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## THE RECIPROCAL RELATIONSHIP BETWEEN JUDGE AND SOCIETY IN THE NEO-ASSYRIAN PERIOD<sup>1</sup>

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### I. THE SOURCES

The Neo-Assyrian documentation on lawsuits,<sup>2</sup> which forms the basis for the present discussion, is good, although we must always bear in mind that it stems largely from the seventh century B.C.E., and that the situation in the preceding period of time might have differed to a certain degree. About one hundred legal documents directly referring to

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<sup>1</sup> For the preparation of this paper, I was allowed to make use of the Corpus of Neo-Assyrian Texts, the electronic database of the State Archives of Assyria Project; I wish to thank Simo Parpola for his generosity. Thanks are due to Aharon Skaist for the kind invitation to the Bar-Ilan conference in 2002 and to all participants, especially Kathleen Abraham, Sophie Démare-Lafont, Dietz Otto Edzard, Bernard Levinson and Raymond Westbrook, for the stimulating atmosphere there. Frans van Koppen read a draft of this paper, and I am grateful for his comments and especially the bibliographical references to É.GAL.KU<sub>4</sub>.RA. Note that all dates after 648 B.C.E. follow the sequence reconstructed by J. E. Reade ("Assyrian Eponyms, Kings and Pretenders, 648-605 B.C.," *Or* 67 [1998]: 255-265) and are marked with an asterisk (\*). Note also that "Assur" is used for the place name, while "Aššur" denotes the deity.

<sup>2</sup> For an overview on litigation in the Neo-Assyrian period see K. Radner, "Neo-Assyrian Period," in *A History of Ancient Near Eastern Law* (R. Westbrook, ed.; *Handbuch der Orientalistik* 72; Leiden: Brill, 2003): 890-893, 905-906. Note also A. Mishaly, "The Neo-Assyrian Judicial System" (Ph.D. Thesis, Bar-Ilan University, 1995) [Hebr.].

lawsuits are preserved,<sup>3</sup> and form our most important source. The succinct style in which these texts are formulated is, however, a serious disadvantage for the study of judicial procedures. To a certain degree, this effect is lessened by the information gained from a number of letters, both from the royal correspondence and from private archives, which document these issues from another, less stereotyped angle and hence reveal additional details.

The role of the judges in the Neo-Assyrian period has been studied repeatedly in the last decades. K. Deller's treatment<sup>4</sup> is still the most profound study of the topic, collecting and evaluating all evidence available up to then. Additional material was presented by K. Radner and R. Mattila.<sup>5</sup> The present paper is an attempt to put the evidence for the judges' activities in the Neo-Assyrian period in the context of their position in the administrative hierarchy and, consequently, Assyrian society.

## II. THE CONDUCT OF A LAWSUIT

In first-millennium Assyria, there was neither written law nor a legislative body. In contrast to contemporary Babylonia,<sup>6</sup> the profession and professional title of "judge" did not exist and the term *dayyānu* ("judge") is only attested in literary contexts or as an appellation for gods.<sup>7</sup> The absence of a legislative body resulted in the fact that there was no division between executive and judiciary. Administrative functionaries of all levels held judicial authority,<sup>8</sup> and the king, as the head of Assyrian bureaucracy, was also the supreme judge. In addition, but

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<sup>3</sup> See R. Jas, *Neo-Assyrian Judicial Procedures* (SAAS 5; Helsinki: Neo-Assyrian Text Corpus Project, 1996) for an edition of sixty-two texts and K. Radner, Review of R. Jas, *Neo-Assyrian Judicial Procedures*, *AfO* 44/45 (1997/98): 379–387 for references to additional unpublished texts.

<sup>4</sup> K. Deller, "Die Rolle des Richters im neuassyrischen Prozeßrecht," *Studi in onore di E. Volterra* 6 (1971): 639–653.

<sup>5</sup> Radner, "Review" (N 3): 382 and *passim*; R. Mattila, *The King's Magnates: A Study of the Highest Officials of the Neo-Assyrian Empire* (SAAS 11; Helsinki: Neo-Assyrian Text Corpus Project, 2000): 84–90 and 101–106.

<sup>6</sup> See, e.g., ABL 340 = SAA 10 348 for Ṭabī, a judge (LÚ\*.da-a-a-nu in r. 16 and 20) in Babylon, who in a letter of Mar-Issar to Esarhaddon is said to have incited the people of Babylon to revolt. Note also the Babylonian proverb "An incompetent man can frustrate the judge, an uneducated one can make the mighty worry," quoted by the chief scribe Issar-šumu-ereš to Esarhaddon in ABL 37 = SAA 10 23 r. 3–6.

<sup>7</sup> See *CAD* D 32 s. v. *dajānu* m. 3'. for gods as judges.

<sup>8</sup> See already Deller, "Die Rolle" (N 4): 649.

less frequently attested, law cases were tried by gods.

As a consequence of the fact that various administrative officials could act as judges, there was no specific court building.<sup>9</sup> Again, the situation is different in Babylonia, where a courthouse known as *bīt dēni* existed.<sup>10</sup> In Assyria, court was apparently held wherever the official in charge was active. Most often, this would have been the palace. A lawsuit text from the archive of the governor of Kalḫu mentions that the fine imposed had been paid in the *bēt tupšar ekalli* “office of the palace scribe” (CTN 2 95: 3); this is the only explicit mention in a lawsuit text of “the chancery of a palace as a place where judicial activities took place.”<sup>11</sup>

The anxiety that most people would have felt when pleading their case before the authorities is reflected in the ritual series É.GAL.KU<sub>4</sub>.RA “Entering the Palace.” It was popular in first-millennium Assyria; most known sources stem from libraries in Assur and Ḫuzirina (modern Sultantepe).<sup>12</sup> It is noteworthy that the prescriptions found in these texts make no reference to divine authorization, but rely on magical objects such as thread twice twined, various salves and stone amulets to improve the situation for the one “entering the palace.”<sup>13</sup> For our present topic, the relationship between judge and

<sup>9</sup> Cf. Jas (N 3): 2.

<sup>10</sup> For references to the *bīt dēni* in Neo-Babylonian texts see CAD D 156.

<sup>11</sup> Jas (N 3): 67.

<sup>12</sup> Assur: KAR 71, 237, 238 (cf. E. Ebeling, *Aus dem Tagewerk eines assyrischen Zauberpriesters* [MAOG 5/3; Leipzig: Harrassowitz, 1931]: 27–44; outdated); LKA 104–107a; Sultantepe: STT 237. Note that in several school texts from Borsippa in the form of a letter sent by an unnamed Assyrian king to the governor of Borsippa, the series É.GAL.KU<sub>4</sub>.RA is mentioned among those texts that are not to be found in Assyria and are hence requested for the king’s palace (CT 22 1: 22; this is a composite copy of the texts BM 25676 and BM 25678, see S. J. Lieberman, “Canonical and Official Cuneiform Texts: Towards an Understanding of Assurbanipal’s Personal Tablet Collection,” in *Lingering over Words: Studies in Ancient Near Eastern Literature in Honor of W. L. Moran* [T. Abusch, J. Huehnergard and P. Steinkeller, eds.; HSS 37; Atlanta: Scholars, 1990]: 305–336; see 334–336); the text is probably fictitious, see *ibid.*, 310 and 312. The Sumerian name of the series as well as the mention of the land Emutbal in a É.GAL.KU<sub>4</sub>.RA text from Uruk (SBTU 2 24: 7) would point to the existence of the series already in the early second millennium, see W. van Binsbergen and F. Wiggermann, “Magic in History: A Theoretical Perspective, and its Application to Ancient Mesopotamia,” in *Mesopotamian Magic: Textual, Historical, and Interpretative Perspectives* (T. Abusch and K. van der Toorn, eds.; AMD 1; Groningen: Styx, 1999): 1–34; see 31.

