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SUMER AND AKKAD: SOCIETY AND LEGAL CHANGE;
ACCULTURATION AND DIFFUSION OF LAW

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The objective of this article is to face the development of the ancient Sumerian and Akkadian states, their social organization, law and legal changes. This paper seeks to interpret the significance of cuneiform law as well as the social organization of the oldest Mesopotamian states. The cradle of the oldest yet discovered civilization in world history is the region between the Tigris and Euphrates Rivers which we today call ancient Mesopotamia what is a Greek term deriving from the words “mesos” – “middle” and “potamos” – “river”. For that reason, we translate it as “between the rivers.” This region has covered the majority of the territory of modern Iraq and parts of Syria and Turkey. In the second half of the fifth millennium B.C.E., a non-Semitic population settled southern Mesopotamia, in particular the region of Sumer. In the past two centuries, science disposes with a greater extent of information on this oldest identified period when the first states arise (fourth millennium BC). An alteration came into sight when the German scientist Georg Friedrich Grotefend, allegedly motivated by a librarian, started deciphering the ancient Mesopotamian writings in 1802. However, it were the 20th-century scientists who succeeded to acquire more reliable information.

The standpoint of the great majority of scientists is that the Sumerian language is not related with any other language. However, many contemporary researches of modern Assyriology relate Sumerian to the Ugro-Finnic group of languages. On the other hand, there is a point of view opposed to this one. An eminent French orientalist Joseph Halévy is its most important supporter. As maintained by him, the language spoken by the Babylonians is usually called Assyrian and it belongs to the group of Semitic languages. J. Halévy relates it to the northern group of Semitic languages, as for instance Hebrew. Researches show that Assyrian is closely linked to Akkadian, but there is no indicator which would suggest that Sumerian and Akkadian languages are linked one to another, so the opinion of J. Halévy is reasonably not accepted from the majority.

Until the end of the 20th century it has been the most accepted that the Sumerians have developed the earliest known writing system in the world. It has been a pictographic writing system in the beginning, what means that the ancient Sumerians used symbols to present a concept or an object by illustration. The oldest discovered proto-Sumerian pictographic texts date back to circa 3100 BC. However, it's evident that it was a rather more primitive form of literacy where the same symbols had more meanings in distinction from what it has developed into later: the writing style that we today call cuneiform. The roots of this term derive from Latin (“cuneus” – “wedge” and “forma” what we obviously translate as “shape” or “form”). The Sumerian wedge-shaped letters were inscribed with oblique-cut reed on soft clay tiles. It was a syllabic script with hundreds of signs that developed out of the pictures.

On the other hand, excavations in Vinča and Banjica (both of them in Serbia), Lepenski Vir (near Đerdap Canyon, Serbia) as well as some excavations in parts of Romania and Bulgaria, show evidence of the existence of the Vinčan civilization maybe even before the Sumerians. Excavations in Banjica show us that there existed a script, which dates back to the period between 3500 and 3400 B.C.E. To be precise, the Vinčan script is some 300-400 years older than the proto-Sumerian pictographic writing. Up until now, however, there is still doubt whether it has really been a writing system.

Furthermore, Sumerians are not only credited for creating one of the first writing systems. Sumer developed the first form of mathematics, astronomy and complex architecture. They have also invented the wheel, which was made of wood and which gave contribution to long-distance trade. Sumerians were the first to use wheeled

vehicles pulled by workers or donkeys. Another contribution to the world was the invention of the calendar based on the cycle of the moon where the year was divided into twelve months. Since the lunar year is shorter than the solar year, they added a leap month every three years in order to catch up with the sun.

The Sumerian religion was polytheistic and they believed in extremely powerful and anthropomorphic gods. The gods usually controlled natural forces and reigned in association with astronomical bodies, such as the sun. It was believed that the gods have created the world and humankind. However, the legend says that the gods' creation of human life was their biggest regret and therefore they sent a flood in order to destroy the earth, but one man survived building a boat. This legend is universal and one can find legends with the same essential idea in more cultures of the world. We have no sufficient information about the religions of early Semites, but it is certain that the Semitic tribes who invaded Mesopotamia have completely adopted the Sumerian religion. However, it is uncertain whether the Semites had a similar story or took it over from the Sumerians.

