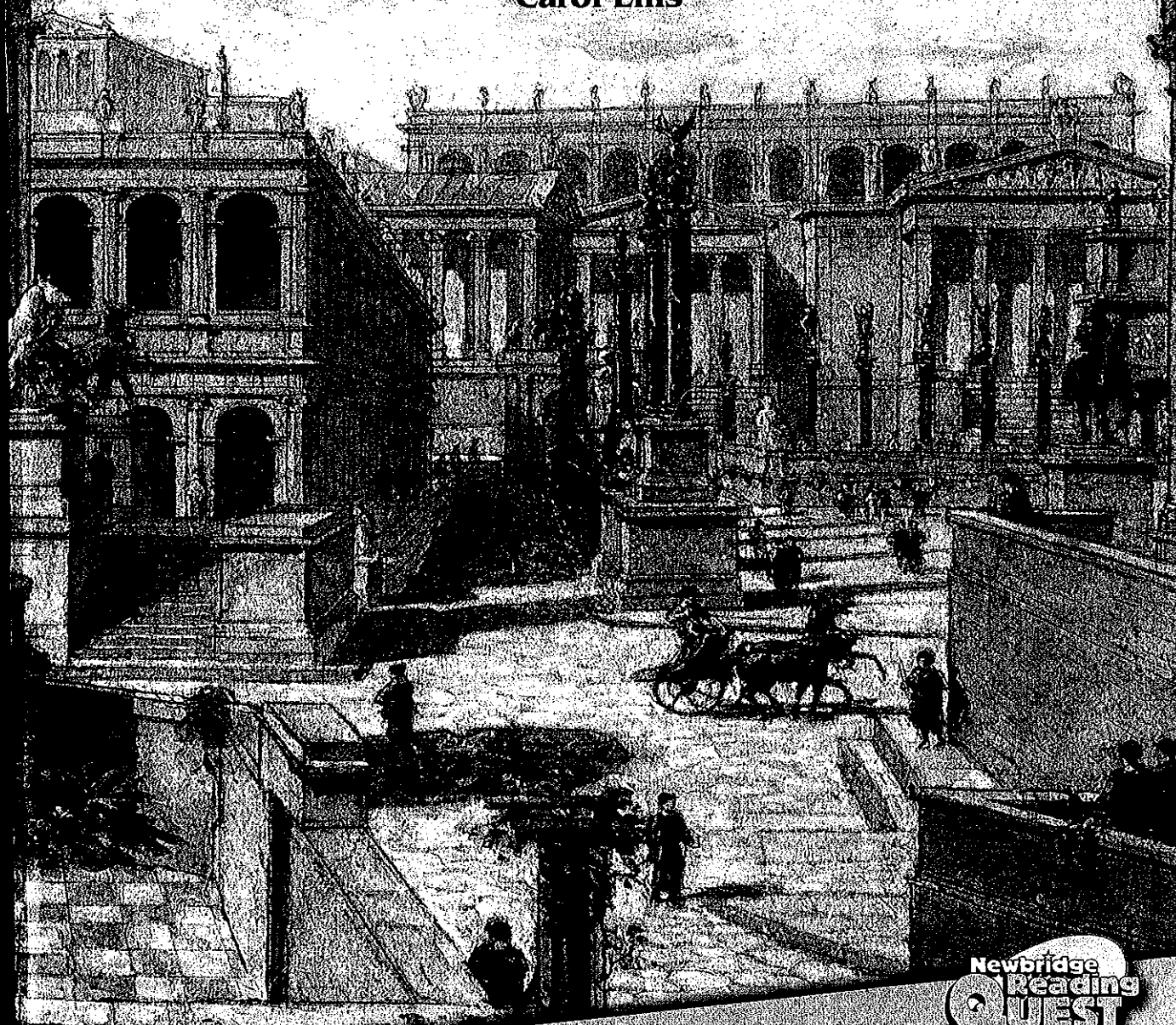


# *Law and Order In the Ancient World*

Carol Ellis



Newbridge  
Reading  
**QUEST**

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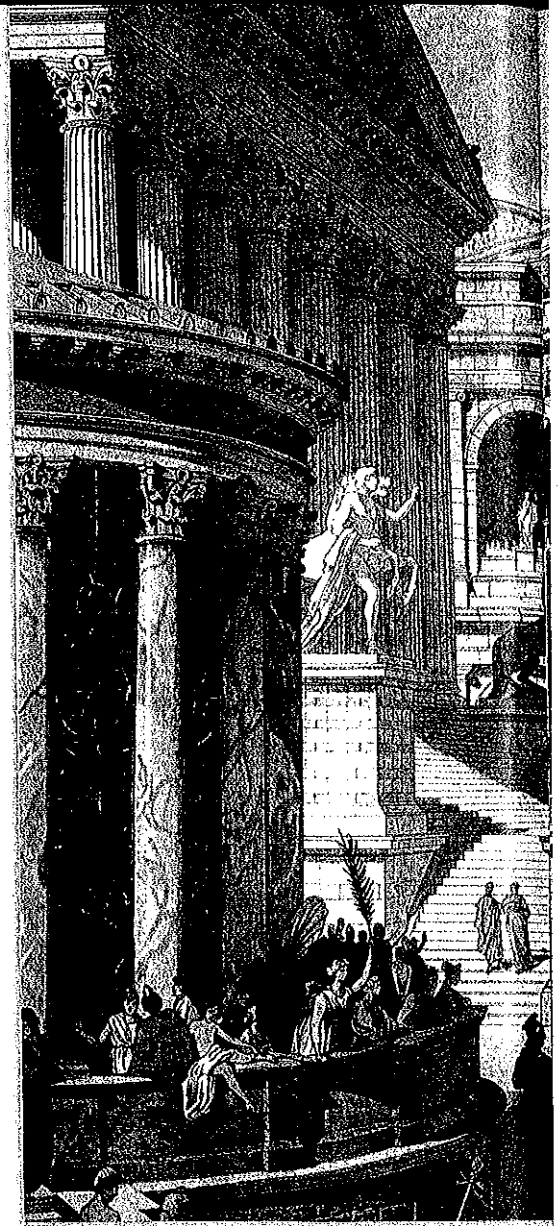
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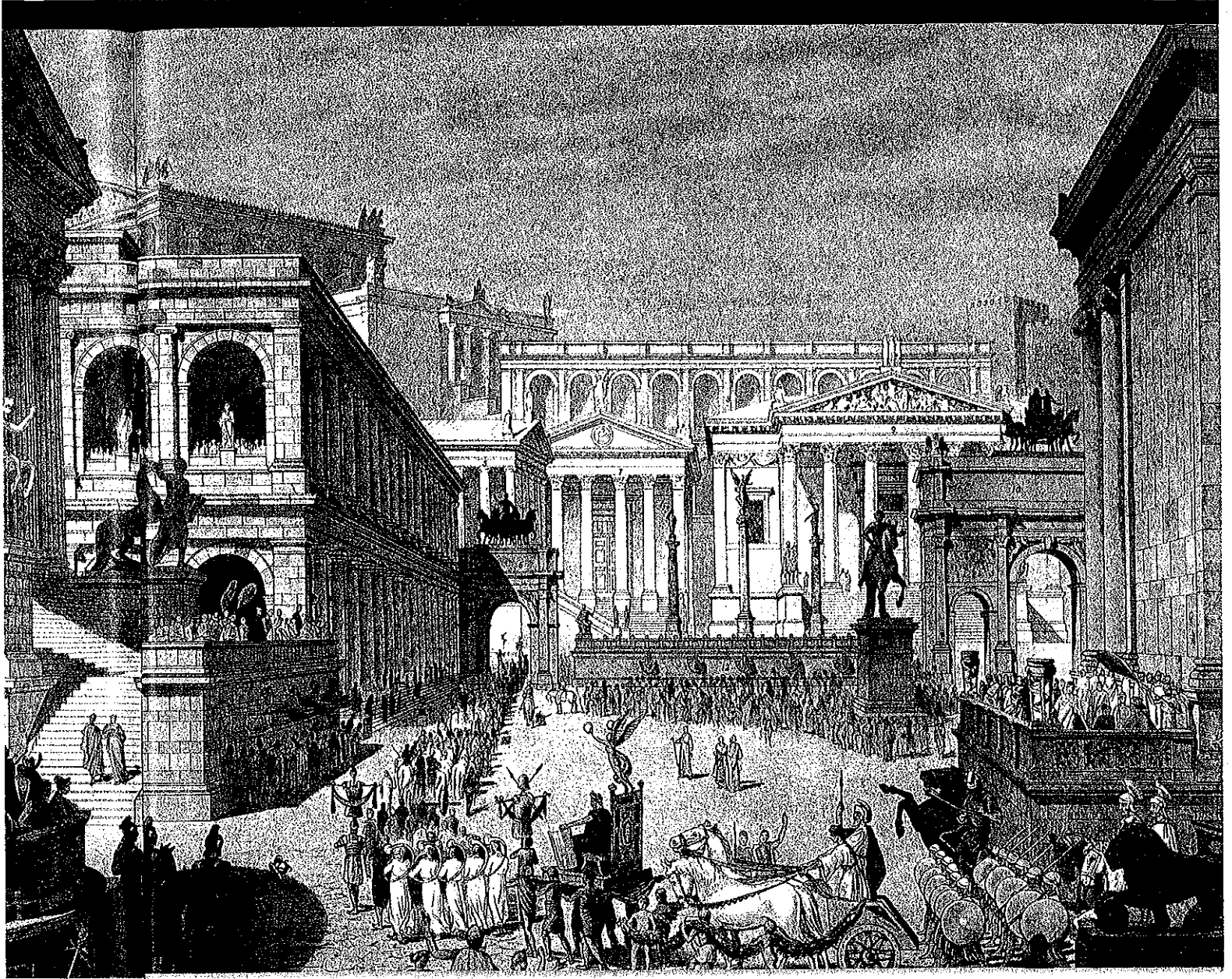


# Crime and Punishment

**Babylon, 1749 BC** The crash awakens everyone who lives on the narrow, crooked street in ancient Babylon. A new house has collapsed! Even worse, the owner's son is dead, crushed by a tumbling wall of sun-dried brick. The neighbors shake their heads. What a tragedy to lose a son. He could have worked and brought wealth to the family. But the owner knows what the rules in Babylon say. The man who built the house may have to pay with the life of his own son.