<sup>13</sup> On the magical context of the series see van Binsbergen and Wiggermann (N 12): 31–32. On the stones “for entering the palace” see also E. Reiner, *Astral Magic in Babylonia* (Transactions of the American Philosophical Society 85/4; Philadelphia: American Philosophical Society, 1995): 121; specifically, the texts mention stones “for entering the

society, it is interesting to see that the prescriptions of É.GAL.KU<sub>4</sub>.RA imply that the subject who needs to approach the state authority rejects “the ideological idiom of the latter including its theistic overtones.”<sup>14</sup>

The administration saw to it that those who had harmed the state were prosecuted, and this did not necessarily call for a formal trial. Severe action was taken especially against embezzlement of state and temple property and the abuse of power by officials.<sup>15</sup> However, the state did not intercede on behalf of individuals who felt that their rights had been disrespected; these had to initiate their own lawsuits. For all these, the term *dēnu*<sup>16</sup> is used, and the modern distinction between civil and criminal matters was unknown. If at all designated by a special title other than his usual administrative one, the official taking on the judicial duties was referred to as *bēl dēni parāsi* “master of deciding the trial.”<sup>17</sup> It should be stressed that initiating a lawsuit was not the only option at the disposal of a disgruntled Assyrian. The other was to take matters into one’s own hands and seek self-administered justice. Especially in the case of homicide, some exercised the right to take blood vengeance; even after a judicial solution had been sought, this right could be reasserted if the financial penalty imposed was not paid.<sup>18</sup> In this context, the terms *bēl damē* and *bēl mūtāti* are important; the first refers to the one holding the right for blood revenge while the second,

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palace—namely, to be received with favor by the ruler” and “for entering the palace and not be confronted with calumny.”

<sup>14</sup> van Binsbergen and Wiggermann (N 12): 31.

<sup>15</sup> See, e.g., ABL 339 = SAA 10 369 for the prosecution of the corrupt governor of Dur-Šarruku and ABL 429 = SAA 10 107 for the prosecution of a corrupt official at the Aššur temple.

<sup>16</sup> Interestingly, legal documents specifically designated as *dēnu* are only attested for the seventh century B.C.E., and also the typical clause excluding litigation which concludes the contract part of a Neo-Assyrian sale document (*tuāru dēnu dabābu laššu*) is a characteristic of texts of this time; the earlier variant (*tuāru dabābu laššu*), identical with the clause used in Middle-Assyrian sale texts, does not include mention of *dēnu*, see K. Radner, *Die neuassyrischen Privatrechtsurkunden als Quelle für Mensch und Umwelt* (SAAS 6; Helsinki: Neo-Assyrian Text Corpus Project, 1997): 353. Does this indicate a formal change in judicial procedures late in the eighth or early in the seventh century?

<sup>17</sup> BM 122698 r. 9 (no. 29 in Table 1, below).

<sup>18</sup> M. T. Roth, “Homicide in the Neo-Assyrian Period,” in *Language, Literature and History: Philological and Historical Studies Presented to Erica Reiner* (F. Rochberg-Halton, ed.; AOS 67; New Haven: American Oriental Society, 1987): 351–365; see 362–363.

less clear term might designate an official taking on judicial duties in a homicide case.<sup>19</sup>

The Neo-Assyrian term for a party in court is *bēl dēni*, literally “master of the trial”,<sup>20</sup> it is best translated as “legal adversary” and can refer both to the plaintiff and the defendant. The term is most often attested in the penalty clauses of legal documents, invoking gods and sometimes the king or the crown prince as legal adversaries of whoever might break the contract.<sup>21</sup> Otherwise, attestations are rare, but the few known references offer interesting insights in the judicial affairs of Assyria. A document from Kalḫu<sup>22</sup> is concerned with the legal status of a temple devotee of the goddess Mullissu who was getting married. It is explicitly stated that neither her husband’s creditors nor his adversaries in court (*bēl dēnēšu*) could ever gain authority over the woman, hinting at the otherwise quite common fate of family members of individuals who were down on their luck and had to cover up financial losses by handing over their relatives and other household members.<sup>23</sup> This attestation mentions the creditors and the legal adversaries together; indeed, often the outcome of a lawsuit turned the prevailing party into the other’s creditor, as Neo-Assyrian courts usually decided on a financial penalty. This connection is also clear in a legal document from Assur recording the repayment of a debt; as the debt was settled not with the creditor himself, but one of his subordinates, the document includes a clause to the effect that in the event of any future claims made by the creditor’s family this subordinate would be the adversary in court (*bēl dēnišu šū*), and not the debtor who would not be involved at all.<sup>24</sup> Another attestation for the term is found in an official’s letter to Sargon II which is devoted to the case of the son of one Abu-ila’i, following the royal order to “Do justice to him!” (*dēnišu epuš*); the king is informed that this man’s legal adversary (*bēl dēnišu*)

<sup>19</sup> K. Radner, *Ein neuassyrisches Privatarchiv der Tempelgoldschmiede von Assur* (Studien zu den Assur-Texten 1; Saarbrücken: SDV, 1999): 180–182.

<sup>20</sup> Note that in the ritual texts mentioned above, written in the Standard Babylonian dialect, another word is used for the adversary in court, *bēl dabābi* (“master of the litigation”); for references see *CAD D 3f. s. v.*

<sup>21</sup> See K. Radner, “Vier neuassyrische Privatrechtsurkunden aus dem Vorderasiatischen Museum, Berlin,” *AoF* 24 (1997): 115–134; see 126–128 for a discussion and references.

<sup>22</sup> ND 2316, see Radner, *Die neuassyrischen Privatrechtsurkunden* (N 16): 171.

<sup>23</sup> K. Radner, “The Neo-Assyrian Period,” in *Security for Debt in Ancient Near Eastern Law* (R. Jasnow and R. Westbrook, eds.; Culture and History of the Ancient Near East 9; Leiden: Brill, 2001): 265–288; see 280–284.

<sup>24</sup> A 2621 = StAt 2 37.

had to undergo an ordeal.<sup>25</sup> We can probably assume that the official, whose name is unfortunately lost, himself assumed judicial duties in the case. The term also occurs in a letter written by a major-domo and his scribe to Esarhaddon, complaining about the crimes of the governor of Arrapha against their (unnamed) master's domain. They inform the king that their master would not litigate (*dabābu*) against the Arraphæan governor, his legal adversary (*bēl dēnišu*), nor support his subordinates' attempts in this direction.<sup>26</sup> The two men are obviously frustrated by their master's passivity and ask the king to intervene; by doing so, they clearly circumvent their master and try to find a way around the conventional bureaucratic hierarchy. By doing this, they act in the fashion of a *bātiqu* "accuser." This term as well as the verb *batāqu* ("to accuse") and the noun *bitqu* ("accusation") are rarely attested in our sources, but the attestations make it clear enough that the *bātiqu* was a person who was not personally concerned with the offense about which he raised a complaint and not directly involved in the ensuing lawsuit.<sup>27</sup>

In order to try a case, the opposing parties needed to be present before the judge (*ina pān* [judge] *qarābu*<sup>28</sup>), and it was the duty of the plaintiff to produce the defendant physically. This is made clear in the legal documents whenever we find the phrase *ina pān* [judge] *uqtarribšu* "He [the plaintiff] made him [the defendant] approach the judge."<sup>29</sup>

<sup>25</sup> ABL 550 = SAA 15 295.

<sup>26</sup> ABL 415 = SAA 16 42 r. 4-8: LUGAL *ú-da ki-i EN-ni TA\* EN de-ni-šu la i-da-bu-bu-u-ni ù a-ni-nu É ni-da-bu-bu-ni i-ḫa-as-su-na-ši* "The king knows that our master will not litigate against his legal adversary and that he silences us when we (want to) litigate." Most of this text is edited in F. M. Fales, "*bīt-bēli*: An Assyrian Institutional Concept," in *Patavina Orientalia Selecta* (E. Rova, ed.; HANE/M 4; Padova: Sargon SRL, 2000): 241.

