Mesopotamian Law

NEHC 30019 (= NEHC 20019, LLSO 20019, SIGN 26022)
Winter 2022
Monday, 3:30-5:50 pm

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Office Hours on Zoom Wednesdays, 12-5pm; or by appointment
https://uchicago.zoom.us/j/97872164163?pwd=QlpoR1q5cHRkbFV2eStjQjM2aFM3Zz09

Course Description: Ancient Mesopotamia -- the home of the Sumerians, Babylonians, and Assyrians who wrote in cuneiform script on imperishable clay tablets -- was the locus of many of history’s “firsts.” It was in Mesopotamia that plants and animals were first domesticated, urban centers and complex economic and social structures were first developed, pristine writing systems emerged, and science, literature, and religious and political institutions all thrived. No development, however, may be as important as the formations of legal systems and legal principles: along with tens of thousands of contracts and trial records, at least seven law collections (“codes”) survive, among which “The Laws of Hammurabi” (r. 1792-1750 BC) stands as the largest, most comprehensive, and most important for understanding subsequent legal practice and thought in ancient Israel and Rabbinic Judaism, in Greece and Rome and their territories, in Islamic lands, and in their cultural heirs in the Middle East and Europe until today. This introductory course will include contemporary theoretical works on comparative legal history and explore the rich source materials of the Laws and relevant judicial and administration documents (all in English translations) in order to investigate topics of legal, social, and economic practice including family formation and dissolution (marriage, divorce, adoption, inheritance, adultery, etc.); crime (homicide, theft, assault, etc.) and punishment (sympathetic or talionic “eye for an eye,” pecuniary, corporal); and procedure (contracts, trials, ordeals).

Prerequisites: None. All primary texts will be in English translations.

Texts (on reserve), * = required in class:
*The Hebrew Bible – a good translation such as the NJPS, NRSV, or the NKJV
J. Robertson, Iraq: A History (2016) (recommended)
all other articles are available on Canvas

Requirements and grades: Attendance and participation are mandatory (50%). There will be one written assignment (50%), an annotated or critical bibliography; the topic must be approved by the

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1 For LH (Laws of Hammurabi) please refer to the newer translation on Canvas; for LU (Laws of Ur-Namma) refer also to the more recent treatment of M. Civil, in A. R. George, ed., Cuneiform Royal Inscriptions and Related Texts in the Schøyen Collection 17 (2011) 221-86, with the composite text and translation on pp. 240-52 (on Canvas).
end of Week 6. Final papers are due on Wednesday, 9 March 2022. (If you need an extension, just ask!)

**Accommodations**: All accommodations for students who require assistance will be granted in compliance with the University’s accessibility policies, as determined by the Office of Student Disability Services; see [http://studentmanual.uchicago.edu/disability](http://studentmanual.uchicago.edu/disability).

**Academic honesty**: Always use your own words. When *quoting* from any source – books, articles, Wikipedia, the Web – always (a) indicate that you are quoting, (b) identify what you are quoting, and (c) provide footnotes identifying your source. When *paraphrasing* or summarizing another’s views, be sure to provide footnotes identifying your source. See the following local pages for further guidance:

- [http://studentmanual.uchicago.edu/policies](http://studentmanual.uchicago.edu/policies)
- [https://internationalaffairs.uchicago.edu/page/honest-work-and-academic-integrity-plagiarism](https://internationalaffairs.uchicago.edu/page/honest-work-and-academic-integrity-plagiarism)

**Attendance and absences**: Please notify instructor before any class that you must miss. More than 1 (one) unexcused absence will reduce your grade for the course by one increment for each missed unexcused absence; e.g., the highest possible grade for the course after a second unexcused absence is an A-, after a third unexcused absence is B+, etc.

**UChicago Healthpact**: All students on campus are required to adhere to the guidelines in the UChicago Health Pact in order to promote a safe environment in the classroom.

- Secure face coverings must be worn appropriately at all times while in University buildings.
- Do not attend an in-person class if you feel unwell or are experiencing COVID-19 related symptoms.
- The complete text of the UChicago Health Pact along with additional information about COVID-19 protocols can be found online.

**Reporting COVID-19 Related Concerns**: Any concerns over inappropriate PPE usage, physical distancing, cleaning/disinfection, or other COVID-19 related public health concerns should be directed to UCAIR. If there is an emergency, call 773-702-8181 or dial 123 on any campus phone.

