

NEO-BABYLONIAN TRIAL RECORDS



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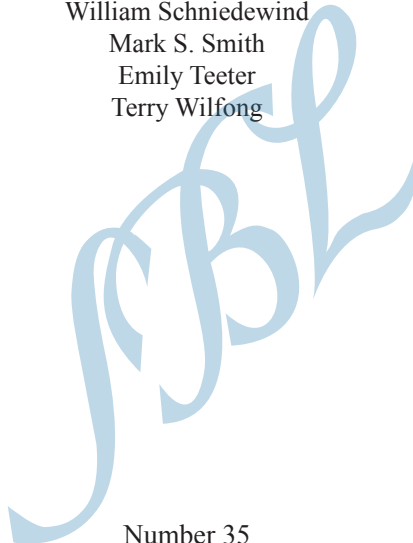


Writings from the Ancient World

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Number 35

Neo-Babylonian Trial Records
Volume Editor: Cornelia Wunsch

NEO-BABYLONIAN TRIAL RECORDS

by Shalom E. Holtz



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Atlanta

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SERIES EDITOR 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.

The translators of the various volumes in this series are specialists in the particular languages and have based their work on the original sources and the most recent research. In their translations they attempt to convey as much as possible of the original texts in fluent, current English. In the introductions, notes, glossaries, maps, and chronological tables, they aim to provide the essential information for an appreciation of these ancient documents.

The ancient Near East reached from Egypt to Iran and, for the purposes of our volumes, ranged in time from the invention of writing (by 3000 BCE) to the conquests of Alexander the Great (ca. 330 BCE). 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 from 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.

Significant funding was made available by the Society of Biblical Literature for the preparation of this volume. In addition, those involved in preparing this volume have received financial and clerical assistance from their respective

institutions. Were it not for these expressions of confidence in our work, the arduous tasks of preparation, translation, editing, and publication could not have been accomplished or even undertaken. It is the hope of all who have worked with the Writings from the Ancient World series that our translations 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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This book grows out of research that I conducted for *Neo-Babylonian Court Procedure* (Holtz 2009). That work brought me into contact with Cornelia Wunsch, editor of the present volume. Her insights have improved every aspect of this book, from its general organization to specific readings based on her own collations. I am honored that she agreed to participate in this project, grateful to her for the hours we spent together in virtual meetings, and humbled to share credit with her.

Bruce Wells planted the idea for this volume in my mind and suggested that I propose it to the Writings from the Ancient World series. He, together with Cornelia and Rachel Magdalene, led the “Neo-Babylonian Trial Procedure” project, funded by a Collaborative Research Grant from the U.S. National Endowment for the Humanities. This grant partially supported my research, including a trip to collate tablets at the Yale Babylonian Collection. Any views, findings, conclusions, or recommendations expressed in this book are mine alone and do not necessarily represent those of the National Endowment for the Humanities. I thank Bruce, Cornelia and Rachel for inviting me to serve as a consultant to their project and for the valuable scholarly interactions we have had.

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New York, NY
February 2014



CONVENTIONS AND ABBREVIATIONS

BABYLONIAN MONTHS

I	Nisannu-BAR ₂ (March–April)
II	Ayaru-GU ₄ (April–May)
III	Simānu-SIG ₄ (May–June)
IV	Dûzu-ŠU (June–July)
V	Abu-NE (July–August)
VI	Ulûlu-KIN (August–September)
VII	Tašrîtu-DU ₆ (September–October)
VIII	Araḥšamna-APIN (October–November)
IX	Kislîmu-GAN (November–December)
X	Ṭebētu-AB (December–January)
XI	Šabātu- ZIZ ₂ (January–February)
XII	Addaru- ŠE (February–March)

ROYAL NAMES

Camb	Cambyses
Cyr	Cyrus
Dar	Darius I
Nbk	Nebuchadnezzar
Nbn	Nabonidus
Ngl	Neriglissar

WEIGHTS AND MEASURES (FOR FULL DISCUSSION, SEE POWELL 1987)

1 mina	60 šeqels (approximately 500 grams)
1 šeqel	24 <i>girû</i> (approximately 8.3 grams)
1 <i>kur</i>	5 <i>pi</i> (approximately 180 liters)
1 <i>pi</i>	6 BAN ₂ (approximately 36 liters)
1 BAN ₂	6 SILA ₃ (approximately 6 liters)

