Sources from the Past

Hammurabi’s Laws on Family Relationships

By the time of Hammurabi, Mesopotamian marriages had come to represent important business and economic relationships between families. Hammurabi’s laws reflect a concern to ensure the legitimacy of children and to protect the economic interests of both marital partners and their families. While placing women under the authority of their fathers and husbands, the laws also protected women against unreasonable treatment by their husbands or other men.

128: If a seignior acquired a wife, but did not draw up the contracts for her, that woman is no wife.
129: If the wife of a seignior has been caught while lying [i.e., having sexual relations] with another man, they shall bind them and throw them into the water. If the husband of the woman wishes to spare his wife, then the king in turn may spare his subject.
130: If a seignior bound the (betrothed) wife of another seignior, who had no intercourse with a male and was still living in her father’s house, and he has lain in her bosom and they have caught him, that seignior shall be put to death, while that woman shall go free.
131: If a seignior’s wife was accused by her husband, but she was not caught while lying with another man, she shall make affirmation by god and return to her house. . . .
138: If a seignior wishes to divorce his wife who did not bear him children, he shall give her money to the full amount of her marriage-price [money or goods that the husband paid to the bride’s family in exchange for the right to marry her] and he shall also make good to her the dowry [money or goods that the bride brought to the marriage] which she brought from her father’s house and then he may divorce her.
139: If there was no marriage-price, he shall give her one mina of silver as the divorce-settlement.
140: If he is a peasant, he shall give her one-third mina of silver.
141: If a seignior’s wife, who was living in the house of the seignior, has made up her mind to leave in order that she may engage in business, thus neglecting her house (and) humiliating her husband, they shall prove it against her; and if her husband has then decided on her divorce, he may divorce her, with nothing to be given her as her divorce-settlement upon her departure. If her husband has not decided on her divorce, her husband may marry another woman, with the former woman living in the house of her husband like a maidservant.
142: If a woman so hated her husband that she has declared, “You may not have me,” her record shall be investigated at her city council, and if she was careful and was not at fault, even though her husband has been going out and disparaging her greatly, that woman, without incurring any blame at all, may take her dowry and go off to her father’s house.
143: If she was not careful, but was a gadabout, thus neglecting her house (and) humiliating her husband, they shall throw that woman into the water.

FOR FURTHER REFLECTION

Discuss the extent to which Hammurabi’s various provisions on family relationships protected the interests of different groups — husbands, wives, and the family itself.


During the second millennium B.C.E., Mesopotamian men progressively tightened their control over the social and sexual behavior of women. To protect family fortunes and guarantee the legitimacy of heirs, Mesopotamians insisted on the virginity of brides at marriage, and they forbade casual socializing between married women and men outside their family. By 1500 B.C.E. and probably even earlier, married women in Mesopotamian cities had begun to wear veils when they ventured beyond their own households to discourage the attention of men from other families. This concern to control women’s social and sexual behavior spread throughout much of southwest Asia and the Mediterranean basin, where it reinforced patriarchal social structures.