

JUDICIAL DECISIONS
IN THE ANCIENT NEAR EAST

SBL Press

WRITINGS FROM THE ANCIENT WORLD

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JUDICIAL DECISIONS
IN THE ANCIENT NEAR EAST

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To the memory of Pierre Villard

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SERIES EDITOR'S FOREWORD

Writings from the Ancient World is designed to provide up-to-date, readable English translations of writings recovered from the ancient Near East.

The series is intended to serve the interests of general readers, students, and educators who wish to explore the ancient Near Eastern roots of Western civilization or to compare these earliest written expressions of human thought and activity with writings from other parts of the world. It should also be useful to scholars in the humanities or social sciences who need clear, reliable translations of ancient Near Eastern materials for comparative purposes. Specialists in particular areas of the ancient Near East who need access to texts in the scripts and languages of other areas will also find these translations helpful. Given the wide range of materials translated in the series, different volumes will appeal to different interests. However, these translations make available to all readers of English the world's earliest traditions as well as valuable sources of information on daily life, history, religion, and the like in the preclassical world.

Covering the period from the invention of writing (by 3000 BCE) down to the conquests of Alexander the Great (ca. 330 BCE), the ancient Near East comprised northeast Africa and southwest Asia. The cultures represented within these limits include especially Egyptian, Sumerian, Babylonian, Assyrian, Hittite, Ugaritic, Aramean, Phoenician, and Israelite. It is hoped that Writings from the Ancient World will eventually produce translations of most of the many different genres attested in these cultures: letters (official and private), myths, diplomatic documents, hymns, law collections, monumental inscriptions, tales, and administrative records, to mention but a few.

The arduous tasks of preparation, translation, editing, and publication could not have been accomplished or even undertaken without the support of numerous individuals and institutions. It is the hope of all who have worked on these texts or supported this work that Writings from the

Ancient World will open up new horizons and deepen the humanity of all who read these volumes.

Theodore J. Lewis
The Johns Hopkins University

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PREFACE AND ACKNOWLEDGMENTS

To my knowledge, this volume is unlike any previous contribution to the Writings from the Ancient World series, and this contrast requires the reader to approach it differently. *Judicial Decisions in the Ancient Near East* has no principal author and translator but is rather a collaboration that draws together the work of seven French specialists, now with Ignacio Márquez Rowe, each an expert in distinct cuneiform corpora and settings. Each body of evidence for the practical implementation of justice must be approached with full attention to the individuality of both the material and its interpreter. We consider this an advantage, underscoring the real diversity of greater Mesopotamian society across nearly two millennia and considerable geographical space while still leaving visible the many lines of continuity in legal practice and its written rendering by scribes.

The collaborative character of *Judicial Decisions in the Ancient Near East* began as the French volume edited by Francis Joannès, *Rendre la justice en Mésopotamie* (2000), with the same seven participants, plus Sylvie Lackenbacher for the chapter on Ugarit, who has been replaced by Ignacio Márquez Rowe. When I joined the editorial board for the Writings from the Ancient World and was asked what projects we might solicit to enrich the cuneiform component of the series, I thought immediately of this excellent book. An English version would be useful to many, and the series format would allow the incorporation of Sumerian and Akkadian renderings of each text along with the translations. The current publication preserves the advantages of the original compilation. Rather than attempting perfect coverage of ancient Mesopotamia and the cuneiform evidence for judicial decisions, the French project exploited the talents of leading specialists in diverse domains that do in fact yield wide coverage. These are not first of all experts in law, except for Sophie Démare-Lafont, though they are deeply familiar with the legal documents and their concerns. Each participant works broadly in the materials and problems

identified with the entire setting represented here by the execution of justice, so that each chapter reflects a grasp of the whole historical and social context. Further, as primary contributors to research on Sumerian Ur (Lafont), early Babylonia (Charpin), and so on, the translations and commentary offered by these scholars are grounded in firsthand interpretation of both material and milieu. We also recognize here the contribution of Martin Sauvage, who provided the maps for this volume with wonderful dispatch and whose long work as mapmaker for French study of the ancient Near East is now on display in his *Atlas historique du Proche-Orient ancien* (Paris: Les Belles Lettres, 2020).

