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Article 1

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## Table of Contents - Issue 1

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# CHICAGO-KENT LAW REVIEW

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## CONTENTS

### SYMPOSIUM ON ANCIENT LAW, ECONOMICS & SOCIETY\*† PART II

JAMES LINDGREN, LAURENT MAYALI, GEOFFREY P. MILLER  
SYMPOSIUM EDITORS

### ANCIENT RIGHTS AND WRONGS

FOREWORD: ANCIENT RIGHTS  
AND WRONGS *James Lindgren* 5

MESOPOTAMIAN LEGAL TRADITIONS AND THE  
LAWS OF HAMMURABI *Martha T. Roth* 13

This Article places the composition and the stela of the Laws of Hammurabi (ca. 1750 B.C.) within legal and historical contexts in exploration of the relationship of the prologue-epilogue frame to the law provisions for Hammurabi's contemporaries, the composition's influence on Mesopotamian legal traditions for the following thousand years, and the political message of the imposing monument up to our own time. Then, the Article discusses one set of provisions, the "cheek-slapping" rules imbedded in the assault and bodily injury provisions, as a manifestation of the social category of honor. The offense of "cheek slapping" is clarified as a social offense redressed by the legal system.

AT THE ORIGINS OF LAW AND THE STATE:  
SUPERVISION OF VIOLENCE, MUTILATION OF  
BODIES, OR SETTING OF PRICES? *James Q. Whitman* 41

This Article offers a criticism of the "self-help" model that has long dominated our understanding of the development of archaic law. The Article takes two tacks. First, it reviews the history of the rise of the self-help model in the literature of the German nineteenth century, in an effort to show that the model was founded in some questionable Hegelian assumptions. Second, it turns to some sources in an effort to

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\* Co-sponsored by the Robbins Religious and Civil Law Collection, University of California at Berkeley

† Due to the historical subject matter of this Symposium, the *Chicago-Kent Law Review* has modified its usual procedures. Since many of the supporting sources used in this Symposium are not available in the English language or are otherwise unusually difficult to obtain, the *Law Review* has been unable to verify the substance of many of the cites and has consequently relied heavily on the substantive accuracy of the authors. In addition, the *Law Review* has generally deferred to the authors' preferences regarding citation form.

suggest that the model fails to account for the prevalence of concerns about mutilation of the body and setting of prices.

**RETHINKING GROUP RESPONSIBILITY AND  
STRATEGIC THREATS IN BIBLICAL TEXTS AND  
MODERN LAW**

*Saul Levmore* 85

This Article takes issue with the conventional wisdom that biblical and other ancient texts reflect the idea of group responsibility, under which innocent persons are penalized alongside guilty ones in a calculated fashion. It also suggests that, in many familiar biblical stories, the deployment of strategic threats as a means of uncovering evidence of wrongdoing is comparable to that found in modern law.

**INCEST IN THE BIBLE**

*Calum Carmichael* 123

This Article focuses first on a curious instance of incest cited in the New Testament, when the community in which the offending couple lived took pride in their union. The Article, then, takes up its primary focus, namely, the incest and related rules of *Leviticus* 18. The Article contends that, while some of the rules found in *Leviticus* 18 may in fact have governed the society of his time, the lawgiver is first and foremost engaged in a study of ancient history. The aim of the lawgiver's study is to imagine how the legendary lawgiver Moses would have judged the conduct of the patriarchs when they were resident in foreign cultures. The lawgiver creates a fiction whereby Moses pronounces judgments on patriarchal behavior. In other words, the incest rules in *Leviticus* were not formulated to govern social behavior, although some may have, but were set down as commentary upon narratives about the patriarchs. Both the laws and the narratives are highly sophisticated compositions, not to be read at face value.

**MEASURING THE VALUE OF SLAVES AND FREE PERSONS  
IN ANCIENT LAW**

*James Lindgren* 149

This Study compares the ascribed value of slaves, freed slaves, half-free persons, free persons, and the nobility in ancient law collections from 2100 B.C. through A.D. 700. The price schedules for wrongs done to different classes of people are set out in considerable detail in many ancient law codes and collections. These price schedules give us some indication of how these societies were stratified and what values were ascribed to the bodies and dignities of different classes. To ascertain the valuations, the relative prices for harms done to different sorts of people were quantified. The tables in this Article describe and classify over 300 provisions that make distinctions based on class in seventeen ancient law collections. Only the earliest one or two collections in each civilization are covered.

**STATUS AND LIABILITY FOR PUNISHMENT  
IN *THE T'ANG CODE***

*Wallace Johnson* 217

In *The T'ang Code*, two types of status factors affect liability for punishment. General factors are those of age, sex, and physical or mental disability. Specific factors are those connected with official or family status. These specific factors also provide increased punishment in certain cases following the Chinese concept of reciprocity.

**ANCIENT NEAR EASTERN LAND LAWS**

**FOREWORD: LAND LAW IN  
ANCIENT TIMES**

*Geoffrey P. Miller* 233

DEMOTIC EGYPTIAN INSTRUMENTS OF TRANSFER  
AS EVIDENCE FOR PRIVATE OWNERSHIP OF REAL  
PROPERTY

*J.G. Manning* 237

Private legal instruments recording conveyances of land between private parties written in the current Egyptian language of the Ptolemaic period (332-20 B.C.) known as demotic suggest that there was a well-developed sense of what constituted private ownership of land at this stage in Egypt's history. The private instruments stand in contrast to "public" records such as surveys of land, which would appear to indicate only institutional control of land in Egypt. This Article discusses the various types of conveyance of land (permanent, temporary, intra-family division agreements). Previous scholarly views on the existence of private property in land in Egypt are also treated.

INSTITUTIONAL, COMMUNAL, AND INDIVIDUAL  
OWNERSHIP OR POSSESSION OF ARABLE LAND  
IN ANCIENT MESOPOTAMIA FROM THE END  
OF THE FOURTH TO THE END OF THE  
FIRST MILLENNIUM B.C.

*Johannes M. Renger* 269

Since arable land is the most decisive productive factor in a society based on agriculture, the form of control of the arable land determines the social fabric of such a society. This Article deals with relevant questions pertaining to Mesopotamian land tenure systems from the end of the fourth millennium B.C. until Late Achaemenid times towards the end of the first millennium B.C.

ANCIENT LAND LAW: MESOPOTAMIA,  
EGYPT, ISRAEL

*Robert C. Ellickson* 321  
*and Charles DiA. Thorland*

This Article is a survey of the land institutions that the peoples of Mesopotamia, Egypt, and Israel created by law and custom between 3000 B.C. and 500 B.C. They amass evidence of private property in dwellings and some fields, but also of communal, institutional, and open-access property in other instances. They explore the influence of limited literacy on ancient methods of land transfer and finance.

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