LECTURE IV

Jewish Law in Comparison with other Near-Eastern Laws and with Roman Law.[1]

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ヘブライ大学名誉教授。1924年ウィーン生まれ。53年にヘブライ大学卒業後，D.Daubeの下でローマ法を研究，遺産に関するローマ法とユダヤ法の比較研究でOxford大学より博士号を取得。57年から89年まで，ヘブライ大学法学部で教鞭をとる。この間，楔形文字法へと研究を広げ，『The Law of Eshnunna』を上梓するなど，ローマ法，ユダヤ法，メソポタミヤ法の古代法比較研究で多くの成果をもたらした。73年から78年までイスラエル国立図書館長。

The emphasis in my presentation is on "comparison". Some words of introduction are necessary, to demonstrate the usefulness of comparing laws, generally and in particular when dealing with ancient sources. The basic issues to be resolved are few and ubiquitous, recurring in the main, almost unavoidably, wherever one turns. Some major issues are determined in outline by biology. There is a beginning (birth) and there is an end (death). Both have legal consequences or implication, but are relatively simple. Much more complex is the midway union of the sexes, and the various shapes and forms of marriage, to regulate in detail the relationship between male and female. Outside this framework we have human interaction unconnected with biology. This can be brought under two heading, (a) of wrongs and by contrast (b) agreements, contracts etc. The basic issues are few, but the answers fixed by various laws may be greatly different. It follows, that in comparison we are in the main concentrating on the solutions offered, ask how the various systems may try to find, and do find, their different answers. It will then appear, that the solutions are not necessarily equivalent, that they may differ in the validity of the results, that one may be more appealing than the other. Of course, one must beware of anachronisms, of substituting our late views for the view which were common, in vogue, possibly many centuries ago.

But before coming to actual "comparing", I should mention one significant difference following from the availability of the sources being compared. In that respect there is considerably easier to work with modern sources. The data are all there for scrutiny and appreciation. When one comes to ancient sources, both in Near Eastern laws, but no less so in early Roman law (that is, primarily the Twelve Tables) we are facing a puzzle; often these are puzzles of which many components are missing, and the answers/explanations which we are offered (or offering, as the case may be) are apt to be altogether mistaken.

I shall commence with some remarks on the sequence of discovery (and publication) of our Near Eastern sources. There are two possible methods. The one most usually employed sets out to describe our "State of Knowledge", at a particular given moment. In our case, we could state what is known and available now, in September 2002. This is a legitimate way of dealing with the matter, just as in photography a still-picture is acceptable, tells the "truth" reflecting a particular moment.

The other possible method is to combine a series of such still-pictures, to turn them into one moving-picture, trying to trace the chain of change, the advance in our understanding. I am tempted to do so, because of the rapid progress which has taken place during the last hundred years. Legal systems which had been almost

completely forgotten, covered by the sands of time, have been uncovered and recovered. After a prolonged night, of over 2000 years, the sun has risen over Near Eastern Laws.

The term Ancient Near Eastern Laws (ANEL), which we use, is a general designation, applicable to the Laws prevailing in the Near East (seen from Europe): when we wish to be more specific, we speak of Mesopotamia, Anatolia, Syria, Palestine. The existence of monuments and of documents written on stone and clay had been known for quite some time, but they were riddles, waiting to be deciphered. That decisive stage was reached around the middle of the 19th century. [The test came in 1857: the readings proposed, severally, by four researchers, were very similar]. It signaled the birth of a new branch of scholarship: Assyriology.

If someone had, say in 1850, dreamt up the term ANELaws, what could have been included? Only the Hebrew Bible: It encompasses texts (primarily in the last four books of the Pentateuch) specifically designated as laws, but we are wont to deduce legal ideas and notions also from non-legal narrative, in other parts of the Hebrew Bible. In the Bible itself its laws are presented as God-given, as *verba domini*. But this metaphysical origin of the law is a topic to be contemplated by theologians, not by historians of law. For the latter it becomes significant (we shall see) when it has become a weighty element in the development of the law.

Biblical Law would then, for the time being, have been the only representative of ANEL (a designation which as yet could not have occurred to anyone). Nor was it known then, as is accepted now, that origins of Biblical Law would eventually be found, at least in part, in earlier texts.

