The Relevance of the Code of Hammurabi Today.

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| The Code of Hammurabi | The Canadian Criminal Code | Comparison  Similarities/Differences |
| **No. 59**  “If any man, without the knowledge of the owner of a garden, fell a tree in a garden he shall pay half a mina in money.” | **Sec. 430**  (1)Every one commits mischief who wilfully…(a)Destroys or damages property;…(3)Every person who contravenes this section is guilty of an indictable offence and is liable to imprisonment for a term of not more than fourteen years | **No. 59 v. Sec. 430**  Both of these societies protected the rights of citizens to private property and prevents people from vandalizing personal property. However it could be said that the Canadian Criminal Code is harsher because it states that the offender may face up to 14 years in prison while the Code of Hammurabi states that the offender must only pay a small fee. Despite the law stating the punishment of up to 14 years in prison if a person in Canada were to cut down a tree they most likely would face a small fine similar to the punishment in the Code of Hammurabi |
| **No.22**  “If anyone is committing a robbery and is caught, then he shall be put to death.” | **Sec. 344**  (1)Every person who commits robbery is guilty of an indictable offence and liable…(a) if a restricted firearm or prohibited firearm is used in the commission of the offence or if any firearm is used in the commission of the offence and the offence is committed for the benefit of, at the direction of, or in association with, a criminal organization, to imprisonment for life and to a minimum punishment of imprisonment for a term of (i) in the case of a first offence, five years, and(ii) in the case of a second or subsequent offence, seven years; … (b) in any other case, to imprisonment for life. | **No. 22 v. Sec. 322**  Both of these societies have laws attempt to dispel people from taking the personal property of another and committing robbery. In Canada an offender can face up to life in prison and a minimum of 5 years in the case of a first offence. While in Mesopotamia under the code of Hammurabi a person who would commit a robbery and was caught would face capital punishment immediately. It is also clear that they did not have firearms in ancient Mesopotamia so much of the Criminal Code relating to robbery would not be needed since it references firearms many times. Another point is that in Canada capital punishment was abolished for the reason of it being too cruel and harsh. Capital punishment in Canada was abolished in 1976. |
| **No.14**  If any one steal the minor son of another, he shall be put to death. | **Sec. 279**  (1)Every person commits an offence who kidnaps a person with intent (a)to cause the person to be confined or imprisoned against the person’s will;(b) to cause the person to be unlawfully sent or transported out of Canada against the person’s will; or (c) to hold the person for ransom or to service against the person’s will…(1.1)Every person who commits an offence under subsection (1) is guilty of an indictable offence and liable (a) if a restricted firearm or prohibited firearm is used in the commission of the offence… to a minimum punishment of imprisonment for a term of (i) in the case of a first offence five years, and (ii) in the case of a second or subsequent offence, seven years;…(b)in any other case to imprisonment for life. | **No.14 v. Sec.279**  Kidnapping is against the law in both societies Canada and Ancient Mesopotamia. However in the Code of Hammurabi the punishment is cited as the offender being put to death. In the Canadian Criminal Code an offender can face a minimum offence of 5 years in prison for the first offence and 7 years for subsequent offences while there is a maximum of life in prison that the court can put on an offender. Capital punishment was abolished in Canada for it being a cruel and unusual punishment. |
| **No.204 & No.205**  “If a freed man strike the body of another freed man, he shall pay ten shekels in money.”  “If the slave of a freed man strike the body of a freed man, his ear shall be cut off” | **Sec. 265 & 267**  265 (1)A person commits an assault when (a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly  267 Every one who, in committing and assault, (b) causes bodily harm to the complaint, is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years or an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months. | **No. 204 & No.205 v. Sec. 265 & Sec. 267**  Both of these societies have laws protecting individuals from bodily harm from another person. In Mesopotamia a person would pay a fine for harming another person and if they were a slave they’re ear would be cut off. In Canada however a person could face up to 10 years of prison for harming another person. There is one major difference though in these laws. In the Code of Hammurabi there are different punishments for if the offender is a slave or if they are a free person. In Canada the law cannot have different punishments for different people, another point is that Canada has not had slavery until 1833 so this law does not apply in Canada. |