In the spirit of *Rendre la justice*, instead of insisting that our cuneiform content, which spans nearly two thousand years, conform to one dress code of judicial diction, we propose to let our readers make the acquaintance of Mesopotamian legal practice through sundry guides who can provide the best view of each more specific setting. To make the most of this offering, the reader should embrace the variety of perspectives, both in the translations and in the accompanying commentary, as suitable to the content. In order to capture each contributor's sense of the particular material and its problems, we have not imposed a single outline on all the chapters. Each chapter includes texts and translations, with framing and commentary to suit the reasoning of each specialist. We invite our readers to enter each successive contribution as its own land, as it truly is, with a particular guide.

Although the cuneiform writing system and its study within the discipline of Assyriology provide continuity for our encounter with Mesopotamian law in these texts, the distinct corpora and contexts have given rise to particular conventions in their study. As far as possible, we have leveled the presentation of the transliterated cuneiform that supplies the backbone for the translations, and the group has discussed common formulations of judicial procedure, such as the noun *dīnu(m)*, which refers to both a legal "case" and its "judgment." Yet even the Akkadian for the handling of such cases varies according to particular custom, and our volume recognizes and incorporates the variety of both original formulation and interpretive translation.

For example, in Lion's translation of **no. 93.4–5** from Nuzi, one party "brought a case" against a second party before judges, or more literally, "he came up in/by a *dīnu*." At Ugarit and Emar, also from the second half of the second millennium (e.g., **no. 117.2–4** from Emar), one person "appeared for judgment" with another, using the same *dīnu* with the verb

sanāqu, “to arrive at a place” and then “to check.” In first-millennium Neo-Assyrian texts, we find a “lawsuit that (one party) initiated against (another party),” this time using the same word *dīnu* (here *dēnu*) with the verb *gerû*, “to be hostile” (Villard no. 140.2–3). In some texts, legal proceedings begin when one person “seizes” another to face some authority, and this can be translated literally (e.g., Villard no. 144.8). Elsewhere, Charpin chooses the legal implication over the physical act, rendering the same verb as “to take legal action” (no. 63.5). The reader should be attuned to the double possibilities for variation in the ancient language itself and in the interpretive choice of the translator, both of which illuminate the real complexity of ancient life. The glossary for this volume provides a sweeping sense of this variety.

According to the original vision of the series, the ancient languages would be presented in what Mesopotamian specialists call “normalization,” a vocalized text that expresses how the interpreter would read it aloud. This approach approximates the Greek and Latin of the Loeb Classical Library, the inspiration for the Writings from the Ancient World, but it also introduces a barrier between any reader of the ancient language and the extant text. In order to offer a more directly accessible set of Sumerian and Akkadian readings to those who can take advantage, we have rendered the texts in transliteration, which reproduces the cuneiform writing sign for sign. Conventions for transliteration vary considerably, and in appreciation of the diverse character of our Mesopotamian material and the conventions that have developed around the study of particular bodies of evidence, we have balanced an effort to provide continuity across chapters with the recognition of individual scholarly choice both in translation and in presentation of the text. One example of this appears with the rendering of the one laryngeal consonant preserved in Akkadian, something like the “ch” (*kh*) in “Bach.” In French custom, this consonant can be expressed as simply “h” rather than by the more precise *ḫ*, which distinguishes it from other Semitic laryngeals. Our contributors have divided in their choice of representations, and we have left the contrast as one reflection of their distinct interpretive voices.

One further feature of *Judicial Decisions in the Ancient Near East* is the additional adaptation involved in moving the product of French-speaking scholars into English. This process has been as individual and diverse as the chapters themselves, in every case accompanied by extended conversation, benefiting from the understanding of English brought by the contributors. As the one native English speaker, I found the navigation

of two modern languages, along with contrasting modern legal systems, to add further nuance to the result, driven by the constant awareness of translational and conceptual alternatives, often inadequate to the ancient reference point. One constant feature of the late third-millennium Sumerian collection from Ur is the *maškim*, which Bertrand Lafont observed to have responsibility for the general operation of the court, something like the French “greffier” (no. 1.17; etc.). Upon investigation of the English options, I discovered that the British “court clerk” compares closely to the French function, while “court clerks” in the United States have more limited responsibilities. We went with the term, noting the distinction. Lion described the *pašunu* of the Nuzi documents as the person responsible for establishing the title of a piece of real estate for current purchase (no. 104.49, etc.). In some parts of the United States—but not all—a “title officer” performs just this duty, and we chose this translation. Note also the use of “attorney” for the *rābišum* at Old Assyrian Kanesh (e.g., no. 88.4), a meaning that does not apply to other use of the Akkadian word and a translation that follows legal terminology in the United States, in contrast to the barristers and solicitors of the United Kingdom.

