

## Sumerian Law Code: *The Code of Lipit-Ishtar*

*The Code of Lipit-Ishtar* is one of several extent Sumerian law codes. It predates the Code of Hammurabi, which had been considered the oldest for much of the twentieth century. The code is attributed to Lipit-Ishtar the ruler of Isin around 1900 BCE, who was powerful enough to proclaim himself king of Sumer and Akkad. Law codes such as these were often prominently displayed on large stones (stele) for all to see.

Source: Martha T. Roth, *Law Collections from Mesopotamia and Asia Minor* (Atlanta: Scholars Press, 1995)

Focus Questions:

1. Compare the prologue to the preamble of the U.S. Constitution, what are the similarities?
2. What does having a law code say about a society and its rulers?
3. What are the types of punishments given?
4. What can you discern on the status of women?

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When Anu and Enlil had called Lipit-Ishtar, Lipit-Ishtar the wise shephard whose name had been pronounced by Nunamnir, to the princship of the land in order to establish justice in the land, to banish complaints, to turn back enmity and rebellion by force of arms, and to bring well-being to the Sumerians and Akkadians, then I, Lipit-Ishtar, the humble shephard of Nippur, the stalwart farmer of Ur, who abandons not Eridu, the suitable lord of Erech, king of Isin, king of Sumer and Akkad, who am fit for the heart of Manna, established justice in Sumer and Akkad in accordance with the word of Enlil.

Code of Lipit-Ishtar: circa 1868 B.C.

1. If a man entered the orchard of another man and was seized there for stealing, he shall pay ten shekels of silver.
2. If a man cut down a tree in the garden of another man, he shall pay one-half mina of silver.
3. If a man married his wife and she bore him children and those children are living, and a slave also bore children for her master but the father granted freedom to the slave and her children, the children of the slave shall not divide the estate with the children of their former master.
4. If a man's wife has not borne him children but a harlot from the public square has borne him children, he shall provide grain, oil and clothing for that harlot. The children which the harlot has borne him shall be his heirs, and as long as his wife lives the harlot shall not live in the house with the wife. (*This is the earliest known codified provision for child support*)
5. If adjacent to the house of a man the bare ground of another man has been neglected and the owner of the house has said to the owner of the bare ground, "Because your ground has been neglected someone may break into my house: strengthen your house," and this agreement has been confirmed by him, the owner of the bare ground shall restore to the owner of the house any of his property that is lost.
6. If a man rented an ox and damaged its eye, he shall pay one-half its price.
7. If a man rented an ox and injured the flesh at the nose ring, he shall pay one-third of its price.
8. If a man rented an ox and broke its horn, he shall pay one-fourth its price.
9. If a man rented an ox and damaged its tail, he shall pay one-fourth its price.

## The Code of Hammurabi

In order to “establish law and justice in the language of the land” and to “promote the welfare of the people”, the Amorite King Hammurabi (c. 1728-1686 BCE), who had made Babylon his capital and conquered Mesopotamia, issued a comprehensive code of laws. He caused them to be inscribed on stones that were erected at crossroads and in marketplaces throughout his kingdom, so that all his subjects would understand the penalties that their actions might incur. This document survives on one of these stones, topped by an illustration showing Hammurabi, receiving the order to write the laws from the sun-god Shamash. The stone was discovered by French archaeologists in 1901-1902, and it remains one of the treasures of the Louvre in Paris.

Source: Robert Francis Harper, trans., *The Code of Hammurabi, King of Babylon*, Chicago: University of Chicago Press, 1904.

### Focus Questions:

1. What general principles inform the laws stated here?
2. When was a financial punishment appropriate, and when a capital punishment? Is the principle applied consistently?
3. What does the document reveal about the status of women in this society?

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When the lofty Anu, king of the Anunnaki, and Bel, lord of heaven and earth; he who determines the destiny of the land, committed the rule of all mankind to Marduk, the chief son of Ea; when they pronounced the lofty name of Babylon: when they made it famous among the quarters of the world and in its midst established an everlasting kingdom whose foundations were firm as heaven and earth—at that time, Anu and Bel called me, Hummurabi, the exalted prince, the worshiper of the gods, to cause justice to prevail in the land, to destroy the wicked and the evil, to prevent the strong from oppressing the weak...to enlighten the land and to further the welfare of the people. Hammurabi, the governor named by Bel, am I, who brought about plenty and abundance...

