

Reçu le : 28 – 09 - 2025	Accepté le : 06 – 12 - 2025	Publié le : 28 – 12 - 2025
--------------------------	-----------------------------	----------------------------

Expressions of social justice in Mesopotamia: A study of the Hammurabi code (inscription from the 18th century BCE)

Expressions de justice sociale en Mésopotamie : Etude du code de Hammurabi (inscription du XVIII^e siècle AEC)

TITAH Nassira 

Abdelhamid Ibn Badis University, Mostaganem, Algeria
nassira.titah@univ-mosta.dz

Abstract:

Few tangible written sources have captured the historical evolution of social regulation and its corresponding ideals of justice in Mesopotamia as comprehensively as the Code of Hammurabi, the Babylonian king in the 18th century BCE. Inscribed in cuneiform on a stone stele, this legal corpus consists of 282 articles encompassing various political, economic and social dimensions. Hammurabi's primary aim in codifying these laws was to establish social relations grounded in justice and equity. This study aims to:

- explore how political, social, economic, and religious variables shaped the evolution of legal norms intended to enforce social justice, as exemplified in Hammurabi's legislation.

- assess the broader implications of legal unification under Hammurabi's reign, particularly how the centralization of royal authority contributed to the promotion of justice, equity, familial stability, and national security.

This paper is guided by the following research questions: What motivations and objectives led Hammurabi to unify his legal statutes into a single, authoritative corpus? How did he leverage this legal instrument as a medium for broadcasting royal decrees and achieving social order? Why did the legislator emphasize corporal punishments, particularly retributive justice, and capital penalties? Do such severe sanctions reflect a necessity for embedding justice and equality in Mesopotamian society?

The descriptive method is employed to outline the structural and thematic features of the Code; the analytical method delves into the code's articulation of justice; and the comparative method is used to contrast it with earlier legal systems, such as the Sumerian-Akkadian collections (32nd–20th centuries BCE).

The study unfolds in four steps. It begins with a survey of Mesopotamia's civilizational development, treated from geographic and ethno-political angles. It then offers a brief history of the archaeological discovery of the Hammurabi stele, followed by a profile of Hammurabi as ruler and lawmaker. The analysis concludes by examining two legal clusters: rules that correspond to what later traditions call personal-status matters, and provisions on exchange, contractual obligations, and property.

Several clauses appear severe to modern readers, particularly those concerning bodily retaliation or death penalties. Placed in their historical setting, they aim to restrain private violence, convert vendetta into formal procedure, and circumscribe coercive force. In more than a few cases, the rule operates as a shield for the weaker party.

Taken together, the results treat the Code as a primary source for thinking about social order in early complex polities. Its clauses illuminate prior legal practice and a long afterlife of legal ideas. In this sense, early legislative projects helped set frames that later surface in international instruments and institutional standards.

Keywords: Mesopotamia; Code of Hammurabi; cuneiform; Babylonian civilization.

Résumé

Peu de documents écrits relatent avec autant d'ampleur l'évolution de la régulation sociale et des conceptions de la justice en Mésopotamie ; le Code de Hammurabi, proclamé par un roi babylonien au XVIII^e siècle AEC, en constitue l'exemple emblématique. Gravé en cunéiforme sur une stèle de pierre, ce corpus juridique réunit 282 articles couvrant des volets politiques, économiques et sociaux. Par la codification, l'objectif premier de Hammurabi était d'asseoir les relations sociales sur la justice et l'équité. L'étude poursuit deux axes complémentaires. D'une part, elle examine comment les variables politiques, sociales, économiques et religieuses ont façonné l'évolution de normes destinées à garantir la justice sociale, comme l'illustre la législation hammourabienne.

D'autre part, elle évalue les effets plus larges de l'unification du droit sous le règne de Hammurabi, en particulier la manière dont la centralisation de l'autorité royale a contribué à la promotion de la justice et de l'équité, au renforcement de la stabilité familiale et à la sécurité du pays. Plusieurs questions guident l'enquête : quelles motivations et quels objectifs ont conduit Hammurabi à fonder ses statuts en un corpus unique et autoritatif ? Comment ce dispositif normatif a-t-il servi de vecteur de publicité des décrets royaux et de mise en ordre sociale ? Pourquoi le législateur a-t-il privilégié les châtiments corporels, la logique rétributive et les peines capitales ? Faut-il y voir la condition jugée nécessaire pour inscrire justice et égalité au cœur de la société mésopotamienne ? Sur le plan méthodologique, la démarche descriptive présente l'architecture et les thèmes du Code ; l'analyse resserrée interroge l'articulation des principes de justice ; la comparaison met en regard ce corpus avec des ensembles antérieurs, notamment les collections suméro-akkadiennes (XXXII^e–XX^e siècles av. n. è.).

L'étude progresse en quatre étapes. Elle ouvre sur un panorama de l'essor civilisationnel de la Mésopotamie, envisagé dans ses cadres géographiques et ethno-politiques. Elle retrace ensuite, à grands traits, l'histoire de la découverte archéologique de la stèle de Hammurabi, puis esquisse le portrait du souverain en législateur. Enfin, l'analyse se concentre sur deux ensembles normatifs : d'une part, les règles relevant aujourd'hui du « statut personnel » ; d'autre part, les dispositions qui encadrent l'échange, les contrats et la propriété.

Certains articles paraissent d'une grande sévérité, notamment lorsqu'ils prévoient le châtiment corporel ou la peine capitale. Replacés dans leur contexte, ils visent pourtant à contenir la violence privée, à la canaliser vers des procédures publiques et à borner l'exercice de la contrainte. À plusieurs endroits, le texte ménage aussi des protections en faveur des parties vulnérables. Il ressort de cette lecture que le Code constitue une source majeure pour comprendre l'ordonnancement social des premières sociétés complexes. Ses clauses donnent accès à des pratiques juridiques anciennes et à un héritage normatif durable. À ce titre, ces entreprises législatives ont contribué à façonner des idées que l'on retrouve, bien plus tard, dans des chartes internationales et des cadres institutionnels contemporains. Certaines peines paraissent sévères, surtout lorsqu'elles prévoient le châtiment corporel ou la peine capitale. Elles visent toutefois à canaliser la violence privée, à limiter les abus de pouvoir et à ménager, dans plusieurs cas, une protection aux plus vulnérables.

