

CARTHAGINIAN CIVILIZATION AND ITS LEGAL SYSTEM

By Ziyad Albulayhid

Legal Systems Very Different from Ours Course

Professor David Friedman

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Introduction

The City of Carthage

Carthage was an ancient city of an ancient civilization known as the Carthaginian civilization which according to legend was formed by a Phoenician queen called Elissa or Dido. The city is believed to have been formed around the year 813 BCE and this was after King Alexander the Great had destroyed the city of Tyre in 332 BCE¹. The city of Carthage is the modern day Tunis, in Tunisia which is found in North Africa. The name Carthage came from the romans that took the name Karchedon from the Greek and turned it into Carthago. The city of Cathage would grow into one of the most dominant civilization of the time with elaborate trade system and legal system before the Roman Empire rose to power. The reason the city grew quickly was mainly because of the destruction of Phoenician trade Centre and rich merchant came to Carthage and made it one of the most powerful and richest in the Mediterranean. The fact that the city was built close to the ports and ships from different parts of the world could trade and they could grow their armies. Carthage controlled the Mediterranean Sea and the trade which was taking place and they were able to keep the romans away².

¹ Joshua J.Mark. *Carthage*. Available at: <http://www.ancient.eu/carthage/>

² <https://en.wikipedia.org/wiki/Carthage>

The Early History of Carthage

The formation of the city of Carthage differs according to different historians; there are some like the Greek historian Timaeus of Tauromenion who claims that the city was formed in 813 or 814 BCE. There is another historian known as Justin who puts the formation of the city at 825 BCE. The idea that this powerful city and civilization was formed by a woman during that period looks far-fetched and the argument is that the city was formed by merchants who saw the city as a strategic place for trade and settlement. Regardless of the exact date the formation of the city or the exact individual who formed the city it was the migration of rich people from Tyre promoted growth in the city and many people from neighboring Mediterranean nations moved in and significantly increased the population. This was the start of the Carthaginian civilization which would last for centuries before finally being destroyed by the rise of the powerful Roman Empire. The expansion of the Carthaginian Empire brought this informal civilization in regular conflict with Rome which at the time was very weak. Carthage boasted of massive navy and formidable forces plus they had one of the most renowned military geniuses called Hannibal Barca who won almost every battle that they waged against Rome. The three great wars were the First Punic War which was fought between the years 264-241 BCE where Carthage lost a major city of Sicily³.

There was the second Punic War which was fought between the years of 218-202 BCE and Hannibal won one of the greatest wars in history the Battle of Cannae in 216 BCE but he would be defeated 14 years later in 202 BCE. After this defeat Carthage was under the Roman Empire. The rejuvenation of Carthage army had Rome worried and the Roman embassy wanted it destroyed and this led to the third

³ <http://www.roman-empire.net/republic/carthage.html>

Punic War which was fought between the years of 149-146 where the mighty Carthaginian Empire fell and most of the people of the city were captured as slaves.⁴ The destruction of the city was led by a ruthless roman general called Scorpio Aemilianus who plundered Carthage for three years until the city fell.

- *Rise of Carthage Under Roman Empire*

The city lay in ruins for decades until a popular roman politician who attempted to establish a colony there in 212 BCE. He wanted to commemorate the Punic wars but there was a lot of negativity between the people and his attempts failed. The person who really rejuvenated the city of Carthage was Julius Caesar who founded the city as a colony in 44 BCE. This marked the rise of Carthage under the Roman Empire where power then shifted back to Carthage. The city became prosperous as it had before and it became a very important center of Christianity. The city continued to serve as important part of trade and Christianity until the fall of the Roman Empire⁵.

The Carthaginian Government

The Carthaginian thrived because they had one of the best systems of administration and constitution. The government was headed by powerful clan and the powerful clan at the time was the Magonid clan who had the largest representation in government. The city was an oligarchy republic where the people opinion was highly rated. The key details of the Carthaginian constitution have been documented in great details by a renowned philosopher Aristotle of Stagira (388-322). His main focus was on the type of governance which was not a full monarch but rather a split between oligarchies and democratic⁶. The reason as to why the Carthaginian never

⁴ *Ibid 2*: <https://en.wikipedia.org/wiki/Carthage>

⁵ Livinus: *Carthage*. Accessed at: <http://www.livius.org/articles/place/carthage/>?

