

Law code of hammurabi

[History](#)



Everything and everyone has a history. Things and materials do not just appear on this earth. They all have beginning. It's very interesting to see where things got started. How we came to evolve to the way we are today. Everything is so interesting, but the thing that has caught my attention more is The Code of Hammurabi. According to Judith Levin, The Code of Hammurabi was discovered in the winter of 1902 and 1903 while digging up the site of ancient city of Susa, present day Iran. They found three large shiny pieces of shiny black stone that formed a monument almost seven and a half feet tall (13).

The writing was in the script of cuneiform. In essence The Code of Hammurabi was the first set of laws ever established. It was an 'eye for an eye, tooth for a tooth' kind of laws. You killed someone...someone will kill you. Hammurabi was king of Babylon about 4,000 years ago. Babylon was the land between the rivers, the rivers being Tigris and the Euphrates. He proclaimed that he was "Hammurabi, King of Justice." That he protected the weak - poor people, widows, orphans- from the powerful (Levin). I chose to compare some of the law codes in Hammurabi's Law Codes and some amendments from the United States Constitution.

The Code of Hammurabi was believed to be written 1727 BCE (Constitution.org). The United States Constitution was ratified 1788. The Code of Hammurabi being one of the first written laws and regulations to the laws and regulations we live by today. I found interesting because knowing where we first started shows how much the human race has changed. When it comes to the characteristics the United States Constitution and Hammurabi's

Law Code have in common both, obviously, are sets of laws. This means that they both have decrees that must be followed.

Also, the purpose of both of these laws is to protect and bring justice to the people to whom the rules shall apply. Some basic differences are the severity of rules and punishments. The Code of Hammurabi is kind of extreme. The Code of Hammurabi was a primitive and cruel justice system that relied on fear to keep the populace in line. Hammurabi claimed he was sent by a god to rule, so therefore, no one would question his authority. Religion alone was not enough to keep the people in line, so Hammurabi created a code of laws that would scare the people into obedience.

Breaking the laws resulted in an inhumane or exaggerated punishment. Common human error was treated as a crime, and could have severe consequences. The people lived in constant fear of the law. The justice system claimed to have an "eye for an eye" mentality, but it often seemed that it was a life for an eye. Killing a man for committing robbery is extreme; he could just be picking a pocket, rather than robbing a bank. Cutting of an offender's hand was a common punishment for small crimes. If a son strikes his father, his hand shall be cut off.

This is done regardless of the circumstances, considering the father could be beating the son. Amputating a hand often led to death, for there was no medicine to stop the bleeding. The court attempted to keep people from bearing false witness, by giving severe penalties. If a man cannot prove that the man he is accusing of murder is guilty, he shall be put to death. While this might deter citizens from making false accusations, it might cause an

innocent man to be put to death because he could not find evidence. If someone were to bear false witness concerning grain or money, he shall put death.

A little extreme, considering it could be concerning pocket change.

Sentences like this would cause the people to be afraid to stand up for their rights in court. Severe penalties were often inflicted in cases of common human error. If a physician were to cause a man's death while operating, he would lose his hand. Physicians who try to do well are punished for making mistakes. Once they lose their hand, they cannot operate again. A bit harsh in my opinion. On the other hand, the United States Constitution isn't as extreme. It's not perfect, but nothing really. There is always going to be flaws.

The United States Constitution covers almost all the laws as the code of Hammurabi, but not so extreme. With the Law of Hammurabi, only one person could decide the person's fate. With the Constitution, we the people have the right to have someone defend us in court. We have the right to be tried by a grand jury versus the judge himself/herself. We have many more options to protect ourselves. We have rights that follow us all through the process. For example, once we get arrested we have our Miranda rights; we have a time limit as to how long they can keep us under custody.

For example, once arrested, if we don't see a judge within a certain amount of hours they have to let us go. With the code of Hammurabi, you stood trial. If one person and one person only believed you were guilty, then not even God would save you. If the judge couldn't determine who was the guilty and who

the innocent was, you had to do some extreme things that were totally uncalled for. For example, “ if any one bring an accusation against a man, and the accused go to the river and leap into the river, if he sink in the river his accuser shall take possession of his house.

But if the river prove that the accused is not guilty, and he escape unhurt, then he who had brought the accusation shall be put to death, while he who leaped into the river shall take possession of the house that had belonged to his accuser (King). Something interesting about both of them is their regulations for people who tell lies against other people. Under Hammurabi’s rule if someone came forward to accuse someone else of a crime, they better have the means of evidence to back it up or there would be consequences.

For example, if I came forward and accused Ben of stealing, if I can’t prove Ben was stealing then my punishment for lying would be the punishment Ben would have gotten if he really was stealing. Under the Code of Hammurabi this is getting my hand cut off (Legal History and Philosophy). So people were pretty sceptical about coming forward and accusing people with crimes if they didn’t have rock hard evidence. Under the United States Constitution, there is a charge and penalty for lying or give the police unreliable information and it conflicts with an investigation.

If it might give us a misdemeanor but nothing major like cutting off someone’s hand. Hammurabi’s Code was stricter and less tolerant. The United states Constitution is strict but it has its parameters. It doesn’t just go off on a killing spree for everyone crime in the book. The Code of

Hammurabi, most of the consequences for the crimes is death. That's kind of harsh. Everyone under Hammurabi's reign became model citizens, expert liars, or were extinct with the rest of the population he was killing. People were afraid to do anything. He called himself the defender of middle class and the poor but in reality he didn't protect them.

He fined the rich because they had the money to pay, if they got caught up in a crime all they had to do was pay. When the poor got involved with crimes they didn't have money to pay up so they were punished with other means...like cutting of a hand, being put to death, etc. It is good that someone did establish laws starting with " if. " Instead of having something is just illegal or " thou shall not...' The Hammurabi Code's were actually set realistically. The punishments might have not been but they started off good. " If this crime is committed, then this is the punishment. They were realistic that even if they declared something illegal someone was still going to break the law. The United States Constitution, was built over many years and many people. They just didn't write one thing down and leave it like that. They got accustomed to the changes of the world. Rules and regulations were later added to adjust to the changing world. In Conclusion, The Code of Hammurabi is what got the law started in a way. But the United States Constitution is how far along it was come. Everything needs a start. Hammurabi was the start.... things evolve and change with time. We all adapt.