

LAW AS AN INTERDISCIPLINARY SCIENCE LAW, JUSTICE AND MYTH (I) ANCIENT TIMES

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Abstract

The approach of such a subject is not a fantasy, nor is it new. It is interesting to find out that quite a lot of people have been particularly interested both in law and justice and in the origin of mankind. Our theme is part of an amazing study regarding our origin as human beings and its impact upon behavior. We must assert from the beginning that our own past lies far behind, and justice and law codes, that might be thought of as required by "civilized" society, appeared about 400.000 years ago and written law in 2050 BC in the so-called "lost empires," which appeared and disappeared long ago and were governed by gods themselves.

The present paper is an attempt to observe all these aspects and we have done it not only from a juridical viewpoint, but combined and supported by history, archeology, and last but not least, by mythology.

Key words: *justice, law codes, lost empires, gods,*

1. Introduction

Exploring the astonishing world of Law Codes as it has been historically recorded, the researcher instantly feels the impulse not to take them as separate human attempts meant to improve relationships of multiple kinds among people, but place them inside life itself as a sort of *archeological* proof that people have been living together during various periods of time.

If the world we live in were to be destroyed, after thousands of years somebody might try to re-build our society and, who knows, he might be helped by the remnants of some Law Codes we used as well. They may offer him the image of our society as ordered by laws. All this because the fact that laws are as old as men can be proved today.

The idea becomes even more striking, if we focused our attention not on the future, but on the distant past where *history* gets intermingled with *mythology*, *archeology*, *folklore*, etc. Unfortunately, the very result of it is doubted, suspicion being cast upon it, while both scientists and theologians refuse to admit it as true.

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As we intend to start writing this kind of papers on *ancient Law Codes*, and taking into consideration the statements above, we may start with a conclusion: we'll do it by using an *interdisciplinary approach* of the highest degree, because we also have to call in imagination, fantasy, maybe a world of poetry, upon what is generally called *mystery*.

The natural question that arises here is: *How can one doubt and take as mystery something that can be proved in different concrete ways, including Law Codes?* To this question we haven't got an answer yet!

1.1 The beginnings

Most often we do not have the spare time to even ask ourselves why we socially act or react in a certain way and not in another one. When it comes to laws, as this is our topic of interest, we do not always consider that thoughts concerning ancient times really matters. Still, a short journey into the ancient world of *Babylonia*, for instance, opens the door to a fascinating world that happened to give us everything our present civilization has today.

However, *Mesopotamia* is only one of the ancient places where a great civilization flourished at about 2000 BC (besides Sumer, South America, Central America, etc.) and became "foundation" for the future civilized life on earth.



1.2 Ancient Babylonian lifestyle

Life in Babylon was rather sophisticated. Babylon was an important place starting 1700BC and after many events it reached its most glorious period in 500 BC.

The 'Mesopotamian culture' covered the whole area from the Persian Gulf up around to Syria. Babylon sat in about the middle of this arc. The whole culture was based on the two great parallel rivers (Tigris, Euphrates), and the land between. The land between had been laced with many canals used to water as many farm plots, and was green, wet and flat (like all the surrounding area). The population was large,

¹ www.science.co.il/Maps-Near-East-Empires.asp

agriculture was highly organized and concentrated in dozens of great cities, formed into city states.

These were walled cities with battlements on top and grand gates circling them. Dominating the cities there were step pyramids (ziggurats) that in the. Food was essentially bread (usually barley, sometimes wheat) and beer (bread fermented to alcohol and flavored). The rivers provided fish, water creatures and birds.²

