



**ST. JEROME'S**  
**UNIVERSITY**

**St. Jerome's University in the University of Waterloo**  
**Department of History**  
**HISTORY 210 / CLASSICS 210 / LEGAL STUDIES 235**  
**History of Ancient Law**  
**Fall 2022**

**Mondays & Wednesdays 4:00-5:20**  
**SJ2 2002**

**Course Outline**

**Instructor:** Dan Hutter  
**Office:** SH 2111  
**Office Hours:** M & W 3:00-3:50 (before class), or by appointment (arrange in class or by e-mail).  
**Office Phone:** None  
**Email:** [dhutter@uwaterloo.ca](mailto:dhutter@uwaterloo.ca). Students using email to contact me must include their first and last names, student number, and course in which they are enrolled in the email subject line.  
**Teaching Assistant:** None.

**Course Description**

The first unit of this course will focus on the laws of the Ancient Near East. The law codes that will be analyzed specifically include the Law of Hammurabi (LH), considered the most complete statement of the common legal wisdom of the ancient world, the Middle Assyrian Laws (Tablet A) (MAL), and Hebrew laws as contained in the Books of Exodus and Deuteronomy (which reflect particular responses to historic and cultural circumstances).

The second unit of this course will focus on 5thc BCE Greek Law. While we will discuss various general principles of Greek Law and legal thought, we will focus on an analysis of The Law Code of Gortyn from Crete.

The second half of the course will focus on the laws of Rome and its development as Rome grew from a small city-state to expansive empire and world power. The laws that will be analyzed will begin with the XII Tables (circa 450 BCE), continuing through the Classical period as evidenced in the opinions of the great jurists contained in the Digest. We will then end the course with an examination of Book IX Titles 1 – 40 of the Code of Theodosius, a fifth century compilation, and the Roman law of Divorce in the Code of Justinian from the sixth century.

Throughout the course, our particular, though not exclusive, focus will be on family and criminal law and procedure.

## **Course Goals and Learning Outcomes**

Upon the completion of this course, students should be able to:

- Demonstrate an understanding of the history of the Babylonian, Assyrian & Hebrew peoples from 4000 – 332 BCE, and how those cultures interacted;
- Explain the development of law (especially civil law) among the Babylonians (The Code of Hammurabi), the Assyrians (Middle Assyrian Laws) and Hebrews (The Books of Exodus and Deuteronomy);
- Demonstrate an understanding of the basic principles of 5thc BCE Greek Law, and how the Law Code of Gortyn not only reflects these principles, but the Greek concept of property ownership and inheritance;
- Demonstrate an understanding of the social, political and legal history of the Roman Republic and Empire (753 BCE- 565CE);
- Explain the development of law in the Roman Empire (especially civil law) with reference to the importance of The Twelve Tables, The Theodosian Code, Justinian’s Code, and the work of Jurists;
- Explain how each body of law studied in the course reflects the values and needs of the cultures they represent;
- Explain how many of the concepts of the earlier law codes studied have come to influence the later codes, and how this influence is still experienced in modern Western legal thought.

## **Required Text**

**HIST 210 / CLAS 210 / LS 235 “History of Ancient Law: Readings” Course Materials. This text can be found on the course Learn site as a free eBook. There are no materials or texts that need to be purchased for this course.**

## **Readings Available on Learn**

PowerPoint Key Concepts notes and conclusions can be found for each Lecture on the uWaterloo Learn CLAS 210/HIST 210/LS 235 – Fall 2022 website.

## Course Requirements and Assessments

- a) Test #1 (content from lectures 1-6) on Wednesday September 28 (weight 25%)
- b) Test #2 (content from lectures 7-10) on Monday October 24 (weight 25%)
- c) Test #3 (content from lectures 11-19) on Wednesday November 30 (weight 25%)
- d) One 6-8 pages (1500-2000 word) research paper, due (in class) on Wednesday November 9. Marking rubric is attached to the end of this package. (weight 25%)
- e) There is no Final Exam.

The tests will consist of a variety of objective, definition and short answer questions based on the laws which will appear in the text. For test purposes, students are responsible for all material covered in class, and for the assigned readings.

### HIST 210/CLAS 210/LS 235 Lecture Schedule, Topics and Reading List

PowerPoint Lecture notes, and lecture case studies and conclusions can be found on the uWaterloo Learn CLAS 210 / HIST 210 / LS 235 website.