**Greece, 620 BC** Clutching two stolen cabbages, a thief races through a marketplace in ancient Greece. Shouts go up along the busy streets. The thief hears footsteps pounding behind him. He must run faster! He knows what may happen if he is caught. The food seller, or even witnesses, may throw him down a rocky cliff to his death. It's the law.





Laws in ancient Babylonia, Greece, and Rome were displayed near public buildings so everyone could see them.

**Rome, 400 BC** Roman soldiers glare at the man they have just captured. He's the lowest of the low—a deserter. This coward, who ran from battle, endangered the lives of his fellow soldiers. They know what the law allows them to do. Grabbing heavy stones from the ground, the soldiers hurl them at the deserter until he dies.

What terrible punishments! Is this any way to run a civilization?

## Ancient Civilizations

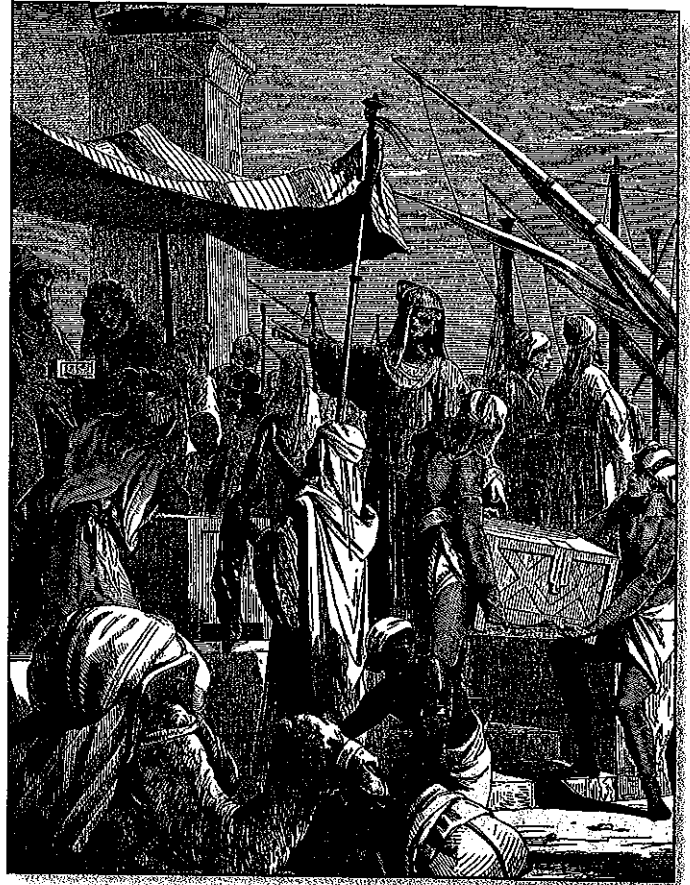
Picture this civilization. In ancient Babylonia the lands stretch hundreds of miles. Several walled cities lie along the riverbanks. Farming villages dot the landscape outside each city's **fortified** mud walls. Almost everyone lives in mud huts—farmers, soldiers, slaves, shopkeepers, shepherds, and shipbuilders.

Now picture this. You are in charge of them all. You have the power over these people and the problems they cause—lying, cheating, stealing, and even murder.

How do you keep these problems from destroying the **society**? How do you keep it orderly and organized? You might use laws and punishments to control the people and teach them how to behave. That's what we do today. That's what ancient leaders did too.

That Babylonian builder's faulty work killed another man's son. That was a terrible thing in a time when many children died before reaching adulthood. The loss of a son meant the loss of family income and labor. Families needed laws to protect them.

Did that cabbage thief deserve to be thrown to his death? The ancient Greeks thought so. What if dozens of thieves did that? Many shops in the marketplace might close. Farmers might not be able to sell their crops. No matter how hungry people were, stealing food could wreck the whole **economy**.

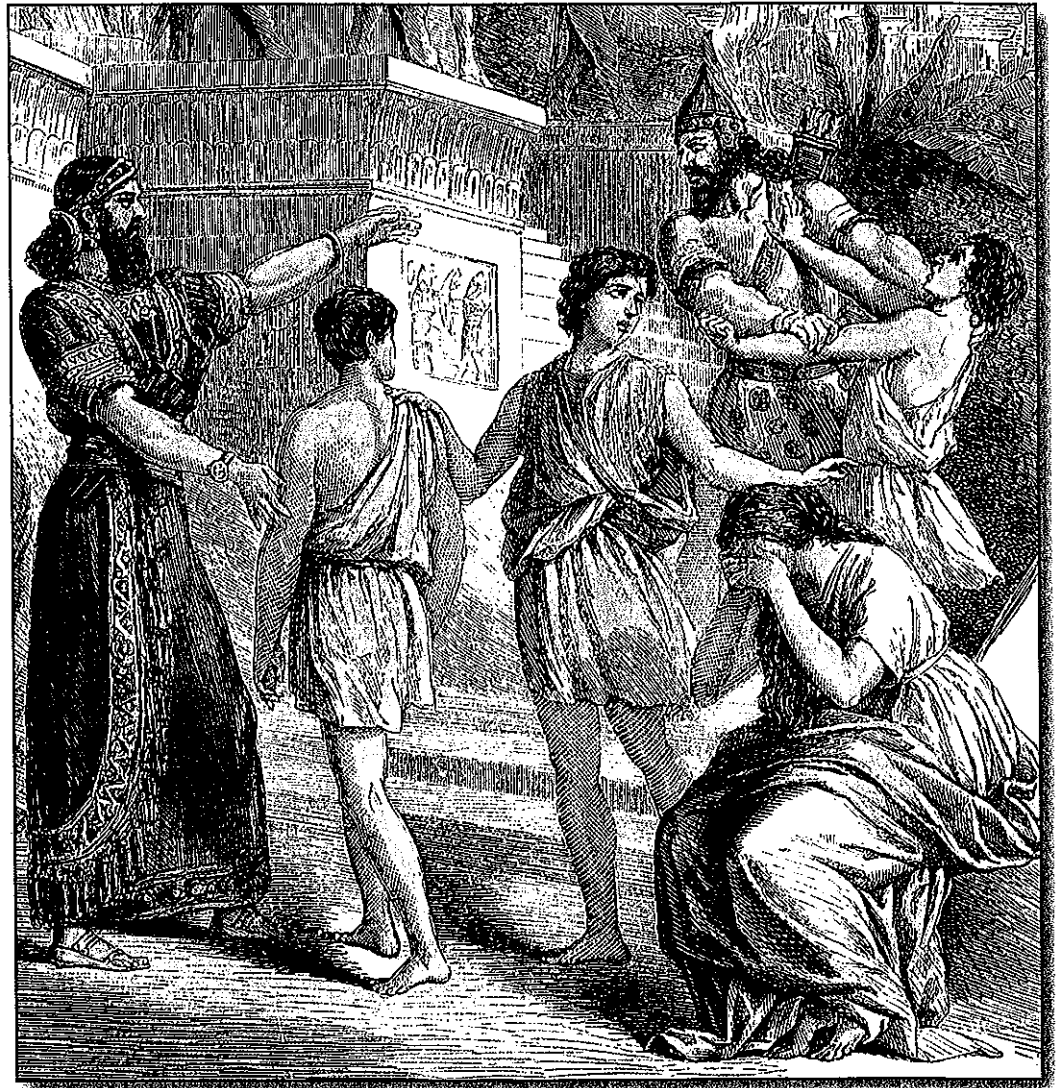


Even traders had to follow the laws of the lands where they sold or traded goods.



The Roman military needed to be strong and unified to protect Roman lands and people from being attacked. A deserter could weaken the army's strength and put the whole society at risk. Stoning a deserter to death showed soldiers that cowardice would not be tolerated.

Did such harsh laws succeed in bringing order to ancient Babylonia, Greece, and Rome? Let's find out.



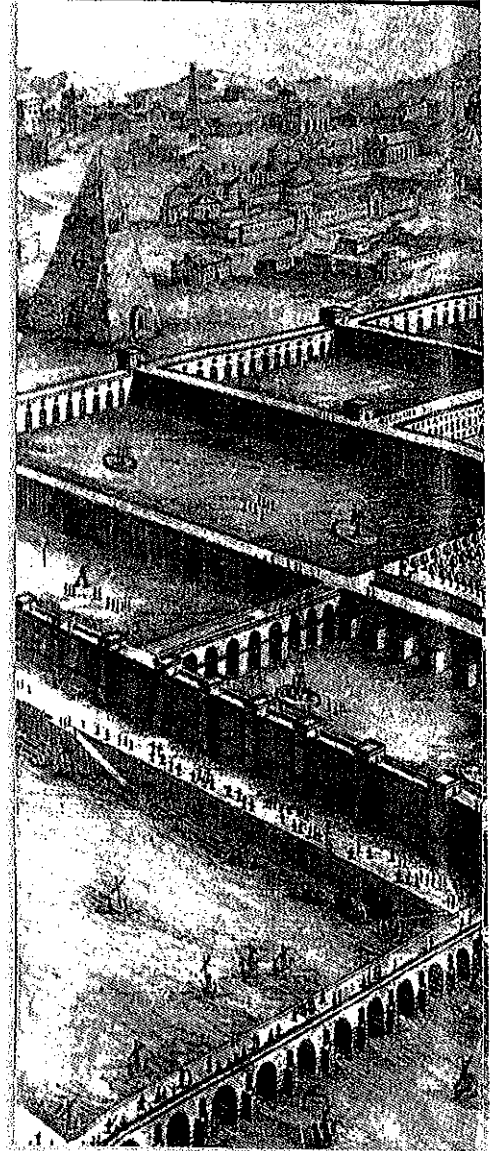
Laws in early civilizations applied not only to citizens but also to captured slaves from other lands.

