Law in the Ancient World
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Contents

Preface xxiii

Unit I
Early Mesopotamian Law

Chapter 1  Background and Beginnings of Mesopotamian Law 3
§ 1.01  INTRODUCTION 3
§ 1.02  OVERVIEW OF THE LAW COLLECTIONS 4
§ 1.03  URUKAGINA’S (URU-INIMGINA’S) REFORMS 7
§ 1.04  UR-NAMMU 7
§ 1.05  LIPIT-ISHTAR 9
§ 1.06  ESHNUNNA 10
§ 1.07  THE LAWS OF HAMMURABI 12
[A] INTRODUCTION 12
[B] SUMMARY OF KEY LEGAL PRINCIPLES 15
[1] CONTRACTS 15
[2] SALES 15
[3] SOCIAL INSURANCE 16
[4] PROPERTY 16
[5] WOMEN 16
[6] TORTS 16
[7] DEBTS 16
[8] BUSINESS LAW 16
[9] PROCEDURE 17
[10] INHERITANCE 17
§ 1.08  JUSTICE & JURISPRUDENCE: THE ROLE OF LAW 17
[A] INTRODUCTION 17
## § 3.03 Family Law

[A] Introduction 46

[B] Marriage 47

[1] Entering and Maintaining Marriage 47


[4] Polygamy & Fidelity in Marriage 51

[5] Special Marriage Rights of Certain Women 51

[C] Divorce 51

[1] General 51


[3] Divorce Payments 53

[D] Parents, Children, & Caregivers 53

[1] Child Custody & Adoption 53


## § 3.04 Inheritance & Succession 55

[A] Introduction 55

[B] Order of Succession: Sons First 55

[C] Inheritance by a Wife 57

[1] Death of Husband—Wife Inherits Life Estate 57


[3] A Special Circumstance 57

[D] Inheritance by Female Child 57

[E] Death of Wife—Inheritance by Her Children 58

[F] Children of Female Slaves & Free Males 58

[G] Wills 59

## § 3.05 Criminal Law 60

[A] Introduction 60

[B] Homicide 60
x · Contents

[C] THEFT CRIMES 61
  [1] INTRODUCTION & GENERAL PROVISIONS 61
  [2] SELLING GOODS UNDER FALSE PRETENSES & THEFT BY FRAUD 63
  [3] BLACK MARKET RESALE 63
  [4] EMBEZZLEMENT 64
[D] SEXUAL CONDUCT 65
  [1] RAPE & INCEST 65
  [2] ADULTERY 65
[E] MILITARY CRIMES 66
[F] “CRIMINAL” TRESPASS & “CRIMINAL” NEGLIGENCE 67
[G] FALSE WITNESS/PERJURY 68
[H] MISCELLANEOUS CRIMES 68
  [1] RELIGIOUS OFFENSES 68
  [2] WITCHCRAFT 69
  [4] HARBORING CRIMINALS 69
[I] PUNISHMENTS 69

§ 3.06 TORTS 70

[A] THE PROBLEM OF CATEGORIZATION (BATTERY, NEGLIGENCE, STRICT LIABILITY) 70
[B] THE INFLUENCE OF “STATUS” ON TORT DAMAGES 72
[C] CATALOGUE OF TORTS & COMPENSATION 73
[D] ACTUAL WARNINGS OF FORESEEN DANGERS 74
[E] FAILURE TO MAINTAIN PROPERTY THAT DAMAGES ANOTHER & DAMAGE TO PROPERTY 75
  [1] PROPERTY THAT DAMAGES ANOTHER 75
  [2] DAMAGE TO PROPERTY 75
[F] LIABILITY FOR DAMAGE CAUSED BY OXEN 75
[G] PHYSICIAN’S LIABILITY 77
[H] DEFAMATION RELATING TO SEXUAL MISCONDUCT 77
[I] AFFIRMATIVE DEFENSES TO TORT: ASSUMPTION OF RISK & CONTRIBUTORY NEGLIGENCE 77
§ 3.07 TRADE, CONTRACTS, & COMMERCIAL LAW