#### Lecture Topics and Readings

**Wednesday September 7**

**Lecture #1**

**Introduction to Ancient Law**

(skeleton lecture notes provided in class, but can be found on the uWaterloo Learn CLAS 210 / HIST 210 / LS 235 website).

**Monday September 12**

**Lecture #2**

**Origins and Kinds of Laws**

**Readings:** Exodus, Chapter 20:2-17 (pp. 1-2); Chapter 22:18-20 (p.4);

The Code of Hammurabi “Prologue” (p.12); “Epilogue” (pp. 23-24);

Justinian, “The Institutes of Gaius” (p.37).

**Procedures: Oaths and Ordeals**

**Readings:** Exodus, Chapter 22:7-8 (p.4);

Book of Deuteronomy, Chapter 19:15-21 (p.4); Chapter 25:1-3 (p.9);

Laws of Hammurabi, “The Laws” 1-2 (p.12); “The Laws” 127-132 (p.16-17);

Assyrian Law 17 (p.26).

**Wednesday September 14****Lecture #3****Commerce and Debt**

**Readings:** Book of Deuteronomy, Chapter 24:6, 10 and 14-15 (p.8); Chapter 25:13-16 (p.9);

Laws of Hammurabi, “The Laws” 42-48 (p.14); “The Laws” 93-110 (p.14-15); “The Laws” 151-152 (p.19).

**Slavery and Servitude**

**Readings:** Exodus, Chapter 21:2-11 (p. 2);

Book of Deuteronomy, Chapter 23:15-16 (p.7);

Laws of Hammurabi, “The Laws” 15-17 (p.13); “The Laws” 115-119 (p.16); “The Laws” 226-227 (p.22); “The Laws” 278-82 (p.22-23).

**Monday September 19****Lecture # 4****Offences Against Persons, Assaults and Homicide**

**Readings:** Exodus, Chapter 21:12-30 (p.2-3);

Book of Deuteronomy, Chapter 21:5-7 (p.4-5); Chapter 23:1-2 (p.6-7); Chapter 25:11-12 (p.9)

The Book of Numbers, Chapter 35:9-33 (p.10-11).

**Readings:** Laws of Hammurabi, “The Laws” 1 (p.12); “The Laws” 153 (p.19); “The Laws” 195-222 (p.20-22); “The Laws” 229-230 (p.22);

Assyrian Law 7-12 (p.25-26); 50-52 (p.28).

**Wednesday September 21****Lecture #5****Essay Review****Theft and Fraud & Essay Review**

**Readings:** Exodus, Chapter 22:1-8 (p.3-4);

Book of Deuteronomy, Chapter 23:24-25 (p.7); Chapter 24:7, 11-13, 16-22 (p.8);

Laws of Hammurabi, “The Laws” 6-15 (p.12-13); “The Laws” 21-39 (p.13-14)

Assyrian Law 3-5 (p.25).

**Monday September 26****Lecture #6****Family Law**

**Readings:** Exodus, Chapter 22:16-17 (p.4);

Book of Deuteronomy, Chapter 21:10-21 (p. 5); Chapter 22:5-30 (p.5-6);

Chapter 24:1-4 (p.7); Chapter 25:5-10 (p.9).

Laws of Hammurabi, “The Laws” 137-147, 159-193 (p.17-20);

Assyrian Law 13-59 (p.26-29).

**Wednesday September 28**

**Test #1: Hebrew, Babylonian & Assyrian Laws (Content from Lectures 1-6)**

**Monday October 3**

**Lecture #7**

**Summary of the Main Principles of Classical Greek Law, & The Introduction to the Law Code of Gortyn.**

**The Law Code of Gortyn is not in your course text, but is posted as a Word document on the uWaterloo Learn CLAS 210 / HIST 210 / LS 235 – Fall 2021 website.**