À ce titre, le Code demeure un observatoire privilégié des pratiques et des idées juridiques d'une société complexe. Il donne prise sur des expériences anciennes et un important héritage normatif. On y discerne aussi des correspondances de principe avec des formulations que l'on verra, bien plus tard, consacrées par des chartes internationales et des dispositifs institutionnels contemporains.

Mots-clés : Mésopotamie ; Code de Hammurabi ; écriture cunéiforme ; civilisation babylonienne.

E-mail de correspondance: nassira.titah@univ-mosta.dz

Expressions of social justice in Mesopotamia: A study of the Hammurabi code (inscription from the 18th century BCE)

Introduction:

Research on the history of writing, particularly in epigraphy and palaeography, proves that scripts emerged as the cumulative product of practical knowledge within societies that had reached a high level of civilizational development. Mesopotamia provides the clearest illustration. With the invention of cuneiform, its communities began to record their past by setting down reports of royal deeds.

Stone stelae and temple inscriptions preserved these notices and commemorated the achievements of kings. Within this setting, no surviving written artefact documents the legal history of social organization and its claims to justice more fully than the Code of Hammurabi, issued by the Babylonian monarch in the eighteenth-century BCE. Assyriologists succeeded in deciphering the text engraved on the stone monument, which comprises 282 legal articles. Hammurabi's purpose in promulgating the code was to regulate social relations on a foundation identified with justice. This article pursues a clear question and currently carries the working title: "Expressions of Social Justice in Mesopotamia through the Stone Inscription of the Code of Hammurabi (Eighteenth Century BCE)."

The focus is the Code of Hammurabi. In the literature, its clauses are often treated as a mature phase of ancient legislation. Treated as evidence rather than monument, the code becomes a research tool: its provisions allow a partial reconstruction of how social relations operated in practice. Read this way, it lets us trace linkages across economic, political, religious, military, and social spheres. Two aims structure the work. The first is to examine how political, social, economic, and religious variables shaped revisions to legal norms designed to secure social justice, as the code presents it. The second is to consider the effects of legal unification under a central monarchy: how the concentration of royal authority diffused ideas of justice and equality within households, reinforced public security, and stabilised territory.

From these aims follows the main problem. In the eighteenth-century BCE, Hammurabi's broad legislative programme is credited with consolidating the Babylonian Empire after a reign of forty-three years. The stone stele that carries the text was not a neutral object. It functioned as a medium of publicity and persuasion: it broadcast judgments and fixed, in durable form, the king's will regarding justice among his subjects. Hence the central questions: by what means was political unity sustained in governance and administration; which motives and constraints favoured the consolidation of dispersed rules into a single corpus; and to what extent were severe criminal sanctions judged necessary to anchor justice within Babylonian society?

The argument moves from context to text. It opens with the conditions that enabled Mesopotamian state formation, with emphasis on geography and population. It then turns to legal materials that modern jurists would file under personal-status law, especially marriage and divorce, before examining provisions on exchange, contracts, and obligations. In these domains the code consistently takes a humane line: it seeks to protect weaker parties and to moderate the burden of debt.

Several methods are combined. A chronological survey orders developments; a descriptive reading maps the architecture of the code; an analytical reading isolates the logics that organise its provisions; and a comparative lens sets Hammurabi's corpus beside earlier Sumerian and Akkadian collections (roughly the thirty-second to the twentieth centuries BCE). Where useful, an applicative perspective draws cautious connections to present concerns, particularly to the ethical values that animate the law's self-presentation. All of these choices were framed within an objective method that nonetheless relied on an archival treatment of the sources consulted.

The discussion is grounded in the sources themselves. The central reference is Vincent Scheil's *Le Code de Hammourabi* (Scheil, 1904). As a member of the discovery mission, Scheil issued the

first edition, translation, and plate of the stele. For background, I rely on standard syntheses in Arabic and European languages—Kramer (1972), Abu Talib (1967), Arnaud (1970), Ferkous (1993), and Bāqir (2009). The scope here is intentionally narrow: I isolate legal features of the Code that appear oriented toward social justice. Among the recent studies in the field of Assyriology, the work of Raymond Westbrook is particularly noteworthy (Westbrook R. , 2003). In this research, I have engaged closely with his writings, as well as with the works of Martha Roth, who specializes in the ancient legal systems of Mesopotamia (Roth M. , 2019).

The results are mixed rather than celebratory. Several provisions look severe, especially where talionic reasoning or capital sanctions surface. Read in context, they redirect private vengeance into public procedure, place boundaries on coercive force, and, at points, extend recognisable protections to weaker parties. Family regulation offers the clearest probe. The Code's treatment of women—as wives, divorcees, or widows—ties status to enforceable safeguards, in line with the broader logic of personal-status norms. Links to modern international charters are not one-to-one correspondences. Still, the kinship of aims is difficult to miss. A final, limited claim: written law—and the adjudication it enables—marks a step in civilizational development. By publishing rules in advance and outlining a forum for judgment, a legal system dampens conflict. Uncertainty recedes, and over time small yet traceable gains in shared welfare accumulate.

1. Factors in the Development of Mesopotamian Civilization

There is a persistent interplay between the forces that set civilization in motion and the course of history itself (Morin & Piattelli-Palmarini, 1974:183). Here the focus is on the interaction of two components: the geographic setting and the demographic lineage of populations (Toynbee, 1974: 237). Taken together, they helped place Iraq at the forefront of the great civilizations of the ancient Near East, a position challenged chronologically only by Pharaonic Egypt (Moret, 1937: 184), (‘Aṣḥūr, 1987: 5-16).

1.1. The Geographic Factor

Stretching from the Armenian massif down to the Gulf, Mesopotamia occupies a wide band of southwest Asia. It lies flanked by two great waterways—Euphrates to the west, Tigris to the east—which is why Greek geographers coined the name *Mesopotamía*,¹ “mid-river land” (*mesos* = middle; *potamos* = river). Samuel Noah Kramer once noted that, within this watery cradle, human communities first crossed into a recognisably civic age (Kramer S. , 1972: 83).

Originating in the Armenian range, the Tigris and Euphrates descend through craggy northern terrain, swing south-east, and eventually fuse to form the Shatt al-Arab. That channel reaches the Arabian Gulf after a further 110 kilometres. Despite their shared delta, the rivers begin outside Iraqi territory (al-Ṣayyād, 1970:85-86)—the Euphrates starting farther west, the Tigris launching from a more easterly spur—before settling together on the lower plain.