[A] TRADE

[1] EARLY FOREIGN TRADE 78


[B] CONTRACTS 80

[1] INTRODUCTION 80

[2] CAPACITY TO CONTRACT 80

[3] CONTRACTS VOID DUE TO PUBLIC POLICY 81

[4] BAILMENT CONTRACTS 81

[5] CONTRACTS ON AN INTERNATIONAL SCALE: TREATIES 83

[6] MISCELLANEOUS CONTRACT RULES 84

[A] IMPLIED WARRANTIES 84

[B] ORDER OF PERFORMANCE & TIME FOR PAYMENT 85

[C] CONSIGNMENT 85

[D] EXCUSES FOR NON-PERFORMANCE OF A CONTRACT: CONTRACTS VOIDABLE DUE TO IMPOSSIBILITY OR IMPRACTICABILITY 85

[7] REMEDIES FOR BREACH OF CONTRACT 86

[C] GENERAL COMMERCIAL LAW 87

[1] AGENCY 87

[2] BUSINESS ORGANIZATIONS 88

[3] DEBTOR-CREDITOR LAW 89

[4] INTEREST RATES 91

[5] WAGES, PRICES, & FIXED-PRICE RENTALS 91

[6] TAXES 93

§ 3.08 CHAPTER SUMMARY 94

[A] PERSONAL STATUS 94

[B] PROPERTY 94

[C] THE FAMILY 95

[D] INHERITANCE & SUCCESSION 96

[E] CRIMINAL LAW 96

[F] TORTS 97

[G] TRADE, CONTRACTS, & COMMERCIAL LAW 98
Unit II

Law in Ancient Egypt

Chapter 4  Background and Beginnings of Egyptian Law

§ 4.01 INTRODUCTION 103
§ 4.02 BASIC NOTIONS OF JUSTICE 108
§ 4.03 MA’AT 109
§ 4.04 JUSTICE & JURISPRUDENCE: THE ROLE OF LAW 110
  [A] OVERVIEW 110
  [B] TRADITION & SECURITY 111
  [C] IMPARTIALITY & SOCIAL EQUALITY 112
  [D] MA’AT, JUSTICE, & JURISPRUDENCE IN THE TALE OF THE ELOQUENT PEASANT 113
§ 4.05 CHAPTER SUMMARY 115

Chapter 5  Legal Procedure, Institutions, & Organization

§ 5.01 INTRODUCTION 117
§ 5.02 COURT STRUCTURE IN THE OLD & MIDDLE KINGDOMS 118
  [A] OLD KINGDOM (c. 2700–2200 B.C.) 118
  [B] MIDDLE KINGDOM (c. 2040–1674 B.C.) 119
§ 5.03 COURT STRUCTURE IN THE NEW KINGDOM (c. 1552–1069 B.C.) 119
  [A] INTRODUCTION 119
  [B] PHARAOH & THE COURTS 119
  [C] DEIR EL-MEDINA 121
  [D] SPECIAL COURTS 121
§ 5.04 THE OFFICE OF VIZIER 122
§ 5.05 JUDGES 123
§ 5.06 OTHER COURT PERSONNEL & LAW ENFORCEMENT OFFICIALS 125
§ 5.07 ADJUDICATION BY ORACLE 125
§ 5.08 THE BASICS OF PROCEDURE 127
§ 5.09 ADHERENCE TO PRECEDENT 129
§ 5.10 OUTLINE OF LITIGATION PROCEDURE 130
§ 5.11 PRETRIAL & TRIAL PROCEDURE 131
The Concept of a Trustee for an Estate 159
Inheritance of Office 160

