

## **Institutionalizing Justice in Ancient Babylon: Legal Institutions, Royal Authority, and the Code of Hammurabi**

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### **Abstract**

This article examines the institutionalization of justice in Ancient Babylon through the legal institutions and forms of authority reflected in the Code of Hammurabi. As one of the earliest written legal collections in human history, the Code provides important evidence of how law was used to organize social relations, regulate economic activity, and legitimize political power. Using normative legal research with historical and conceptual approaches, this study analyzes the legal norms contained in the Code and situates them within the broader social and political structure of Babylonian society. The findings show that Babylonian law was supported by a relatively complex institutional order involving the king, judges, administrative officials, local assemblies, written records, and procedures of proof. Royal authority occupied a central position in this system, deriving legitimacy from divine mandate, especially through the association between Hammurabi and the god Shamash. The institutionalization of justice was reflected in the codification of rules on bodily injury, professional responsibility, economic transactions, family relations, and social hierarchy. Although the legal system was not egalitarian, it provided a formal framework for dispute resolution, social control, and the protection of vulnerable groups. The article argues that the Code of Hammurabi should be understood not merely as a legal text, but as an institutional instrument for consolidating justice, order, and royal legitimacy in Ancient Babylon.

**Keywords:** Code of Hammurabi; Ancient Babylon; institutionalization of justice; legal institutions; royal authority

### **1. Introduction**

Ancient Mesopotamia occupies a central place in the history of law because it produced some of the earliest written legal collections known to human civilization. Among these collections, the Code of Hammurabi remains one of the most influential sources for understanding how law, political authority, and social order were articulated in the ancient Near East (Roth, 1997; Westbrook, 2003). Compiled during the reign of King Hammurabi of Babylon, the Code has often been treated not merely as a list of legal rules, but as a cultural and political text that reveals how justice was institutionalized within an early state society (Barmash, 2020; Van De Mieroop, 2005).

The significance of the Code of Hammurabi lies in its combination of legal, administrative, religious, and ideological dimensions. Its prologue presents Hammurabi as a ruler chosen by the gods to establish justice, prevent oppression, and protect the weak from the powerful (Roth, 1997; Slanski, 2012). This claim indicates that law in Ancient Babylon was not understood as a purely secular instrument. Rather, legal authority was closely connected to divine legitimacy, royal ideology, and the symbolic role of the king as guardian of justice (Barmash, 2020; Charpin, 2010). In this sense, the Code provides valuable evidence of how legal norms were used to consolidate royal authority while also shaping expectations of social order.

Previous studies have shown that Mesopotamian legal systems were supported by a complex combination of written documentation, judicial procedures, administrative offices, and local social institutions (Démare-Lafont & Fleming, 2023; Westbrook, 2003). Legal records from the Old Babylonian period suggest that dispute resolution involved judges, witnesses, oaths, written contracts, and, in some cases, royal intervention (Charpin, 2010; VerSteeg, 2000). These features demonstrate that Babylonian law was not merely customary or informal. It had developed institutional mechanisms through which disputes could be recorded, examined, and resolved according to recognized procedures. At the same time, the Code of Hammurabi reflected the hierarchical structure of Babylonian society.

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Legal consequences often differed according to social status, especially between awilum, mushkenum, and wardum (Roth, 1997; Westbrook, 2003). This indicates that Babylonian justice was not egalitarian in the modern sense. However, the existence of written rules still provided a formal framework for regulating bodily injury, property relations, family matters, commercial transactions, debt, wages, and professional responsibility (Barmash, 2020; Greengus, 1995; Nemet-Nejat, 1998). The Code therefore functioned both as a mechanism of social control and as an instrument for maintaining stability in a stratified society.

Despite extensive scholarship on the Code of Hammurabi, its institutional dimension remains important to examine further. Many discussions emphasize the Code's antiquity, its principle of *lex talionis*, or its symbolic association with royal power. Less attention is often given to how these elements worked together as a broader process of legal institutionalization. Understanding this process is essential because the Code shows how an early state used written law to organize authority, regulate social relations, and produce a public image of justice (Michalowski, 1992; Slanski, 2012).