1 SILA ₃	10 GAR (approximately 1 liter)
1 GAR	14 <i>ammatu</i> (approximately 7 meters)
1 GI (<i>ganû</i> , “reed”)	7 <i>ammatu</i> (approximately 3.5 meters)
1 KUS ₃ (<i>ammatu</i> , “cubit”)	24 <i>ubānu</i> (“fingerlengths”) (approximately 0.5 meter)

MUSEUM SIGLA

AO	Musée du Louvre, Paris, Antiquités orientales
BM	British Museum, London (Old accession numbers in parentheses)
CBS	University Museum, Philadelphia, Catalogue of the Babylonian Section
HSM	Harvard Semitic Museum, Cambridge, Massachusetts
MNB	Musée du Louvre, Paris, Musées Nationaux
NBC	Nies Babylonian Collection, Yale Babylonian Collection, New Haven
RSM	Royal Scottish Museum, Edinburgh
VAT	Vorderasiatisches Museum, Berlin, Vorderasiatische Abteilung–Tontafeln
YBC	Yale Babylonian Collection, New Haven

OTHER ABBREVIATIONS

<i>AASOR</i>	<i>Annual of the American Schools of Oriental Research</i>
ADOG	Abhandlungen der deutschen Orientgesellschaft
<i>AfO</i>	<i>Archiv für Orientforschung</i>
AfOB	<i>Archiv für Orientforschung</i> Beiheft
<i>AHw</i>	<i>Akkadisches Handwörterbuch</i> . W. von Soden. 3 vols. Wiesbaden, 1965–1981
<i>AJSL</i>	<i>American Journal of Semitic Languages and Literature</i>
AnOr	Analecta Orientalia
AOAT	Alter Orient und Altes Testament
<i>ArOr</i>	<i>Archiv Orientalní</i>
AS	Assyriological Studies
<i>BASOR</i>	<i>Bulletin of the American Schools of Oriental Research</i>
BE	Babylonian Expedition of the University of Pennsylvania, Series A: Cuneiform Texts
BIN	Babylonian Inscriptions in the Collection of J.B. Nies
<i>BiOr</i>	<i>Bibliotheca Orientalis</i>
BJS	Brown Judaic Studies
<i>CAD</i>	<i>The Assyrian Dictionary of the Oriental Institute of the University of Chicago</i> . Chicago: The Oriental Institute of the University of Chicago. 1956–2010

CBQ	<i>Catholic Biblical Quarterly</i>
JAOS	<i>Journal of the American Oriental Society</i>
JBL	<i>Journal of Biblical Literature</i>
JCS	<i>Journal of Cuneiform Studies</i>
JEOL	<i>Jaarbericht van het Vooraziatisch-Egyptisch Gezelschap (Genootschap) Ex oriente lux</i>
JESHO	<i>Journal of the Economic and Social History of the Orient</i>
KB	Keilinschriftliche Bibliothek
MBPF	Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte
NABU	<i>Nouvelles Assyriologiques Brèves et Utilitaires</i>
Or (NS)	<i>Orientalia (New Series)</i>
RA	<i>Revue d'assyriologie et d'archéologie orientale</i>
RIA	<i>Reallexikon der Assyriologie</i>
SBLWAW	Society of Biblical Literature Writings from the Ancient World
TCL	Textes cunéiformes du Louvre
TUAT, NF	<i>Texte aus der Umwelt des Alten Testament, Neue Folge</i>
WO	<i>Die Welt des Orients</i>
WZKM	<i>Wiener Zeitschrift für die Kunde des Morgenlandes</i>
YNER	Yale Near Eastern Researches
YOS	Yale Oriental Series, Babylonian Texts
YOSR	Yale Oriental Series, Researches
ZA	<i>Zeitschrift für Assyriologie</i>



REMARKS ON THE TRANSCRIPTIONS AND TRANSLATIONS

The purpose of the transcriptions is to represent, in Latin characters, the cuneiform writing on the original tablets. By following the transcription, a trained Assyriologist can imagine the cuneiform. Nonspecialists can use the transcriptions to get some sense of what the original language sounds like, and may consult the normalizations at the end of the volume to get a better sense of the language and the grammar that underlie the translations. It should, however, be noted that there is a considerable gap between the actual utterances and their representations on the tablets.

The transcriptions also reflect a certain degree of interpretation of the original writing. On almost every level, from the decoding of the script to the division of the words and phrases, there may be some room for dispute. Most often, context is a very helpful guide to determining the correct reading, with the result that the best reading is usually evident because the final result makes good sense. Moreover, because the texts in the present volume have all been read by others before, one can follow scholarly consensus. Matters of dispute are mentioned in the notes to the transcriptions.