§ 6.05 Criminal Law & Tort Law (Damage to Persons & Things) 161
A. Introduction 161
B. Punishment: An Overview 161
   1. General 161
   2. Incarceration 163
C. The Landscape of Egyptian Crime & Tort 163
D. Theft/Conversion 165
   1. General 165
   2. The Great Tomb Robberies 166
E. Conspiracy/Treason & Homicide 167
F. Sexual Conduct: Homosexuality; Prostitution; Rape; Adultery 169
G. Judicial Misconduct 170
H. Extortion by Officials & Tax Collectors 171
I. Miscellaneous Wrongs 171
   1. Battery 171
   2. Trespass to Land 172
   3. Trespass to Chattels/Vandalism (Criminal Mischief) 172
   4. Defamation 172

§ 6.06 Trade, Contracts, & Commercial Law 173
A. Introduction 173
B. Business Organizations 174
C. Contracts 175
D. Foreign & International Aspects 179
E. General Commercial Law: Credit, Security, & Standard Media of Exchange 180
F. Customs Tax & Tax on Municipal Office 182
Chapter 9  Substantive Law

§ 9.01 PERSONAL STATUS 225
[A] CITIZENSHIP 225
[B] FOREIGNERS & METICS 227
[C] SLAVES & FREEDMEN 228

§ 9.02 PROPERTY 229
[A] INTRODUCTION 229
[B] REAL PROPERTY 231
[C] MINES 232
[D] RESOLVING OWNERSHIP DISPUTES RELATING TO PERSONAL PROPERTY 233

§ 9.03 FAMILY LAW 234
[A] INTRODUCTION: POWER & CONTROL 234
[B] MARRIAGE & DIVORCE 235
[C] CHILDREN 237

§ 9.04 INHERITANCE & SUCCESSION 239
[A] INTESTATE SUCCESSION 239
[B] ADOPTION & WILLS 241

§ 9.05 CRIMINAL LAW 242
[A] INTRODUCTION 242
[B] HOMICIDE 243
[1] GENERAL 243
[2] CATEGORIES 243
[3] PROCEDURE 245
[C] THEFT CRIMES 247
[D] SEXUAL CONDUCT 248
[E] CRIMINAL BATTERY 250
[F] HUBRIS 250
[G] RELIGIOUS OFFENSES 251
   [1] INTRODUCTION 251
   [2] LAWS RELATED TO FESTIVALS 251
   [3] IMPIETY 251
   [4] ATHEISM 252
[H] MISCELLANEOUS CRIMES 252
   [1] ARSON 252
   [2] PRODOSIA (BETRAYAL) 252
   [4] EISANGELIA 252
§ 9.06 TORTS 253
   [A] INTRODUCTION 253
   [B] BATTERY 253
   [C] FALSE IMPRISONMENT 254
   [D] DEFAMATION 254
   [E] DIKE BLABES 255
§ 9.07 TRADE, CONTRACTS, & COMMERCIAL LAW 256
   [A] INTRODUCTION 256
   [B] LEASE CONTRACTS 257
   [C] LOANS 257
   [D] BREACH OF CONTRACT 258
   [E] COMMERCE 258
   [F] TAXES 259
      [1] INTRODUCTION 259
      [2] LITURGIES (FORCED PHILANTHROPY) 260
§ 9.08 CHAPTER SUMMARY 260
   [A] PERSONAL STATUS 260
   [B] PROPERTY 261
   [C] FAMILY LAW 261
   [D] INHERITANCE & SUCCESSION 262
   [E] CRIMINAL LAW 263
   [F] TORTS 264
   [G] TRADE, CONTRACTS, & COMMERCIAL LAW 265
§ 11.03 THE THREE CHRONOLOGICAL PHASES OF ROMAN PROCEDURE
[A] LEGIS ACTIONES 291
[B] FORMULARY PROCEDURE (PER FORMULAM) 291
[C] EXTRAORDINARY PROCEDURE (COGNITIO) 293

