

Empire was probably the world's largest, with more than a million subjects. It ruled most of Mesopotamia, including the bulk of modern Iraq and parts of present-day Syria and Iran. The Babylonian king most famous today was Hammurabi. His fame is due primarily to the text that bears his name, the Code of Hammurabi. This was a collection of laws and judicial decisions whose aim was to present Hammurabi as a role model of a just king, serve as a basis for a more uniform legal system across the Babylonian Empire, and teach future generations what justice is and how a just king acts.

Future generations took notice. The intellectual and bureaucratic elite of ancient Mesopotamia canonised the text, and apprentice scribes continued to copy it long after Hammurabi died and his empire lay in ruins. Hammurabi's Code is therefore a good source for understanding the ancient Mesopotamians' ideal of social order.³

The text begins by saying that the gods Anu, Enlil and Marduk – the leading deities of the Mesopotamian pantheon – appointed Hammurabi 'to make justice prevail in the land, to abolish the wicked and the evil, to prevent the strong from oppressing the weak'.⁴ It then lists about 300 judgements, given in the set formula 'If such and such a thing happens, such is the judgment.' For example, judgements 196–9 and 209–14 read:

196. If a superior man should blind the eye of another superior man, they shall blind his eye.

197. If he should break the bone of another superior man, they shall break his bone.

198. If he should blind the eye of a commoner or break the bone of a commoner, he shall weigh and deliver 60 shekels of silver.

199. If he should blind the eye of a slave of a superior man or break the bone of a slave of a superior man, he shall weigh and deliver one-half of the slave's value (in silver).⁵

209. If a superior man strikes a woman of superior class and thereby causes her to miscarry her fetus, he shall weigh and deliver ten shekels of silver for her fetus.

210. If that woman should die, they shall kill his daughter.

211. If he should cause a woman of commoner class to miscarry her fetus by the beating, he shall weigh and deliver five shekels of silver.

212. If that woman should die, he shall weigh and deliver thirty shekels of silver.

213. If he strikes a slave-woman of a superior man and thereby causes her to miscarry her fetus, he shall weigh and deliver two shekels of silver.

214. If that slave-woman should die, he shall weigh and deliver twenty shekels of silver.⁶

After listing his judgements, Hammurabi again declares that

These are the just decisions which Hammurabi, the able king, has established and thereby has directed the land along the course of truth and the correct way of life... I am Hammurabi, noble king. I have not been careless or negligent toward humankind, granted to my care by the god Enlil, and with whose shepherding the god Marduk charged me.⁷

Hammurabi's Code asserts that Babylonian social order is rooted in universal and eternal principles of justice, dictated by the gods. The principle of hierarchy is of paramount importance. According to the code, people are divided into two genders and three classes: superior people, commoners and slaves. Members of each gender and class have different values. The life of a female commoner is worth thirty silver shekels and that of a slave-woman twenty silver shekels, whereas the eye of a male commoner is worth sixty silver shekels.

The code also establishes a strict hierarchy within families, according to which children are not independent persons, but rather the property of their parents. Hence, if one superior man kills the daughter of another superior man, the killer's daughter is executed in punishment. To us it may seem strange that the killer remains unharmed whereas his innocent daughter is killed, but to Hammurabi and the Babylonians this seemed perfectly just. Hammurabi's Code was based on the premise that if the king's subjects all accepted their positions in the hierarchy and acted accordingly, the empire's million inhabitants would be able to cooperate effectively. Their society could then produce enough food for its members, distribute it efficiently, protect itself against its enemies, and expand its territory so as to acquire more wealth and better security.

About 3,500 years after Hammurabi's death, the inhabitants of

thirteen British colonies in North America felt that the king of England was treating them unjustly. Their representatives gathered in the city of Philadelphia, and on 4 July 1776 the colonies declared that their inhabitants were no longer subjects of the British Crown. Their Declaration of Independence proclaimed universal and eternal principles of justice, which, like those of Hammurabi, were inspired by a divine power. However, the most important principle dictated by the American god was somewhat different from the principle dictated by the gods of Babylon. The American Declaration of Independence asserts that:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

Like Hammurabi's Code, the American founding document promises that if humans act according to its sacred principles, millions of them would be able to cooperate effectively, living safely and peacefully in a just and prosperous society. Like the Code of Hammurabi, the American Declaration of Independence was not just a document of its time and place – it was accepted by future generations as well. For more than 200 years, American schoolchildren have been copying and learning it by heart.

The two texts present us with an obvious dilemma. Both the Code of Hammurabi and the American Declaration of Independence claim to outline universal and eternal principles of justice, but according to the Americans all people are equal, whereas according to the Babylonians people are decidedly unequal. The Americans would, of course, say that they are right, and that Hammurabi is wrong. Hammurabi, naturally, would retort that he is right, and that the Americans are wrong. In fact, they are both wrong. Hammurabi and the American Founding Fathers alike imagined a reality governed by universal and immutable principles of justice, such as equality or hierarchy. Yet the only place where such universal principles exist is in the fertile imagination of Sapiens, and in the myths they invent and tell one another. These principles have no objective validity.