Sumerian city-states have built their irrigation systems with the purpose of increasing their production. Here is a Sumerian source on their agrarian policy, taken from "The Harps That Once...: Sumerian Poetry in Translation" by Thorkild Jacobsen, 1987:

[...]

These cities, which had been named by names,
and had been allotted half-bushel baskets,
dredged the canals, which were blocked with purplish
wind-borne clay, and they carried water.
Their cleaning of the smaller canals
established abundant growth.

[...]

Sumerians evolved from a hunter society into agricultural communities. Before the forming of the first independent city-states, what took place in the fourth millennium B.C.E., Sumerian people have lived in democratic communities. Subsequently, with the growth of the productive forces they have developed into monarchies. Social decomposition and patriarchic slavery began to rise. In the third millennium B.C.E. there were a number of city-states in Sumer, including Uruk (probably the largest city in the world, estimated by some scholars at 400 hectares - the size of Rome in the first century of our Common Era and the city legendary reigned by King Gilgamesh), Ur (birthplace of Abraham, the Jews' biblical oldest forefather), Eridu, Kish, Adab, Umma, Lagash, and others. A city-state was comprised of the main city, other towns and settlements, and surrounding lands. Each city-state was an independent monarchy, but occasionally one would dominate others. In the northwestern part of the "land between the rivers", i.e. on the middle flow of Tigris and Euphrates Rivers, Semitic tribes began to settle in the third millennium B.C.E. It may be that the Semitic tribes whose language has been related to such languages as Hebrew and Arabic probably migrated from the Arabian Peninsula. These alterations in the composition of the population of Mesopotamia have had left permanent changes in the social life and engendered the acculturation of the two societies. As defined by W. J. McGee, 'acculturation' is to be seen as the processes of exchange and mutual improvement by which societies advance from savagery, to barbarism, to civilization, to enlightenment.

The city-states became centers of business life. The most significant institution of the city-states was the ziggurat. The earliest examples date from the end of the third millennium B.C.E. However, the Babylonians and Assyrians also built ziggurats until the 6th century B.C.E. Nebuchadnezzar II (6th century B.C.E.) is credited for building the legendary Hanging Gardens that were a ziggurat as well. It is said that the Neo-Babylonian king Nebuchadnezzar to please his wife Semiramide built the Gardens, but there is doubt as to whether the Gardens ever physically existed. The ziggurat was a pyramidal structure with a few gradual levels (sometimes even seven) built of bricks that were made of mud. Every level had its own function. The lower levels were used as warehouses for the crops. Above was something similar to what we today call the bank. On top of the bank was the school. As Sumerian life involved trading, laws, government etc., it was indispensable to have an appropriate system of education. Sumerian schools were very strict and the students had to learn to read and write. They also learned mathematics, religion and many more. In the higher part was the court and at the very top was the temple of the God who was the patron of the city. The ziggurat was the center of policy and religion.

The Sumerian people developed the first system of monarchy. A priest-king called patesi or ensi ruled the city-states of Sumer in the third millennium B.C.E. The ziggurats were the primary units of social life. The patesi were leading the military, coordinating the ensial economic system, judging disputes and engaging religious ceremonies. There was a state administration subordinated to the patesi/ensi and therefore we can call it ensial administration in whose hands was the management of agricultural activities. The chief of the ensial administration was the nubanda, the most influential position in the state after the patesi, to whom has he been directly subordinated. This kind system of state organizations is categorized as theocratic despotism, because of their distinctive religiousness and strong authority of the ruler. One part of the land was rented and the other part was tilled by the work force of the temple administration. Workers delivered the majority of what they produced to the administration. The goods were stored in warehouses for which we could say that they were some kind of the oldest primitive ancestors of what we call "treasury departments" in the modern world. The warehouses represented a fund of food and other goods and they contributed to the economic sustainability of the community. The food used to be stored for some emerging situations, such as wars for instance. Furthermore, the city-states have traded their products with foreign states for other goods that the community did not have.

