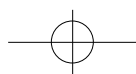
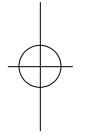
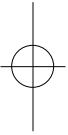
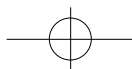
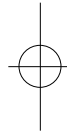
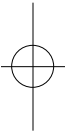


Law in the Ancient World





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Russ VerSteeg

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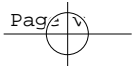
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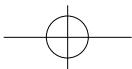
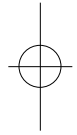
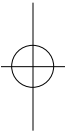
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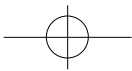
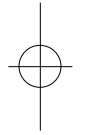
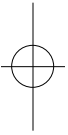
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For Christina Elliott Sorum





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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

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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 VerSteege, 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