⁶ Livinus: *Carthage Constitution*, accessed at: <http://www.livius.org/sources/content/carthage-s-constitution/>?

experienced any rebellion in their rule was because their system of governance favored the people unlike other civilizations. The Carthage government was based on election system and even though the civilization did not have an absolute monarch they were ruled by an elite aristocracy where powerful clans who were competing for power. The member of these clans who were in the government were responsible for making important decision regarding matters of politics, and even military engagements. Given the time that the Carthaginian government was running the actual working is still elusive to many scholars because this was a period of monarchies and kingship. Different scholars have examined the unique democratic government that characterized the Carthaginian Empire⁷. According to Aristotle, the position of king and general were up for sale.

- *The Suffets*

The Carthaginian government was made up by officials who are known as Suffetets who were two in numbers, and they were judges. The judges in Carthage were elected every two years and it were the citizens who elected these judges. The judges when they were elected they replaced the previous monarch system which was in place. The works of the Suffets were to deal with the judicial matters and the politics and they made very important decision into how the country was ran. During the period of war the Suffets made important decision regarding matters of war with some scholars suggesting that one judge was going with the army to war. The suffets was not working lone but it was in collaboration with other body of government like the senate in dealing with civil lawsuit. The people who were considered for the role of the suffets were from the rich families⁸.

⁷ http://www.newworldencyclopedia.org/entry/Carthaginian_Empire#Governance

⁸ Owen, Jairus *Ancient Carthage*: Accessed at :<http://www.livescience.com/24246-ancient-carthage.html>

- *Senate*

The senate is one of the unusual components of the Carthaginian government and it was also composed of individual who were rich and had a lot of influence in the society. The members of the senate were known as the “*drm*” which meant the great one. The members of the senate unlike the member of the Suffets held the position for life but the selection process is still unknown. The members of the senate were roughly between 200 and 300 hundred. The members of the senate used to meet occasionally to discuss the matter of the state and they used to meet in building near market place. The most common place which the senate used to meet was a temple called the temple of Eshmun. Before any policy is passed the suffets and the senate would need to agree and if they disagreed then they would go for a vote⁹. In the declaration of war the senate was the one who made the declaration. The senate was also the body which was responsible for agreeing to sending reinforcement in war and also setting out the punishments and accepting amnesty plea. In matters of war the senate had a very huge say in matters of war and their key opinion was the one which was sought after.

- *Senior Officials*

The Carthage government also consisted of senior officials and according to Aristotle the senior officials were 5 and they were the one who acted as judges in local law courts. There were other senior officials who were 10 in numbers and they were responsible for religion and were responsible for supervising taxation procedures. The members of the senior officials were the one who were elected to head the state treasury which was headed by a single treasurer and they would impose duties for merchant to pay their taxes. Some officials were the religious leaders and

⁹ Mark Cartwright, *Carthaginian Government*: Accessed at:http://www.ancient.eu/Carthaginian_Government/

they resolved religious conflicts. All the members who belonged to the senior official group were elected and they served for a limited time except the general who were given special position during time of war.

Other than the above mentioned body of the government there were also panel of special commissioners, these commissioners were referred to as pentarchies and they were specifically appointed by the council of a hundred and four. These special commissioners were given just one task which was to handle matters of the state. The other administrative parties which were found in Carthage included; trade unions, administrators, and other elected administrators. Even with all these parties Aristotle has recorded that the people of Carthage had more influence and power in matter of politics as compared to the government¹⁰. The Carthage government was filled with corruption, bribery and the problem of embezzlement was a big issue. The Suffetes had a very hard time curbing this vice because it was corrupting the state and draining its finances. The reason as to why there were high levels of corruption was because the state officials were not given any salary. The people who were elected were required to have their own source of income. In all the position of government were taken up by the clan which was powerful at the time. The political autonomy meant that Carthage civilization did not have to spend a lot and they collected adequate taxes and custom duties from the merchants and the traders who populated the city. The people living in Carthage were free and most of them enjoyed freedom of speech and were subject to the civil government¹¹.