Circa 2350 B.C.E., relevant alterations took place in Mesopotamia. The Akkadians who were settled in the northwestern part of Mesopotamia, on the middle flow of Tigris and Euphrates Rivers, overpowered the Sumerian city-states. In the early times, King Sargon I of Akkad has overwhelmed other city-states in the Akkad region. Soon after, he conquered political and military centers in the south, i.e. the cities of Ur and Lagash at first and later the whole region. In this moment the state structure relevantly differs from the city-states'. Mesopotamia is now united into one empire. The city of Akkad became the political, economic and cultural center of the biggest empire humankind has ever created up to that moment. It was the first time in history that a large society was ruled from one single center. Later it became the city of Babylon for which we can say that it became the heart of the Middle East and presented it for an incredibly long period. The Akkadian Empire became so strong that the emperors have given themselves the title "Kings of the Four Lands of the World." However, this state survived only for a little bit longer than one century.

After the fall of the Akkadian Empire, King Ur-Nammu established a new dynasty. He was the founder of the Third Dynasty of Ur and circa 2100 B.C.E. has united Mesopotamia with the center in the city of Ur. He established the earliest known law collections and raised the great ziggurat of Ur. Ziggurats of other city-states began to lose their economic independence and came under the protection of the emperor (lugal), and in this sense, the state authority became centralized. The patesi were merged with other officials and the lugal nominated them for that function sometimes, only for a limited period. The state authority has considerably developed and consisted of bureaucrats, administrators, war chiefs and priests. This period presents the culmination point of Sumerian society. However, it did not last to any further extent than circa one century.

In the last decade of the 21st century B.C.E., Semitic tribes Elamites and Amorites invaded the Sumerian Empire, destroyed the political center of Ur and killed the last king of the Third Dynasty of Ur – Ur-Nammu's grandson Ibin-Su. This was the definitive fall of Sumer. An epoch with no united state which lasted for circa three centuries followed and Semitic city-states of Isin and Larsa were dominant. The Sumerians began to lose their unique national identity, the Sumerian language has died out, but the Semitic tribes have adopted their culture. This observable fact represents a good example of acculturation, in this case when the less developed society gradually accepts the cultural heritage of the highly developed one, involving social organization, political development, religious convictions and technological achievements. The acculturation of the two societies – as in all other cases – led to transplantation of legal concepts, institutions and statutory laws. In ancient law, statutory laws embody the peoples' cultural heritage, religion, customs, etc... Therefore, the diffusion of law was clearly conditioned by acculturation.

Moreover, the Sumerians left behind a number of contributions, including the first wheeled vehicles, the first system of writing, the calendar, first city-states, earliest codes of law etc., that have influenced other populations, even outside the land between the rivers. After a short time, a distinguished Amorite ruler Hammurabi united Southern Mesopotamia into a single empire. Later has he united whole Mesopotamia and founded the Old Babylonian Empire. From him, we stop talking about Sumer, and start talking about Babylonia. However, Sumerian culture became a central part of the Babylonian society. The fact that Hammurabi united the empire unsurprisingly resulted in the establishment of a unique legal system built upon the combination of Sumerian legal culture (primarily expressed in the customary laws) and the legal awareness of the conquerors.

The Sumerian civilization was the first in world history to develop a legal system, which has left relevant influences on latter civilizations of Mesopotamia. As stated above, the term "cuneiform" is used for the Sumerian wedge-shaped writing and it is evident that the first legal documents were written in cuneiform. However, it has developed into the dominating writing style of the Middle East: cuneiform was used for Akkadian, Babylonian, Assyrian and other local languages. All legal texts of the ancient Mesopotamian civilizations were written in cuneiform. In view of that, the term "cuneiform law" is applicable for all legal systems whose legal texts have been written in cuneiform.

