

《論 文》

# Morphological, Anatomical and Statistical Analyses on The Four Ancient Mesopotamian Law Codes Including The Hammurabi Law Code:

—— Part II Social Class and Development of Professions ——

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## **II -1 Introduction**

In the preceding section (Part I of this study)<sup>1</sup>, the four law codes, Ur-Nammu (UN), Lipit-Ishtar (LI), Eshnunna (E) and Hammurabi (H) codes, were analyzed, employing the primarily fundamental materials((ref. 12 and 13 of Part I ), on the size (the total the number of the articles, the number of the legible articles of each code (Table I -5)), the compositions (classification of the four codes into the eleven categories) (Table I -6), and the transfer of the three preceding law codes to the Hammurabi law (Table I -8 ~ I -13). The results were shown in detail.

In this part (Part II ), the number, character and relative portions of the social classes in the ancient Mesopotamia and development of the professions, revealed by the exhausting analysis of the four cords, will be shown.

## **II -2 Methodology of the study**

We employ as the primary materials the legible articles translated, literally from Sumerian or Akkadian into Japanese in the Iijima's works<sup>2</sup> for LI<sup>3</sup>, E<sup>4</sup>, and H<sup>5</sup> law codes and also the articles of the Un-Nammu (UN) law code, translated by Kobayashi<sup>6</sup>.

## **II -3 Social Classes in ancient Mesopotamia**

### **3.1 Four classes**

Table II -1 collects the four social classes found in the ancient Mesopotamia,

Table II - 1 Social class in ancient Mesopotamia

	Law code			
	Ur-Nammu	Lipit-Ishtar	Eshnunna	Hammurabi
I	(lugal)	(lugal)	šarru	šarru
II	lu <sub>2</sub>	lu <sub>2</sub>	awilum	awilum
III	—	—	muškenim	mašenkak
IV	ir <sub>11</sub> , geme <sub>2</sub>	ir <sub>11</sub> , geme <sub>2</sub>	waradu, antum	waradu, antum

### 3·2 Šarru (king)

#### 3·2·1 Frequency of appearance of king in the law articles

In the four law codes three~four social classes with different legal positions are described, including king.

In the Ur-Nammu and Lipit-Ishtar law codes, both written by Summerian any words corresponding to king (in this case, lugal?) are not discovered. In the Eshnunna law the two article numbers 48 (hereafter abbreviated as E48) and E58 contain word Šar (Šarru, lugal) and the Hammurabi code has seven with Šar (Šarrum) (i.e., H26, H27, H28, H33, H35, H51, and H129)(Table II -2). Then, in these codes there are four classes: Šarru, awilum, mushkenum (muškenim, mašenkak, mušenkuk) and waradu (wardum, wardu,wardtu) or antum.

The king's grounds are not clearly indicated in the above four law codes. In the prologue of the laws such as the Ur-Nammu and Hammurabi codes it is shown that the king is nominated by the god as his or her agent and his right can be considered as not restrictive when it does not run counter to the god's trust. This problem will be discussed in more detail later. The term 'king' (lugal) is not found in the Ur-Nammu and Lipit-Ishtar laws. Table II -2 is an addition to Table I -5 in the previous paper.<sup>1</sup> Here, it should be noted that the articles cited in Table II -2 the term Šar is not used as the subject in the sentences. Then, the

‘frequency of king’ has somewhat different meanings from those for awilum, mushkenum, and waradu in Table I -5<sup>1</sup>.

### 3·2·2 Function and authority of king

#### (a)Function

Some functions of the king can be roughly estimated from exemplification in the four codes; king’s regulation(E58, H51), king’s battle (H26, H33), king’s fort (H27,H28), cows and sheep which king gave soldiers (H35), and the man (slave) whom king allowed (H129).

It is clear that king has the right of supreme judgment (E51, E58), and the right to give amnesty (H129). He made the regulations (for example, the public list of the price conversion of goods(H51)).

Table II --2 An addition to Table I -5<sup>1</sup>

	UN	LI	E	H
1 Total number of articles	32	28	59	282
2 Number of legible articles	28	18	59	248
3 Number of legible articles on legal or Šarru	0	0	2 (E48, E58)	7 (H26~28, 33 35,51,129)
4 Portion of 3	0	0	2/59=0.034	7/248=0.028

#### (b)King entrusted by gods

The prologue of the Hammurabi law shows that the authority of king(Hammurabi) was entrusted by the gods (the divine right of kings) : ‘In order to make people happy and to give them satisfaction the god Enlil (see Table II -3-) nominated me (Hammurabi) as a shepherd.’ In a word, king is the man working as agent for the gods, and is also called by the god Enlil as the shepherd.

Table II -3 lists the Sumer and Babylonia (akkad) gods names, their characteristics and their patron cities.

Table II - 3 Mesopotamian (Sumer and Babylonia(Akkad )) god

God			
Sumer	Akkad		Patron city
Enki	Ea	god of earth and water	Eridu <sup>7,8,9</sup>
Marduk <sup>*1</sup>		eldest son of god Ea a guardian god of Babylonia	Babylon <sup>10-13</sup>
Enlil <sup>*2</sup>		brother of Ea head of Sumerians gods god of atmosphere(between sky and earth)	Nippur <sup>14-17</sup>
An	Anu	Babylonian sky god God of sky and universe	Uruk <sup>18-21</sup>
Nanna	Sin	goddess of moon	Ur <sup>22-23</sup>
Shamash		god of sun	Sippar <sup>24-26</sup> Larsa <sup>27</sup>
Ishtar			

\*1, eldest son of Enki

\*2, brother of Enki

The god had functions as a guardian god of a specific Mesopotamia city or cities. The god in the table covers all major seven cult centers in Babylonia.

Gods who entrusted king Hammurabi are (from prologue)

- 1 god Enril (Babylonia hero-god)
- 2 god Marduk (Head of Babylonian gods)
- 3 god Enki (Supreme god of Sumer)
- 4 god Ea (=god Enki )(Babylonian god)

Whose agent was king Hammurabi? he was agent, at least, of the god Enlil (Babylonian hero god; supreme god of Sammer), the god Marduk( a guardian god of Babylon), and the god Enki(Supreme god of Sumer) ( ≡ the god Ea(Akkadian)). Alternative expression of ‘agent’ discovered in the prologue, is the shepherd (named by An Enlil) for the people. The

gods(the god Marduk) are the master of the king.

(c)King's duty and accomplishments

King Hammurabi's duty is demonstrated in the epilogue:

1. Peace (i.e., to bring about peace in the country),
2. Welfare(i.e., to improve well-being of the people),
3. Security (i.e., to maintain security of the society),
4. Justice (ie., to realize justice).

