolstered a monarch's political program by adding the image of a just king to that of his warrior role. It is in this light that these bodies of laws have been seen more as a reflection of the ideal values of Mesopotamian rulers, rather than a code that would be literally applied.

On acceding to the throne of Eshnunna, King Dadusha proclaimed a body of laws to establish his rule as one dedicated to justice and stability. The Eshnunna Code included some interesting innovations. Its 60 articles are complemented by tariffs, indicating that some physical damage would require compensation: "If a man bites the nose of another man, causing it to be severed, he will pay a quantity of silver." This could seem to suggest that the law was mellowing, but within

THE MIGHTY ZIGURATS OF BABYLONIA

Babylonia was known for its great stepped pyramids, called ziggurats. The temples' terraces were planted with shrubs, perhaps the inspiration for the famed Hanging Gardens. Choga Zanbil (above), in western Iran, was one of the largest.



TIBOR DOGHÁR/AGE FOTOSTOCK

THE GATES TO A GREAT CITY

Babylon was the capital of several of the world's first empires. It honored Ishtar as its patron, the goddess of war and sexual love. Decorated in glazed bricks, the Ishtar Gate was one of eight entrances to Babylon's inner city.

just 30 years a far more severe set of laws would be issued: the Code of Hammurabi.

The Great Lawmaker

Hammurabi was the sixth king of the first Amorite dynasty. The Amorites were nomads who had helped to topple the third dynasty of Ur and had then seized power in cities across Mesopotamia, including Babylon, its most important urban center. From here Hammurabi managed to control the unstable south of Mesopotamia, and, as Lipit-Ishtar and others had done before him, he ordered a stela to be carved with his new code of laws. It was then publicly displayed in an effort to assert and reinforce his authority.

The image and text of this extraordinary monument was intended to legitimize Hammurabi as a king of justice, as a shepherd of his people, and as a governor concerned for his subjects. These three ideas, already present in previous legal codes, now emerged as clearly defining characteristics of Amorite kingship.

"When Marduk sent me to rule over men,"

A TROPHY OF WAR

FINDING THE CODE OF HAMMURABI

In 1901 a French team of archaeologists led by Jacques de Morgan arrived in the ancient Elamite city of Susa, in the southwest of present-day Iran. In the tell, the artificial hill formed by the city's ruins, they made important discoveries, including the large diorite Code of Hammurabi stela. It had likely been transferred to Susa