Lack of time prevents entry into a detailed discussion of the evolution of Biblical Law; but I can put before you offprints of my contribution to that topic, at a Symposium, which took place at the University of Rome in April 1985. The dating of the various layers of Biblical Law texts is disputed, but the various writings may have accumulated in the course of many centuries.[2]

At some date the text of the Bible had been canonized, given its final form. When this had been achieved, Biblical Law had attained its impact on the future legal life of the Jewish people. It was recognized as a basic norm, not to be departed from, the declared infrastructure to which —in theory— all further development must conform.

The use of the term Jewish Law is alien to the sources, another modern invention, to include all relevant writings, from the earliest time to this day. After the Bible, the next major part of Jewish Law which follows is the Talmud. Once more, I cannot afford to go into details. Let me just say that the Talmudic period commences, perhaps, about the beginning of the last century BCE, and ends about 500 CE. Intensive scholastic activity gave rise to a complex literary output. This activity took place in two countries, in Palestine and in Babylonia, in connection with each other. Let me just say, that it was a major concern of the Talmudists (indeed by no means the only one) to navigate between two competing aims. How to seem to uphold immutability, while nevertheless bowing, inevitably even if almost clandestinely, to urgent needs to change. The Talmudic period ended with the production of two works, the Palestinian Talmud and the Babylonian Talmud.

After the Talmud had been given its final shape, the study and work of interpretation, commentaries, judicial decisions, response literature, has been going on, in various forms, to this very day. Again, no details. But I cannot forgo to mention one person, who has been standing out amongst his fellows for more than 800 years: this is Maimonides (born in 1135, died in 1204), famous as Talmudic scholar, a philosopher, and a physician. In his Restatement of the Law (*mishneh torah*) he systematized the Talmudic law and made it much more accessible.

Let us now go back to 1850. What sources, dealing with ancient law (and history) were available for comparison? There were several roots to uncover, several roads to follow: Of law sources, the significant ones were the following: First and foremost Biblical Law, gliding into Talmudic law. Also one has to bear

in mind Roman Law texts, especially the earlier ones. Greek texts, in a variety of fields, must not be forgotten. Last but not least, legal practice, as it finds expression in documentation has to be taken into account.[3]

To render our discourse more palpable, I have chosen a relatively simple topic, part of the Biblical provisions concerning the infliction of bodily injuries. The following is the full text:

> Exodus 21:22 "When men fight and one of them pushes a pregnant woman and a miscarriage results, but no other damage ensues, the [one responsible] shall be fined according as the woman's husband may exact from him, the payment to be based on reckoning. 23: But if other damage ensues, the penalty shall be life for life."
> 24: "Eye for eye, tooth for tooth, hand for hand, foot for foot. 25: Burn for burn, wound for wound, bruise for bruise."
> 26: "When a man strikes the eye of his slave, male or female, and destroys it, he shall let him go free on account of his eye. 27: If he knocks out the tooth of his slave, male or female, he shall let him go free on account of his tooth."

There are here two cases. The first, (verses 22–23) concern an assault of a pregnant woman, with loss of the foetus. The second case (24–27) deals with a variety of bodily injuries, falling into two parts: it decrees generally talionic retribution ("eye for eye etc."), where the victim was a free person (24–25);[4] at the end (26–27) it decrees the freedom of slaves, who have been injured by their master. I have preferred to concentrate on the latter part, verses 24–27.

Looking (in 1850) for parallels one could turn to the earliest Roman law, of the middle of the 5th century BC. XII Tables 8.2, provides laconically *Si membrum rupsit, ni cum eo pacit, talio esto* ["If person has maimed another's limb, let there be retaliation in kind unless he makes agreement for composition with him."]; ibid.8.3: *Manu fustive si os flegit libero CCC, si servo CL poenam subito* ["If he has broken freeman's bone with hand or club, he shall undergo penalty of 300 pieces; if slave's, 150."]

When comparing Biblical law and Roman law, three differences are to be noted. In Rome, one distinguished between grave injuries (*membrum ruptum*), for which talio was provided, while for lesser assaults (*os fractum*) a fixed penalty was laid down. Secondly, just for the more serious cases, an escape route was opened, for settlement of the issue by means of negotiation. *Talio* —"retaliation [in kind]" is only a remedy of last resort. For damage to a slave, the Bible takes care of assaults by the owner, whereas in Rome the assault was that by an outsider (with a penalty accruing to the benefit of the owner). In due course the Roman approach changed in two respects: (l) The provisions became unified: 8.3. may have shown the way in the replacement of *talio* by money-payment. (2) All the payments involved were freed from fixed sums (like those mentioned in 8.3); the sums payable would have been fixed by a judge (*iudex*), appointed by the *praetor*[5] to adjudicate in each case as appeared suitable. I would not venture to propose a date for these changes.

