

years, always recognizing the rights of private ownership, and providing rules, methods, and moral principles for contractual transactions.

The Classical Respect for Private Ownership

Among the many contributions of the Greeks to our culture were patterns of legislation in which were clear, precise recognition of private property rights, provisions for their protection, laws governing inheritance and defining the methods of numerous transactional instruments and the rights involved. The most noted of the lawmakers was Solon, Athenian statesman who lived about 600 years before Christ. One of his laws concerning theft reflects the conscience of the age and place in relation to the rights of ownership. It provided that if the owner of a stolen article recovered it, the thief was condemned to pay twice its value; if the article was not recovered by the owner, the thief's penalty was to pay tenfold the value and, if the jury so determined, to be confined in the stocks for five days.

Over a thousand years later, the achievements of the Greeks in defining and protecting private property and contractual rights were equalled, if not surpassed, by Mohammedans, whose creed and

legal system, within about a hundred years after the Arabian prophet's death, had spread across an area from India to Spain. The law of this Islamic empire was derived from the Koran, the words and conduct of Mohammed, and the writings of jurists who belonged to the faith. One of the reported sayings of Mohammed was this:

I swear by God that if Fatima my daughter were to be found guilty of theft, then I would have her hands cut off.

Before turning our attention to the greatest lawmakers of all, the Romans, let us skip ahead in time to have a look at one of the strangest dichotomous characters of history, the Mongolian conqueror, Tamerlane, known also as Timour. By about the beginning of the fifteenth century, he had become the ruler of much of Asia, India, and all Asia Minor. As cruel and murderous in war as communists are in pursuit of their aims, he was an able and even a kindly ruler in peace, doing much to promote art, science, and intelligent law in his dominions. Of him the noted English historian, Edward Gibbon, wrote:

Timour might boast that, at his accession to the throne, Asia was the prey of anarchy and rapine; whilst

under his prosperous monarchy, a child, fearless and unhurt, might carry a purse of gold from east to the west.

Such an experience would be a supreme test today of law in its protection not only of private property, but of children.

The Everlasting Contribution of Rome

The story of Rome is known at least in a general and fuzzy way to every well-educated person. But few appreciate the magnitude and penetration into many lands of the Roman contribution to jurisprudence, which, among other accomplishments, defined, guided, and protected private rights in property and contracts in the various activities and transactions of an energetic people.

Let it suffice here to mention only a few of the Roman jurists whose names never will be forgotten by genuine sages of the law.

Gaius wrote his treatise, *The Institutes*, in the second century, A.D. The work was then original in its method of classification and generalization whereby he constructed a comprehensive system of juristic principles. It was used as a textbook for students of law in a number of countries for three centuries after the author's death, about 200 A.D. This is an example of his style and concepts:

Things subject to human dominion are either public or private.

Things public belong to no individual, but to a society or corporation; things private are subject to individual dominion.

It was Ulpian, the Counselor, who at about the beginning of the third century wrote 23 treatises on law and gave us a definition of justice which never has been improved:

Justice is the constant and perpetual will to allot every man his due.

Justinian I, at Byzantium, Emperor of the Eastern Roman Empire, in the sixth century undertook direction of the task of organizing and greatly reducing in wordage the Roman law, employing a commission of seventeen jurists headed by one said to be the most learned man of his time, Tribonian. Three works were produced, the *Digest*, the *Code*, and the *Institutes*, of which the *Digest* was the most famous and the most influential through many different eras and cultures. Although with the fall of the Roman Empire, the *Digest* disappeared for five centuries, one complete and reliable copy then was found, and it has influenced the jurisprudence of many lands and centuries. These words from the first chapter of the *Digest* have been translated into various languages: