

## READING 9-2

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# The Laws of Hammurabi—A Sampling of Laws Relating to Agriculture

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By the beginning of the second millennium, Amorite and other nomadic population groups integrated into Mesopotamian urban political and social life. The Amorite Sumu-abum (ca. 1894–1881 BCE) settled in Babylon, in the wasp-waist center of Mesopotamia, at the time that the rival cities of Isin and Larsa were struggling for dominance in the south. He and his successors for 100 years stayed focused largely on their immediate geographical area, engaging in local political and military consolidation, fortification and temple building projects, canal maintenance, and some military actions. By the time the 6th ruler of this dynasty, hammurabi (ca. 1792–1750 BCE), came to the throne, he found himself circumscribed by the rising powers of Larsa to the south, the Kingdom of Upper Mesopotamia to the north, Mari to the west, and Eshnunna and Elam to the east. In his first years, Hammurabi, like his predecessors, remained involved in building projects in Babylon itself, but then turned outward and began military forays into other territories; by his 32nd regnal year, he had decisively defeated all the rivals mentioned. As “King of Sumer and Akkad,” Hammurabi now had the luxury of turning his attention again to domestic programs, largely neglected during the years of military efforts. It is at this point that the law collection inscribed on the monumental stelae was compiled and publicized in multiple copies placed in major cities of his realm, fulfilling Hammurabi’s repeated claims of a just and righteous rule. In all this, Hammurabi and his law collection stand firmly in the stream of tradition of his royal predecessors in other dynasties and other cities of Mesopotamia, beginning at least with Ur-Namma and Lipit-Ishtar, although the product of Hammurabi’s efforts is by far the longest, most polished, and most comprehensive.

Hammurabi’s son and successor Samsu-iluna also enjoyed along reign (ca. 1749–1712 BCE), but the empire Hammurabi consolidated began to splinter soon after his death. By the beginning of the 16th century, the much reduced city of Babylon fell to invading Hatti forces. Hammurabi himself, however, achieved and retained enormous personal appeal as a charismatic leader both during his lifetime and after. The enduring power of Hammurabi’s name and deeds is dramatically demonstrated by the 7½ foot tall stela with the most complete edition of the Laws, which was taken from Sippar as booty to Susa by conquering Elamites 500 years later.

In addition to the famous monument, some 50 manuscripts are known to record all or part of the laws, prologue, and epilogue of the composition. The manuscripts range from those contemporary with the time of Hammurabi through to the middle of the 1st millennium, and come from a variety of sites. The scribes in schools studied and copied the Laws, and engaged in exercises resulting in commentaries to and extracts of the composition, and even one Sumerian-Akkadian bilingual.

- 53** If a man neglects to reinforce the embankment of (the irrigation canal of) his field and does not reinforce its embankment, and then a breach opens in its embankment and allows the water to carry away the common irrigated area, the man in whose embankment the breach opened shall replace the grain whose loss he caused.
- 54** If he cannot replace the grain, they shall sell him and his property, and the residents of the common irrigated area whose grain crops the water carried away shall divide (the proceeds).
- 55** If a man opens his branch of the canal for irrigation and negligently allows the water to carry away his neighbor’s field, he shall measure and deliver grain in accordance with his neighbor’s yield.

- 56** If a man opens (an irrigation gate and released) waters and thereby he allows the water to carry away whatever work has been done in his neighbor's field, he shall measure and deliver 3,000 SILA of grain per 18 *iku* (of field).
- 57** If a shepherd does not make an agreement with the owner of the field to graze sheep and goats, and without the permission of the owner of the field grazes sheep and goats on the field, the owner of the field shall harvest his field and the shepherd who grazed sheep and goats on the field without the permission of the owner of the field shall give in addition 6,000 SILA of grain per 18 *iku* (of field) to the owner of the field.
- 58** If, after the sheep and goats come up from the common irrigated area when the pennants announcing the termination of pasturing are wound around the main city-gate, the shepherd releases the sheep and goats into a field and allows the sheep and goats to graze in the field—the shepherd shall guard the field in which he allowed them to graze and at the harvest he shall measure and deliver to the owner of the field 18,000 SILA of grain per 18 *iku* (of field).
- 59** If a man cuts down a tree in another man's date orchard without the permission of the owner of the orchard, he shall weigh and deliver 30 shekels of silver.
- 60** If a man gives a field to a gardener to plant as a date orchard and the gardener plants the orchard, he shall cultivate the orchard for four years; in the fifth year, the owner of the orchard and the gardener shall divide the yield in equal shares; the owner of the orchard shall select and take his share first.
- 61** If the gardener does not complete the planting of (the date orchard in) the field, but leaves an uncultivated area, they shall include the uncultivated area in his share.
- 62** If he does not plant as a date orchard the field which was given to him—if it is arable land, the gardener shall measure and deliver to the owner of the field the estimated yield of the field for the years it is left fallow in accordance with his neighbor's yield; furthermore he shall perform the required work on the field and return it to the owner of the field.
- 63** If it is uncultivated land, he shall perform the required work on the field and return it to the owner of the field, and in addition he shall measure and deliver 3,000 SILA of grain per 18 *iku* (of field) per year.
- 64** If a man gives his orchard to a gardener to pollinate (the date palms), as long as the gardener is in possession of the orchard, he shall give to the owner of the orchard two thirds of the yield of the orchard, and he himself shall take one third.
- 65** If the gardener does not pollinate the (date palms in the) orchard and thus diminishes the yield, the gardener [shall measure and deliver] a yield for the orchard to the owner of the orchard in accordance with his neighbor's yield.
- gap a If a man borrows silver from a merchant and his merchant presses him for payment but he has nothing to give in repayment, and therefore he gives his orchard after pollination to the merchant and declares to him, "Take away as many dates as will be grown in the orchard as payment for your silver"—the merchant will not agree; the owner of the orchard himself shall take the dates that are grown in the orchard, he shall satisfy the merchant with silver and the interest on it in accordance with the terms of his contract, and only the owner of the orchard shall take the dates that are grown in the orchard in excess (of the debt).