As Sophie and I reflect on the tangle of questions that have proceeded from our collective efforts to make sense of ideas traced across three languages, it strikes us that our readers are likely to include people who use English as a meeting place from a variety of other linguistic and professional backgrounds. The different voices in the translations for this book will be complemented by the individuality and diversity of our readers. Here again, the variety of solutions in the separate chapters serves as a reminder of the reality behind all our translation efforts. Translation reaches across a chasm of experience and expression, where full comprehension is always elusive and the true match of words and conceptions a chimera.

This book is the result of enormous effort and generosity on the part of all my colleagues. It began with *Rendre la justice*, the superb product of another collaboration, twenty years earlier, under the editorship of Francis Joannès, and this volume could not have proceeded without his support. Over lunch in Nanterre with Bertrand Lafont, Francis agreed readily to the undertaking. The first essential need was to recruit Sophie Démare-Lafont, the legal historian who provided the introduction to *Rendre la justice*, to serve as in-house editor from the French side. Without her sense of the whole, this project would never have come together. For longer than we care to count, Sophie and I have worked together on

law and society in the Emar documentation, and the long experience of shared deliberation and joint effort served us well in the editing process. Likewise, the book takes its life from the readiness of each contributor to return once more to material that all had treated in depth in 2000—not an automatic attraction for overburdened scholars who may have thought they had put this task behind them. Fortunately, the team reconvened. We added Emar to Lackenbacher's treatment of Ugarit, with Sophie building the two current chapters from Ignacio Márquez Rowe's drafts of the texts and translations. Each contributor tolerated extended exchanges with Sophie and me regarding questions of every sort, often entangled in choices of English wording. Everyone's patience and persistence have proved magnificent.

It is our hope that *Judicial Decisions in the Ancient Near East* will complement one of the most-used volumes from the Writings from the Ancient World series, Martha Roth's *Law Collections from Mesopotamia and Asia Minor* (1995; second edition 1997). Where the history of law has often been taken to begin with these remarkable texts, which indeed warrant the attention they receive, the existence of law and the traces of its observance are already visible in the applications of justice assembled in our new volume. The remaining desideratum would be a selection of Mesopotamian legal contracts, a task of enormous scope and beyond the horizon of this undertaking. Together, however, these elements of the written material represent the principal dimensions of ancient Mesopotamian law.

Daniel E. Fleming

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CONVENTIONS AND ABBREVIATIONS

Note on Text Format

In the foreword, we emphasize the variety of voices and styles on display in each chapter. Nevertheless, we have adopted as far as possible a uniform standard for the presentation of the texts. There remain essential differences between the transliteration of Sumerian and Akkadian texts. For Sumerian, individual cuneiform signs are rendered in lower case without italics, and upper case only indicates uncertainty regarding the reading of a sign. For Akkadian, signs that indicate syllabic representations of sounds are rendered in italics and lower case, and signs in upper case, separated by a period (/./), are “logographic,” reflecting Sumerian words that take the place of the Akkadian pronounced by the reader. Thus for instance the word “judge” is written di-ku₅ in the Sumerian texts and DI.KU₅ in the Akkadian texts.

Certain signs were not pronounced in any terms and served only as scribal signals to mark classes of nouns or names, plurals, pronunciation, and the like. In the Akkadian texts, these are written in superscript. Thus for instance /^d/ stands before a divine name (^dUTU), or /^{ki}/ after a geographical name (UD.KIB.NUN^{ki}). Sometimes they feature on both sides of the word, as in the spelling ^{lu.meš}AḪ^{bi.a} (*ahhū*, “brothers”).

General Abbreviations

*	word appearing in the glossary (e.g., <i>dīnu</i> *)
{ }	sign erased on tablet
< >	sign restored by editor
<< >>	superfluous or duplicated sign
/	indented signs belonging to the same line
\	continuation from above
°	<i>sic</i>

o	estimated missing sign(s)
┌ 1	partially broken sign(s)
[]	broken line(s)
:	vertical wedge written as a word divider (Old and Neo-Assyrian texts)
◇	see PC below
DN	divine name
GN	geographical name
MS(S)	manuscript(s)
no(s).	text number in the present volume (e.g., no. 98)
PC	postcanonical eponym in Neo-Assyrian texts (see 435 n. 2, below)
PN	personal name
RN	royal name