Methods employed for attaining the purpose are:

- (1) Strong weapons entrusted by the gods Zababa (?) and Inan  
[military force]
- (2) Wide knowledge allotted by the god Enki [diplomatic power]
- (3) Force offered by the god Marduk [belief]

### 3-3 Awilum

#### 3·3·1 lu<sub>2</sub> and awilum

Can we regard lu<sub>2</sub> in the Ur-Nammu (UN) and Lipit-Ishtar (LI) law codes strictly as awilum in the Eshnunna (E) and Hammurabi (H) law codes? This speculation can be verified on the basis of the following two evidences.

#### Evidence A

In the case when the following all three conditions ;

- (1) for a pair of articles one belongs to the UN and LI group and the other to the E and H group, respectively,
- (2) their sentences start with 「tukumbi lu<sub>2</sub> (-<u<sub>3</sub>>>...)」 in the UN and LI group or 「Šumma awilum ...」 in the E and H group,
- (3) the contents of the above articles are identical or similar with each

other.

are satisfied concurrently, we can conclude that eq.(1) is valid.

$$lu_2 = awilum \quad (1)$$

The following four cases are confirmed to satisfy the above conditions (1)~(3) :

case 1  $H61 = LI8$

case 2  $H59 \simeq LI10$

case 3  $H127 \simeq LI 17$

case 4  $H171 \simeq LI 25$

Accordingly, the first speculation is certificated.

#### Evidence B

There is a direct evidence supporting the validity of the equation(1) : An Eshnunna law article (E16) states that 「mar (sons) awilum (DUMU(sons)LU<sub>2</sub>) la zizu…」 .

At the time of enactment of the Eshnunna law cord, the above equation [eq.(1)] seems to be widely recognized. Of course the small possibility of revision of E16 in the form of cuneiform engraved on the clay tablet (copy) cannot be absolutely ignored.

### 3·3·2 What is a main target of the Hammurabi law?

Now, we can recognize the two following facts on the Hammurabi code :

Fact A : Inspection of the prologue and epilogue of the Hammurabi law code indicates that the object of the law is, obviously, common people.

Fact B : The articles on the awilum constitute the main part of the law, as compared with other social classes (Table I -5 ).<sup>1</sup> The

portion in number of the articles on the awilum (and lu<sub>2</sub>) are  
47~70% in the four law codes.

The above-mentioned two facts are, self-evidently, mutually consistent  
only in the case when the approximate equation ;

$$\text{awilum} \simeq \text{ordinary people} \quad (2)$$

is valid.

### 3-3-3 What is awilum?

Table II -4 collects some examples of the literature studied on awilum  
and mushkenum.

Table II - 4 Awilum and Mushkenum

Awilum, lu <sub>2</sub>	Mushkenum
noble man <sup>28,30</sup>	ordinary people <sup>28,31</sup>
(1) man <sup>32</sup>	(1) subordinate to palace <sup>33</sup>
(2) freeman(non slave) <sup>32</sup>	(2) poor man <sup>33</sup>
(3) first class citizen <sup>32</sup>	
elite citizen <sup>34</sup>	ordinary people <sup>34</sup>
freeman <sup>35</sup>	humble <sup>35</sup>
(1) powerful man <sup>36</sup>	subordinate to an other person or an institute <sup>36</sup>
(2) man with high status <sup>36</sup>	difference of Mushkenum and slave is unclear <sup>36</sup>
(3) sometimes, man <sup>36</sup>	

Kraus (1958)<sup>28</sup> and Kishimoto (1968)<sup>36</sup> proposed :

$$\text{awilum} = \text{noble man} \quad (3)$$

and

$$\text{mushkenum} = \text{ordinary people} \quad (4)$$

Nakata(2000) had similar idea :

$$\text{awilum} = \text{elite citizen} \quad (5)$$

and

$$\text{mushkenum} = \text{ordinary people} \quad (6)$$



The most reliable method for evaluating the nature of awilum is (1) to collect the articles starting with 「takumbi lu…」 in the UN and LI law codes and 「Šumma awilum…」 in the E and H codes and (2) to determine the deed or to speculate the jobs of the subject (i.e., lu or awilum in this case) in the above articles.

The results of the procedure (1) are collected in Table II -5a,5b and Table II -6a,6b.

Table II -5a Outlines of the articles starting with 「takumbi lu<sub>2</sub> . . . 」 in the two preceding law codes(UN and LI)

<b>( I ) UN(9 articles)</b>	
UN 1	<u>murder</u>
UN 2	<u>robbery</u>
UN 18-22	<u>injury</u>
UN 6,8	<u>rapist</u>
<b>( II ) LI (8 articles)</b>	
LI 8	<u>land owner</u> , <u>tenant farmer</u>
LI 9	<u>thief</u> (orchard)
LI 10	<u>cutting of tree</u>
LI 11	<u>theft</u> due to unpracticed reinforcement of fence at uncultivated land
LI 17	<u>criticism</u> (reproach) to other people
LI 25	<u>master</u> of the slave who bore a child him
LI 26	<u>partner</u> of the prostitute who bore a child him
LI 28	<u>husband</u> of sick wife

Table II-5b Outlines of the articles starting with 「Šumma awilum: . . .」 in the E code

(III) E (14 articles)

- E 6 thief of ship
- E 12 field thief at daytime
- E 13 house invader arrested at the daytime or night
- E 17 fiancé who died before marriage
- E 18 man who pays his debt by equivalent goods
- E 19 man who pays his debt by barley
- E 20 man who pays his debt in front of borrower creditor
- E 22 person who seized a female slave (who has nothing to do with the person)
- E 23 person who caused the death of slave in E22
- E 24 person who seized wife and children of mushkenum who has nothing to do with the person and caused their death
- E 25 gallant whose proposal of marriage with girl was rejected by his father-in-law
- E 26 an engaged person who raped another girl
- E 27 man who didn't have the first meeting and introduction banquet for her parents
- E 28 married soldier or war prisoner, both returned from expedition

Table II -6a Estimation on character of 'awilum' from the articles starting with  
「Šumma awilum · · ·」 in the Hammurabi law code

- 1 accuser (H1,2)
- 2 thief (H6,8)
- 3 buyer of silver, gold and slaves (H7)
- 4 victim of robbery and theft (H9)
- 5 helper to the slave on the house(H10)
- 6 runaway slave catcher (H17)
- 7 trespasser (H21)
- 8 robbery (H22)
- 9 buyer of cattle and sheep(given by king to soldier)(H35)
- 10 contractor of buying and selling (H41)
- 11 peasant (H42,43)
- 12 cultivator (H44)
- 13 lender(of farm ; H45), (of grain, silver; H113)
- 14 debtor (H46,48,49,117)
- 15 farmer (H43,55,56)
- 16 tree-cutter (H59)
- 17 orchard load (H60,61)
- 18 requester of transport (H112)
- 19 bear (rough) against illegally captured hostage (H114,116)
- 20 creditor (H115)
- 21 female slave's master (H119)