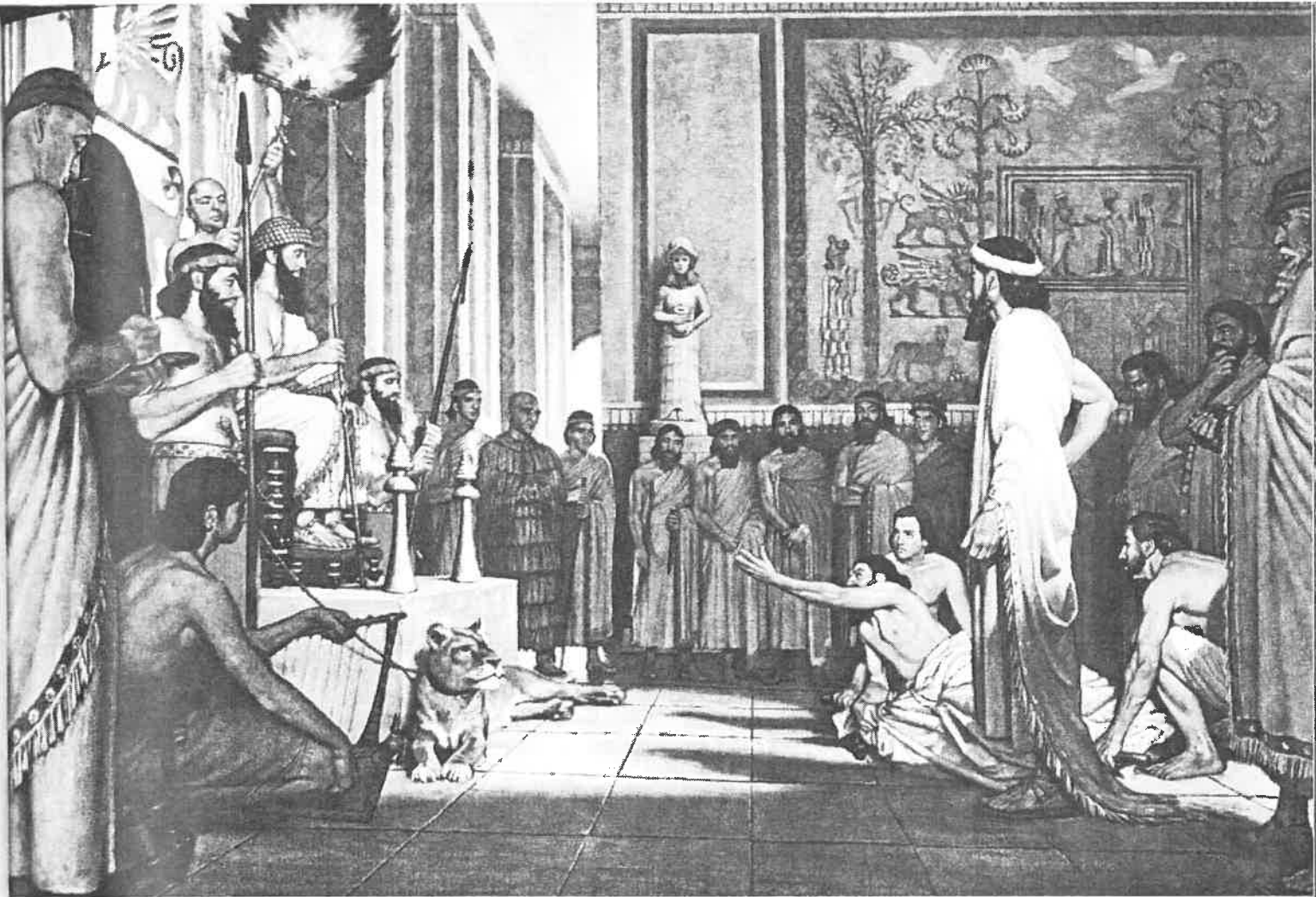
as part of the war booty carried out. The stela was of Shutruk-Nahhunte, the ruler of Elam who had leveled cities across southern Mesopotamia around 1158 B.C., 600 years after Hammurabi. The stela was found broken in three pieces. Several sections of text at its base had been erased, probably in preparation for inscribing the name of the victorious Shutruk-Nahhunte, a symbolic act that was never

taken to the Louvre Museum in Paris, where the text was reconstructed thanks to other versions of the code that had been found. It was then deciphered and translated by the Dominican monk Jean-Vincent Scheil, a renowned philologist and Assyriologist who had taken part in the expedition of discovery to Susa. His translation was published in 1904.

runs the prologue, "to give the protection of right to the land, I did right and righteousness in . . . and brought about the well-being of the oppressed."

The Code of Hammurabi represents the culmination of Mesopotamia's first legal bodies: It is the best known and most cited of all ancient legal references. It is also the most complete code of its time, with 282 articles covering a relatively wide range of themes: criminal law, such as assault, injury, theft, damage, and public order; economic law, including prices, commerce, the setting of a cap on interest rates, and the tax system; and civil and family laws regarding marriage, divorce, succession, work, debt, servants, and slaves.

