

MESOPOTAMIA  
NEO-ASSYRIAN PERIOD

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1. SOURCES OF LAW<sup>1</sup>

*1.1 Law Codes*

No collection of laws from the iNeo-Assyrian period is known to us. If a text of this kind had ever existed, it seems highly likely that it would have been part of Assurbanipal's famous library in Nineveh. But neither in Nineveh nor in twenty-three excavated sites located in different parts of the empire have archaeologists have succeeded in unearthing so much as a fragment of such a text. In addition, in none of the numerous Neo-Assyrian texts is the existence of a collection of laws hinted at, making it implausible to argue that such a text had existed, written on perishable material such as wooden writing tablets or scrolls of leather or papyrus.

1.1.1 Whatever the reason for the lack of a Neo-Assyrian collection of laws, it is certainly not the result of unfamiliarity with the subject, as the concept of a compilation of laws was well known in the Neo-Assyrian period. Copies of collections of laws from earlier periods of Mesopotamian history have been found in Neo-Assyrian libraries, in particular, tablets with Neo-Assyrian copies of Hammurabi's Laws.<sup>2</sup> Furthermore, the Middle Assyrian Laws were handed down by tradition, as is shown by a tablet that was found in Neo-Assyrian context in Assur.<sup>3</sup> However, it is not known whether the ancient

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<sup>1</sup> The last attempt at a systematic survey of Neo-Assyrian law was J. Kohler's "Rechtserläuterungen," in Kohler and Ungnad, *Rechtsurkunden* . . . 441-67. Although outdated in many respects, this is still a useful summary.

<sup>2</sup> See, e.g., a copy from the Library of Assurbanipal, K 4223+ (photograph in Parpola, *Scholars* . . . , 116 fig. 17) and note a catalogue of tablets for Assurbanipal's Nineveh library listing, inter alia, Hammurabi's Laws (di-na-a-ni , (1-am-m[u-ra-bi]) and the "Advice to a Prince" (see n. 11 below).

<sup>3</sup> VAT 10093+10266KAV 6+143; see Pedersen, *Archives* . . . , 22:N 1 (47).

collections of laws were consulted or not—the possibility has certainly to be considered, especially in the case of the Middle Assyrian Laws.

### 1.2 *Private Legal Documents*<sup>4</sup>

These are the richest source, both in quantity and in the sort of information they offer. More than two thousand legal documents are known, all of which are sealed, dated, and witnessed in order to be legally valid.<sup>5</sup> The earliest texts date to the late ninth century, but the majority stem from the seventh century.

### 1.3 *Royal Decrees*

Recorded are grants of land and tax exemption to individuals (usually high officials) or temples, royal decrees for the maintenance of temples, and appointments of officials.<sup>6</sup> These texts date from the ninth to the late seventh century.

### 1.4 *Letters*

Letters, both official and private, can offer important information on legal practice in the Neo-Assyrian period. The texts come mainly from the state archives in Nineveh and Kalhu but also from the archives of the provincial governors in Kalhu and Guzana (Tell Halaf) and the private archives from Assur. They cover the period from the eighth to the late seventh centuries, albeit concentrated in the reigns of certain kings, while virtually no letters from the reigns of some kings, most notably Sennacherib, are known.<sup>7</sup>

1.5 Administrative texts, usually in the form of lists, record data on a wide range of subjects. Since they rarely ever explicitly specify their purpose, their interpretation is often difficult.<sup>8</sup>

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<sup>4</sup> Radner, *Privatrechtsarkunden* . . . , 8-18 on the provenance and editions of the legal documents.

<sup>5</sup> *Ibid.*, 20.

<sup>6</sup> Recently re-edited in Kataja and Whiting, *Grants* ...

<sup>7</sup> Parpola, "Royal Inscriptions ...," esp. 117-24 on the provenance and dating of the letter corpora.

<sup>8</sup> The administrative texts from Nineveh have been recently edited in Fales and Postgate, *Administrative Records* . . . I, and *Administrative Records* . . . II. Similar texts have been excavated in many other sites; the most important are Kalhu, Assur and Guzana.

## 1.6 *Realia*

The reliefs of the Neo-Assyrian royal palaces illustrate certain aspects important in the present context, although not in a straightforward way. There is, for example, no display of a "court room scene", but valuable insight can be gained on how the Assyrians saw themselves, some officials can be identified, and in particular the work of the scribes is well illustrated. Another important source for the mechanisms of administrative and legal practice are the sealings<sup>9</sup> of the texts described in 1.2-1.5.

## 2. CONSTITUTIONAL AND ADMINISTRATIVE LAW

### 2.1 *Imperial Structure*

The Neo-Assyrian state was the first true world empire. Its territory, at the peak of Assyrian power in the late eighth and in the seventh century, stretched from Anatolia to Egypt and from Cyprus to Iran.

2.1.1 Although Babylonia was dominated by Assyria for most of the eighth and the seventh century, it was never seen as a part of Assyria, neither by the Assyrians nor by the Babylonians. This is shown especially by the fact that the Assyrian kings were crowned as kings of Babylonia, sometimes even bearing another throne name. Although an attempt was made to superimpose the Assyrian administrative structure, the Babylonian cities<sup>10</sup> especially kept most of their independence in legal matters: documents were phrased and dated in the Babylonian way and municipal officials kept their traditional titles.<sup>11</sup> The situation in Babylonia is excluded from the present study.

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<sup>9</sup> The sealings are studied in Herbordt, Glyptik...

<sup>10</sup> For the Babylonian cities' status under Assyrian control, see Larsen, "City- States ..."

<sup>11</sup> Note also the *kidinnu* status (see Reviv, "*kidinnu* .") and cf. the Babylonian text known as "Advice to a Prince" or "Rirstenspiegel" listing the privileges of Babylon, Sippar, and Nippur. Interestingly enough, a copy of this text was found in Assurbanipal's library (DT I; see Lambert, *Babylonian Wisdom Literature*, 110-45); another copy was found in the early Neo-Babylonian archive of the governor of Nippur (see OIP 114 128). See Reiner, "Ftirstenspiegel ...," 321E, on the quotation of a passage of this text in a Babylonian letter to Esarhaddon (CT 54 212 r. 4f.).

2.1.2 For the rest of the empire, however, a high level of cultural homogeneity was achieved. With the help of a massive deportation policy,<sup>12</sup> a multi-racial and multi-ethnic state was created<sup>13</sup> and nationalistic tendencies successfully avoided. With the help of a closely-knit web of traffic routes<sup>14</sup> and a well-organized communications network,<sup>15</sup> the empire's center was linked to the provinces' administrative capitals. The provincial capitals were modeled after the cities of the Assyrian heartland. The top officials in the provinces came from the empire's center, but collaborated closely with the local gentry. Neo-Assyrian was the official language within the empire,<sup>16</sup> although other languages were widely used, the most important of which was Aramaic.

