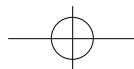
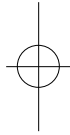
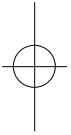
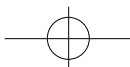
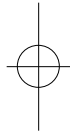
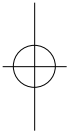




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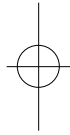
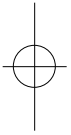




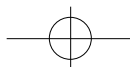


Early Mesopotamian Law

Russ VerSteeg



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For my wife, Nina, with love.

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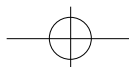


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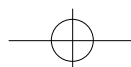
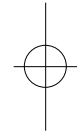
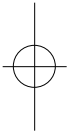
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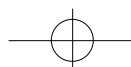
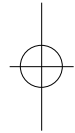
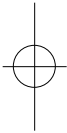
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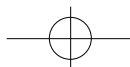
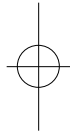
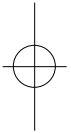
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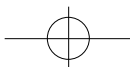
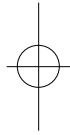
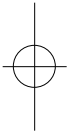




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Preface

Nearly a century has passed since archaeologists first discovered the now famous stela of the Laws of Hammurabi. Subsequently, other, earlier law collections from ancient Mesopotamia have also been unearthed and translated. Apparently, the people who inhabited the area in the vicinity of the Tigris and Euphrates rivers (roughly modern-day Iraq) about five thousand years ago were the first on earth to write down “laws” and to impose a semblance of order on the discipline that we today call “law”. The principal goal of this book is to provide an introduction to law in ancient Mesopotamia during its formative stages—roughly 3000 B.C. (the dawn of “history”) to 1600 B.C. (the sunset of the Old Babylonian period). In other words, generally speaking, this book looks at the first development of law in human history. Specifically, it surveys the famous law collections (*e.g.*, the Laws of Hammurabi, the Laws of Ur-Nammu, the Laws of Lipit-Ishtar, *etc.*), legal procedure, jurisprudence (*i.e.*, legal philosophy), and “substantive law” (*e.g.*, property, torts, and contracts).

I feel compelled to explain several things by way of my personal background. I am a lawyer and law professor, not an Assyriologist. Therefore, I do not bring to the table a first-hand knowledge of the primary sources. I do, however, have a reasonably sound background in ancient history and ancient legal systems. As an undergraduate, I majored in Latin, and I took numerous courses relating to ancient history and ancient civilizations. An Assyriologist, Dr. Ronald Sack, taught the first ancient history course that I took in college. I have always suspected that he devoted an unusually generous portion of our syllabus to the study of ancient Mesopotamia.¹ After college, I taught both Latin and Ancient History at the high school level for five years before going to law school. During the summer of 1982, I took a class on the Cultures of the Ancient Near East at my *alma mater*, the University of North Carolina at Chapel Hill, with Dr. Jack Sasson. While teach-

1. Our “general survey” of ancient history concluded at the end of the Third Punic War!



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ing high school, I studied Middle Egyptian under Dr. Edmund Meltzer for two semesters (also at UNC-CH). Thus, before law school, I had been both a student and teacher of ancient languages and civilizations.

In law school, I studied Roman Law (an obvious choice for someone with my background), and I wrote three papers relating to ancient law and/or Latin that were eventually published.² Since I began teaching law, I have written four articles that relate directly to ancient law: *Law in Ancient Egyptian Fiction*,³ *A Contract Analysis of the Trojan War*,⁴ *Early Mesopotamian Commercial Law*,⁵ and *The Roman Law Roots of Copyright*.⁶ I have twice taught a seminar entitled “Law in the Ancient World” at New England School of Law in Boston, Massachusetts.