Some of its articles suggest a toughening of punishments in line with the earlier laws of Ur-Nammu: "If someone rends the wall of a house [to burgle it], they will be killed before that very breach." It is such severity that has led to the Code of Hammurabi long being associated with the similarly rigorous law of talion, whose practices were adopted in the Mosaic law of the



UNIVERSAL IMAGES GROUP/ALBUM

Bible. Lawbreakers faced harsh consequences, including the death penalty for many crimes. In the case of incest: "If a man, after the death of his father, lies with his mother, both will be burned." It also prescribed mutilation, impaling, and forms of divine justice, such as trial by ordeal. In the latter, the accused was submitted to a physical trial that would normally prove fatal. Ordeal by water was one of the most common and was the fate decreed for women suspected of adultery. The woman would be cast into a river and if she was saved, the gods had declared her innocence; if she drowned, that was a divine sign of her guilt.

The political motive that underlies the Code of Hammurabi is clear. In a period of crisis and instability King Hammurabi presents himself as a staunch defender of political and social stability: His laws are sanctioned by the gods and enforced on earth by the king himself. A similar political motive underlies the code's epilogue, filled with terrible curses directed at those who dared contravene its laws or vandalize the stela on which they were inscribed. Actual systematic

application of the laws was, in fact, very unlikely. This was a text whose principal goal was to awe and intimidate. Even if its sentences were often practically unenforceable, the Code of Hammurabi still stands as the first comprehensive legal code in the history of universal law. Its rulings on the death penalty, judicial malpractice, and divorce still resonate. It tells us a great deal about human nature that the laws deemed important enough to be carved in stone 4,000 years ago concern matters that continue to challenge societies today.

APPEALING TO A JUST KING

This modern illustration by Robert Thom imagines King Hammurabi seated on his throne, dispensing justice in his Babylonian court. Hammurabi considered it his divine right to make and uphold the law.

ALEJANDRO GALLEGO

GALLEGO HAS WORKED IN THE NATIONAL MUSEUM OF AFGHANISTAN AND IS AN EXPERT ON ANCIENT ORIENTAL CULTURES.

Learn more

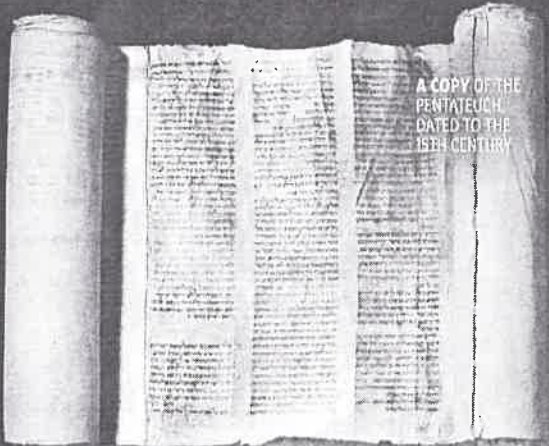
BOOKS

King Hammurabi of Babylon: A Biography
Marc Van De Mieroop, Blackwell Publishing, 2004.

The Oldest Code of Laws in the World. The Code of Laws Promulgated by Hammurabi, King of Babylon b.c. 2285-2242
Hammurabi, Hard Press, 2006.

Babylon: Mesopotamia and the Birth of Civilization
Paul Kriwaczek, St. Martin's Griffin, 2012.

ISRAEL AND BABYLON: TWO SIDES



A COPY OF THE
PENTATEUCH,
DATED TO THE
13TH CENTURY

THE LAWS OF THE HEBREWS

The Mosaic law that governed Hebrew society is drawn from a range of sources and traditions dating approximately from the tenth to the fifth centuries B.C. They were collected together in the Pentateuch, the first five books of the Bible: Genesis, Exodus, Leviticus, Numbers, and Deuteronomy. These are considered the essence of the Torah and are said to have been written by Moses. The laws they lay down reflect a less sophisticated world than the much earlier urban societies of Mesopotamia.