## 2.2 *Organs of Government*

There was no legislative body and no division between executive and judiciary: administrative officials of all levels also held judicial authority. That the profession of a judge did not exist—in contrast to contemporary Babylonia—is also shown by the fact that the word *dayinu*, "judge," was not used for human beings in Neo-Assyrian.

### 2.2.1 *The King*

2.2.1.1 The king, as the chosen representative of the gods, was the head of the state and thus the head of the administration. His power was absolute, restricted only by his being answerable to the gods as the ideal king who was supposed to exercise a just rule.<sup>17</sup> The attributes expected of a king are well illustrated by a passage from Assurbanipal's Coronation Hymn:<sup>18</sup>

May eloquence, understanding, truth and justice be given to him (i.e. Assurbanipal) as a gift! May the people of Assur buy thirty kor of grain

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<sup>12</sup> Oded, Mass Deportation ...

<sup>13</sup> Postgate, "Multi-Racial State ..."

<sup>14</sup> Kessler, "Royal Roads ..."

<sup>15</sup> SAA I, xiii—xx.

<sup>16</sup> SAA I, xvff., esp. on the evidence of the letter CT 54 10.

<sup>17</sup> See Maul, "Der assyrische KOnig ..." Note that the tide .far m *Sari* "King of Justice", well attested in Babylonia since Hammurabi of Babylon, is only attested in the titular of Assurbanipal (in three land grants: SAA 12 25:6, 26:6, 29:6; he is appointed as the "shepherd of justice" by .A,CSTir: CT 35 13ff. = SAA 3 44:12: *re'u-u-ti baiu-U-lat dEN.LIL ap-q[īd-da qa-tuk-ka}*). But the earlier Assyrian kings held similar tides, such as "Lover of justice", "Lover of Truth" and "Protector of Truth"; see Seux, "KOnig'tum ...", 164f.

<sup>18</sup> LKA 31 = SAA 3 I 1, transl. by A. Livingstone.

for one shekel of silver! May the people of Assur buy three seah of oil for one shekel of silver! May the people of Assur buy thirty minas of wool for one shekel of silver! May the lesser speak, and the greater listen! May the greater speak, and the lesser listen! May concord and peace be established in Assyria! Aggiar is king indeed ASSiar is king! Assurbanipal is the [representative] of AHiar, the creation of his hand.

2.2.1.2 Being the highest administrative official, the king was also the supreme judge. Although he is not attested as the official exercising judicial authority in legal documents, ample evidence for this function of the king is found in letters. The "King's Word" (*abat sarr*)<sup>19</sup> overruled any earlier decision, and thus many individuals who felt unfairly treated appealed directly to the king. The officials concerned were sometimes less than happy to hear that the king's help had been asked for: a provincial official complained bitterly to Sargon II that he had not been consulted before a certain man pleaded to the king.<sup>20</sup> There were two ways to appeal to the king: either a written petition was addressed to the king or an audience was requested. In the latter case, the petitioner was led veiled into the king's presence, where he would plead his cause.<sup>21</sup> The king was not only approached in matters of life or death, but also for more trivial reasons. The case of a man is documented who twice appealed to the king because one of his debtors had failed for six years to repay a debt, and the Chief Cupbearer would not solve the matter.<sup>22</sup> The king's dilatory reaction to this request may reflect a certain wariness with the case rather than overwork.

### 2.2.2 *The Administration*

The entire administration relied heavily on the service of scribes. The highest-ranking scribe in the empire was the Palace Scribe (*tugar ekalli*). Although literacy seems to have been more widespread than previously supposed,<sup>23</sup> many officials could not write and read themselves. Officials of every rank can be shown to have had their personal scribe.<sup>24</sup>

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<sup>19</sup> Postgate, "Royal Exercise ...," and "Princcps iudex ..."; Garelli, "L'appel

<sup>20</sup> CT 53 72 = SAA 1 237.

<sup>21</sup> Parpola, "Murderer ...," 172, 176, n. 12.

<sup>22</sup> CT 53 173 = SAA 11 145:P-8'.

<sup>23</sup> Parpola, "Man without a Scribe ...," 320-22.

<sup>24</sup> Radner, *Privatrechtsurkunden* . . ., 86.

2.2.2.1 The king personally selected and appointed every official, be it a state, provincial, municipal, or temple official.<sup>25</sup> Sometimes, at least, he asked the gods to guide his decisions: the chief eunuch Nabil-garru-usur was only chosen for this office after a query to the Sun-God, Samag, gave a favorable result.<sup>26</sup> Whereas the king certainly made his own decisions in the case of all high-ranking officials, for the filling of lower ranks he relied on the proposals of his bureaucrats. The latter, however, always had to keep the king informed about their proceedings and ask for his approval, as is illustrated, for example, by a letter from Bel-liqbi, probably the governor of Supat, to Sargon II inquiring whether two men were acceptable as overseers of two post stations.<sup>27</sup>

2.2.2.2 The highest level of the administration was represented by a group of top officials, the magnates (lit., "the great ones," *rabute* = LU.GAL.IVIES).<sup>28</sup> As is shown by their titles, these officials were historically the highest members of the palace staff:<sup>29</sup> the *masennu* (Treasurer), the *nagir ekalli* (Palace Herald), the *rab saqe* (Chief Cup-bearer) and the *turtanu* (Commander-in-Chief), who all held their own provinces, and the *rab sa resi* (Chief Eunuch), the *sukkallu* (Vizier) and the *sartennu* (Chief Bailiff). These officials were the king's close advisers and may have formed a kind of state cabinet.<sup>30</sup> Those officials who were in charge of a province, at least, could not have remained permanently at the royal court.

2.2.2.3 The authority in all other provinces was exercised by the governors (*beg peiVite*) and their deputies (*lonia*). The magnates clearly had a higher status in the Assyrian bureaucracy than the provincial

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<sup>25</sup> E.g., ABL 150 = SAA 13 25:1-4, l.h.e. 2, on the appointment of the mayor Itacannu) and the city overseer (s'a multli dli) of Assur, and ABL 577 = SAA 1 75, on the appointment of a household manager for the temple of Assur.

<sup>26</sup> K 8888 = SAA 4 299.

<sup>27</sup> ABL 414 = SAA 1 177.

<sup>28</sup> They are studied by Mattila, *Magnates*.

<sup>29</sup> The titles of the magnates are conventionally and quite appropriately translated with terms familiar from the European and Islamic medieval period. Note that the title *sartennu* is usually, e.g., in CAD, translated as "Chief Judge." However, although it is clear that this official had judicial power, this translation is misleading, as judges do not exist and the highest judicial authority rests with the king alone. The translation "Chief Bailiff" ("Generalvogt") seems more appropriate.