The transcriptions have been made in consultation with previously published hand drawings, transliterations, and other studies. In addition, texts in the Yale Babylonian collection (sigla NBC and YBC) and the University Museum (siglum CBS) were collated by the author in June 2010. Texts in the British Museum (siglum BM) were collated based on digital photographs provided by Cornelia Wunsch or Małgorzata Sandowicz of the University of Warsaw. Additional collations by Cornelia Wunsch are noted in the comments to the texts.

On the tablets, each cuneiform sign, or combination of signs, can be read in one of two ways: as a syllable in an Akkadian word or as a Sumerian logogram that was interpreted as a complete Akkadian word. In the transcriptions, lower case italic letters reflect Akkadian syllables, with each syllable separated by a space (between words) or by a dash (between syllables in the same word). Upper-case roman letters reflect Sumerian logograms. The logographic and syllabic values in the transcriptions follow those published in Labat 1999. The following are other symbols used to indicate other aspects of the texts:

PN	personal name
m	masculine
f	feminine
d	deity
[]	restorations to a broken text
⌈ ⌋	likely readings of a partially damaged text
< >	insertion of text omitted by ancient scribes
<< >>	deletion of originally erroneous text
X	illegible sign
...	broken text that cannot be restored
?	possible reading that does not fully accord with writing

Lines are numbered consecutively in Arabic numerals. After a large gap, line numbering begins with 1'. If there are two large gaps, line numbering resumes with 1'' after the second gap.

The translations attempt to render the original texts as faithfully and as consistently as possible. Neo-Babylonian court records are marked by convoluted and, at times, repetitive language. These aspects of the original records make for somewhat cumbersome translations. Perhaps the best way to justify this unfortunate aspect of the translations is to note that, in this respect at least, Neo-Babylonian court records resemble legal writing from any other time or place.

Making even basic sense of the Akkadian sometimes requires repositioning parts of speech and breaking up one originally long sentence into two or more. This is done mostly without any indication in the translations. Line numbers at the beginning of each part of the translations guide the reader who wishes to refer back to the original. When English words are added for sense, the added words are placed between parentheses.

In most cases, the various titles, such as *šatammu*, *qīpu*, or *kizû*, are left untranslated. Proper interpretation of terms like these requires more than a simple one- or two-word translation can provide. Fuller pictures can be found in works that examine the institutions in which these functionaries played a role, such as the Ebabbar (Bongenaar 1997) and the Eanna (Kümmel 1979). The entries for the specific titles in *CAD* and *AHW* also provide useful data and interpretations.

CHRONOLOGY OF NEO-BABYLONIAN AND ACHAEMENID KINGS (605–424 BCE)

Name in Akkadian	Common English Name	Dates (BCE)
Nabû-kudurri-ušur	Nebuchadnezzar (II)	605–562
Amēl-Marduk	Evil-Merodach	561–559
Nergal-šarra-ušur	Neriglissar	559–555
Nabû-nā'id	Nabonidus	555–539
Kuraš	Cyrus	538–530
Kambuziya	Cambyses	530–522
Darimuš	Darius I	522–486
Akšiarši	Xerxes	486–465
Artahšassu	Artaxerxes I	465–424



INTRODUCTION

The rediscovery of the Code of Hammurabi in the early twentieth century at Susa has ensured that, even among the general public today, ancient Mesopotamia is remembered for its legal legacy. This legacy, however, extends beyond formal law collections like Hammurabi's, to include thousands of much less familiar legal records that attest to the practical use of law in the day-to-day affairs of people who lived millennia ago in the region that stretches from the Persian Gulf to the Levant. Ancient scribes, writing in cuneiform script on clay tablets, recorded transactions, such as loans, contracts, sales, marriages, and adoptions. These mundane documents are attested for almost as long as cuneiform writing was used, that is, for nearly three millennia until just before the beginning of the Common Era.

Neo-Babylonian Mesopotamia is known, for the most part, from a wealth of these kinds of legal and administrative records. Some sixteen thousand Neo-Babylonian legal tablets have been published, out of the approximately one hundred thousand (according to some estimates) that survive in museum collections (Jursa 2005; Wunsch 2010, 41). Originally, these tablets were kept by families or temples, as records of their property, in much the same way that modern files are kept. Assyriologists refer to different sets of documents, that represent the holdings of different families or institutions, as the families' or institutions' "archives."