A double-layered terrain defines the area. To the north, ridges of the Taurus range lock onto the rim of the Armenian plateau, a rugged block of very old stone. South of this crest lies Lower Iraq, land reclaimed from the sea only after the Arabian Gulf contracted. Vast wetlands—products of constant seepage and periodic spillovers from both rivers—dominate the southern plain, and their flatness makes them extremely vulnerable to flash flooding (Salīm, 1989: 214).

¹ Between the fourth and the second centuries BCE, the Greek word Mesopotamia comes into documented use. The earliest explicit instance appears in the writings of Polybius (202–120 BCE), although the term may already have circulated in the era of Alexander the Great. Arrian, whose *Anabasis* recounts Alexander's campaigns, records that the Macedonian ruler created an administrative district named Mesopotamia (see Arrian, *Anabasis Alexandri*; cited in Taha Baqir, *Introduction to the History of Ancient Civilisations*, vol. 1, Dar al-Waraq / Al-Furat, 2009, 25; cf. Finkelstein, “Arrian, *Anabasis of Alexander*,” *JNES* 1962, 73). Strabo's geography (64 BCE – 19 CE) already assigns a Greek title to the land between the twin rivers. Only under the Sasanians, between 224 and 651 CE, does the Arabic name al-‘Irāq emerge, later adopted by Arab chroniclers and in their usage ‘Irāq effectively mapped onto the same territory that Greek sources had long called Mesopotamia (Baqir, 25).

Expressions of social justice in Mesopotamia: A study of the Hammurabi code (inscription from the 18th century BCE)

The Mesopotamian inhabitant had to adapt to this complex geographic setting and its climatic and topographical constraints: draining swamps, cutting canals and distributaries, clearing silt, building levees and bridges. That sustained response enabled the peoples of ancient Iraq to establish some of the earliest authentic centers of civilization in the ancient Near East—an instance often cited in support of the “challenge-and-response” thesis in the philosophy of history, associated with the British historian Arnold J. Toynbee.

Figure 1.
Map of Mesopotamia



Source: Mésopotamie-Encyclopaedia universalis

1.2.The Dynastic Factor

With its strategic position, Mesopotamia opened corridors for migration that, in the sense used by modern urban-geography studies (Hamdan, 1977: 432), imparted a persistent human dynamism. Successive inflows, Semitic and otherwise, took root in the region (‘Aşfür, 1987:332). The slow accretion led to the Early Dynastic age (ca. 2800 BCE): a city-state (Kramer S. N., 1956) landscape of small polities with recognisable cultural signatures and defined geopolitical units.

Within this sequence, the Sumerians—presented here as of Indo-European stock (Breasted, 1916: 156)—stand at the head of the incoming lineages. They were the first to inhabit southern ancient Iraq and maintained an empire there until 24 BCE (Gaudemet, 1967:5). Recent archaeological excavations indicate that the city of Sumer (Sumer) was the oldest regional polity, given the pace of development it attained. Sumerian kings took the lead in establishing a high civilisation by ancient standards and founded numerous cities, notably Ur, Lagash, and Larsa (‘Aşfür, 1987:25-26). Their most consequential achievement remains the invention of a writing system (Diringer, 1962) later termed cuneiform (Kramer S. N., 1972: 359) (so called in Latin for its “wedge-shaped” signs, resembling nails or wedges).

The Sumerians did not retain political supremacy. Their power gave way under the assaults of Sargon of Akkad (2334–2279 BCE), who established an Akkadian–Semitic empire—known in the historiography as the first Semitic Babylonian ascendancy—lasting roughly from 2350 to 2150 BCE (‘Aşfür, 1987: 257-258). Even so, internecine conflict and external attacks eroded that dominance, costing them political and civilisational leadership in Babylonia (Breasted, 1916), which itself would pass through several subsequent cycles of strength.

After Akkad’s eclipse, Amorite groups moved into Mesopotamia and installed the Isin line (2017–1794 BCE) (Fawzi, 1973: 79-80). In parallel, Elamite forces set up the Larsa dynasty (2025–1763 BCE) (Fawzi, 1973). The rivalry between Isin and Larsa facilitated a fresh Amorite influx.

These newcomers settled in Babylon—"the House of the God," a place of little political weight at the time (Breasted, 1916: 186)—and founded the First Babylonian Dynasty (1893–1594 BCE). From the outset, they had to contend with Larsa, the dominant local power, for primacy over southern Mesopotamia (Fawzi, 1973: 80).

2. Hammurabi as Imperial Lawgiver

Prolonged conflict between the kings of the First Babylonian Dynasty and the armies of neighbouring city-states persisted for decades. With 1792 BCE comes Hammurabi's accession; the sixth, and the most famous of the line, assumes the Babylonian kingship (Bāqir, 2009: 466).

2.1. Hammurabi, Founder of the Babylonian Empire (1792–1750 BCE)

From the outset Hammurabi pursued the consolidation of royal authority by introducing reforms across all major domains. At the administrative level, he brought provincial governance under a centralized system directly supervised from the capital. In parallel, he strengthened the country's infrastructure: he sponsored temple construction, reinforced fortresses and city walls, and organized the army in both equipment and numbers (Salīm, 1989: 301–302).

Abroad, he initially pursued a policy of good-neighborliness and peaceful coexistence to secure Babylon's frontiers. After his thirty-second regnal year, however, he launched offensive campaigns (Gadd, 1965). In 1763 BCE he achieved a major victory and a broad expansion that the historian James Henry Breasted (1865–1935) later termed the "Second Semitic Triumph" (Breasted, 1916: 186). By this stage Babylon lay at the centre of a sprawling dominion, its reach extending from the Syrian Desert eastward to the Zagros and from the Gulf north-westward along the Euphrates to the Syrian Mediterranean coast; Elam was within that orbit as well (Abu Talib, 1967: 125).

In his preface Hammurabi lists his titles without restraint: great king, king of Babylon, king of all Amurru, king of Sumer and Akkad, king of the four quarters of the world. He thereafter exercised imperial authority over Mesopotamia for forty-three years.

Figure 02:

Map of the extent of the Babylonian Empire during Hammurabi's reign (1792–1750 BCE).