(Continued)

Table II -6 b Estimation on character of 'awilum' from the articles starting with  
「Šumma awilum· · ·」 in the Hammurabi low code

22	<u>depositor</u> (H120-125)
23	<u>gossip mill</u> (H127)
24	<u>husband</u> married without oath document (H128)
25	<u>war-prisoner</u> (H133-135)
26	<u>refugee</u> (H136)
27	<u>divorcee</u> (H137,138)
28	<u>man</u> married to nun (H144-147)
29	<u>adulterer</u> (H153-158)
30	<u>father</u> who disowns his son (H168,169)
31	<u>father</u> as donor of inheritance (H165,170,172)
32	<u>stepfather</u> of adopted child (H185,186,190,191)
33	<u>assailant</u> (H196,200,202,203,206,209)
34	<u>deceiver</u> (H226)
35	<u>ship's loaner</u> (H236)
36	<u>employer</u> of boat man(H238),cultivator (H253,257) cattleman (H258), heard man (H261), day laborer (H273), male craftsman (H274)
37	<u>mortgagee</u> to cattle s pawn (H241)
38	<u>borrower</u> of cattle and donkey (H244~249,267)
39	<u>owner</u> of cattle killed child (H252)
40	<u>borrower</u> of plow (H259), cattle, cart and coachman (H271), cart(H272), Ship (H276, 277)
41	<u>buyer</u> of slave (H278~282)

In the UN law 9 articles and in the LI law 8 articles are discovered to start 「takumbi lu<sub>2</sub> · · ·」. In the E law 14 articles and in the H law 43 articles are detected to start with 「Šumma awilum· · ·」.

Detailed examination of Table II -5~ Table II -6 shows ; Jobs discovered in the tables seem to cover almost whole range of jobs of the society at that time .

Several examples illustrate that the awilum contains the lower group;

- (1) tenant farmer (LI 8)
- (2) peasant (H42, H43)
- (3) slave catcher (H17)
- (4) farmer (H43, H55, H56)

Some examples show that the awilum contains the middle group;

- (5) land owner (LI 8)
- (6) lender of farm (H45)
- (7) orchard load (H60, H61)
- (8) employer (H238, H253, H258, H261, H273, H274)
- (9) master of slave (LI 25, H 119)

Examples (1)~(9) indicate clearly that the awilum covers the lower and middle classes, and validity of eqs.(3) and (5) is evidently denied. Penal laws are discovered throughout the four law codes and there is no article, exclusively applied to the noble man alone. It will be noticed that in the H law the penalty for the criminals varies, depending on the combination of the assailant rank and the victim rank. It is evident that the awilum is ordinary people, including lower and middle classes.

It is also important to stress that it is logically sufficient to demonstrate one example denying the equation ;  
awilum = noble man (3).

Table II -7 shows the professions of the upper awilum discovered in the Eshnunna and Hammurabi law codes. In the Ur-Nammu and Lipit-Ishtar law codes no article on the upper awilum was detected and omitted in the table. Table II -7 was constructed from the articles whose

subject was evidently awilum, although the sentence of the article does not start with 「takumbi lu<sub>2</sub> . . .」 or 「Šumma awilum…」 . The professions described in these articles need, without except, a particular expertise in the management (for examples, higher official governor, mayor, judge) and higher skillful professionals including medical doctor and skilled professional craftsman. In other words, the peoples, whose professions are tabulated in the above table, belong also to the awilum and are recognized as the upper awilum or the elite citizens. Local skilled craftsman (see, Table II -5 ~ II 6) may be classified into the middle awilum.

Then, we can conclude with evidences that awilum seems to have been consisted of ‘citizens ‘or ‘freeman’ , except mushkenum and waradu, ranging from the upper elite sub-class (layer) to the poor or ordinary sub-class (layer), consisting the major of the society at the Old Babylonia period. The reason why the main parts of the articles are targeted to awilum can be explained in this way with concreated

Table II-7 Professions of the upper awilum

Eshnunna(E) law code	Hammurabi(H) law code
1. skkanakk(E50) (governor general)	1. papa(H33,H34)(commander)
2. sapiir narium(E50) (director of canal(supervisor))	2. nubanda(H33,H34)(director general)
	3. dianu(H5,9,127,172,177)(judge)
	4. tamkaru(H32,49,50,51,100,101,102,104,106, 107,118, 119,152) (merchant)
	5. rabianu(H23,24)( mayor of town)
	6. azu(H215,217,218,219,221) (doctor)
	7. az ualpim ulu imerim(H224) (veterinarian)

evidences.

Aawilum = elite citizen + middle class + ordinary (or lower) people ( 7)

It should be emphasized that the articles on the upper awilum, except those of merchant (tamkaru), in Table II -7 warn them of their abuse or misconduct. For their possible disobedience they are heavily punished ; for examples, death (for commander and director general ) ; penalty, dismissal, and banishment(for judge) ; compensation or bodily punishment (amputation of finger) (for doctor and veterinarian) ; death or daughter's death, or compensation (for craftsman). For the power man faithfulness, loyalty, ethics, morals and honesty to his job are thoroughly demanded.

Inspection of Table II -6~Table II -7 shows that the transfer of rather homogeneous awilum class to much (highly) heterogeneous and broad awilum class occurred with mass or volume expansion during the Old Babylonian period. Here, it should be admitted that the boundary among the sub-classes (upper, middle and lower (or ordinary)) is a little obscure.

Some comments to the previously proposed ideas.

1. The ideas of Kraus<sup>28</sup>, and Kishimoto<sup>30</sup> are abandoned because eq.(3) is not valid.
2. The concepts of Kuroda<sup>29</sup> and Van de Mieroop<sup>36</sup> are basically acceptable.
3. Nakata<sup>34</sup> recognized that the awilum is narrowly limited to the elite citizen. Elite is apparently included in a group of awilum, but in addition to the elites there are also various awilums. And Mushkenum is not ordinary people (see 3.4.2).

4. Ijima's idea<sup>35</sup> is near to that of 2, but the awilum cannot simply be classified as the freeman. and the distinction between the awilum and mushkenum is rather obscure.

### **3.3.4 Legal status of awilum**

In the case where the criterion which regulates the society is the rule of law in the written form, the society is called as the law-abiding state. Hammurabi's kingdom (almost an entire Mesopotamia) is, in this sense, the first 'nulla poena sine lege'.

Awilum had, irrespective of his job, the property (poor or rich), the social position and so on, absolutely equal legal (criminal, civic and commerce) status. Any awilum had the right of charge against some awilum (i.e., the right of accusation to the court) (H1), becoming a suitor in law suit, although any detailed legal proceedings are not disclosed in the articles. Needless to say, a charge accompanies a grave responsibility (H1).

From a view point of completeness of the law system (see, also Table I -6) the Hammurabi law code is the origin of the legal system today.

