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**NOTES ON THE LEGAL CONVENTIONS AND ON THE PRACTICE
OF THE *ADĒ* IN THE EARLY NEO-BABYLONIAN LETTERS FROM NIPPUR**

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Introduction

The Early Neo-Babylonian texts from Nippur, recently edited by S. Cole,¹ provide a rich mass of data about the environmental, economic, and social conditions of the city and of its countryside.² Moreover, they represent a fundamental source for investigating the political situation of the Babylonian region during the eighth century, and confirm, in particular, that:

during the middle decades of the eighth century, the alluvium was a patchwork of politically autonomous regions and peoples with shifting alliances. These alliances were based on cordial “brotherly relations” and formal treaties. Beyond the traditional borders of Akkad, the power of the central government in Babylon seems to have been limited. Even in Akkad, Babylon’s influence was circumscribed by the traditional privileges of the old cult centres ...³

1. Cole 1996a.
2. See the extensive and detailed commentary given by Cole 1996b, especially about the interrelationships between the urban and the Chaldaean and Aramaean elements (Chapter 2).
3. Cole 1996b, pp. 17 and 45; see also Cole 1994, pp. 222ff. The problems of the political organization of Southern Mesopotamia, *i.e.* of the degree of autonomy of local entities, and of the identification of the actual role of Babylon as the leading centre, have been discussed in several contributions dealing with this and with the later period. Brinkman 1984, p. 16 notes: “The king of Babylon presided over this heterogeneous population, though his power was in effect limited by independent actions of both the larger cities and the tribes (...)”; Joannès 2002, p. 83: “de 811 à 769, aucun véritable roi n’est en me-

The nature of the Nippur archive, however, has been differently evaluated. The editor ascribes the texts to an unique archive, or to a part of it, which included both letters written by and to Kudurru, identified with the *šandabakku*, the city governor, dealing with political, juridical and commercial matters, and letters addressed to other two men who could have covered the same position.⁴ According to a prosopographical study, the other texts have been assigned to the governor's entourage. Moreover, the names of Nabû-nāšir and the Chaldaean chief Mukīn-zēri, who would win the crown of Babylonia in a short span of time and in succession, stand out among the correspondents. Other findings belong to the scribal practice: lists, exercises, and, most important, a copy of the

sure de diriger le pays (...) Ce sont désormais les confédérations chaldéennes qui détiennent la primauté". In the following phase, the difficulty in controlling the Chaldaean and Aramaean tribes compelled Nabû-nāšir (747-734) to ask Tiglath-pileser for help. See also the recent detailed overview by Lipiński 2000 (mainly Chapter XIV), focussed on the Chaldaean and Aramaic components of the Babylonian political scenario. For the later period, see Frame 1992. In her recent review of the latter work, von Dassow expresses doubts on the very definition of the Babylonian kingdom: "the state of Babylonia that encompassed all southern Mesopotamia, with Babylon as its seat of government, seems to be more a creation of the historian's mind — including, perhaps, native Late Babylonian historians (...) — than a real, functioning political entity that would have commanded the recognition of the people who were supposedly part of it in the period under discussion" (von Dassow 1999a, p. 243). In the general picture, it is necessary to consider also the specific role and the position of cities endowed with privileges and possibly enjoying a high degree of autonomy even in periods of firmer royal control; on this point see also Larsen 2000. The Nippur texts are extremely interesting from this point of view too, since the town lays on the border between the area of the ancient cities and that of the "tribal regions", see Cole 1996b, pp. 17-21; they attest how, in this peculiar environment, "alliances between coalition partners of equal standing were sometimes formalized in parity treaties, called *adê*. In vassal relationships, on the other hand, the inferior 'son' was bound by the conditions set forth by his more powerful 'father' in a 'loyalty oath' (also *adê*)" (Cole 1996b, p. 18); see also Holloway 2002, pp. 322-323. The analysis of the sources bearing on Tiglath-pileser III's Babylonian campaign proposed by Fales 2005 has recently shed new light on the picture of the complex relations between the various leaders of the Babylonian area, which involved in some cases open conflict, especially in connection with the Assyrian intervention.

4. Cole 1996a, pp. 6-9. According to this author, two main groups of texts may be distinguished on paleographic grounds. The first group (ca. 30% of the total) consists of letters marked by the same handwriting; the second group includes letters, exercises, and other kinds of texts probably written by different scribes who shared the same scribal tradition (pp. 9f.). Also text no. 89 belongs to this group of letters. The obv. is (the copy of) a letter, the rev. is a list of measures: since the rev. is clearly a scribal exercise, the whole tablet must be considered an exercise. How shall we consider the other letters of the archive? It is impossible to establish whether all the letters (or only a part of them) were copies made for bureaucratic needs, or were texts written for scribal training; and, in the latter case, whether they were exact copies of their originals. This consideration obviously imposes some caution in the evaluation of the data.

composition *Fürstenspiegel*, in which, as it is well known, the theme of justice and of the royal duty of guaranteeing it is developed.

This *in the round* view has been challenged by van Driel, who expressed doubts on the possibility of considering this group of letters a veritable archive and of identifying the persons mentioned.⁵ He recognized the commercial milieu indicated by Cole, but was cautious about the possibility of retrieving consistent political information.

While the awkward language and the difficulty of finding links with other documents make these texts a slippery terrain, their importance has been unanimously stressed. Notwithstanding these problems, they add significant evidence to a period of Babylonian history which, otherwise scarcely documented, is marked by loose central control on the region, the royal power being at low ebb and different political entities acting independently and even hostilely.⁶

At present, we may attempt to reconsider the documents focusing on data relevant for the juridical and the social aspects. This perspective is also suggested by the presence of the *Fürstenspiegel* among the “educational” material of the archive. This text may be commented *vis-à-vis* other literary or propaganda texts,⁷ but actually finds matching in the letters of the archive themselves, corroborating the idea that the themes of administration of justice and correct exercise of power were familiar to the office or offices which produced the texts (be it the *šandabakku*’s chancellery or not) and that the text may have played a role in the education (technical as well as ideological) of the young scribes.

We will limit ourselves to reconsider individual letters, and to collect some “scraps” of evidence, which, however, may help in putting forward some hypothesis, hopefully useful for further research on this phase of Babylonian history.