The fifty trial records that this book presents belong to this vast corpus of Neo-Babylonian archival texts. They are the written remains of litigation pertaining to the property or other interests of the individuals or institutions that kept them. For example, the owner of a parcel of land whose ownership was disputed and then confirmed in court would retain a record of the ruling as proof of ownership. Similarly, temples would conduct investigations and hearings into mishandlings of their property and keep records in order to recoup losses.

Compared to other Neo-Babylonian legal and administrative texts, trial records are among the most exciting to read. Most of the Neo-Babylonian archival texts reflect "business as usual." Trial records, on the other hand, stem from unusual moments, such as disputes over property or cases of institutional

malfeasance. Instead of reflecting normal states of affairs, these texts record rather dramatic moments as conflicts are resolved. The drama of the situation is enhanced by the fact that, unlike most Neo-Babylonian archival texts, the trial records usually quote statements by the various parties involved. In other words, even though the cases were closed two and a half millennia ago, one can still “hear” plaintiffs arguing their case or judges questioning a suspect. With just a little imagination, one can conjure up the courtroom dramas as they unfold from the cuneiform records.

By reading trial records like the ones this volume presents, one gets a close-up view of a particular moment in the lives of people who lived in Mesopotamia during the Neo-Babylonian period. The wealth of available documentation often makes it possible not only to read the records of these individuals’ days in court, but also to relate the trial records to other documents pertaining to the same litigants. This task is often difficult, since documents that were probably held together in antiquity may be scattered in modern museums around the world. Modern scholarship has, however, successfully overcome this barrier through careful study of personal names and other identifying information. As a result, one can appreciate the courtroom dramas’ “background stories,” including the events that led up to the lawsuits, the litigants’ social or institutional positions, the later history of the subjects in question, as well as the lawsuits’ legal bases. The broad view that can emerge from reading the trial records together with other pertinent texts is almost unrivaled by similar records from other periods of ancient Mesopotamian history.

The stories that these lawsuit records tell about particular cases are, of themselves, the stuff of legal and social history. Historians of law can see not only what the law was, but can also observe the machinery of justice at work in an ancient society: its adjudicators, its courtroom procedure and its legal vocabulary. In addition, like all other Neo-Babylonian archival texts, the lawsuit records are also a window into “daily life” in this period. They contain information about topics such as real-estate ownership, land use, personal status, inheritance, business practices, temple management, and agriculture, to name just a few. Most importantly, the trial records tell their stories “from below,” meaning from the relatively unfiltered, unofficial perspectives of the men and women who actually participated in the lawsuits. One sees the society, particularly its law, not through an idealized statement on a monumental royal inscription, but as it existed on the ground.

GENERAL HISTORICAL CONTEXT

Most of the texts in this volume were composed during the sixth century BCE. This century saw the flourish and decline of the last native Babylonian rulers in Mesopotamia. During the immediately preceding years, the Babylonians, led by Nabopolassar (r. 626–605 BCE), released themselves from Assyrian hegemony and brought down what remained of the once mighty Assyrian Empire. The oldest texts in this anthology date to the reign of Nabopolassar's son, Nebuchadnezzar (r. 605–562 BCE), whose empire extended beyond the Euphrates River and who made great investments in large-scale building at home. Native Babylonian rule continued through the short reigns of Nebuchadnezzar's two immediate successors, Amēl-Marduk (biblical Evil-Merodach; r. 561–559 BCE) and Neriglissar (r. 559–555 BCE), until the reign of Nabonidus (r. 555–539 BCE), which ended with Cyrus the Great's conquest of Babylonia. The region then became part of the Persian, or Achaemenid, Empire; it would remain so until the arrival of Alexander the Great, who gained control in 330 BCE and incorporated Mesopotamia into his vast empire.

Although Babylonia's political status changed in the later part of the sixth century BCE, local institutions, including legal practice, were not affected at that time. Thus, the cuneiform legal texts from after the Persian conquest, including some of those presented here, closely resemble those from before. The most noticeable difference occurs in the dates written on the texts: the later texts count years by the reigns of the Achaemenid, instead of Babylonian, kings. From the point-of-view of strict political history, then, these later texts are Achaemenid, rather than Neo-Babylonian. However, because of the continuity of the documentation, Assyriologists refer to both pre-Achaemenid and Achaemenid texts as "Neo-Babylonian."

