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cases, but it was thought of objectively. For instance, it was held that the receiver of stolen goods was not a person who knowingly bought stolen property but a person who contracted a purchase secretly, without witnesses. But indications are not lacking in the Code of Hammurabi and particularly in the Middle Assyrian code that the concept of guilt had already begun to be based upon the subjective attitude of the doer, upon his actual knowledge or lack of knowledge. Penalties were graduated according to whether the injured party were a freeman or a slave or according to the rank of the culprit. On the other hand, there was no differentiation as to criminal responsibility, as indicated most clearly in the Hittite code. This attitude corresponds to the relatively free position of the slave throughout the Near East; slaves were allowed to marry and to own a limited amount of property. Such leniency was probably due to the small number of private slaves, for the slave problem scarcely existed at all.

The lex talionis was the dominating feature in the Code of Hammurabi together with the frequent death penalty and the fine, while corporal punishment as a specific penalty was of slight importance. The Hittite code is similar but does not contain the talis as a punishment. On the other hand, in Assyrian penal law corporal punishment (mutilation) and whipping play an important part, and in civil law the "bloody penalty" for breach of contract predominates. This and the outspoken description of sexual offenses, for which the refined Code of Hammurabi uses veiled terminology, are as characteristic of the Assyrians as the somewhat complacent admonitions of the Hittite lawgivers for leniency and forbearance are characteristic of the latter. Collective responsibility is of some interest--the liability of the community for the unknown criminal in the Code of Hammurabi and possibly in Hittite and Subaraean law as well and the liability of the criminal's family, which is evidenced in the Hittite code, although even here it is already declining.

Little is known of the civil trial. A large number of Sumerian documents