The question arises at once whether one may read the Roman provision concerning composition into Biblical law. Basically, one should not hurry to read into a text what has not been stated expressly. The question of settling a conflict between the parties by means of "composition", comes up in biblical law. There are cases (e.g. murder) for which composition is expressly denied,[6] there are other cases in which composition is expressly allowed.[7] So it is difficult to decide those cases, in which the law is silent: the decision might go either way.

Returning to the Jewish sphere, one may mention two authors, both outside the religious establishment, both active in the first century CE. First in time is the philosopher Philo. In his De Specialibus Legibus 3. 181–183, he comes out as a resolute supporter of talionic retribution:

> "... Our law exhorts us to equality when it ordains that the penalties inflicted on offenders should correspond to their actions, that their property should suffer if the wrongdoings affected their neighbour's property, and their bodies if the offence was a bodily injury, the penalty being determined ac-

cording to the limb, part or sense affected ... For to tolerate a system in which the crime and the punishment do not correspond, have no common ground and belong to different categories, is to subvert rather than uphold legality ..."[8]

This seems rather rigid and extravagant[9], not only for us, 2000 years later, but also by comparison with other Jewish texts (only slightly later than Philo's). It seems that the philosopher was out of contact with the trends which were developing.

Much more sober is the stand taken by the historian Josephus Flavius (ca. 38 CE to ca 100 CE): He deals with our topic in his Jewish Antiquities 3.280:

"He that maimeth a man shall undergo the like, being deprived of that limb whereof he deprived the other, unless indeed the maimed man be willing to accept money; for the law empowers the victim himself to assess the damage that has befallen him and makes this concession, unless he would show himself too severe".[10]

In accepting the possibility of agreement, this opinion goes beyond the biblical statement, suggests the adoption of something akin to the early Roman proviso *ni cum eo pacit*, possibly also the later Roman development, abandoning *talio* altogether. Moreover, this statement of Josephus may already hint in the direction of the Talmudic ruling, finding expression only a short time later.

The main early Talmudic text, the Mishnah (about 200 CE) has this to say:

Bava Qamma 8:1: "If a man wounded his fellow he thereby becomes liable on five counts: for injury, for pain, for healing, for loss of time, and for indignity inflicted. 'For injury' —thus if he blinded his fellow's eye, cut off his hand, or broke his foot, (the injured) is looked upon as if he was a slave to be sold in the market: they assess how much he was worth and how much he is worth now ..."

The payment for injury may appear surprisingly low, but one ought to bear in mind that it is not to stand alone, by itself, It is only one of five items listed, which may altogether add up to a substantial sum. For our purposes it is more significant that *talio* is left out, goes unmentioned, has already faded away. It is only in later discussions, that the attempt is made to square the new ruling with the biblical text, - but not for any practical change of the Mishnaic ruling, rather by retro-injecting the new dispensation into their interpretation of the original intention of the Bible.[11]

Summing up this first part of our enquiry, we have Biblical prescripts, which are the strictest, more so than in their Roman counterpart. In later Jewish sources, the biblical provisions are upheld only by Philo; not much later, the first scholar, to whom the saying: "an eye for an eye: money" is attributed by name, is R. Shime'on bar Yochai (mid-second century CE). Fifty years later, the Mishnah dispensed with *talio* altogether, in fact relegated it to oblivion.[12]

The next leap forward occurred in 1901/02. In the most significant find ever of a law text, the Laws of Hammurabi were discovered, during excavations at Susa (the capital of Elam). They were swiftly published by V. Scheil, together with a French translation. Were we to describe the LH in any detail, our discussion would be derailed. I shall have to be content with one brief, general observation: Each of the ANE systems of law is independent of the others; at the same time, they are interdependent, at least in the sense, that the latecomer will often be aware of the earlier sources, may be influenced by them, or else deviate from them intentionally. The LH were promulgated in the middle of the 18th century BCE.[13]

And now back to bodily injuries. They are considered in a series of sections; of these we shall concentrate on some only:

LH 196/197/198/199: "If an *awilu* should blind the eye of another *awilu*, they shall blind his eye.
If he should break the bone of another awilu, they shall break his bone.
If he should blind the eye of a commoner (*muškenum*) or break the bone of a commoner, he shall weigh and deliver 1 mina of silver.
If he should blind the eye of an *awilu*'s slave or break the bone of an awilu's slave, he shall weigh

and deliver one half of his value in silver."