5. Van Driel 1998.

6. As indicated by Cole in the introduction to the volume, the archive may be dated to the period between 755 and 732, mainly on the basis of the comparison of the situation emerging from the letters with the events of the period known from other sources. Erība-Marduk from Sealand ascended the throne of Babylon 769 and reigned until 761; his successor, Nabû-šumu-iškun from Bīt-Dakkūri (760-748) is remembered in the historical tradition for his crimes. Nabû-nāšir became king of Babylon in 748 or 747, immediately before Tiglath-pileser III’s accession to the throne of Assyria (745). The Assyrian king launched a campaign against Babylonia in the same year, reaching the northern part of the country, and defeated several Aramaean tribes in the East. Nabû-nāšir, however, maintained the throne, and after his death (734) the crown was given to his son Nabû-nādin-zēri; the latter was soon deposed by Nabû-šuma-ukin II, who was removed at once by Mukīn-zēri of Bīt-Amukkāni (731-729) (see Brinkman 1984, pp. 39-44). See also most recently Fales 2005.

7. See especially Cole 1994.

1. The legal action⁸

The relevant texts may be divided in two groups: those concerning legal procedures which constitute phases of, or relate to, court cases, and those concerning the ransom of runaways and kidnapped persons.

From the texts of the first group it is not possible to draw a complete picture of the legal action, but we may reconstruct some steps of a theoretical *iter*, starting with the summon of the parties to a trial and ending with the execution of the verdict.

The following texts apparently refer to the beginning of the lawsuit procedure:

<i>Text</i>	<i>Place of the trial</i>	<i>Date</i>	<i>Other procedures</i>	<i>Crime</i>	<i>Other data and formulae</i>
20 ⁹	possibly Babylon ¹⁰	UD.𐎶𐎵.𐎶𐎵.[KÁM] šá II[L.x]		plunder (?)	<i>atta</i> [...] <i>u anāku ana adē lā(?) nusellu</i> “You and I, we must not be slack about the treaty”.
38 ¹¹	Babylon	<i>Nisannu</i>			name of the judge
58	Babylon	<i>Nisannu</i>			name of the adversary in court
76 ¹²	Bīt-Amukkāni (?)				<i>itti aḫāmeš ana LÚ Bīt-Amukkānu nillik u dīni ša PN niparrasi</i>

8. For a general presentation of the juridical procedure, see Lafont 2000, pp. 22-34. For the NB period see Oelsner – Wells – Wunsch 2003, esp. pp. 921-925.
9. Unfortunately, neither the names nor the roles of the correspondents are preserved. Cole suggests in the commentary that “the letter’s recipient, who was perhaps the *šandabakku*, seems to have been responsible for convincing the guilty man that he should come from Bīt-Yakīn to stand a trial in Babylon. (The *šandabakku* was responsible either because the raid had been staged from Nippur territory, or because he was an ally of the shaykh of Bīt-Yakīn, while the sender was not)”.
10. The king seems to be involved in the case, apparently with a role of superior control; therefore, the case might have been held in Babylon, as suggested by Cole.
11. Both texts no. 58 and no. 38 are addressed to the “lord” (with the usual *ardu/bēlu* terminology). In no. 58, the information is telegraphic. No. 38 presents some interpretive difficulties, but appears of remarkable relevance, since we could recognize other stages of the lawsuit procedure, although in a synthetic form (see below). A certain Bēl-mušallim informs his lord about a judicial case. The relevant part of the letter (ll. 24-44) begins as follows: “Concerning the case of Mušebši, son of Dābibī, about which my lord wrote, their case has been / will be submitted (*šakin*) to Rāši-ili, son of Gaḫal, at the beginning(?) of *Nisannu* in Babylon”. Cole’s subdivision of the direct quotation is slightly different: “Concerning the case of PN, son of PN₁, about which you wrote: their case will be submitted ..”, and this implies that it was the recipient who sent the information about the trial.

<i>Text</i>	<i>Place of the trial</i>	<i>Date</i>	<i>Other procedures</i>	<i>Crime</i>	<i>Other data and formulae</i>
80 ¹³			oath detention(?) ¹⁴		<i>ultu rēš šabēkunu u marīkunu nīnu</i> , “from the beginning we are your men and your sons”
109 ¹⁵					<i>dīnu ittišu nidbub</i>

Table 1.1.

The archive provides some information also concerning successive stages of the lawsuit procedure:

<i>Text</i>	<i>Place</i>	<i>Stage of the lawsuit</i>	<i>Legal procedures</i>	<i>Formulae</i>
5		search for responsibility	messengers go to Šapīya ¹⁶	
23 ¹⁷		verdict (see Table 1.3)	presence at the trial of a messenger of the patron of the prosecuted	<i>adēni abu ana māru ittadin</i> “our treaty: father to son has given (it)” etc.

12. “Let us go together to Bīt-Amukkāni, and we will judge the case of PN”. The letter deals also with trade of slaves (*amelūtu*), but the connection of this activity with the *dīnu* is not made explicit in the text. In text no. 14 the major leaders of the Puqūdu tribe go to Bīt-Amukkāni. The wording of this text, however, is synthetic, and the reference to a “capital trial/sentence” (*dīn napišti lipparisi*) may be idiomatic, as suggested by Cole. No specific information, therefore, may be inferred from the similarity with no. 76.
13. The text, which apparently deals with different cases, includes the answer to a summon for trial. Before sending the man implicated in the lawsuit, the sender of the letter asks the recipient for the swearing of an oath on behalf of this man, who is apparently afraid of appearing in court and of being “taken”: “Now, over there, he is saying: ‘I would go, but I am afraid. If you would give me assurances, let my lord swear an oath to me (*šumi ilāni bēlī lušelā*).’” See below for further comment on this text.
14. In the first case dealt with in the letter, that of Ilā-abu, the nature of the “detention” denoted by the verb *šabātu* is problematic, see below for discussion. On detention as a measure for preventing the flight of someone while waiting for the verdict see Lafont 2000, p. 25.
15. The wording is highly idiomatic and the interpretation is difficult; anyway, the letter seems to refer to the institution of a legal procedure.
16. For the practice of sending messengers in occasion of lawsuit see § 2, below.
17. This complete but difficult text is sent by Yada²-il to Kudurru. The sender apparently affirms that the trial had been regularly undertaken and concluded in the presence of a messenger of the addressee, of whom the convicted is presumably a dependent; but the convicted attempted to escape and sent undue claims to his lord, who evidently enquired about a possibly irregular process (*lā dīnu*). Yada²-il rejects this hypothesis and asks Kudurru to execute the verdict himself.