This article therefore examines the institutionalization of justice in Ancient Babylon through the Code of Hammurabi. It focuses on three interrelated aspects: the structure of legal institutions, the relationship between royal authority and divine legitimacy, and the role of codified norms in maintaining social order. By using normative legal research with historical and conceptual approaches, this study argues that the Code of Hammurabi should be understood not only as an early legal text, but also as an institutional instrument through which justice, authority, and social hierarchy were organized in Ancient Babylon.

## 2. Methods

This study employed normative legal research with historical and conceptual approaches. Normative legal research was used because the article focuses on legal norms, legal concepts, and institutional meanings reflected in the Code of Hammurabi rather than on empirical field data. This approach is appropriate for examining legal texts as normative sources that express principles, authority, obligations, sanctions, and institutional arrangements within a particular legal tradition (Westbrook, 2003).

The historical approach was used to situate the Code of Hammurabi within the social, political, and religious context of Old Babylonian society. This approach enabled the study to examine how legal norms were connected to kingship, divine legitimacy, social hierarchy, judicial practice, and administrative order in Ancient Babylon (Barmash, 2020; Charpin, 2010). The conceptual approach was applied to clarify key concepts such as institutionalization of justice, legal authority, royal legitimacy, legal institutions, and social order.

The primary legal material in this study was the Code of Hammurabi, especially its prologue, legal provisions, and epilogue. Secondary materials consisted of scholarly books, journal articles, and edited volumes on Mesopotamian law, Babylonian kingship, judicial practice, and ancient Near Eastern legal history. These sources were used to interpret the legal meaning of the Code and to relate its provisions to broader institutional structures in Babylonian society (Roth, 1997; Slanski, 2012; Van De Mierop, 2005).

Data were analyzed qualitatively through textual and conceptual interpretation. First, relevant provisions of the Code were identified based on their relationship to legal institutions, royal authority, sanctions, social hierarchy, economic regulation, family relations, and professional responsibility. Second, these provisions were interpreted in relation to historical scholarship on Old Babylonian law and society. Third, the analysis synthesized the legal and historical findings to explain how justice was institutionalized through written norms, judicial mechanisms, administrative authority, and royal ideology. Through this method, the study seeks to show that the Code of Hammurabi functioned not only as a legal text, but also as an institutional instrument for maintaining justice, order, and authority in Ancient Babylon.

### 3. Results

#### **Legal Institutions and the Structure of Babylonian Justice**

The analysis shows that justice in Ancient Babylon was not administered through isolated or informal practices, but through a structured set of legal and administrative institutions. The Code of Hammurabi reflects a legal order in which the king occupied the highest position of authority, while judges, administrative officials, city authorities, witnesses, and local assemblies played important roles in the settlement of disputes. This institutional structure indicates that Babylonian law had moved beyond purely customary mechanisms and had developed formal procedures for regulating conflict, responsibility, and punishment.

One important feature of this institutional structure was the use of written legal documentation. Contracts, transactions, marriage agreements, debt arrangements, and property matters were often recorded in written form. This practice strengthened the reliability of legal processes because disputes could be examined through documented evidence rather than oral claims alone. The use of written records also shows that law in Ancient Babylon was closely connected to administration. Legal authority was not separated from the broader machinery of governance; rather, it operated as part of the state's effort to organize social and economic life.

The role of judges further demonstrates the institutional character of Babylonian justice. Judges were expected to examine evidence, hear witnesses, and issue decisions. The Code also imposed sanctions on judges who altered their own decisions improperly. This provision suggests that Babylonian law recognized the importance of judicial accountability. Although the legal system remained strongly tied to royal power, it nevertheless contained mechanisms to preserve the integrity of legal decision-making.

#### **Royal Authority and the Legitimacy of Law**

The findings also indicate that the authority of law in Ancient Babylon was inseparable from royal legitimacy. Hammurabi was represented not only as a political ruler but also as a divinely authorized guardian of justice. In the prologue of the Code, the king is depicted as receiving a mandate from the gods to establish justice, protect the weak, and destroy wrongdoing. This religious framing gave the legal system moral authority and positioned the king as the central mediator between divine order and human society.

This connection between law and kingship had both ideological and practical functions. Ideologically, it presented the king as a just ruler whose legal authority came from a sacred source. Practically, it strengthened the capacity of the Babylonian state to impose uniform legal norms across a diverse and expanding kingdom. The Code therefore functioned not only as a legal document but also as a political instrument. By presenting the law as divinely sanctioned and publicly associated with the king, Hammurabi consolidated his authority over society.