<sup>27</sup> The phrase *bitqu batāqu* is attested in no. 41 (see Table 1, below) and VAT 8699, a private letter from Assur concerning trading activities; the term *bātiqu* is attested in a memorandum concerning a river ordeal (83-I-18, 231, see L. Kataja, "A Neo-Assyrian Document on Two Cases of River Ordeal," *SAAB* 1 [1987]: 65–68), a royal letter deciding a lawsuit from Nineveh (ABL 307) and a letter from the royal correspondence of Kalḫu (ND 2703 = NL 81, see H. W. F. Saggs, *The Nimrud Letters, 1952* [Cuneiform Texts from Nimrud 5; London: British School of Archaeology in Iraq, 2001]: 232). The terms are discussed by Jas (N 3): 50; his suggestion to see the *bātiqu* as a kind of "public prosecutor" seems too far-reaching. Compare also the Middle Assyrian term *bātiqānu* (see H. Freydank, "*bitqī batāqu* 'Abschneidungen abschneiden'," *AoF* 24 [1997]: 105–114; see 112).

<sup>28</sup> For attestations see Deller, "Die Rolle" (N 4): 640–641, and Jas (N 3): 101 s. v.

<sup>29</sup> See no. 17 and 36 in Table 1, below.

In court, the parties spoke (*dabābu*<sup>30</sup>) for themselves; lawyers were unknown. Only statements made directly in the presence of the official acting as judge were acceptable as evidence; this applied both to the parties and to the witnesses. Decisions could be adjourned in order to wait for an important witness's testimony.<sup>31</sup> This may be the reason why sometimes a lawsuit could take years to be decided, as in the case of a dispute over the division of an inheritance in Assur.<sup>32</sup> The judge could request that one or both of the opposing parties take an oath (*tamū* or *ana DN qabū*),<sup>33</sup> this is never attested in the case of the witnesses. According to the known attestations, taking an oath is always connected with a river ordeal (*huršānu*; in Neo-Assyrian always *hursān*<sup>34</sup>). Whether or not legal documents could be presented as evidence in court is unclear, as explicit evidence is lacking from the texts. However, the case of one Urdu-Nanaia from Assur would cast some doubt on the efficiency of this method. In spite of having a sale document stating that he had paid the price for two slaves, this man still had to undergo an ordeal to prove this as a fact; moreover, two witnesses of the sale transaction were also present at the ordeal.<sup>35</sup> There is no indication that real evidence as derived from the actual inspection of objects was ever used in court. The case was closed when the judge decided the case (*dēnu parāsu*)<sup>36</sup> and imposed a verdict (*dēnu emādu*).<sup>37</sup> It seems that only when the case had to be adjourned or when the judge's decision resulted in an obligation which could not be immediately fulfilled, a legal document was written down. These documents could be single tablets of vertical or sometimes horizontal

<sup>30</sup> For attestations see Deller, "Die Rolle" (N 4): 641 and Jas (N 3): 99 s. v.

<sup>31</sup> See no. 27 in Table 1, below.

<sup>32</sup> VAT 9875: 7–11 (cf. K. Deller, "Zur Terminologie neuassyrischer Urkunden," *WZKM* 57 [1957]: 29–42; see 35): [at]-tu-nu URU.ŠĀ-URU-a-a gab-bu de-e-nu an-ni-i tu-da-a ki-i ma-ši MU.AN.NA HA.LA bat-taq-ti-ni "You, all the inhabitants of Libbi-ali, know this law case, how many years it takes to divide the inheritance for him." The letter was written by the chief scribe (of Assur) to three men, Babu-ahu-iddina, Babu-mušeši and Miqtu-adur, his "brothers" (i.e., colleagues), informing them about the case's further proceedings.

<sup>33</sup> *tamū* "to swear an oath": VAT 5604 and CTN 3 70, see Radner, "Vier neuassyrische Privatrechtsurkunden" (N 21): 121–125; *ana DN qabū* "to speak to DN": no. 14 in Table 1, below, and A 2014 = StAT 2 311.

<sup>34</sup> See Jas (N 3): 73–76 and Radner, "Vier neuassyrische Privatrechtsurkunden" (N 21): 124.

<sup>35</sup> Radner, "Vier neuassyrische Privatrechtsurkunden" (N 21): 118–125 on VAT 5602 (documenting the sale) and VAT 5604 (documenting the ordeal).

<sup>36</sup> Deller, "Die Rolle" (N 4): 642–643 and Jas (N 3): 101 s.v. for attestations.

<sup>37</sup> Deller, "Die Rolle" (N 4): 643 and Jas (N 3): 100 s.v. for attestations.

format, but also tablets enclosed in envelopes.<sup>38</sup> The known lawsuit documents attest the prosecution of homicide,<sup>39</sup> robbery,<sup>40</sup> theft<sup>41</sup> and damage to property.<sup>42</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. There is no evidence from the legal texts for imposing physical or capital punishment on the guilty party. However, not only political offenders such as traitors or rebels were tortured, maimed and/or killed, practices for which ample attestation can be found in the royal inscriptions. A cook who stole temple property died in the wake of the beating he received as punishment for his crime, according to a letter to the king.<sup>43</sup> The names of various persons who were tried and then subjected to severe physical punishment are set down in a memorandum from Nineveh;<sup>44</sup> the circumstances of this event are unknown.

The penalties (*sartu*<sup>45</sup>) imposed by the judicial authorities served the threefold purpose of punishing the offender, compensating the victim and deterring potential criminals. The last concern is expressed in a letter of Mar-Issar, Esarhaddon's agent in Babylonia, in which he counsels the king to punish a criminal in order to scare off others who might commit similar misdeeds.<sup>46</sup>

### III. WHO ASSUMES JUDICIAL DUTIES?

As the administrative officials who assumed judicial duties can be firmly placed within the bureaucratic hierarchy,<sup>47</sup> their positions inside

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<sup>38</sup> Radner, "Review" (N 3): 382 for an overview.

<sup>39</sup> ADD 160 = SAA 14 104 (no. 34 in Table 1, below); ADD 321 = SAA 14 125 = Jas (N 3): no. 42; ADD 618 = SAA 14 81 = Jas (N 3): no. 41; CTN 2 95 = Jas (N 3): no. 43; VAT 20361 (no. 14).

<sup>40</sup> ADD 164 = SAA 6 264 (no. 4 in Table 1, below); TH  $\gamma$  (no. 10).

<sup>41</sup> ADD 161 = SAA 6 265 (no. 17 in Table 1, below); BM 123360 = SAA 6 133 = Jas (N 3): no. 32; CTN 2 92 = Jas (N 3): no. 39; VAT 20339 (no. 38); BT 140 = Jas (N 3): no. 45; VAT 8737 (no. 21).

<sup>42</sup> TH  $\gamma$  (no. 10 in Table 1, below).

<sup>43</sup> ABL 1372 = SAA 13 157 24'-r. 8.

<sup>44</sup> ADD 880 = SAA 11 144.

<sup>45</sup> See Jas (N 3): 51 for a discussion of the term.

<sup>46</sup> ABL 339 = SAA 10 369 r. 15–17.

<sup>47</sup> A complete study of the Assyrian administrative bureaucracy, including the state, provincial and municipal level, is still missing. Especially the provincial administration and the army hierarchy are little studied. See Mattila (N 5) for a study on the most impor-



Assyrian society are easily discovered. According to our evidence, the judges' functions, to adjust claims and defend norms, could be fulfilled by state, provincial, municipal and temple officials and gods.<sup>48</sup> See Table 1 and note the following: The text numbers given in the table's right-hand column are the numbers under which the texts are quoted throughout this article; text numbers marked with asterisks are listed more than once in the table.

The evidence presented in the table clearly illustrates that despite the fact that, according to the known sources, the judicial duties tend to be assumed by certain officials of the state and municipal administration, namely the *sartennu* and the *sukallu* on the state level and the *hazannu* on the municipal level, the role of judge could be taken on also by other officials of the state and city administration, as well as by functionaries of the provincial and temple bureaucracy. The following discussion examines these various executives of judicial power.

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tant state officials and E. Klengel-Brandt and K. Radner, "Die Stadtbeamten von Assur und ihre Siegel," in *Assyria 1995* (S. Parpola and R. M. Whiting, eds.; Helsinki: Neo-Assyrian Text Corpus Project, 1997): 137–159 on the municipal bureaucracy.

