

Chapter 2: Mesopotamia: 2-2e Law
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2-2e Law

One of the earliest known complete codes of laws originated in post-Sumerian Mesopotamia in the 1700s B.C.E., during the reign of the emperor Hammurabi (ham-moo-RAH-bee). He is the first of the historic lawgivers whose work has survived into our times. His code certainly had predecessors that have been lost, because its legal concepts and vocabulary are much too sophisticated for it to have been a first effort. The code is based on two distinctive principles: punishment depended on the social rank of the violator, and offenders were subjected to the same damages or injury they caused to others. These ideas would be incorporated into many later codes over the next 2000 years, although rejected by modern democratic theory. A commoner would get a different, more severe punishment than would a noble or official for the same offense. And a slave (of whom there were many) would be treated more harshly still. If in the same social class as the victim, the offender would have to give “an eye for an eye, a tooth for a tooth.”

Another basic principle of Mesopotamian law was that the government should act as an impartial referee among its subject-citizens, seeing to it that the wronged party received satisfaction from the wrongdoer. The victim had the right to demand personal compensation from the person who had caused him grief—a legal concept that is being reintroduced into US criminal law.

People were not equal before the law: husbands had a great deal of power over wives, fathers over children, rich over poor, free citizens over slaves. Nevertheless, a definite attempt was made to protect the defenseless and to see that all received justice.

Much of [Hammurabi's law code \(History's first known law code, written by King Hammurabi in the eighteenth century B.C.E.\)](#) dealt with social and family problems, such as the support of widows and orphans, illegitimacy, adultery, and rape. Clearly, the position of women was inferior to that of men, but women did have certain legal rights and were not just the property of their male relatives. A wife could divorce her husband, and if the husband was found to be at fault, the wife was entitled to the property she had brought into the marriage. Women could also enter into contracts and have custody over minor children under certain conditions—two rights that many later civilizations denied them.

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