The public character of the Code was also significant. Its inscription on a monumental stele created a visible symbol of royal justice. The law was not hidden within palace administration but displayed as a representation of the king's commitment to order and fairness. In this sense, the Code served a performative function: it communicated to the public that justice was part of the royal duty and that the king stood as the final source of legal protection.

#### **Codified Norms, Social Order, and Institutionalized Justice**

The institutionalization of justice in the Code of Hammurabi can also be seen in the wide range of matters regulated by the text. The Code addressed bodily injury, theft, debt, land use, trade, wages, family relations, inheritance, slavery, and professional responsibility. This breadth of regulation shows that Babylonian law was designed to organize many aspects of social life. Law functioned not only to punish wrongdoing but also to define obligations, stabilize transactions, regulate households, and prevent social disorder.

One of the most well-known principles in the Code is *lex talionis*, or proportional retaliation. This principle reflected a retributive understanding of justice in which punishment was expected to correspond to the harm caused. However, the application of punishment was not always equal across society. Legal consequences often depended on social status, particularly distinctions between free persons, commoners, and slaves. This shows that Babylonian justice was institutionalized within a hierarchical social order. The Code created legal certainty, but that certainty operated according to the social categories recognized by Babylonian society.

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At the same time, the Code also contained provisions that can be understood as protective. It regulated professional negligence, including the responsibilities of doctors and builders. It also addressed economic obligations, debt, marriage, divorce, inheritance, and the position of women and children within the family. These provisions suggest that law was used to prevent disorder and protect vulnerable interests, even though protection was shaped by the unequal structure of society.

Overall, the results show that the Code of Hammurabi institutionalized justice through three interconnected mechanisms. First, it established a formal legal structure involving royal authority, judges, officials, witnesses, and written documentation. Second, it grounded legal authority in divine and royal legitimacy. Third, it codified rules that organized social, economic, familial, and professional relations. Therefore, the Code should not be understood merely as an ancient collection of punishments. It was an institutional instrument through which the Babylonian state constructed legal order, reinforced political authority, and maintained social stability.

#### 4. Discussion

The findings of this study suggest that the Code of Hammurabi should be interpreted not only as an early legal collection, but also as an institutional text through which justice, kingship, and social order were connected. In Ancient Babylon, law did not operate as an autonomous system separated from political and religious authority. Rather, legal norms were embedded in a broader structure of royal power, administrative practice, social hierarchy, and religious symbolism. This supports the view that ancient Mesopotamian law must be understood within the institutional and ideological context of early state formation (Driver & Miles, 1952; Johns, 1903; Oppenheim, 1977).

One important implication is that codification served both legal and political purposes. The written form of the Code created a stable reference point for defining obligations, sanctions, and social responsibilities. However, its function was not limited to practical dispute resolution. As several scholars have noted, Mesopotamian legal texts also performed symbolic and ideological roles by presenting the king as the guardian of justice and public order (Finkelstein, 1961; Liverani, 2014; Richardson, 2004). In this sense, Hammurabi's Code functioned as a legal monument as much as a legal document. It publicly represented the king's claim to rule through justice.

The relationship between law and kingship is central to understanding the institutionalization of justice in Babylon. Hammurabi's authority was strengthened through the claim that his rule was divinely sanctioned. This religious foundation did not replace legal administration; rather, it reinforced it. The association between royal authority and divine justice helped transform legal commands into morally legitimate norms. Such a pattern was common in ancient Near Eastern political thought, where kingship was often justified through the ruler's responsibility to maintain cosmic, social, and economic order (Bottéro, 1992; Frankfort, 1978; Hallo & Simpson, 1998).

The Code also shows that justice was institutionalized through documentation and procedure. Old Babylonian society made extensive use of written contracts, debt records, property documents, witness statements, and administrative tablets. These written practices strengthened legal memory and reduced dependence on oral claims alone. The development of writing, bureaucracy, and legal administration therefore played an important role in transforming social relations into legally recognized obligations (Postgate, 1992; Veenhof, 1995). This demonstrates that the institutionalization of justice depended not only on royal power, but also on documentary practices that made legal claims recordable and enforceable.

