

Edward Lipiński, *Prawo bliskowschodnie w starożytności. Wprowadzenie historyczne [Oriental Law in Antiquity. Historical Introduction]*, Lublin: Wydawnictwo KUL 2009, pp. 492

Legal texts constitute a significant part of finds from the ancient Near East, and the literature concerning particular issues of its legal history is abundant. However, general works, such as syntheses and manuals, have always been scarce. Only recently, a comprehensive study of Near Eastern law was published in English.¹ The unique work available in Polish so far has been a book by Marek Kuryłowicz² conceived as an overview and a comparison of basic information on Near Eastern, Greek and Roman law. Therefore, the new contribution by Edward Lipiński, appearing in the series *Studia Historico-Biblica* of the Catholic University of Lublin, is most welcome.

As stated by the author, the work is an introduction to the understanding of the sources of ancient Near Eastern law, from their very beginning in the third millennium B.C. to documents from fifth-century Elephantine and even later texts from the Judean desert. The term 'ancient Near East' is used in the broad sense, encompassing not only Mesopotamia, Syria and Anatolia, but also Israel and Egypt.

With so ambitious and comprehensive a project, the main problems are always the selection of data and the way they should be presented. Obviously, it is impossible to write exhaustively about such a variety of material and issues connected therewith. Even in five hundred pages there is enough room only to mention most of the sources; a very small number thereof can be discussed or quoted at length. Another difficulty concerns the way these sources should be analysed, that is to say, whether it is enough to present their formal aspects and

¹ R. Westbrook (ed.), *A History of Ancient Near Eastern Law*, 2 vols, Leiden 2003.

² M. Kuryłowicz, *Prawa antyczne*, [Ancient Laws], Lublin 2006.

an outline of their content, or if it should also be shown what conclusions on various legal institutions can be drawn from them, and by what reasoning. Finally, the last question is how much background information on Near Eastern chronology, archaeology and history is necessary to make the book comprehensible for non-specialists without being too detailed. The latter problem was adroitly solved by the author by leading off with a section devoted to chronology, and then by giving a short historical and archeological commentary in nearly every chapter.

The material is presented in chronological order, beginning with a general review of Near Eastern legal sources both as legal authority and as historical records. Such an introduction is of course necessary for the understanding of particular issues concerning oriental law, as all our knowledge thereof is determined, and at the same time limited, precisely by the specificity of the available sources, or, for certain periods, by the lack of them. For this reason, more details on the so-called 'law codes' could be very useful, as would a short overview of the still-ongoing discussion concerning their character and legal status;³ the author only states that the prologues and epilogues clearly show that they were intended to have a normative character. A short paragraph on this controversy can indeed be found in the segment pertaining to the Hammurabi Code, but it would perhaps have been better to make it more general and to place it before the discussion of sources from particular historical periods.

This introduction is followed by twenty-three chapters presenting in detail material from 3000 years of Near Eastern history. Most of them begin with a review of available documents, with examples quoted *in extenso* or in fragments and discussed by the author. Separate chapters are devoted to some of the 'law codes': the laws of Lipit-İštar, of Ešnunna, Middle Assyrian and Hittite Laws. The Ur-Nammu Code is analysed in one chapter with other oldest sources, and the Neo-babylonian laws – with documents of legal practise from the same period. For all law collections the author provides a short history of research, available sources (stelae, clay tablets etc.) as well as a list of foreign and Polish editions and translations, and most of the codes are also extensively quoted. However, the laws of Hammurabi are analysed only briefly, since, as the author points out, they have been published twice in Polish;⁴ hence only some aspects of social relations, as reflected therein, are mentioned.

The discussion of law collections is not limited to a mere overview of their form and content; it extends to the information that each of them provides on

³ For the discussion, see recently S. Démare-Lafont, 'Codification et subsidiarité dans les droits du Proche-Orient ancien,' in E. Levy (ed.), *La codification des lois dans l'Antiquité*, Paris 2000, 49–64.

⁴ J. Klima, *Prawa Hammurabiego*, Warszawa 1957; M. Stępień, *Kodeks Hammurabiego*, Warszawa 2000.

various legal institutions and sometimes also on social and economic relations. This kind of presentation is especially useful for law students, who are able not only to become familiar with the sources, but are also able to follow step by step the process of their historical interpretation. And, since the incompleteness of the material becomes obvious immediately, it also answers, clearly and vividly, one of the questions most often asked by students: 'why does our knowledge of ancient Near Eastern law contain so many gaps?'.

Of course, such an approach is not without its drawbacks, the main one being the impossibility of arranging legal issues by subjects, since the order in which they are analysed is imposed by the particular law collection. This, in turn, might result in a somewhat chaotic presentation of the law under discussion. However, Lipiński has managed to avoid this danger, and, the main aim of the book being to present the sources and not the law itself, following the former in discussing the latter seems a very reasonable way to proceed.

The same method is used for the discussion of other material, such as royal decrees, and especially texts of legal practice. In most cases, an overview of the extant document types is given, complete with examples, extensive quotations and historical and legal analysis. This pattern is followed for nearly all periods, with the exception of the Late Bronze Age.

The chapter devoted to texts from 2nd millennium Syria and northern Mesopotamia, from Alalah, Emar, Ugarit, Nuzi and Nagar is surprisingly short given the importance of these archives for the legal history. Moreover, at least for Nuzi and Emar, the author abandoned his usual way of presenting the data, quoting only two adoption tablets and no other texts from Nuzi, and, for Emar, concentrating on testaments. The detailed analysis of the latter shows in a very interesting way various aspects of the inheritance law. However, the Emar archives also contain a substantial number of sale contracts, whose particular interest lies in the fact that they are written according to two different legal traditions, Syrian and Syro-Hittite. Lipiński mentions the existence of both of them, but it would be interesting to elaborate a little on the subject from the point of view of legal history, as well as of possible connections between scribal traditions and the political situation.⁵

Another merit of the book is the attempt to show relations and similarities between various Near Eastern legal systems, especially between Mesopotamian, Syrian and biblical law. However, Hebrew law is not only used for comparison

⁵ On this subject see, e.g., D. Fleming, 'Reading Emar's Scribal Traditions', in L. d'Alfonso, Y. Cohen, D. Sürenhagen (eds), *The City of Emar among the Late Bronze Age Empires* (AOAT 349), Münster 2008, 27–48.

with Mesopotamian institutions, it is also analysed in two chapters, one of them dedicated mostly to the Bible, but mentioning also Dead Sea Scrolls, Mishna, Tosefta and Talmud. The regulations concerning animal sacrifices are discussed separately. The work contains an overview of Egyptian sources as well, from the Old Kingdom to the first millennium B.C.

Lipiński's work, informative and well written, fills an important gap in Polish literature on ancient laws. The overview of Near Eastern sources it provides is very useful for didactic purposes, the more so because they are quoted in long fragments. This enables even those who have not mastered or learned ancient Near Eastern languages to gain an idea of their form and content. It is especially important for law students, since it is much easier to understand how ancient law worked if one can learn about it directly from documents of legal practice and law codes. The book is also a good source of basic knowledge for anyone interested in Near Eastern Law, and a starting point for further reading, as it gives extensive bibliography on the law of every historical period discussed therein.

Lena Fijałkowska

LFijalkowska@wpia.uni.lodz.pl

Faculty of Law and Administration
University of Łódź
ul. Kopcińskiego 8/12
90-232 Łódź, Poland