## **3.4 Mushkenum**

### **3.4.1 What is the mushkenum ?**

There is no article on mushkenum in the Ur-Nammu and the Lipit-Ishtar codes. This fact suggests strongly that in the Sumer society mushkenum were not existed, at least, as one of the social classes with the peculiar legal status.

On the other hand, there are five articles in the Eshnunna code ( E12,



E13, E24, E34, E50) and thirteen articles in the Hammurabi code (H8, H15, H16, H140, H198, H201, H204, 208, H211, H212, H216, H219, H222), both on mushkenum.

It should be noted that the portion of these articles on the mushkenum are small (8% and 5%, respectively)(see Table I -5).<sup>1</sup> The mushkenum seems to have been a specific minority group in the Akkad period. Significant difference in the legal status among the awilum, mushkenum, and waradu will be discussed later (3.4.2. and 3.5.6).

### 3.4.2 Legal status

#### A Equivalent to the awilum : property right (ownership)

A1 Mushkenum can buy and sell his properties including his slaves (this is a direct evidence showing that mushkenum is not slave)

(i) real state : field (E12) and house (E13)

(ii) movables : slave, female slave (E50), (H219)

: cow (alpum), donkey (imeram)(E50)

A2 Home and family (wife and children)(E24)

#### B Advantage of the mushkenum to the awilum (legal protection to mushkenum)

B1 the offense by the assailant against mushkenum

(i) theft • • penalty is equivalent to the gods and the palace (H8)

(ii) escape of the slave (H15) • •

(iii) invasion into field (E12)(H12) • • severe punishment to the assailant

(iv) invasion into house (E13)(H13) • • severe punishment to the assailant

(v) ill-treatment to hostage (mushkenum's wife and child)(E24)

#### B2 the embezzlement

the embezzlement of mushkenum's property (slave, cow and donkey) by the public officials (E50) • • severe punishment (equivalent to the palace)(H8)

B3 the cost of the medical treatment (H222) • • cheaper fee for the medical treatment than awilum

### C Disadvantage compared with awilum

#### C1 Bodily injury

If the mushkenum conducts crime he (the assailant) is severely punished than the awilum (the assailant).

(i) the case where the assailant is the awilum and the victim is the mushkenum (H198 : eye, bone).

(ii) the case where assailant is the mushkenum and the victim is the mushkenum: (H201; teeth :H204:cheek).

(iii) the case where the assailant is the awilum and the victim is the awilum : (H196; eye: H197: bone :H200 ; teeth:H203 ; cheek).

(iv) the case where the assailant is the mushkenum and the victim is the awilum: (H202 ; cheek).

#### C2 Medical malpractice

(H201 ; teeth, H211, H212 ; miscarriage).

#### C3 Compensation

Compensation against the mushkenum's damage, caused by the crime or the medical malpractice; The mushkenum as damage receives less compensation money than the awilum.

Van de Mieroop<sup>36</sup> stated how that (mushkenum) differed from a

waradu is unclear. If we understand the difference in the legal status of mushkenum (3.4.2) and the waradu (3.5.6), we can easily realize the very significant disparity between them.

Direct and conclusive evidences are :

- (1) a mushkenum can have his own slave (E50,H175, H176,H219).
- (2) If a mushkenum kills a slave this is not homicide.

If he has some responsibility for death of the slave he compensate an equivalent slave or money as replacement of the dead slave (E55, E57,H231).

Table II -8 illustrates the compensation (penalty) against the crime victim or the punishment for the assailant in the cases of cheek blow and attacks on eye, bone and teeth. It is evident that the penalty differs depending on the combination, the social class of the assailant and that of the victim (four combinations) and on the degree of the damage. Lex talionis is rigorously applied, in these tables, only to the cases of both the assailant and victim are the awilum (case 2, 9,11 and 13) (exceptional case: H207 (death caused by the injury (beating) during quarrel → silver 1/2 manu)). In other cases, the compensation by the money is employed.

For the same damage caused by the same crime done by the awilum (case 1 and case 4) the half compensation is given to the mushkenum victim than the awilum victim.

Table II - 8 Compensation against crime victim or punishment for assailant

Injury	assailant → victim	damage	penalty(compensation)	case
cheek blow	A → A	miscarriage	10 seqlu (H209)	1
		→ death	death of A' 's daughter(H210)	2
		injury	1 mana (=60 seqlu) (H203)	3
	A → M	miscarriage	5 siqlu (H211)	4
		→ death	1/2 mana(=30 siqlu) (H212)	5
		injury	—**	6
	M → A	(injury)	60 lashes (H202)by cow whip	7
	M → M	(injury)	10 seqlu (H203 )	8
(Attack on)				
eye	A → A	crash	crash of A' 's eye (H196) ***	9
	A → M	crash	1/3 mana (=20 siqlu )(H198)	10
bone	A → A	break	break of A' 's bone(H197) ***	11
	A → M	break	1/3 mana (H198)	12
teeth	A → A	break	break of A' 's teeth (H200)***	13
	A → M	break	1/3 mana (H201)	14

A, awilum ; M, mushkenum

\* assailant's ,

\*\* not indicated

\*\*\* law of retaliation

When life of the awilum is lost due to some one's misconduct (assailant in wide meaning) the law of retaliation is applied (for example, house holder vs. carpenter (H230), house child vs carpenter's child (H230)). An exception is H218 (doctor's medical malpractice).

Kuroda<sup>37</sup>noted that there are examples where mushkenum are referred together with the soldier (redum) and the fisherman (bāirum) and references are found in H26~H42. Surprisingly, we cannot find such a case. In all the articles cited by Kuroda, there is no word mushkenum (Table II -9). In the table tax collector is also tabulated for comparison. In H27, H37 and H41, three words ; soldier, police and tax collector are cited concurrently in the four articles (H26, H30, H32, H36).

Table II-9 Detailed examination of the content of H26-H41

Article no.	mushkenum	soldier	police	tax collector**
26	—	○	○	—
27	—	○	○	○
28	—	—	—	—
29	—	—	—	—
30	—	○	○	—
31	—	—	—	—
32	—	○	○	—
33	—	—*	—	—
34	—	—*	—	○
35	—	○*	—	—
36	—	—	○	○
37	—	○	○	○
38	—	○	○	○
39	—	—	—	—
40	—	—	—	—
41	—	○	○	○

○: Discovered in the article

— : not detected in the article

\* : commander

\*\* : cited for comparison

### 3-5 Slave

#### 3.5.1 $ir_{11}$ = waradu and $gme_2$ = amtu

$ir_{11}$  and  $gme_2$  in the UN and LI law codes and waradu and amtu in the E and H law codes correspond to the male slave and the female slave, respectively.

Table II -10 summarized the frequency of reference if the terms meaning the slave such as  $ir_{11}$ ,  $gme_2$ , waradu, amtu, and sag.