...the ancient seed of royalty, the powerful king, the Sun of Babylon, who caused light to go forth over the lands of Sumer and Akkad; the king, who caused the four quarters of the world to render obedience; the favorite of Nana, am I. When Marduk sent me to rule the people and to bring help to the country, I established law and justice in the land and promoted the welfare of the people.

### §1.

If a man bring an accusation against a man, and charge him with a (capital) crime, but cannot prove it, he, the accuser, shall be put to death.

### §2.

If a man charge a man with sorcery, and cannot prove it, he who is charged with sorcery shall go to the river, into the river he shall throw himself and if the river overcome him, his accuser shall take to himself his house (estate). If the river show that man to be innocent and he come forth unharmed, he who charged him with sorcery shall be put to death. He who threw himself into the river shall take to himself the house of his accuser.

If a man has come forward to bear witness to a felony and then has not proved the statement he has made, if that case (is) a capital one, that man shall be put to death.

If a man aid a male or female slave of the palace, or a male or female slave of a freeman to escape from the city gate, he shall be put to death.

If a man seize a male or female slave, a fugitive, in the field and bring that (slave) back to his owner, the owner of the slave shall pay him two shekels of silver.

§23.

If the brigand be not captured, the man who has been robbed, shall, in the presence of god, make an itemized statement of his loss, and the city and the governor, in whose province and jurisdiction the robbery was committed, shall compensate him for whatever was lost.

§24.

If it be a life (that is lost), the city and governor shall pay one mana of silver to his heirs.

§26.

If either an officer or a constable, who is ordered to go on an errand of the king, do not go but hire a substitute and despatch him in his stead, that officer or constable shall be put to death; his hired substitute shall take to himself his (the officer's) house.

§53.

If a man neglect to strengthen his dyke and do not strengthen it, and a break be made in his dyke and the water carry away the farm-land, the man in whose dyke the break has been made shall restore the grain which he has damaged.

§127.

If a man point the finger at a priestess or the wife of another and cannot justify it, they shall drag that man before the judges and they shall brand his forehead.

§128.

If a man take a wife and do not arrange with her the (proper) contracts, that woman is not a (legal) wife.

§129.

If the wife of a man be taken in lying with another man, they shall bind them and throw them into the water. If the husband of the woman would save his wife, or if the king would save his male servant (he may).

§130.

If a man force the (betrothed) wife of another who has not known a male and is living in her father's house, and he lie in her bosom and they take him, that man shall be put to death and that woman shall go free.

§131.

If a man accuse his wife and she has not been taken in lying with another man, she shall take an oath in the name of god and she shall return to her house.

§132.

If the finger have been pointed at the wife of a man because of another man, and she have not been taken in lying with another man, for her husband's sake she shall throw herself into the river.

§142.

If a woman hate her husband, and say: "Thou shalt not have me," they shall inquire into her antecedents for her defects; and if she have been a careful mistress and be without reproach and her husband have been going about and greatly belittling her, that woman has no blame. She shall receive her dowry and shall go to her father's house.

§143.

If she have not been a careful mistress, have gadded about, have neglected her house and have belittled her husband, they shall throw that woman into the water.

§144.

If a man take a wife and that wife give a maid servant to her husband and she bear children; if that man set his face to take a concubine, they shall not countenance him. He may not take a concubine.

§145.

If a man take a wife and she do not present him with children and he set his face to take a concubine, that man may take a concubine and bring her into his house. That concubine shall not rank with his wife.

§146.

If a man take a wife and she give a maid servant to her husband, and that maid servant bear children and afterwards would take rank with her mistress; because she has borne children, her mistress may not sell her for money, but she may reduce her to bondage and count her among the maid servants.

§196.

If a man destroy the eye of another freeman [i.e., a man in the upper class], they shall destroy his eye.

§197.

If one break a man's bone, they shall break his bone.

§198.

If one destroy the eye of a villein [a dependent laborer] or break the bone of a freeman, he shall pay one mana of silver.

§199.

If one destroy the eye of a man's slave or break a bone of a man's slave he shall pay one-half his price.

§200.

If a man knock out a tooth of a man of his own rank, they shall knock out his tooth.

§201.

If one knock out a tooth of a villein, he shall pay one-third mana of silver.

§203.

If a man strike another man of his own rank, he shall pay one mana of silver.

§204.

If a villein strike a villein, he shall pay ten shekels of silver.

§205.

If a man's slave strike a man's son, they shall cut off his ear.

§253.