Periodicals and Collections

AAS	<i>Annales Archéologiques de Syrie</i>
AASOR	Annual of the American School of Oriental Research
ABAW	Abhandlungen der Bayerischen Akademie der Wissenschaften. Philologische-Historische Klasse
AbB	Altbabylonische Briefe in Umschrift und Übersetzung
<i>AfO</i>	<i>Archiv für Orientforschung</i>
AfOSup	Supplements to <i>Archiv für Orientforschung</i>
AHw	von Soden, Wofram. 1965–1981. <i>Akkadisches Handwörterbuch</i> . 3 vols. Wiesbaden: Harrassowitz.
<i>AnBib</i>	<i>Analecta Biblica</i>
AnOr	Analecta Orientalia
AOAT	Alter Orient und Altes Testament
AOS	American Oriental Series
<i>AoF</i>	<i>Altorientalische Forschungen</i>
archibab	Archives Babyloniennes, http://www.archibab.fr/
ARM	Archives royales de Mari
<i>ArOr</i>	<i>Archiv Orientalni</i>
AS	Assyriological Studies
<i>ASJ</i>	<i>Acta Sumerologica Japan</i>
<i>AuOr</i>	<i>Aula Orientalis</i>
AuOrSup	Aula Orientalis Supplement Series
BM	Bibliotheca Mesopotamica

BzA	Beiträge zur Assyriologie
BASOR	<i>Bulletin of ASOR</i> (formerly the American Schools of Oriental Research)
<i>BaghM</i>	<i>Baghdader Mitteilungen</i>
BBVO	Berliner Beiträge zum Vorderen Orient
BPOA	Biblioteca del Próximo Oriente Antiguo
BDTNS	Database of Neo-Sumerian Texts
BIN	Babylonian Inscriptions in the Collection of James B. Nies
<i>BO</i>	<i>Bibliotheca Orientalis</i>
BW	Bible and Women
<i>BZ</i>	<i>Biblische Zeitschrift</i>
BZABR	Beihefte zur Zeitschrift für altorientalische und biblische Rechtsgeschichte
CAD	Gelb, Ignace J., et al. 1956–2010. <i>The Assyrian Dictionary of the Oriental Institute of the University of Chicago</i> . 21 vols. Chicago: The Oriental Institute of the University of Chicago.
<i>CDLB</i>	<i>Cuneiform Digital Library Bulletin</i>
CDLI	Cuneiform Digital Library Initiative
<i>CDLJ</i>	<i>Cuneiform Digital Library Journal</i>
CHANE	Culture and History of the Ancient Near East
CM	Cuneiform Monographs
CNIP	Carsten Niebhur Institute Publications
COS	Hallo, William W., and K. Lawson Younger Jr., eds. <i>The Context of Scripture</i> . 4 vols. Leiden: Brill, 1997–2016.
CT	Cuneiform Texts from the Babylonian Tablets in the British Museum
CTMMA	Corpus of Cuneiform Texts in the Metropolitan Museum of Art
CTN	Cuneiform Texts from Nimrud
CUSAS	Cornell University Studies in Assyriology and Sumerology
DMOA	Documenta et Monumenta Orientis Antiqui
FAOS	Freiburger altorientalische Studien
HANEM	History of the Ancient Near East Monographs
HANES	History of the Ancient Near East Studies
HdO	Handbuch der Orientalistik
HEO	Hautes Études Orientales
HSAO	Heidelberger Studien zum Alten Orient
HSS	Harvard Semitic Series

HUCA	<i>Hebrew Union College Annual</i>
JA	<i>Journal Asiatique</i>
JANEH	<i>Journal of Ancient Near Eastern History</i>
JAOS	<i>Journal of the American Oriental Society</i>
JCS	<i>Journal of Cuneiform Studies</i>
JCSSup	Journal of Cuneiform Studies Supplement Series
JEOL	<i>Jaarbericht van het vooraziatisch-egyptisch Genootschap Ex oriente lux</i>
JESHO	<i>Journal of the Economic and Social History of the Orient</i>
JNES	<i>Journal of Near Eastern Studies</i>
JSOT	<i>Journal for the Study of the Old Testament</i>
JSOTSup	Journal for the Study of the Old Testament Supplement Series
KASKAL	<i>Kaskal. Rivista di storia, ambienti e culture del Vicino Oriente Antico</i>
KB	Keilschrift Bibliothek
LAPO	Littératures anciennes du Proche-Orient
LSS	Leipziger semitische Studien
MAOG	Mitteilungen der Altorientalischen Gesellschaft
Mesopotamia	Mesopotamia. Copenhagen Studies in Assyriology
MRS	Mission de Ras Shamra
MVAG	Mitteilungen der Vorderasiatisch-ägyptischen Gesellschaft
MVN	Materiali per il vocabolario neosumerico
NABU	<i>Nouvelles assyriologiques brèves et utilitaires</i>
NAPR	<i>Northern Akkad Project Reports</i>
NBC	Nies Babylonian Collection, Yale Babylonian Collection
<i>OrAnt</i>	<i>Oriens Antiquus</i>
OAAS	Old Assyrian Archives Studies
OBO	Orbis Biblicus et Orientalis
OIP	Oriental Institute Publications
OLA	Orientalia Lovaniensia Analecta
<i>Or</i>	<i>Orientalia</i>
PBS	Publications of the Babylonian Section
Philippika	PHILIPPIKA. Marburger altertumskundliche Abhandlungen
PIHANS	Publications de l'Institut historique-archéologique néerlandais de Stamboul
PIPOAC	Publications de l'Institut du Proche-Orient ancien du Collège de France