LH 200/201: "If an *awilu* should knock out the tooth of another *awilu* of his own rank, they shall knock out his tooth.
If he should knock out the tooth of a *muškenum*, he shall weigh and deliver 1/3rd a mina of silver."

Here then scholars had, for the first time, a parallel, preceding the Biblical "eye for eye" by many centuries. There was as yet no reason to regard the provisions of Hammurabi as a beginning; now it was possible to surmise that *talio* might be going back to even earlier strata.

But there is here a further element, namely a connection between social status (of the victim) and the sanction imposed. There had "always" been the primordial (almost natural) distinction between the free and the slave, but Hammurabi was the first (as far as can now be seen) to introduce a distinction between two classes of free persons, an upper class, surprisingly enough designated only by the ordinary, widely (and generally) used term *awilu*, and the "commoner" *muškenum* —in the present context the more numerous class. As long as the differentiation applied to the victim only, it was easy to tabulate (so in section 196/199), and simple to handle. But a small cloud (or fog) appears in sec. 200/, where the equality of rank of injurer and injured is indicated by "of his own rank" (*ana mehrišu*): how, then, would they have wished to decide, in case the victim was of lower rank, but yet an *awilum*? I do not know the answer, and it cannot be my task to invent one. All I can do, is to ask what the import of *ana mehrišu* is? And thereto I have no answer.

Next, there are four sections, dealing with what one might consider a minor assault, more insult than injury. No less than four sections deal with a slap in the face:

LH 202: "If an *awilu* should strike the cheek of an *awilu* who is of status higher than his own, he shall be flogged in the public assembly with 60 stripes of an ox whip."

LH 203: "If a member of the *awilu* class should strike the cheek of a member of the awilu class who is like him, he shall weigh and deliver 1 mina of silver."

LH 204: "If a commoner should strike the cheek of another commoner, he shall weigh and deliver 10 shekels of silver."

LH 205: "If an *awilu*'s slave should strike the cheek of a member of the *awilu* class, they shall cut off his ear."

We see that the slap in the face was taken rather seriously, probably because an attack on the honour of the person slapped was involved. 60 stripes of an ox whip laid down in LH 202 are a very severe punishment, and even the payment of 1 mina (= 60 shekels) in sec. 203, for a slap in the face of *awilu* by an *awilu* (of like rank) is a heavy fine, equal to that imposed for the destruction of a commoner's eye. There still remain gaps: I forego guessing what would be the punishment of a *muškenum* slapping an *awilu*, or of a slave slapping a commoner.[14]

Altogether the discovery of the Laws of Hammurabi aroused much interest and excitement. Since then a century has passed, time enough to allow for a cooler, more sober assessment of the impact of the Laws of Hammurabi, throughout the millennium that followed their promulgation. It is important to bear in mind the fact, that the Laws were known throughout all this time. This much is assured by the survival of fragments of copies not only of the king's own Old-Babylonian period, but also of later times (Middle-Assyrian, Neo-Assyrian, down to Neo-Babylonian).[15] Limiting ourselves to the topic of bodily injuries, one will note with some surprise, that their actual impact is less than one might have expected. And that is so especially on points which one finds only in Hammurabi, but neither in the sources which precede him, nor in those that followed.

The twentieth century was — amongst other, less commendable characteristics — also an age of scholarship and discovery. I must again confine myself to the most necessary, that is to sources containing further information relevant to bodily injuries. An impor-

tant new law text was published in 1922,[16] excavated (in many pieces) at Bogazköy (Anatolia). These are the Hittite Laws, in two versions, an early one and a revised version. Dating seems to be less than definite.[17] Bodily injuries are considered in a series of sections, as follows:[18]