A change in the nature of the available records occurs shortly after the conclusion of the sixth century BCE. Many of the most important family archives come to an abrupt end around the second year of the Achaemenid king Xerxes (484 BCE). Recent revisionary study of the data has determined that this break in the record is not accidental (Waezegggers 2003–4). Rather, the interruption of the archives provides important evidence for royal intervention in the affairs of the archive-holding families. These families had ties to the old, native Babylonian elite, especially to the management of the ancient temples, and would have had every reason to chafe under the new, Achaemenid regime. Revolts broke out in northern Babylonia and Xerxes quelled them decisively. Xerxes's actions have left their mark on the textual record; the end of the native elite's activities corresponds to the so-called *end of archives*. Later cuneiform archives are much more limited in number and scope of activity (Jursa 2005, 1; Wunsch 2010, 41).

THE TRIAL RECORDS AND NEO-BABYLONIAN ARCHIVAL TEXTS:
SOME LIMITATIONS

The relatively small number of texts in this volume is clearly insufficient to provide a meaningfully complete picture of “daily life” in Neo-Babylonian Mesopotamia. It is perhaps less obvious, but just as crucial, that texts like the fifty examples here were hardly typical even when they were originally written. To some degree, this is true of all Neo-Babylonian archival records, regardless of their subject matter. In strictly numerical terms, the overwhelming majority of Neo-Babylonian legal and administrative records come from the archives of just two temples: the Ebabbar at Sippar and the Eanna at Uruk. And the considerable, if much smaller, number of texts from the private archives of ancient families come from just five cities: Babylon, Borsippa, Nippur, Sippar, and Uruk. The available records leave life beyond these centers mostly out of view.

Apart from their restricted provenance, a further limitation stems from the very purpose for which the Neo-Babylonian legal and administrative records were composed. As in other periods of Mesopotamian history, the texts were written with the often explicit goal of protecting the property or interests of those who retained the records. With a written record, there could be no question of who owned a plot of land or who owed debts to whom. But if there was no need to prevent this kind of question, then there was probably no need for a written record. As one author has put it, “where there is no property, or more precisely, no possibility for future disagreement over property (or status or material interests in general), there is no writing” (Jursa 2005, 9). Consequently, the people and institutions attested in the records were those who would have had property and interests to protect and the resources to do so. These are the people whose “daily lives” one can know from the archival records. People without some connection to a temple or from outside the native, landed urban elite (who were also usually connected to the temples) are largely missing from the available documents.

People without such connections did, of course, exist. The personal names in the records show interactions between archive holders and people from outside the more limited circle of the “cuneiform archival class.” The archive holders themselves usually have traditional Akkadian personal names, which are recorded with two-part filiation: X son of Y descendant of the Z family. Alongside these traditional names, non-Akkadian names, especially in Aramaic, occur in the records on occasion. But in the vast majority of cases, people with these nonnative names appear as “outsiders” interacting with the archives’ main protagonists; by one count, there are only twenty cuneiform documents without any native Babylonian principal involved (Zadok 2003, 553). One must conclude, then, that when these “outsiders” conducted business among themselves, they

used other media to record their transactions (Zadok 2003, 553; Jursa 2005, 8). Writing in Aramaic would have been a natural choice; elsewhere in the Persian Empire, Aramaic became the main language of jurisprudence. Thus, in Babylonia, there could well have been a parallel Aramaic legal sphere. Aramaic records, however, would have been written in ink on perishable materials, so, unlike Akkadian records on clay tablets, they would not have survived. Therefore, for the purposes of Assyriologists and other ancient historians, Aramaic records are largely lost.

Trial records, as a distinct subset of the Neo-Babylonian archival corpus, are even less representative than most of the available documentation. A Neo-Babylonian archive usually consists of business documents, most commonly debt obligations, and other contracts. Records pertaining to litigation are much rarer, and may not occur at all. For example, the archive of the Murašû family from the city of Nippur consists of over seven hundred tablets, but contains almost no litigation records (Stolper 1976, 195). Similarly, the Nappāhu-family archive, the second-largest private family archive from the city of Babylon, contains 266 distinct records. Of these, there are more than 170 “business documents,” such as promissory notes, receipts and leases, and some forty documents recording purchases of property, but only about ten documents pertaining to litigation in some way (Baker 2003, 8–10). Because of this trend in the available documentation, studies of Neo-Babylonian court procedure usually find less than four hundred relevant documents, altogether (Magdalene 2007, 55; Holtz 2009, 329–33).

IMAGINING THE COURTROOM DRAMA

As was stated near the outset, the Neo-Babylonian trial records stand out for their immediate, almost dramatic quality. Other documents, such as debt-notes or bills of sale, are often abstract, with only minimal references to the reasons for the transactions. For example, the most common Neo-Babylonian archival text, the debt-note (*u'iltu*), typically reads, quite simply, “(object) owed by B to A; on (date), B will give (it) to A” (Jursa 2005, 41–42). Based on this spare formulation, it is impossible to determine why B is indebted to A.