<sup>48</sup> A case tried either by a chief cook or by an army official, the commander-of-fifty, has been excluded from this discussion as the reading of the functionary is highly doubtful and needs collation (A 1880 and A 1888 = StAT 2 165 and 166, from Assur, 65Q B.C.E., cf. Radner, "Review" [N 3]: 385 no. 14\* and no. 15\*).

Table 1. Administrative officials and gods acting as judges

acting as judge	city	date	together with/specific details	text	no.
STATE OFFICIALS <i>sartennu</i>	Assur	658		VAT 9995 = KAN 3.33	1
		627*	with two <i>sukallu</i>	VAT 20374 (cf. Radner, "Review" [N 3]: 385 no. 11*)	2*
	Nineveh	694	with the <i>sukallu</i> (two <i>ša qurbūti</i> and a <i>šaniu</i> do not want to accept responsibility as judges)	MADD 2 = SAA 6 133 (Jas [N 3]: no. 32; cf. Mattila [N 5]: 86)	3*
		680		ADD 164 = SAA 6 264 (Jas [N 3]: no. 1; cf. Mattila [N 5]: 84)	4
		636*		ADD 163 = SAA 14 107 (Jas [N 3]: no. 12; cf. Mattila [N 5]: 85)	5
		lost		ADD 171 = SAA 6 183 (Jas [N 3]: no. 2; cf. Mattila [N 5]: 85)	6
		lost	with the <i>sukallu</i>	ADD 168 = SAA 6 238 (Jas [N 3]: no. 47; cf. Mattila [N 5]: 86)	7*
	Imgur-Ilili	678	with a <i>šangū</i>	BT 118 (Jas [N 3]: no. 3; cf. Mattila [N 5]: 84)	8*
	Dur-Katlimmu	656	with the <i>sukallu dannu</i>	BATSH 6 110	9*
	Guzana	616*		TH γ (Jas [N 3]: no. 48; cf. Mattila [N 5]: 85)	10
	Babylon	Asb <sup>1</sup>	• king appoints <i>sukallu</i> and <i>sartennu</i> to decree justice. • <i>sartennu</i> decides case as <i>hazannu</i> is not yet	ABL 716 = SAA 18 181	11*

<sup>1</sup> Note the abbreviations Asb for Ashurbanipal and Sg II for Sargon II, referring to texts that cannot be dated to a specific year, but can be attributed to these kings' reigns.

acting as judge	city	date	together with/specific details	text	no.
<i>sukkallu</i>	Assur	715	appointed; new <i>hazannu</i> reverses judgment.	VAT 10049 = KAN 3 27	12
		638*		SE 102 (Jas [N 3]: no. 18; cf. Mattila [N 5]: 105)	13
		634* or 628*		VAT 20361 = SAAB 9 111 (Radner, "Review" [N 3]: 386 no. 23*; Mattila [N 5]: 105)	14
		627*	two <i>sukkallu</i> with the <i>sartennu</i>	VAT 20374 (cf. Radner, "Review" [N 3]: 385 no. 11*)	2*
		post- 614	with the <i>hazannu</i>	VAT 9759 = KAN 3 3	15*
		694		ADD 162 = SAA 6 83 (Jas [N 3]: no. 35; cf. Mattila [N 5]: 104f.)	16
		694	with the <i>sartennu</i> , taking over from two <i>ša qur-hūti</i> and a <i>šaniu</i>	MADD 2 = SAA 6 133 (Jas [N 3]: no. 32; cf. Mattila [N 5]: 86)	3*
		679		ADD 161 = SAA 6 265 (Jas [N 3]: no. 44; cf. Mattila [N 5]: 105)	17
		lost	with the <i>sartennu</i>	ADD 168 = SAA 6 238 (Jas [N 3]: no. 47; cf. Mattila [N 5]: 86)	7*
		656	<i>sukkallu dannu</i> , with the <i>sartennu</i>	BATSH 6 110	9*
	lost		BATSH 6 24	18	
	623*	Ma'al-lanate	O 3701 (cf. Mattila [N 5]: 105)	19	
	Asb	Babylon	ABL 716 = SAA 18 181	11*	
	Sg II	Harran	ABL 132 = SAA 1 191 (cf. Mattila [N 5]: 104)	20	

acting as judge	city	date	together with/specific details	text	no.
<i>ša pān dēnāni ša sukalli</i> (see also below, Table 2)	Assur	648		VAT 8737 = SAAB 9 97 (cf. Radner, "Review" [N 3]: 386 no. 21*, Mattila [N 5]: 105f.)	21
<i>masennu</i>	Assur	655		VAT 8241 = KAN 3 102	22
<b>PROVINCIAL OFFICIALS</b>					
Governor of Assur	Assur	657	<i>šakin māti</i>	VAT 20833 = KAN 3 110	22a
		653	<i>šakin māti</i>	BM 103206 (Jas [N 3]: no. 16)	23
		623*	<i>šaknu</i> <sup>ii</sup>	Al-Rafidan 17 no. 32 (Jas [N 3]: no. 15)	24
<b>MUNICIPAL OFFICIALS</b>					
<i>hazannu</i>	Assur	632*		VAT 19496 = KAN 3 60	25
		631*		VAT 15579 (cf. Radner, "Review" [N 3]: 385 no. 7*)	26
		626*		VAT 8656 (Jas [N 3]: no. 19)	27
		621*		Al-Rafidan 17 no. 33 (Jas [N 3]: no. 27)	28
		620*	the three <i>hazannu</i> of Assur	BM 122698 (Radner, <i>Ein neuassyrisches Privatarchiv</i> [N 19]: 17-19)	29
		post-614	with the <i>sukallu</i>	VAT 9759 = KAN 3 3	15*
	Nineveh	631*		ADD 166 = SAA 14 156 (Jas [N 3]: no. 5)	30
		lost		ADD 169 = SAA 14 239 (Jas [N 3]: no. 6)	31

<sup>ii</sup> On the *šaknu*, a title which could both denote the provincial governor as well as an army official, see J. N. Postgate, "The Place of the *šaknu* in Assyrian Government," *ANSt* 30 (1980): 67-76. Because of the archival context, it seems more likely to me to assume that it is the provincial governor who tried the case.

acting as judge	city	date	together with/specific details	text	no.
	Kalḫu	643* or 624*		ND 2091 (Jas [N 3]: no. 4)	32
	Babylonia	623* Asb	<i>sartennu</i> decides case as <i>ḥazannu</i> is not yet appointed; new <i>ḥazannu</i> reverses judgment.	CTN 3 31 (Jas [N 3]: no. 9) ABL 716 = SAA 18 181	33 11*
<i>ḥazannu šanūu</i>	Nineveh	637*		ADD 160 = SAA 14 104 (Jas [N 3]: no. 14)	34
<i>ša muḫḫi āli</i>	Assur	676 643* or 624*		VAT 20834 = KAN 3 111 VAT 14438 = SAAB 5 66 (cf. Radner, "Review" [N 3]: 385 no. 18*)	35 36
	Kalḫu	638*		ND 3433 (cf. Mattila [N 5]: 89 with n. 30)	37
"man from Libbi-ali"	Assur	623*		VAT 20339 = SAAB 5 11 (Jas [N 3]: no. 33)	38
"man from Nineveh" "man from Kalḫu" "man from Libbi-ali"	Assur	Asb	The "man from Nineveh" and the "man from Kalḫu" have already tried a case; why involve the "man from Libbi-ali"?	VAT 15460 = SIAT 2 54	39
<b>TEMPLE OFFICIALS</b>					
<i>šangū</i>	Assur	648*	The title of the judge Akkullanu is not mentioned. Elsewhere, he can be shown to be the <i>šangū</i> of the Aššur temple, see Pearce and Radner [N 73]: 95.	MAH 20613 (Jas [N 3]: no. 46)	40
		632*		Scheil (Jas [N 3]: no. 31)	41
	Imgur-[ili]	678	with the <i>sartennu</i>	BT 118 (Jas [N 3]: no. 3)	8*
<i>šangū šanūu</i>	Assur	625*		MAH 16154 (Jas [N 3]: no. 13)	42

acting as judge	city	date	together with/specific details	text	no.
GODS					
Adad	Assur Kannu'	624*		VAT 9355 = KAN 3 54	43
		653		ADD 96 + 170 = SAA 14 84 (Jas [N 3]: no. 7; on the place name see Radner, "Review" [N 3]: 383)	44
	Guzana	648*		TH III 1160 (Jas [N 3]: no. 10)	45
		617*		TH III 908e (Jas [N 3]: no. 24; cf. Schwemer [N 80]: 616-617)	46
Šamaš Ninurta	Ma'al-lanate	632*		Bible Lands Museum 803 (Jas [N 3]: no. 11)	47
	Assur	634*		VAT 20361 = SAAB 9 111	48
	Assur	619*		VAT 9690 = SAAB 9 80 (cf. Radner, "Review" [N 3]: 386 no. 22*)	49