> 7: "If anyone blinds a free person or knocks out his tooth, they used to pay 40 shekels of silver. But now he shall pay 20 shekels of silver. He shall look to his house for it.[19]"
> 8: "If anyone blinds a male or female slave or knocks out his tooth, he shall pay 10 shekels of silver."
> 9: "If anyone injures a person's head, they used to pay 6 shekels of silver: the injured party took 3 shekels of silver, and they used to take 3 shekels of silver for the palace. But now the king has waived the palace share, so that only the injured party takes 3 shekels of silver."
> 11: "If a person breaks a free person's arm or leg, he shall pay him 20 shekels of silver. He shall look to his house for it."
> 12: "If anyone breaks a male or female slave's arm or leg, he shall pay 10 shekels of silver. He shall look to his house for it."
> 13: "If anyone bites off the nose of a free person, he shall pay 40 shekels of silver. He shall look to his house for it."
> 14: "If anyone bites off the nose of a male or female slave, he shall pay 3 shekels of silver. He shall look to his house for it."
> 15: "If anyone tears off the ear of a free person, he shall pay 12 shekels of silver. He shall look for his house to it."
> 16: "If anyone tears off the ear of a male or female slave, he shall pay 3 shekels of silver."

In this Hittite list it is the absence of any impact of the Laws of Hammurabi that is of particular interest. No sign of *talio*; all is to be settled by payment of a sum of silver, as fixed in the law. No trace of class differentiation (except the basic one, between free and slave.) It is difficult to believe that the Hittites were not acquainted with the LH. Rather, one must regard their stand as deliberately negative.

The year 1948 brings us back to Mesopotamia. An important new source, the Laws of Eshnunna, were published by A. Goetze, in 1948.[20] The LE are very close in time to LH, slightly earlier,[21] the states were neighbours, the language much the same. Altogether, an ideal constellation for comparison. Here now the two main sections on bodily injuries:

> LE 42: "If a man (*awilum*) bit and severed the nose of a man — 1 mina silver he shall weigh out. An eye — 1 mina; a tooth — 1/2 mina; an ear — 1/2 mina. A slap in the face - 10 shekels silver he shall weigh out."

> LE 44/45: "If a man knocks down a man in the street(?), and thereby breaks his hand, he shall weigh and deliver 1/2 a mina of silver.
> If he should break his foot, he shall weigh and deliver 1/2 a mina of silver."

These are very compact formulations. In some details, one can see their use by Hammurabi. So, e.g., the laconic provision, at the end of LE 42, relating to the slap in the face, is a probable origin of the set of provisions 203–205. Especially, note LH 204: the sum mentioned is the same: 10 shekels. Only the description of the parties differs: This because LE does not employ any class distinction within the free population.[22]

Here there was, for the first time, an early system of law, which dispensed altogether with talionic practice (or idea). Within very few years, in 1954 and 1965, the LE were joined by two (fragmentary) copies of the Sumerian Laws of Ur-Namma.[23] This is the earliest Law text known at present, preceding Hammurabi by some 350 years. The relevant sections are the following:[24]

> 18: "If [a man] cuts off the foot [of another man with...], he shall weigh and deliver 10 shekels of silver."
> 19: "If a man shatters the ... – bone of another man with a club, he shall weigh and deliver 60 shekels of silver."
> 20: "If a man cuts off the nose of another man with..., he shall weigh and deliver 40 shekels of silver."
> 21: "If [a man] cuts off [the ... of another man] with [... he shall] weigh and deliver [x shekels of silver.]

22: "If [a man knocks out another man's] tooth with [...], he shall weigh and deliver 2 shekels of silver."

This completes our survey of ANEL sources relating to bodily injuries known until now. Future finds are unpredictable; but one might express concrete hopes for a better preserved text of the LU. Large fragments of Sumerian Laws of Lipit Ishtar (half-way between Ur-Namma and Hammurabi) have been published, but much is missing. Provisions on bodily injuries may well be hidden in some of the gaps.[25]

Once more let me stress, that talionic retribution, although to be found in a variety of sources, did not really play a major role in settling the conflict between injured. Its appearance in these laws is limited in time, and after a relatively short stay it is allowed to disappear, to fade away.

Somehow I have the feeling that more, considerably more, should have been said. As one example, which I have barely mentioned, the case of the pregnant woman, who lost her not-yet born child in a mêlée, is a theme which might have been, ought to have been pursued.[26] *Sed fugit tempus* : Perhaps some other time, some other occasion.

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1 Abbreviations: HL = Hittite Laws; LE = Laws of Eshnunna; LH = Laws of Hammurabi; LU = Laws of Ur-Namma.