# A Search for Justice

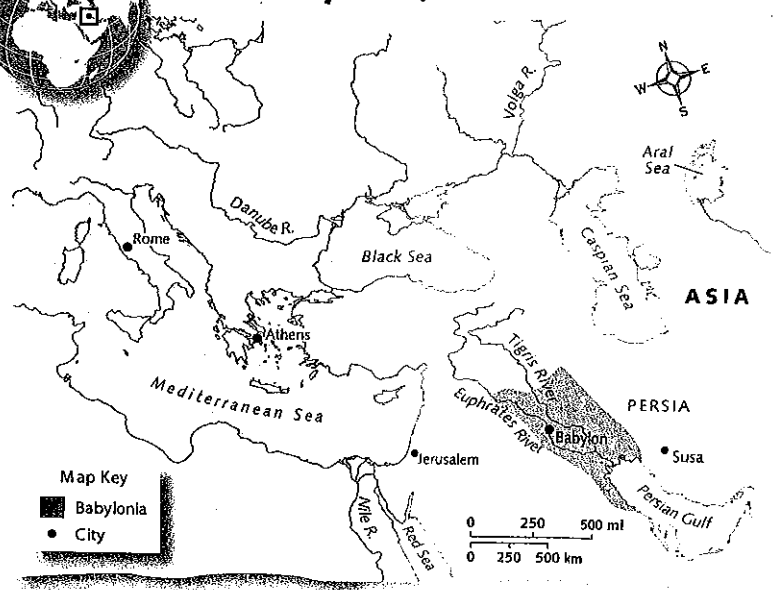
It's 1750 BC in the Babylonian desert. A farmer has accused a shepherd of stealing water from his **irrigation** ditch. During the argument, he knocks out the herder's teeth. The shepherd wants justice. He has heard about a monument in the city of Babylon. It lists rules for punishing people who harm others. He decides to go there.

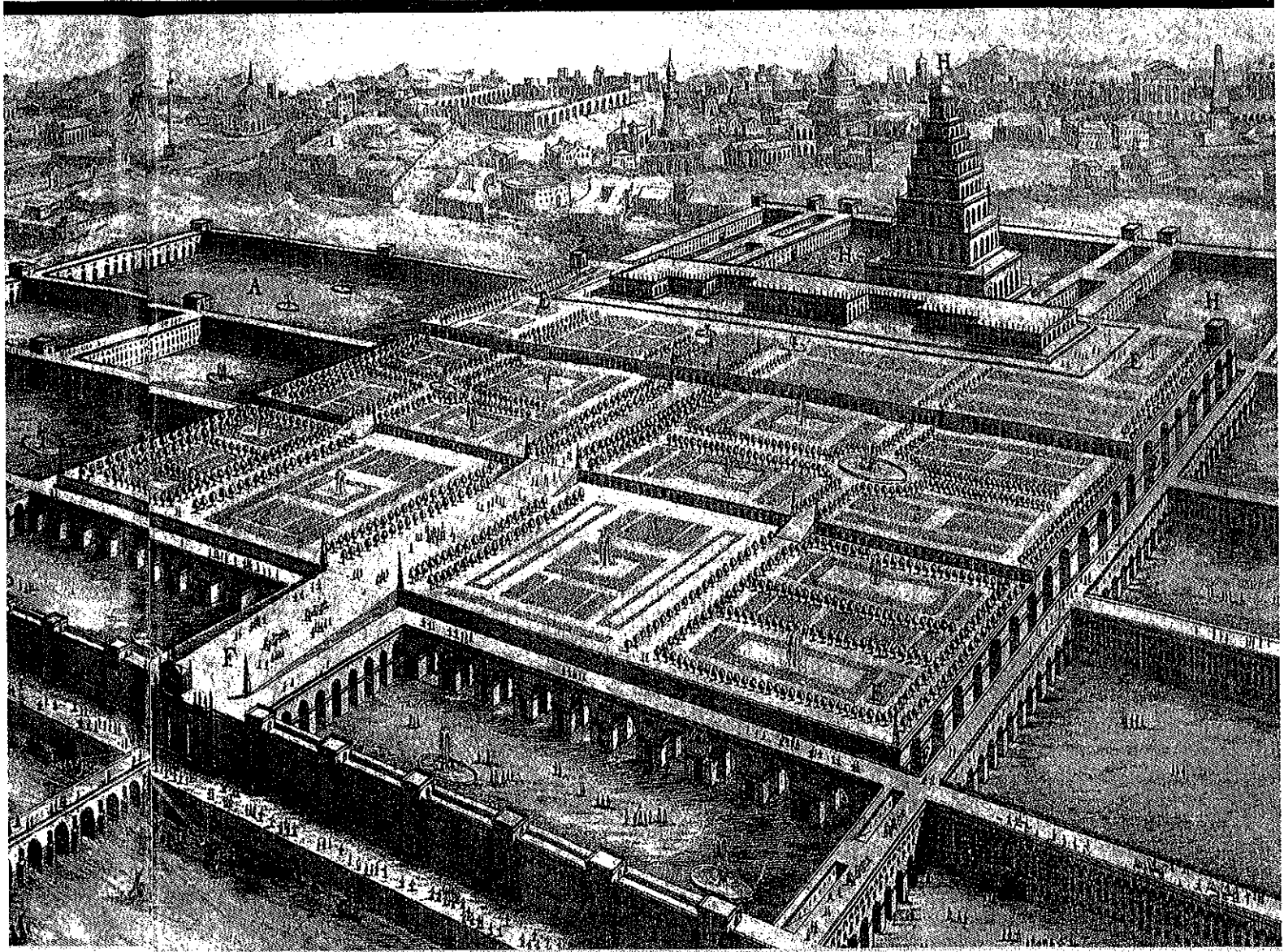
## Bringing Order to the City

Every day, crowds of people enter the gates of the great walled city. Some people are **nomads**, herders who come to Babylon to sell their sheep's wool or goats' milk. Others are farmers who sell barley, figs, dates, and sesame oil in the markets. Their fields lie on a green belt of land along the Tigris and Euphrates rivers. Just outside the city gates, along the riverfront, fishermen sell their catch. And traders from other lands arrive with carts and boats filled with furniture, tools, carvings, and jewels.



Babylonia, 1750 BC

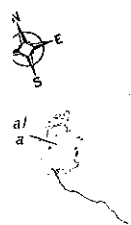




Babylon's thick walls and gates protected its people from enemy invaders. This made the people inside Babylon's walls feel safe.

Inside Babylon's walls live several classes of people—a wealthy class of royal rulers and landowners, a middle class of government officials, scientists, and craftsmen, a poorer class, and slaves. Grand palaces are filled with riches—jewels, carvings, and paintings. In the poorest mud houses nearby, people struggle to feed their families.

What kind of leader does it take to keep order among so many groups? How does a leader control people who speak different languages and practice different **customs**? What should be done about those who steal, cheat, and harm others? King Hammurabi knows what to do.



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## A King to the Rescue

Hammurabi was king of Babylonia from 1792 to about 1750 BC. This period has been called Babylonia's "Golden Age." During Hammurabi's long rule, he accomplished much. And he did something new. He made a list of 282 rules and punishments to bring order to people from different tribes and places. Hammurabi took some customs that these people already practiced. He made some additions



Hammurabi first became famous as a great military leader and then as a great king.

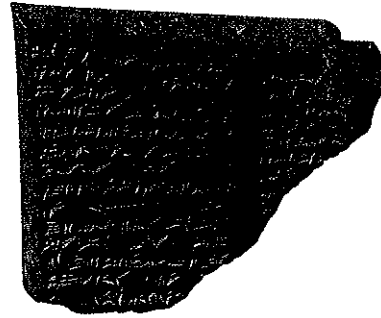
and combined them into a **code** of regulations for his people to follow. He had the code carved on a stone monument called a **stele**. Most important, he placed the stele on display for all to see.

These regulations covered almost every part of life, from buying and selling goods, to marriage, divorce, taxes, property, military service, and wages. They listed rules about using canals and irrigation ditches. They even told people how to manage their animals. For example, an owner would be punished if his oxen got loose and harmed someone.

Strangers who came to Babylonia on business had rules to follow, too. Hammurabi decided what prices they could charge for goods and services and where they could sell their goods. Hammurabi's rules covered everyone.

Some of the punishments for disobeying the rules seem harsh. But the success of Hammurabi's whole society depended on the work of every individual. His most severe punishments applied to anyone responsible for harming another person. However, most legal historians now believe that some of the harshest punishments probably weren't carried out. The reason for listing them was probably to send people a message: misbehavior wouldn't be tolerated in Babylonian society.

Hammurabi told his people that Shamash, the god of justice, gave him his power to rule and make rules. Which figure on this stone do you think is Hammurabi?



Babylonian rules were often written on wet clay tablets. The writing was called **cuneiform**.





Cuneiform writing looks like wedges. Translators figured out how to read it only 50 years before Hammurabi's stele was unearthed.

## An Eye for an Eye

Hammurabi's royal judges decided on some punishments. But for many crimes, Hammurabi's rules established that criminals should be punished in the same way their victims had been harmed. An "eye for an eye" meant that if

someone put out another person's eye, the victim could put out the attacker's eye. As for anyone who had his teeth knocked out as that shepherd had, Hammurabi's rule was clear: "If a man knocks out the teeth of his equal, *his* teeth shall be knocked out."

Hammurabi probably displayed his stele so that people wouldn't argue about what the rules were. The stele says, "Let the oppressed [injured person], who has a case at law, come and read the inscription. . . . He will find out what is just."

The stele also says: ". . . may the king who happens to be in the land observe the words of justice which I have inscribed on my stele." This tells us that Hammurabi wanted future kings to use his rules, too.

Let's travel ahead 1,000 years to ancient Greece. Leaders there had the same problems as Hammurabi had, but they sometimes tried different solutions.

### Family Matters

Hammurabi had more rules about family life—68 of them—than about any other part of daily life. What does this tell you about the importance of families in ancient Babylonia?

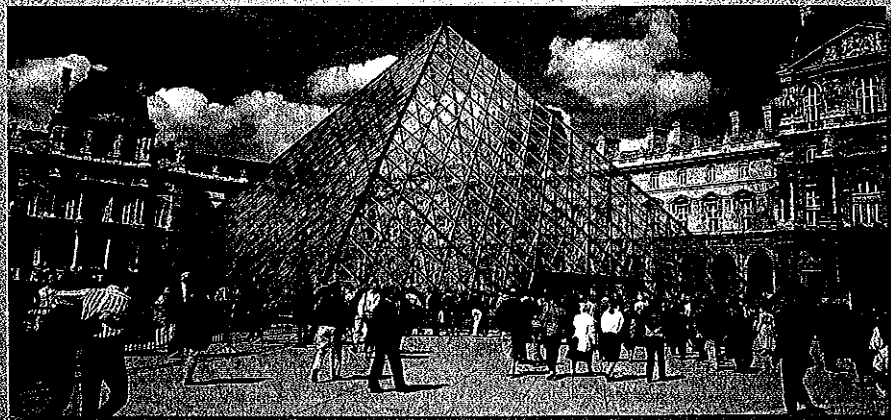
# Lost and Found

Whatever happened to Hammurabi's stele? Many years after his rule, enemies conquered and destroyed Babylonia. Thieves stole its treasures, and they buried Hammurabi's stele. For nearly 4,000 years, no one knew where it was.

Then, in 1901, a team of French archaeologists were digging up treasures near Susa, a city in present-day Iran. They discovered three huge pieces of black rock. It was covered with strange markings. When the team put the three sections together, it formed a stele that was more than seven feet tall. What a find! An ancient document written in stone! But what did it say?

Archaeologists turned over the pieces to translators to figure it out. The markings turned out to be the ancient writing called cuneiform. The translators were amazed to find themselves reading the famous code of Hammurabi.

The French team claimed Hammurabi's stele for their country. They brought it to Paris, where it has been on display in the Louvre Museum ever since. Anyone can see it, just as people did long ago in ancient Babylonia.



Louvre Museum



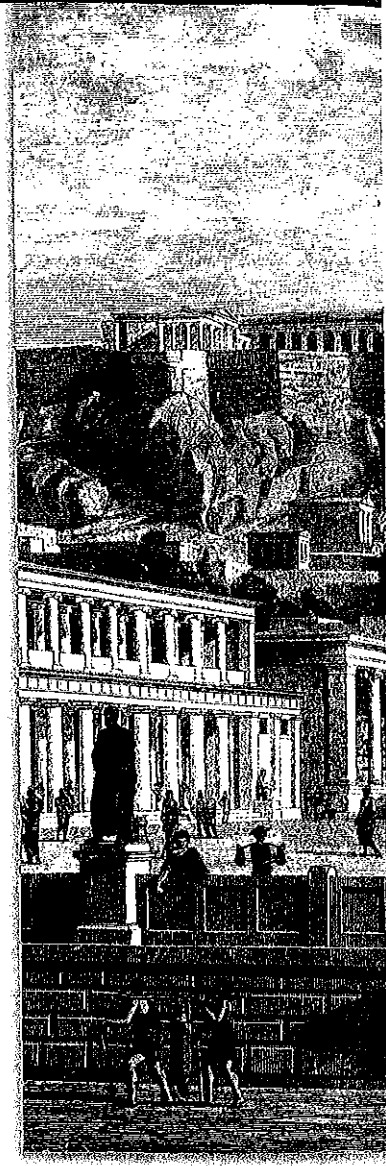
# Trial by Jury

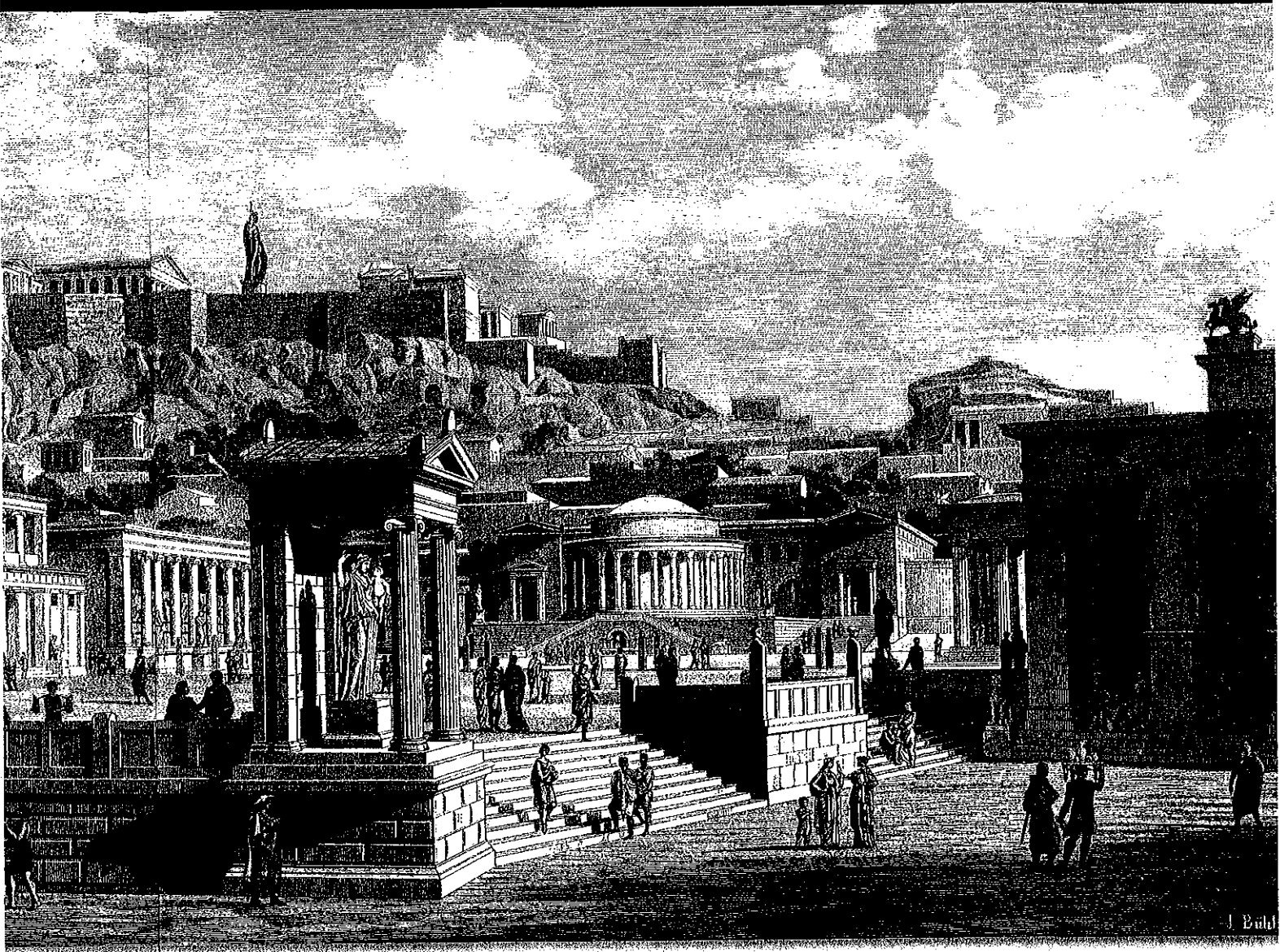
It's 620 BC in Athens. Dozens of curious farmers, merchants, and shopkeepers are waiting for the last case of the morning to be finished. At the open-air court, everyone watches the **archon**. This man is the law officer who decides on punishments. He has already condemned a man to slavery to pay off his debts. A cattle thief will soon be bound to a wooden board and left to starve to death. Now for the last man. His crime? Refusing to work to support his family. His punishment? Death, just like the cattle thief.

## Dissatisfied Citizens

Athenians believe that humans, not only their gods and goddesses, can make laws. So citizens play a part in deciding how lawbreakers like that cattle thief are punished.

Athenian citizens elect representatives to an **assembly**, which makes laws and chooses archons to carry them out.





Many activities in ancient Greece took place near the **agora**, a busy marketplace. Wherever they stood, people could see the temples that honored their gods and goddesses.

Athenians also have a chance to see courts in action. Trials are held outdoors where anyone can watch. Trials are activities like shopping, religious festivals, and sporting events. Craftsmen sell tools, carvings, baskets, and cloth next door to the court where the cattle thief is being sentenced to death. The open-air courts give all who come to Athens a look at their laws as they go about their business. Still, Athenian citizens complain that they don't have enough say in making their laws.



## A Step in the Right Direction

Greek citizens didn't always like what they heard in their courts. Some punishments seemed too harsh. And people noticed that the archons often changed the rules and punishments whenever they liked. To make matters worse, the archons favored the rich upper-class families who had appointed them. The middle and lower classes didn't always get justice. Poor people were more likely to be convicted and were punished more severely.