If a man hire a man to oversee his farm and furnish him the seed-grain and intrust him with oxen and contract with him to cultivate the field, and that man steal either the seed or the crop and it be found in his possession, they shall cut off his fingers.

§254.

If he take the seed-grain and overwork the oxen, he shall restore the quantity of grain which he has hoed.

§257.

If a man hire a field-laborer, he shall pay him 8 GUR of grain per year.

§258.

If a man hire a herdsman, he shall pay him 6 GUR of grain per year.

The righteous laws, which Hammurabi, the wise king, established and (by which) he gave the land stable support and pure government. Hammurabi, the *perfect king*, *am I*...

The great gods proclaimed me and I am the guardian governor, whose scepter is righteous and whose beneficent protection is spread over my city...

The king, who is pre-eminent among city kings, am I. My words are precious, my wisdom is unrivaled. By the command of Shamash, the great judge of heaven and earth, may I make righteousness to shine forth on the land. By the order of [the god] Marduk, my lord, may no one efface my statues...

...Let any oppressed man, who has a cause, come before my image as king of righteousness!...

...Let him read the code and pray with a full heart before Marduk, my lord, and Zarpanit, my lady, and may the protecting deities...look with favor on his wishes (plans) in the presence of Marduk, my lord, and Zarpanit, my lady!...

If that man pay attention to my words which I have written upon my monument, do not efface my judgments, do not overrule my words, and do not alter my statues, then will Shamash prolong that man's reign, as he has mine, who am king of righteousness, that he may rule his people in righteousness.

If that man do not pay attention to my words which I have written upon my monument: if he forget my curse and do not fear the curse of god: if he abolish the judgments which I have formulated, overrule my words, alter my statues, efface my name written thereon and write his own name: on account of these curses, commission another to do so—as for that man, be he king or lord, or priest-king or commoner, whoever he may be, may the great god, the father of the gods, who has ordained my reign, take from him the glory of his sovereignty, may he break his scepter, and curse his fate!

May Ea, the great prince, whose decrees take precedence, the leader of the gods, who knows everything, who prolongs the days of my life, deprive him of knowledge and wisdom! May he bring him to oblivion, and dam up his rivers at their sources! May he not permit corn, which *is* the life of the people, to grow in his land!

## Hittite Law Code: excerpts from *The Code of the Nesilim*

The Hittites emerged as a major power in the Near East around 1520 BCE, when King Telipinus seized the throne and unified his people. In time, Hittite power grew to rival that of Egypt, and their wars and treaties have been preserved in a remarkable series of documents. Like most ancient peoples, the Hittites also enshrined their beliefs in law codes, expressing their society's values, structure, and priorities. This document is translated from two surviving tablets of a series called "If anyone". Notice the tone of the text, and the sliding scales of punishment.

Source: *Ancient History Sourcebook: The Code of the Nesilim*, c. 1650-1500 BCE

### Focus Questions:

1. What general principles inform the laws stated here?
2. When was a financial punishment appropriate and when a capital punishment?
3. Is the principle applied consistently?

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1. If anyone slay a man or woman in a quarrel, he shall bring this one. He shall also give four persons, either men or women, he shall let them go to his home.
  2. If anyone slay a male or female slave in a quarrel, he shall bring this one and give two persons, either men or women, he shall let them go to his home.
  3. If anyone smite a free man or woman and this one die, he shall bring this one and give two persons, he shall let them go to his home.
  4. If anyone smite a male or female slave, he shall bring this one also and give one person, he shall let him or her go to his home.
  5. If anyone slay a merchant of Hatti, he shall give one and a half pounds of silver, he shall let it go to his home.
  6. If anyone blind a free man or knock out his teeth, formerly they would give one pound of silver, now he shall give twenty half-shekels of silver.
  8. If anyone blind a male or female slave or knock out their teeth, he shall give ten half-shekels of silver, he shall let it go to his home.
  10. If anyone injure a man so that he cause him suffering, he shall take care of him. Yet he shall give him a man in his place, who shall work for him in his house until he recovers. But if he recover, he shall give him six half-shekels of silver. And to the physician this one shall also give the fee.
  17. If anyone cause a free woman to miscarry, if it be the tenth month, he shall give ten half-shekels of silver, if it be the fifth month, he shall give five half-shekels of silver.
  18. If anyone cause a female slave to miscarry, if it be the tenth month, he shall give five half-shekels of silver.
  20. If any man of Hatti steal a Nesian slave and lead him here to the land of Hatti, and his master discover him, he shall give him twelve half-shekels of silver, he shall let it go to his home.
  21. If anyone steal a slave of a Luwian from the land of Luwia, and lead him here to the land of Hatti, and his master discover him, he shall take his slave only.
  24. If a male or female slave run away, he at whose hearth his master finds him or her, shall give fifty half-shekels of silver a year.
  31. If a free man and a female slave be fond of each other and come together and he take her for his wife and they set up house and get children, and afterward they either become hostile or come to close quarters, and they divide the house between them, the man shall take the children, only one child shall the woman take.
  32. If a slave take a woman as his wife, their case is the same. The majority of the children to the wife and one child to the slave.
  33. If a slave take a female slave their case is the same. The majority of children to the female slave and one child to the slave.
  34. If a slave convey the bride price to a free son and take him as husband for his daughter, nobody dare surrender him to slavery.
  36. If a slave convey the bride price to a free son and take him as husband for his daughter, nobody