¹⁰ <http://www.perseus.tufts.edu/hopper/text?doc=Perseus:text:1999.01.0058:book=2:section=1272b>

¹¹ https://en.wikipedia.org/wiki/Ancient_Carthage#Government

The Short-coming of Carthaginian Government

The government of Carthage was very good but Aristotle analyzed it further to find the defect into this unique government system that was different from other civilization. One of the defects was having the same person holding different position in the government. For instance we had the chief priest who conducted religious matter being one of the top generals. This meant that the individual was required to multi-task between different tasks. This means that there were some task which were neglected. Giving one person multiple tasks meant that there were other task which were neglected.

Another defect in the Carthaginian government was the fact the fact that for any individual looking to attain a political position or a position of leadership they had to buy it. There was no consideration of merit or nobility which makes the government system highly flawed. Another flaw to the government was the fact that the magistrate and the judges were required to pay a lot of money for their employment. There was no kind of gain for anyone who was serving in the senate or in the government¹².

The Carthaginian Constitution

Carthage system of leadership was the envy of the time because it ran like a well-oiled machine. They had a very elaborate constitution and legal system which was different from the neighboring Sparta, Rome and Greece. The constitution was so unique that Aristotle took time to study and write about it. The Carthaginian elected their magistrates depending on their merit and they had to be men of upstanding morals. This was however time and again compromised by corruption which ruled the legal system at the time. The constitution of Carthage was leaning more to Oligarchy.

¹² Ibid 15 at: Owen, Jairus: Accessed at :<http://www.livescience.com/24246-ancient-carthage.html>

The king and the elder were the one who determined if a matter would be brought to the people, however the people were given the right to decide on serious matters of the state. There was no supreme leader but important matters had to be decided by a council of a hundred plus members. The fact that popular opinion was considered made the constitution very different from others in the nations which surrounded them. The chiefs had the ears of the people on the ground and the people followed their example¹³.

The constitution of Carthage was structure in a way that ensured that the commons never felt left out or alienated by the royals. There is no mention of a tyrant in the period that the Carthaginian Empire stood and no one took power by force but rather competition. There were kings in Carthage but they did not have the absolute power like other kind of kings in places like Egypt and Sparta. The kings in Carthage had very limited power and they were basically compared to magistrates. The kind power could be compared to the kind of power that the high priest had or the power that the permanent commander in chief held. The civilization which shared a close resemblance to Carthage was Sparta but their constitution was quite difference in the sense that for Sparta it was hereditary where kingship will be passed down from one generation to another. In Carthage, this was not the case since all position of power and leaderships were elective¹⁴. There were individuals who were elected to serve for a certain period like the Suffets and others held the position for life. The elections were held periodically and not annually as it was custom.

The king who ruled Carthage did not have the power to command the army as compared to other civilization. The only time a king was allowed to command the

¹³ <http://www.perseus.tufts.edu/hopper/text?doc=Perseus:text:1999.01.0058:book=2:section=1272b>

¹⁴ Heritage History: Accessed at <http://www.heritage-history.com/?c=read&author=church&book=carthage&story=religion>

army was whether he was appointed to do so. The generals were the ones who were given the mandate to lead the army, there were time when the generals would be promoted and made king. Hannibal who was great military leader started by being a judge, before he became a military leader of the Carthaginian. In the constitution there was the senate which works hand in hand with the council. The people had a right to dispute the leadership and they could disapprove appointments. In nations like Sparta or Egypt the people could do nothing about the appointments which were done by the government. There was no nobility by birth which means that regardless of birth or social background could hinder one from joining the nobility. All position of leadership in the government were acquired through bribery and were bought. The Carthaginian constitution was abused by the people because of greed for money and this why Carthage fell in the hands of the rich merchants. The more the population of the city grew the more it had influence on the neighboring nation and before the city fell it had more than half a million inhabitants¹⁵.