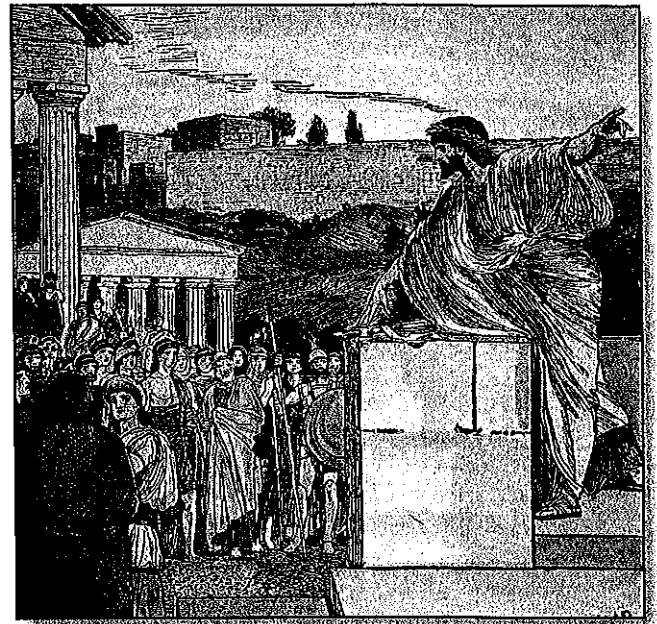


The ancient Greeks worshipped a female goddess of justice, Themis. However, women could not even vote or hold public office.



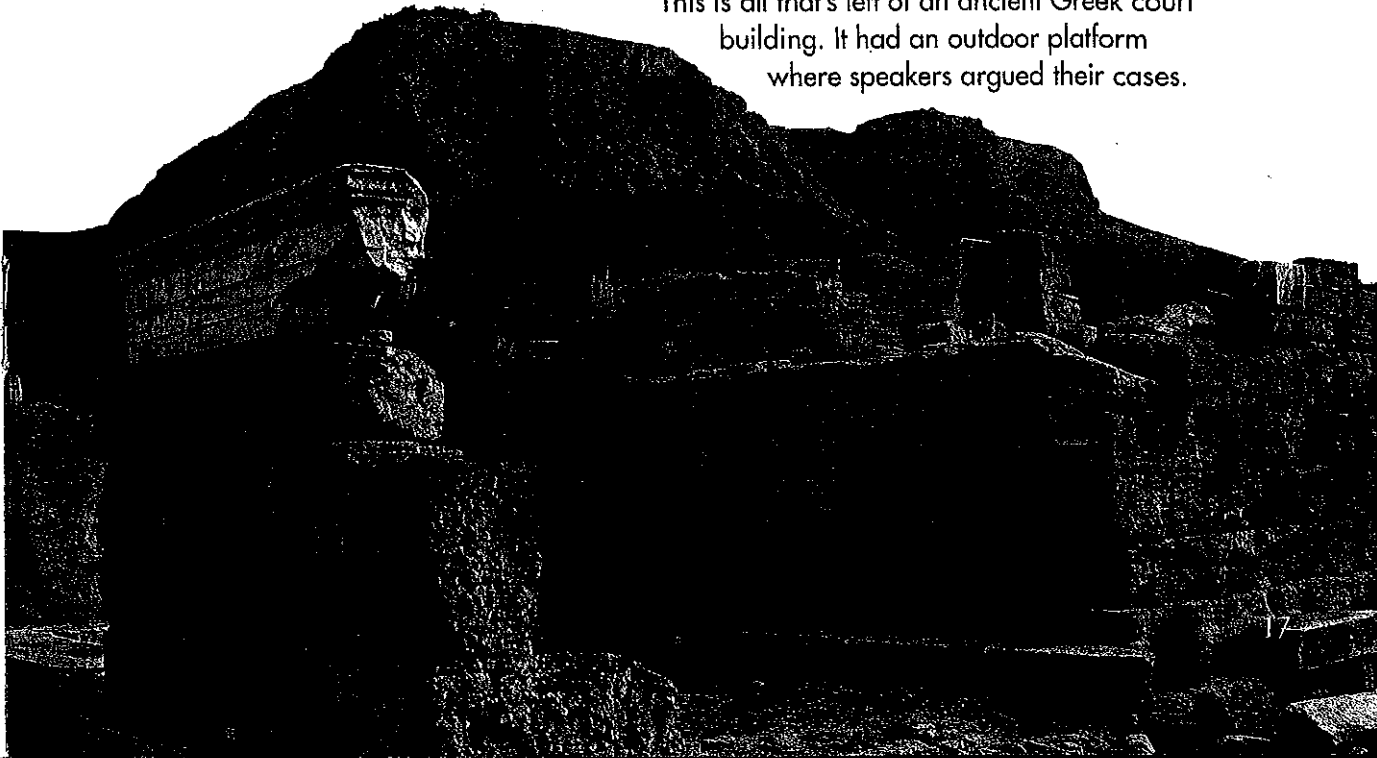
Outdoor court trials were an everyday event in ancient Greece.

By 620 BC, Athenian citizens were fed up with the archons and their unfair practices. The first step the citizens took was to demand that laws be written down and displayed in public. If everyone knew the laws, it wouldn't be so easy for the archons to change them. Does this sound familiar? Hammurabi had the same idea when he displayed his rules on a public monument. The trouble was that Athens didn't have a written code of laws. The assembly appointed a lawmaker to create one.



Being able to speak well was very important. People sometimes hired others to write their arguments for them to use in court.

This is all that's left of an ancient Greek court building. It had an outdoor platform where speakers argued their cases.





## A Cruel Lawmaker

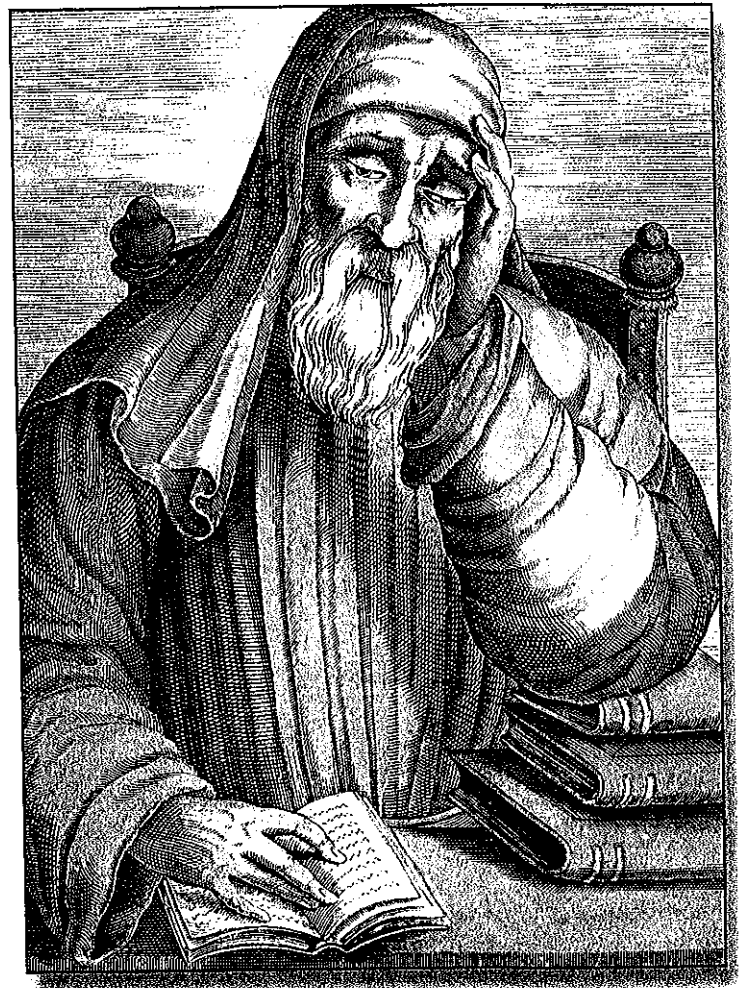
The Athenian assembly appointed a lawmaker by the name of Draco to put a code of laws into writing. Like Hammurabi, Draco had these new laws displayed in public. They were carved on wooden blocks and placed where all could see them. Once Athenians knew what the laws were, it was the archons' job to make sure that people followed them.

Were the people satisfied that everyone could see what their laws were? No! They didn't like the laws they saw. For one thing, his laws still favored the rich. Then, he had a reputation for giving terrible penalties. To Draco, death was the right punishment for most crimes, from stealing cattle to murder.

Draco's punishments angered the citizens. Some 25 years after Draco wrote his laws, the assembly asked someone else to write another set—a government leader and poet named Solon.

### What's in a Name?

The name *Draco* comes from the Greek word for "dragon." Draco's name is also in the word *draconian*. It means "very cruel or severe." Some people say Draco's punishments fit his name—and behavior.



Plutarch, a historian who lived about 600 years after Draco's time, wrote these words about Draco in a biography, "... Draco's laws were written not with ink, but blood."



In this drawing, Solon is pointing to the laws he posted to make people read them.

## A Wise Reformer

Solon **reformed** Draco's laws by throwing out almost all of Draco's punishments. Poor people who couldn't pay their debts would no longer have to be slaves. And for many crimes, the new penalty was now a fine. Instead of being tied to a board to starve, a thief would have to pay money according to how much he'd stolen.