Source: Wiki media Commons, 1 November 2025

Expressions of social justice in Mesopotamia: A study of the Hammurabi code (inscription from the 18th century BCE)

3. Archaeological and Legal Description of the Hammurabi Stele

A French team opened trenches at Susa in 1897 under Jacques de Morgan, with Vincent Scheil as Assyriologist (Morgan and Scheil, 1902; Scheil, 1904: 11-12). In the campaign of December 1901 to January 1902 they brought to light the best-preserved exemplar of the law stele. The legal text is engraved on three large diorite blocks fitted into a narrowing monolith. At the top a sculpted scene presents Shamash enthroned and Hammurabi standing in a long robe, right hand raised in respect (Roth and Hoffner, 1995: 71-73).

Figure 03:
Hammurabi receiving the law from the god Shamash.



Source: Dalila Ferkous

Figure 04:
Detail of the stele of the Code of Hammurabi, king of Babylon (Musée du Louvre).



Source: https://commons.wikimedia.org/wiki/File:Code_of_Hammurabi_IMG_1937
Date of creation: 13 February 2009.

The piece measures about 225 cm in height, some 190 cm across at the base and 165 cm near the summit, and was probably erected either at Sippar in the temple of Shamash or at Babylon in the temple of Marduk. The legal text appears in fine cuneiform (Scheil, 1904). In antiquity the stele was carried off to Susa, traditionally by order of the Elamite ruler Shutruk-Nahhunte around 1100 BCE, as part of the war loots (Durant & Durant, 1990: 190), (Abu Talib, 1967: 123). Approximately twenty-eight lines were chiseled away to make space for an Elamite victory inscription (Morgan & Scheil, 1902: 126).

After its discovery, the stele was transferred to the Louvre in Paris. Father Scheil produced the first edition, translation, and plate of the monument in 1902 in the *Mémoires de la Délégation en Perse*. He suggested that the damaged portion originally held five columns.

Arthur Ungnad (1879–1947), by contrast, argued in *Beiträge zur Assyriologie* that the erased section comprised seven columns (Fawzi, 1973: 101). The code is structured as a prologue, a central legal corpus, and an epilogue. The prologue recounts the Babylonian king's religious acts and invokes Shamash. The corpus presents 282 articles grouped thematically into 13 parts (Roth, 1995: 71) and directed to concrete problems of social life, while casting the king as a protector of the weak. The epilogue closes with prayers and imprecations that call upon the gods to curse anyone who distorts the just provisions of the law (Roux, 1993: 80).

To orient the reader, the following table summarises the main thematic blocks and article ranges:

Table 1.
Contents of the 282 Articles of the Code of Hammurabi.

Part	Articles	Subject focus
1	1–5	Judicial procedure and witness testimony
2	6–25	Theft, looting, and related offences
3	26–41	Military obligations and service matters
4	42–56	Fields, tenancy, irrigation, and horticulture
5	57–107	Loans, credit, and interest for small and large merchants
6	108–111	Tavern regulation and liability
7	112–126	Credit, pledges, and debt enforcement
8	127–194	Family law: marriage, divorce, inheritance, adoption
9	195–214	Bodily injury, talionic penalties, and fines
10	215–227	Medical and veterinary practice, fees, and liability
11	228–240	Prices and wages; builders, boatwrights, artisans, herdsmen; penalties for breach
12	241–277	Hire and wages of animals and persons
13	278–282	Purchase of slaves and regulation of relations with owners

Source: (Scheil, 1904: 2-57)

Expressions of social justice in Mesopotamia: A study of the Hammurabi code (inscription from the 18th century BCE)

4. The Substance of Social Justice in Hammurabi's Law

Justice is a central value in ancient and modern legal traditions alike. Within this horizon, Hammurabi's code stands among the earliest systematic attempts to set out principles of justice within a comprehensive legal compilation. The discussion below selects representative instances rather than attempting a full inventory.

4.1. Women's Rights within Hammurabi's Marriage System (Personal-Status Law)

Marriage in Hammurabi's legislation is a legal and social union based on monogamy and directed to organising and sustaining the household.

a) Legal protocols of marriage

Although marriage is nearly universal, its forms vary. Under Hammurabi, procedures are formalized and turn on written documentation.

First, the marriage contract must be recorded. Personal-status provisions require a written and witnessed contract between the groom and the bride's father (Lepointe, 1958: 25). Article 128 states, in effect, that if a man takes a woman as wife without setting the matter down in a contract, she is not regarded as a wife (Scheil, 1904: 23).

Secondly, transfers and gifts are regulated. The groom provides the *terhātu* (bridewealth) to the bride's father. Marriage may proceed without its payment, and the *terhātu* is not a purchase price. Article 139 makes this clear (Scheil, 1904: 26-57), while article 138 indicates that the wife acquires a claim to the *terhātu* only in two situations: when she has borne children, or when the husband divorces her at his own initiative (Gaudemet, 1967: 26), (Roux, 1993: 279). The contract spells out spousal rights and duties, penalties for adultery, conditions for dissolution or breach, forms of divorce, and oaths before temple deities. By virtue of the contract, the woman acquires the legal standing of "wife," with religious and legal protections (Fawzi, 1973), and is formally given to her husband (Gaudemet, 1967: 36-37).

Thirdly, ancillary marital gifts have distinct functions. The *biblum* is a pre-marital gift from the groom to the bride (Scheil, 1904: 31-58). The *šeriktum* is a paternal endowment to the daughter to assist her in household life (Scheil, 1904). The *nudunnû* consists of property settled by the husband on his wife after the birth of children, often money, fields, or other assets, to secure the livelihood of the mother and offspring after his death. The *nudunnû* constitutes the children's legitimate entitlement; the mother does not own it outright (Scheil, 1904). Finally, a limited form of mixed marriage is recognised. Children born to a free woman and a slave are regarded as free. Article 175 states that if a slave marries a lady, the daughter of a free man, and she bears children, the slave's owner may not claim those children as slaves (Scheil, 1904: 35).

b) Protective rights and care for divorced and widowed women

Although marriage carries a sacred character, Hammurabi legislated for the possibility of its dissolution². The husband must record his intent to divorce in a sealed written notice (Imbert, 1980: 27-38). Under article 137, if he divorces a wife who has borne him children, he is required to grant her half of his property; if no children have been born, she is entitled to recover the value of her bridal payment (Scheil, 1904: 57-59), (Gaudemet, 1967: 41). Moreover, where the wife falls ill, article 148 allows the husband to take another wife; however, he may not repudiate the sick spouse. Rather, he must provide for her maintenance and care for as long as she lives. This provision closely parallels Lipit-Ishtar, article 28 (Fawzi, 1973:44).