<i>Text</i>	<i>Place</i>	<i>Stage of the lawsuit</i>	<i>Legal procedures</i>	<i>Formulae</i>
38	Babylon	<i>hearing of witness</i> ¹⁸	river ordeal	
57	Babylon? ¹⁹	<i>dīnu</i> apparently about trading matters		

Table 1.2.²⁰

18. See also fn. 11, above. The relevant passage is quite difficult. Cole translates: “Thus says Rāši-ili, son of Gaḥal: ‘Why is Qīštiya, son of Ina-isin-alid, spreading rumors in Uruk about the witness saying: «After Mušebšāya, the chief temple steward, your grandfather, had deposited one talent of silver in the storehouse (and) after Mušebšāya had died, he took the talent of silver for himself?»’ ”. But the situation could also be simpler and the letter could merely refer to the gathering of evidence by the judge, who decreed the river ordeal since he had no elements for deciding about the veracity of the accusation.
19. Sent by Nabû-ēreš to his lord (possibly Kudurru), the message informs that Nummuru (apparently a retinue of Gulūšu) is arguing in court (*bīt dīni*) with Lāqīpu (apparently a retinue of the addressee) about teams of mules brought from Elam. It seems that the trading capital belongs to the receiver of the letter, but Nummuru took part in the trading expedition and demands the mules for his master Gulūšu. A Gulūšu is known from no. 33 as an outstanding person in Dēr, who corresponded as a “brother” with Kudurru (who perhaps had some authority or interest in the city); on this basis, Lipiński 2000, p. 448, identified him as the governor of Dēr. Dēr is on the road to Elam and has therefore a strategic and commercial importance (see Cole 1996b, pp. 66-67; see also letter no. 43, where Dēr is possibly mentioned in connection with trading with Elam). Letter no. 57 could originate from this context, in which trade agents, or officers, in connection with Dēr, reported to their superior in Nippur. It is impossible to know, however, where the *bīt dīni* is located, whether in Dēr itself or elsewhere; but we may as well accept Cole’s suggestion to place it in Babylon, like in the attestations quoted above. Unfortunately, the letter explicits only some elements of the development of the controversy, which may be reconstructed only hypothetically. Gulūšu, in demanding the mules, needs the witness of Nummuru, who apparently was part of the expedition. It is therefore he who argues in court against Lāqīpu (*bīt dīni itti Lāqīpu idabbub*), the other member of the commercial expedition, but the claim is possibly addressed against the recipient of the letter because his (and not Lāqīpu’s) was the trading capital. Is Nummuru demanding to be payed for his serving as a trading agent? The sender suggests a way for stopping the claims of Gulūšu-Nummuru: to send the “word/decision” of Mušallim. Unfortunately, neither Mušallim, nor his INIM are known to us. We may suppose, however, that his witness might concern the arrangement uttered in a previous stage of the trading organization for establishing obligations, rights and revenues.
20. Also text no. 106 refers to legal procedures, but, if Cole’s reading is correct, it includes only the exhortation to avoid a trial: “You must not release PN and must not hand you over to the court (*a-na di-na-a-ti*)”.

References to the verdict and its execution are attested in the following documents:

<i>Text</i>	<i>Procedure</i>	<i>Formulae</i>
21	payment of the penalty established in the verdict and prevention from further claims by means of a written document (?) ²¹	
23	execution of the verdict detention	formulae referring to the <i>adê</i> (see Table 1.2)

Table 1.3.

From these data, although not numerous and referring to different areas and situations, some general elements can be singled out:

- the legal cases refer to interstate or long-distance relations;
- in this horizon the procedure of sending messengers to the courts of justice is particularly interesting;
- in various documents reference is made to relations of friendship or alliance, sometimes sanctioned by the *adê*, as fundamental elements for administering justice, and, we suppose, for acknowledging the validity of specific procedures.

These pieces of information about court cases might be considered together with the second, and larger, group of letters, where actions based on conventions and procedures of legal value are recorded, although no explicit reference is made to lawsuit cases. They almost invariably deal with the ransom and detention of slaves, runaway, or kidnapped individuals.²²

<i>Text</i>	<i>Action</i>	<i>Formulae</i>
2 ²³	oath; detention; capture and restitution of	“our fathers (AD.MEŠ-ú-nu) rule jointly (<i>aḫāmeš</i>)”

21. The letter is addressed by Baḫiānu to his lord and refers to a verdict pronounced by the latter (*bēlī iprusu*) against a third person (probably a dependent or a colleague of the sender). According to the sender, the penalty has been paid completely and the verdict fulfilled, but the opponent is requesting a(n additional?) payment. The sender asks therefore: *dīni ša bēli ēpuš menamma kalannu*, “the verdict that my lord made, why is it withheld? Quickly, let [my lord] send his [tablet?] and his peace.” After the verdict, its execution is requested, and the “lord” is the deputed authority in both phases. More precisely, he seems to exercise his tutelage by assuring the regular conclusion of a case and the prevention of further claims (perhaps through the writing of a *tuppi lā ragāmim*).
22. See also the categorization proposed by van Driel 1998, p. 342.
23. The letter refers to procedures (oath, detention, assumption of the role of “father”) which are clearly of juridical nature. In the text two previous messages of the addressee are quoted. In the first, he had referred to the swearing of an oath, which had to be made on behalf of (or concerning) the man de-

<i>Text</i>	<i>Action</i>	<i>Formulae</i>
	runaways	<i>kullu</i>) and each of them stands as the confederate (<i>ana ajjali</i>) of the other”
42 ⁴	ransom of people, runaways or without affiliation	“you are my brother and ally” <i>aḫua u bēl ṭābtija atta</i>
11 ²⁵	detention of a man; flight	
17 ²⁶	investigation about the detention of a messenger	<i>ultu anāku u Mušeziḫ itti ṛaḫāmeš</i> ¹ [<i>ṣabt</i>]ānu(?), “after I and Mušeziḫ [established relations together”
18 ²⁷	investigation about kidnapped	<i>atta u šū itti aḫāmeš salmātunu</i> , “you and he are on friendly terms with each other”
19 ²⁸	ransom of captured people; expulsion of criminals	

tained by the sender (“He must not run away to someone else, before I can send and swear an oath concerning him”, *a-di a-šap-pa-ram-ma* MU DINGIR *ú-še-la-áš-šú*, ll. 6-8). The second message concerns perhaps the accomplishment of this procedure: “I have taken on the role of his father (*a-bu-us-su aš-bat*). Whoever takes him into custody, you will send (him) to me ...”, ll. 16f. Perhaps the content of the oath mentioned in the first message is in fact the assumption of the role of “father” mentioned in the second, where the addressee is apparently stating that at that point the man could be legitimately delivered to him. After this articulated quotation, the sender is apparently negotiating his compliance with this request in exchange for similar favours by the addressee: “Why did you capture the runaway and are now giving him to my enemy?”.