It is easy for us to accept that the division of people into 'superiors'

and 'commoners' is a fragment of the imagination. Yet the idea that all humans are equal is also a myth. In what sense do all humans equal one another? Is there any objective reality, outside the human imagination, in which we are truly equal? Are all humans equal to one another biologically? Let us try to translate the most famous line of the American Declaration of Independence into biological terms:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

According to the science of biology, people were not 'created'. They have evolved. And they certainly did not evolve to be 'equal'. The idea of equality is inextricably intertwined with the idea of creation. The Americans got the idea of equality from Christianity, which argues that every person has a divinely created soul, and that all souls are equal before God. However, if we do not believe in the Christian myths about God, creation and souls, what does it mean that all people are 'equal'? Evolution is based on difference, not on equality. Every person carries a somewhat different genetic code, and is exposed from birth to different environmental influences. This leads to the development of different qualities that carry with them different chances of survival. 'Created equal' should therefore be translated into 'evolved differently'.

Just as people were never created, neither, according to the science of biology, is there a 'Creator' who 'endows' them with anything. There is only a blind evolutionary process, devoid of any purpose, leading to the birth of individuals. 'Endowed by their creator' should be translated simply into 'born'.

Equally, there are no such things as rights in biology. There are only organs, abilities and characteristics. Birds fly not because they have a right to fly, but because they have wings. And it's not true that these organs, abilities and characteristics are 'unalienable'. Many of them undergo constant mutations, and may well be completely lost over time. The ostrich is a bird that lost its ability to fly. So 'unalienable rights' should be translated into 'mutable characteristics'.

And what are the characteristics that evolved in humans? 'Life', certainly. But 'liberty'? There is no such thing in biology. Just like

equality, rights and limited liability companies, liberty is something that people invented and that exists only in their imagination. From a biological viewpoint, it is meaningless to say that humans in democratic societies are free, whereas humans in dictatorships are unfree. And what about 'happiness'? So far biological research has failed to come up with a clear definition of happiness or a way to measure it objectively. Most biological studies acknowledge only the existence of pleasure, which is more easily defined and measured. So 'life, liberty, and the pursuit of happiness' should be translated into 'life and the pursuit of pleasure'.

So here is that line from the American Declaration of Independence translated into biological terms:

We hold these truths to be self-evident, that all men evolved differently, that they are born with certain mutable characteristics, and that among these are life and the pursuit of pleasure.

Advocates of equality and human rights may be outraged by this line of reasoning. Their response is likely to be, 'We know that people are not equal biologically! But if we believe that we are all equal in essence, it will enable us to create a stable and prosperous society.' I have no argument with that. This is exactly what I mean by 'imagined order'. We believe in a particular order not because it is objectively true, but because believing in it enables us to cooperate effectively and forge a better society. Imagined orders are not evil conspiracies or useless mirages. Rather, they are the only way large numbers of humans can cooperate effectively. Bear in mind, though, that Hammurabi might have defended his principle of hierarchy using the same logic: 'I know that superiors, commoners and slaves are not inherently different kinds of people. But if we believe that they are, it will enable us to create a stable and prosperous society.'

True Believers

It's likely that more than a few readers squirmed in their chairs while reading the preceding paragraphs. Most of us today are educated to react in such a way. It is easy to accept that Hammurabi's Code was a

myth, but we do not want to hear that human rights are also a myth. If people realise that human rights exist only in the imagination, isn't there a danger that our society will collapse? Voltaire said about God that 'there is no God, but don't tell that to my servant, lest he murder me at night'. Hammurabi would have said the same about his principle of hierarchy, and Thomas Jefferson about human rights. *Homo sapiens* has no natural rights, just as spiders, hyenas and chimpanzees have no natural rights. But don't tell that to our servants, lest they murder us at night.

Such fears are well justified. A natural order is a stable order. There is no chance that gravity will cease to function tomorrow, even if people stop believing in it. In contrast, an imagined order is always in danger of collapse, because it depends upon myths, and myths vanish once people stop believing in them. In order to safeguard an imagined order, continuous and strenuous efforts are imperative. Some of these efforts take the shape of violence and coercion. Armies, police forces, courts and prisons are ceaselessly at work forcing people to act in accordance with the imagined order. If an ancient Babylonian blinded his neighbour, some violence was usually necessary in order to enforce the law of 'an eye for an eye'. When, in 1860, a majority of American citizens concluded that African slaves are human beings and must therefore enjoy the right of liberty, it took a bloody civil war to make the southern states acquiesce.

However, an imagined order cannot be sustained by violence alone. It requires some true believers as well. Prince Talleyrand, who began his chameleon-like career under Louis XVI, later served the revolutionary and Napoleonic regimes, and switched loyalties in time to end his days working for the restored monarchy, summed up decades of governmental experience by saying that 'You can do many things with bayonets, but it is rather uncomfortable to sit on them.' A single priest often does the work of a hundred soldiers – far more cheaply and effectively. Moreover, no matter how efficient bayonets are, somebody must wield them. Why should the soldiers, jailors, judges and police maintain an imagined order in which they do not believe? Of all human collective activities, the one most difficult to organise is violence. To say that a social order is maintained by military force immediately raises the question: what maintains