MOSES, LEADER OF THE HEBREWS DURING THEIR EXODUS, BEARING THE TABLETS OF THE LAW IN A SCULPTURE BY MICHELANGELO



DIVORCE

Hebrew law accepts divorce only if it is sought by the husband.
"If a man marries a woman who becomes displeasing to him because he finds something indecent about her, and he writes her a certificate of divorce, gives it to her and sends her from his house, and if . . . she becomes the wife of another man, and her second husband dislikes her and writes her a certificate of divorce . . . or if he dies, then her first husband, who divorced her, is not allowed to marry her again after she has been defiled. That would be detestable in the eyes of the Lord."

ADULTERY

Mosaic law recommends harsh penalties for adultery.
"If a man commits adultery with another man's wife—with the wife of his neighbor—both the adulterer and the adulteress are to be put to death."
When a wife is suspected of adultery she had to undergo what was called the ordeal of the bitter waters (possibly a toxin) before a priest.
"[The priest] shall take some holy water in a clay jar and put some dust from the tabernacle floor into the water . . . The priest is to write curses on a scroll and then wash them off into the bitter water . . . after that, he is to have the woman drink the water. If she has made herself impure . . . her abdomen will swell and her womb will miscarry."

CHILDREN

One of the punishments our modern minds find most severe is Mosaic law dealing out the death penalty to children who confront or disobey their parents.
"If someone has a stubborn and rebellious son who does not obey his father and mother and will not listen to them when they discipline him, his father and mother shall take hold of him and bring him to the elders at the gate of his town. They shall say to the elders, 'This son of ours is stubborn and rebellious. He will not obey us. He is a glutton and a drunkard.' Then all the men of his town are to stone him to death. You must purge the evil from among you. All Israel will hear of it and be afraid."

S TO THE LAWS OF FAMILY LIFE

The Code of Hammurabi considers many scenarios for divorce.

"If a man wishes to separate from a woman who has borne him children . . . then he shall return that wife her dowry, and a part of the field, garden, and property, with which she can raise her children . . . She may then marry."

Women were also permitted to request a divorce.

"An investigation is carried out among her neighbors . . . If she is guiltless, and there is no fault on her part, [and if] he walks out on her and neglects her, then no guilt attaches to this woman. She shall take her dowry and return to her father's house."

Hammurabi's laws also punished adultery severely.

"If a man's wife be discovered with another man, both shall be tied together and thrown into the water."

The same laws, however, also rule that a husband could forgive his wife and the king could pardon her lover.

A woman suspected of adultery underwent ordeal by water.

"If a woman is pointed out [by public opinion] as being unfaithful with another man, but she is not caught sleeping with the other man, she shall jump into the river for her husband."

If the accused woman survived the immersion, she would be declared innocent.

The laws of Hammurabi rule that if a son commits two grievous offenses against his father, a judge can disinherit him. Even in an extreme case, such as a son assaulting his father, the child would suffer amputation rather than capital punishment.

"If a son strike his father, his hands shall be cut off."

The code set limits on patriarchal authority. A father could not automatically disinherit his son, and would have to follow a proper legal procedure.

"If a man wish to put his son out of his house . . . then the judge shall examine into his reasons. If the son be guilty of no great fault, for which he can be rightfully put out, the father shall not put him out."



THE FIRST SEVEN LAWS OF THE GREAT CODE PROCLAIMED BY HAMMURABI

E. LESSING/ALBUM

THE LAWS OF HAMMURABI

Family law in the Babylonian code is more egalitarian than its Hebrew counterpart. Marriage in Israel was understood to be the purchase of a woman, and only men could ask for divorce. However, in Babylonia separation could also be requested by women. Both Mosaic and Babylonian law included some severe practices, like ordeals for adulterous women, but children are treated more compassionately by Hammurabi's code.



HAMMURABI STANDING IN THE PRESENCE OF THE GOD SHAMASH, AT THE TOP OF THE STELA THAT CARRIED HIS FAMOUS LEGAL CODE

E. LESSING/ALBUM