**Reporting COVID-19 Exposure or Confirmed Case**: If you were potentially exposed to COVID-19 or your COVID-19 test results come back positive, reach out immediately to C19HealthReport@uchicago.edu.
Week 1 (M, 3 Jan) Introduction: (1) Ancient Mesopotamia, (2) what is “law”?; (3) what are the law collections? Classes of person
Secondary sources:
  R. Yaron, Eshnunna pp. 132-70

Week 2 (M, 10 Jan) Burglary, Theft, and Misappropriation
HebBible: Ex 21:37, 22:1-8; Lev 19:11; Dt 22:1-3; 2 Sam 12:1-6
Documents: ARM 14 51; Sumer 14 54; TIM 4 33; YOS 8 159; YOS 14 40; Emar 257; UET 7 9; RA 111 88 No. 1; AbB 13 12
Secondary sources:

Week 3 (M, 17 Jan) Homicide
Laws: LU §1; LE § 47A; LH §§ 1, 24, 153, 229
HebBible: Ex 21:12-3, 14, 22:2; Lev 24:17; Num 35:16-24, 30, 31-33; Dt 19:4-13, 22:8, 27:24; 2 Sam 4:5-12; 2 Sam 14; 1 Kgs 2:28-35
Documents: 3N-T273+ (Nippur Homicide); BIN 7 10; Riffin 46; Veenhof AV 38; Birot Mem Vol 130; ARM 6 43;
Secondary sources:

Week 4 (M, 24 Jan) Bodily Injuries, Assault, Talion
HebBible: Ex 21:12-26, 22:2; Lev 24:17-20; Num 35:16-24, 30-33; Dt 19:5-21
Documents: UCP 9 379; HSS 5 43; AASOR 16 72; YOS 7 97; TCL 12 117
Secondary sources:

Week 5 (M 31 Jan) Goring Oxen
Laws: LOx (all); LE §§ 53-55; LH §§ 250-52
HebBible: Ex 21:28-36
Documents: PBS 7 7; JEN 335; JEN 341; JEN 349
Secondary sources:

Week 6 (M, 7 Feb) Family Law: Marriage
HebBible: Ex 21:7-10; Dt 21:10-14, 22:29, 24:1-4; Gen 29, 34; 1 Sam 18
Documents: ICK 1 3; CT 48 51; ZA 82 202; CT 45 86; VAS 6 3; YOS 6 188; BRM 4 52
Secondary sources:
J. Renger, "Who are All Those People?" Orientalia NS 42 (1973) 259-73.
M. Roth, Neo-Babylonian Marriage Agreements, AOAT 222 (1989).
M. Stol, Women in the Ancient Near East
R. Westbrook, Old Babylonian Marriage Law, AfO Beiheft 23 (1983)

Week 7 (M, 14 Feb) Family Law: Sexual Offenses
Laws: LU §§ 6-8, 14; LL §§ 33; SLEx 7'-8'; SLHF iv 10-11; LE §§ 26, 28, 31; LH §§ 127, 129, 130, 131, 132, 133b, 153-58; MAL A §§ 9, 12-16, 17, 18-20, 22, 23, 55, 56
HebBible: Ex 22:16-18; Lev 18:6-23, 20:11-16; Dt 22:20-29, 23:1; Gen 38
Documents: Sumer 15 22ff; 3N-T273+ iv; Cagni AV 511
Secondary sources:

Week 8 (M, 21 Feb) Procedures: Evidence, Oaths, Witnesses,
Laws: LU §§ 28-29; LX a-b (=) SLEx § 8'; SLHF i 6-8, ii 43-45, iii 3-7, iv 23-24.
Documents: PBS 5 100; Garelli AV 333; Janssen MHE; ARM 26 249; ARM 26 488; CT 29 42-43; AfO 17 2; ARM 26 250; ARM 26 252; YOS 7 7;
MORE TO BE ADDED

Week 9 (M, 28 Feb) Debt and Social Justice
Laws: LU § 3, LE §§ 22-24; LH §§ 38, 48, 49, gap a, 113-18, 178, 241; MAL A §§ 28, 32, 39
Documents: Edict of Ammi-ṣaduqa
Yaron, Esbnumma pp. 132-70