² Article 141 of the Code of Hammurabi provides for divorce when the wife is adulterous or neglects her household duties. In the latter case, if he chooses not to repudiate her, the husband may reduce her to the status of a slave. (Vincent Scheil, *La Loi de Hammourabi*, pp. 26-27.)

The code also recognises a woman's agency in terminating the union. Article 142 authorises a virtuous wife to leave an abusive husband, to reclaim her dowry, and to return to her father's house (Scheil, 1904: 57-59). In view of women's vulnerable position, Hammurabi distinguished between two forms of divorce. First is the temporary dissolution. Under article 134, if a wife of a prisoner of war cannot obtain food, she is permitted to remarry, on the condition that she return to her first husband upon his release. Conversely, article 133 denies this permission to a wife who has adequate means of subsistence; if she remarries nonetheless, she incurs the penalty for adultery, which the tradition treats as death by drowning (Al-Hashimi, 1971: 23-24) (Scheil, 1904: 202). On this point the penalties align with Ur-Namma, article 4, and with Eshnunna, article 29 (Fawzi, 1973: 66). Second is the permanent dissolution. Article 136 applies where a husband has fled his city because he hates his wife. In that circumstance, the wife may contract a new marriage and is not required to rejoin the first husband if he later returns (Ferkous, 1993: 68). Eshnunna, article 31, adopts a comparable rule (Fawzi, 1973 : 66).

For widows, article 172 is explicit: she retains the right to remain in her late husband's house. If the sons harass their mother to force her out and seize the estate, the law allows her to bring suit and have them punished. Residence is her choice; should she leave (Zanātī, 1972: 138), she must surrender the *nudunnû* to the children while keeping her paternal endowment, the *šeriktum* (Scheil, 1904: 35).

These legal provisions clearly show how Hammurabi's law safeguarded women's rights when compared, for instance, with the corpus of decrees of the pharaonic king Horemheb (Salīm, 1989: 158-160), (Breasted, 1906). His enactments did not address women's rights, since his legislation focused on criminal matters and on the fiscal sphere (de walle, 1947: 203).

In the legal collection attributed to King Bocchoris (725–720 BCE), the marriage system is based on monogamy (Ferkous, 1993: 118). The wife could stipulate a condition preventing her husband from taking another wife, and the law provided for equality in divorce. She also enjoyed a separate financial capacity. The grounds for the legal dissolution of marriage are comparable to those in the Code of Hammurabi, namely adultery and failure to bear children. Under Bocchoris, the marriage contract became a civil act rather than a religious one, and the procedures for recording the contract are close to those found in Hammurabi's Code (Desroches-Noblecourt, 1988: 205-208).

As for the marriage system in Athens, it was also founded on monogamy, although the wife did not possess a prominent legal personality when compared with her counterpart under Hammurabi's law (Lepointe, 1958: 66-67). In Rome, the Law of the Twelve Tables set out family rules in the fourth and fifth tables: the wife remained under paternal authority while retaining her own separate estate, over which the husband had no control, and the law largely effaced her as a legal subject. The impediments to marriage included social barriers, such as class differences, adultery, and abduction, as well as religious impediments between Christians and Jews. Dissolution of the marriage contract took place by mutual agreement of the two parties (Abu Talib, 1967: 141-149).

4.2. Justice in contracts, obligations, and criminal sanctions

Hammurabi's legislation balances firmness with concern for social welfare. That balance is clearest first in private obligations, then in the treatment of public offences.

a) Obligations and contracts

Provisions on transactions and debt show flexibility meant to relieve hardship and protect weaker parties. Article 47 requires a landowner to accept a cultivator's request to reseed when he cannot meet yearly expenses, with payment due at harvest under the contract's terms (Scheil, 1904: 12). Article 48 goes further: loss from drought or flood permits the farmer to "place the contract in water," cancelling that year's barley debt and interest (Scheil, 1904).

Where silver is lacking, payment in kind is allowed. Articles 268–272 authorise barley in place of coin (Scheil, 1904: 51-53), unlike the Laws of Eshnunna, which insist on cash (Fawzi, 1973:43).

Expressions of social justice in Mesopotamia: A study of the Hammurabi code (inscription from the 18th century BCE)

A blanket assignment of orchard produce— “take all the dates for the debt”—is blocked: article 66 nullifies such a transfer, bars the merchant from accepting it, and directs the owner to sell the dates, pay the creditor in money with agreed interest, and keep the remainder (Scheil, 1904: 16). The protective logic is striking, and modern lending codes often lack an equivalent.

Debt servitude is strictly limited. Article 117 permits a debtor, pressed by the due date, to place a wife, son, or daughter into the creditor’s household, but only for three years; freedom returns in the fourth (Scheil, 1904: 21). The measure acknowledges household stress while setting a hard temporal cap on unfree labor.

In the legislation of King Bocchoris, interest was reduced and the imprisonment of the debtor was prohibited, while the creditor retained the right to seize the debtor’s property. Some have considered that this legislation was influenced by Hammurabi’s law on debt contracts (Scheil, 1904: 75).

In Athens, under the lawgiver Solon (594–572 BCE), enforcement through the sale, killing, or enslavement of the debtor was prohibited, which indicates an influence of both the Code of Hammurabi and pharaonic law. Solon’s laws were marked by their justice and by their alignment with the principles of natural law, understood as norms produced by human reason and moral conscience. This orientation supported the development of a democratic system of legislation and its practice in Athens, where laws were adopted by a vote of the *ekklesia*, the popular assembly that expressed the will of the people and the citizens (Abu Talib, 1967:140-141).

In our own time, the spirit of the democratic system remains one of the aims and purposes of states that operate under constitutional legal systems. One of its manifestations is the election of legislative bodies, commonly known as parliaments or senates.

b) Criminal penalties

Public-order offences are treated within a theory of proportionality that can appear severe to modern readers. Theft and violent seizure of property draw the death penalty (arts. 22, 109), on the view that economic security sustains life itself. Talionic provisions push the point: if a builder’s negligence causes a collapse that kills the owner’s son, articles 229–230 prescribe the death of the builder’s son (Scheil, 1904). Commentators read this through the social and religious centrality of the child in the Babylonian household, where equivalence of harm was taken as the closest practicable justice (Zanātī, 1972).