**Wednesday October 5**

**Lecture #8**

**Crimes Against Morality, & Divorce**

**Readings found under The Law Code of Gortyn on the course Learn site**

**Columns 1.2 – 2.2: Seizure of Persons (57 lines)**

**Column 11.24 – 11.25: Amendment to Column 1.2 - 2.2 (1 line)**

**Column 2.2 – 2.10: Rape (8 lines)**

**Column 2.11 – 2:16: Forcible Intercourse with a Slave (5 lines)**

**Column 2.16 – 2:20: Attempted Seduction (4 lines)**

**Column 2.20 – 2:45: Adultery (25 lines)**

**Columns 2.45 – 3.16: Divorce (26 lines)**

**Column 11.46 – 11.55: Amendment to Column 2.45 – 3.16 (9 lines)**

**Column 3.37 – 3.44: Separation of Slaves (8 lines)**

**Columns 3.44 – 4.8: Children of Divorced Women (19 lines)**

**Column 4.8 – 4.17: Exposure of Children (9 lines)**

**Column 4.18 – 4.23: Unwed Slave Mother (5 lines)**

**Week of October 8 – 16**

**Reading Week (No classes, tests, assignments or assigned readings)**

**Monday October 17**

**Lecture #9**

**Family Law, & Adoption**

**Readings found under The Law Code of Gortyn on the course Learn site**

**Columns 4.23 – 5.1: Distribution of Property among Children (32 lines)**

**Column 5.1 – 5.9: Non-retroactivity of Law on Gifts to Women (8 lines)**

**Column 5.9 -5.54: Inheritance and Division of the Estate (45 lines)**

**Column 6.1 – 6.2: Gifts to a Daughter (1 line)**

- Column 6.2 – 6.46: Sale and Mortgage of Property (44 lines)**
- Column 6.46 – 6.56: Ransom of Prisoners (10 lines)**
- Columns 6.56 – 7.10: Marriage of Slave Men and Free Women (10 lines)**
- Column 7.10 – 7.15: Liability of a Master for his Slave (5 lines)**
- Columns 10.33 – 11.23: Adoption (43 lines)**
- Column 11.26 – 11.31: The Duty of Judges (5 lines)**

**Wednesday October 19**

**Lecture #10**

**The Heiress, & Inheritance**

**Readings found under The Law Code of Gortyn on the course Learn site**

- Column 3.34 – 3.40: Special Payments to a Spouse (4 lines)**
- Column 3.17 – 3.37: Separation of Spouses (21 lines)**
- Columns 7.15 – 8.30 Marriage or Remarriage of an Heiress (70 lines)**
- Columns 8.30 – 9.1: Further Provisions concerning Heiresses (26 lines)**
- Column 12.6 – 12.19 Amendment to Column 8.30 – 9.1 (13 lines)**
- Column 9.1 – 9.24: Sale or Mortgage of an Heiresses' Property (23 lines)**
- Column 9.24 – 9.40: Liability of Heirs (16 lines)**
- Column 11.31 – 11.45: Amendment to Section Column 9.24 - 40 (14 lines)**
- Columns 9.43 – 10.1: Business Contracts (11 lines)**
- Column 10.1 – 10.25: Gifts of Males to Females (24 lines)**
- Column 12.1 – 12.5: Amendment to Column 10.1 - 25 (4 lines)**
- Column 10.25 – 10.32: Restrictions on the Sale of Slaves (7 lines)**

**Monday October 24**

**Test #2: The Law Code of Gortyn (Content from Lectures 7-10)**

**Wednesday October 26**

**Lecture #11**

**Introduction to Roman Law**

**(lecture notes are found on the uWaterloo Learn HIST 210 / CLAS 210 /LS 235 website).**

**Monday October 31**

**Lecture #12**

**Law of Actions—Early Principles and Procedures**

**Readings: XII Tables – Table I-III (p.30-31); Table IX (p.35);  
Justinian, “The Institutes of Gaius” (p. 37);  
Justinian, “Digest of Roman Law”, Book 50 (p.38).**

**Wednesday November 2**

**Lecture #13**

**Developments in the Law of Actions (procedures)**

**Readings: Theodosian Code Book 9, Title 1 “On Accusations and Written Denunciations” (p.69-70); Title 3 “On the Custody of Accused Persons” (p.71); Justinian, “The Code of Roman Law” Book 9, Title 34-35 (p.89-90); Title 39 (p.91).**

**Monday November 7**

**NO CLASS TODAY**

**Wednesday November 9**

**Lecture #14**

**RESEARCH ESSAY DUE DATE**

**Early Roman Law of Property and Persons**

**“Roman Family” (lecture notes are found on the uWaterloo Learn HIST 210 / CLAS 210 / LS 235 website).**

**Readings: XII Tables, Tables III-VII (p.31-33); Table X (p.35-36).**

**Monday November 14**

**Lecture #15**

**Family Law – Marriage**

**“Roman Marriage” (lecture notes are found on the uWaterloo Learn HIST 210 / CLAS 210 website).**

**Readings: Justinian, “The Digest of Roman Law”, Book 23, Title 1 “Betrothals” (p.39); Title 2 “Formation of Marriage” (p.40-41);**