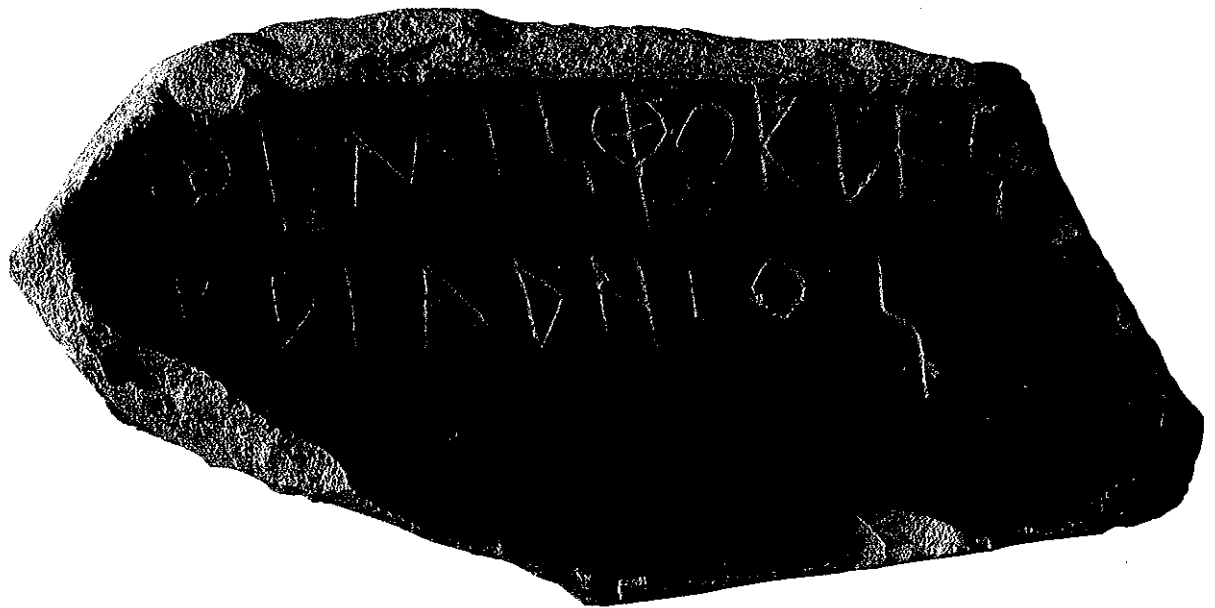
But Solon didn't just get rid of Draco's penalties. He wrote completely new laws. If you were an Athenian who was building a house, Solon's laws would tell you how close you could build to the next house. If you couldn't find water near your house, you had the right to use your neighbor's well. And if you had to go to court, Solon's laws stated how your trial should be run.

Suppose a person disobeyed a law and wound up in an ancient Athenian court? What happened there?

## Order in the Court

Greek trials were noisy events. Crowds of people showed up just to watch. The juries were huge—made up of at least 200 citizens who had volunteered. The **magistrate**, a court officer, had the job of keeping fights from breaking out during the trial. He called everyone to order. Each juror had to swear an oath to pay attention and judge fairly. The trial began when the accuser came forward and started to speak.

Wait! Where were the lawyers? What about a judge? Most trials in ancient Athens didn't have judges. And there were no lawyers at all. Any citizen could accuse another one of a crime and try to convince the jury he was right. The accused would try to convince them the accuser was wrong. Then it was up to the jury to decide a person's guilt or innocence. If the **majority** voted "guilty," all the other jurors had to vote the same way. Jurors, not archons, then decided the punishment.



The writing on this piece of pottery names an archon who was so unpopular that some people wanted him to leave Athens for ten years.

It's interesting to compare and contrast ancient Babylon with ancient Athens, more than 1,000 years later. In both places, the people saw their laws displayed in public. In both civilizations, there were punishments for disobeying laws. But in ancient Athens there was no king. Citizens had a say in deciding laws and punishments.

Now let's fast-forward and learn about law and order in another ancient civilization—ancient Rome. How did the Romans control people so everyone could live in an orderly society?

## Justice . . . Not for the Birds

The Greek poet Hesiod wrote this poem around 700 BC. What does it tell you about law and order in the ancient world? And in today's world, too?

*"Here is the law, as Zeus  
[king of the gods] established it  
for human beings;  
as for fish, and wild animals,  
and the flying birds,  
they feed on each other, since  
there is no idea  
of justice among them;  
but to men he gave justice, and  
she in the end  
is proved the best thing  
they have.*

This Statue with Scales in a public square in Frankfurt, Germany, reminds people of the importance of justice.





# Innocent Until Proven Guilty

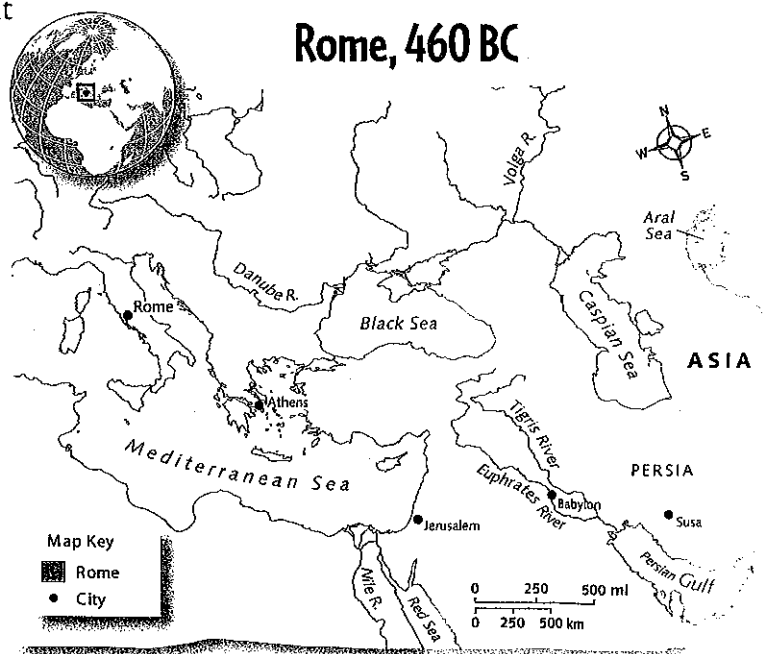
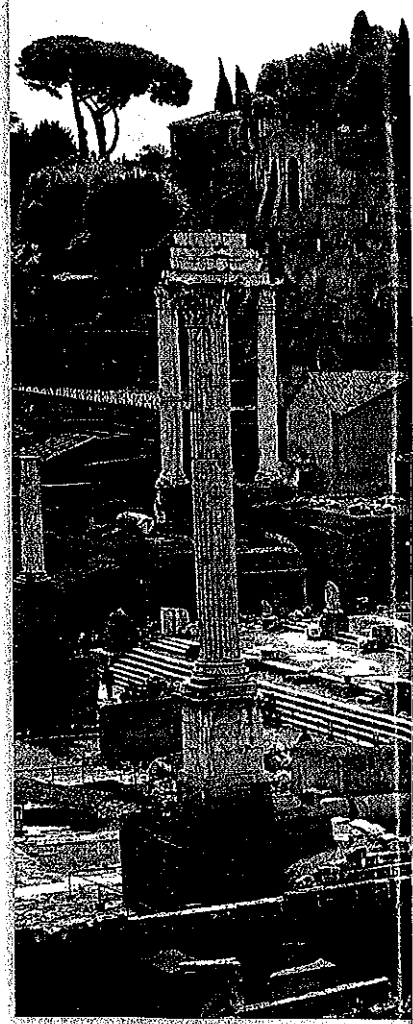
It's 460 BC in ancient Rome. Like Athens, this city has a huge open-air square. It's called the **Forum**. There are magnificent temples honoring Roman gods and goddesses here. There are also banks, government buildings, and a courthouse. People stroll through the Forum, shopping for everything from fresh fish to fine perfume. Some do business or pay off their debts to avoid being sold into slavery.

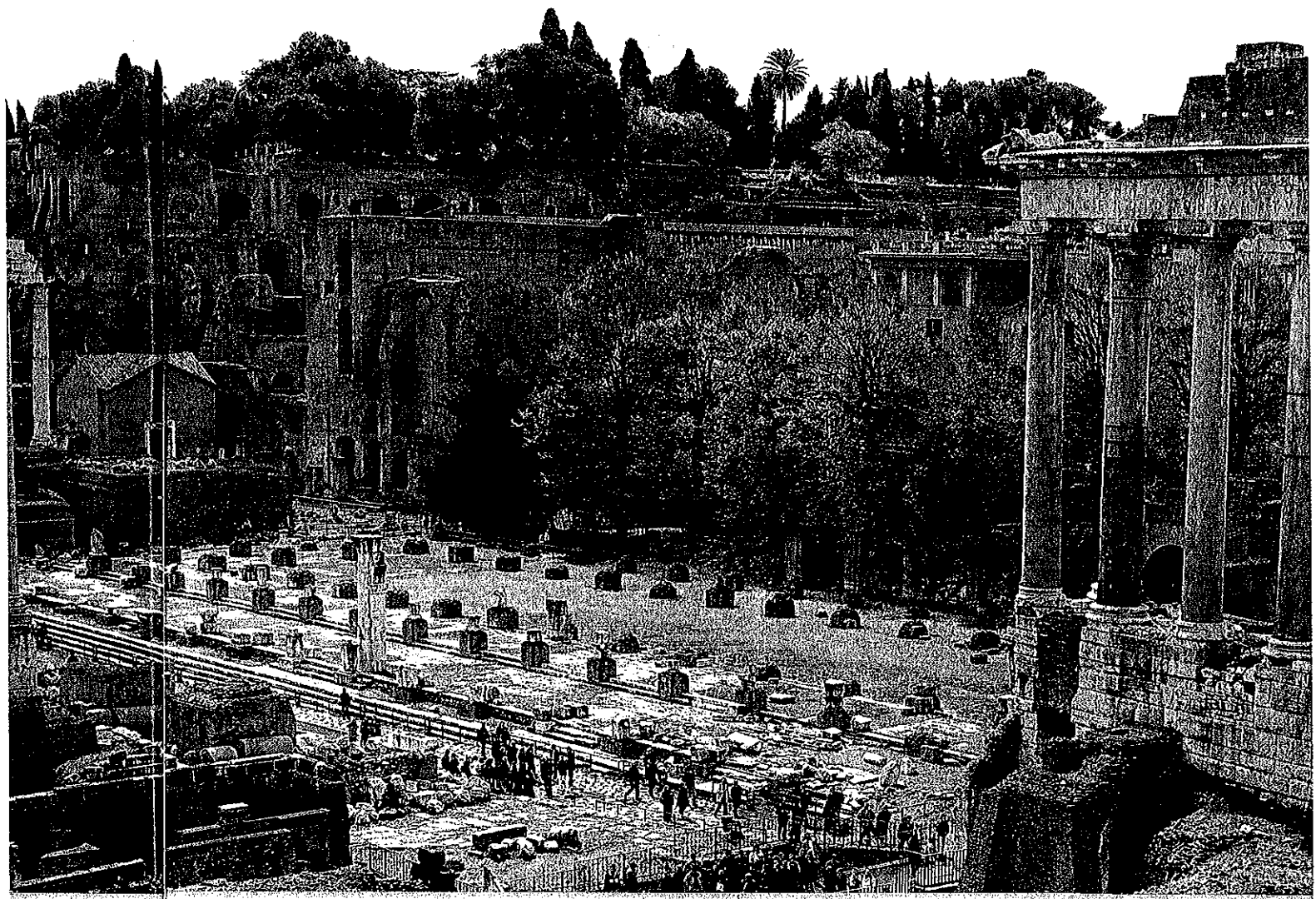
There's a crowd at the courthouse where some cases are being heard. A magistrate is listening to a man who has set a house on fire. If he's convicted, he's going to be burned alive in public!