If we compare this penalty with that prescribed in the law of the pharaonic king Horemheb, we find that the thief there is punished by mutilation of the nose and amputation of both ears (Zuhdi,n.d: 247). In Islamic law, by contrast, the thief’s hand is cut off, as stated in the verse, “As for the male thief and the female thief, cut off their hands”(Al Maidah: 38). In both cases, these sanctions are more humane when set against the death penalty imposed in the Code of Hammurabi.

This does not mean, however, that there were no legislators who enacted very severe criminal sanctions. A prominent example is the legislation attributed to Draco around 620 BCE, often described as having been “written in blood,” from which the term “Draconian” has entered global usage to designate excessively harsh legal measures. One achievement for which he is nevertheless credited is the introduction of the concept of criminal intent in homicide (Gaudemet, 1967), a doctrinal tool that remains in use in contemporary criminology.

With regard to retaliatory penalties, that is, punishments equivalent to the offence (“an eye for an eye”), the legislator Hammurabi applied this principle in a way that we might today view as severe and inequitable. Article 229 and Article 230, for example, provide that if a builder causes the collapse of a house wall on the owner’s son, resulting in his death, the builder’s son shall be put to death. This has been interpreted in light of the psycho-sociological and religious status that the son

occupied within the Babylonian family, since in such a case the penalty equivalent to the offence was considered the closest type of punishment to the achievement of justice (Zanātī, 1972). A parallel to this principle is found in Islamic law in the verse: “And We ordained for them therein: a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and wounds are subject to retaliation” (Al maidah: 45). As for negligence and the damage it produces with repercussions for society, Article 218 stipulates that if a physician causes injury to the limbs of a patient, his hand shall be cut off (Scheil, 1904: 45). The veterinarian, by contrast, if he causes the death of a calf or a donkey, is required under Article 225 to pay the owner one quarter or one fifth of its value (Scheil, 1904:46).

One also notes the sense of justice that informed Hammurabi’s legislation. He received complainants who had grown weary of litigation, and he did not turn any of them away empty-handed.

The similarity between certain provisions of later ancient laws and the Code of Hammurabi, whether in pharaonic Egypt or in Greek and Roman law, has a clear explanation. *G. Lepointe* has argued that Greek law was influenced by Mesopotamian legal traditions, and that the Romans received many laws through their Greek colonies during the second century BCE. Hence the impact of Hellenic Greek law on Roman law is evident (Lepointe, 1958: 69). *Westbrook* likewise maintains that Greek and Roman law were shaped by the justice of Hammurabi’s Code, drawing on the clear parallels between Greek and Roman legal collections and earlier law codes from the ancient Near East. All of these, he suggests, evolved from a single common source, namely the scribal schools of Mesopotamia. The Phoenicians acted as intermediaries in transmitting the intellectual and cultural heritage of the ancient Near East.

According to the hypothesis he advances, what the Greeks and Romans borrowed from Mesopotamia was not the law itself, but rather the legal and intellectual techniques required to draft legislation along the lines of Hammurabi’s Code. The clearest indication is that they added a developed jurisprudence, a doctrinal layer of legal reasoning that we do not find in Hammurabi’s law (Westbrook R. , 2015: 87).

5. Features of Hammurabian Justice in Modern Legal Systems

One of the central legal pillars of the Code of Hammurabi concerns contracts of sale and purchase and debt obligations, which are essentially tied to property, financial transactions, rights, and duties. In the absence of binding laws that impose sanctions on those who violate the legal rules governing these relations, disorder prevails and backwardness spreads. Hence the need for codification that sets out detailed rules on outstanding debts and agreements between individuals. The economy of our time is now entirely built on contractual documents and their procedures, whether for renting an apartment, buying a car, or entering into employment. Without such instruments, societies would disintegrate. Martha Roth notes that the laws of Hammurabi constituted an early form of what we now observe in contemporary economies that operate on the basis of written agreements (Roth, 2019:102).

Another indication lies in Hammurabi’s own wording in the prologue to his code, where he presents himself as the shepherd of the people, as seen in his protection of widows and orphans. This may be read as an antecedent to today’s social policies, such as child protection and maternity services, disability allowances, and homes for the elderly. Social justice thus plays a central role, not only in regulating the system of penalties but also in preserving a coherent, mentally and physically healthy society as a precondition for development.

We also observe that courts today continue to impose penalties for theft in all its forms, to the point of enacting specific provisions on academic theft and intellectual property, which fall under the ethics of scientific research (Decision No. 1082, 2020). The mechanisms and instruments of punishment are no longer the same, yet sanctions are graded according to the harm caused, ranging from imprisonment to financial fines. In cases of homicide, penalties include life imprisonment or

Expressions of social justice in Mesopotamia: A study of the Hammurabi code (inscription from the 18th century BCE)

the death penalty, as in the United States, which still seeks to match the gravity of the offence with the severity of the sanction.

In this context, Westbrook argues that Hammurabi's law, through its ancient legal ideas relating to social and economic conditions alike, contributed to the formulation of qualitative and rational standards, drawing on custom, philosophical reflection, jurisprudence, and ethics, for the elaboration of modern, advanced legal systems. Rights, punishment, and the protection of vulnerable groups remain urgent and central issues in our present and future, and they constitute key indicators of the civilizational development and continuity of human societies.

Conclusion

At the end of this study, the following results can be stated.