The ancient Mesopotamian society was polytheistic and theocratic, what is followed by the dominance of religious influences in all social spheres, what among others, also refers to law. The main Sumerian god of law and justice was Utu/Shamash, but all of the gods were responsible for the protection of law. In this matter of fact, religious law dominates, and this is in the case of not only Sumer and

rest of Mesopotamia; de facto, this kind of primitive law refers to the complete ancient world. The patesi was the chief of justice and, when it has been necessary, the lawgiver.

The oldest known law codes have been proclaimed circa 2100 B.C.E. However, it is problematic to establish with certainty the dates of promulgation of the cuneiform texts. In the 20th century the opinions used to differ sometimes even up to two centuries (it was the case with the Code of Hammurabi), but on the other hand, the contemporary sources offer very similar or identical information.

None of these collections of laws is a "code" in the sense of the meaning for which we use this term today, though it is acceptable to use it under the condition if we demarcate these two phenomena. Namely, these codifications are collections of written law that are not systematically ordered. For example, one paragraph refers to civil cases, the next one to trade cases and the one after that refers to civil cases again. These codifications mainly contained redefined customary law. However, there have been a great number of rules of conduct that were not covered by these codifications, because they were within the competency of the *ius non scriptum*.

The problem of diffusion becomes even more complex when customary law is involved (as it always is the case with ancient law), because the customs of one nation or a social space united through religious convictions have their roots set deep in the consciousness of the people. Therefore, it could be said that if the influence of one normative system is so strong that it is able to change the customs of the other, there is a true donor-recipient relation between them, which leads to significant legal changes. Noticeably, the fact that one legal system has copied a statutory law from the other and proclaimed it as original does not mean that that rule has actually been implemented in the same way as it was in the donor system, i.e. the qualitative component can differ in the two systems. The fact that the legislator has copied the text of a rule from another legal system cannot be taken for granted as a fruitful legal transplantation. Such cases occur in the modern world as well, especially in the developing countries, in Eastern Europe for instance. One could easily make a comparison between Hammurabi's effort to create a united empire and the course of globalization that is taking part in the modern world. The question is, however, can the latter be successful if generated by force and conquest. As Professor Westbrook from Buffalo Law School claims, the modern course of globalization is conditioned by the process of diffusion of law, which is occurring in the favor of the overwhelming countries. As maintained by him, this process is not directly linked to the territorial state, but to societies, cultures and regions. The pattern of social, cultural and legal diffusion in ancient Mesopotamia could therefore be described as the ancient course of globalization, perhaps even the very first wave of a *sui generis* globalization that had ever taken part in history. As distant and vague its patterns may look from the modern point of view, their contributions to the evolution of ancient legal systems is enormous.

LAWS OF UR-NAMMU (C. 2100 B.C.E.)

The oldest yet discovered collection of Sumerian laws was originated in the city of Ur, located in southern Mesopotamia. This code has been named after its originator Ur-Nammu, the founder of the 3rd Dynasty of Ur. On the other hand, some up-to-date sources say that there is a possibility that Ur-Nammu actually was not the originator of this collection of laws, i.e. they assert that it has been his son Shulgi, under whose

reign was the Sumerian society stable and on the rise, and there are a few hundreds of sentences preserved from this time. Governmental reorganization and standardization of the written records that already existed has been initiated.

The LU are written on Sumerian on a tablet with dimensions of 10x20cm, which is divided into eight columns. It has been discovered by a Dutch Sumerologist F.R. Kraus and in 1952, a Jewish-American scientist C. H. Kramer has translated and presented it to the public in the Istanbul Museum. The LU probably consisted of approximately forty short paragraphs dealing with punishable acts mainly referred to personal injuries, slave issues, sexual offenses, marital problems and agricultural disputes from which are a little bit more than 25 preserved. The LU begin with a prologue that is partially preserved. In the prologue, the accent is put on divine origins of law and justice, and on emphasizing Ur-Nammu's contribution to the progress of the society: he established new standards for measurement and new securities and protections he afforded to travelers. It is also said that "the orphan is not going to be delivered to the rich and the widow is not going to be delivered to the mighty" and that "man of one shekel ... fall prey to the man of one mina." In this sense, we can say that justice is presented as a respect for life.

All laws are in "If A (disposition) than B (sanction)" format, e.g. LU6: "If a man divorces his first-time wife, he shall pay her one mina of silver." This way of formulating laws is characteristic for all of these codifications and it is incredible that laws were in this format such a long time ago, because it is a modern way of their formulating. The conditional way of formulating legal norms is poor evidence about the well-developed Sumerian legal system. Another factor that proofs the Sumerian culture and their legal system to be highly developed is the phenomenon of sanctions in form of pecuniary fines that were dominant in the majority of punishable acts in the LU. Among others, all personal injuries were penalized in this way, e.g. LU19: "If a man knocks out a tooth of another man, he shall pay two shekels of silver". On the other hand, the CH for such acts provides different penalties that are characteristic for *lex talionis* – CH200: "If a man knock out the teeth of his equal, his teeth shall be knocked out." This fact shows us that, even though the Akkadian-Amorite civilization was celebrated more than four centuries later on the same territory, the Sumerian civilization had a far more developed culture where *lex talionis* has been surpassed. It is therefore unsurprising that the Sumerian culture survived the Akkadian takeover and that the acculturation of the two societies has resulted in a fruitful diffusion of law. In this case, however, the dominated society has a higher level of cultural development than the conqueror. The conqueror's military success provides him only with political domination. On the other hand, he was overpowered by the cultural supremacy of the conquered. This diffusion led to major developments in Mesopotamia, what is embodied in the Code of Hammurabi.

Monetary fines punished physical wounds and robbery in the LU. However, it is very interesting that from what is preserved there are very few cases where the penalty of death appears as a sanction – LU4 where it is said: "If a married woman of her own initiative leads a man and lies with him, the man (i.e. the husband) shall kill that woman; he shall let that man go free". It also appears in LU1, which is in a very bad condition, has been reconstructed and it is proved that it deals with murder penalized with death.

LAWS OF LIPIT-ISHTAR (CIRCA 1930 BC)

The more comprehensive, though very poorly preserved law collection of Lipit-Ishtar, the ruler of the Amorite city of Isin located in north Mesopotamia, deals primarily with cases of marriage, family and property law. The LI have been discovered short after WWII and nearly forty laws are preserved. This collection of laws is written on Sumerian as well and is composed of a prologue, law collection (all in “If A than B” format just as in LU) and epilogue. Text of the prologue:

[When] the great [Anu, the father of the go]ds, (and) [En]lil, [the king of all the lan]ds, [the lord who determines destin]ies...had called Lipit-Ishtar...the wise shepherd...to the prince-ship...in order to establish justice in the land, to banish complaints, to turn back enmity and rebellion by the force of arms, (and) bring well-being to the Sumerians and Akkadians, then, I, Lipit-Ishtar, the humble shepherd of Nippur, the stalwart farmer of Ur...[estab]lished [jus]tice in [Su]mer and Akkad in accordance with the word of Enlil...

From this text we can conclude that – just as in LU – the ruler as justification for rule and promise for protection uses the prologue of the LI. Even the divinities to which Ur-Nammu and Lipit-Ishtar refer to in the very beginning of the texts are the same, as well as the main ideas of the whole prologues and their conception. The similarity between these two introductory texts is no surprise. Various ancient compilations of law enclose such prologues, inspired either “religious revelations” expressed in the ideal of universal and transcendental justice, embodied either in a divinity or in the monarch. However, the fact that even the divinities to which these two collections of law refer are the same, could be taken in consideration as the proof of the strong and intense diffusion that was undergoing among the Mesopotamian regions in all spheres of social life. Due to the important role that religion played in the ancient societies, religious changes must have left major influences on other spheres of social life, especially when having in mind the close connection and a still not yet defined borderline between religion and law.

