

# Taubenschlag, Rafał

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"Les archives des Murašû, une famille d'hommes d'affaires babyloniens à l'époque perse (455-403 av. J.C.)", G. Cardascia, Paris 1951 : [recenzja]

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SURVEY OF THE POPYRI CHIEFLY FROM  
1953 TILL 1955

BABYLONIAN LEGAL DOCUMENTS

G. R. Driver and J. C. Miles, *The Babylonian Laws*, vol. II (Oxford at The Clarendon Press, 1955).

The work now issued contains not only the transliterated text and English translation of the Code of Hammu-rabi, with a philological commentary, but also the fragmentary remains of all other known Babylonian laws, together with a glossary of all the words used in these documents. These "Babylonian laws on claytablets" contain: Lipit-Ištar's law, extracts from *ana ittišu* containing law, Susian land-law, Babylonian or Cassite law and Neo-Babylonian laws.

G. Cardascia, *Les archives des Murašû, une famille d'hommes d'affaires babyloniens à l'époque perse (455—403 av. J.C.)* (Paris 1951) (cf. E. Volterra, *Documenti neo-babilonesi dell'epoca delle XII tavole* (Estr. dagli *Atti del I Congr. di diritto comparato I* [1953] p. 737 ff.).

When I comment upon this collection of Babylonian legal documents in this magazine, it happens so on account of many analogies with the Greco-Egyptian Papyri which these documents show: cf. the discussion on *mutua fideiussio* (Cardascia 31—35; Volterra *l.c.* 743; my *Law*<sup>2</sup> 304—5); on bail of surety for attendance in court (Cardascia 161; Volterra 753; *Law*<sup>2</sup> 498); on representation (Cardascia 71; *Law*<sup>2</sup> 307); on the right of the mother to act conjointly with the child (Cardascia 23; *Law*<sup>2</sup> 154); on irregular servitudes: the right of the parties to conduct water through each other (Cardascia 178; *Law*<sup>2</sup> 260); on *cautio damni infecti* (Cardascia 179; *Law*<sup>2</sup> 254); on loan with surety (suretyship) (Cardascia 35; Volterra 743; *Law*<sup>2</sup> 411); on lease of tand (Carda-

scia 145; *Law*<sup>2</sup> 354); on *colonia partiaria* (Cardascia 139; *Law*<sup>2</sup> 369); on lease and hiring of animals (Cardascia 149; *Law*<sup>2</sup> 369); on *locatio-conductio operis* and *operarum* (Cardascia 169; *Law*<sup>2</sup> 373); on partnership (Cardascia 177; *Law*<sup>2</sup> 389); sale and barter (Cardascia 172, 397—8; *Law*<sup>2</sup> 317ff.); on deposits (Cardascia 176; *Law*<sup>2</sup> 349 ff.); on *sequestratio* (Cardascia 182; *Law*<sup>2</sup> 352); on *transactio* (Cardascia 164, 183; *Law*<sup>2</sup> 403 ff.); on assignment (Cardascia 185; *Law*<sup>2</sup> 417); on *novatio* (Cardascia 30; *Law*<sup>2</sup> 422); on *datio in solutum* (Cardascia 58; *Law*<sup>2</sup> 424) on cancellation of documents (Cardascia 185; *Law*<sup>2</sup> 420).

#### GREEK AND DEMOTIC PAPHYRI FROM THE PTOLEMAIC PERIOD

Girgis Mattha, *Egyptian Laws of tenure and the obligations of landlord and cultivator towards one another* (Reprint from the *Bulletin of the Faculty of Arts, Fouad I University* vol. XIII Part. II Dec. 1951, p. 7—8).

The opening section of the *Demotic Legal Papyrus of Hermopolis West* deals exclusively with the laws regulating the tenure of arable land and the obligations of landlord and cultivator towards one another.

A landlord (says the papyrus which dates from the end of the third century B.C.) who after having provided the cultivator with the seed-corn and had his land cultivated, holds back the land from the cultivator, is compelled to give the cultivator one quarter of the harvest in compensation for his work.

If the seed-corn necessary for sowing the land belonged to the cultivator, the landlord shall give him a quarter of the produce of the land over and above the said seed corn.

If, on the other hand, the cultivator after having watered the land and been provided with the seed-corn, failed to sow the land he is made to pay landlord the rent plus the seed-corn he received from him, in accordance with the provisions of the lease drawn up between them.

But if it chanced to be low Nile and the land was not inundated, the year was not to count and the cultivator was not held responsible for the rent. He had only to return the seed-corn he received; cf. on *colonia partiaria* my *Law*<sup>2</sup> 358; on ἀβροχία, *ibidem* 361 ff.