§ 11.04 CRIMINAL PROCEDURE 294
[A] INTRODUCTION 294
[1] THE EARLY CRIMINAL COURTS—QUAESTIONES PERPETUAE 294
[B] JURIES & JURORS 295
[C] CRIMINAL PROCEDURE & AFFIRMATIVE DEFENSES 296

§ 11.05 EVIDENCE

§ 11.06 CHAPTER SUMMARY 299

Chapter 12 Substantive Law

§ 12.01 PERSONAL STATUS 303
[A] INTRODUCTION 303
[B] CITIZENSHIP 303
[1] GENERAL 303
[2] CAPITIS DEMINUTIO 305
[C] SLAVES AND FREEDMEN 306

§ 12.02 PROPERTY 309
[A] INTRODUCTION: THE MOST SIGNIFICANT CATEGORIES 309
[B] ADDITIONAL CATEGORIES 311
[C] LEGAL TITLES CONNECTED WITH THINGS 313
[D] METHODS OF ACQUISITION OF PROPERTY 314
[1] MANcipatio 314
[2] TRADitio 315
[3] IN IURE CESSIO 316
[4] OCCUPATIO 316
[ A] GENERAL 316
[ B] THESAURI INVENTIO 317
xx · Contents

[5] SPECIFICATIO 318
[6] ACCESSIO 319
[7] USUCAPIO 320
[E] IURA IN RE ALIENA (RIGHTS IN THE THING OF ANOTHER) 320

§ 12.03 FAMILY LAW 322
[A] POWER & CONTROL: PATERFAMILIAS 322
[B] MARRIAGE & DIVORCE 323
[1] GENERAL CONSIDERATIONS 323
[2] TYPES OF MARRIAGE 324
[3] DIVORCE 325
[C] ADOPTION 326
[D] TUTORS 327
[E] CURATORS 328

§ 12.04 INHERITANCE & SUCCESSION 328
[A] INTRODUCTION 328
[B] INTESTATE SUCCESSION 328
[C] TESTATE SUCCESSION 330

§ 12.05 CRIMINAL LAW 333
[A] CRIMINAL LIABILITY & ELEMENTS OF CRIME 333
[B] HOMICIDE 334
[C] THEFT CRIMES 335
[D] VIS 337
[E] SEXUAL CONDUCT 337
[1] ADULTERY & STUPRUM 337
[2] INCEST 338
[F] INIURIA 339
[G] CRIMES AGAINST THE STATE 340
[1] PERDUELLIO & MAIESTAS 340
[3] PECULATUS & DE RESIDUIS 341
[4] AMBITUS 341
[5] COUNTERFEITING & FORGERY 341
[H] MISCELLANEOUS CRIMES 342
[1] STELLIONATUS 342
[2] KIDNAPPING 342
[3] SALE OF RUNAWAY SLAVES 343
[4] CASTRATION & CIRCUMCISION 343
[5] GAMBLING 343
[6] CRIMES RELATED TO RELIGION 343

§ 12.06 TORTS (OBLIGATIONES EX DELICTO & OBLIGATIONES QUASI EX DELICTO) 344
[A] CLASSIFICATION: THE LAW OF OBLIGATIONS 344
[B] OBLIGATIONES EX DELICTO (DEILCTA) 345
[1] INTRODUCTION 345
[2] FURTUM (THEFT) 345
[3] RAPINA (ROBBERY WITH VIOLENCE) 346
[4] DAMNUM INIURIA DATUM (PROPERTY DAMAGE) 346
[5] INIURIA (PERSONAL INJURY) 347
[6] MISCELLANEOUS DELICTS 347
[C] NOXAL LIABILITY & LIABILITY FOR DAMAGE CAUSED BY ANIMALS 348
[D] OBLIGATIONES QUASI EX DELICTO (QUASI DELICTS) 348