On occasion, even a basic debt-note actually does reveal a trial background. For example, one such note records a debt incurred as the result of a court ruling; the document describes the sum owed as a payment “in lieu of (not) cutting off the hand” of the debtor (Roth 2007, 217–18). In other words, this particular debt-note reflects the substitution of a monetary payment for a physical punishment for theft (Roth 2007). But a nugget of information like this is more the exception than the rule, and, moreover, leaves much to the imagination of anyone who wishes to get a good picture of Neo-Babylonian adjudicatory procedure.

The spare, “boiler plate” language of the debt-note was also of only limited use to the ancient scribes who composed the trial records. The differences between the circumstances of each trial required including details like quotations of direct speech and descriptions of specific procedures. As a result, each record seems like a page torn from the ledger of the ancient professional ancestors of modern-day court stenographers. In fact, many of these documents are often called “protocols,” using a modern term that indicates their similarity, at least in terms of content, to the written records of courts today.

Not all trial records narrate the proceedings in court to the same degree of completeness. Some records, especially those of cases tried by the royal judges in Babylon and elsewhere, read almost like minute-to-minute trial accounts. They begin with the plaintiff’s initiation of the lawsuit, continue with notices of judicial investigative actions, and conclude with the judges’ decision. Assuming that a tablet is reasonably well preserved, one can read individual records like these and, in effect, follow cases from beginning to end. Other texts, rather than telling nearly complete stories, record individual stages of the trial, such as reports to the authorities, summonses to appear in court, or the debt obligations that result from the judges’ decision. Texts like these are more like scenes than complete dramas. They require imagination to fill in the surrounding narrative of the lawsuit, including, at times, how the case might have ended (see Wunsch 2012).

Regardless of the type of action the texts record, it is important to remember that the hands of the recording scribes came between the actions as they actually transpired and the written account of these actions preserved on the tablets. While these scribes probably did not consciously invent actions from whole cloth, they did not simply write down speeches and actions as they saw them take place, either. Instead, the scribes followed formal conventions that are immediately noticeable when one compares the records of different cases. Despite the obvious differences in content, different records follow consistent patterns of fixed terminology and order of elements. The highest degree of stylization occurs in the set of records from the courts of the royal judges in Babylon, and other, similar ones (e.g., Documents 19–24). For example, in these texts, the plaintiffs’ speeches usually end with a formulaic demand for judgment addressed directly to the judges, followed by a notice that the judges “heard” the arguments. Because these features occur in multiple texts pertaining to different trials, it seems that the very production of the court records required some artificial “staging” of the drama.

One obvious consequence is that events recorded as continuous did not necessarily occur as such in “real time.” For example, a document may indicate that, following a complaint, the judges “brought,” or summoned, a party before them. In the written record, there is no break between the complaint, the judges’ actions

and the appearance of the summoned party; all the action seems to occur at one sitting, on one day. In reality, as can be seen from texts that record summonses and other individual actions, some time must have elapsed before the trial could proceed.

In part, this kind of gap between the reality of the lawsuit and its representation in the written record is to be expected. One probably encounters similar problems, to a greater or lesser extent, whenever one relies on court records to reconstruct what took place during a lawsuit. In the case of the Neo-Babylonian records, however, it is important to remember that recording legal proceedings was not the documents' primary purpose. Rather, they were often intended to serve as the prevailing parties' irrefutable proof of the decision in their favor and to prevent reopening the litigation in the future (see Holtz 2009, 302–6). Document 35 makes this purpose very explicit: “So that (the decision) would not be changed, the governor and the judges wrote a tablet. They sealed (it) with their seals and gave (it) to [the prevailing parties].” Thus, these records' reports of the actions that transpired during the trial are ancillary to their original purpose as evidence that the decision was made. Despite their obvious similarities to “protocols,” they were never intended to be read as such.

THE ADJUDICATORY SYSTEM

The courtroom dramas usually take place in one of two main settings: in the presence of temple tribunals or before panels of royal judges. The cases that appear in these two settings are, to some extent, of different kinds. In broadest terms, temple tribunals prosecute matters internal to the temple, while royal judges adjudicate disputes at large. On the surface, this suggests a distinction between “civil” and “criminal” cases, with each handled in its own “stream of justice.” It would be artificial, however, to distinguish so rigidly. The separate venues mainly reflect the two main kinds of archival sources, rather than anything inherent in the nature of the litigation. Trial procedures are similar in both venues, and, at times, the same adjudicating authorities are involved.