- dare surrender him to slavery.
40. If a soldier disappear, and a vassal arise and the vassal say, AThis is my military holding, but this other one is my tenancy, @ and lay hands upon the fields of the soldier, he may both hold the military holding and perform the tenancy duties. If he refuse the military service, then he forfeits the vacant fields of the soldier. The men of the village shall cultivate them. If the king give a captive, they shall give the fields to him, and he becomes a soldier.
  98. If a free man set a house ablaze, he shall build the house, again. And whatever is inside the house, be it a man, an ox, or a sheep that perishes, nothing of these he need compensate.
  99. If a slave set a house ablaze, his master shall compensate for him. The nose of the slave and his ears they shall cut off, and give him back to his master. But if he do not compensate, then he shall give up this one.
  158. If a man go for wages, bind sheaves, load it into carts, spread it on the straw barn and so forth "till they clear the threshing floor, for three months his wages are thirty pecks of barley. If a woman go for wages in the harvest, for two months he shall give twelve pecks of barley.
  159. If anyone harness a yoke of oxen, his wages are one-half peck of barley.
  160. If a smith make a copper box, his wages are one hundred pecks of barley. He who makes a copper dish of two-pound weight, his wages are one peck of emmer.
  164. If anyone come for borrowing, then make a quarrel and throw down either bread or wine jug, then he shall give one sheep, ten loaves, and one jug of beer. Then he cleanses his house by the offering. Not until the year has elapsed may he salute again the other's house.
  170. If a free man kill a serpent and speak the name of another, he shall give one pound of silver; if a slave, this one shall die.
  173. If anyone oppose the judgment of the king, his house shall become a ruin. If anyone oppose the judgment of a lord, his head shall be cut off. If a slave rise against his master, he shall go into the pit.
  176. If anyone buy an artisan's apprentice, buy either a potter, a smith, a carpenter, a leatherworker, a tailor, a weaver, or a lace-maker, he shall give ten half-shekels.
  178. A plow-ox costs fifteen half-shekels of silver, a bull costs ten half-shekels of silver, a great cow costs seven half-shekels of silver, a sheep one half-shekel of silver, a draft horse twenty half-shekels of silver, a mule one pound of silver, a horse fourteen half-shekels of silver.
  - 181-182. Four pounds of copper cost one half-shekel of silver; one tub of lard, one half-shekel of silver; two cheese one half-shekel of silver; a gown twelve half-shekels of silver; one blue woolen garment costs twenty half-shekels of silver; breeches cost ten half-shekels of silver.. .
  187. If a man have intercourse with a cow, it is a capital crime, he shall die. They shall lead him to the king's hall. But the king may kill him, the king may grant him his life. But he shall not approach the king.
  188. If a man have intercourse with his own mother, it is a capital crime, he shall die. If a man have intercourse with a daughter, it is a capital crime, he shall die. If a man have intercourse with a son, it is a capital crime, he shall die.
  190. If a man and a woman come willingly, as men and women, and have intercourse, there shall be no punishment. And if a man have intercourse with his stepmother, there shall be no punishment; except if his father is living, it is a capital crime, the son shall die.
  191. If a free man picks up now this woman, now that one, now in this country, then in that country, there shall be no punishment if they came together sexually willingly.
  192. If the husband of a woman die, his wife may take her husband's patrimony.
  194. If a free man pick up female slaves, now one, now another, there is no punishment for intercourse. If brothers sleep with a free woman, together, or one after the other, there is no punishment. If father and son sleep with a female slave or harlot, together, or one after the other, there is no punishment.
  195. If a man sleep with the wife of his brother, while his brother is living, it is a capital crime, he shall die. If a man have taken a free woman, then have intercourse also with her daughter, it is a capital crime, he shall die. If he have taken her daughter, then have intercourse with her mother or her sister, it is a capital crime, he shall die.
  197. If a man rape a woman in the mountain, it is the man's wrong, he shall die. But if he rape her in

the house, it is the woman's fault, the woman shall die. If the husband find them and then kill them, there is no punishing the husband.