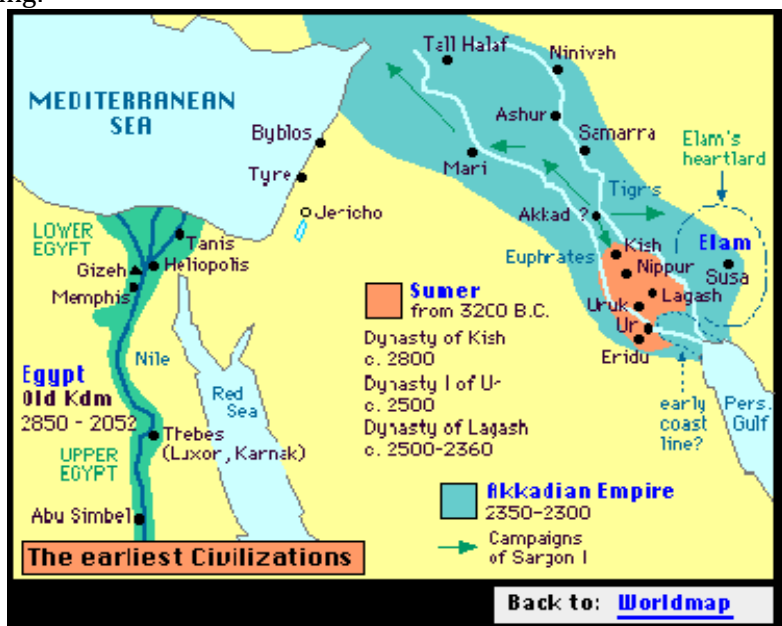
1.3 Mesopotamian culture

Sumer means approximately "land of the civilized *kings*" or "native land". It was an *ancient civilization* and historical region in *southern Mesopotamia*, (modern Iraq), during the Chalcolithic and Early Bronze Age. Although the earliest historical records in the region do not go back much further than 2900BC. Modern historians have asserted that Sumer was first settled between ca. 4500 and 4000 BC by a *non-Semitic people* who may or may not have spoken the *Sumerian language* (pointing to the names of cities, rivers, basic occupations, etc. as evidence).

1.4 Law codes in ancient Babylonia

Law students usually learn that the first known Law Code was that of Hammurabi. It is true that his Code is the largest and the best known one, but maybe this is a good opportunity to show some previous attempts. As one may see easily, the area where laws appeared first is Sumer (Mesopotamia).

We've tried to go backwards as far as possible and draw a list with the best known personalities and the laws related to them. The result of our research shows the following:



² *Apud: Wikipedia, the free encyclopedia. Also see: Mesopotamia, by Joshua J. Mark.*

³ *en.wikipedia.org/wiki/Sumer*

1. *Shamash the Sun God*⁴
2. *The Laws of Urukagina* (Sumerian, 2350 BC)
3. *The Laws of Ur-Namrnu* (Sumerian, 2112-2095 BC)
4. *The Laws of Lipit-Ishtar* (Sumerian 1934-1924 BC)
5. *The Laws of Eshnunna* (Sumerian State)
6. *The Code of Hammurapi* (Babylonian, 1792-1750 BC)
7. *The Code of the Nesilim* (Hittite c. 1650-1500 BC)

2. Assyria

Assyria was a major Semitic kingdom or empire of the Ancient Near East, existing in various forms during a period of approximately nineteen centuries from circa 2500 BC to 605 BC. Centered on the Upper Tigris river, in northern Mesopotamia, the Assyrians came to rule powerful empires at several times. As substantial part of the greater Mesopotamian "cradle of civilization", Assyria was at the height of technological, scientific and cultural achievements for its time.

*Assyrian tradition itself lists an early Assyrian king named **Ushpia** as having dedicated the first temple to the god **Ashur** in the city in the 21st century BC. It is highly likely that the city was named in honour of the Assyrian god of the same name.*

2.1 Assyrian law was very similar to *Sumerian* and *Babylonian* law,⁵ although the penalties for offenses were generally more brutal and barbaric. The first copy of the code to come to light, dated to the reign of Tiglath-Pileser I, was discovered in the course of excavations by the German Oriental Society (1903–1914). In it punishments such as the cropping of ears and noses were common, as it was in the Code of Hammurabi, which was composed several centuries earlier. Murder was punished by the family being allowed to decide the death penalty for the murderer.

3. Egypt, Aztec and Maya Civilization, Inca Civilization.

A characteristic of ancient times is the fact that civilization did not spring in a place and point only, but we find it spread all over the world and possessing astonishing similar characteristics as if possessing the same origin.

Many things have been written about *Egypt* and its magnificent civilization, so it may sound redundant to say something here.

3.1 Law and the Legal System in Ancient Egypt

Essentially, we believe that Egyptian law was based on a common sense view of right and wrong, following the codes based on the concept of Ma'at. Ma'at represented truth, order, balance and justice in the universe. This concept allowed that everyone, with the exception of slaves, should be viewed as equals under the law, regardless of wealth or social position. However, when punishment was carried out, often the entire

⁴ List of ancient legal codes, From Wikipedia, the free encyclopedia

⁵ http://en.wikipedia.org/wiki/Assyrian_law#cite_note.

family of the guilty suffered as well. For example, when individuals were sentenced to exile, their children were automatically outlawed along with them. If a relative deserted from military service, or defaulted on the labor demands of the state, the entire family might be imprisoned.

4. The ancient Maya civilization

The ancient Maya civilization existed for over two thousand years before the arrival of the Spanish conquistadores in the 16th century. The ancient Maya settled in Central America, southern Mexico, and the Yucatan peninsula, and are believed to have been connected to the northern areas of Mesoamerica through their trading activities. For many years, very little was known about the ancient Maya. However, this has recently changed as a result of ongoing progress made by researchers in deciphering various Mayan hieroglyphic texts.⁶ The Maya civilization developed in different stages, but thinking of ancient times, we consider here the Classic Period (from 250 – to 900 A.D).

4.1 Mayan law

Mayan law was very, very strict. It did not matter who you were but if you committed a crime you would be punished. This was enforced rigidly. Some of the punishments were things like a hefty fine, or having all of your possessions sold on auction, or being sold into slavery or possibly getting thrown into a jail for varying lengths of time. Mayan law was pretty fair. The Mayan's held good lawful trials. They collected evidence and presented it before a Judge.