## 1. Administrative Officials of the State Level

The two members of the state administration who most often assumed judicial functions are the *sartennu*<sup>49</sup> and the *sukallu*.<sup>50</sup>

The latter's title is used throughout Ancient Near Eastern history and is usually translated as "vizier." This vague term suits well the various competences of this high-ranking official: He did not command a province but was frequently sent through the empire and beyond as an envoy of the king, often assuming the role of a judge; he could frequently be involved in military or diplomatic activities. There are two *sukallū* at a time: one is the *sukallu dannu* or *sukallu rabiū*; the other his deputy, the *sukallu šaniū*. Both are most often referred to simply as *sukallu*. They can appear together, as when assuming judicial duties in no. 2 (see the right-hand column in Table 1).

The title *sartennu* is only attested in Neo-Assyrian sources and, because of its characteristic ending, appears to be a loan word from Hurrian. The suggested connection with the Akkadian word *sartu* "crime; fine" cannot be proven and is unlikely.<sup>51</sup> Like the *sukallu*, the *sartennu* did not have a province; unlike the *sukallu*, he had no deputy and his involvement in military matters is not prominent. According to our sources, the speaking of justice is the function most often assumed by this official; moreover, he assumes judicial functions more often than any other state functionary, and this certainly lends justification to translate his title in this direction. However, in order to avoid the usage of the term "judge," I favor the translation as "chief bailiff," German "Generalvogt." Like the *sukallu*, he travels through the empire in order to act as judge on the spot.<sup>52</sup> This is best seen in a lawsuit text from Dur-Katlimmu (modern Tell Sheikh Hamad in Syria) and a letter from Babylon (no. 9\* and 11\*) where we find the *sukkallu* and the *sartennu* judging law cases together. More instances of such cooperation are attested (no. 3\* and 7\*, both from Nineveh), and one case from Assur even features the *sartennu* and both *sukallū* as judges (no. 2\*).

It is not easy to establish a hierarchal order between the two officials, if it existed at all. The sequence in which these functionaries are mentioned in the texts varies: Sometimes the *sukallu* is named first (no. 3\*, 7\* and 11\*), sometimes the *sartennu* (no. 2\* and 9\*), and generally

<sup>49</sup> The sources for the *sartennu* are collected in Mattila (N 5): 77–90.

<sup>50</sup> The sources for the *sukallu* are collected in *ibid.*, 91–106.

<sup>51</sup> Deller, "Die Rolle" (N 4): 650 and 652.

<sup>52</sup> See also Mattila (N 5): 90.

speaking, they seem to be colleagues of equal status. Note, however, that in two witness lists of legal documents the sequence *sartennu*, *sukallu dannu* and *sukallu šaniu* is attested.<sup>53</sup> The offices of *sartennu*, *sukallu dannu* and *sukallu šaniu* were not held for life. Interestingly, if not surprisingly, the three posts circulated among the same set of officials: The sources show that a *sukallu dannu* could later hold the office of *sukallu šaniu*,<sup>54</sup> and a *sartennu* is (later?) attested as *sukallu*.<sup>55</sup>

To return to their judicial duties, it is impossible because of the succinct style of our sources to extrapolate why a certain case was tried by the *sartennu* or the *sukallu*. Some cases concern persons of the highest social standing, such as the crown prince (no. 4) or the *šakintu* of Nineveh (no. 3\*), but this is only a consequence of the setting at the court of Nineveh. The officials were clearly also responsible for lawsuits initiated by individuals of more humble origins. It seems, however, clear that they were considered to be the highest judicial authorities in Assyria, being the king's direct representatives in this function. Hence, law cases were passed on to their judgment, such as the case of a man from Til-Barsip who accused his father and later withdrew the complaint. This case originally fell under the authority of Nabû-pašir, the governor of Harran during the reign of Sargon II, who passed it on to the *sukallu*, supplying him with all relevant information by sending him a letter as well as a witness.<sup>56</sup> Note also the interesting case of three army officials who refused to pass judgment in a case of theft and recommended to approach the *sukallu* and the *sartennu* in Nineveh in this matter; the criminals then confessed on the spot and a trial was apparently no longer necessary (no. 3\*). This case would seem to indicate that officers serving in the Assyrian army could not assume judicial duties.

It has been suggested that the *sukallu* and the *sartennu* were the only authorities to demand an ordeal.<sup>57</sup> Indeed, four cases are attested in which these state officials imposed an ordeal on the opposing parties (no. 4, no. 7\*, 10 and 14); but also other authorities could decide this means to establish the truth in a trial: hence, an ordeal was imposed by the *šangu* of the Aššur temple in no. 40.

Also, other state officials could take on judicial duties but are at-

<sup>53</sup> Ibid., 92 on SAA 12 86 r. 16f. and ADD 595: 2'f.

<sup>54</sup> Mattila (N 5): 94 on the case of Šilim-Aššur.

<sup>55</sup> Ibid., 78–79 on the case of Adad-dan.

<sup>56</sup> ABL 132 = SAA 1 191. Note that the governor addresses the *sukallu* as “my lord”; this shows that the state officials outranked the provincial governors.

<sup>57</sup> Mattila (N 5): 90.



tested in this role much less frequently than the *sukallu* and the *sartennu*. The *masennu* ("treasurer") assumed the role of the judge in a text from Assur (no. 22), and from the fact that he had a court clerk (*ša pān dēnāni*, see below III. 7.) at his disposal we can infer that also the *rab ša rēši* ("chief eunuch") could pass judgment.<sup>58</sup> The *rab šāqē* ("chief cupbearer") was supposed to act as judge in the matter of an unsettled debt but somehow failed to do so; according to a memorandum from Nineveh, the king had been approached instead to speak justice.<sup>59</sup>

## 2. Administrative Officials of the Provincial Level

Judging from the evidence presented in Table 1, it would seem that judicial duties were rarely assumed by the provincial administration. However, this impression is deceptive. If we take into account the fact that every provincial governor had a court clerk (*ša pān dēnāni*, see below III. 7.) at his disposal, as we can deduce from the evidence for such an official being in the service of the governors of Assur, Rašappa and Kalḫu, we can assume with certainty that the governors judged law cases on a regular basis. A good source for this is also the already discussed letter of the governor of Ḫarran concerning a lawsuit he wishes to delegate to the *sukallu* (ABL 132, see above III. 1.).

That our sources do not reveal the judicial function of the provincial governors any better is due to the nature of the archives which have been discovered so far. With the exception of the archive of the governor of Kalḫu, the texts of the provincial administrative centers have not been retrieved for the time in question. Although the official assuming the role of the judge is never mentioned, three texts from this archive document the results of lawsuits, and it is most likely that the governor of Kalḫu is the one who took on the judicial duties.<sup>60</sup>

## 3. Administrative Officials of the Municipal Level

We find two municipal officials attested in the role of judge. The *ša muḫḫi āli*'s title can easily enough be translated as "city overseer." However, the title *ḫazannu* is problematic; the word is not Akkadian and, like many other Assyrian administrative titles such as *sartennu* or

<sup>58</sup> ABL 1109 + CT 54 294 r. 12.

<sup>59</sup> CT 53 173 = SAA 11 145: 1'-8'.