In the LI epilogue it is said that Lipit-Ishtar “caused Sumer and Akkad to hold to true justice” and that he “brought well-being to the Sumerians and Akkadians...” As the last part of LU is unidentified, we cannot be sure if there was an epilogue, but it is reasonable to think that there was one, because of the fact that it is logical that every entirety has to be framed.

In cases of robbery LI impose a fine of ten shekels of silver what is much milder than in CH, which specifies the death penalty, but the LE impose a fine of ten shekels of silver as well. However, it is attention grabbing that in the LE is said that if the theft happened at night, the person shall be killed. LU does not mention such acts, but they have been surely covered by *ius non scriptum* and it is not quite sure what the sanctions for such acts were during the reign of Ur-Nammu.

During the legal authority of the LI, slaves could take part in disputes concerning their liberation. The LI also deal with disputes that are more complex and referred to lending of property such as leasing boats or cultivable soil. The laws refer to marriage and inheritance as matters of responsibility. Many of the laws are similar to those in LU, but they use examples that are more complex in order to solve problems that are more complicated. For example, while three paragraphs are dedicated to divorce in the LU, twelve LI paragraphs discuss marriage, divorce, or inheritance of children.

LAWS OF ESHNUNNA (CIRCA 1720 BC)

In distinction from other collections of law which we are mentioning here, this one got its name after the city where it has been originated – Eshnunna, located on the east of Tigris, i.e. on the bank of Diyala River, its tributary. This collection of laws is not a real systemized codex as well and nearly sixty of its sections are preserved. The LE are written on Akkadian and consist of two tablets which are marked with A and B, and which have been discovered in 1945 and 1947 in Tell Harmal which is at present within the city of Baghdad. In 1948, an eminent professor, Albrecht Goetze (University of Berlin and Yale University) has translated them and published as “The Laws of Eshnunna Discovered at Tell Harmal”. However, in some sources the LE are mentioned as Laws of Bilalama, for the reason that this Eshnunnian ruler probably was their originator, but A. Goetze believes tablet B to be originated under the reign of Dadusha: “A is somewhat older, how much older is difficult to say.” It is very problematic to solve this uncertainty – unfortunately, the text of the prologue is broken at the point where the ruler who promulgated the laws was specified:

[.....] on the 21st day
[.....] of Ellil, the ... god
[.....] the kingship of Eshnunna
[.....] so that into his father-house
[.....] (and when) Šupur-Šamaš
[.....] across the Tigris
[....] (same) one year were seized with mighty (force of) weapon.

The LE were kept in the Iraq Museum, Baghdad. However, subsequently to the hostilities in Iraq, which started in March 2003, the Iraq Museum was looted. Reports on the damage differ – the number of lost or stolen objects varies between 50,000 to 200,000. The majority of these objects are presently at the Oriental Institute in Chicago, but it is not quite sure where these two tablets are. Some say that they are in the Egyptian Museum in Berlin, some that they are in Chicago.

Albrecht Goetze has analyzed the Akkadian “Sprachgefühl” – one’s feeling for language – and has noticed the specific style of expression in the LE. That is to say, the laws were composed in a mode that facilitated memorizing. A distinguished Israeli scientist, Reuven Yaron (University of Jerusalem) concerning this matter states: “What matters to me – and might have mattered to those who fashioned them almost 4000 years ago – is the ease of remembering the text.” He even had an idea to publish the text of the LE in Latin, because, as he says, one cannot feel the spirit of the Akkadian language in English as one can in Latin.

The conditional sentence (“If A than B” – as in LU, LI and later in CH and other scripts that date even back to the middle of the third millennium) is also characteristic for this codification. In 23 paragraphs, it appears in form *šumma awilum* – “If a man...” After the disposition, a precise sanction follows. Here is an example – LU42(A): “If a man bit and severed the nose of a man, one mina silver he shall weigh out.”