PSBA	<i>Proceedings of the Society of Biblical Archæology</i>
RA	<i>Revue d'assyriologie et d'archéologie orientale</i>
RGTC	Répertoire géographique des textes cunéiformes
RHD	<i>Revue historique de droit français et étranger</i>
RIDA	<i>Revue Internationale des Droits de l'Antiquité</i>
RIA	Ebeling, Erich, et al., eds. 1928-. <i>Reallexikon der Assyriologie</i> . Berlin: de Gruyter.
RSO	<i>Rivista degli studi orientali</i>
SAA	State Archives of Assyria
SAAB	<i>State Archives of Assyria Bulletin</i>
SAAS	State Archives of Assyria Studies
SANEM	Studies on the Ancient Near East and the Mediterranean
SANER	Studies in Ancient Near Eastern Records
SAOC	Studies in Ancient Oriental Civilizations
SBAW	Sitzungsberichte der bayerische Akademie der Wissenschaften
SCCNH	Studies on the Civilization and Culture of Nuzi and the Hurrians
SD	Studia et Documenta ad iura Orientis antiqui pertinentiae
SHCANE	Studies in the History and Culture of the Ancient Near East
SLB	Studia ad Tabulas Cuneiformes a F.M. Theodor de Liagre Böhl Collectas pertinentia
SMEA	<i>Studi Micenei ed Egeo-Anatolici</i>
StBoT	Studien zu den Boğazköy-Texten
TCL	Textes cunéiformes du Louvre
TLB	Tabulae cuneiformes a F.M. Theodor de Liagre Böhl collectae
TTKY	Türk Tarih Kurumu Yayınları
TUAT	Texte aus der Umwelt des Alten Testaments
TuM	Texte und Materialien der Frau Professor Hilprecht Collection of Babylonian Antiquities in Eigentum der Universität Iena
UET	Ur Excavation Texts
UF	<i>Ugarit-Forschungen</i>
VAB	Vorderasiatische Bibliothek
VS	Vorderasiatische Schriftdenkmäler
WAW	Writings from the Ancient World

WVDOG	Wissenschaftliche Veröffentlichung der Deutschen Orient-Gesellschaft
WO	<i>Die Welt des Orients</i>
WZKM	<i>Wiener Zeitschrift für die Kunde des Morgenlandes</i>
YOS	Yale Oriental Series
YOSR	Yale Oriental Series, Researches
ZA	<i>Zeitschrift für Assyriologie</i>
ZABR	<i>Zeitschrift für altorientalische und biblische Rechtsgeschichte</i>
ZSSRA	<i>Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Romanistische Abteilung</i>

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ON CHRONOLOGY

The chapters in this volume represent selections from cuneiform writing from the Persian Gulf to the Mediterranean Sea, from the Sumerian kingdom of Ur in the late third millennium BCE to Babylonia under the Achaemenid empire in the early fifth century BCE. These contributions follow particular concentrations of texts related to judicial decisions; they do not offer full coverage of the ancient Near East. Each chapter provides a separate account of time and space, as appropriate to the material, and here, for convenience, we collect the materials relevant to the documents from the whole volume, without undertaking a systematic Near Eastern chronology.

The contributors to this volume have adopted in common the long-standing Middle Chronology for ancient Mesopotamia, which remains the point of reference for ongoing discussion. For the dates below, we benefit from the information gathered in Lafont, Tenu, Joannès, and Clancier 2017.

