

Kunderewicz, Cezary

"Some Aspects of the Hiring of Workers in the Sippar Region at the Time of Hammurabi", Mogens Weitemeyer, Copenhagen 1962 : [recenzja]

The Journal of Juristic Papyrology 15, 443-445

1965

Artykuł został zdigitalizowany i opracowany do udostępnienia w internecie przez Muzeum Historii Polski w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej bazhum.muzhp.pl, gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

the sources which derive from Ulpian seem to testify against the opinions expressed by the author.

On the other hand there deserve admiration the logical construction of the work and a thorough examination of this rather difficult problem not only in the Roman law but also in the Greek and common law. However, the Roman sources are here so far obscure that they allow for different interpretation, none of them can pass for the most correct one. It is also possible that the theory of Geiger concerning the Roman law, worked out under the influence of the suggestion of Kiessling, may win general approval. But in the present state it contains several weak points and requires supplementary investigations. The question of the *depositum irregulare* remains still open.

[Cracow]

Janusz S o n d e l

Mogens Weitemeyer. *Some Aspects of the Hiring of Workers in the Sippar Region at the Time of Hammurabi. With a chapter on seal impressions by Edith Porada and Paul Lampl. Munksgaard, Copenhagen 1962, 145 pp. Price D. kr. 28.*

Mr Weitemeyer's book begins with a short survey of publications of the Old Babylonian attendance lists of hired workers and clay bullae (dockets) as receipts for work done (cf. B. Meissner, *Beiträge zum altbabylonischen Privatrecht.* (1893); A. Ungnad, *Vorderasiatische Schriftdenkmäler der königlichen Museen zu Berlin, IX* (1909); F. Thureau-Dangin, *Lettres et contrats de l'époque de la première dynastie babylonienne* (1910); T. Jacobsen, *Cuneiform Texts in the National Museum, Copenhagen 1939*). In addition to 25 dockets and 25 lists edited for the second time Mr Weitemeyer publishes copies and transcriptions of many other dockets and 13 lists from the collection of the British Museum. These documents originate from ed-Dér (situated a few miles to the north of Sippar) or more likely from Abu-Habba (Sippar). The lists from the British Museum are dated in 35-th year of Hammurabi; the date formulae of the docket are for the most part from the reigns of Hammurabi and Samsuiluna. The dockets are mostly three sided clay pyramids.

Mr Weitemeyer divides all the dockets edited in his book into three groups. The first group (nos 1-61) contains the dockets provided (three bead shaped dockets excepted) with a seal impression on the base as well as on the other surfaces and inscribed. On the first side the inscription mentions: „one hired worker” (lù hun-gà), on the second side is the name of the worker and on the third side — month and day. Probably a reed string has been inserted into the apex of the docket. To the second group (nos 100-122) belong the dockets on which the personal name is the name of a head man of a gang of workers. This name is always preceded by a specification of the workers. The third group

contains sealed dockets (some of them are bead shaped or are triangular prisms with two or three holes without inscriptions).

The lists of hired workers divide into two groups: 29 lists (nos 62–90) are dated in the 35-th year of Hammurabi and 9 lists (nos 91–99) — in the 42-nd year of the same king.

According to P. K o s c h a k e r's theory (cf. *Hammurabi's Gesetz*, Bd. VI, p. 160 f.) and J. G. L a u t n e r's (cf. *Altbabylonische Personenmiete und Erntearbeiterverträge*, p. 204 f.) the attendance lists, dockets and wage lists form a complete series of correlated records of the Old Babylonian bookkeeping system employed with regard to hired workers. Mr Weitemeyer endeavours to determine „if there is a connection between the (published) lists and the dockets” and „establish the date of the dockets”. A detailed analysis of the documents in question leads him to the following conclusions.

The dockets made for hired workers to be changed for wages have three characteristic features: conical shape, a hole at the apex of the docket for the string which made it possible to carry it and the sealing (bead shaped dockets excepted). The uninscribed dockets shaped like triangular prisms with two or three holes seem to be the seals attached by a string to an object intended to be enclosed by the sealing. As to a small number of the uninscribed dockets it is difficult to determine to which category they belong. The lists of hired workers from 35th and 42nd year of Hammurabi seem to derive from different localities. The names in the lists from 42nd year permit to forward a hypothesis that there exists a connection between these lists and the dockets. The dockets are mentioned in the list no 73 from the 35-th year. Mr Weitemeyer doubts whether the attendance lists, dockets and wage lists constitute a coherent bookkeeping system and expresses opinion that „the attendance lists may have been used only for days on which the work took place in full scale, and the dockets used when only few workers were hired”. The exchange of the dockets against wages „may have caused the composition of wage lists, whereas the attendance lists may have been used in ordering payment to the usual gang of workers”. The uninscribed sealed dockets could have been issued by an illiterate overseer. Mr Weitemeyer's opinion is not convincing because he does not consider the Babylonian bureaucracy which as other oriental bureaucracies was based on absolute distrust. One of the consequences of this distrust was the system of multigrade control and the excessive use of documents. Then it is far more probable that at the beginning of a work the overseer drew up an attendance list which served to check the attendance of the workers as well as the distribution of the dockets at the end of the day. This attendance list (sometimes with annotations concerning the issued dockets — cf. the list no 75, p. 25) was sent to the paymaster who controlled the validity of the dockets presented to him by the persons who were to receive wages and exchanged the dockets against wages. The paymaster drew up an

account of payments made (a wage list) and together with the attendance list and the bunch of dockets sent it to his superior for the ultimate control. Consequently all these documents were placed in a bag, basket or vessel, sealed and deposited in an archive.

In the chapter devoted to the seal impressions, after an introduction by Edith Porada, who discusses the question of the seal owners, the date of the impressions as well as the style and iconography of the impressions, follows a descriptive catalogue of the seal impressions (by Edith Porada and Paul Lampl) and many photographs of the seal impressions on the dockets (pp. 137-145).

[University of Lodz]

C. Kunderewicz

Pieter Willem Pestman. *Marriage and Matrimonial Property in Ancient Egypt. A Contribution to Establishing the Legal Position of the Woman. (Papyrologica Lugduno-Batava. Edidit Institutum Papyrologicum Universitatis Lugduno-Batavae. Vol. IX).* E. J. Brill, Leiden 1961, XII+238 pp., 4 diagrams. Price f. 40.

This dissertation, very interesting for the historians of the law as well as for the Romanists and papyrologists, rightly deserves to be reckoned among the most important works concerning the law of Ancient Egypt. The author tries „to examine matrimonial law and the law regarding matrimonial property, as it was valid in Egypt with regard to the Egyptians themselves up to the Roman period” and gives us a brilliant and exhaustive study of the matrimony, divorce and matrimonial property in Ancient Egypt.

In the preface we find a short survey concerning: 1) the sources from which one can get to know the law of Ancient Egypt and 2) a review of previous investigations in the field of this law. The author points out that his work differs essentially from the *Ägyptische Eheverträge* of Lüdden (Wiesbaden, 1960) and that the two works supplement each other, the second being of purely philological and sociological character and the first a juridical commentary. The preface ends with some remarks of practical nature which concern the diagrams contained in the book, the rendering of proper names into English, the deeds and texts used in the book and the chronology.

The first part of the work is devoted to the problems of celebration and dissolution of marriage. This part begins with a concise introduction in which the author makes some general remarks about marriage in Ancient Egypt. He calls attention to the fact that according to the statement of Diodoros the Egyptian marriage is polygamous while according to Herodotos it is monogamous and expresses opinion that „it is most likely that Herodotos is right”. The author considers also the statement of Diodoros concerning the admissi-