The Carthaginian Currency

The Carthaginian was a trade civilization and currency was one of the most important aspects to them. The Carthaginian currency was referred to as Shekels which began to be used in the early 4th century BC. The need to have money was brought by the need to pay mercenaries. Carthage first issued ½ shekels, 12/3 shekels, 3 shekels and 5 shekel pieces. These pieces of currency were made out of different precious stones like gold, silver, bronze and billion. War was the main motivator behind the minting of money in Carthage because most of the mercenaries wanted to be paid using money. The first Carthage currency has an emblem of a horse and a wheat grain. After the first Punic war the emblem on the Shekel changed to where it

¹⁵ Owen, Jairus: ancient-carthage, Accessed at :<http://www.livescience.com/24246-ancient-carthage.html>

was replaced by the head of a female who was the Carthaginian Goddess who was known as Tanit¹⁶. She was the goddess of sun.

After the end of the first Punic War and the second Punic War, Carthage was only using bronze coins. The emblem were the on which kept changing depending on the time. The weight of the currency varied since most of them weighed around 7.0 grams to 7.5 grams. Once the Second Punic war was over the currency changed further where Carthage then reverted to silver shekel where two large shekels were used for trade in Sicily. Other emblems which graced the currency of Carthaginian currency were the diadmed male head, an elephant in reverse, a galloping horse in reverse. After the second Punic war the size of the coin decreased significantly. The silver coins were shrunk to about 7.0 grams while the bronze coins were shrunk to about 8 grams from the previous 10 grams¹⁷. The shrinking was done because of the prevailing exchange rate. After the third Punic War before the city fell the currency changed to pure silver coins which had serrated edges. This was the currency which was used until the city was captured by Rome who introduced their currency.

The Carthaginian Society

The Carthaginian Society is no different from the Phoenician society because they had very similarities and the union they had was quite remarkable. The families ties between the Carthaginian and the Phoenician stems from the fact that most of the Phoenician from Tyre had ancestral relations. The Carthage society was very diverse given that the city was frequented by people from different parts surrounding the Mediterranean and other came from as far as Greece and Rome. The reason the Carthage society was important was the fact that it was an important city in term of

¹⁶ Mike, Markowitz: <http://www.coinweek.com/featured-news/coinage-of-carthage/>

¹⁷ Ibid 10:

<http://www.perseus.tufts.edu/hopper/text?doc=Perseus:text:1999.01.0058:book=2:section=1272b>

politics, trade and religion. The society composed of a cosmopolitan mix which included; mercenaries, slaves, foreigners, laborers and natives. At the time of Carthage, the city was one of the most popular in the Mediterranean. It was the prosperity of the city which led to the city to attract many people. Regardless of the number of the people the role of the women in the Carthaginian society was very elusive¹⁸. The reason for this was because they remained under the rule of men. The main categories of people who made up the somewhat complex Carthaginian society included:

- **Aristocracy**

In Carthage, Aristocracy simply meant that one was very rich. There very a number of people who had escaped or bought their freedom when Tyre was destroyed by Alexander the Great. In Carthage what was considered aristocratic was having money, land was not considered to be wealth and it could not give one a ticket to the aristocracy. The aristocrats were the individual who were involved in trading and anyone who was smart or hardworking had a right to rise and become an aristocrat and rise to the top of the society. These aristocrats were the one who made up the Carthaginian government official s and the fact they were able to earn their own money and they were rich enough they did not any payment. To reach the aristocrat one needed to have financial means because this was the primary way they operated “using money.” Most of the aristocrat who made up the leadership of the city recorded their names in tables and this allowed historian to trace the lineage of some of the popular political leaders in Carthage.

- **Carthage Priests**

¹⁸ Charles Rolling: The ancient History of the Egyptians, Carthaginian, Assyrian, Babylonians, medes, Persian, Macedonia and Grecians . Vol 1

The Carthage Priests were some of the most popular people in Carthage because they led the religious proceeding. Religion and politics and intertwined to a greater degree. The reason for this was that the head priest who was known as (*rb Khnm*) was a member of the senate and thus had a lot influence on the council and how the rules and laws were passed and implemented. There were at least senators who were given the responsibility of dealing with the religious matters. The priests were regarded very highly in Carthage society since they were the one who were approached when the people needed to do different rituals. The priests were the one who performed both the human and animal sacrifice. Most of the sacrifices which were done in Carthage were done in honor of the Punic gods. The difference of priest and other systems of government was that Priesthood was inherited¹⁹. The priest had a certain way of living which appeared to be set apart from the rest of the population. They had shaved heads and each priest was responsible for a specific temple. There is scanty information as to whether the priest controlled education for the Carthaginian society.