<sup>30</sup> Parpola, "Cabinet ...," 379, with earlier literature in n. 3: see also Mattila, *Magnates*, 167.

governors<sup>31</sup>. The governors were responsible for the collection of taxes and other payments from their province, and for the conscription and supply of soldiers and civil laborers.<sup>32</sup>

Many of the magnates and provincial governors were eunuchs.<sup>33</sup>

2.2.2.4 On the municipal level, the mayor (*bazannu*) and the city overseer (*.fa mugj dui*) were the highest officials. It is important to note that in contrast to provincial officials sent there by the king, municipal officials were chosen from among the local residents. It is quite possible that the mayors and city overseers were, at least in Assur, selected from among the elders (*parfumu* = [LU.AB.BA](#)). The elders were a body with an unknown number of members that is not attested at all in the legal documents but is known from the royal correspondence.<sup>34</sup>

Traditionally, the *sa multhi ali* was the more influential municipal official, but at some point in the second quarter of the seventh century, either at the end of Esarhaddon's or at the beginning of Assurbanipal's reign, the rank of *{zazannu* was raised above that of *sa mubbi ali*. Usually, a city was ruled by one mayor and one city overseer. However, in Assur, at least from the reign of Sennacherib, three mayors called "Mayor of the Aggir Gate," "Mayor of the Samag Gate" and "Mayor of the Tigris Gate" headed the city administration together with the city overseer. Possibly, the mayor of Nineveh had a deputy. Since a high number of mayors is attested in the documentation for the second half of the seventh century in the city of Assur, it is clear that a Neo-Assyrian mayor was not chosen for life, but served only for a limited term.<sup>35</sup>

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<sup>31</sup> This is not only illustrated by the sequence in which these officials served as the year's eponym (see Millard, *Eponyms* . . ., 11 table 3) but can be proven by let-ter formulation: whenever a provincial governor wrote to a magnate, he addressed him as "my lord" (see Mattila, *Magnates* . . . 165f.).

<sup>32</sup> Postgate, "Economic Structure . . .," 202f.

<sup>33</sup> Grayson, "Eunuchs . . .," 93f., and Mattila, *A/agnates* . . ., 131-33, but cf. 4.4 below.

<sup>34</sup> Note the letter ABL 442, written jointly by the mayors and the elders of Assur to the king.

<sup>35</sup> Klengel-Brandt and Radner, "Stadtbeamten . . .," 152-55, for a discussion of the mayor and the city overseer.

### 3. LITIGATION

#### 3.1 *Procedure*

3.1.1 As there was no separate office of judge, the judicial function rested with officials of various ranks belonging to the state, provincial, municipal and temple administration.<sup>36</sup> As a consequence, there was no court building.<sup>37</sup> Court was apparently held wherever the official in charge was active. A document found in Dur-Katlimmu/Magdalū, modern Tell Sheikh Hamad in Syria, provides evidence that the two state officials most often attested in the function of judges, the *sukkallu* (Vizier) and the *sartennu* (Chief Bailiff), traveled through the empire, trying cases.<sup>38</sup> Although it is more common for a case to be tried by one official, several can be attested together in the role of judges. The exact function of the official called *'y'a pan / denii ti* (lit., "overseer of law cases") remains unclear. He is only once attested as trying a case but occasionally served as a witness to legal texts documenting court proceedings.<sup>39</sup>

3.1.2 Issār-Šumu-ēš, Esarhaddon's chief scribe, quoted a Babylonian proverb in a letter to his king: "An incompetent man can frustrate the judge; an uneducated one can make the mighty worry."<sup>40</sup> Unfortunately, the context in which this saying seemed appropriate is lost to us. However, it illustrates a fact that is also clear from the judicial documents: parties in court had to speak for themselves. Lawyers were unknown.

3.1.3 While the administration saw to it that those who had harmed the state were prosecuted, individuals had to initiate lawsuits on their own behalf. In spite of the fact that about one hundred legal documents directly referring to lawsuits are preserved,<sup>41</sup> we know little about court procedure in general due to the succinct phrasing of these texts. It is clear, however, that there was no distinction between civil and criminal matters.

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<sup>36</sup> Radner, Review of Jas . . ., and Deller, "Rolle . . ." 649.

<sup>37</sup> Cf. Jas. *Judicial Procedures* . . ., 2 'contra Deller, "Rolle . . .," 649f., KAV 115:7 is to be read E-ku-nu. Not E de-nu

<sup>38</sup> Radner. Dur-Katlimmu, . . ., no. 110.

<sup>39</sup> Jas. 101 s.v., and Deller, "Rolle..." 652f. for attestations.

<sup>40</sup> ABL 37 = SAA 10 23 r. 3-6.

<sup>41</sup> Jas. *Judicial Procedures* . . . for an edition of 62 texts. and Radner. Review of Jas . . . for references to additional unpublished texts.



3.1.4 To try a case, the presence of the opposing parties before the court was necessary. It seems that the plaintiff who initiated the trial had to produce the defendant physically in court. Men, women, and eunuchs could appear in court. Only statements made directly in the presence of the official acting as judge were acceptable.

### 3.2 Evidence

3.2.1 Suprarational methods were frequently employed to decide a trial. Well attested as a means to test the credibility of a person is the river ordeal (*Ijuriinu*).<sup>42</sup> It is likely that also references to gods in the role of judges<sup>43</sup> relate to comparable procedures; the texts offer no clues, however, about how exactly a god tried a case.

3.2.2 Taking an oath (which may be described as a semi-rational means of evidence) is also attested.<sup>44</sup> In the case of all known attestations, taking the oath is connected with an ordeal. Note that it is always the parties who take the oath, never witnesses. It seems that the parties were not under oath when they made their statements, unless this is stated explicitly.

3.2.3 The most important of the rational means to establish evidence were witnesses. Decisions could be adjourned in order to wait for an important witness to testify.<sup>45</sup>

3.2.4 It may be assumed that legal documents could also be presented as evidence. However, we lack explicit evidence about this from the texts. Moreover, the case of Urdu-Nanaia of Assur who, in spite of having a sale text documenting that he had paid the price for two slaves, still had to undergo an ordeal to prove this as a fact,<sup>46</sup> casts considerable doubt on the efficacy of this method. Two witnesses to the sale transaction were also present at the ordeal. There

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<sup>42</sup> Frymer-Kensky, *Ordeal ...* II, 394-423, Jas, *Judicial Procedures* . 73-76, Kataja, "River Ordeal ..." and Radner, "Vier neuassyrische ...," 124.

<sup>43</sup> Fales, "Dieu ...," 1771, for attestations.

<sup>44</sup> The only texts known to use the verb *taint?*, "to swear an oath," are VAT 5604 and CTN 3 70; see Radner, "Vier neuassyrische ...," 121-25. In VAT 20361 (formerly VAT 16507) = Deller et al., *Texts from Assur* . . . , no. I 1 1 and in A 2014 = SLAT 2 311, the phrase "to speak to (a god)" introduces the oath.

<sup>45</sup> Note esp. VAT 8656 = Radner, *Tempelgoldychmiede* ., 140f.

<sup>46</sup> Radner, "Vier neuassyrische ...," 118-25, on VAT 5602 (sale) and VAT 4.604 ordeal).

is no indication that physical evidence as derived from the actual inspection of objects was ever used.