**Justinian, “The Code of Roman Law”, Book 5, Title 4 “On Marriage” (p.42-43).**

**Wednesday November 16**

**Lecture #16**

**Family Law - Marriage (continued)**

**Readings: Theodosian Code, Book 9, Titles 7-9 (p.72-75); Titles 24-25 (p.84-85); Code of Justinian, Book 9, Title 13 “On the Rape of Virgins, Widows and Nuns” (p.85-86).**

**Roman Law on Divorce**

**Readings: Justinian, “Constitutions”, Eighth Collection Chapters VIII-XIV (p.44-47); Ninth Collection Chapters X-XIII (p.48-49).**

**Monday November 21**

**Lecture #17**

**Torts and Delicts: Early Roman Law**

**Readings: XII Tables, Table VIII (p.34-35);**

**Justinian, “The Digest of Roman Law”, Book 9, Title 2 “On the Lex Aquilia” (p.50-54); Book 47, Title 2 “On Theft” (p.54-60).**

**Wednesday November 23****Lecture #18****Torts and Delicts: Robbery and Insult**

**Readings:** Justinian, “The Digest of Roman Law”, Book 47, Title 8 “On Robbery and Disorderly Conduct” (p.60-62); Book 47, Title 10 “On Insult and Libel” (p.62-67).

**Circumstances affecting Crime and Punishment**

**Readings:** Theodosian Code Book 15, Title 12 “On Gladiators” (p.92-93).

**Monday November 28****Lecture #19****Circumstances affecting Crime and Punishment**

**Readings:** Justinian, “The Digest of Roman Law”, Book 48, Title XIX “On Punishments” (p.68);

Theodosian Code, Book 9, Titles 4-6 (p.71-72); Titles 10-22 (p.75-83);

Code of Justinian, Book 9, Titles 26-33 (p.86-88); Titles 37-38 (p. 90-91); Title 40 (p.91-92).

Course Conclusions.

**Wednesday November 30**

**Test #3: Roman Law (Content from Lectures 11-19)**

**Monday December 5**

**Snow Day Make-up Lecture (if needed)**

Course ends

**COVID CONTINGENCY PLANS (IF NEEDED)**

Should SJU/UW need to return to an on-line format and cancel all in-person classes due to COVID health concerns, the following changes to the course will be put in place:

- Every PowerPoint lecture posted on the course Learn site will have an audio component added to it (only during the on-line time period) that would cover the same content as the originally scheduled in-person lecture. Students may access these asynchronously.
- Students should follow the same course schedule for delivery of lectures, due dates, tests etc as originally posted
- Tests will be changed to be written on the course Learn site, and be composed of only Multiple-Choice questions. Tests will be written on the course Learn site during the regularly scheduled course time as originally posted (ie 4:00 – 5:20 pm).
- Research Essays will be submitted on-line to my personal e-mail, [dhutter@uwaterloo.ca](mailto:dhutter@uwaterloo.ca), on the scheduled due date.



## UW POLICY REGARDING ILLNESS AND MISSED TESTS

[The University of Waterloo Examination Regulations](#) state that:

- A medical certificate presented in support of an official petition for relief from normal academic requirements must provide all of the information requested on the “[University of Waterloo Verification of Illness](#)” form or it will not be accepted. This form can be obtained from Health Services or on the link provided above. If a student has a test/examination deferred due to acceptable medical evidence, he/she normally will write the test/examination at a mutually convenient time, to be determined by the course instructor.
  - The University acknowledges that, due to the pluralistic nature of the University community, some students may on religious grounds require alternative times to write tests and examinations.
  - Elective arrangements (such as travel plans) are not considered acceptable grounds for granting an alternative examination time.

### PROFESSOR’S POLICY ON LATE ASSIGNMENTS/ESSAYS AND MAKE-UP TESTS

There will be no "make-up" tests. A student who does not provide an acceptable documented medical reason will receive a grade of zero for that test. It is also vital that students realize their own responsibility in informing the instructor promptly (preferably prior to missing the test but certainly no more than 24 hours after it). Students who legitimately miss a test, with documentation, should be prepared to write the test the first class after returning from their illness (unless other arrangements have been made).