- **Carthaginian Artisans**

The city of Carthage was not only known for trading goods from other nations but they were producing their own products. The city had a group of skilled men who comprised of blacksmiths, potters, glassmakers, carpenters, masons, and they were responsible for producing products which would be used for daily use and others as jewelry and others as weapon. There were very large workshops where hundreds of people would work. The workshops include both the citizens and slaves. The artisan did not live in the city but rather they lived in the outskirts of the city and they worked in groups. There were other workers who were not very skilled still had a role to play in Carthage, they worked in minor task like in the docks and other worked as sailors.

¹⁹ <http://www.crystalinks.com/carthage.html>

There were very few people who were idle because in a vibrant city like Carthage there was always something to do. Work was the only way of earning a livelihood. Most of the artisan lived with their families, the building were multi-stories with some stories going as high as five floors. Some of the most magnificent artwork and historical artifacts were produced by the artisans²⁰. Today we have some remaining building which dates back to the period that the Carthaginian thrived and their architecture is still something to marvel at.

- **Carthaginian Women**

There is no detailed record about the Carthaginian women and the role they played in the civilization or in the legal or religious field. There is however a mention of some powerful woman like the queen Dido who established the Carthaginian empire²¹. There are other women like goddess Tanit and Astarte. The reason as to why women are not adversely mentioned is because they were not granted citizenship and they belonged to their husband and fathers. The fact that the women did not enjoy the citizenship rights meant that they played very little role in the legal of political field. There is mention of women participating in religious circles but they were mostly referred to by their fathers of husband's name.

Slaves

The slaves made up of an important part of the Carthage civilization because they played a crucial role in the economic development of the city. Most of the slaves which were found in Carthage came from the conquered states while others were bought in the market. The relationship which existed between slaves and owners from the record shows that it was not a negative. There are mentions of a few slaves

²⁰ <https://www.boundless.com/world-history/textbooks/boundless-world-history-i-ancient-civilizations-enlightenment-textbook/early-civilizations-260/ancient-africa-262/ancient-carthage-264-13307/>

²¹ <http://newsletter.kf.or.kr/english/contents.asp?vol=94&lang=English&no=1114>

becoming free after buying their freedom. This can be true given that the Carthaginian society was driven by greed and corruption²². There are also instances where the slaves were allowed to run businesses for their masters once they have regained their freedom. The only recorded slave revolt took place in 4th century BCE from the nothing else was heard from that time till the fall of Carthage. This shows that the Carthaginian did not treat their slaves badly like in Rome or Greece.

- **Foreigners**

Carthage was home of very many foreigners and it was the foreigners who ran from Tyre who actually established the city. The many foreigners who came to Carthage were from the neighboring African nations like Libya, the others came from Spain and Italy. The biggest number of foreigners came from Greece where most of them were traders. The citizens were not allowed to become citizen and they had limited privileges. There are records which show that some citizens enjoyed more privileges than others especially those who came from Tyre and Sidon.

- **Citizenship**

The people of Carthage were referred to as “*m*” and the citizenship was only recognized for men. Women role in the city was a submissive one and they did not enjoy the citizen status. The foreigners who visited the city were not given citizenship. The city of Carthage was known to maintain an elaborate record of all male which were in the city. The status of the citizen was primarily determined by their richness. The men were required to work and at the same time play a crucial role in matters of politics. There is evidence of second tier citizen who were the slaves and foreigner who would acquire citizenship. The different citizen were either in

²² <http://www.encyclopedia.com/history/asia-and-africa/ancient-history-africa/carthage>

membership which was called “*mizrehim*” and the difference between the different membership and clans were differentiated by the people who fought in wars together or those who were in the same branch. There was close bond which existed between members but high competition between clans²³. Records of the citizen who were of much lower status and belonged to smaller clans and membership has not been recorded extensively. The overall unit of Carthage was questioned time and time again because it times of war there were huge rifts²⁴.

