

CHAPTER 11

Order in the Court! Justice System in Mesopotamia

BELLWORK

If Lucca wanted to “adopt” Maci as his sister in ancient Mesopotamia, how did he go about doing this? (Write a paragraph response)

NINSHUBAR-TAYAR

Ninshubar-tayar: lived in city of Nippur during reign of Hammurabi, had no wives or children, adopted a “young man” to help him do work on his farm (he was old and couldn't do everything).

Adopts Patiya (Adoption contract PRIMARY SOURCE, 1733 BCE) to take over his property, provide him with bread, barley, wool, oil, etc.

In return, Ninshubar-tayar would take care of anything Patiya needed.

NINSHUBAR-TAYAR

4 witnesses were listed on the contract that survived.
Scribe wrote month, day, and year it was completed.

Unusual: if Patiya broke bargain, his only penalty was paying fine (it was usual to be sold into slavery if you broke bargains)

AFTERMATH

Example of adoption contract; many covered the adoption of young child and included protections for the child.

Sometimes these contracts ran into problems, especially if parents had biological children (fights over inheritance common)

Courts decided inheritance disputes

Mesopotamians kept record of court system so we know how their justice system worked

SHAMASHNASIR

Shamashnasir: inherited a lot of property, brother was not happy, dispute went to court (PRIMARY SOURCE DOCUMENT)

No jury system; panel of 6-7 judges decided fate of case

No lawyers; defendants defended themselves

Judges call for witnesses, swear that Shamashnasir was adopted legally; brother loses case and his share of inheritance wealth

AFTERMATH

Contracts: not just for adoption, used for sales, rentals of houses, fields, marriages, purchase of slaves, hire of workmen. Judges often consulted these contracts at court.

Hammurabi's laws: not general rules; never say that people should “never” do something and instead cover particular situations → if “this” then “that.”