At the same time, Babylonian justice was clearly shaped by social hierarchy. The Code differentiated legal consequences according to social status, including distinctions between free persons, dependents, and slaves. This means that Babylonian law should not be idealized as an early form of equality before the law. Its legal order was formal and institutionalized, but not egalitarian. The Code created predictability within a stratified society by assigning different rights, liabilities, and punishments to different social groups (Lafont, 1995; Stol, 2016). Thus, the institutionalization of justice in Babylon reflected the social inequalities of its time.

This status-based structure also complicates the interpretation of *lex talionis*. The principle of proportional retaliation is often understood as evidence of harsh punishment. However, it can also be read as an attempt to limit uncontrolled private revenge by placing punishment within a recognized

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legal framework. Even when applied unequally, the principle introduced a formal logic of proportionality between injury and sanction. In this respect, the Code helped convert retaliation into a public and institutionalized matter rather than leaving it entirely to personal vengeance or kinship-based conflict (Driver & Miles, 1952; Richardson, 2004).

Another important dimension is the regulatory function of the Code in economic and family life. The Code governed debt, wages, agricultural obligations, commercial transactions, marriage, divorce, inheritance, and professional responsibility. These provisions show that law functioned as a mechanism for stabilizing everyday life. It regulated relationships that were essential to the survival of households, markets, and the agrarian economy. In this sense, Babylonian law was not limited to punishment; it also provided rules for managing risk, dependency, property, and social reproduction (Postgate, 1992; Renger, 1995; Stone, 1995).

The provisions on professional responsibility are especially significant. Rules concerning builders, physicians, agricultural workers, and other occupational roles indicate that the Code recognized the social consequences of professional negligence. Although the sanctions were often severe, they reveal an early concern with accountability in specialized work. This supports the argument that Babylonian law contributed to the formation of institutional responsibility by defining the consequences of failure in socially important occupations (Johns, 1903; Richardson, 2004).

Overall, the discussion shows that the Code of Hammurabi institutionalized justice through four interconnected mechanisms. First, it established written norms that defined legal obligations and sanctions. Second, it linked law to royal and divine legitimacy. Third, it relied on administrative and documentary practices to support legal order. Fourth, it regulated social, economic, familial, and professional relations within a hierarchical society. Therefore, the Code should be understood as an institutional instrument through which Ancient Babylon organized justice, consolidated authority, and maintained social stability.

The contribution of this study lies in its emphasis on the Code as a process of legal institutionalization. Rather than treating the Code merely as an ancient list of punishments, this article interprets it as evidence of how an early state used law to govern social relations and legitimize power. Although the Babylonian legal system remained unequal by modern standards, it represents an important historical stage in the development of legal institutions, written authority, and state-based justice.

## 5. Conclusion

This article has examined the institutionalization of justice in Ancient Babylon through the Code of Hammurabi, focusing on legal institutions, royal authority, and the social functions of codified law. The analysis shows that the Code should not be understood merely as an early collection of punishments, but as an institutional instrument through which legal order, political legitimacy, and social stability were constructed.

The Code of Hammurabi reflects a structured legal system involving the king, judges, administrative officials, witnesses, written documentation, and local social institutions. These elements indicate that justice in Ancient Babylon was organized through formal mechanisms rather than left entirely to custom or private retaliation. Royal authority occupied a central position in this system. Hammurabi's legal power was legitimized through divine mandate, especially through the symbolic association with Shamash as the god of justice. This connection between kingship and divine authority strengthened the moral and political foundation of Babylonian law.

The study also shows that codified law played an important role in regulating social, economic, familial, and professional relations. The Code addressed bodily injury, debt, trade, marriage, inheritance, slavery, wages, and professional responsibility. Although the system was not egalitarian by modern standards and remained deeply shaped by social hierarchy, it created a formal framework for dispute resolution, accountability, and social control.

Therefore, the Code of Hammurabi represents an important stage in the historical development of legal institutionalization. Its significance lies not only in its antiquity, but in its ability to show how an early state used written law to organize authority, define justice, regulate society, and produce legitimacy. Future research may develop comparative studies between Babylonian law and other ancient legal systems, such as Egyptian, Hebrew, Greek, or Roman law.

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