§ 12.07 TRADE, CONTRACTS & COMMERCIAL LAW 349
[A] INTRODUCTION 349
[B] VERBAL CONTRACTS 350
[C] LITERAL CONTRACTS 351
[D] REAL CONTRACTS 351
[E] CONSENSUAL CONTRACTS 353
[F] INNOMINATE CONTRACTS 354
[G] CONTRACT DAMAGES 354
[H] OBLIGATIONES QUASI EX CONTRACTU 355
[I] REAL SECURITY 356
[J] BUSINESS ENTITIES 356
[K] TAXES 357
<table>
<thead>
<tr>
<th>§ 12.08 CHAPTER SUMMARY</th>
<th>357</th>
</tr>
</thead>
<tbody>
<tr>
<td>[A] PERSONAL STATUS</td>
<td>357</td>
</tr>
<tr>
<td>[B] PROPERTY</td>
<td>358</td>
</tr>
<tr>
<td>[C] FAMILY</td>
<td>360</td>
</tr>
<tr>
<td>[D] INHERITANCE &amp; SUCCESSION</td>
<td>361</td>
</tr>
<tr>
<td>[E] CRIMINAL LAW</td>
<td>362</td>
</tr>
<tr>
<td>[F] TORTS</td>
<td>364</td>
</tr>
<tr>
<td>[G] TRADE, CONTRACTS &amp; COMMERCIAL LAW</td>
<td>365</td>
</tr>
</tbody>
</table>

Further Reading 369
Index 375
Preface

The primary goal of the present volume is simple. I wish to provide a modern introduction to ancient law. It is common for undergraduate students of ancient history to focus their attention on four great civilizations: the Mesopotamians; Egyptians; Greeks; and Romans. Admittedly, this syllabus ignores other worthy civilizations such as the Hebrews, Chinese, and those peoples who inhabited the Indus River Valley. With the understanding that the traditional (i.e., Mesopotamian, Egyptian, Greek, and Roman) approach has shortcomings, I, nevertheless, have chosen to follow that traditional model. There are many books that give excellent introductions to Roman law. There are significantly fewer books devoted to Athenian law. And there are only a handful that relate to law in ancient Mesopotamia and Egypt. There is, I believe, need for a single-volume survey that offers an overview of law and the legal systems in these four great civilizations.

This book contains four units. Unit I explores early law in ancient Mesopotamia. Unit II addresses law in ancient Egypt. Unit III is devoted to law in Classical Athens. And Unit IV provides a survey of Roman law. Each unit contains three chapters. The first chapter in each unit presents an overview. It gives essential historical background material and explains the origins of law. These chapters also probe the meaning of law in the abstract and acquaint the reader with the jurisprudential foundations of law. The second chapter in each unit examines the legal system and its structures and procedures. In particular the middle chapters describe the court systems, judges, and jurors. These chapters also discuss legal procedure and the law of evidence. The final chapter in each unit considers substantive law (i.e., personal status, family law, inheritance, property, torts, criminal law, and contracts). In order to make this information more understandable to modern readers, these chapters explain the ancient laws using contemporary legal categories. As one might presume, it is this final chapter in each unit that is the longest.

A great deal that has been written about ancient law has been written by specialists in Assyriology, Egyptology, and Classics. I am neither an Assyriologist nor Egyptologist. I am something of a Classicist, however. I majored in Latin in college at the University of North Carolina at Chapel Hill. And I
taught high school Latin and Ancient History for five years after my college graduation (1979–1984). I studied Egyptology under Dr. Edmund Meltzer at UNC-CH while I was teaching high school, and I briefly (for 4–5 years) considered attending graduate school in Egyptology. During that same time, I took a summer school course (The Cultures of the Ancient Near East) under Dr. Jack Sasson at UNC-CH. I attended the University of Connecticut School of Law (1984–1987) and studied Roman Law there. I practiced law for two years in Hartford, Connecticut prior to beginning my career as a law professor. Thus, my training has been a mixture of ancient languages, literature, history, civilization, and law. As such, I hope that I am able to offer an organization, approach, perspective, and insight that will help readers appreciate law and its role in these magnificent and dynamic ancient civilizations.