24. Letter sent by Zabdi-il to his pair Bēl-nūršu asking information about the status of persons and animals who had come to the recipient’s district (*akannaka*) *ultu tamirtu Bīt-Yakīn*. The sender wants to ransom them, but he must first verify their affiliation to a *bītu* (*al-te-mu um-ma a-na* É.ME[Š] *šu-ru-bu la tu-maš-šar-ma*, “I’ve heard: you must not abandon bringing (them) into the house[s]”, ll. 18-21).
25. An interpretation slightly differing from Cole’s might be proposed for ll. 8-11: “Just as you wrote: ‘May PN be detained. Do not neglect your word about him’, I will keep your word as I have always kept it. Since he has made 10 men run away with him to you, while I trusted in you, you have committed injustice to me.”
26. The content of the message sent by Kudurru to Nabû-nāšir (who could be the king of Babylon) is obscured by the lacuna in the lower part of the tablet. The sender seems anyway to answer to an inquiry about the detention, or the appropriation, of a man from Bīt-Šilāni, who could have acted as a messenger (apparently after the establishment of good relationships between Nippur and the ruler of the Chaldaean tribe, Mušeziḫ). The investigation involves also Mukīn-zēri, the chief of Bīt-Amukkāni. Kudurru rejects the charge and affirms that he would never accept a slave *lapān sartattu*, “by deceptive means”.
27. The subjects of the letter are plundered people and stolen properties of the Nippureans found in Uruk. Kudurru asks the intervention of his “brother” Mukīn-zēri of Bīt-Amukkāni, basing his request on the supposed friendly relationships between Bīt-Yakīn and Bīt-Amukkāni, and asks of being informed if these relations between the two states have turned hostile.
28. The letter is addressed by Bēl-rāšil to his “brother” Bēl-ana-mātišu. It seems aimed at protecting the citizens of Nippur and Parak-māri, who were residing by the recipient, from the attacks by criminals

<i>Text</i>	<i>Action</i>	<i>Formulae</i>
24 ²⁹	ransom of slaves	<i>kī aḥua u bēl tābti atta</i>
28 ³⁰	ransom of kidnapped	<i>aḥḥūtu</i>
30	ransom of kidnapped/prisoners	<i>ṭābūta epēšu</i> ³¹
31	detention of slaves (one in Bīt-Dakkūri and one in Sealand)	
32	plunder	
35	robbery	
40	request for ransom of slaves instead of purchase of merchandise	
60 ³²	ransom and denunciation of kidnappers	
72	ransom of a kidnapped messenger	
74	personnel kidnapped in Ḫatti(?)	
75	ransom of men qualified as <i>napulti</i> ³³	
77	ransom of a slave	

from Bīt-Yakīn (“now anybody who wishes can go about marauding”). For this reason the payment of the ransom price for them is forbidden (“any resident of Nippur or any resident of Parak-māri should not go captive to Bīt-Yakīn, but as many as would have been captured, you will not give in their hands the ransom price”, LÚ *a-šib* ‘URU’ šá EN.LÍL.KI ù LÚ.BÁRA.DUMU-ú-a šá *a-kan-na-ka a-na ḥúb-tu a-na é.ia-a-ki-ni la il-lak ù ḥúb-tu ma-la iḫ-tab-tu-nu pu-tu-ru ina šU.2-šú-nu la te-ep-pu-uš*; ll. 6-12) and the sender urges the expulsion of Iltagab and his clan from the country as dangerous criminals. We may suppose that it is with this group that the negotiation for ransom is forbidden, perhaps in the context of the interruption of the friendly relations usually sanctioned by the *adē*, which culminates in the expulsion of the clan from the territory.

29. Runaways originally belonging to the sender have been ransomed by the recipient of the letter; the sender, recalling his position of ally, offers a reimbursement and, in addition, an interest of ¼ per shekel (plus the promise of reciprocal aid), for obtaining the people back.
30. The letter is addressed to Kudurru by a sender, Balāssu, linked to him by a relationship of *aḥḥūtu*. The latter responds to a message of Kudurru who had informed that some marauders belonged to Balāssu, while the place of provenance of a merchant involved in the case was Babylon. Balāssu denies that anybody belongs to him. The object of the partly broken message might have been the compensation for kidnapped people, and the merchant might have played the role of the person who had ransomed the kidnapped (as suggested also by van Driel 1998, p. 336). Letter no. 32 originates from an apparently similar situation: it deals with the sending of robbed Urukians, and with the possibility that the thieves belong to the Ubūlu tribe. The text, however, is partly broken.
31. The formula is actually MUN.ḪI.A *“kī-i te-pu-uš qu-ut-ti-šú-ma*, translated by Cole “Just as you made the alliance, put an end to it.”
32. In this letter, which deals also with the delivery of oxen, it is the sender himself who asks to be ransomed.
33. The category of the ZI.MEŠ seems to be a special one (see below), but it is interesting to note that they too may be ransomed.

<i>Text</i>	<i>Action</i>	<i>Formulae</i>
78	slave runs away	
79 ³⁴	ransom of slaves	
80 ³⁵	ransom of a slave	
81	ransom of a slave	
82	about the sending of a freed woman	
84	sending of silver for ransom of a slave	
85	ransom of a slave	
86	detention of a slave and investigation for the kidnappers	
87	silver for a “criminal”	
88	criminals and ransom (broken)	

Table 2.

The evidence provided by this group of letters allows to reconstruct a general picture for the management of people in the context of the apparently intense commercial activity attested by various other letters in the *corpus*, an activity which included a lucrative trade of slaves, but which employed them also in the transport by caravans.³⁶ The practice apparently runs as follows:

34. Kiribtu (the recipient) ransomed two slaves belonging to Kudurru (the sender) and asked for a reimbursement that is too high in the opinion of the sender, who proposes an interest of $\frac{1}{4}$ per shekel. Kudurru orders to his subordinate to comply with the rate of interest of Babylon. The same rate (but not the reference to a Babylon standard) is recorded also in no. 24.
35. The second part of letter no. 80, quoted in Table 1.1, deals also with the case of Ay-ḫīrtu, apparently a slave-woman (note some inconsistencies in the gender forms), who must be evicted by the addressee and kept by him till the delivery to the sender. In this case no reference is made to a lawsuit, but only to the practices of detention and ransom. I offer here a translation of ll.15-25 slightly different from Cole's: “Ay-ḫīrtu from/of the house of Aḫu-bani, let my lord evict; and let she be held in the presence of my lord until I've ransomed her there by the hand of Kutâ and I'll receive her personally. My lord let free the silver that PN₁ and PN₂ have carried off by force” (see also Streck 1999, p. 294).
36. The risks to which trade caravans were exposed are aptly described in the inscription of Ninurta-kudurri-uṣur, ruler of Sūḫu, who tells of the ambush and the plunder of caravans from Arabia (Cavigneaux – Ismail 1990, pp. 346-351).