#### 4. PERSONAL STATUS

##### 4.1 *Citizenship*

An essential factor in the stability and success of the Neo-Assyrian empire was that everyone within the empire was an Assyrian (*mar <-1Is'ar; asYrirayu*).<sup>47</sup> Subdued peoples are said to have been "counted among the Assyrians."<sup>48</sup> Newly Assyrianized individuals seem to have had the same obligations, usually summarized as the duty to serve (*pata'hu*, lit., "to fear") the king, like Assyrians by birth. In return, all the inhabitants of Assyria enjoyed the privilege of the protection of the king.

##### 4.2 *Class*

4.2.1 Although the Assyrian themselves divided society in "Greater ones" and "Lesser ones,"<sup>49</sup> social classes in the modern sense did not exist. In contrast to other periods of Mesopotamian history, there were no general terms to designate social status. The term *mein* means "man" in the widest sense; the little-attested term *muSkerzu* is only known from more literary contexts, where it is contrasted with *mar damqi* "nobleman".<sup>50</sup>

4.2.2 The only persons who could act independently—within the borders defined by the administrative system—were the heads of households, who had absolute authority over the persons in their households. The Tatters' status in society was determined by two factors: their position in relation to the head of the household and the position of that head of household within the bureaucracy.<sup>51</sup> Members of the king's household constituted a special case. They included not only individuals actually living in the palace but also those that lived on land owned by the state.

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<sup>47</sup> There is no difference between these terms; see Radner, *Privatrechtsurkunden* . 199, with n. 1044.

<sup>48</sup> Oded, *Mass Deportation* . . 81--86

<sup>49</sup> E.g., in Assurbanipal's Coronation Hymn (see n. 18).

<sup>50</sup> Radner, *Privatrechtsurkunden* . 198f

<sup>51</sup> *Ibid.*, 200. For a sketch of the bureaucracy "pyramid," see Grayson. "Assyrian Civilization," 199-202.

4.2.2.1 Whether a head of household belonged to the "Greater ones" or the "Lesser ones" probably depended upon the existence and extent of landed property in his possession. This was linked to two factors. Firstly, landowners had to pay taxes—a major source of income for the state. Secondly, land tenure was closely connected to an individual's position within the Assyrian bureaucracy, as wealthy individuals had access to high positions at court and in the army and, holding such positions, could more easily accumulate more wealth and land. One means of upward social mobility was certainly a successful career in the army, as the king bestowed state land on his soldiers.<sup>52</sup>

### 4.3 Slavery

Freeborn persons could either become slaves as the result of a debt incurred by themselves or by a family member or could simply be sold into slavery by the head of household. Debt slaves could usually be redeemed if somebody paid off the debt on their behalf.<sup>53</sup>

Although a slave was in principle a human chattel that could be owned and dealt with like other property, in practice slaves had much the same rights and duties as other household members who were also under the absolute authority of the head of household. With the consent of the head of household, against whom commitments could be enforced, all household members, including slaves, could be given property.<sup>54</sup>

### 4.4 Gender

There were three genders: men, women, and eunuchs.<sup>55</sup>

4.4.1 The sources clearly illustrate that eunuchs were common at all levels of society and that they could be high state officials as well as slaves.<sup>56</sup> Although eunuchs were clearly seen as being different from

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<sup>52</sup> Radner, "Land and its Resources ...," 244, on the single reference to a "bow field" (A.SA GIS.BAN-h) in ABL 201 = SA.A 5 16:6.

<sup>53</sup> Radner, *Privatrechtsurkunden* 229f. and Radner, "The Neo-Assyrian Period 280-84.

<sup>54</sup> See Radner, *Privatrechtsurkunden* . . . 202, 219-30, for a detailed discussion; cf. Kohler and Ungnad, *Rechtsurkunden* . . . 452f

<sup>55</sup> See Grayson, "Eunuchs ...," 91-93, for a survey of the debate on the meaning of *'s'a reli*. At least for the Neo-Assyrian period, it seems certain that this term denotes a eunuch, but note the arguments of Dailey, *Review of Mattila* ..., 198-206.

<sup>56</sup> Radner, *Privatrechtsurkunden* . . . 156, for a eunuch slave, and Grayson, "Eunuchs ...," 93E, for eunuchs as high officials.

men, their grammatical gender was still masculine and, as the depiction on reliefs and seals show, they dressed like men (but were of course beardless).<sup>57</sup> Apparently, men and eunuchs held the same legal status.

4.4.2 Typically, a head of household was male (or a eunuch). Households headed by women are attested as well, however, especially at court, where the female members of the royal family were very powerful and the female official called *s'akintu* held an influential post.<sup>58</sup> Although women could buy and sell property, incur debts, act as creditors, and appear in court, they are never attested as witnesses in legal documents, not even when the principal parties are female.

#### 4.5 Age

A person's age was not counted in years ("chronological age"), but defined by physical appearance ("physiological age").<sup>59</sup> As the most important asset of any person was his or her ability to work and as this is only insufficiently reflected by chronological age, this method is clearly functional. We have no information as to when a person legally "came of age." It is almost certain, however, that this was connected to maturity, not a certain chronological age.

### 5. FAMILY

#### 5.1 *Marriage*

5.1.1 Only in extraordinary cases, for example, when the bride's dowry was substantial, when the bride was given the right to demand a divorce, or when the bride was a temple devotee, was a marriage document drawn up. Hence, only sixteen such texts are known to us.<sup>60</sup> Apparently, an oral agreement was usually sufficient.

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<sup>57</sup> Reade, "Court and Army ...," 91E, 95E, for the reliefs, and Watanabe, "Siegellegenden ...," pls. 3-4 (5.2., 5.5., 6.1.-6.10.), for the seals.

<sup>58</sup> The exact nature of the *.Cak.intlis* office needs further study. She is attested in Nineveh, Kalhu, Assur, and Til-Barsip (see Dailey, "Til Barsip ...," 82f. and pl. 3: no. 13).

<sup>59</sup> See Radner, *Privatrechtsurkunden* . . . , 125-34, 147-55, 171-73, for a discussion of the terms to describe the physiological age of a person.

<sup>60</sup> *Ibid.*, 1571. and see the detailed discussion of these texts, 165-71.

