

Law Topic 3: Laws of Babylon.

Read and translate the text. (Прочитайте і перекладіть текст).

Text 1.

Laws of Babylon

One of the most detailed ancient legal codes was drawn up in about 1758 B.C. by Hammurabi, a king of Babylonia. The entire code, consisting of 282 paragraphs, was carved into a great stone pillar, which was set up in a temple to the Babylonian god Marduk so that it could be read by every citizen.

The pillar, lost for centuries after the fall of Babylon in the 16th century B.C., was rediscovered by a French archaeologist in 1901 amid the ruins of the Persian city of Susa. Hammurabi's words were still legible. The pillar is now in the Louvre museum in Paris.

The laws laid down by Hammurabi were more extensive than any that had gone before. They covered crime, divorce and marriage, the rights of slave owners and slaves, the settlement of debts, inheritance and property contracts; there were even regulations about taxes and the prices of goods. Punishments under the code were often harsh. The cruel principle of revenue was observed: an eye for an eye and a tooth for a tooth, which meant that, criminals had to receive as punishment precisely those injuries and damages they had inflicted upon their victims. Not only murderers but also thieves and false accusers faced the death penalty. And a child who hit his father could expect to lose the hand that struck the blow. The code outlawed private blood feuds and banned the tradition by which a man could kidnap and keep the woman he wanted for his bride. In addition, the new laws took account of the circumstances of the offender as well as of the offence. So a lower-ranking citizen who lost a civil case would be fined less than an aristocrat in the same position – though he would also be awarded less if he won.

Nevertheless, Hammurabi's laws represented an advance on earlier tribal customs, because the penalty could not be harder than the crime.

(Law Worldwide K:2002)

Exercise 3.1. *Find in the text the English equivalents for the following law-related words and expressions. Learn them. (Знайдіть еквіваленти та вивчіть слова).*

Крадій, наклепник, правопорушник, правопорушення, злочин, кровна помста, завдавати шкоди, викрадати, завдавати тілесні пошкодження, смертна кара, покарання, штрафувати, отримувати компенсацію, шлюб, розлучення, податок, спадщина, борг, ціни на товари, цивільна справа, права рабів, контракти власності.

Exercise 3.2. *Answer the questions. (Дайте відповідь на запитання).*

1. Why do you think Hammurabi decided to have his laws carved into a pillar?
2. Why was the pillar set up in a temple?
3. What spheres of human life were covered by Hammurabi's code? Explain the choice.
4. How do you understand the principle "an eye for an eye and a tooth for a tooth"?
5. In your opinion, were punishments always fair?
6. Why do you think people of different ranks were treated differently by Hammurabi's code?

Text 2.

Hammurabi Code

Here we present you some examples of Hammurabi Code. Read the text and analyze what kinds of punishment existed that time. (Пропонуємо вам декілька прикладів Законів Хаммурані. Прочитайте текст і проаналізуйте, які види покарань існували на той час).

Hammurabi's Code of Laws (1758 B.C.)

Here is what the inscription on the sacred pillar says:

...Hammurabi, the protecting king am I. The great gods have called me... I am here to reign so that the strong might not injure the weak, in order to protect the widows and orphans, to bespeak justice in the land, to settle all disputes, and heal all injuries, set up these my precious words, written upon my memorial stone, before the image of me, as king of righteousness.

My words are well considered; there is no wisdom like unto mine. Let my name be ever repeated; let the oppressed, who has a case at law, come and stand before this my image as king of righteousness; let him read the inscription, and understand my precious words: the inscription will explain

his case to him; he will find out what is just, and his heart will be glad, so that he will say: “Hammurabi is a ruler, who is as a father to his subjects, who holds the words of Marduk in reverence, who has bestowed benefits for ever and ever on his subjects, and has established order in the land”.

2. If any one brings an accusation against a man, and the accused goes to the river and leaps into the river, if he sinks in the river the accuser shall take possession of his house. But if the river proves that the accused is not guilty, and he escapes 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. [...]