Sumerian (Bertrand Lafont)

Kings of Ur (Ur III dynasty)

Ur-Namma	2110–2093
Šulgi	2092–2045
Amar-Suen	2044–2036
Šu-Sin	2035–2027
Ibbi-Sin	2026–2003

Old Babylonian (Dominique Charpin)

Kings of Babylon

Hammu-rabi	1792–1750
Samsu-iluna	1749–1712

Abi-ešuh	1711–1684
Ammi-ditana	1683–1647
Ammi-šaduqa	1646–1626
Samsu-ditana	1625–1595
King of Larsa	
Rim-Sin I	1822–1763
King of Ešnunna	
Ibal-pi-El II	1778–1765
Kings of Mari	
Yahdun-Lim	1810–1794
Zimri-Lim	1775–1762

Old Assyrian (Cécile Michel)

The participants in the exchanges documented in the Old Assyrian texts found in Anatolia at Kanesh (modern Kültepe) cannot be dated with precision. Most of these texts come from Kültepe Level II, which Michel (2020) dates mainly to the first half of the nineteenth century BCE. Level Ib covers circa 1832–circa 1700. In this volume, Michel only dates references to judicial decisions by the main period of Assyrian trade with Kanesh, from about 1910 to about 1850.

Arraphe (Brigitte Lion)

Texts from the kingdom of Arraphe, most of all found at Nuzi, do not have dates. They come from the period of domination by the great kingdom of Mittani, from the late fifteenth through the mid-fourteenth centuries BCE.

Emar and Ugarit (Sophie Démare-Lafont, Daniel Fleming, Ignacio Márquez Rowe)

The texts from these two sites likewise lack precise dates. Emar was attached securely to the Hittite great kingdom under Mursili II in about 1310, three years after this same Hittite king set up a secure local regime

at Ugarit under Niqmepa (ca. 1313–1260). Both Emar and Ugarit were destroyed in the 1180s.

Neo-Assyrian (Pierre Villard†)

Kings of the Assyrian Empire

Tiglath-pileser III	745–727
...	
Sargon II	722–705
Sennacherib	705–681
Esarhaddon	681–669
Assurbanipal	669–630
Aššur-etel-ilani	630–626
Sin-šarru-iškun	627–612

Neo-Babylonian (Francis Joannès)

Kings of the Babylonian Empire

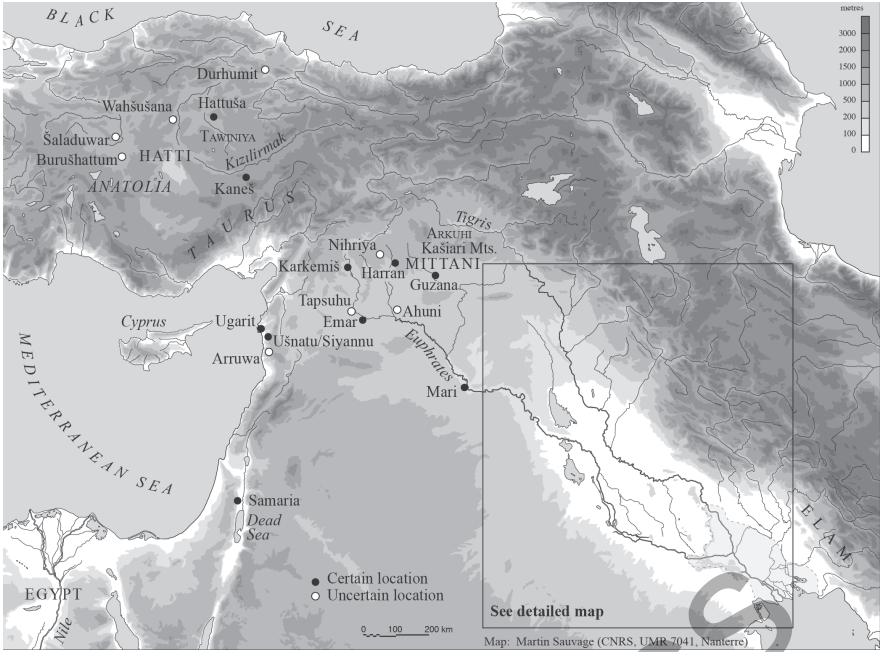
Nabopolassar	626–605
Nebuchadnezzar	605–562
Amel-Marduk	562–560
Neriglissar	560–556
Nabonidus	556–539

Kings of the Achaemenid (Persian) Empire

Cyrus II (the Great)	559–530
Cambyses II	529–522
Darius I	521–486

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