5.1.2 Marriage was normally arranged between the father of the bride and the bridegroom. Theoretically, every bride received a dowry (*nundunii*, see also 6.2.5 below) at the time of her wedding. Only three of the known wedding documents enumerate the dowry, probably because it was unusually rich.<sup>61</sup> From these texts it is clear, however, that the bride received money, furniture and household goods as her dowry. The bridegroom probably always paid a bride-price to his future father-in-law. As the term *terhatu(m)* is not attested in Neo-Assyrian, it is likely that the word used in this context is the usual word for price, *kaspu*.<sup>62</sup> The sale of women into marriage is also attested in nine texts from Nineveh, Kalhu, and Assur.<sup>63</sup>

5.1.3 By marrying, the woman left the paternal household and entered the household of her husband, who gained total control over her. Should the husband incur debts, he could pledge or even sell his wife; after his death, the wife was still liable to pay back the debts.<sup>64</sup> Therefore, clauses in four marriage documents explicitly protected the wife from the consequences of her husband's business dealings.<sup>65</sup>

5.1.4 Polygamy (or rather polygyny) was possible but is rarely attested. According to our sources, monogamy seems to have been predominant but by no means a matter of course, as, for example, the sale of a man with his two wives is documented in two legal texts, respectively.<sup>66</sup> Polygamy was certainly standard in the case of the members of the royal family. Sennacherib, for example, had at least three legitimate wives.<sup>67</sup> Thus, a woman of high social rank from Kalhu

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<sup>61</sup> Ibid., 164 on CTN 2 1 and ND 2307 from Kalhu and A 2527 = StAT 2 164 from Assur.

<sup>62</sup> See especially IM 64137 = NL 26:4-16: "As for the Arameans about whom the king said: 'Let wives be found for them,' we have found plenty of women, but their fathers will not agree to hand them over until they pay the price (k[as-p]u) for them. Let them pay the price (kas-pu), and then can get married (ti-Luz-u)" (cf. Saggs, "Nimrud Letters ...," 92 and pl. 6, and Postgate, "Multi-Racial State ...," 9).

<sup>63</sup> Radner, *Privatrechtsurkunden* . . . , 167-70.

<sup>64</sup> Ibid., 162 and note esp. the evidence on badly abused widows in the letter KAV 197:25-37 from Assur; see Postgate, *Taxation* . . . , 363-67 and Fales, "People ...," 39f, for a translation.

<sup>65</sup> Radner, *Privatrechtsurkunden* 158f on CTN 2 247 and ND 2316 from Kalhu, TIM 11 14 from Nineveh, and A 2527 = StAT 2 164 from Assur, and Radner, 170f. on ND 2316 from Kalhu.

<sup>66</sup> Radner, *Privatrechtsurkunden* . . . , 126, with n. 620 with references.

<sup>67</sup> Frahm, *Sanherib-Inschriften* . . . 3f

felt the need to have a clause in her marriage document explicitly stipulating that her husband could not have another wife.<sup>68</sup>

## 5.2 Concubinage

It seems that only kings could have legitimate concubines. These were designated as MLERIM.E.GAL. As no syllabic spellings for this term are attested so far, the reading as \**sakrutu* is hypothetical.<sup>69</sup>

## 5.3 Divorce

Three marriage contracts contain provisions regulating the consequences of divorce. They show that divorce was possible, apparently at the initiative of either spouse. The main reason for divorce is expressed by the verb *ziaru* "to hate."

5.3.1 According to a text from Kalhu, if the wife divorced her husband because she hated him, she would forfeit her dowry to him; if he divorced her for the same reason, he would have to pay her double her dowry.<sup>70</sup> A second text from Kalhu stipulates that if the husband took another wife, his wife could leave him, taking with her everything she owned.<sup>71</sup> The third document, from Nineveh, concerns the marriage of a female Egyptian devotee of the goddess Istar of Arbela to another Egyptian.<sup>72</sup> If the husband hates his wife, it is she who is to pay him ten shekels of silver as "departure money" and she can leave; due to the fragmentary preservation of the text, it is clear only that she too could divorce him.

5.3.2 In contrast to these provisions for a potential divorce, only one text is known that documents an actual divorce.<sup>73</sup> A text from Assur documents the settlement of a lawsuit between two men who used to be father-in-law and son-in-law, focusing on the question of remarriage. The former husband would be able to marry again without his ex-father-in-law's involvement and the former wife could be mar-

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<sup>68</sup> CTN 2 247, see Radner, *Phvtrechtsurkunden* .,

<sup>69</sup> 160, 166. "9 Fadhil, "Grabinschrift ...," 467.

<sup>70</sup> YD 2307, see Radner, *Privatrechtsurkunden* ..., 159, 165f.

<sup>71</sup> CTN 2 247, see Radner, *Privatrechtsurkunden* ..., 160, 166.

<sup>72</sup> TIM 11 14, see Radner, *Privatrechtsurkunden* ..., 159, 167E, 209.

<sup>73</sup> VAT 9745, see Radner, *Privatrecht.surkunden* ..., 160E, for an edition.

ried again by her father without her ex-husband being involved. It is noteworthy that the ex-wife is referred to only as the daughter of her father, without ever mentioning her name.

#### 5.4 Children, Childlessness, and Adoption

5.4.1 A marriage document from Kalhu makes provisions for the contingency of childlessness. A slave woman would be used as a surrogate mother, the child she would have with the husband legally being the married couple's. Depending on the relationship between the wife and the slave woman, the latter would either stay in the household or be sold.<sup>74</sup>

5.4.2 The alternative for a childless couple is to adopt a child. Adoptions are well attested, both of boys and girls.<sup>75</sup> Whereas a boy's adoption is always linked to the fact that he is to be the future heir,<sup>76</sup> it is still largely unclear why—other than for humanitarian reasons—girls were adopted.<sup>77</sup> The adoptees are always children. They are given away by their fathers or, if the father is dead or unknown, by the head of household.<sup>78</sup> All adoptions of girls and most adoptions of boys are straightforward sale transactions, and the adopting parents pay a sum of money for the child. In the case of two adoptions of boys from Assur, however, no price was paid to the fathers,<sup>79</sup> and in another boy's adoption from Assur, a payment euphemistically called a "gift" (*niimurtu*) was given to the father.<sup>80</sup> Note that in these three texts, the usual sales formulae which are employed for all other adoptions are not used.

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<sup>74</sup> ND 2307, see Radner, *Privatrechtsurkunden* ., 165f., and Grayson and Van Seters, "Childless Wife . . .," 485f.

<sup>75</sup> Radner, *Privatrechtsurkunden* 137-43.

<sup>76</sup> *Ibid.*, 138f. The three texts from Assur stipulate that even if the couple should eventually have seven sons, the adopted son will still be the principal heir, whereas a text from Kalhu and a text from Nineveh speak of ten sons.

<sup>77</sup> Radner, *Privatrechtsurkunden.*, 142.

<sup>78</sup> By the father of the mother, a temple prostitute, in TIM 11 15 (see Radner, *Privatrechtsurkunden* ., 140:d) and by the brother in VAT 9930 (see Radner, *Privatrechtsurkunden* . ., 142:a).

<sup>79</sup> AO 2221 (see Radner, *Privatrechtsurkunden* . 140:a) (and Assur 12 (see Radner, *Privatrechtsurkunden* . .140:1)).

<sup>80</sup> VAT 15500 (see Radner, *Privatrechtsurkunden* . 140:c).

