

The Early History of Law

Unit 1: Foundations of Law

The Early History of Law

- Laws of ancient civilization have had great influence of the development of Canadian law.
- In early societies, local customs and beliefs were the law, and were based on common sense.
- Law was originally passed on by word of mouth, but as they became more complex it became difficult for citizens to know and understand these law.
- It finally became necessary for existing laws to be written down in permanent form.



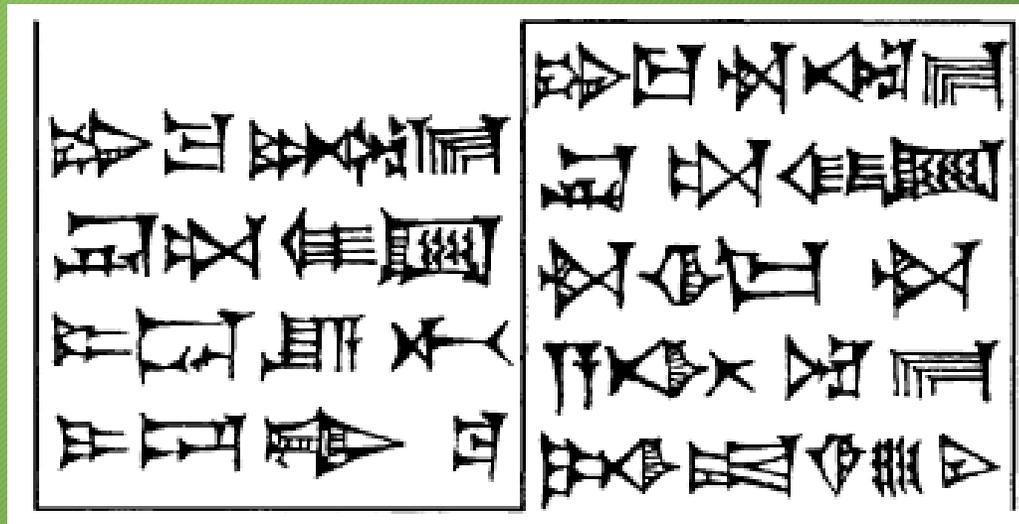
The Code of Hammurabi

- Based on 300 laws recorded by King Hammurabi who ruled Babylonia (now Iraq)
- This set of laws is one of the most important and earliest records of written laws.



The Code of Hammurabi

- A code is a written collection of a country's laws
- The process of preparing a code is called “codification”
- It was organized under headings such as:
 - Family
 - Criminal
 - Labour
 - Property
 - Trade
 - Business



The Code of Hammurabi

- Babylonian judges could match a person's offence and punishment by looking at the written law rather deciding for themselves.
- Crimes punishable by death required a trial by a panel of judges.
- The Code followed the principle that the strong should not injure the weak.
- Retribution was important. It was believed that every crime deserved a punishment.



Moses and Mosaic Law

- Centuries after Hammurabi died, Moses gave laws to the Hebrew people, many laws being similar to those in the Code of Hammurabi.
- This Mosaic law is set out in the first five books of the Old Testament.
- The Bible tells the story of Moses climbing Mount Sinia to receive from God the Ten Commandments.
- The Ten Commandments continues to hold a central position in the teachings of Jewish and Christian faiths.



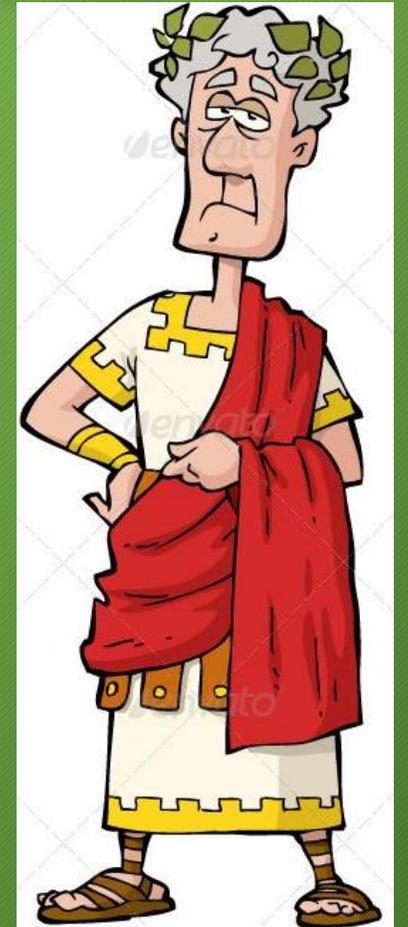
Moses and Mosaic Law

- The punishments for Mosaic law were severe
- Ex: The punishment for adultery was execution by stoning.
- Theft required the offender to repay the victim for goods stolen. In our society paying a fine, or jail time is the norm, even though restitution has become a more common punishment.



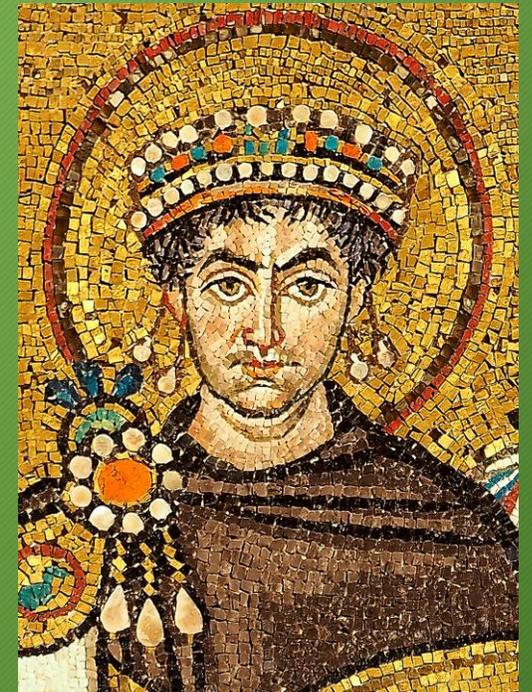
Roman Law

- Began in early Rome, and became the basis of law for Western Europe, except England.
- As the number of laws increased the Romans created a profession devoted to the study of legal matters, marking the beginnings of law as we know it, and the role of lawyers.
- By the year 100C.E. the Roman Empire had spread over much of Europe and remained intact until the 5th century.



Justinian Law

- Created by the emperor of Byzantine, Justinian (527-564 C.E.)
- He codified 1000 years of Roman laws, and produced the Justinian law.
- The Code was a collection of past laws, opinions from leading Roman legal experts and new laws enacted by Justinian.
- The laws emphasized “equality” and that everyone is equal in the eyes of the law, regardless of wealth and power.



Napoleonic Code

- In 1804, after the French Revolution, Emperor Napoleon Bonaparte revised French law, which was based on Roman law and the Justinian Code.
- The new civil laws were called Napoleonic Code or French Civil Code.
- Emphasized equality and justice for all.
- Spread throughout Europe with Napoleons success, and became the a model for many European countries.
- Today, it is the basis of law in many modern democratic countries, and is still the basis for civil law in Quebec.