The citizen of Carthage had the right to own property, the people who were considered secondary citizen or foreigners had the right to own property but for a limited period of time. The citizen of Carthage also had the right to a jury. The citizen of Carthage were not required by law to fight in the army but there was a select group of elite Carthaginian soldiers who were called the Sacred Band and they were responsible for going to war. The sacred band was made up of over 2,000 hoplites and they were specifically trained for war. There were no wars which were fought on Carthage soil since most of them were fought in foreign lands. The city was powerful and it was never threatened by smaller civilization. The only civilizations which troubled Carthage were Greece and Rome. The citizens of Carthage were required to pay taxes to maintain their army. There is no clear record as to the amount of tax they paid but it was not a high amount given the fact that their leaders did not get any payment from the government.

Law of Sacrifice and Religion

The city of Carthage was no different in terms of religion with other neighboring states because they too offered sacrifices to Gods. The Carthaginian had two different deities to who they offered worship and sacrifice. They had the goddess

²³ Ibid 8

²⁴Mark Cartwright: Accessed from: <http://www.ancient.eu/article/908/>

Coelestis, this was the god whom they would call in times of calamities like drought. The other deity that the Carthaginian worshipped was Moloch, also known as Saturn. He was the deity that was offered human sacrifice especially child sacrifice. The fact that they were an offshoot from the Phoenicians meant that their law of sacrifice was similar to the one of Phoenicians and Hebrews. The Carthaginian main sacrifices had similar names as the one that the Hebrews had but a key difference is was known as prayer offering. According to the Carthaginian law the priest were entitled to some kind of offering²⁵. In Carthage, there were regular tariffs which were specifically set aside for the priest. According to the laws the priest was entitled to a certain amount in terms of shekels which was the currency used. A typical example is of an ox brought for the three main kind of offering; burnt –offering, peace offering or a prayer offering. Here the priest who oversaw the proceeding was entitled to at least 10 shekels of silver for any burnt offering, in the case it was a prayer offering then they priest was entitled to 300 shekels of flesh.

In the instance that the offering was a much smaller animal like a calf or a ram then the priest was entitled to half of what they would get for a full animal. The smaller the animal the smaller the priest offering and the rest of flesh belonged to the owner of the sacrifice. There were instances where some people of Carthage were very poor and could not afford to give sacrifice in form of any animal or bird. In this instance the law stipulated that they may offer a mea offering and in that case the priest may not take anything. There were regulation of what was to be accepted and what was not to be accepted and the priests were heavily fined if they took more than they should have²⁶. The religious laws were inscribed in tablet and the tablet

²⁵ Fordham University; accessed from:<https://sourcebooks.fordham.edu/ancient/400carthage-sacrifice.asp>

²⁶ Stephen Langdon. History and Significance of Carthaginian Sacrifice.
https://www.jstor.org/stable/3268958?seq=1#page_scan_tab_contents

contained the dates when the code was passed. The tablet also contained the explicit law which the priest was supposed to follow. This was in relation to the people either rich or poor, the kind of sacrifice which was offered. There were provision for the different kinds of sacrifices and non-sacrifices²⁷. There were also provisions as to what would be accepted as sacrifice and what would not be accepted. The tablet also contained very explicit inscription as to the kind of fines which would be charged in the laws was violated. There are records which stated that Carthage used to sacrifice children but different scholars of history have disputed this. There were allegations that children both male and female who were just a few days old were taken to secret location where they were sacrificed to the gods. What makes this this allegation true was the fact that this tradition was carried out by the neighboring states of Phoenicia and Sicily. The human and child offering was maintained until the fall of Carthage. Other record showed that the human sacrifice continued in Africa long after the fall of Carthage.

²⁷ Ibid 10

Conclusion

One thing that is clear was that Carthage was one of the most well organized civilizations. The reason for this is a civilization which is not organized cannot sustain independence and prosperity for more than 600 year. This was the period that Carthage civilization stood before it fell to the romans. The fact that the Carthage civilization was not a monarch and had democratic and oligarch government was something which was totally unheard of during antiquity given the surrounding states governments. Years later the Carthaginian civilization would be studied and documented and praised for maintaining one of the most unusual governance system. The legal system of Carthage was very simple and as much as there was an elected government the people of Carthage had a lot of voice in determining how the government was run. The will of the people were strong even though the barbaric laws such as hanging and beheading still existed. The Carthage legal system showed that it was possible to still have a successful state without having absolute monarchy.