## 6. PROPERTY AND INHERITANCE

### 6.1 Tenure

The character of land tenure in the Neo-Assyrian period is the direct result of developments in the Middle Assyrian period, although the expansion of Assyrian territory in the first millennium certainly resulted in a change in its conditions.<sup>81</sup>

6.1.1 Generally speaking, landed property might be owned by private individuals individually or jointly, or by the state. At present, there is no evidence that cities and villages owned land, although it seems that their consent was needed for the transfer of ownership within their jurisdiction.<sup>82</sup> However, as the organization of concerted use of agricultural land was certainly among the major responsibilities of the municipal government, the community's importance in respect to landed property should not be underestimated.<sup>83</sup> Barren land, notably desert land,<sup>84</sup> and newly conquered land belonged to the state.

6.1.2 A special case of state property is the prebendary lands, called *ma'uttu*,<sup>85</sup> accompanying an office, for example, a governorship. It seems that in contrast to privately owned land, prebends were always described as the land of a certain official, without giving his proper name.<sup>86</sup> While a fixed share of these estates' yield had to be handed over to the state authorities,<sup>87</sup> the remaining share was to sustain the

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<sup>81</sup> PeCirkova, "Land Tenure ..." summarizes the different opinions of various scholars, notably Diakonoff, Gareth, Jankowska and Postgate, on Assyrian land tenure and its evolution. See further Fales, "Survey ...," and "The Neo-Assyrian Period"; Postgate, "Economic Structure ...," "Au...," and "Ownership ..."

<sup>82</sup> Sale documents for landed property within the city of Assur must be sealed not only by the seller but also by city officials; see Klengel-Brandt and Radner, "Stadt-beamten ...," 137-43. CTN 2 44 is a similar example from Kalhu, see *ibid.*, 138.

<sup>83</sup> Cf. Postgate, "Ownership ...," 144.

<sup>84</sup> Cultivating this land was a state matter, usually achieved with the help of the local population or deportees who were settled in the area at the same time; see Radner, "Land and its Resources ...," 237f.

<sup>85</sup> For the evidence for *ma'uttu sa .Cam* ("prebend of the king") and *ma'uttu s'a ekalli* "prebend of the palace"), see Radner, *Land and its Resources ...*, 243.

<sup>86</sup> Postgate, "Ownership ...," 146f. The problem of distinguishing prebends from privately held estates is not restricted to officials but also arises in the case of the king and his family.

<sup>87</sup> E.g., the letter CT 53 79 = SAA 5 225, in which the official Adad-isseea complains that it is virtually impossible to deliver the scheduled amount of one thousand homers of grain.



holder's office. Temples could own land as well, most importantly to provide offerings for the gods. A part of the land came into the possession of the temples as a result of donations by private individuals or the king.<sup>88</sup> Also attested are prebendary fields for such institutions as the royal tombs in Assur.<sup>89</sup>

6.1.3 As in the Middle Assyrian period, the tenure of land is linked to the duty to pay taxes, specifically the *sibsu* tax on corn and the *nusdhe* tax on straw. If the land was owned by the state, its proprietor, often an official holding it as a prebend, had to perform state service (*ilku*).<sup>90</sup> The king might sometimes grant tax exemption on certain property.<sup>91</sup> A reference to "bow land" in a letter to Sargon II suggests that soldiers received state land as "fiefs."<sup>92</sup>

6.1.4 Land could be leased.<sup>93</sup> Lease of land is closely connected to pledge of land (see 7.5.2 below); indeed, the land serves as an antichretic pledge for the rent, which is really a debt.<sup>94</sup> In many cases, the land was leased as long as the debt remained unpaid. In other cases, a fixed period of time was agreed on. The minimum attested is six years (three fallow and three crop years); the maximum, thirty years (fifteen fallow and fifteen crop years).<sup>95</sup> After the fixed term had elapsed, the land could be redeemed by repaying the debt.

## 6.2 *Inheritance and Transfer inter vivos*

6.2.1 Inheritance matters were controlled by the bureaucracy, as illustrated, for example, by a letter from one Amar-ilu to Sargon II, reacting to the king's order that he and the governor of Arbela were to divide the inheritance of the sons of Marcia and give each of them

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<sup>88</sup> Postgate, "Ownership ...," 145f

<sup>89</sup> TIM 11 33:5': ma=u-u-te fe E LUGAL-n[i], "prebendary field of the royal tombs (lit., "House of Kings," the Old Palace in Assur.

<sup>90</sup> On *sibsu* and *nusdhe*, see Postgate, *Taxation* . . .174-18, and Garelli, "Systeme fiscal . . .," 11 f. On *ilku*, see Postgate, *Taxation* . . ., 63-79, "Economic Structure . . .," 203-5, and "ilku . . .," also Garelli, "Systeme fiscal . . ." 8-11. On the link between *ilku* and land tenure, see also Postgate, *Fifty Documents* . . ., 24E, and cf. Grayson, "Assyrian Civilization," 213E

<sup>91</sup> Postgate, "Ownership ...," 149E

<sup>92</sup> Radner, "Land and its Resources . . .," 244.

<sup>93</sup> Postgate, *Fifty Documents* . . ., 29-32 and Radner, *Privatrechtsurkunden* 384-89.

<sup>94</sup> Radner, *Privatrechtsurkunden* . . ., 385.

<sup>95</sup> For attestations see Radner, *Phtmrechtsurkunden* 3881

his share.<sup>96</sup> That the administrative officials were involved in the division of inheritance is also clear from various inheritance documents.<sup>97</sup>

6.2.2 In contrast to the Middle Assyrian period, each son, independent of his age, received an equally large share of the inheritance. While real estate usually forms the most important part of the inheritance, the texts also mention slaves, money, and legal documents.<sup>98</sup>

6.2.3 Usually, men received their inheritance after the father's death. The heir was the universal successor of the deceased, whose rights and obligations he took over as a whole. This is especially clear from a Kalhu adoption document, which specifies the adoptee's status as the principal heir should there ever be additional sons: "He (the heir) will enjoy his inheritance share with them (his brothers); he will go to (perform) the *ilku* duty with them; he will settle his (the father's) debts and he will claim payment for the debts due to him (his father)."<sup>99</sup>

6.2.4 A text from Assur documents the division of an estate during the father's lifetime. It is split between the sons while a part of it was kept by the father, to be divided upon his death, and even the mother received a slave.<sup>100</sup> This last case should be described as a gift rather than an inheritance and can be compared with a document of unknown provenance, which documents a gift of landed property, slaves, and livestock from a father to his son.<sup>101</sup>

6.2.5 Women could receive gifts both from their fathers<sup>102</sup> and husbands. The latter was called *nundunii*, the same term that denotes the dowry.<sup>103</sup>

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<sup>96</sup> ABL 179 = SAA 1 135

<sup>97</sup> Note, e.g., that the three mayors and the goldsmiths' guild oversaw the distribution of the inheritance in BM 122698 = Deller and Millard, "Zwei Rechtsurkunden . . .," 42E (a list of inheritance texts is given l.c. 44) and that Assur 27 = Ahmad, "Archive . . .," no. 31 was sealed by a mayor.

<sup>98</sup> Radner, *Privatrechtsurkunden*, 72.