Several years ago, I began work on a project that I intended to be a general survey of ancient law (*i.e.*, with chapters on law in ancient Mesopotamia, Egypt, Greece, and Rome). When I began doing research on Mesopotamia, I was surprised to discover that, unlike the case with both ancient Greek law and ancient Roman law, there were no general introductory texts on Mesopotamian law. I found myself reading articles, books, and doctoral dissertations that addressed specific aspects of Mesopotamian law (*e.g.*, the Laws of Hammurabi, Old Babylonian Marriage Law, Property law), but I could not find a general “survey.” As a consequence, after researching ancient Mesopotamian law for a year, I realized that I had begun to accumulate so much material that it deserved to be more than just a couple of chapters in a general book about ancient law. It was then that I approached Keith Sipe at the Carolina Academic Press about the possibility of writing the present work. From the first moment that I suggested it to Keith, he has been entirely supportive. Consequently, I put aside my work on the “general ancient legal history,”⁷ and devoted myself completely to working on ancient Mesopotamian law. After writing an initial draft, I en-

2. The paper that I wrote for my Senior Thesis was eventually published in the *JOURNAL OF LEGAL HISTORY*, *Law and the Security of Homeric Society*, 10 *J. LEGAL HIST.* 265 (1989). A paper that I wrote for my Advanced Contracts class was published in the *WHITTIER LAW REVIEW*, *From Status to Contract: A Contextual Analysis of Maine’s Famous Dictum*, 10 *WHITTIER L.REV.* 669 (1989). My book, *ESSENTIAL LATIN FOR LAWYERS* (Carolina Academic Press 1990) began as an independent study project under the direction of my Roman Law professor, Dr. Olympiad Ioffe.

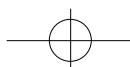
3. 24 *GA. J. OF INT’L AND COMP. L.* 37 (1994).

4. 40 *ARIZONA L. REV.* 173 (1998).

5. 30 *U. TOL. L. REV.* 183 (1999). The content of this article is substantially the same as chapter 11 and portions of the introduction in this book.

6. 59 *MARYLAND L. REV.* (forthcoming 2000).

7. I still hope to complete that project, so please stay tuned.





listed the help of three Assyriologists (two of whom are specialists in ancient Mesopotamian law) who read the manuscript and gave me very helpful feedback: my former professor, Dr. Ronald Sack at North Carolina State University; Dr. Martha T. Roth at the Oriental Institute, University of Chicago; and, Dr. Raymond Westbrook at Johns Hopkins University. I owe sincere thanks to each of them for taking the time to read the manuscript, and for making the effort to provide insight and helpful suggestions for improving the manuscript. All errors and omissions must be regarded as mine, not theirs.

Thus, although I have not been trained as an Assyriologist, I bring to the present work an abiding interest in the civilizations of the Ancient Near East, legal training, and experience teaching and writing about ancient legal systems. My aim has been to create a concise, accurate, and readable introduction to early Mesopotamian law that can be useful and informative for interested laypersons, undergraduates, graduate students, and scholars alike. In an effort to reduce the confusion caused by the multitude of variant spellings of ancient words, I have standardized most of the spellings, in quoted as well as original material.

I would be remiss if I failed to acknowledge the assistance of certain people who have helped in a number of ways. I have already mentioned the help given by Dr. Ronald Sack, Dr. Martha T. Roth, and Dr. Raymond Westbrook. They read and criticized the manuscript in an early iteration. In addition, I would like to thank the library staff at New England School of Law for their patience and perseverance in tracking down obscure articles, books, and doctoral dissertations. In particular our Reference Librarian, Barry Stearns always went out of his way to be helpful. Michael Kozuh, an assistant on the *Chicago Assyrian Dictionary*, and Dr. Roth did a great deal of work to help standardize the spellings of Old Babylonian words and terms. I very much appreciate the advice and ideas contributed by my editor, Tim Colton, at Carolina Academic Press. Thanks are also due to my family, Nina, Whitney, and Carl, for their patience and understanding. My daughter, Whitney, helped me with the arduous task of indexing, and for that I am deeply grateful.

R.V.
London
September, 1999