- a runaway or a kidnapped man is intercepted and acquired by a merchant;
- the legitimate owner has the right to ask that the slave is kept in detention, *i.e.* that he is offered to nobody else for sale or ransom; the merchant who does this service is likely to receive the ransom price plus an interest; the majority of the letters in the archive are requests for keeping someone under custody, or answers to proposals of ransom;³⁷
- this practice seems to be accepted by, and widespread among the commercial houses which were at work in southern Mesopotamia and exchanged correspondence on the basis of mutual agreements and relations of brotherhood, which are sometimes recalled in the letters;
- some situations, however, might remain unsolved, in the case of ransom as well as in other matters; the dispute was then submitted to a court, as attested in the documents of the first group (Tables 1.1-3). A cursive study of senders and addressees reveals two kinds of relations: in the first, the message is mainly addressed to “my lord”, in the second the correspondence is exchanged mainly between “brothers”, with the meaningful exceptions of letters nos. 17 and 18, which attest the intervention of state rulers.

From such evidence it seems possible to reconstruct a theoretical system (there are insufficient data for reconstructing the actual development of individual cases) with two levels. At the first level, the standard practice is implemented, and controversies are generally solved following the customary conventions; at the second level, the involved parties turn to procedures and institutions (see the letters referring to *dīnu* held in court of justice, etc.) which are under the tutelage and the control of town or state authorities. Exceptionally, top authorities seem to intervene in the controversies with bilateral contacts on behalf of their subjects.³⁸

In the following paragraphs we will try to add details and probing evidence to this scheme: we will first attempt to determine the nature of the legal action, and then we shall extend our analysis to other sets of documents.

37. Especially informative is no. 81, in which the sender, having found out a slave of the addressee, urges him to send the silver necessary to ransom the man. The action may be undertaken either by the owner himself or by a messenger of his, anyway must be quick, or else the merchant might find the pretext to sell the slave (ll. 20-24): “His merchant mustn’t lodge a complaint (*tēkūtu*) saying: ‘You didn’t tell me soon enough and therefore I wasn’t able to detain him (...)’ ”.
38. A parallel situation is recorded in the NA letter SAA 16, 136: “The kings (of Assyria and Elam) have made peace with one another, so why have you taken captives?”; see also the NB text SAA 18, 7, in which reference is made to the treaty between Elam and Assur for the release of people.

2. Procedures

As we have seen, messengers play an important role not only in the ransom of people, but also in communicating information relevant to court cases and as representatives of a party at the trial. This might be the case in letter no. 5, in which the messengers of the sender and of the addressee should be sent together to Šapiya in relation to a court case (*dīnu*) which is however not described in detail.³⁹ In letter no. 23 the presence of the messenger of the addressee seems to be recalled as proof of correctness in the procedural procedures and in the execution of the verdict.

The dispute described in letter no. 57, sent by Nabû-ēreš to his lord (again possibly Kudurru), is clearly of commercial nature. Notwithstanding the doubts in the interpretation,⁴⁰ the letter seems to refer to the functioning of a complex mechanisms of acquisition and evaluation of the witnesses, in which, due to the long distance, representatives and perhaps also written witnesses are taken into account. Also the difficult text no. 110, a request of instructions for the messenger of the sender, might perhaps be read in this same light: here reference is made to the words of different persons, as far as it concerns their trustworthiness or the fact that they are authorized by the lord.⁴¹

On the basis of the available documents, even though the acceptance of declarations either written or delivered through an intermediary seems attested in the legal procedure,⁴² it is however impossible to establish whether a specific protocol existed for the

39. The letter refers simply to the charge of the responsibility (*hibiltu*) for a crime.

40. See fn. 20 above. A very tentative hypothesis is suggested by the presence in two letters of two partially identical names, Bēl-mušallim in no. 38 and Mušallim in no. 57: the latter might perhaps be a shortening of the former. Both are possibly located in Babylon and act as witness in controversies involving people connected with interests of Nippur. Is it possible to identify an emissary of Nippur at the Babylonian tribunal?

41. From Marduk-ēreš to “his lord”: “PN, my messenger, requests instructions. Let him speak to my lord.” (ll. 6-8); “Concerning the words (*dibbī*) of PN about which my lord wrote, why these words, each of them, my lord has *rejected* (*turru*, returned)? It is true, (...) they are speaking without the permission of my lord ...”; after a lacuna: “These words, that my lord has heard, which they have said, if Kitnuša the Nippurean has returned to Uruk, let them ask the gods whether these words are true (and) let my lord send them to the river ordeal: if they come back, let my lord ask them [to pay] for their wrongdoings (...).” The final sentence is an urgent request of a lord’s decision (*purrusu*).

42. There is also the possibility that the written documents record previous stages of the lawsuit or inquiry, as might be the case in the correspondence between the judges in Babylon and the administrator of Ebabbar at Sippar in the later period, where it is requested to send to Babylon documents concerning a case together with the adversary in court of the man who undergoes the trial (see Bongenaar 1997, pp. 22-23). The value of written witnesses is, on the other hand, a complex question, which requires a specific research (cf. e.g. the NB letters quoted in CAD M/2, s.v. *mukinnu* and *mukinnūtu*).

acquisition and the evaluation of witnesses, and, due to the difficulty in identifying the individuals mentioned in the texts, whether this practice was controlled by state authorities, or rested completely in the initiative of the parties to the trial, and especially of well organized commercial firms; i.e., whether or not the state authorities, in the framework of their duty of protecting their citizens, intervened also through official envoys, so exerting a long distance patronage on their subjects.

The second kind of procedure which seems worth noting is the oath,⁴³ especially because it too seems to be connected with the ransom practice.

The procedure of the assertory oath is attested in letter no. 2. By this means, Nabû-nādin-aḫi — other witnesses or proofs missing — states that the man detained by the sender of the message has the status of subordinate. The authority over that man is defined as *abūtu*, a term which refers to the ties between the chief of the *bīt abi* institution and his subordinates,⁴⁴ on which see below, § 4.

Text no. 80 sheds light on the procedures both of oath swearing and of detention. The sender writes that a party in the trial has requested that the addressee swears an oath. On the nature of such oath it is only possible to draw an hypothetical inference from the comparison with other texts of the *corpus* (see esp. Table 2); the oath seems to consist in the establishment or in the confirmation of the relations of *abūtu*, which would bestow specific rights to the party in the trial, also as far as detention is concerned. It is not clear, however, if the “detention” denoted by *ṣabātu* refers to the punishment decreed in the verdict, or rather to a temporary measure to be enacted until the legal procedure is concluded. The latter situation seems to be depicted in the second part of the letter: the same verb is used in reference to another case, in which the lord is requested to evict (*lušeša*) a person from the *bītu* of PN and to detain him/her in his presence, perhaps waiting for the completion of the ransom procedure, as in the texts mentioned above. This explanation fits well in the general horizon of the control of slaves and runaways, which is hinted at also by the third piece of information in the letter, dealing with the ransom and the delivery of a man.⁴⁵

See also text no. 20 quoted above, where the continuous circulation of messengers is mentioned (rev. 26-28).