<sup>99</sup> ND 5480 (unpublished, see the quotes in Postgate, "ilku . . .," 307).

<sup>100</sup> VAT 9330 = Deller et al., *Texts from Assur* . . . , no. 7 1; see Radner, *Privatrechtsurkunden* 163.

<sup>101</sup> ADD 779 = Kohler and Ungnad, *Rechtsurkuntien*, no. 46. The remainder of the father's property was to be divided between the brothers.

<sup>102</sup> ADD 619 = Kwasmann, *liinguiyik Collection* . . . , no. 69, records the gift of a house in Nineveh and some slaves from a father to his daughter.

<sup>103</sup> Radner, *Privatrechtsurkunden* . . . , 163 and 164 for the , Assur text A 310 = StAT 2 184, recording a husband's *nundunit* gift of two minas of silver, furniture, and household goods to his wife.

6.2.6 Much better attested than gifts in private circles are gifts by the king, called *tidintu* or *qinitu* and consisting of land, persons, and livestock.<sup>104</sup> The king also bestowed honorary gifts such as rings and luxurious garments on those he favored.<sup>105</sup>

## 7. CONTRACTS

Two main types of legal documents can be distinguished because of their strictly standardized formulation and format. A third group of texts' appearance is much less standardized: receipts, various mutual agreements and texts recording court proceedings are phrased and formatted according to ad hoc necessities.

The first group of legal texts are those of the so-called conveyance type ("Erwerbsvertrag"), which document all possible kinds of transfers of ownership of real estate and persons, such as sales or exchanges, land leases, adoptions, marriages, dedications to temples, or divisions of inheritance.

The second group are the legal texts of the so-called contract type ("Obligationsurkunde"), which record an obligation between two parties, for example, loans of money, grain, or animals and debts of all kind, as well as delivery and working contracts.

### 7.1. *Sale*

Only the transfer of ownership of real estate (fields, houses, building plots, gardens, vineyards, occasionally whole villages) and people is documented.<sup>106</sup>

7.1.1 A sale document was sealed by the seller and witnessed by a number of men who can frequently be demonstrated to have close connections with the buyer.<sup>107</sup> In the case of real estate sales from Assur, the text was also sealed by the municipal officials.<sup>108</sup> The

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<sup>104</sup> Deller, "Neuassyrisch qa7212 .," 345-55 for a discussion of these terms and of the verb Tana.

<sup>105</sup> Postgate, "Rings ...," 235-37.

<sup>106</sup> Occasionally, the transfer of cattle is mentioned in connection with land sales; see Radner, *Privatrechtsurkunden* ., 294f.

<sup>107</sup> Compare Fales, "Remanni-Adad ...," 1987:94, 109-13 for the circle of Remanni-Adad.

<sup>108</sup> See n. 82.

document was written on a rectangular tablet with a ratio of 2:3 of vertical format.<sup>109</sup>

7.1.2 According to the phrasing of the sale documents,<sup>110</sup> the transaction was a cash purchase. The price was paid on the spot, usually in a metal currency, and the commodity was handed over to the buyer. Until the reign of Sargon II, copper (or occasionally bronze) was the predominant currency, later on more and more supplanted by silver.<sup>111</sup> It seems, however, that the impression of a cash purchase is sometimes created by the highly standardized phrasing of the texts, without this actually being the case.<sup>112</sup>

7.1.3 The sale document served to protect the rights of the buyer. Litigation is excluded,<sup>113</sup> and a number of the clauses stipulate the penalties should the seller or his legal representatives or successors try to reclaim the item sold.<sup>114</sup>

## 7.2 Exchange

Exchange is attested relatively rarely. The transaction was documented using slightly modified sale contract formulae, usually mentioning the term *sapussu*, "exchange"<sup>115</sup> Generally, commodities of a comparable nature were exchanged, such as a field for a field or a person for a person. There is, however, a case of three slaves being exchanged for a horse.<sup>116</sup>

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<sup>109</sup> Radner, "Relation ...," 67, and *Privatrechtsurkunden* 24f.; Postgate, "Nature of the Shift ...," 160, 167.

<sup>110</sup> Postgate, *Fifty Documents* ..., 12-17 and "Nature of the Shift ...," 168; Radner, *Privatrechtsurkunden* ..., 21 f., 316-56.

<sup>111</sup> See Radner, "Money ...," on currency in the Neo-Assyrian period.

<sup>112</sup> Evidence for this is quoted by Radner, *Privatrechtsurkunden* 91E, n. 504.

<sup>113</sup> With the clause *tuaru denu dababu la.ffa* ("There is no going back, lawsuit or litigation"); see Radner, *Privatrechtsurkunden* ..., 353-56.

<sup>114</sup> Postgate, *Fifty Documents* ..., 18-20; see Radner, *Privatrechtsurkunden* ..., 189-95, 211-19, 306-11 for a detailed discussion of various groups of penalty clauses.

<sup>115</sup> See Postgate, *Fifty Documents* ..., 100f., Kwasman, *Kouyunjik Collection* ..., 61, and Radner, *Privatrechtsurkunden* ..., 349 with references).

<sup>116</sup> ADD 252 = Kwasman, *Kouyunjik Collection* ..., 40; see Radner, *Privatrechtsurkunden* ..., 305.

### 7.3 Obligations

7.3.1 Obligation documents<sup>117</sup> are abstract and describe a certain sum, never a concrete object, as owned by the creditor (*S'a PN*) and held by the debtor(s) (*ina pan PN*). The origin of the obligation is not important and hence rarely ever mentioned. The presence of the enigmatic phrase *ina puhi nasu* would appear to indicate that the obligation arose from a true loan.<sup>118</sup> Obligations could also originate from fines, overdue taxes, and temple offerings or from contracts to supply work or to manufacture and deliver goods.<sup>119</sup>

7.3.2 Interest rates could vary considerably, and several different phrases were used to set the rate.<sup>120</sup> Although the most common rate is 25 percent, it was also possible to charge no interest at all or, at the other extreme, to stipulate that the sum be repaid double (usually only as a penalty).

7.3.3 Often, but not always, a repayment date<sup>121</sup> was set. Debts of grain frequently had to be paid after the harvest (*ina adri*, "at the threshing floor"). If the debtor failed to pay by the due date, penal interest was imposed at a much higher rate than the original one. Some documents stipulate that the debtor had to pay "whenever the creditor wishes" (*uma sa erresuni*). It is probable that this was also true in those cases when no date of repayment was fixed.

7.3.4 Obligations were either documented on tablets enclosed in sealed envelopes or, more rarely and mostly in the case of debts of grain, on a sealed triangular lump of clay formed round a knotted string.<sup>122</sup> The documents had to be sealed by the debtor.

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<sup>117</sup> On the formulation, see Postgate, *Fifty Documents . . .*, 35 and Postgate, "Nature of the Shift . . .," 168

<sup>118</sup> Postgate, *Fifty Documents . . .*, 37.

<sup>119</sup> *Ibid.*, 33f.

