Mesopotamian Law
NEHC 30019 (= NEHC 20019, LLSO 20019, SIGN 26022)
Winter 2019
Walker 302
Tuesdays & Thursdays, 3:30-4:50

Professor Martha T. Roth
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Office & office hours: Oriental Institute 324
Wednesdays, 1:30-3 and by appt

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 translated into English; this syllabus includes secondary sources in English only.

Texts (on Regenstein reserve or to purchase at SemCoop). * = required in class:
* The Hebrew Bible – a good translation such as the NRSV, NJPS, or the NKJV
D. Charpin, Writing, Law, and Kingship in Old Babylonian Mesopotamia (2010)
J. Robertson, Iraq: A History (2016) (highly recommended for background reading)

Additional primary and secondary material will be posted on Canvas and/or placed on Regenstein reserve.

Requirements and grades: Attendance and participation are mandatory (50%). There will be one final paper (50%). Your paper topic must be approved by the end of Week 5; an outline and

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1 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, posted on Canvas.
Annotated bibliography are due by the end of Week 9; the final paper is due by Monday of Week 11 (March 18).

**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)

**Week 1** (T 8 Jan, Th 10 Jan) and **Week 10** (T 12 Mar): Intro: (1) classes of persons; (2) the nature of “law”; and (3) what are the law collections?

**Secondary sources:**


**Week 2** (T 15 Jan, Th 17 Jan) **Burglary, Theft, and Misappropriation**


* Cun Documents:

**Secondary sources:**


Week 3 (T 22 Jan, Th 24 Jan)  Family Law: Marriage
Biblical Laws: Ex 21:7-10; Deut 21:10-14, 22:29 (seduction unbetrothed virgin), 24:1-4 (remarriage), 25:5-6 (Levirate) (Gen 29, 34, 38; 1 Sam 18)
Documents:
Secondary sources:
J. Renger, "Who are All Those People?" Orientalia NS 42 (1973) 259-73.
M. Roth, Babylonian Marriage Agreements, 7th-3rd centuries BC, AOAT 222 (1989).

Week 4 (T 29 Jan, Th 31 Jan) Sexual Offenses
Cun 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
Documents:
Secondary sources:

Week 5 (T 5 Feb, Th 7 Feb) Homicide [PAPER TOPIC APPROVED BY THURS]
Cun Laws: LU 1; LE § 47A; LH §§ 1, 24, 153
Documents:
Secondary sources:

Week 6 (T 12 Feb, Th 14 Feb) Bodily Injuries and Assault (Talion)
Cun Laws: LU §§ 18-22; LE §§ 42-48; LH §§ 196-220; MAL A §§ 50-53; HL §§ 7-18
Biblical Laws: Exod 21:12-26, 22:2; Lev. 24:17-20; Num 35:16-24, 30, 31-33; Deut 19:5-121
Documents:
Secondary sources:
*M. Roth, "Justice, Crime, and Punishment," in Yale Peabody Catalog (ms. in Canvas)

Week 7 (T 19 Feb, Th 21 Feb) Goring Oxen
Cun Laws: LE §§ 53-55; LH §§ 250-52
Biblical Laws: Exod 21:28-31
Documents: JEN 341, JEN 335, JEN 349
Secondary sources:

Week 8 (T 26 Feb, Th 28 Feb) Procedure: Evidence, Oaths, Witnesses, Ordeals
Cun Laws: All, with special attention to LU §§ 28-29; LX a-b (=) SLEX § 8'; SLHF i 6-8, ii 43-45, iii 3-7, iv 23-24.
Documents:
Secondary sources:

Week 9 (T 5 March, Th 7 Mar) Debt Relief and Social Justice [PAPER OUTLINE & DRAFT DUE BY THURSDAY]
Cun Laws:
Biblical Laws: Lev 25
Documents: Reforms of Uru-ka-gina; Edict of Ammi-Saduqa; Edict of Samsu-Iluna
Secondary sources:

**Week 10** (T 12 Mar) See Week 1.

**Week 11** **Final paper due on Monday, 18 March**

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