## Laws for Everyone

**Debt-slavery**, public burnings. This sounds horrible! But the Romans have a new idea. In ancient Rome, people are considered innocent until proven guilty.

Picture a city of rich and poor, citizens and slaves, rulers and ruled. They live in houses of stone and concrete, but they're not at all alike. Rich upper-class citizens, called **patricians**, live in luxury. These people are Rome's rulers and wealthy businessmen.





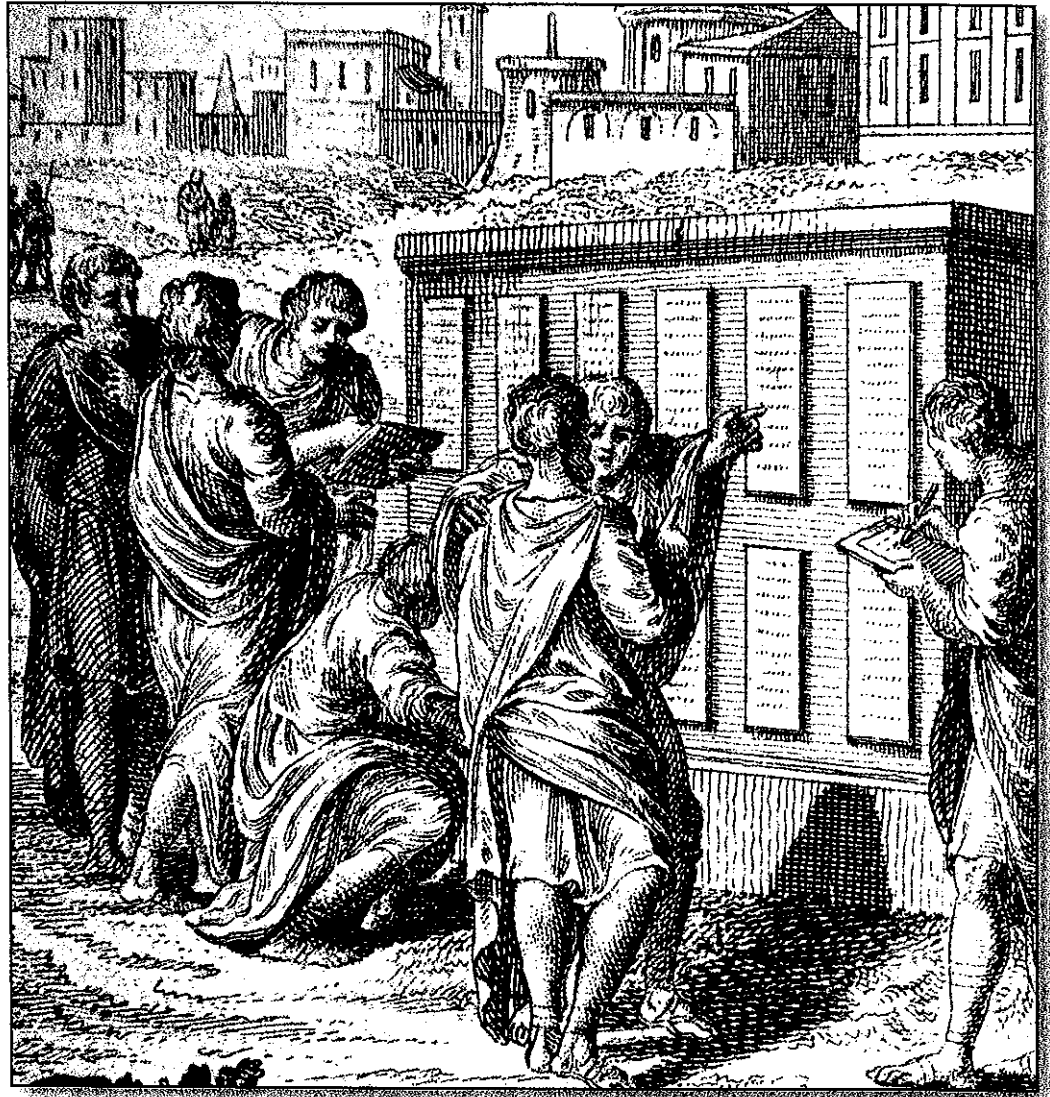
In the Roman Forum, law courts and government buildings stood next to temples and the marketplace.

Middle-class citizens, called **plebeians**, live in simpler houses. These are the government officials, merchants, and craftsmen. But most Romans are poor. They live in cramped apartments in crowded neighborhoods. And in the countryside, outside the city, farmers live in mud huts. Slaves live with their masters. Some slaves are criminals, and some are captured people from other lands. Like other societies, ancient Rome has problems with people who lie, cheat, steal, and harm others. How do you deal with them?

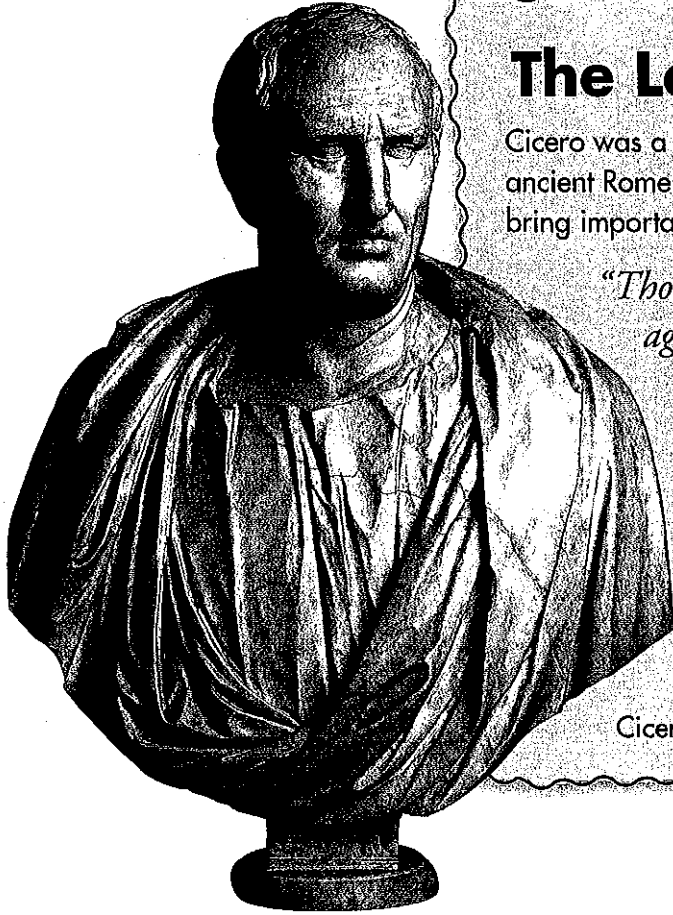


## Just Say No!

In the late fifth century BC, plebeian citizens in Rome complained about unfair laws. They said that patricians controlled everything—money, land, the government. Plebeians wanted laws that protected their rights, too. And they demanded written laws, as the ancient Greeks had.



Ancient Romans thought the Twelve Tables were so important that teachers made their students memorize all of them.



## The Law's the Thing!

Cicero was a great statesman and speaker in ancient Rome. He believed the Twelve Tables would bring important changes to society.

*"Though all the world exclaim  
against me, I will say what  
I think: That single little  
book of the Twelve Tables, if  
anyone look to the fountains  
and sources of laws, seems  
to me assuredly, to surpass  
the libraries of all the  
philosophers. . . ."*

Cicero, 106–43 BC

The plebeians saw their chance. Patrician leaders needed plebeian soldiers to go into battle with them. First the plebeians **seceded**, or separated, from Rome. Then they chose their own leaders. Finally, they refused to serve in the army until they got the laws they wanted.

That did it! Rome couldn't conquer other lands without plebeian soldiers. So patricians were forced to create a new set of laws called the Twelve Tables. Like the laws of the ancient Babylonians and Greeks, Roman laws, the Twelve Tables, were on public display.

Plebeians eventually got the power to **veto**, or say "no," to unfair laws. At last, the law was in the hands of all Roman citizens. Even today, the Twelve Tables have influenced our laws.



# The Twelve Tables

The laws in the Twelve Tables kept order in ancient Rome. Some laws are listed below. Which ones look familiar? Which seem very harsh?