In the LE, we can perceive class differentiation. Generally, related classes appear in CH and LE. One of them are the *muškenum*, often connected with the verb *šukenum* what means “to bow, to do the accepted thing”. However, there are very many difficulties to give a real definition of the *muškenum*, especially because of the fact that in the CH they are mentioned in several different senses. Among others, one

of the most also mentioned classes are the awilum. There is no difference in cases concerning the property rights between these two classes. In spite of this, the LE (later CH) and several non-legal sources show us that we deal here with two classes: the upper and lower one. Here is one non-legal source – in a private letter, we can see that the author is not satisfied with the level of bigheartedness of the receiver: “To your heart you have spoken as follows: ‘How will you return my (act of) favor? I am an awilum and he is a muškenum. How will he return my (act of) favor?’” One German Scientist characterizes the awilum and muškenum as “zwei sich gegenüberstehende Gruppen verschiedenen sozialen und wirtschaftlichen Standards”. Awilum are comparable to the Roman patricii, but the muškenum are not analogous to plebs. One scientist described them as “gewöhnlicher Bürger“. However, they had more rights than the plebs in Rome.

The audience of the LE is more extensive than in the case of the earlier cuneiform codifications: awilum – free men and women (mar awilim and marat awilim), muškenum, wife (aššatum), son (maru), slaves of both sexes – male (wardum) and female (amtum) – which are not only objects of law as in classical slavery and delicts where the victims were slaves have been sanctioned, and other class designations as ubarum, apṭarum, mudum that are uncertain.

R. Yaron has divided the offences of the LE into five groups. The articles of the first group had to be collected from all over the LE and the articles of the other four were more-less ordered one after the other:

- I. Theft and related offences,
- II. False distress,
- III. Sexual offences,
- IV. Bodily injuries,
- V. Damages caused by a goring ox and comparable cases.

The majority of these offences were penalized with pecuniary fines (an amount of silver), but some serious offences as burglary, murder, some sexual offences were penalized with death. However, it seems that the penalty of death was avoidable in the LE (in contrast to the CH), because of the standard formulation: “It is a case of life ... he shall die”. However, the LE does not know of lex talionis (as the LU and LI) which is obviously rather a primitive form of sanctioning and, in this sense, CH does not present a progress.

There are numerous similarities between the LE and CH. The CH has been promulgated in 1680 BC and therefore these two codifications have been promulgated in a small space of time. LE are without doubt older, but it is uncertain exactly how much. In some of their articles, we can hardly see any difference. Then again, similar classes are mentioned in both legal texts. CH has its Akkadian roots, but there is no evidence that the LE have directly influenced the formulation of the laws in Codex Hammurabi, for which we can say that presents a sui generis systemized codex. However, all of these legal texts are compilations of legal rules collected from earlier sources. On the other hand, the roots of these statutory laws lay in a mutual socioeconomic basis. The acculturation, which underwent ancient Mesopotamia, was eventually the major cause of diffusion of law.

REFLECTIONS

Just as it is the case in the early days of every society, religion, customary laws and statutory laws were closely and inevitably blended in ancient Mesopotamia. All of the analyzed collections of statutory laws can be defined neither as codifications in the true sense of that word nor as customary rules that had simply been collected nor written down. What is more important, they represent the fruits of certain historical and socioeconomic circumstances, which engendered diffusion between close but still significantly different cultures, religions and legal systems. If we maintain that diffusion should always contribute to the evolution of a legal system, we can easily understand its significance. The regions of the early Mesopotamia had always been in social interaction, either through trade or through wars. These continuous social interactions were permanently setting off diverse legal changes.

Hammurabi's partial unification of cuneiform law in the city-states of Mesopotamia and the development of a strong centralized state resulted in the establishment of a unique system of law. The fact that the formal legal changes happened so instantly simply has to raise certain doubts about their efficiency and actual practical contribution. The aim of the comparison between this ancient course of globalization and the legal changes of the modern times is to show that such pattern of acculturation can actually be applied as a universal concept.