Research Essays are due, in class, on Wednesday November 9 (by 4:00 pm). After November 9, 5% will be deducted for each class day that the essay is late (i.e. an 85% becomes an 80% after one day late). Hand in your essay in person in order to avoid loss of grades due to “a friend who forgot to hand it in for you”, or a “computer that failed to e-mail it” properly. I do not have a drop box.

Information on Plagiarism Detection: Text matching software (Turnitin®) will be not be used to screen assignments in this course. If you have any questions about correct sourcing of material or possible plagiarism, please consult your course instructor or the [UWaterloo Academic Integrity](#) webpage for more information.

#### Electronic Device Policy and On Being a Courteous Adult Learner:

As in any class there are certain rules of courtesy which must be observed. Arriving late or leaving early, and talking or otherwise being disruptive during the lecture, are behaviours that are both discourteous to the other members of the class, and distracting to the instructor. It is particularly important that courteous behaviour be observed at all times. Unless you have documented support from AccessAbility Services, you may not tape course lectures. Please turn off your cell phones before you come to class!

Attendance Policy: Students are not graded on their attendance in this course. However, based the nature of the course, and the on-going class discussion of the meaning, nature

and context of the laws being studied, it would greatly benefit students to attend all classes. Much of these class discussion and their implications will be reflected in the course evaluations/tests.

### **OTHER IMPORTANT INFORMATION**

**Academic Integrity:** In order to maintain a culture of academic integrity, members of the University of Waterloo community are expected to promote honesty, trust, fairness, respect, and responsibility. [Check [www.uwaterloo.ca/academicintegrity/](http://www.uwaterloo.ca/academicintegrity/) for more information.

**Grievance:** A student who believes that a decision affecting some aspect of their university life has been unfair or unreasonable may have grounds for initiating a grievance. Read the St. Jerome's University Policy on [Student Petitions and Grievances](#). When in doubt, please be certain to contact the St. Jerome's Advising Specialist, Student Affairs Office, who will provide further assistance.

**Discipline:** A student is expected to know what constitutes academic integrity, to avoid committing an academic offence, and to take responsibility for their actions. Check [www.uwaterloo.ca/academicintegrity/](http://www.uwaterloo.ca/academicintegrity/) for more information. A student who is unsure whether an action constitutes an offence, or who needs help in learning how to avoid offences (e.g., plagiarism, cheating) or about "rules" for group work/collaboration should seek guidance from the course instructor, academic advisor, or the Associate Dean. When misconduct has been found to have occurred, disciplinary penalties will be imposed under the St. Jerome's University Policy on [Student Discipline](#). For information on categories of offences and types of penalties, students should refer to University of Waterloo [Policy 71, Student Discipline](#). For typical penalties, check the [Guidelines for the Assessment of Penalties](#).

**Appeals:** A decision made or penalty imposed under the St. Jerome's University Policy on Student Petitions and Grievances (other than a petition) or the St. Jerome's University Policy on Student Discipline may be appealed if there is a ground. A student who believes they have a ground for an appeal should refer to the St. Jerome's University Policy on [Student Appeals](#).

**Note for students with disabilities:** [AccessAbility Services](#), located in Needles Hall (Room 1401) at the University of Waterloo, collaborates with all academic departments to arrange appropriate accommodations for students with disabilities without compromising the academic integrity of the curriculum. If you require academic accommodations to lessen the impact of your disability, please register with AccessAbility Services at the beginning of each academic term.

## ACADEMIC FREEDOM AT THE UNIVERSITY OF WATERLOO

**Policy 33, Ethical Behaviour** states, as one of its general principles (Section 1), “The University supports academic freedom for all members of the University community. Academic freedom carries with it the duty to use that freedom in a manner consistent with the scholarly obligation to base teaching and research on an honest and ethical quest for knowledge. In the context of this policy, 'academic freedom' refers to academic activities, including teaching and scholarship, as is articulated in the principles set out in the Memorandum of Agreement between the FAUW and the University of Waterloo, 1998 (Article 6). The academic environment which fosters free debate may from time to time include the presentation or discussion of unpopular opinions or controversial material. Such material shall be dealt with as openly, respectfully and sensitively as possible.” This definition is repeated in Policies 70 and 71, and in the Memorandum of Agreement, Section 6.