The essential unity of the Neo-Babylonian adjudicatory process is best explained by considering the role of the king. Judicial authority ultimately stemmed from him, and he was also the highest legal authority. In this capacity, the king upheld a longstanding ancient Near Eastern royal tradition, according to which the king must provide justice for his people. A unique Neo-Babylonian literary text extols a king, probably Nebuchadnezzar II, as follows:

With regard to true and righteous judgment, he was not negligent; he did not rest night or day. Judgments and decisions designed to be pleasing to the great lord, Marduk, for the benefit of all people and for settling the land of Akkad,

he inscribed with council and deliberation, and he drew up regulations for the improvement of the city. He built anew the court of law. (Lambert 1965, 8)

The evidence from the actual practice of law confirms the king's legal and legislative activities for which this text sings his praises. Some texts record how temple officials consulted written records of the king's rulings, possibly even the ruler's own written law code (Jursa, Paszkowiak, Waerzeggers 2003–4, 256–59; MacGinnis 2008). Several summonses, including some in this anthology, show the progress of cases from local adjudication by authorities in the Eanna to adjudication by royal judges (Document 16) and even to “the king's court of law” (*bīt dīni ša šarri*) in Babylon (Document 39).

The most consistent indications of the king's connection to the judiciary, however, are the title and office of the royal judges. In the records, they are known as “judges of the king” (*dayyānū ša šarri*) or, more frequently, “the judges of” (*dayyānū ša*) a named king. A good number of texts from their courts survive in the Egibi family archive because one holder of the archive, Nabû-aḥḥē-iddin, was himself a royal judge (van Driel 1985–6, 55). A comprehensive study of the institution of the royal judges as it is reflected in these texts has found that the judges belonged to the same limited circle of families generally attested in the Neo-Babylonian cuneiform records (Wunsch 2000b). This fact further underscores this elite group's connections to power and their “insider” status.

The royal judges were organized in a recognizable hierarchy based on seniority and were overseen by royal officials called the *sartennu* and the *sukallu*. The judges sat in tribunal panels, with usually no more than one representative of any particular family per panel (Wunsch 2000b). A team of court scribes, usually in a pair, served the judges and recorded the proceedings during the trials. Service as a court scribe may have been the first step towards appointment as a royal judge (Holtz 2008).

Despite the connection to the king that their title implies, however, the royal judges apparently enjoyed a degree of independence. Royal judges were not removed from office when the monarch changed. In fact, some royal judges of Nabonidus, the last Neo-Babylonian ruler, continued to serve as royal judges of Cyrus, the first Achaemenid emperor (Wunsch 2000b). More generally, the king's own obligation and commitment to the rule of law probably prevented him from acting arbitrarily against his subjects. One remarkable record shows that even Nebuchadnezzar himself had to follow due process, and in the extreme case of treason, no less:

Bau-aḥa-iddin son of Nabû-aḥḥē-bullit descendant of Ašared-... committed crimes and planned evil. He did not keep the treaty of the king, his lord, and acted treacherously.

At that time, Nebuchadnezzar—king of Babylon, judicious prince, shepherd of broad humanity, who, like Šamaš, examines all lands, establisher of truth and justice, who destroys evildoer and enemy—discovered the machinations of Bau-aḫa-iddin; he intercepted his plot.

In the assembly of the people, he testified (regarding) the crime he committed against him. He gazed at him angrily, he commanded that he not live, so they slit his throat. (Weidner 1954–1956, 1–5; Jursa 2001, 2004b)

In light of the severe crime, the ultimate outcome of this case is not very surprising. And given the offense and the offended party, one has to question just how fair the proceedings were, even by ancient standards. As significant, however, is the text’s indication that the king publicly convicts the traitor (“in the assembly of the people”) before he slits the traitor’s throat. Even as he plays the role of judge, he must also “follow the rules,” just like any other litigant. The king, at least as far as he wished to be depicted, was also subject to the law.

Apart from the royal judges, and their titular patron, the king (who appears only rarely in the available documents), the Neo-Babylonian records attest to other adjudicating authorities, as well. Higher-level temple bureaucrats, namely the *qīpu*, the *šatammu*, and the royal administrator (*ša rēš šarri bēl piqitti*) of the Eanna frequently oversaw legal proceedings. Alongside these administrative officials, temple records indicate that an “assembly” (UKKIN=*puḫru*) participated in the adjudication. This assembly consisted of “free citizens” (*mār banī*), who, in addition to their role as adjudicators, are often listed as “witnesses” (*mukinnū*) before whom depositions were made.