43. For a general overview of this practice see Lafont 1996.

44. In the letter are included other details of difficult interpretation, but which could possibly indicate its bearing on a military context: see the reference to an enemy, the *terminus technicus kutallūtu*, and the mention of the relationship of *ajjalu* between the overlords of the correspondents.

45. A comparison might be made with the MB texts referring to the capture and the detention of runaways: see the conclusion of Sassmanhausen 2001, p. 177: “Somit dürfte im mittelbabylonischen Nippur Flucht ein Hauptgrund für Inhaftierung gewesen sein”.

In other letters there are some passages hinting at a further question about the ways in which the movements of people, and especially of slaves, were physically controlled. The relevant attestations are quite few, but they seem to suggest that an administrative system of control of the routes existed. In text no. 34, the lack of security of the *ḥarrān kādāna* is adduced as a reason for the non-sending of a slave to the addressee. In no. 23, after the conclusion of a court case, the *bīt kādu* is apparently mentioned as a structure for detention, or at least as the structure which has the authority and the power to exercise it, even if temporarily. In no. 4, a *kādu* is mentioned in a context which, albeit fragmentarily, deals with the ransom of people. In sum, the *kādu/bīt kādu* seems possibly involved in the control of the status of individuals who moved through the territory. Due to the scarce number of the attestations, however, it is not possible to undoubtedly establish whether these structures pertained to a centrally administered or to a coordinated system.⁴⁶

3. The institution of the *bītu* and its juridical significance

As is well known, in the ancient Near East the *abu-māru* terminology covers a wide socio-political field, which includes unbalanced political relations and extended family ties. Even within the present *corpus*, it might be used in different situations, which cannot always be kept distinct, mainly due to the difficulty or to the impossibility of identifying the roles played by the individuals involved in each case. Anyway, some segments of the complex relationships attested in the letters are at least worth of a deeper consideration, since they may show the functioning of the basic institutions of the Aramaean society, which was structured in patriarchal families, larger clans, and tribes.⁴⁷

In the pattern sketched in letter no. 2, different meanings of this semantic sphere seem to find their respective positions, valid on the ideological and juridical ground. Nabû-nīrāru'a, urging his brother Nabû-nādin-aḥi to act respectful of the rights of the *abūtu*, reminds that "our fathers (AD.MEŠ-ū-nu) rule jointly (*aḥāmeš kullu*), and they stand each as the confederate (*ana ajjali*) of the other". This argument, aimed at reinforcing the request for cooperation in the restitution of a dependent, shows the basis which determines the alliance (*aḥḥūtu*) between subordinates and validates legal matters.⁴⁸

46. For the use of the term in contexts referring to military movements see, for example, SAA 18, 87 r. 5 and 89 r. 2.

47. On this aspect and these institutions see most recently Lipiński 2000, pp. 492-497.

48. Also text no. 9 might refer to this general scenario. Cole suggests that its background is the political weakness of Nippur, whose ruler is forced to pay tribute to the leaders of an Arab tribe (Cole 1996b,

The institution of the *bītu*, and the rights connected to membership are perhaps dealt with in a badly fragmentary letter, which seems to reveal, moreover, a level of “inter-state” recognizance and validity for this institution. Text no. 6 explicitly recalls the *adē* concluded by the addressee with Mukīn-zēri and the Rubu’ tribe concerning the plunder of goods and people.⁴⁹ According to Cole’s interpretation, responsibility and penalty for this crime seems to be charged on the *bīt abi*.⁵⁰ The treaty is quoted in relation to a specific case involving a member of the Šaknu clan. It seems that the *mār Šakni* represented an autonomous entity linked to the Bīt-Ḥalupê confederacy, and inserted in a complex of relationships, probably mainly of commercial nature, which involved Nippur, the Rubu’, and possibly Bīt-Amukkāni.⁵¹ The same geopolitical scenery, and possibly

pp. 37-38). But the general setting is probably different: the title of *abu* borne by the senders (a man and a woman, on whom see Lipiński 2000, p. 79) might indicate, in the light of the other attestations, the chiefs of the household (probably of commercial nature) to which the addressee is affiliated; while the mentioned payments and penalties are possibly to be understood as connected to the commercial practice. In text no. 90 there is a clear reference to the commercial organization: after the information about the entrusting of commodities to different agents, the addressee is scolded for his insufficient attention to the dependents (*nišē bīti*) (ll. 22-27).

49. The name of the sender is only partially preserved: Il- [...]. He might be tentatively identified with the Il-yada’ of text no. 5, possibly dealing with the same or a similar problem. It is not clear if the Mukīn-zēri here mentioned is the chief of Bīt-Amukkāni or a homonymous leader of the Rubu’. The mention of the city of Šapīya of Bīt-Amukkāni in no. 5 suggests anyway, as interpreted by Cole, a connection, probably of commercial nature, between these various entities. According to Lipiński 2000, p. 439, text no. 6 actually attests to an agreement between the Rubu’ tribe, the governor of Nippur, and Mukīn-zēri of Bīt-Amukkāni. The author quotes moreover the aggregation by the Rubu’ of a smaller tribe, the *Qá-a-mu* or *Ga-a-mu*, documented by nos. 83 and 9, in a situation partly analogous to the one here documented.
50. Cole’s tentative reading of this severely damaged part of the letter runs as follows: ‘*man-nu’ šá [u]l-tu* EN.LÍL.KI ‘*ù*’ LÚ.ru-bu-ú ‘*i*’-li-kám-ma ‘*ù*’ UDU.MEŠ’ GU₄.MEŠ’ [‘*ú*’ LÚ’.MEŠ’] [‘*i*’-tab’]-‘*ka*’-ma’ a’²-n[a] ‘*KÙ*.[BABBAR] ‘*it*’-tan’-na’-šú-nu-[ti]la-igi’ É.AD-šú bi-lat ‘*in*’-na’-[š]i’-‘*ma*’’, “whoever came from Nippur or the Rubu’ tribe and [led away(?)] sheep, oxen, [or slaves(?)] and sold(?) them, tribute (or fine?) would be carried(?) off (?) from his clan?”. The following sentence may be interpreted in different ways, either: “Now [Ia]-da’-il has led away to Nippur a son of Šakni, son of Ḥalapi. Let my lord command him that he should return the slave boy. He (the kidnapped) is a son of Šakni, son of Ḥalapi”, or: “Now a son of Šakni, son of Ḥalapi, has led away [Ia]-da’-il to Nippur. Let my lord command him that he should return the slave boy. He (the responsible) is a son of Šakni, son of Ḥalapi.” Ḥalapi is perhaps to be identified with Bīt-Ḥalupê, the large tribe of the Euphratic area, which appears as a catalyzer of alliance also in no. 13.
51. On Bīt-Ḥalupê see Lipiński 2000, pp. 106-107, who moreover reconstructs the vicissitudes of the Šaknu tribe as connected to those of the Laqē clans who were attacked by the Ḥaṭallū tribe about 770-760, which compelled the Šaknu to move to the region of Nippur or to the area of the Rupū’