5. If a judge trying a case, reaches a decision, and presents his judgment in writing; if later error shall appear in his decision, and it be through his own fault, then he shall pay twelve times the fine set by him in the case, and he shall be publicly removed from the judge's bench, and never again shall lie sit there to render judgement.

6. If any one steals the property of a temple or of the court, he shall be put to death, and also the one who receives the stolen thing from him shall be put to death. [...]

16. If any one receives into his house a runaway male or female slave, and does not bring it out at the public proclamation, the master of the house shall be put to death. [...]

21. If any one breaks a hole into a house (break in to steal), he shall be put to death before that hole and be buried.

22. If any one is committing a robbery and is caught, then he shall be put to death. [...]

25. If fire breaks out in a house, and some one who comes to put it out casts his eye upon the property of the owner of the house, and takes the property of the master of the house, he shall be thrown into that self-same fire. [...]

109. If conspirators meet in the house of a tavern-keeper, and these conspirators are not captured and delivered to the court, the tavern-keeper shall be put to death.

112. If any one be on a journey and entrusts silver, gold, precious stones, or any movable property to another, and wishes to recover it from him; if the latter does not bring all of the property to the appointed place, but appropriate it to his own use, then shall this man, who did not bring the

property to hand it over, be convicted, and he shall pay fivefold for all that had been entrusted to him. [...]

117. If any one fails to meet a claim for debt, and sells himself, his wife, his son, and daughter for money or gives them away to forced labor, they shall work for three years in the house of the man who bought them, or the proprietor, and in the fourth year they shall be set free. [...]

122. If any one gives another silver, gold, or anything else to keep, he shall show everything to some witness, draw up a contract, and then hand it over for safe keeping. [...]

125. If any one places his property with another for safe keeping, and there, either through thieves or robbers, his property and the property of the other man be lost, the owner of the house, through whose neglect the loss took place, shall compensate the owner for all that was given to him in charge. But the owner of the house shall try to follow up and recover his property, and take it away from the thief. [...]

129. If a man's wife is surprised with another man, both shall be tied and thrown into the water, but the husband may pardon his wife. [...]

145. If a man takes a wife, and she bears him no children, and he intends to take another wife, if he takes this second wife, and brings her into the house, this second wife shall not be allowed equality with his wife. [...]

148. If a man takes a wife, and she be seized by disease, if he then desires to take a second wife he shall not put away his wife, who has been attacked by disease, but he shall keep her in the house which he has built and support her so long as she lives. [...]

165. If a man gives to one of his sons whom he prefers a field, garden, and house and if later the father dies, and the brothers divide the estate, then they shall first give him the present of his father, and he shall accept it; and the rest of the paternal property shall they divide. [...]

175. If a State slave or the slave of a freed man marries the daughter of a free man, and children are born, the master of the slave shall have no right to enslave the children of the free. [...]

185. If a man adopts a child as his son, and rears him, this grown son cannot be demanded back again. [...]

192. If a son of a paramour or a prostitute says to his adoptive father or mother: "You are not my father, or my mother", his tongue shall be cut off. [...]

195. If a son strikes his father, his hands shall be hewn off.

196. If a man puts out the eye of another man, his eye shall be put out.

197. If he breaks another man's bone, his bone shall be broken.

198. If he puts out the eye of a freed man, or breaks the bone of a freed man, he shall pay one gold mina.

199. If he puts out the eye of a man's slave, or breaks the bone of a man's slave, he shall pay one-half of its value.

200. If a man knocks out the teeth of his equal, his teeth shall be knocked out. [...]

202. If any one strikes the body of a man higher in rank than he, he shall receive sixty blows with an ox-whip in public. [...]

205. If the slave of a freed man strikes the body of a freed man, his ear shall be cut off. [...]

229. If a builder builds a house for some one, and does not construct it properly, and the house which he built falls in and kills its owner, then that builder shall be put to death. [...]

282. If a slave says to his master: "You are not my master", if they convict him his master shall cut off his ear.

(Just English K:2002)