The exhaustive examination on the articles cited in the table leads to the conclusion that the following two equations hold their validity;

$$ir_{11} = \text{waradu} \quad (8)$$

and

$$gme_2 = \text{amtu} \quad (9)$$

Table II -10 Appearance of the terms standing for slave (waradu, amtu, ir<sub>11</sub>, geme<sub>2</sub> and sag)

Case	number	Articles
(1).waradu + amtu	(6)* 1	H7,H16,H17,H115,H279,H280; E14
(2). ir <sub>11</sub> + geme <sub>2</sub>	1	LI12
(3). waradu	(14)* 1	H18,H19,H20,H174,H179,H205,H219,H223,H226 H227, H231,H251,H278,H282 ; E16
(4). ir <sub>11</sub>	1	LI14
(5). geme <sub>2</sub>	2	LI25, LI26
(6). amtu	(6)* 1	H119.H144,H146,H170,H171,H213; E23
(7).sag (= geme <sub>2</sub> )	2	LI12, LI13

\* number of the articles in the H law code

Case 1: Both two terms waradu and amtu are described concurrently in the article.

Case 2: Both terms ir<sub>11</sub> and geme<sub>2</sub> are described concurrently in the single article.

Case 3. The term waradu is described in article.

Case 4. The term ir<sub>11</sub> is described in article.

Case 5. The term geme<sub>2</sub> is described in article.

Case 6. The term amtu is described in article.

Case 7. The term sag is described in article.

\* ; Number in parenthesis is that of the articles in the H law.

Word waradu was the most frequently used in the laws and phrase. waradu+ amtu is second and the characteristics of ir<sub>11</sub> and geme<sub>2</sub> did not alter during Old Babylonia period.

Articles in which amtu or geme<sub>2</sub> is used are connected exclusively with birth of child. That is, these are just a matter of female. Then, in

this study waradu is for convenience sake employed to the express the slave generally.

### 3.5.2 What is slave?

Slave is defined as a person who is legally owned by another person or by institution. In other words, the slave is the object (human) of buying and selling. For examples in E50 and H7 slave is dealt as one item among goods such as cow (alpū), donkey (imēru) in E50, and silver (kaspu), gold (harasu), cow, sheep (imмерu), donkey and any existing commodities in H7. A slave is regarded as a kind of movables. Master (see, 3.4.4) has absolute control over the slave, having his slave's life in his hand.

### 3.5.3 Supply route of slave

Slave was supplied through the following routes :

- (1) Slave purchased from domestic market or by personal deal (H278, H279), or from foreign market (H280, H281) : Exception, in the case when wife, (former nurse), gave a female slave to her husband and the slave gave birth, the slave is never sold anymore (H146). If the slave has no child the wife can sell her afterwards.
- (2) Debtor default (debtor slave)(H54, H117) : wife and child who were sold by debtor are released after the three years service (H117).
- (3) Human traffic (trafficking)
- (4) Kidnapping (H14) : see (1)
- (5) War prisoner : Redress of war prisoner's family (H27, H28, H29), ransom (relief of war prisoner)(H32).
- (6) Slave's child : Exception, in a case where either father or mother is

awilum their son, regardless of his legitimacy, is not slave (H146 (see also, H170,H171, H175,and H176). In the case where social class of the officially married parent does not coincide, the child is recognized to belong to the higher class among the parent.

- (7) Hostage (H117,H118) : Selling of hostage slave. Exception : case when husband's creditor had made a contract carved on the clay plate saying that if the husband had debt before marriage the creditor cannot arrest his wife (H151) . The same thing can be applied in the reverse case to the husband (H151).

- (8) Offender : There is no clean description in the articles.

Kishimoto<sup>38</sup> stated that if one mortgages himself in order to get a loan and he could not return, he sold himself. (debt slave). But he seems not to be a life-long slave. It should be noticed here that any article is not discovered in the H law, containing the underlined part of the Kishimoto's sentences.

Article H117 shows that son and daughter or wife of the man, who failed to return his debt have the duty to work for his creditor. The period is limited up to 3 years and in the fourth year they are released again (H117). It is also possible to show that in H117 the debtor himself is not included (regrettably, Kishimoto misread the sentence of H117).

Kishimoto<sup>39</sup> pointed out that the regulations, H112~126, are important because these intend to prevent the downfall of the debtors to slave due to his debt. The underlying tenet of the Hammurabi laws, as declared in the prologue, is the realization of the justice in the world. Therefore, the articles H112~123 are formed on this basic principle, demanding 'fair trade' and criticizing the embezzlement (H112), the theft (H113), the illegal seizer(H114), and so on. Kishimoto's idea seems to be based on



an oversimplified, rather one-sided hypothesis (not-yet proved) : All downfalls of the debtors occurred by only unfair deal. It is quite clear that H116, H117 and H119 are some examples of normal deals.

Kuroda<sup>40</sup> wrote in a book chapter that the Hammrabi law prohibits the down fall of the freeman (awilum?) to debt slave. We cannot find any article indicating or suggesting the above-mentioned idea. We have come to understand that the H-law shows unavoidable acceptance of the awilum's ruin rather than its prohibition (H54, and H256).

H54 (continued from H53)

‘In the proceeding article if the man cannot compensate the damage of barley (caused by his negligence), the money, obtained by selling himself and his property and fortune, is distributed among the suffered farmers.’

H256 (continued from H255) :

‘In the preceding article if the man has not ability of the payment, he works in place of cow.’

### **3.5.4 Ownership of slave**

Individual together with private and public institutions had the ownership of the slave :

- (1) Master (beki<sub>2</sub>) (H16, H18)
- (2) Palace (ēkalim) (H15)
- (3) Mushkenum (muakenkuk) (H15)
- (4) Merchant (Tamukarum) (H118)
- (5) Wife (former num)(lukur) (H147)

It is of considerable that there is no article indicating that a farmer or god has a slave.

### 3.5.5 Price of slave

Price of slave recorded in the three law codes are shown in Table II -11. The price is ranging 15~ 25 siqlu (average 20 siqlu). Above magnitude (Table II -11) is the price for compensation by the assailant or by the man who has to take some legal responsibility. Then, the price in Table II -11 is easily considered somewhat higher than the market price.

The necessary working days for a craftsman to buy a slave may provide us a realistic measure for the slave price. Average price of a slave found in the laws is 20 siqlu and H244 shows that daily wage of a craftsman is 6 siqlu. Accordingly, for an average laborer  $20 \times 180/6 = 600$  days work is required to buy a slave.