199. If anyone have intercourse with a pig or a dog, he shall die. If a man have intercourse with a horse or a mule, there is no punishment. But he shall not approach the king, and shall not become a priest. If an ox spring upon a man for intercourse, the ox shall die but the man shall not die. One sheep shall be fetched as a substitute for the man, and they shall kill it. If a pig spring upon a man for intercourse, there is no punishment. If any man have intercourse with a foreign woman and pick up this one, now that one, there is no punishment.
200. If anyone give a son for instruction, be it a carpenter, or a potter, or a weaver, or a tailor, or a smith, he shall give six half-shekels of silver for the instruction.

## Early Criminal Justice: The Nippur Murder Trial and the “Silent Wife”

One of the earliest known examples of a criminal justice proceeding was the trial of men accused of murdering a temple servant (nishakku) at Nippur. The Assembly of Nippur whose responsibility it was to render a verdict also had to make a ruling on the situation of the victim’s wife, who had been informed of the murder (by the murderers) after the crime had been committed, but had chosen to remain silent on the matter, and was therefore prosecuted as an accessory to murder.

Source: Kramer, Samuel Noah. *From the Tablets of Sumer*. Indian Hills, Co: Falcon’s Wing Press, 1956, pp. 53–54.

Focus Questions:

1. What possible motive is suggested for the wife’s “silence”?
2. Summarize briefly the argument presented, and accepted by the Assembly, for sparing the wife’s life.
3. What appears to have been the standard legal procedure in Sumerian criminal cases, and how might it compare/contrast to contemporary procedure in the U.S. legal system?

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Nanna-sig, the son of Lu-Sin, Ku-Enlil, the son of Ku-Nanna, the barber, and Enlil-ennam, the slave of Adda-kalla, the gardener, killed Lu-Inanna, the son of Lugal-apindu, the nishakku-official.

After Lu-Inanna, the son of Lugal-apindu, had been put to death, they told Nin-dada, the daughter of Lu-Ninurta, the wife of Lu-Inanna, that her husband Lu-Inanna had been killed.

Nin-dada, the daughter of Lu-Ninurta, opened not her mouth, (her) lips remained sealed.

Their case was (then) brought to (the city) Isin before the king, (and) the King Ur-Ninurta ordered their case to be taken up in the Assembly of Nippur.

(There) Ur-gula, son of Lugal-..., Dudu, the bird-hunter, Ali-ellati, the dependent, Buzu, the son of Lu-Sin, Eluti, the son of...-Ea, Shesh-Kalla, the porter (?), Lugal-Kan, the gardener, Lugal-azida, the son of Sin-andul, (and) Shesh-kalla, the son of Shara-..., faced (the Assembly) and said:

“They who have killed a man are not (worthy) of life. Those three males and that woman should be killed in front of the chair of Lu-Inanna, the son of Lugal-apindu, the nishakku-official.”

(Then) Shu...-lilum, the...-official of Ninurta, (and) Ubar-Sin, the gardener, faced (the Assembly) and said:

“Granted that the husband of Nin-dada, the daughter of Lu-Ninurta, had been killed, (but) what had (?) the woman done (?) that she should be killed?”

(Then) the (members of the) Assembly of Nippur faced (them) and said:

“A woman whose husband did not support (?) her—granted that she knew her husband’s enemies, and that (after) her husband had been killed she heard that her husband had been killed—why should she not remain silent (?) about (?) him? Is it she (?) who killed her husband? The punishment of those (?) who (actually) killed should suffice.”

In accordance with the decision (?) of the Assembly of Nippur, Nanna-sig, the son of Lu-Sin, Ku-Enlil, the son of Ku-Nanna, the barber, and Enlil-ennam, the slave of Adda-kalla, the gardener, were handed over (to the executioner) to be killed.

(This is) a case taken up by the Assembly of Nippur.