### **HIST 210 / CLAS 210 / LS 235 & Peace and Conflict Studies:**

“This course is recognized as a PACS (Peace and Conflict Studies) Content Course that fulfills requirements in the interdisciplinary Peace and Conflict Studies plan. For information about doing PACS concentration (Major, Minor or Option) visit: <http://grebel.uwaterloo.ca/academic/undegrad/pacs/options.shtml>.

## MENTAL HEALTH SERVICES

All of us need a support system. The SJU faculty and staff encourage students to seek out mental health support if they are needed.

### **On Campus:**

- **Counselling Services:** [counselling.services@uwaterloo.ca](mailto:counselling.services@uwaterloo.ca) / 519-888-4567 x32655
- **MATES:** one-to-one peer support program offered by Federation of Students (FEDS) and Counselling Services
- **Health Services Emergency service:** located across the creek from Student Life Centre

### **Off campus, 24/7:**

- **Good2Talk:** Free confidential help line for post-secondary students. Phone: 1-866-925-5454
- **Grand River Hospital:** Emergency care for mental health crisis. Phone: 519-749-4300 x6880
- **Here 24/7:** Mental Health and Crisis Service Team. Phone: 1-844-437-3247
- **OK2BME:** set of support services for lesbian, gay, bisexual, transgender or questioning teens in Waterloo. Phone: 519-884-0000 x213

Full details can be found online on the Faculty of Arts [website](#).

Download [UW and regional mental health resources \(PDF\)](#)

Download the [WatSafe app](#) to your phone to quickly access mental health support information

### **TERRITORIAL ACKNOWLEDGEMENT**

We acknowledge that we are living and working on the traditional territory of the Attawandaron (also known as Neutral), Anishinaabe and Haudenosaunee peoples. St. Jerome's University is situated on the Haldimand Tract, the land promised to the Six Nations that includes ten kilometres on each side of the Grand River.

### **CHOSEN/PREFERRED NAME**

Do you want professors and interviewers to call you by a different first name? Take a minute now to verify or tell us your chosen/preferred first name by logging into [WatIAM](#).

Why? Starting in winter 2020, your chosen/preferred first name listed in WatIAM will be used broadly across campus (e.g., LEARN, Quest, WaterlooWorks, WatCard, etc). Note: Your legal first name will always be used on certain official documents. For more details, visit [Updating Personal Information](#).

Important notes:

- If you included a preferred name on your OUAC application, it will be used as your chosen/preferred name unless you make a change now.
- If you don't provide a chosen/preferred name, your legal first name will continue to be used.

### **INTELLECTUAL PROPERTY**

Students should be aware that this course contains the intellectual property of their instructor, TA, and/or St. Jerome's University. Intellectual property includes items such as:

- Lecture content, spoken and written (and any audio/video recording thereof);
- Lecture handouts, presentations, and other materials prepared for the course (e.g., PowerPoint slides);
- Questions or solution sets from various types of assessments (e.g., assignments, quizzes, tests, final exams); and
- Work protected by copyright (e.g., any work authored by the instructor or TA or used by the instructor or TA with permission of the copyright owner).

Course materials and the intellectual property contained therein, are used to enhance a student's educational experience. However, sharing this intellectual property without the

intellectual property owner's permission is a violation of intellectual property rights. For this reason, it is necessary to ask the instructor, TA, and/or St. Jerome's University for permission before uploading and sharing the intellectual property of others online (e.g., to an online repository).

Permission from an instructor, TA, or the University is also necessary before sharing the intellectual property of others from completed courses with students taking the same/similar courses in subsequent terms/years. In many cases, instructors might be happy to allow distribution of certain materials. However, doing so without expressed permission is considered a violation of intellectual property rights.

Please alert the instructor if you become aware of intellectual property belonging to others (past or present) circulating, either through the student body or online. The intellectual property rights owner deserves to know (and may have already given their consent).

### **Research Essay & Topics**

Students must complete one research essay as part of their coursework in HIST 210 / CLAS 210 / LS 235. The essay topics are generally of the "fact finding and analysis" type. The essay should be *ca.* 1500-2000 words long (6-8 pages typed). Your work will be graded on the basis of clarity of presentation (including spelling, grammar and syntax) and organization of research in primary and secondary source material and, as appropriate, journal articles. This is not an opinion paper; it is a research paper therefore proper referencing is essential. Please refer to the Arts Faculty policy on the Avoidance of Academic Offenses, or speak to your instructor, if you have any questions about the essay or how to avoid plagiarism.