<sup>60</sup> CTN 2 92 = Jas (N 3): no. 39; CTN 2 95 = Jas (N 3): no. 43; CTN 2 96 = Jas (N 3): no. 38.

*masennu*, probably of Hurrian origin. It is conventionally translated as “mayor” which is accurate enough if we bear in mind that, like the *ša muḫḫi āli*, the *ḫazannu*, despite being chosen from among the city’s population, was nevertheless appointed by the king.<sup>61</sup>

By the mid-seventh century, the *ḫazannu* headed the municipal administration. Earlier, however, the *ša muḫḫi āli* had been the top functionary on the city level.<sup>62</sup> Why the reorganization of the municipal administrative hierarchy was deemed necessary is unknown to us. However, it resulted in the elevation of an official whose original responsibility seems to have been the guard of the city gate. This duty is reflected by the fact that the three *ḫazannu* of Assur bear the names of three city gates, the Assur Gate, the Šamaš Gate and the Tigris Gate,<sup>63</sup> and it is explicitly mentioned in KAR 71 r. 20f., a text from the already mentioned series É.GAL.KU<sub>4</sub>.RA “Entering the Palace” in which we read: “(It is said) that I took over the watch from the herald (*nāgīru*), that I took over the watch from the *ḫazannu*, that I opened the city gate and let in the enemy.”

With the sources at our disposal, it is impossible to distinguish clearly the tasks of the *ša muḫḫi āli* and the *ḫazannu* in the seventh century. Both represent their city toward the state and provincial administration and in this capacity are responsible for organizing the *ilku* duties of their city’s population.<sup>64</sup> Moreover, their presence is needed whenever property inside the city changes hands in Assur, but possibly also in other cities such as Kalḫu.<sup>65</sup> The chief of the collegium of scribes,<sup>66</sup> who is known to be a close colleague of the *ḫazannu* and the *ša muḫḫi āli* in all these matters, also was involved in judicial matters according to a letter from Assur which one of these officials wrote about the law case concerning an inheritance division that had dragged on for years (no. 27).

Both the *ḫazannu* and the *ša muḫḫi āli* frequently assumed judicial duties according to the available texts. The fact that the *ḫazannu* is so

<sup>61</sup> Klengel-Brandt and Radner (N 47): 153. For the appointment of the *ḫazannu* and the *ša muḫḫi āli* see ABL 150 = SAA 13 25; for the appointment of the *ḫazannu* see also no. 11\* and ABL 473 = SAA 16 95: 6. According to the last letter, a *ḫazannu* is installed against the usual custom by a provincial governor after the death of the king.

<sup>62</sup> Klengel-Brandt and Radner (N 47): 153–154.

<sup>63</sup> *Ibid.*, 154–155.

<sup>64</sup> See especially VAT 8920 + = SAA 12 69 r. 26f.; see Klengel-Brandt and Radner (N 47): 154.

<sup>65</sup> *Ibid.*, 139–140.

<sup>66</sup> His title is given as [LÚ].GAL A.BA = *rab tuṣṣarrē*, an abbreviated form of the lengthy title *rab ešerte ša tuṣṣarrē*; for this official see *ibid.*, 155.

much more often attested than the *ša muḫḫi āli* in the role of the judge might specifically reflect the situation in the late seventh century, when the *ḥazannu* outranked the *ša muḫḫi āli*; most of our sources stem from that time. Note that no. 35, which dates to the year 676 B.C.E. and predates the reforms in the municipal hierarchy, names the *ša muḫḫi āli* in the role of judge. It is quite possible that prior to the *ḥazannu*'s elevation the *ša muḫḫi āli*, as the highest city functionary customarily, acted as judge in law cases that were decided on the municipal level.

A municipal official called the "man from Libbi-ali" assumed the role of judge in a legal case documented by a lawsuit text from Assur (no. 38). The "man from Libbi-ali" is also mentioned as a possible judge in a private letter from Assur, alongside a "man from Nineveh" and a "man from Kalḫu" who have already assumed judicial duties (no. 39). It is interesting that these officials are referred to by mention of their city alone and not further specified; this recalls the fact that political leaders of countries and tribes were often just referred to as "The Urartian," etc. In all probability, they all hold the post of *ḥazannu* in their respective cities; because the name Libbi-ali is used for Assur, the governors of Assur, Nineveh and Kalḫu cannot be the officials in question.

#### 4. Temple Functionaries

Judicial duties were taken on by the *šangû*, the highest-ranking official of a temple, according to three lawsuit documents; two from Assur (nos. 40 and 41) document cases judged by the *šangû* of the Aššur temple, while the text from Imgur-Illil (modern Balawat) must refer to the *šangû* of the dream god Mamû (no. 8\*). This official tries a case about a missing camel together with the *sartennu*. Another text from Assur (no. 42) features the deputy of the *šangû* of the Aššur temple<sup>67</sup> in the role of judge.

These attestations illustrate well that the translation of the title *šangû* as "priest" is too narrow; next to his ritual duties, this functionary who, like all other officials, was appointed by the king,<sup>68</sup> had to see to the administration of the temple and its domain, and this could result in the assumption of the duties of a judge. It is interesting to note that the frequent cases of theft of temple property did not fall under the exclusive jurisdiction of the temple administration. Hence, a letter of

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<sup>67</sup> The office *šangû šaniu* is only attested for the Aššur temple, see B. Menzel, *Assyrische Tempel* (Studia Pohl Series Maior 10; Rome: PBI, 1981): 196.

<sup>68</sup> *Ibid.*, 193.

the *ḥazannu* of Assur to Ashurbanipal, detailing the results of the interrogation of a temple thief, shows that the man was questioned by Ṭab-šar-Sîn, the deputy *šangû* of the Aššur temple,<sup>69</sup> as well as the *ḥazannu* himself. The reason for this shared responsibility may well be that the temple staff was often deeply involved in such crimes. Nevertheless, in another letter to the king, it is quite astonishing to see the very same Ṭab-šar-Sîn accused by his superior Akkullanu<sup>70</sup> of being at the center of a case of theft from the Aššur temple.<sup>71</sup> The obvious wariness of the authorities that is so striking to observe in the ritual series É.GAL.KU<sub>4</sub>.RA would seem to be entirely justified in the view of such blatant cases of corruption.

## 5. Gods

Seven divine judges spoke justice at the *mušlālu*-gate in Assur which was hence also called the “Gate of the Judges” (*bāb dayyānē*).<sup>72</sup> This tradition goes back at least to the Middle Assyrian period but was still alive in the seventh century, as is clear from a penalty clause frequently used in Neo-Assyrian sale documents, decreeing that “The (divine) judge(s) will not hear his case” as the fate for anyone who tries to break the contract.<sup>73</sup>

That gods were assumed to pass judgment over human beings is also reflected by the popularity of personal names such as DN-deni-lamur, DN-deni-amur, DN-deni-epuš, DN-deni-šime, and Pan-DN-deni; these names are constructed using the divine elements Aššur, Adad, Bel, Nabû, Ištar and Šamaš.<sup>74</sup> Especially Šamaš and Adad frequently were given the title of judges and closely associated with the verdict of

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<sup>69</sup> He is the deputy of the *šangû* Akkullanu (see L. Pearce and K. Radner, “Ak-kullānu,” in *The Prosopography of the Neo-Assyrian Empire I/1* [K. Radner, ed.; Helsinki: Neo-Assyrian Text Corpus Project, 1998]: 95–96; see 95) with whom he is attested as the author of a letter to the king, together with Marduk-šallim-aḥḥe, the temple scribe of the Aššur temple (ABL 840 = SAA 13 16).

<sup>70</sup> Akkullanu himself acted as judge in no. 40.

<sup>71</sup> ABL 429 = SAA 10 107. Another case of a *šangû* stealing from his own temple is documented in ABL 1389 = SAA 13 138; this time, it is a priest of Ea.

<sup>72</sup> For references see *CAD D s. c. dajānu* usage m-3c'.

<sup>73</sup> For references see Radner, “Review” (N 3): 381–382.

