

In Depth: Limited Government 1

Name: _____

Time: _____

Date: _____

Instructions: Read each section and answer the multiple choice questions for each section. Each question may have multiple answers. Circle all letters that apply.

Government

The history of government is the history of tyranny. Throughout human civilization, most governments have been led by dictators, dynasties, military chieftains, and monarchs. Governments acted in their own self-interest to protect their power and wealth and to project rules of behavior and beliefs on the masses. Under the best or worst conditions, the people served the all-powerful government. Equality of all before the law had yet to exist as rules and punishments often varied depending on a person's status in society. In fact, it took thousands of years before a few governments began to limit their own power by following specific written codes. The evolution from dictatorship to limited constitutional government took thousands of years.

1. What problem(s) did governments create for people?
 - F. Laws were applied unequally to people of different status.
 - H. Governments refused to limit their own power.
 - M. Governments limited their own power.
 - O. Equality before the law was the goal of every government.

Babylon

One of the first attempts to limit government power was a written code of laws under the Babylonian king Hammurabi who ruled from 1792 to 1750 BCE in Mesopotamia along the Euphrates River. In the introduction, the code stated its purpose: "to bring about the rule of righteousness in the land, to destroy the wicked and the evil-doers; so that the strong should not harm the weak . . . and enlighten the land, to further the well-being of mankind." Hammurabi had conquered vast stretches of land and city-states and realized that he needed a uniform legal code to bring different peoples together.

A publicly viewed list of 282 laws, known as Hammurabi's Code, explained the offense and the punishment in many areas of life including business dealings, family matters, and criminal activity. The

codes read *if this happens, then this will be the punishment*. For example:

- If a man has borne false witness in a trial, or has not established the statement that he has made, if that case be a capital trial, that man shall be put to death.
- If a man has stolen goods from a temple, or house, he shall be put to death; and he that has received the stolen property from him shall be put to death.
- If a man has taken a wife and has not executed a marriage contract, that woman is not a wife.
- If a son has struck his father, his hands shall be cut off
- If a builder has built a house for a man, and has not made his work sound, and the house he built has fallen, and caused the death of its owner, that builder shall be put to death.
- If it kills the son of the owner the son of that builder shall be put to death.
- If a man puts out the eye of another man, his eye shall be put out.
- If the slave of a freed man strike the body of a freed man, his ear shall be cut off.
- If a physician makes a large incision with an operating knife, and kill him...his hands shall be cut off.

By making the codes public, the government could not arbitrarily arrest and punish citizens. Furthermore, the codes allowed for everyone involved in a dispute to offer evidence of guilt or innocence. However, punishments were generally less severe for the upper classes and more severe for the lower classes. These codes served as a basis for later legal systems in other civilizations.

2. Hammurabi's Code served what purpose(s)?
 - B. It was used to govern only family problems.
 - H. It created one set of rules to apply to everyone.
 - R. It was used to conquer other city-states.
 - Y. It sought to protect the weak and destroy the wicked.

3. What protection(s) did Hammurabi's Code create for citizens?

- F. Citizens knew what was legal and illegal.
- H. Government could punish anyone it wanted.
- M. People were able to defend themselves with evidence.
- O. Witnesses who lied at trial were punished.

Ancient Greece

Before the Greeks invented democracy, the aristocracy or upper class ruled Athens through the use of oral or spoken law. These people discussed the law, modified the law, and turned the law into whatever allowed the upper class to maintain its power and wealth. Without access to these laws, the ignorant masses remained vulnerable to the abuses of the aristocratic class. Judges working for the aristocracy altered the law so that the common people often lost lawsuits, property, and money to powerful families. As a result, blood feuds and riots broke out between the aristocracy and the more numerous lower classes. The situation got so bad that the Athenians appointed a man named Draco to create a written system of laws.

The Draconian constitution appeared around 621 BCE and ended much of the violence with often severe penalties for breaking laws. The legal codes punished most crimes with execution, no matter how minor or severe. Hence, history remembered the term *draconian* as any policy or punishment that appeared too harsh. Nonetheless, having a written code of laws, that at least the literate population could read, limited the power of government and created a more stable society.

4. The solution(s) to unequal power in society was to...

- B. give power to the wealthy classes only
- H. allow judges to change the law to fit the court case
- R. give the aristocracy more power
- Y. create a system of written laws

The Roman Republic

The Romans divided their society into two classes: the patricians and the plebeians. The patricians made up a small part of Roman society but they had money, owned land, could vote, and controlled the government. The plebeians made up the majority of

society and generally were the working-class poor. Plebeians lacked wealth and the right to vote, so the patricians controlled the plebeians and Rome. Patricians often manipulated the law, based upon unwritten traditions, to favor themselves at the expense of the plebeians.

When plebeians began rising up against injustices, the Roman government agreed to write down a system of laws that applied to everyone. Between 451-450 BCE officials created the Twelve Tables—the first written laws of Rome. These laws were supposedly written on bronze tablets and put on public display for all to read. The Twelve Tables discussed judicial procedures, criminal, civil, and religious laws. For example:

- Citizens had the right to defend themselves in court, hire an attorney, and call witnesses.
- A person guilty of bearing false witness shall be thrown from Tarpeian Rock.
- Citizens could legally kill burglars if caught in the act at night.
- Stolen property shall always belong to the original owner.
- If a husband wishes to divorce his wife, he must give a reason.
- Patricians and plebeians cannot marry.
- If an animal causes damage, the owner must pay for repairs or give up the animal to the injured party.
- No burial or cremation of a corpse shall take place in a city.
- No laws shall be made that favor one individual or group over another.
- New laws replace old laws.

The Tables established a legal code for Rome and ended arbitrary authority of judges. Historians believe the Gauls destroyed the Twelve Tables when they sacked Rome in 397 BCE. Parts of the Tables' contents survived in records written by other authors but no complete or exact transcription exists. Nonetheless, the Twelve Tables became the basis of Western civil and criminal law to the modern day.

5. What allowed the patricians to control Roman society before the plebeians rebelled?

- F. only the patricians could vote so they controlled the government
- H. the patricians were the largest group in Rome
- M. laws were based on unwritten traditions that could be easily changed
- O. the patricians had most of the wealth