2 I am not trying to say anything definite on this topic.

3 As examples of the impact of Greek formulations in documents see the texts mentioned in my *Gifts in Contemplation of Death in Jewish and Roman Law*, 1960, pp. 23f. See also the impact of suggestions of Platon's *Nomoi* 6.784 and 11.930, on Talmudic commandments relating to marriage and the duty of procreation [duty to be married; duty of having children, one male and one female; duty of divorce after ten years of childless marriage]: compare Mishnah Yevamoth 6.6; Tosefta Yevamoth 8.4.

4 Parallel texts, imposing *talio*, are Leviticus 24: 19–20; also Deuteronomy 19:21.

5 A high-ranking Roman official, in charge of litigations.

6 Numbers 35:31 "You may not accept a ransom for the life of a murderer ... he must be put to death."

7 Exodus 21:29 "If, however, that ox has been in the habit of goring, and its owner, though warned, has failed to guard it, and it kills a man or a woman — the ox shall be stoned and its owner, too, shall be put to death. [30] If ransom is laid upon him, he must pay whatever is laid upon him to redeem his life."

8 Translated by F. H. Colson, Loeb Classical Library, Philo, vol.vii, p. 589/591.

9 But see the arguments voiced against *talio* by the philosopher Favorinus in a discussion with the jurist Sextus Caecilius (as reported by Aulus Gellius 20.1.14ff.).

10 Translated by H. ST. J. Thackeray, Loeb Classical Library, Josephus iv, p.611.

11 For the Talmudic broadening interpretations of Exodus 21: 26–27, see Tosefta Qiddushin 1.6, and Bab. Talmud Qiddushin 24a, 25a. Maimonides, *Mishneh Torah*, Tortfeasor and Wrong-doer, 1:2: refers a "tradition" that the word "for" (*tahath*) — in the phrase "an eye for an eye" — means "to pay money".

12 Without going into details for which I could claim no competence, I should mention, that talionic retribution for bodily injuries is incurred in Islamic law. Even so compensation is not ruled out. On this topic Islamic rules may have originated in pre-Islamic Arab tribal practices. The overall impression is a move away from *talio*".

13 I follow the dating (1750 BCE) suggested by Martha T. Roth, in her *Law Collections from Mesopotamia and Asia Minor*, 1995.

14 We shall not pursue the future of the slap in the face: It originated in LE, blossomed in LH, but did not recur in later ANE law-sources. The case is mentioned in Rome in the context of XII Tables 8:4, a general provision, quoted by Aulus Gellius 20.1.12: Si iniuriam alteri faxsit, viginti quinque aeris poenae sunto. Interestingly enough, it occurs in great detail, in the Tosefta Bava Qamma, 9:31; see also Maimonides, Tortfeasor and Wrong-doer, 3:9.

15 For details of copies published up to 1953, see Driver-Miles, *The Babylonian Laws II* (1955) 1–4.

16 Fr.Hrozný, *Code Hittite provenant de l'Asie Mineure I*, 1922.

17 I quote from the Introduction by Harry A. Hoffner, to his translation of the Laws, in Martha T. Roth, op.cit. p. 214: "The Hittite Laws were first written down in the early Old

Kingdom (ca. 1650 – 1500). Four of the many copies of the laws are Old Hittite, and the remainder are copies made during the Middle Hittite or New Hittite periods (ca. 1500 – 1180)."

18 I quote the old version only. The differences would not add significantly to our discussion.

19 Hoffner, p.238, note 5: "The significance of this phrase has been much debated. I favor the view that the person entitled to make a claim in the case is entitled to recover damages from the estate of the perpetrator."

20 *The Laws of Eshnunna Discovered at Tell Harmal*, Sumer 4 (1948) 63–91.

21 Roth suggests 1770, just 20 years before LH.

22 See, in detail, Yaron, *Laws of Eshnunna*, 2nd ed. 1988, chapter five, "Classes and Persons", p.132ff.

23 S.N.Kramer, *Orientalia* 23 (1954) 40ff; O. R. Gurney and S. N. Kramer, Festschrift for B. Landsberger (1965) 13 – 19.

24 The translation is that of Martha T. Roth, op. cit., p.19.

25 For a detailed statement, see Martha T. Roth, op. cit., pp.23f.

26 See my comments (also inadequate), in reviewing Sophie Lafont's book, *Femmes, Droit et Justice dans l'Antiquité orientale* (Vandenhoeck & Ruprecht, Göttingen) 1999, in Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Romanistische Abteilung, 118 (2001) 400–405.