<sup>74</sup> For references see the various volumes of *The Prosopography of the Neo-Assyrian Empire* (Helsinki: Neo-Assyrian Text Corpus Project).

justice in texts of the Neo-Assyrian period.<sup>75</sup> It is hence not unexpected that we find both these gods assuming judicial duties in lawsuit texts. With five trials, Adad is most often attested, and three texts (nos. 45–47) refer specifically to judgments of Adad of Guzana (modern Tell Halaf in Syria)<sup>76</sup> and another to Adad of Kannu' (no. 44); it is epigraphically difficult to establish which cult center of Adad is named in no. 43, but the place name in question might be Bit-Adini. Šamaš and Ninurta act as judges in one lawsuit each, both taking place in Assur (nos. 48 and 49).

The cases in which gods assume judicial duties have to be strictly distinguished from those lawsuits which were tried by temple functionaries (see above); when imposing judgment, the *šangû* acted in his role as an administrative official, not as a representative of the god. However, those trials in which an ordeal or an oath was requested of the opposing parties might be relevant for the way we have to picture how a god tried a case. Ordeal and oath are means to involve the god directly in the lawsuit, and it is quite possible that whenever we find a god in the role of judge, an oath and/or an ordeal was performed. It should also be noted that many judicial terms are employed in the context of divination, such as extispicy. Most importantly, the question put to the gods is referred to *dēnu*, and the divine judges Adad and Šamaš are of course also the patron deities of divination. Therefore, it is another possibility to assume the performance of an act of divination when the texts mention a god as judge.<sup>77</sup>

Although it cannot be answered from the information in our sources, the question still must be raised whether there might have existed a constitutional difference between those cases tried by administrative officials and those by gods, in other words, judged by the “secular court” or the “divine court.”<sup>78</sup>

## 6. *ša pān dēnāni* “Court Clerk”

Despite the fact that he certainly acted in the context of court proce-

<sup>75</sup> See, e.g., SAA 4 341, BBR 83 iv 10 and L<sup>4</sup> = M. Streck, *Assurbanipal und die letzten assyrischen Könige bis zum Untergange Niniveh's* (VAB 7; Leipzig: Hinrichs, 1916): II 258 i 33.

<sup>76</sup> See D. Schwemer, *Die Wettergottgestalten Mesopotamiens und Nordsyriens im Zeitalter der Keilschriftkulturen: Materialien und Studien nach den schriftlichen Quellen* (Wiesbaden: Harrassowitz, 2001): 612–618.

<sup>77</sup> Note that gods could also act as witnesses in Neo-Assyrian legal texts, see Radner, *Ein neuassyrisches Privatarhiv* (N 19): 58–59; how they assumed this role is unclear.

<sup>78</sup> The terms were introduced by Jas (N 3): 5.

dures, the exact function of the official called *ša pān dēnāni*, also attested as *ša pān dēnāte*, lit., “the one before the law cases,” is not clear from our sources. His title is the only administrative title which is linked semantically to judicial procedures. He is only once attested as trying a case (no. 21) but frequently served as a witness to legal texts documenting court proceedings. Most often, these lawsuits are explicitly tried by other officials. In one case only (ADD 153/154, see Table 2, below), no judge is named, and the *ša pān dēnāni* holds the first position in the witness list. Here, we might see a parallel to no. 40 and consider the option that the *ša pān dēnāni* was the one who tried this case.

According to the known sources, the *ša pān dēnāni* was the subordinate of state or provincial officials. It seems likely to assume that he was the judicial secretary of these high functionaries who, besides their courtroom duties, had many other administrative tasks to fulfill. Hence, I suggest translating the title as court clerk.

Table 2. Attestations for the title *ša pān dēnāni*

subordinate to	place	date	attestation	function	text
STATE OFFICIAL					
<i>sukallu</i> "vizier"	Assur	648	ša IGI <i>de-na-ni</i> ša LÚ* SUKKAL	as judge	VAT 8737 r. 3 (no. 21, above) O 3690 r. 9
	Ma'allanate	649	LÚ* ša IGI <i>de-ni</i> .ME ša SUKKAL	as third witness in lawsuit text; no judge is named	
<i>rab ša rēši</i> "chief eunuch"	Babylonia	Esarhaddon or Ashurbanipal	LÚ ša IGI <i>de-na-tu</i> ša É LU GAL SAG	mentioned in Babylonian letter to the king	ABL 1109 + CT 54 294 r. 12
PROVINCIAL OFFICIAL					
governor of Assur	Assur	708	LÚ* ša IGI <i>de-na-ni</i> ša LÚ* GAR KUR	as witness in field sale text	VAT 9763 = KAN 3 32 r. 19
governor of Rasappa	Assur	708	ša URU.Ra-šap- <i>pa-a-a</i>	as witness in field sale text	VAT 9763 = KAN 3 32 r. 20
(governor) of Kalhu <sup>1</sup>	Nineveh	679	LÚ ša IGI DI KUD.MEŠ ša URU.Kal- <i>la</i>	as second witness, after the scribe of the <i>sukallu</i> , in lawsuit text with the <i>sukallu</i> acting as judge	ADD 161 = SAA 6 265: 14 (las [N 3]: no. 44)
NOT STATED					
	Assur	638*	ša IGI <i>de-na-a-te</i>	as first witness in a lawsuit text with the <i>sukallu</i> acting as judge	SÉ 102: 10 (no. 13, above)

<sup>1</sup>It cannot be excluded that this official was not a subordinate of the governor of Kalhu, but belonged to the municipal administration.

subordinate to	place	date	attestation	function	text
		634*	ša IGI <i>de-na-[ni]</i>	appearing in court procedure involving judgment imposed by Samsāš	VAT 20361 r. 4 (no. 47, above)
	Nineveh	663	ša IGI <i>de-na-ni</i> and LÜ.ša IGI <i>de-[na]-a-ni</i>	as first witness in lawsuit text; no judge is named	ADD 154 = SAA 14 73: 10 and ADD 153 = SAA 14 74 r. 3 (Jas [N3]: no. 57)
		643*	LÜ* šá IGI <i>de-na-[ni]</i>	as third witness in a slave sale text	ADD 177 = SAA 14 100 r. 9
	Dur-Katlimmu	663	LÜ* šá IGI DI.KUD and ša IGI DI.KUD	as witness in a lawsuit text; no judge is named	BATSH 6 10 envelope r. 6. and inner tablet r. 6
	Guzana	616*	LÜ* šá IGI <i>'de-na-ti'</i>	as second witness in a lawsuit text with the <i>sartennu</i> acting as judge	TH 7: 17' (no. 10, above)



## IV. THE EXTENT OF JUDICIAL POWER AND AUTHORITY

As we have seen, judicial duties could be assumed by state, provincial, municipal and temple officials. It was always the highest-ranking officials or their direct subordinates who took on the role of judges. These administrative officials did not need to be appointed to judicial duty specifically, because this was part of their office.

An interesting situation is documented in a letter from Babylon, written to Ashurbanipal. In the aftermath of the Šamaš-šumu-ukin rebellion<sup>79</sup> the new *ḫazannu* of Babylon had yet to be appointed, and a law case was instead decided by the *sartennu*. Upon his appointment, however, the new *ḫazannu* immediately revoked the *sartennu*'s judgment, whereupon a letter of complaint was sent to the king.<sup>80</sup> From this case, we learn that it was not a matter of free choice whether the state or the local administration was approached in order to assume judicial duties. Instead, there seems to be an established set of rules about which cases were to be decided by what authority. Hence, three army officials refused to pass judgment in a case of theft and recommended the *sukallu* and the *sartennu* in Nineveh as judges (no. 3\*). Similarly, in a private letter from Assur it is argued that the lawsuit in question need not be tried by an official from Assur (Libbi-ali) as a functionary from Kalḫu and another from Nineveh have already taken on judicial duties (no. 39). Although we cannot reconstruct the relevant criteria from the sources, the rules would without doubt have been obvious at the time; in all probability, the competence for jurisdiction resulted directly from the nature and setting of the matter in dispute and the status of the individuals involved.