5. Inca Empire

Inca or Inka Empire was the largest empire in pre-Columbian America. The administrative, political and military center of the empire was located in Cusco in modern-day Peru. The Inca civilization arose from the highlands of Peru sometime in the early 13th century.

From 1438 to 1533, the Incas used a variety of methods, from conquest to peaceful assimilation, to incorporate a large portion of western South America, centered on the Andean mountain ranges, including, besides Peru, large parts of modern Ecuador, western and south central Bolivia, northwest Argentina, north and north-central Chile, and southern Colombia into a state comparable to the historical empires of Eurasia.⁷

There were many local forms of worship, most of them concerning local sacred "Huacas", but the Inca leadership encouraged the worship of Inti - the sun god - and imposed its sovereignty above other cults such as that of Pachamama. The Incas considered their King, the Sapa Inca, to be the "child of the sun." As ancient

⁶ tarlton.law.utexas.edu/exhibits/aztec/maya_about.htm

⁷ www.crystalinks.com/incan.html

civilizations sprang up across the planet thousands of years ago, so too the Inca civilization evolved. As with all ancient civilizations, its exact origins are unknown. Their historic record, as with all other tribes evolving on the planet at that time, would be recorded through oral tradition, stone, pottery, gold and silver jewelry, and woven in the tapestry of the people.

5.1 The Inca law

The Inca law was very strict. It may be resumed to: don't steal, don't be lazy, and don't lie.⁸ Crime and Punishment: There was almost no crime in the Inca Empire. Inca laws were very harsh. Punishment was swift.

Every day, criminals were taken to the city gates and assigned a begging bowl. As people passed by, criminals had to announce their crimes. If their stories were interesting, people would toss food or small trinkets into the begging bowls. That way, each criminal could prove how many people had stopped to listen as they confessed their crimes. And the people had daily reminders of what would happen to them if they broke the law.

5.2 The Hittite Empire.

*The Hittites were an **Ancient Anatolian** people who established an empire at **Hattusa** in north-central Anatolia around the 18th century BC. This empire reached its height during the mid-14th century BC under **Suppiluliuma I**.*

The Hittite language belonged to the Indo-European language family. They referred to their native land as *Hatti*, and to their language as *Nešili* (the language of Neša).

5.3 The Code of the Nesilim

*The Code of the Nesilim (Hittite from 1650-1500 BC) was not written by somebody named Nesilim. With the Code of the Nesilim, it is uncertain who the author was. It probably is a generic term for the population living there. All that is known is that it was someone in the Hittite society, probably a *king*, because of the tone used in it.*

The author wrote the code somewhere between 1650 BC and 1500 BC. During this same time period, some Hittite cities had already been abandoned, but most were still there, as the society would take until about *1000 BC to completely collapse*. Since the author was likely someone of high power, their point of view would have been the ruler of many people, someone who had authority and was used to being obeyed. Therefore, the tone of the code is authoritative and strict. The code was written for the people of the Hittite civilization. Since it was a law code, it contained the laws that they were supposed to live by.

The rules were organized in eight groups. These eight main groups of laws were:⁹

I Aggression and assault: Clauses 1 – 24

II Marital relationships: Clauses 26 – 38

⁸ lawmedia.pepperdine.edu/wavesofjustice/2012/07/10/chau.../img_4316/

⁹ en.wikipedia.org/wiki/Hittite_laws

III Obligations and service - TUKUL: Clauses 39 – 56

IV Assaults on property and theft: Clauses 57 – 14

V Contracts and prices: Clauses 145 - 161

VI Sacral matters: Clauses 162 – 173

VII Contracts and tariffs: Clauses 176 – 186

VIII Sexual relationships - HURKEL: Clauses 187 - 200

(Including the criminalisation of bestiality (*except* with horses and mules).

The death penalty was a common punishment among sexual crimes.

5.4 Common Features

Although belonging to different periods of time and especially different areas on the Earth, these civilizations have certain similarities which are worth being mentioned here:

1). they all appeared suddenly, “without childhood”;

2). they all belong to the so called “Lost Empires” or empires “without history”, because after having reached a peak, they simply vanished;

3). the fact that they say laws were initially handed over to ordinary people by some *disputed personalities* was common not only here and then, but almost everywhere where laws in ancient times are mentioned. Even more, these controversial personalities say out loud that the laws have been given to them by *gods*, gods who had been living with them for quite a long time before they left earth, not without promising to return and still keeping an eye on the civilization they’d made up.

What really seems interesting and even amazing is that with these Codes of Law we get an intermingling between justice, concrete, human order and the much suspected existence of gods among people. Could it be just mythology?

4). however, they had a flourishing civilization that had an impact upon the entire future development of mankind; and

5). life in those empires was based on laws, although, as the story goes, people during those times were extremely primitive, they had just stopped crawling and therefore living according to laws sounds unbelievable.