

# Taubenschlag, Rafał

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"The Babylonian Laws", vol. II, G. R. Driver, J. C. Miles, Oxford 1955 :  
[recenzja]

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SURVEY OF THE PAPYRI 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-