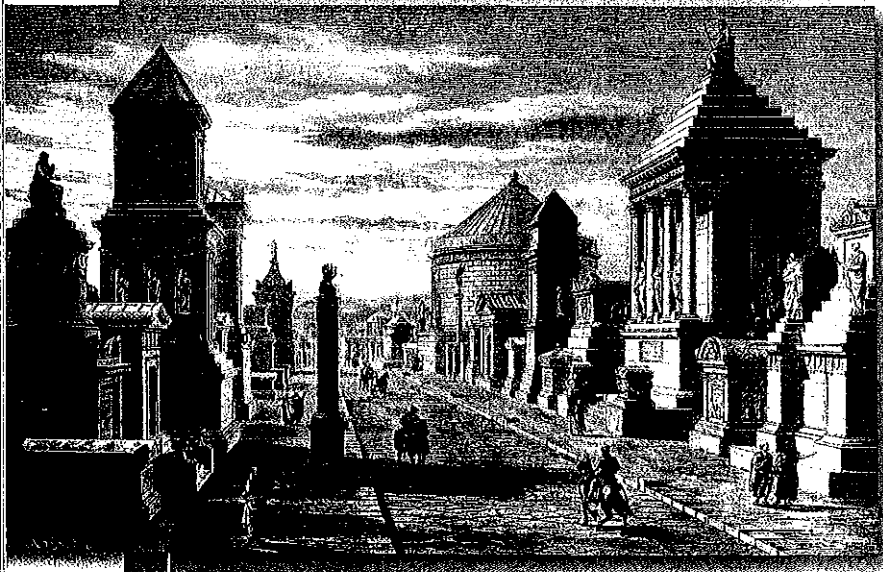
"If a tree on a neighbor's farm be bent crooked by the wind and lean over your farm, you may take legal action for removal of that tree."

"A person who has been found guilty of giving false witness shall be hurled down from the Tarpeian Rock."

"If one is guilty of insult, the penalty shall be twenty-five coins."

"As a man has provided in his will in regard to his money and the care of his property, so let it be binding."

"Let them keep the road in order. If they have not paved it, a man may drive his team where he likes."



"Marriages should not take place between plebeians and patricians."

"The penalty shall be capital [death] for a judge or arbiter, legally appointed, who has been found guilty of receiving a bribe for giving a decision."

"Putting to death of any man, whosoever he might be, unconvicted, is forbidden."

"If one is slain while committing theft by night, he is rightly slain."



"When the litigants [opponents] settle their case by compromise, let the magistrate announce it. If they do not compromise, let them each state his own side, in the comitium [meeting place] of the Forum, before noon. After noon, in case either party has failed to appear, let the magistrate pronounce judgment in favor of the one who is present."

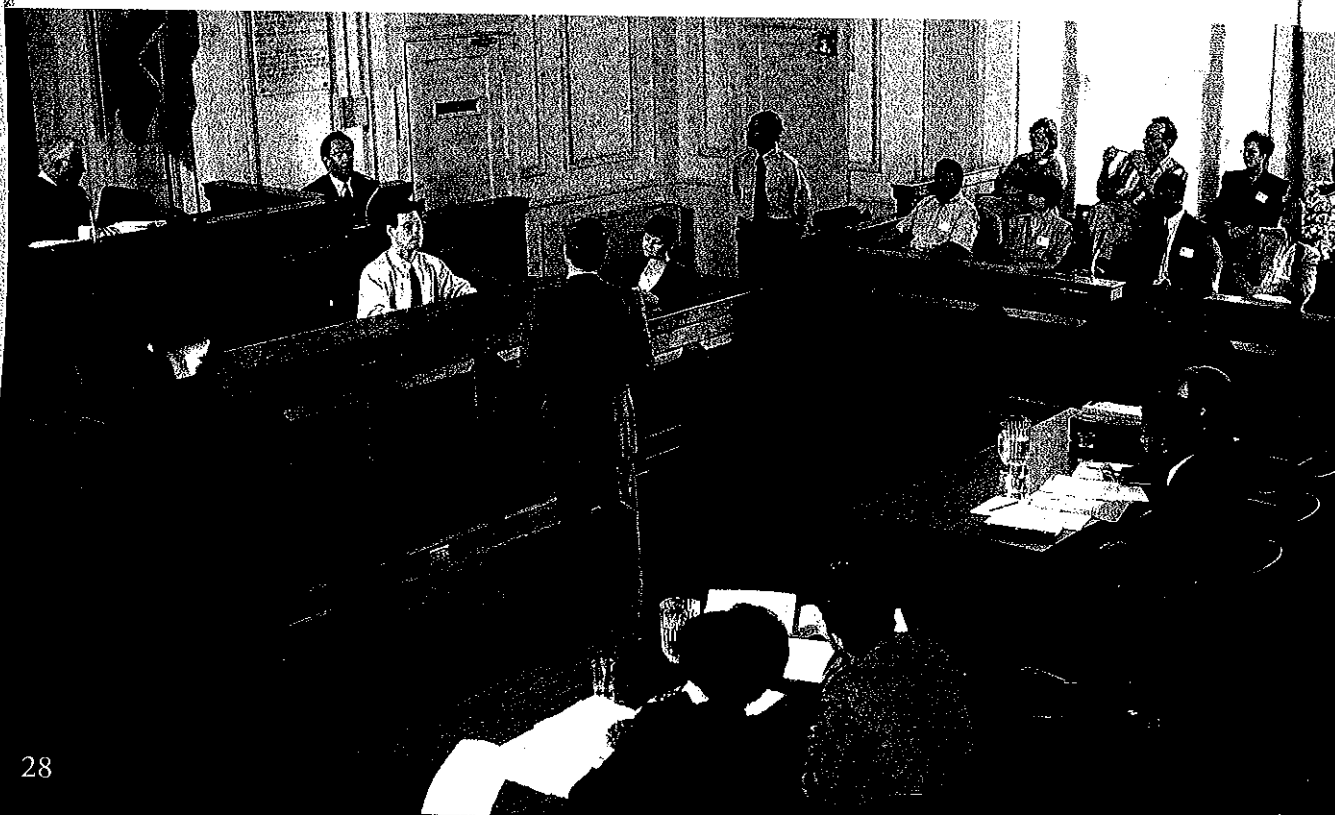


# Journey to Justice

What a day for shopping! The shops are packed. People keep bumping into you. One man even sneaks ahead of you. But all you care about is buying that gold chain. You hope nobody else has bought it yet. Yes! It's still there. You try to keep your eye on it, but someone blocks you. When you check again, the gold chain is gone!

Somebody shouts. The man who has cut ahead of you tries to run. Two people grab him. Now you see the gold chain again—it's clutched in the thief's hand.

What do you think is going to happen next?



## If you are in ancient Babylon

... the shopkeeper runs up as soon as he hears the shouts. He is furious when the witnesses tell him what happened. He snatches the gold chain back. Then he and the witnesses take the man away to be judged and punished by elders according to custom and code.

## If you are in ancient Athens

... the shopkeeper and the witnesses tie the man up so he can't escape. Later, a group of citizens gather and listen to both sides tell what happened. The citizens vote that the man is guilty and decide his punishment.

## If you are in ancient Rome

... the witnesses and the shopkeeper haul the man in front of a magistrate, who orders the man tied up until his trial. At the trial, a jury listens to both sides of the case and votes the man guilty.

The judge hands down the punishment according to the law.

## Today in the United States

... the shopkeeper quickly calls the police, who arrest the suspect and jail him. He might be allowed to pay his bail and go home until the trial. He hires a lawyer to represent him. Another lawyer **prosecutes** the thief. Both lawyers argue in front of a judge and a jury. They call witnesses to testify. The jury finds the man guilty. The judge hands down the penalty.

In this modern courtroom, there are a judge, a jury, and witnesses. They are part of a system of law that started in ancient Greece and Rome.



# Glossary

**agora** \a' gə rə\ *n.* an ancient Greek outdoor market

**archaeologist** \är kē ä' lə jist\ *n.* a scientist who studies the remains of ancient cultures

**archon** \är' kən\ *n.* an ancient Greek government official

**assembly** \ə sem' blē\ *n.* a group of people who get together to make laws

**code** \kōd\ *n.* a system of law

**cuneiform** \kyū nē' ə form\ *n.* a kind of ancient writing in wedge-shaped characters

**customs** \kəs' təmz\ *n.* ways of behaving

**debt-slavery** \det slā' və rē\ *n.* an ancient Greek punishment for someone who owed money. The person was made a slave until the money was paid.

**economy** \i kə' nə mē\ *n.* the amount of money earned and spent in a society

**fortify** \for' tə fī\ *v.* make strong

**Forum** \for' əm\ *n.* a public square in ancient Rome with temples, buildings, and a marketplace

**irrigation** \ir ə gā' shən\ *n.* a system of watering land or crops

**magistrate** \ma' jə strāt\ *n.* an official who carries out the law

**majority** \mə jor' ə tē\ *n.* more than half of the total

**nomad** \nō' mad\ *n.* a person who continually moves around to find food for his or her animals

**patrician** \pə tri' shən\ *n.* a wealthy, powerful citizen of ancient Rome

**plebeian** \pli bē' ən\ *n.* a common citizen in the middle or lower class

**prosecute** \prə' si kyūt\ *v.* bring a legal case against someone for the punishment of a crime or violation of a law

**reform** \ri form\ *v.* change and improve

**secede** \si sēd\ *v.* pull away or withdraw from your country

**society** \sə sī' ə tē\ *n.* a group of people living in a community

**stele** \stē' lē\ *n.* a stone pillar that is usually carved with pictures or writing

**translator** \tranz' lā tər\ *n.* a person who turns the meaning of words from one language into another

**veto** \vē' tō\ *v.* refuse to let something be approved or done

## Pronunciation Key

\ə\ among \ər\ murder \a\ ask \ā\ ape \ä\ hop, car \ch\ chop \e\ end \ē\ greasy \g\ get  
 \i\ hid \ī\ ice \j\ jet \j\ king \ō\ no \ō\ saw \oi\ toy \oo\ book \ou\ out \th\ thank \th\ then  
 \ü\ boot \y\ you \zh\ Asian