Although it was more common for a case to be tried by one official, several functionaries can be attested together in the role of judges. Interestingly, these could represent more than one bureaucratic system, such as state and temple administration (*sartennu* and *šangû*, see no. 8) or state and municipal administration (*sukallu* and *ḫazannu*, see no. 15\*). We must assume that the circumstances of the law case called for such a joint judgment.

The extent of judicial power and authority was always limited, as

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<sup>79</sup> See G. Frame, *Babylonia 689–627 B.C. A Political History* (PIHANS 69; Istanbul: Nederlands Historisch-Archaeologisch Instituut te Istanbul, 1992): 235 n. 133 for the date.

<sup>80</sup> ABL 716 = SAA 18 181 (no. 11\* in table 1, above).

the decision of any functionary in the administrative hierarchy could be overruled by the king who, as the highest administrative official, was also the supreme judge. With the likely exception of decisions imposed by gods, the king could revoke any earlier judgment. Although he is never attested as judge in legal documents, many letters document the judicial function of the king. The “king’s word” (*abat šarri*)<sup>81</sup> was final and, as a rule, erased any earlier decision. Hence, many who felt subject to injustice appealed directly to the king, frequently causing annoyance to the officials whose decisions were thus questioned: thus, a provincial functionary complained to Sargon II that he had not been consulted before a certain man pleaded to the king.<sup>82</sup>

Those who wanted to seek the king’s attention concerning a law case had at their disposal the usual ways to make contact with the king. A written petition might be addressed to the king, stating the matter and appealing for the king’s help, or an audience could be requested. Should this be granted, the petitioner was led veiled into the king’s presence where he had the opportunity to state his case.<sup>83</sup> Without doubt, the condemned frequently made pleas to the king’s ultimate judgment in matters of life or death, but we find him approached for more trivial reasons also, such as in the case of a man 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 resolve the matter.<sup>84</sup> There seems to have been no restriction concerning the issues in which the king’s help was requested.

## V. SUMMARY

Our attempt to trace the relationship between judge and society in the Neo-Assyrian period was based on the available sources, which

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<sup>81</sup> A judicial decision of the king is preserved in the form of the letter ABL 307. The institution of *abat šarri* is discussed in detail by J. N. Postgate, “Royal Exercise of Justice under the Assyrian Empire,” *Le Palais et la Royauté* (P. Garelli, ed.; CRRAI 19; Paris: Geuthner, 1974): 417–426; J. N. Postgate, “‘Princeps Iudex’ in Assyria,” *RA* 74 (1980): 180–182; and P. Garelli, “L’appel au roi sous l’empire assyrien,” in *Reflets des Deux Fleuves: Volume de mélanges offerts à André Finet* (M. Lebeau and Ph. Talon, eds.; Akkadica Supplementum 6; Leuven: Peeters, 1989): 45–46.

<sup>82</sup> CT 53 72 = SAA I 237.

<sup>83</sup> S. Parpola, “The Murderer of Sennacherib,” in *Death in Mesopotamia* (B. Alster, ed.; CRR A 26; Mesopotamia 8; Copenhagen: Akademisk, 1980): 171–182; see 172 and 176 n. 12.

<sup>84</sup> CT 53 173 = SAA 11 145:1’-8’.

mostly stem from the seventh century B.C.E. and consist primarily of legal documents, but also letters and even ritual texts.

Our survey started with the basic observation that in Assyria, the profession of a judge as such did not exist. According to our documentation, those individuals who decided law cases were always officials who did so as part of their duties, and we may use the modern term “mediator” to describe their role. The mediators are usually identified with their titles while the mention of their names is not necessary; because of this they can hence easily be placed within Assyrian society. We find that state, provincial, municipal and also temple officials could decide law cases; at least the high officials of the state and provincial administration had a court clerk at their disposal. When trying to analyze which authority was called to judicial duty in what occasion, we find despite the lack of straightforward information that certain conventions existed and had to be observed.

The role of judge could also be taken on by a god; how this was achieved in practice is unclear, but we may assume that the methods of oath and ordeal were used in this context. As the officials fulfilling judicial duties acted in a capacity that they shared with the gods we can certainly presume that the role of judge was generally held in a positive regard. However, in stark contrast to this expectation, various letters to the king describe the dealings of corrupt and incompetent officials and try to summon the king’s help in legal matters. This negative image is supplemented by the fact that magical means were used to prepare the petitioner to plead his case successfully with the fickle and untrustworthy state authority.<sup>85</sup>

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<sup>85</sup> Abbreviations:

- A = Tablets in the Assur collection of the Istanbul Arkeoloji Müzeleri  
 ABL = R. F. Harper, *Assyrian and Babylonian Letters* (Chicago: University of Chicago Press, 1892–1914)  
 ADD = C. H. W. Johns, *Assyrian Deeds and Documents Recording the Transfer of Property* (Cambridge: Deighton, Bell, 1898–1923)  
 Al-Rafidan = Publication number in A.Y. Ahmad, “The Archive of Aššur-mātu-taqin Found in the New Town of Aššur and Dated Mainly by Post-Canonical Eponyms,” *Al-Rāfidān* 17 (1996): 207–288  
 BATSH 6 = K. Radner, *Die neuassyrischen Texte aus Tall Šēḫ Hamad* (Berichte der Ausgrabung von Tall Šēḫ Hamad/Dür-Katlimmu 6; Berlin: Reimer, 2002).  
 BBR = H. Zimmern, *Beiträge zur Kenntnis der babylonischen Religion* (Leipzig: Hinrichs, 1895–1901)  
 BM = Museum siglum of the British Museum, London  
 BT = Field numbers of tablets excavated at Balawat

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- CT = Cuneiform Texts from Babylonian Tablets in the British (London: British Museum, 1896–)
- CTN = Cuneiform Texts from Nimrud (London: British School of Archaeology in Iraq, 1972–)
- KAN 3 = B. Faist, *Neuassyrische Rechtsurkunden III* (Wissenschaftliche Veröffentlichungen der Deutschen Orient-Gesellschaft 110; Saarwellingen: SDV, 2005)
- KAR = E. Ebeling, *Keilschrifttexte aus Assur religiösen Inhalts* (WVDOG 28; Leipzig: Hinrichs, 1919; WVDOG 34; Leipzig: Hinrichs, 1923)
- LKA = E. Ebeling, *Literarische Keilschrifttexte aus Assur* (Berlin: Akademie, 1953)
- MADD = Publication numbers in J. N. Postgate, “More Assyrian Deeds and Documents,” *Iraq* 32 (1970): 129–164
- MAH = Museum siglum of the Musée d’Art et d’Histoire, Geneva
- ND = Field numbers of tablets excavated at Nimrud
- NL = Publication numbers in H. W. F. Saggs, “The Nimrud Letters, 1952—Part I,” *Iraq* 17 (1955): 21–56 and following articles.
- O = Museum siglum of the Musée du Cinquantaire, Brussels: Antiquités orientales
- SAA = State Archives of Assyria
- SBTU 2 = E. von Weiher, *Spätbabylonische Texte aus Uruk, Teil II* (Ausgrabungen der Deutschen Forschungsgemeinschaft in Uruk-Warka 10; Berlin: Mann, 1983)
- Scheil = Publication numbers in V. Scheil, “Quelques contrats Ninivites,” *RA* 24 (1927): 111–121
- SÉ = Tablets in the collection of the École Biblique et Archeologique Française de Jérusalem
- Stat 1 = K. Radner, *Ein neuassyrisches Privatarhiv der Tempelgoldschmiede von Assur* (Studien zu den Assur-Texten 1; Saarbrücken: SDV, 1999)
- Stat 2 = V. Donbaz and S. Parpola, *Neo-Assyrian Legal Documents Assur in Istanbul* (Studien zu den Assur-Texten 2; Saarbrücken: SDV, 2001)
- STT = O. Gurney, J. Finkelstein and P. Hulin, *The Sultantepe Tablets, I/II* (London: British Institute at Ankara, 1957/1964)
- TH = Field numbers of tablets excavated at Tell Halaf
- VAT = Museum siglum of the Vorderasiatisches Museum, Berlin (Vorderasiatische Abteilung. Tontafeln)