Table II-11 Price of slave

Article	Content	Price (siqlu)	Working days to buy a slave
LI 13	escaped slave	25	750
E 55	slave killed by cow	15	450
H 214	pregnant slave		
	killed by beating	20	600
H 252	slave killed by cow	20	600

According to Kuroda<sup>41</sup> the market price of a slave fluctuates between 51siqlu to 3 siqlu, and ordinary, 5siqlu. In order to buy a slave whose price is 51 siqlu, craftsman should work 1530 days (~ four years), and a slave with prices of 5 siqlu corresponds to  $5 \times 180/6 = 150$  days (~ half year ) work. Accordingly, it is evident that slave is not never cheap for simple labor force.

### 3.5.6 Slave's legal right

#### (1) the property right

slave has the property right (UN5, H176) to make his own immovables and movables ; house and fortune (see (3)). They have the right of possession on the house they build after marriage and the fortune they accumulated.

#### (2) the right of marriage

slave can get marry to female slave he loves (UN8)

(case A: slave husband – slave wife)

slave can get marry formally to awilum girl (H175)

(case B: slave husband – awilum wife)

#### (3) the right of inheritance

Case B in (2) : after slave husband died the widow receives, as well as her marriage portion, half of the house they built and the fortune they accumulated during the matrimony for their child. The another half of the house and the fortune, mentioned above, goes to his master (UN5) (H176).

#### (4) the medical treatment, penalty and compensation

Table II -12 demonstrates the gap of social class in the medical treatment and the crime.

Slave receives the medical care at smaller expense (Table II -10(1)).

Slave's crime is punished more severely? (Table II -10(2)).

Slave as the victim receives smaller compensation (Table II -10(3)).

Table II-12 Medical treatment and crime

(1) <b>Therapy</b>	Doctor's fee			
	awilum	mushkenum	wardum	animal
bone fracture or intestine	5 siqlu (H221)	3 siqlu (H222)	2 siqlu (H223)	1/6 siqlu (H224)
(2) <b>Bodily injury</b>	assailant →	victim	penalty	
beating cheek	awilum →	awilum	1 mana (H203)	
	mushkenum →	mushkenum	10 siqlu (H204)	
	wardum →	awilum	cut ear (H205)	
(3) <b>Bodily injury</b>	assailant →	victim(female)	compensation	
miscarriage caused by beating	awilum →	awilum	10 siqlu (H209)	
	awilum →	mushkenum	5 siqlu (H211)	

Kuroda<sup>40</sup> commented : in comparison with the Eshnunna code, which ignores entirely the human right of the slave, the Hammurabi code admits, although a little, the slave's right. He had better to compare the H laws directly with the Ur-Nammu law. Because the difference, in the right of slave between the H law and U-N law, where the slave's right already admitted the some extent, is very slight and almost undistinguishable. The rights on marriage, inheritance, ownership of house and property, all given to the slaves cannot be underestimated saying 'although a little'.

Kuroda<sup>40</sup> explained that in H175 and H176 the slave of the palace or mushkenum's slave is able to marry to the awilum's daughter. According to Kuroda this right is not effective for the awilum's slave. On the other hand, Iijima<sup>42</sup> considered the slave defined in H175 and H176 to be a general slave. It seems to me that it is not necessary to apply the rigorous limitation on the slave's marriage right. In U-N law code a male slave has the marriage right to a freeman's daughter (UN5). It is not probable that the slave's right admitted already in UN code became

limited later in the H law code.

### 3.6 Relative size of three social classes

#### 3.6.1 Preliminary estimation

Preliminary estimation of the size of three social classes can be attempted on the basis of some evidences and reasoning proposed in Kuroda's works.<sup>43</sup>

- (1)Awilum : From the evidence on the name of the awilum who played main role filed in the economic and legal documents and who were recorded as the witness, Kuroda deduced that the awilum is the most blessed small number of people.

Comment to (1) : the awilum is the majority of the society (see 3.3.3), but only small portion of the awilum (probably, upper awilum) acted the above mentioned role. Therefore, from the analysis on the documents only we cannot reasonably estimate the total number of awilum.

- (2)Mushkenum : From the evidence on extremely few names of mushkenum recorded as plaintiff and written in suit in Old Babylonia documents and from the further analysis on the such evidence Kuroda found that mushkenum is small number of people.

Comment to (2) : If the specific characteristics of the mushkenum are taken into consideration (see 3.4.3) the portion of the mushkenum played as plaintiff and witness may be significantly lower than that in (1) of the awilum.

- (3)Waradu : From the evidence that very small number of awilum could have slave (because of high price of the slave) and from the speculation or a preconception (without evidence) Kuroda concluded

that waradu (slave) is comparatively large numbers, but not enough to support the Babylonian economy.

Comment to (3) : The above mentioned evidence and speculation may be consistent with each other, only under the condition that small number of the upper awilum had a large number of the slaves.

The construction of large canals and their repairs for maintenance, and the building of great Ziggurats (assumedly shrine attached on their tops)(i.e., Sumerians religious monument) demanded, due to low labor productivity at that time, a large labor force. The labor force was erroneously supposed to be supplied from the slaves. The facts were different : The canals and Ziggurats were designed and managed by the numerous specialists, including professional canal builders and were constructed by various kind of craftsman, soldiers, war prisoners and citizens who performed the public labor service as the duty of the annual service for the civil engineering in addition to the tax and the conscription.

As will be mentioned below (3.6.2), the simple slavery labor was not required for this purpose. The situations are the same as those of the building to Egyptian pyramids at ancient (2800BC-1600BC) period.

### **3.6.2 Was ancient Mesopotamia the servitude-system society?**

The servitude-system society is defined as the society where the main production method — in this case the agriculture — is supported by the slave work<sup>44,45</sup>. Had Shumer and Egypt been the servitude-system country at that time?

Tomimura tried to answer this question in very reasonable way. He answered :

(a) In the above areas, heavily dense peoples (population density is estimated to be about 200 persons/ km<sup>2</sup> ) had to live in the relatively limited area suitable for the cultivation. Then, these areas allowed the accommodations for limited number of cultivators : (only the landed farmers, the tenant farmers and some subordinates to fulfil the demand), leaving no space for the slaves to get into the land.<sup>46</sup>

(b) For the highly concentrated agriculture, like ancient Mesopotamia's agriculture employing the sophisticated technology, the slaves, whose freedom of the movements is greatly restricted by fetters and chains, were restricted to monotonous simply labors and were not suitable for the agriculture in those days.<sup>46</sup>

The slave was a social class, but not job. The female slaves (geme<sub>2</sub>) worked not only at homes as home laborer (maid, mistress, and other house works) but also miscellaneous works at cottage (in door) industry such as wool treatment (purification of raw wools), fiber-spinning, beer brewing and pig rearing.<sup>47</sup> The job-rotation was made frequently, suggesting that the above –mentioned jobs did not require any expertise. Geme<sub>2</sub> and their children received the monthly supply of barley from the employers. These informations were cited from Lagash documents written in the Early Dynasty(ED) III period.<sup>47</sup> It seems likely that the situations had not been changed dramatically during the ED III and Old Babylonia periods.

