

Hammurabi and His Law Code

From 24 EXCITING PLAYS FOR ANCIENT HISTORY CLASSES.

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Characters

GOLIP, a royal aide

HAMMURABI, a Babylonian king

SARGIS, a Babylonian general

ZEEN, a royal adviser

TORL and **MAMINT**, farmers

JUDGE

Scene 1: Royal Babylonian court c. 1760 B.C.

Golip: King Hammurabi, General Sargis has arrived.

Hammurabi: Good. I trust he brings good news from the battlefield.

(Enter SARGIS.)

Sargis: Victory is complete! The kingdom is again unified.

Hammurabi: Excellent! I congratulate you, General Sargis, on this notable achievement. But I must add, this only means the empire is united in the military sense.

Sargis: What do you mean, "only in the military sense"? All the empire's enemies are defeated!

Hammurabi: Only the foreign ones. True unity, the kind that brings harmony and prosperity, is not found at the tip of a soldier's spear. It comes from within the people.

Sargis: Do you mean a common religion for all?

Golip: That's one vital ingredient. The king will insist on a unity of religious beliefs.

Sargis: Where is this discussion going? I'm confused.

Zeen: Let's analyze unity from a general's perspective.

Sargis: I can certainly handle that. Go on.

Zeen: Besides simple fear, what causes all the people under your command, from foot soldier to general, to follow your orders?

Sargis: Respect.

Zeen: And for a soldier, what's the mother of respect?

Sargis: The conviction and feeling he's always being treated fairly . . . not abused or picked on without a just reason.

Zeen: What about punishment?

Sargis: He knows what it will be before the wrongdoing is committed.

Hammurabi: General, we'll make a legal scholar out of you yet!

Sargis: What are you talking about?

Hammurabi: Creating the right legal system. More than anything else, it will promote unity.

Zeen: At present, the empire has so many laws, customs, and regulations, that the people are confused.

Golip: Some laws are written, many are not.

Sargis: So? What's the problem? Any king knows his first duty is to enforce the laws.

Zeen: Of course! Now, the real question is, what's the most efficient way of enforcing the law?

Golip: Should we have troops pointing their spears in every street, shop, home, and farm?

Sargis: Of course not! You'd need too many guards. That's very expensive, and besides . . . who would watch all of them?

Hammurabi: Brilliant! Now we're getting somewhere. We need a system that causes the people themselves to enforce the laws . . . an inner authority pointing the way.

Sargis: And not external spear tips. But how do you create that inner authority in people?

Hammurabi: By creating a simple, yet comprehensive code of laws that all the people can learn and understand. No more guessing.

Zeen: King Hammurabi has formed a special commission to do exactly that. They've already started.

Golip: The code will deal with issues of property, business and trade, labor, the family, injuries, and of course, criminal acts like murder and theft. And the military as well . . .

Zeen: Most of these laws and regulations are centuries old. There's much continuity with the past.

Hammurabi: And that gives the people a sense of security and confidence.

Sargis: But will knowledge of the laws alone create that "inner authority"?

Hammurabi: Another excellent insight, General Sargis. Like your troops, the people must believe in the code, and not just fear it.

Zeen: The king is most insistent that the code be seen by all as something just and fair.

Golip: That the weak are secure in the knowledge that the code protects them from oppression by the strong.

Zeen: That even if robbers take all their possessions, and are not caught, the government will make full compensation to the victims.

Sargis: Now I'm beginning to understand how this inner authority is created. People will respect and obey laws that they believe are fair and just, and that protect their interests.

Golip: That's the ideal, but we're far, far from it.

Hammurabi: Of course, we realize that only fear of punishment makes *some* people obey the law.

Zeen: The code is based on equivalent retaliation. Give me an example.

Golip: Let's say you hire someone to build your house. Upon completion, you move in, and then one day the roof collapses and kills you. Punishment to the builder is equivalent retaliation: death.

Zeen: If a patient dies from a surgery, the doctor responsible has his fingers cut off.

Sargis: What are some other crimes punishable by death?

Golip: Rape, kidnapping, burglary, and corruption by a government official, to name a few.

