Reflection on Hammurabi’s Laws

During Hammurabi’s time, marriage, fidelity, and legitimacy of children were big issues in the Mesopotamian culture\(^1\). Soon Hammurabi developed a set of laws based on these specific values. Even though the motives for creating these laws were admirable, these same laws seemed to favor the male gender and implement unacceptable punishments among women.

A large section of Hammurabi’s laws on family relationships were directed toward infidelity. Although Hammurabi’s stand against unfaithfulness was laudable, the instructed punishments to those who commit adultery were chauvinistic. For instance, as instructed in law 129\(^1\), if a woman were caught being adulterous, then she and the man, with whom she laid with, were both killed. In contrast to a woman, a male was only put to death if he lied with a virgin who was promised to another man, as displayed in law 130\(^1\). These laws implied that there were no consequences in place for a male who simply cheated on his wife with a woman who was not betrothed to another man. If these laws favored equality, then a female would be able to commit adultery as long as it was with a man who was not promised to another woman.

There were other laws created by Hammurabi that clearly implied that men were viewed as superior. In these laws, men were entrusted, over women, to make critical decisions about the future of their families. For example, as illustrated in law 138\(^1\), a male had the right to divorce his wife if he was willing to pay her the marriage price and the dowry. In addition, as it is stated in law 141\(^1\), if the wife left the house to engage in business, her husband had the choice of getting a divorce, or he could marry another woman while keeping his original wife as a

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maidservant. Under no provisions of the law was a wife allowed to have more than one husband at one time. In addition, as it is stated in law 142\(^1\), the wife was not even trusted to make the decision, on her own, to get a divorce from her husband. Law 142\(^1\) requires the wife to present her request to the city council to be investigated. This law adds to the inferiority complex that women were subjected to during this time period. If women weren’t even allowed to make serious decisions about their families, without having been assessed by an all-male city council, how were women to be taken seriously in society? Even Bentley and Ziegler\(^2\) state that men were considered head of household and were entrusted with all major family decisions.

These laws did not only favor the male gender, but the consequences to breaking these laws were increasingly harsh on women. An example of one over dramatic punishment would be law 143\(^1\) which stated that if a wife was to neglect her home, she would be thrown into the water. This law implied that a male’s humiliation justified the death of a woman. Another extreme punishment was death for committing adultery. There were many other harsh punishments that could have been implemented that were more reasonable than death. For example, the punishment for adultery could have been time in prison or banishment.

At this period in Mesopotamian culture, Hammurabi successfully made a bold statement about his values of family and relationships. Unfortunately, these laws brought to mind other sexist and moral concerns. Even though these laws were strongly centered on the importance of family and the fidelity of partners, the laws were favorable towards men and were enforced with unreasonable punishments.