As was mentioned before, in the agricultural section of Mesopotamia needed highly expertise for works, and the slaves could not find their suitable roles. This is a great contrast to Latifundium in the Roman times<sup>48</sup>, where major labor force was the slaves imported from the conquered countries. Therefore, it is easily considered that the number

of the slaves existed in ancient Mesopotamia was not so large. There is also a possibility that waradu worked at vegetable garden and orchard , which are smaller in size than barley farms, attached to the institutions.

An attempt to study the quantitative evaluation of the social classes in ancient period is far beyond the scope of this study and open for the further study. The below relation

$$\text{awilum} \gg \text{mushkenum} \approx \text{slave} \quad (10)$$

is the best knowledge obtained at the present time.

## II -4 Development of the job specialization

Table II -13a and II -13b collect the various professions cited in the Ur-Nammu, Lipit-Ishtar, Eshnunna and Hammurabi law codes.

### 4.1 Degree of differentiation

Distinction between the carpenter(bānu)(H232) and the ship builder (malahu) (H234) is clear, but both the ship builder (H234, H235) and the sea captain (H236, H237) are ascribed by malahu, probably due to not-yet matured specialization of the above occupations. Carpenter is expressed as bānu, as mentioned above , or amelu alla (H274). It should be noticed that both bānu and amelu alla appeared in the same article (H274), suggesting that bānu and amelu alla have somewhat different meanings.

The medical doctor (H215, H217, H218, H219) and the veterinary surgeon (H224, H225) are described by azu and 'azu alpim u<sub>3</sub> lu imërim'(doctor of domestic animals), respectively. Redi means the herder (LI 3) or the boy herder (E3). Aeilum agrim is used, in general, for the laborer (LI 8) and the day laborer (LI 9, LI 11).



Table II-13a Various professions cited from the Ur-Nammu, Lipit-Ishtar and Eshnunna law codes

Ur-Nammu	Lipit-Ishtar	Eshnunna
1. farmer peasant (UN30-32)	1.redi(herder)(LI3)	1.redi(boy herder)(E3)
	2.malahu(boatman)(LI5)	2.malahu(boatman)(E4,5)
	3.(farmer)(LI7)	3.redi(coachman)(E10)
	4.awilu agrim(laborer)(LI8)	4.awilu agrim(day laborer)(E9,11)
	5.awilu agrim(day laborer) (LI9,11)	5.tamkaru(merchant)(E15)
	6.redi(coachman)(LI10)	6.sabitum(E15)(bar)
		7.sakkanakkum(governor general)(E50)
		8.sapirkarim(director of canal management)(E50)

Table II-13b Various professions cited from the Hammurabi law code

	Hammurabi	
1. daianu(judge)(H4)	15.gestinna(bar)(H108)	29.muurted(coachman)(H270)
2.sabitani(catcher)(H20)	16.nadit(sister,nun)	30.amelu agram(day laborer)(H273)
3.rabianu(mayor)(23)	17.entu(nun)(H110)	31.amelu gaba(brick maker)(H274)
4.sarru(king)(H26)	18.rin-Dinger(priestess)(H110)	32.amelu kad(cultivator)(H274)
5.ridsabe(soldier)(H26)	19.ummuru(craftsman)(H188)	33.amelu sun(beer brewer)(H274)
6.bairu(police man)(H26)	20.girsiga(palace servant)(H191)	34.amelu ga(milker)(H274)
7.papa(commander)(H33)	21.azu(doctor) (H224)	35.amelu simug?(smith)(H274)
8.nubanda(director general)(H33)	22.azu alpin (veterinarian)(H223)	36.amelu alla(carpenter)(H274)
9.biltu(tax collector)(H36)	23.gallabu(barber)(H226)	37.asgab(tanner)(H274)
10.tamkaru(merchant)(H32)	24.banu(carpenter)(H229)	38.atgi(reed warkman)(H274)
11.ilku(businessman)(H40)	25.malahu(shipwright)(H235)	39.banu(architect)(H274)
12.iris(farmer)u(H45)	26.malahu(boatman)(H237)	40.szmzlu(salesman)(H101)
13.nukiru(gardner)(H60)	27.aksu(cultivator)(H257)	
14.šamallū(salesman)(H10)	28.reu(sheep)(H57)	
* flax cultivator		

Table II -14 shows the pattern of development of the professions revealed by the analysis of Table II -13.

Table II-14 Development of professions revealed from analysis on the four law codes

UN-Nummu	Lipit-Ishtar	Eshnunna	Hammurabi	(remarks)
			farmer	
	farmer	farmer	reed worker	
			cultivator	
			flax cultivator	
farmer		gardner	gardner	
			sheeper	
	herder	herder	milkman	
			cattlemen	
			cowman	
	coachman	coachman	coachman	
	boatman	boatman	boatman	
		merchant	merchant	
			bussinessman	
			salesman	
			carpenter (ship builder)	
			architect (shrine builder)	
		laborer	tanner	craftsman
			brickmaker	
			beer brewer	
		administrator	administrator	
			manager	
			judge	public officer
			army commander	
			soldier	
			police	public employee
			taxcollector	
			doctor	
			veterinarian	
			priestess	

## 4.2 What job did medical doctor emerge from?

In the Hammurabi law there seems to have been no distinction between the surgery and the internal medicine : In a single article (H221) both the medical treatment of bone fracture (gir<sub>3</sub> paddu awilum

Šebežertam) (Orthopedics), as well as that on the disease of digestive organ (the intestine )(hanam marŠa) are described.

From this it becomes clear that the above two major fields were at that time treated as a whole job (azu, see Table II -13b). Then, the traditional ideas that the origin of the surgery may be the barber and that of the internal medicine is probably the fortuneteller (or the priest) cannot evidently be accepted. In Old Babylon period barber (gallabu, see Table II -13b) was another independent job (H226,H227).

As early as the ancient time the surgery had advanced to the level which enabled to perform the high-level surgical operation for the serious injury and the cancer, at least, semi-routinely. Presumed advantageous status of the doctor of internal medicine over the surgery in ancient Mesopotamia is not recognized with the evidence. The therapy of internal medicine cannot be regarded as a kind of charm against the disease, but some kinds of medicine (including rude drug like herb or naturally-occurred inorganic materials) seems to have been employed. Mutual relation between the medical doctor and the veterinarian is not clear, but note that the fee of them is greatly different and the penalty for medical malpractice is naturally very significant.

The above two professions seems to have been emerged separately. Although the surgical operation is similar and the anatomical knowledge of human-being may be obtained mainly from that of cattle (through the veterinarians?)(H215).