I have a long list of individuals whom I would like to thank. First and foremost, I’ve dedicated the book to Dr. Christina Elliott Sorum. Christie taught me seven classes during my Freshman and Sophomore years in college. She was my first Latin and Greek professor and also taught me Greek Tragedy. She did her best to sharpen my critical thinking skills, to improve my prose style, and to force me to take myself a little less seriously. Her energetic teaching and thought-provoking lectures sparked my interest and inspired me to continue studying Classics. It is difficult for me to imagine what I’d be doing today had she not been there. Christie, from the bottom of my heart, I thank you for making a difference in my life.

Unit I is essentially a condensed version of my book, Early Mesopotamian Law. Dr. Martha Roth at the Oriental Institute, University of Chicago, Dr. Raymond Westbrook at John Hopkins University, and Dr. Ronald Sack at North Carolina State University read and commented on an early draft of that manuscript, and thus contributed to Unit I of the present work. Similarly, Unit II is a condensed version of my book, Law in Ancient Egypt. Dr. Janet Johnson at the Oriental Institute, University of Chicago and Dr. Richard Jasnow at Johns Hopkins University read and commented on an early draft of that manuscript, and thus contributed to Unit II of the present volume. My father, Bob VerSteeg, read that manuscript when it was near completion and gave me valuable advice regarding style, grammar, spelling, and punctuation. So Dad, thanks for making Unit II read more smoothly and correctly. Dr. Ed Carawan at Southwest Missouri State University read Unit III in an early iteration and then read it again when it was near completion. Ed’s comments and suggestions clarified a number of issues for me, helped me better understand some of the nuances of Athenian law, and generally improved that Unit. Dr. Kathryn Williams at the University of North Carolina at Greensboro read and commented on Unit IV. Her criticisms and
recommendations greatly enhanced the accuracy of those chapters. My wife, Nina Barclay (B.A. Classics, Brown University; M.A. Latin, University of North Carolina at Chapel Hill), who teaches Latin and Greek at the Norwich Free Academy in Norwich, Connecticut read pretty much everything at one stage or another. As always, her common sense suggestions and perceptive analysis made this a better book both microscopically and macroscopically. Thanks are also due to the students in my Roman Law Class at the University of Malta during the summer of 2001 who offered a number of helpful suggestions for chapters 10–12. All errors and omissions are, of course, my responsibility and should not be attributed to these generous people who unselfishly gave their time and energy to help improve my work.

John F. O’Brien, Dean of New England School of Law and the Board of Trustees offered their support for this project by giving me funding through the Honorable James R. Lawton Summer Research Stipend program. In particular, I wrote the initial drafts of Unit III (1996) and Chapter 5 (2000) pursuant to James R. Lawton Summer Research Stipends. I wrote a significant amount of Units II and IV while on Sabbatical at the Institute of Advanced Legal Studies at the University of London (Fall 1999). My hosts in London and the library staff at the IALS were very helpful.

I would also like to thank the Carolina Academic Press. I am genuinely indebted to Keith Sipe, the Publisher. Keith encouraged me to undertake this project six years ago when it was nothing more than an idea casually raised over dinner. His support, enthusiasm, warmth, and sense of humor have made the path easier to travel. Tim Colton and Kasia Krzysztoforska, my editors, have kept their wits about them and endured numerous unreasonable demands that I’ve placed on them. Thank you for your patience with me, Tim and Kasia.

I’ve tried to keep the number of footnotes down. Because there are very few general works on either Mesopotamian or Egyptian law, I’ve footnoted those units more generously than the units on Athenian and Roman law. For the sake of consistency and simplicity, I have standardized most ancient spellings and proper names (e.g., Thutmose not Thutmosis) and I’ve liberally changed them even in quoted material and titles.

R.V.

Boston, October 2001