- The geographic meaning signified by “Mesopotamia” formed a persistent human challenge from very early times. The land itself acted as a constant factor shaping the historical and civilizational roles of successive waves of Semitic and non-Semitic populations who arrived in ancient Iraq. From layered Sumerian–Akkadian exchange emerged Babylonian civilization.
- Hammurabi (r. 1792–1750 BCE) is associated with a code cut in cuneiform on a stone stele, unearthed and deciphered in the early twentieth century; it arranges legal matters spanning household, property, and civic governance.. The epilogue states the lawgiver's aim in explicit terms: social justice and protection of the weak.
- He also grasped a political lesson: unity of rule requires unity of law. By deploying law as an instrument of governance across an ethnically and doctrinally diverse empire—one marked by local customs and uneven traditions—he narrowed the space for provincial disorder. The move suggests more than administrative convenience. It points to an early, self-conscious use of legal ordering to secure geopolitical cohesion.
- Personal-status provisions are the clearest window on the social aims. They record formalities for lawful marriage, the rights of widows, a woman's right to initiate divorce, a bar on divorcing a sick wife coupled with a duty of lifelong support, safeguards for children's property, and recognition of mixed marriages between free persons and slaves. The pattern is consistent: status is tied to enforceable protections, and the cumulative effect represents an advanced moment for women's rights by ancient and, at times, later historical standards.
- Economic life receives equally close attention. The code treats transactions and debt with a pragmatism that eases harsh outcomes for the poor. It allows repayment in barley rather than money—unlike the Code of Eshnunna, which fixes payment in currency—prohibits absolute debt bondage, and limits servitude for debt to three years. The intent is legible: preserve the debtor's freedom and dignity and constrain predatory practice. Many contemporary lending and mortgage regimes struggle to match that degree of flexibility.
- Criminal provisions are often labeled severe, not without reason, given the frequency of capital sentences, including death by casting into the river. Yet even here the structure aims at social protection. Theft is treated as an attack on economic security, the society's lifeblood; adultery, as a threat to family order and broader stability. Talionic penalties—“an eye for an eye, a tooth for a tooth”—are applied as the form of retribution thought to approach justice most closely in that context. A restrained conclusion follows. Hammurabi worked to erect a legal edifice whose rules display breadth, flexibility, rationality, and practical use. The code does not merely proclaim social justice; it operationalizes it: offering solutions to the interlocking problems of daily life, relief for weaker or injured parties, and a set of principles that support secure existence for members of the community.

- In Hammurabi's system, justice rested on the courts. He oversaw proceedings himself, heard petitions, and curbed abuses by officials. The weak gained avenues of redress, and the rules he set made life more secure.

A question remains. Why have the legal instruments of the international community and of human rights, from the Peace of Westphalia in 1648 to the League of Nations in 1919 and the United Nations in 1945, together with an international court of justice and extensive means of deterrence and digital communication, not secured legal protection for small states against the abuses of great powers or delivered international peace and security, when set beside what Hammurabi achieved through a written code on stone in the eighteenth century BCE? And can the Hammurabi model be adapted as a contemporary strategy for unified justice with humane objectives in a world marked by crises, conflicts, and wars in which the rights of international justice are often lost?

In sum, by presenting the forms of social justice recorded on the stone stele of Hammurabi's eighteenth-century BCE code, we have shown the significance of its legal materials and their value as a reference for writing the history of administrative systems and legal enactments in ancient Iraq in particular and the ancient Near East in general. The articles span social and economic domains and reflect the civilizational level reached by the Babylonian Empire in Hammurabi's era. At the same time, the history of legal systems is indispensable for the culture of today's legislator, who must understand law in order to regulate ever-renewing social relations shaped by ongoing civilizational change. In this light, Hammurabi's ingenuity surpassed the limits of ancient time and place. It intersects with present concerns in which law operates as a factor of unity and of social justice with a clear human purpose.

Bibliography

-Archives

1. DIRINGER, D. (1962). *The Alphabet Museum*. ('A.-M. al-Šawī, Trans.) Cairo: UNESCO Courier.
2. MRAN, M., & SCHEIL, J.-V. (1902). *Mémoires de la Délégation en Perse, Textes Élamites-Sémitiques*. Paris: Ernest Le Roux, 4 vols.
3. ROTH, M. T. (1995). *Law Collections from Mesopotamia and Asia Minor*.
4. ROTH, M. (2019). *Mesopotamian Law*. NEHC.

-Sources

1. KRAMER, S. N. (1956). *From the Tablets of Sumer*. Falcon's Wing Press.
2. SCHEIL, J.-V. (1904). *Le Code de Hammourabi* (2nd ed.). Paris: Ernest Leroux.
3. DE WALLE, V. (1947). *Le décret de Horemheb. Chronique d'Égypte*.
4. TOYNBEE, A. J. (1974). *A Study of History*. New York: Dell Publishing Co., Inc.
5. Qur'an, Sūrat al-Mā'idah, verse 38.

-The studies (books and articles)

1. BU TALIB, S. H. (1967). *Principles of the History of Law*. Cairo: Dar al-Nahda al-'Arabiyya.
2. AL-HASHIMI, R. J. (1971). *The Family System in the Ancient Period*. Iraq: al-Najaf Press.
3. AL-ŠAYYĀD, M. M. (1970). *Ma'ālim jughrāfiyyat al-'Arab* [Landmarks of Arab Geography]. Beirut: Dār al-Nahḍa al-'Arabiyya li'l-Ṭibā'awa'l-Nashr.
4. AŞFÜR, M. A.-M. (1987). *Ma'ālim ḥaqdārāt al-Sharq al-Adnā al-Qadīm* [Landmarks of the Civilizations of the Ancient Near East]. Beirut: Dār al-Nahḍa al-'Arabiyya.
5. AMAUD, D. (1970). *The Ancient Near East: From the Invention of Writing to Hellenization*. Bordas.
6. BĀQIR, T. (2009). *Introduction to the History of Ancient Civilizations, Part One: A Concise History of the Civilization of Mesopotamia*. Al-Warrāq Publishing Company; Al-Furāt for Publishing and Distribution.
7. BREASTED, J. H. (1916). *Ancient Times, a History of the Early World: An Introduction to the Study of Ancient History and the Career of Early Man*. London: Ginn and Company.
8. DURAN, W., & Durant, A. (1990). *The Story of Civilization: The Near East*. (M. Badrān, Trans.) Beirut: Dār al-Jīl for Printing and Publishing.
9. FERKOUS, D. (1993). *History of Ancient Systems (From the 32nd Century BCE to the 6th Century CE)*. Algeria: Atlas Publishing.
10. GADD, C. J. (1965). *Hammurabi and the End Dynasty*. California: University Press.