Herodotus (famous Greek Historian, about 484 BC~ after 430 BC) wrote in his book<sup>49</sup> ('Historiae' vol.1, section 197) on 'Land of Babylonia and its custom' that in this country (Babylonia) there is no 'so-called' medical doctor. If we can assume that the book was published about

430 BC (at his age of about 50 years old), Babylonia society sketched by Herodotus was that of about 1300 years (time gap of the enactment of the Hammurabi law (1754 BC) and the publication of the book (430BC) is  $1754 - 430 (\approx 1300)$ ) after the Hammurabi's dynasty. Then, his book indicates that the collapse of the Babylonian social regime occurred during 1300 years or that his statement was based on rootless rumors which was far from the reality.

On the other hand, Nakao stated in the Mediterranean agriculture the farming work was carried out, from the starting point, on the large scale and then, it was naturally closely connected with the servitude<sup>50</sup>. It seems enough to point out here that the farming in Mesopotamia started first in its northern district. In order to kill the damage caused by the draught as small as possible, a small scale irrigation method was invented there by using natural canal, water puddle or pool. Scale-up of the farming begun after the immigration of the northern farmers to the south (Sumer) and the large-scale irrigation became popularized there (south), after the construction of the great artificial canal networks, producing the large surplus, which yielded the tremendous economic benefits. The scale of agriculture has no direct correlation with the slave work. The slave labor, like Roman's large-scale agriculture itself, was a serious hindrance factor against the further advance in the agriculture. Sumerians invented the canal-connected tenant farming of the family scale.

#### **4.3 Evolution of job specialization**

When a new job of embryo emerged temporally (usually in a form of part-time work) in a society and then the job attained by steady growth

to the size, which allows to play a significant role, giving an ignorable impact to the society the job appears first in the law code. In this sense, the law reflects, though a little delayed, a large flow (change) of the era. Then, there is unavoidably the time gap between the time of new job genesis and that of recognition in the law, which is an evidence indicating that the job has been established.

Table II -4 shows : (1) the number of the new professions increased steadily with the lapse of time, from 1 (UN) → 6(LI) → 8(E) → 40(H). (2) The oldest profession is naturally (expectedly) farmer. (3) With development of roads and canals the coachman and boatman were born in the LI period, and the trade and traffic became much popular. (4) But, professions of management of the society has not evolved until the E period. (5) In the H period, the names of senior administrators such as judge, mayor, commander, director general and those of public appeared.

## II ·5 Conclusions

1. In the four law codes three~four social classes with different legal positions are found including king.
2. In the Ur-Nammu and Lipit-Ishtar codes king are not discovered.
3. King had the supreme judgement (E58,E56) and the right to give amnesty (H129).
4. The authority of king (Hummurabi) was entrusted by the gods.
5. The object of the H law is the common people and the articles on the awilum constitute the major part of the law.
6. The jobs of awilum cover almost whole range of jobs of the society at Old Babylonian period.

7. Awilum seems to have been consisted of the citizens or the 'freeman', ranging from the upper elite sub-class to the poor or ordinary sub-class, consisting the major of the society.  
awilum = elite citizen + middle class + ordinary (or lower) people (7)
8. The transfer of rather homogeneous awilum class to highly heterogeneous and broad class occurred during the period.
9. Any awilum had, irrespective of his job, property and social position, absolutely equal legal status.
10. There is no article on mushkenum in the Ur-Nammu and Lipit-Ishtar codes.
11. In the Sumer society the mushkenum was not existed as one of the social classes with particular legal status. Mushkenum seems a specific minority group in the Akkad period.
12. Mushkenum has the legal status, equivalent to the awilum (property right, home and family right ), advantage to awilum (legal protection to mushkenum ; offence embezzlement...,) and disadvantage with awilum (bodily injury, medical malpractice and compensation).
13. Very significant disparity in the legal status is recognized between the mushkenum and the waradu (slave).
14. The H law shows unavoidable acceptance of the awilum's ruin rather than its prohibition.
15. Master, palace, mushkenum, merchant and even wife had the ownership of slave.
16. The price of slave was estimated from the law codes.  
Average price is  $20 \pm 5$  siqlu. To buy a slave the 600 days work of an average laborer was necessary.
17. Slave has some legal right such as the property right to make his

own immovable and movables, the right of marriage and inheritance. Slave can get marry formally to awilum girl.

18. It was demonstrated that the high population density and the highly sophisticated system of the irrigation, together with the nation-wide great canal networks and the plow forming, did not fit to the simple monotonous labor work of the slaves.
19. The job specialization progressed, with acceleration, with time ;  
Ur-Nammu → Lipit-Ishtar → Eshnunna → Hammurabi law codes.

## II -6 Reference

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Acknowledgement : The author thanks his daughter, Miss Chinatsu Kamide for her fruitful help in the legal matter.

## Supplement to Part I ( This journal, vol.11, p113-145 (2014))

Table I -15 should be read as Table I -15 (revised).

Author regrets some turbulence occurred in the first column of Table I -15 at a computer-materialization step.

Table I -5 (revised) Total number of articles, number of legible articles and portions of articles on awilum, muskenum and wardum

	①UN	②LI	③E	④H	④—[Σ(①+②+③)]
1. Total number of articles	32	28	59	282	165
2. Number of legible articles	28 <sup>*1</sup> (20)*2	16 <sup>*5</sup>	59 <sup>*6</sup>	248 <sup>*8</sup>	147
3. Articles on LU <sub>2</sub> (UN and LI) or awilum (E and H)	UN1,2,6-11 11,14,18-22 [14] <sup>*3</sup>	LI8,9,10, 11,17,25, 27,28 [8]	awilum(4)E9,12, 13,19 Mar awilum [ 2 ] E16,17 Summ awilum [ 22 ] E6,18,19,20,21,22 , 23,25,26,27,29, 30,31,32,36,39,40, 42,43,44,49,59 [4]+[2]+[22]=28 28 <sup>*7</sup>	[102+54=156] <sup>*9</sup>	
4. Portion of the LU <sub>2</sub> or awilum articles	14/20=70%	8/16=50%	28/59=47%	156/248=63%	
5. Articles on mushkenum (UN )	[0]	[0]	E12,13,2434,50 [5]	H8,15,16,140,198, 201,204,208,211, 212,216,219,222 [13]	
6. portion of muskenum	0%	0%	5/59=8%	13/298=5%	156/248=63 %
7. Articles on ir <sub>11</sub> and geme <sub>2</sub> (UN and LI ), and amtum and wardum (E and H)	UN4,5,17,24- 26 [6] <sup>*4</sup>	LI12,13,14, 25,26 [5]	E15,16,22,23,31, 33,49-52,55,57 [13]	H7,15-20,117-119, 144,146,158,170, 171,175,176,199, 205,213,217,219, 220,223,226,227, 231,252,278-282, [33]	
8. Portion of slave	6/20=30%	5/16=31%	13/59=22%	33/147=22%	