All written work must be typed using Times New Roman (or something comparable) at a character pitch of 12. Margins must be 1" on all sides and the assignment must not have a cover page. Either endnotes, footnotes or parenthetical references must be used in the citation of your sources. A thesis, conclusion and Works Cited/Bibliography must also be included in this essay.

You must use a minimum of five scholarly sources in writing this essay (ie Wikipedia does not count as a scholarly source!). Be wary of web materials – many web sites are unscholarly and unreliable.

The essay will be graded according to the marking rubric found on the last page of this course outline.

Students who wish to work on an essay from other than the topics listed below should consult with their Instructor first.

**Possible Essay Topics for History 210 / Classics 210 / Legal Studies 235**

1. The Marriage contract in Ancient Law
2. The bride price as pledge and norm of payment
3. Slave marriage in Ancient Law
4. Proofs at law in the ancient world
5. The law of contract in Hammurabi
6. Wage and price law in Hammurabi
7. Commerce and trade in ancient law
8. Principles of punishment in ancient law
9. Methods and types of punishment in ancient law
10. The position of the wife in Hebrew Law
11. The position of the daughter in Hebrew law
12. Prostitution and the law of the ancient world
13. Adultery and the law in the ancient world
14. Concubinage and the law in the ancient world
15. Rights and duties of husbands in ancient law
16. Rights and duties of wives in Hammurabic law
17. Marital consent in ancient law
18. The dowry in the law of Hammurabi
19. "Abomination" as a legal term in Hebrew Law
20. Legislating morality in ancient law

*Note: Unless specifically stated, for all of the above, you may focus on one of the three collections: Hebrew, Babylonian, Assyrian as the topic permits.*

21. The Cornelian law on murderers and poisoners
22. Negligence in Roman law
23. Principles of punishments in Roman law
24. Methods and types of punishments in Roman law
25. The penalty of relegation and deportation
26. The penalty of infamy in Roman law
27. Roman law and the use of torture
28. Criminal procedure in Roman law
29. Military law (D 49.16 )
30. Prisoners of war in Roman law (D 49.15 )
31. Marital consent in Roman law
32. Force and fear as legal defences
33. Ignorance as a defence in Roman law
34. Power of the Father in Roman law
35. Rights and duties of husbands in Roman law
36. Position of the wife in Roman law
37. Position of children in Roman law

38. Rape in Roman law
39. Roman probate law—the law of wills
40. The inofficious will
41. Prenuptial agreements in Roman law ( D 23.4 )
42. The law of gift giving between husband and wife in Roman law
43. The dowry in Roman law ( D 23.3 )
44. Morality and the law in Rome
45. Prostitution and the law in Rome
46. The crime of adultery in Rome
47. The position of the concubine in Roman law
48. The Roman law of treason
49. New crimes for new times --- Heresy, Apostasy, and magic
50. Monetary regulations in Roman law
51. Circumstances Affecting Crime and Punishment: Aggravating, Extenuating, Mitigating, and Excusing Circumstances
52. The influence of Christianity on Roman Law
53. Examine the career of any Near Eastern King or Roman Emperor, focusing on their role in/contributions to, their society in the role of “law-maker”.
54. “Alternative Lifestyles” and Roman Law.
55. The Heiress in Greek Law: Empowered or Imprisoned?
56. Slave Rights in Gortyn
57. Laws of Morality in the Gortyn Code
58. Marriage and Divorce in Greek Law
59. Inheritance in Greek Law

To assist you in the writing of the paper, the following resource materials are on 3 hour reserve in the S.J.U. library and must be used in the library:

#### For the Ancient Near East

- J. Baker. *Women’s Rights in Old Testament Times*  
 Driver and Miles. *The Babylonian Laws Vol.1 – commentary*  
 C. Gordon. *Hammurabi’s Code – a simple commentary*  
 V. Matthews. *Gender and Law in the Hebrew Bible and the Ancient Near East*  
 T. Meek. *The Middle Assyrian Laws (photocopy) also available at WLU*  
*Noth Exodus*  
*Noth Leviticus*  
 D. Patrick. *Old Testament Law*  
 C. Pressler. *The View of Women in Deuteronomy*  
 G. Streete. *The Strange Woman: Gender and Power in the Old Testament*  
 Von Rad. *Deuteronomy*

