Hammurabi’s Laws: Fair or Cruel?

Fair

Around 1750 B.C., King Hammurabi wrote 282 laws to govern the people of Babylon. Historians and scholars agree that these ancient laws were the first to cover all aspects of society. However, historians and scholars do not agree whether Hammurabi’s laws were fair or cruel.

Those who see the laws as just and fair give the following reasons. They say the laws

- stated what all people needed to know about the rules of their society
- brought order and justice to society
- regulated many different activities, from business contracts to crime.

King Hammurabi wrote an introduction to his list of laws. In that introduction, he says that the laws were written to be fair. His intention was “to bring about the rule of righteousness in the land, to destroy the wicked and evil-doers, so that the strong should not harm the weak....”

Some of the laws reflect that fairness.

- Law 5: If a judge makes an error through his own fault when trying a case, he must pay a fine, be removed from the judge’s bench, and never judge another case.
- Law 122: If someone gives something to someone else for safekeeping, the transaction should be witnessed and a contract made between the two parties.
- Law 233: If a contractor builds a house for someone and the walls start to fall, then the builder must use his own money and labor to make the walls secure.
Cruel

Some historians and scholars think Hammurabi’s laws were cruel and unjust. They say the laws
- called for violent punishments, often death, for nonviolent crimes
- required different punishments for accused persons of different social classes
- allowed no explanation from an accused person.

Some of the laws reflect this cruelty.
- Law 3: If someone falsely accuses someone else of certain crimes, then he shall be put to death.
- Law 22: If someone is caught in the act of robbery, then he shall be put to death.
- Law 195: If a son strikes his father, the son’s hands shall be cut off.
- Law 202: If someone strikes a man of higher rank, then he shall be whipped 60 times in public.

Checking for Understanding
1. Why do some people think Hammurabi’s laws were fair?
2. Why do others think the laws were cruel?
3. Were the laws fair or cruel? Take the role of a historian. Write a brief essay that explains how you view Hammurabi’s laws. Be sure to use facts to support your position. You can compare Hammurabi’s laws to our modern laws to support your argument.