the same or a similar situation, appear in text no. 5, dealing with a lawsuit (*dīnu ša PN*) in which the *mār Šakni* are somehow involved. The letter is quite obscure for its conciseness and for the use of idiomatic expressions. If *qātī dekū* means “to beg for help”, the sender might have been requested to offer legal support in the *dīnu*, possibly by the DUMU.MEŠ *Šaknu*. The sender seems to send back the case to his superior: “my lord should search for the sons of Šaknu (or) bear the charge on himself (?).⁵² My lord should dispatch to Šapīya the messenger of my lord together with my messenger”.

Notwithstanding the interpretative problems, these letters suggest that the tutelage of some fundamental rights worked through a hierarchic structure in which major tribal or political organizations seem to aggregate minor groups.

Additional evidence on the nature and role of the *bītu* comes from text no. 4, in which the sender inquires about the possibility of ransoming people and affirms to have been reminded of the principle of “entering them in their *bītū*”.⁵³

tribe. This letter which Lipiński uses for his proposal of localization, however, attests to political, commercial, and juridical relationships which do not necessarily imply a geographical proximity.

52. DUMU.MEŠ *Šak-nu be-lī lu-ba-ʾi-i-ma ħi-bil-ta-šú liš-ši* (12-14). The value of *ħibiltu* (a debt deriving from a penalty, a ransom price, etc.?), and consequently of the entire sentence, is not clear; it seems to involve, however, a transfer of responsibility from the *mār Šakni* to the addressee, who, therefore, might exercise some form of authority over them.
53. Cole interprets this crucial passage of the letter as referring to the distinction between Nippur and Aram (“I’ve heard: ‘You must not abandon bringing (them) into the houses.’ But has my brother heard whether (these houses) are in Nippur or in Aram (*ki-i ina lib-bi A-ram*)’ ”; Dietrich, however, interprets the distinction as a social one, and translates: “Ob (sie) in Nippur, ob unter den Landarbeitern (Zl.MEŠ) (untergebracht werden sollen), möge mein Bruder (definitiv) festlegen!” (Dietrich 2003, pp. 24-26). Due to the lacuna, the incertitude remains. On Aram as a whole, however, see also the sentence in no. 15: *a-na LÚ A-ram.MEŠ [ga]b-bi-šú-nu [š]EŠ-ú-a iš-pur-ma la i[l-l]i-ku-[ni]* (...) *a-na gab-bi-šú-nu šu-pur-ma* ..., “my brother wrote to all the Aramaeans, but they did not come (...) write to them all ...”. Unfortunately, the letter is only partially preserved; note the mention of officials *kizū* (the addressee, perhaps “attendant”) and *kallū*. This distinction might possibly be connected with the above mentioned problem of the political and administrative control of the urban core by the king. See also no. 18, where again the Aramaeans are mentioned as a distinct entity. Especially interesting is also text no. 27, in which the gathering of all the Puqūdu is expected in Nippur at a certain date and the settling of some matters (concerning perhaps the commercial sphere) is programmed for that occasion. The interaction, especially on economic ground, between Aramaean tribes and urban centres is variously referred to in the present *corpus*, and it is extensively examined in Cole 1996a and 1996b. For the classical distinction between Aramaeans and Chaldaeans see Brinkman 1977. Lipiński 2000, 416-417, stresses the often fragmented structure of the Aramaean tribes and the hypothesis of their Arab descent, stating moreover the ethno-geographic bearing of the name: “This appellation refers to the area in which Aramaeans dwelt and not to an organized state. In texts from Nippur, this territory is distinguished from the Nippur area and it was most likely situated to the east of this city.” He also observes that “the distinction between these ‘Aramaean’ and the ‘Chaldaean’ have been

The relevance of the *bītu* within the city of Nippur is documented in letter no. 74, severely damaged, which informs about a commercial expedition to Ḫatti and mentions the *šandabakku u* LÚ.SAG.É.MEŠ *ša Nippur*. Further information on the role of this *bītu*, which was perhaps specifically commercial, however, is not retrievable from the text.⁵⁴

Some hints might be gained also from no. 30. The sender, Iltagab-il, asked to guarantee (*pūtu maḥāšu*) for some men he was detaining (LÚ *šabtūtu*), engages himself to speak with their fathers (AD.MEŠ-*šunu*) and to ransom them. The interpretation of the text is not completely clear, but it too seems to refer to the procedures of temporary detention of individuals and of assumption of responsibility in case of flight; it is also clear that the *iter* includes the taking into account of the rights of the *bītu*.

A partly similar situation is depicted in no. 7, where the existence of contractual agreements which regulate the relationship between households, or between a household and other administrative offices, is made explicit: *ṭabtu u adê itti aḥameš nišbata*. The situation might be slightly different from that presented by the editor: since the men of the “brothers” did not arrive(?), the recipient is requested either to come with his clan (*bīt abīka*), or to take the (people) of the town GN. In the latter case, it seems that there was the problem of determining who had to guarantee for these people (*pūtu maḥāšu*), perhaps because an explicit agreement was lacking. The sender, therefore, proposes a temporary solution: the addressee should grant a safe-conduct to these people (*erēbu u ašû*), until it will be possible to speak with their leader (*abu*) (and perhaps conclude an agreement?). The procedure of *pūtu maḥāšu*, albeit attested in the *corpus* only in these two letters, might consist in a limited or temporary assumption of responsibility (in case of flight probably), which could leave intact the fundamental rights of the chief of the *bītu*.⁵⁵

The evidence quoted in this and in the previous paragraphs apparently refer to different levels. Summing up, it is possible to draw the following conclusions, which have mainly the value of hypothesis for further research: a) the term *bītu* applies first of all to

basically cultural and socio-economic” (p. 417) and that it resulted from the process of “Babylonization” underwent by the Chaldaeans (pp. 421-422).