Expressions of social justice in Mesopotamia: A study of the Hammurabi code (inscription from the 18th century BCE)

11. GAUDEMET, J. (1967). *Les institutions de l'antiquité*. Paris: Sirey.
12. HAMDAN, G. (1977). *Geography of Cities*. Cairo.
13. IMBERT, J. (1980). *Cours d'histoire des institutions politiques et sociales de l'antiquité*. Paris: Université Paris II.
14. KRAMER, S. (1972). *Le berceau de la civilisation*. Amsterdam: Time-Life Collections.
15. KRAMER, S. N. (1972). *The Cradle of Civilization*. Amsterdam: Time-Life Collections.
16. LEPOINTE, G. (1958). *Manuel d'histoire et des faits sociaux*. Paris: Librairie Générale de Droit et de Jurisprudence.
17. MORET, A. (1937). *The Nile and Egyptian Civilization* (2nd ed.). New York: Kegan Paul, Trench, Trubner CCT, Ltd.
18. MORIN, E., & Piattelli-Palmarini, M. (1974). *The Unity of Man: Toward a Fundamental Anthropology*. Paris: Éditions du Seuil.
19. ROUX, G. (1993). *Ancient Iraq*. Baghdad: Dār al-Shu'ūn al-Thaqāfiyyah al 'Āmmah.
20. SALĪM, A. A. (1989). *Studies in the History of the Ancient Near East: Egypt, Iraq, Iran*. Beirut: Dār al-Nahḍa al-'Arabiyya.
21. WESTBROOK, R. (2003). *A History of Ancient Near Eastern Law*. Brill.
22. WESTBROOK, R. (2015). *Ex Oriente Lex: Near Eastern Influences on Ancient Greek and Roman Law*. Baltimore: University Press.
23. ZUHDI, Y. (n.d.). *History of Law*. Beirut: Dar al-Nahda.

-The press (newspapers)

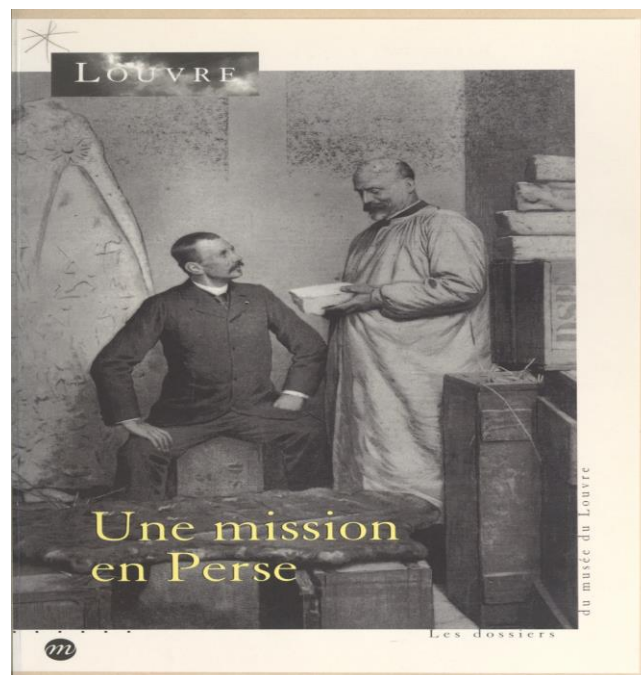
1. ZĀNĀTĪ, M. S. (1972). "Hammurabi's Law as a Law of Justice and Mercy." *Al-'Arabi*.
2. Decision No. 1082. (2020, September 27). Ministry of Higher Education and Scientific Research.

Research.

Appendices

Appendix 01:

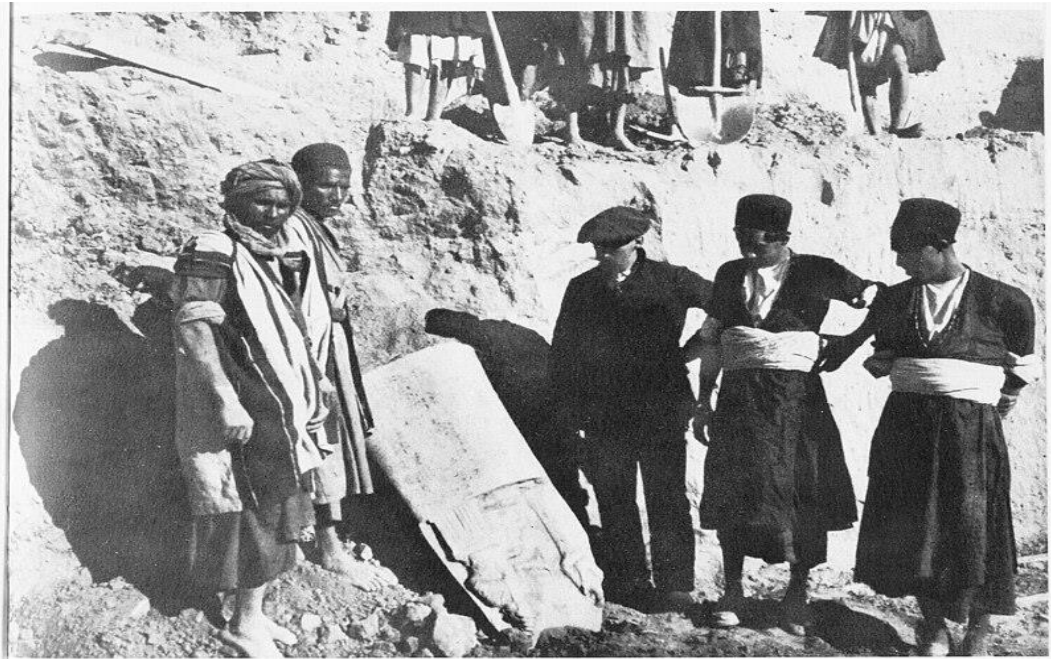
At right: Jean-Vincent Scheil, translator of the Hammurabi law stele; at left: M. J. de Morgan, the discoverer.



Photograph reproduced from *Mémoires de la Délégation en Perse: Textes élamites-sémitiques* (Paris, 1902); image from the Louvre Museum archives.

Appendix 2:

Stele of the Code of Hammurabi at the time of its discovery (c. 1901), in the presence of the Swiss archaeologist Gustave Jéquier (1868–1946).



Creation date: 1903 — Uploaded: 30 July 2023. Louvre Collections:
<https://collections.louvre.fr/en/ar>

Appendix 03:

The stele of the Code of Hammurabi on display at the Louvre Museum, Paris, France.



<https://commons.wikimedia.org/w/index>