#### For Rome

- Berger. *Encyclopedic Dictionary of Roman Law (reference section )*  
 Crook. *Law and Life in Ancient Rome*  
 J. Gardner. *Women in Roman Law and Society*

- Family and Familia in Roman Law and Life*
- Justinian.** *The Digest of Roman Law*  
*The Digest ed. Mommsen-Kreuger-Watson, vol.1-4*  
*The Code Book IX*
- S. Lear.** *Treason in Roman and Germanic Law* (chapter VIII).
- M. H. Ogilvie.** *Historical Introduction to Legal Studies.*
- Philip Reynolds.** *Marriage in the Western Church*
- Scott.** *The Civil Law Vol. 1 "The Twelve Tables"*  
*The Civil Law vol.6 end and vol.7 beginning.*
- Pharr.** *The Theodosian Code*
- S. Treggiari.** *Roman Marriage*



CRITERIA	STUDENT COACHING RUBRIC	0-59% (WEAK OR INCOMPLETE PAPER)	60-69% (AVERAGE OR ACCEPTABLE PAPER)	70-79% (STRONG PAPER)	80-100% (SUPERIOR PAPER)	GRADE
<b>Thesis &amp; Conclusion</b>	My Thesis and Conclusion are structured correctly, and effectively serve their purposes.	Thesis and Conclusion are incomplete and/or structured poorly	Thesis and Conclusion had some of the necessary components.	Thesis and Conclusion are complete and effective.	Thesis and Conclusion are flawlessly structured, imaginative, and effective.	<b>/10</b>
<b>Ideas and Concepts</b>	I demonstrate understanding of the ideas and concepts by explaining them in considerable detail most of the time.	Shows a little understanding by using superficial explanations throughout.	Shows a fair degree of understanding by providing somewhat detailed explanations in places.	Shows great understanding by using considerably detailed explanations most of the time.	Shows superior understanding by using extremely detailed explanations throughout.	<b>/30</b>
<b>Material in the Body of the Essay is Well Organized</b>	I organize the Body material so that it flows in a logical progression that reflects a lot of careful thought.	Minimal organization evident, with several instances of repetition.	Some organization is evident, with a few instances of repetition.	Good organization by criteria and/or cause/effect relationships, with very little repetition.	Excellent organization evident throughout, with material strategically placed for maximum effect and no repetition.	<b>/10</b>
<b>Selects Quality Material From Sources</b>	I use quality interpretive material most of the time to effectively support my focus/thesis.	Uses mainly facts, providing weak focus/thesis supports.	Uses some interpretive material, providing moderately strong focus/thesis supports.	Uses a great deal of interpretive material to provide strong focus/thesis supports	Uses excellent interpretive material throughout, providing superior focus/thesis supports.	<b>/10</b>
<b>Formal Language, Spelling, Grammar &amp; Punctuation</b>	I write well throughout with few errors in formal language, spelling, grammar, and punctuation.	Uses mostly informal conversational language with 8 or more errors in spelling, etc.	Uses some informal language with 4 to 8 errors in spelling, etc.	Writes formally most of the time with 2 to 4 errors in spelling, etc.	Writes almost flawlessly in formal language that engages the reader throughout.	<b>/20</b>
<b>Picks Quality Sources</b>	I use the recommended number of scholarly secondary and primary sources.	Uses few sources; mainly tertiary book sources and unqualified internet sources.	Uses one or two secondary and primary sources along with tertiary and unqualified internet sources.	Uses recommended number of secondary and primary sources.	Exceeds recommended number of secondary and primary sources.	<b>/10</b>
<b>Citations &amp; Endnotes Page</b>	I cite appropriate material most of the time, and cite the Endnotes and/or Works Cited pages with few errors.	Uses few citations – mostly from factual material. Endnotes and or Works Cited pages are incomplete with many errors.	Cites some interpretive material along with some facts. Endnotes and/or Works Cited pages have 2 to 4 errors.	Cites mostly interpretive material. Endnotes and/or Works Cited pages have no more than 2 errors.	Cites appropriate material throughout. Endnotes and/or Works Cited pages are almost flawless.	<b>/10</b>

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