The participation of these various authorities in the adjudicatory process raises the question of jurisdiction: what determined which authority tried which cases? Temple authorities usually oversee cases related to temple affairs, and the involvement of outside authorities in a temple-related case can usually be explained by the context (Magdalene 2007, 62). When it comes to private affairs, however, determining jurisdiction becomes more difficult. There is evidence for adjudicators who do not bear the title of “judge” (*dayyānu*), such as elders and local governors, but the jurisdictional reason for their participation is not immediately apparent (Wells 2011, 86).

ON THE ORGANIZATION OF THIS BOOK

The first chapter of this book brings together a sample of documents (Documents 1–18) that record legal actions preliminary to the actual trials. These documents pertain to lawsuits from different times and locations and on different subjects. Overall, however, they reflect the variety of actions that might have preceded a trial, such as various evidence-gathering procedures, like the record-

ing of a confession (Document 1) and interrogations (Documents 5–7), and summoning to court in advance of a trial (Documents 15–17). Based on these texts, one can imagine the progress of a hypothetical trial. The order of the documents in this chapter situates them, as best as possible, within the sequence of events leading to the trials themselves.

The second chapter contains formally composed records of trials that end with judicial decisions (Documents 19–36). These decision records come mostly from the courts of the royal judges in Babylon, although other venues are attested, too. They begin with a record of plaintiffs' appearances and statements before the adjudicating authorities, followed by investigative and evidentiary actions, with the decision recorded as the final result. Within the chapter, the documents are arranged according to the subjects of the lawsuits.

The third, and final, chapter presents groups of documents, or "dossiers," that pertain to four different trials. As one might imagine, the variety of documents tell the cases' legal stories more completely than any individual legal text can. Just as importantly, however, the various documents allow one to situate the litigants and their cases within their broader social settings.

Each document in this volume is transliterated and translated into English. Introductory material provides additional information about each document. This introductory material is organized as follows:

1. A number (1–50)
2. An English title assigned to the document that gives a very brief idea of its subject.
3. Text: The specific museum acquisition number assigned to the clay tablet on which the document is written. The combinations of letters and numbers are familiar to trained Assyriologists, who use them to locate the physical artifacts on which the transliterations and translations are ultimately based.
4. Copy: Bibliographic references to published drawings of the tablet. These are useful for anyone who wishes to read (or at least see) the original cuneiform writing, without having to travel to the tablet itself.
5. Translation/Discussion: Bibliographic references to previous complete translations of the document and to other discussions that devote significant attention to the document. With regard to translations, the information under this heading aims to include any full translation of the document. The decision to include references to quotations of shorter passages and other discussions is based on a subjective evaluation of these references' treatment of the issues that the document treats. It is quite likely that there are other scholarly discussions (including references in dictionaries) that mention the document, but which are not listed. For additional references, Assyriologists usually consult the "Register Assyriologie" published in the journal *Archiv für Orientforschung*, and, for earlier publications, Borger 1967–1973.

6. Place of Composition: The location in which the document was written. This is usually based on the information that the document provides.

7. Date: The date on which the document was written, as indicated by the document itself. The date is given first according to the Babylonian calendar, followed by the corresponding date on the modern calendar, in parentheses, calculated according to the tables in Parker and Dubberstein 1956. The Babylonian date is given with the day of the month in Arabic numerals, followed by the month, indicated by a Roman numeral corresponding to that month's place on the calendar. The year is given by an Arabic numeral followed by a three letter abbreviation of the name of the king. The corresponding modern date is indicated by the day of the month, followed by the name of the month and the year BCE. Thus, the date 3.VI.1 Cyr (21 August, 538 BCE) shows that the document was written on the third day of the sixth Babylonian month (Ulūlu) in year 1 of Cyrus, which corresponds to 21 August, 538 BCE. Originally, all the documents contained a specific notice of their date of composition, although this notice may not be preserved today. In cases where the date is damaged, the parts of the date that are not certain are indicated by a question mark.

8. A one-paragraph summary of the main contents of each document follows. This paragraph sketches the main points of each document's "plot," that is, the actions and statements that the document records. The remaining introductory paragraphs survey important contextual topics that emerge from the document's contents, such as the people named in the document or the legal significance of the actions that take place. Keeping the document at the center of the discussion, these introductory paragraphs identify key elements that expose aspects of the proceedings that may not be apparent upon reading the text by itself. Very often, these later paragraphs contextualize by referring to other texts, including other documents in this collection.