Sargis: Some of these punishments seem very severe. Aren't you concerned that people will lose respect for the code because of this harshness?

Hammurabi: Let's go back to the reason for the code. We want to create a unified, orderly, stable, and just society, one in which the people's welfare will improve.

Zeen: Knowing the dire consequences of negligent actions, people like surgeons and builders will be very careful in their work.

Hammurabi: The code will foster fairness in trade and competence in the professions. All this will cause the people to feel confident in their personal and business affairs.

Golip: The code tries to eliminate all the shady and dark places where the strong and smart can take advantage of the weak and simple.

Sargis: Wait a bit! I see a real danger here. What if I accuse my neighbor falsely? What if I make up something just because I can't stand him? What's to protect my neighbor?

Hammurabi: The very first law of the code: If someone brings charges he can't prove, he himself is punished of the charge.

Sargis: That will certainly discourage people from chasing off to court too quickly.

Hammurabi: Precisely. The code is intended to discourage lawsuits. People should work things out themselves, and only come to court as a last resort.

Sargis: Who will run the courts? Priests?

Hammurabi: Definitely not. We want the law enforced as it reads.

Sargis: If the priests are excluded, won't they make serious trouble?

Hammurabi: The people will be told that this code was given by the god Marduk, and therefore, it does not need priestly interpretation.

Sargis: Divinely sanctioned laws . . . with the priests out of the picture . . . very wise.

Scene II: Rural Babylonia, a few years later.

Torl: Rainy season's almost here. Do you think we'll get a lot, like last year?

Mamint: If we do, I hope that levee of yours holds.

Torl: What are you talking about?

Mamint: I'll show you . . . look for yourself. It seems to me it needs some serious attention.

Torl: Well, neighbor, it seems to me you should mind your own business. And you can begin by keeping your fuzzy-faced son away from my daughter!

Mamint: Hold on! Your rotten levee *is* my business. If it breaks, all my land will be flooded and I'll lose my crop.

Torl: And your little woman will chase you back to your mother's.

Mamint: You've been drinking too much beer again.

Torl: I said, mind your own business, neighbor!

Mamint: Don't say I didn't warn you.

Scene III: Royal Babylonian court, a few months later.

Judge: Next case: Mamint versus Torl. Mamint, as the plaintiff, do you understand your responsibilities?

Mamint: I do.

Judge: What is the nature of your charge?

Mamint: My neighbor Torl, did not properly maintain his levee. When it broke, my crop was ruined.

Judge: Torl, what is your response to the accusation?

Torl: He doesn't know what he's talking about! The levee was in good condition. It just had an unnatural amount of stress on it because of all the rain this year.

Judge: We certainly did get a lot of rain. And that makes this a most difficult case. I assume the levee was completely broken.

Mamint: That's right, judge.

Judge: A broken levee does not necessarily mean negligence, nor can it be easily examined, like a collapsed roof. Mamint, I can only rule in your favor if you can prove the levee needed repairs before the rains came.

Torl: He can't! It's my good word against his . . . the whining, half-blind wimp!

Judge: I'll advise you to discuss only facts and not feelings, Torl. Now, Mamint, do you have any response? Any proof or testimony?

Mamint: I foresaw this problem and I confronted Torl with the levee's condition. This was weeks before the rainy season began. Since I didn't think he would fix it on time, I asked a government engineer to inspect the levee. Here's his report, with an official seal of place and *time*.

Judge: The levee was examined before the rainy season, and needed serious repairs Very well, by the great Law of Hammurabi, you, Torl, are to compensate Mamint, for the full and legal amount of his lost crop. Government officials will assess the proper amount. And you are to return the broken levee to proper working condition within three months.

Torl: But I don't have that kind of money!

Judge: Then you shall forfeit your farm and all possessions to your neighbor Mamint.

Torl: Never! I'll come up with the payment.

Judge: Very well. You also have three months to pay this off in full, half within thirty days. And don't forget the levee's repair. Next case....

Mamint: Well, neighbor, it looks like Hammurabi's Code does work for a poor farmer like myself.

Torl: If your lout of a son bothers my beautiful daughter again, I'll put that code to use myself! And don't worry . . . you'll get your money. Just don't send your boy over for it!