<sup>120</sup> *Ibid.*, 39-43.

<sup>121</sup> *Ibid.*, 38.

<sup>122</sup> Radner, "Relation . . .," 68-70, and *Privatreclausurkunden.*, 25-32; Postgate, "Nature of the Shift . . .," 160f, 167.

## 7.4 Remission of Debts

7.4.1 The Assyrian kings could proclaim a debt remission, (*an*)*duraru*. It seems that this sometimes happened at the beginning of a king's reign, as can be deduced from the dates of eight contracts from seventh-century Nineveh, Assur, and Kalhu that are said to have been set up after a debt remission.<sup>123</sup> Debt remissions were proclaimed not for the whole country but for specific cities.<sup>124</sup>

7.4.2 Three texts, two from eighth-century Kalhu and one from seventh-century Nineveh, contain clauses that, in the case of a debt remission, protect the claims of the creditor or the buyer of what must be debt slaves who would be freed by a debt remission.<sup>125</sup> In these cases, the contractual right was given priority over the debt remission.<sup>126</sup>

## 7.5 Security

Two means could be used to secure a debt—suretyship and pledge.<sup>127</sup> Both are well attested, and in three cases, a debt was secured by both these methods.<sup>128</sup>

7.5.1 The surety was called *bel qatate* (EN SU.2.MES). Usually, a single surety was agreed on, but up to three men are attested in that function. In the case of obligations with several debtors, suretyship was quite common, and usually one of the debtors acted as surety for the others.<sup>129</sup> When the surety assumed responsibility, the phrase *qatate mahasu* (lit., "to strike the hands")<sup>130</sup> was used.

7.5.2 The Neo-Assyrian term for pledge is *s'apartu*. Although normally persons or real estate were pledged, legal documents, a donkey, and

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<sup>123</sup> Radner, "The Neo-Assyrian Period," 285f.

<sup>124</sup> *Ibid.*, 286.

<sup>125</sup> *Ibid.*, 284f.

<sup>126</sup> Otto, "Programme ...," 50, and Radner, "The Neo-Assyrian Period." 284f

<sup>127</sup> See Radner, *Privatrechtsurkunden...*, 357-90, for a detailed discussion, and Radner, "The Neo-Assyrian Period," 265-88, for a summary.

<sup>128</sup> From Assur: VAT 20341 = Fales and Jakob-Rost, *Texts from Assur* ., no. 31; SE 104 = Jursa and Radner, "Jerusalem ...," 92f. From Kalhu: ND 2078 (unpublished. cf. Radner, *Privatrechtsurkunden* . ., 359, 379).

<sup>129</sup> Radner, *Privatrechtsurkunden...*, 361.

<sup>130</sup> Radner, *Privatrechtsurkunden...*, 362-67 for references and discussion.

a piece of furniture<sup>131</sup> are also attested in this function. Usually, the creditor took the pledge into his possession, and it was redeemed by the debtor upon payment of the debt. If he failed to satisfy the creditor, the latter kept the pledge in his possession. The creditor had the right to use and take the fruits, such as crops in the case of the pledge of a field.<sup>132</sup> In the case of pledged persons, the debtor bore responsibility for their death or escape.<sup>133</sup> Frequently, the pledge was explicitly stated to be antichretic in nature (*kum rube* "instead of interest").<sup>134</sup>

## 8. CRIME AND RELICT

8.1 The legal documents of this period attest the prosecution of homicide, robbery, theft and damage to property.<sup>135</sup> In all these cases, the offender had to pay a financial penalty to the wronged person or, if found financially unable to do so, serve as a debt slave. In the case of homicide, the traditional right to take blood vengeance could be reasserted if the financial penalty was not settled.<sup>136</sup> Embezzlement and abuse of power by officials were prosecuted as well.<sup>137</sup>

8.2 Penalties served a threefold purpose: to punish the offender, recompense the victim, and serve as a means to deter potential criminals. The latter purpose is documented by a letter of Mar-Issar, Esarhaddon's agent in Babylonia, to the king, suggesting that a criminal be punished in order to frighten off others who might do the same.<sup>138</sup>

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<sup>131</sup> Radner, *Privatrechtsurkunden* . . , 390.

<sup>132</sup> *Ibid.*, 368f for a detailed discussion.

<sup>133</sup> *Ibid.*, 373-75.

<sup>134</sup> *Ibid.*, 370f..

<sup>135</sup> Homicide: ADD 160 = Jas, *Judicial Procedures* . . , no. 14; ADD 321 = Jas, no. 42; ADD 618 = Jas, no. 41; CTN 2 95 = Jas, no. 43; VAT 20361 (formerly VAT 16507) = Deller et al., *Texts from Assur* . . , no. I 11. Robbery: ADD 164 = Jas, no. I; Tell Halaf y = Jas, no. 48. Theft: ADD 161 = Jas, no. 44; BM 123360 = Jas, no. 32; CTN 2 92 = Jas, no. 39; VAT 20339 = Fales and Jakob-Rost, *Texts from Assur* . . , no. 11 = Jas, no. 33; BT 140 = Jas, no. 45; VAT 8737 = Deller et al., no. 97. Damage to property: Tell Halaf y = Jas, no. 48; cf. Kohler and Ungnad, *Rechtsurkunden* . . , 466.

<sup>136</sup> ADD 321 = SAA 14 125. See Roth, "Homicide . . .," 362f.

<sup>137</sup> See, e.g., ABL 339 = SAA 10 369 for the prosecution of the corrupt governor of Dar-Sarruku, and ABL 429 = SAA 10 107 for the prosecution of corrupt officials at the Assur temple.

<sup>138</sup> ABL 339 = SAA 10 369 r. 15-17.

8.3 Although there is no evidence from the legal texts for judgments imposing physical punishment on the offender, the case of a cook who stole temple property shows that not only political offenders such as traitors or rebels were tortured, maimed, and/or killed, practices well known from the royal inscriptions. In a letter to the king,<sup>139</sup> the cook is reported to have died as a consequence of the beating he received as punishment for his crime. The context of a memorandum from Nineveh recording the names of persons who were tried and subjected to severe physical punishment is unknown.<sup>140</sup>

ABBREVLATIONS

- OIP 114** S. Cole, *The Early Neo-Babylonian Governor's Archive from Nippur*, OIP 114 (Chicago: Oriental Institute, University of Chicago, 1996)
- SAA** State Archives of Assyria
- SAA 1** S. Parpola, *Sargon II.*
- SAA 3** A. Livingstone, *Court Poetry and Literary Miscellanea*, SAA 3 (Helsinki: Helsinki University Press, 1989)
- SAA 4** I. Starr, *Queries to the Sungod: Divination and Politics in Sargonid Assyria*, SAN 4 (Helsinki: Helsinki University Press, 1990)
- SAN 5** G. Lanfranchi and S. Parpola, *The Correspondence of Sargon II, Pt. 2: Letters from the Northern and Northeastern Provinces*, SAA 5 (Helsinki: Helsinki University Press, 1990)
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