54. The letter is badly broken and, strangely enough, the address and the name of the sender are omitted, (perhaps in the process of copying an original now lost?). On the role of “families” within the civic institutions and on the role of the city assembly in the government, see most recently the synthesis of Barjamovic 2004. Some interesting elements of comparison may be found also in the documentation from Mari, where, in particular, the term *paqqadātu* was used to designate the owners of households (see Fleming 2004, pp. 201f.).
55. Another text of the *corpus* referring to movements of men, though the term *bītu* is never mentioned, is no. 29. The interpretation of the letter, however, is problematic; probably it is a request that the troops who have been sent to the aid of the addressee should be returned and not detained by him.

the basic cell of an economic system in which trade has a relevant importance; different households, possibly located in different and even distant areas, interrelate each other on the basis of mutual agreements; b) bilateral agreements bind also political rulers and entail the respect of the rights of the *bītu* in a hierarchically structured system, in which smaller *bītus* (clans or households) are united in larger political/gentilic organizations (to which the term *bītu* applies as well); c) this in practice means that claims can be addressed to the rulers if these rights are outraged, and that specific legal procedures are developed under the rulers' supervision.

A peculiar problem is the position of individuals designated as *napultu*. According to Cole, there is a dichotomy between them and the individuals affiliated to a *bītu*. Dietrich pulls the argument further, and concludes that they may be defined “wie Wanderarbeiter” who “Arbeitsmöglichkeiten suchten”, possibly also after fleeing from a previous engagement, and that their location is outside the urban district and institutions, “in ein Arbeitscamp auf dem freien Land ... gegenüber den Stadtbewohnern grundsätzlich unabhängig”.⁵⁶ The data are however too scanty and rather inconclusive: a group of *napšāti* appears to be treated according to friendship (*dibbī ṭābūti*) (no. 1), and another group can be ransomed by merchants who will sell them (no. 75). For the time being, the question remains whether this is the condition (derived from whatever origin and allowing whatever type of successive employment) of individuals who, being originally deprived of, or having lost their affiliation to a *bītu*, can be bought and sold in the market, or whether the term designates people that, maintaining their personal freedom, might sell their work capacity by themselves.⁵⁷

As far as the institution of the *bītu* is concerned, it seems important to stress, moreover, that the situation which has been observed here mainly from the juridical point of view might be further analysed in its social significance and in view of its development in later phases, with the well known fundamental role of the major families in the economic and administrative system of Late Babylonian and Achaemenid periods.⁵⁸

56. Dietrich 2003, pp. 39-41.

57. Or might this status occur when someone is ransomed by a merchant and not by his *bītu*, and therefore has lost the right to be claimed by a *bītu*?

58. Some traces of the beginning of this development have been singled out by Brinkman already for the earlier phase of king Erība-Marduk (ca. 775 BC). See Brinkman 1989, who, commenting upon a fragmentary land sale document of this period, notes that the “House of the Farmer (*Bīt-Ikkari*)” mentioned in the text “designates not only the administrative district in which the plot is located, but also the collective unit that owned the land” (pp. 42 and 46). Brinkman, however, underlines the difficulties in connecting this piece of evidence to the Neo-Babylonian period, since in that time the designation *mār*+JOB NAME “was used as a family name, to designate putative common descent groups above the level of the extended family” (p. 46). See also Sassmannhausen 2001, pp. 144-150,

4. The system of authority

The picture delineated so far is necessarily very incomplete; there is some evidence of conventions valid for long distances, and of a system of tutelage of some civil rights as those of the *bītu*, but the wider horizon of the socio-political system remains in the shadow. In this paragraph we will collect other data relating to this more general perspective, even when they are only remotely linkable with the ones singled out above.

One of the main issues emerging from this *corpus* is the role of the crown. The latter is also the subject of historiographic texts denouncing the outrages against the rights and the privileges of the ancient Babylonian cities. A good example is the *Fürstenspiegel*, the nucleus of which is the insisted condemnation of the disrespect of traditional rules and procedures. In the sentence *riksīsun upaṭṭarūma narēšunu ušannū ana ḥarrāna ušēššūšunūtu ana adē i-man-^rnu¹-[šū-n]u-tu* (ll. 50-52), “(if) he undoes their agreements, alters their stelae, sends them out on campaign or *hands them over*(?) to the treaty/hard labor (...)”, the stelae (whatever their specific content) are strictly connected with *riksu* as the means by which privileged status is granted and recognized, while the possible reference to the *adē* seems to point out the creation of a new and negative order, apparently in contrast with the picture which emerges from the letters. At this point, however, the reading of the text is doubtful.⁵⁹

The other pamphlet bearing on this period is the text about the mischiefs of king Nabû-šuma-iškun (760-748) from Bīt-Dakkūri, known from a copy of Seleucid time.⁶⁰ It denounces crimes against the property, failure in respecting legal norms and sworn treaties (see below).

On the other hand, the overlapping of this picture with that which emerges from the letters seems problematic. This was recognized by van Driel: “The king of Babylon is not mentioned in an unfavourable context in these letters. The correspondents have busi-

on the social structure of the Kassite ethnic group in the Middle Babylonian period. For the role of families in later period, see Kümmel 1979; Frame 1984; Zawadzki 1990. Another administrative structure which possibly was created during this reign and was later developed is that of the *ḥanšū* unit, as noted by Peat 1983 and Brinkman 1984, 32-33.

59. The restitution is made on the basis of the copy from Nippur; the interpretation, however, is difficult. Cole translates: “... or consigns them to hard-labour ...”. For the relevance of the *Fürstenspiegel* see also the quotation included in the letter by Bēl-ušezib to the Assyrian king, SAA 18, 124 rev. 3-6.

60. Recently re-edited and commented upon by Cole 1994, under the title “The crimes and sacrileges of Nabû-šuma-iškun”, with previous bibliography. The copy was made from an older, damaged original as indicated by the *ḥepi* notations, but at the moment it is impossible to establish how the text entered the tradition and to state its specific position and significance.

ness relations with him and rely on acceptable justice in Babylon”.⁶¹ If this is true, however, it is also true that the idea that the duty of the monarch is to guarantee the rights of the citizens is shared by both texts.

The letters of the Nippur *corpus* pointing to a system of centralized administration of justice⁶² might be compared with the supreme role of the king as judge, reconstructed by Brinkman for the cases pertaining to land ownership in the *kudurrus* documentation,⁶³ and with the role of Babylon as central court which is documented in later times.⁶⁴

Specific attestation of the direct intervention of the king in legal matters is, however, jejune. The most intriguing letter, no. 20, is unfortunately damaged. It refers to the superior control of the king in a dispute, which probably involved people dealing with Bit-Yakīn and Sealand; but the basis for the king’s intervention is not explicated, so that it might even be the bilateral treaty referred to at ll. 13-16.⁶⁵ Letter no. 17, in which several major persons such as Kudurru, Nabû-nāšir, possibly the (future?) king of Babylon, Mukīn-zēri, chief of Bit-Amukkāni, Mušēzib, possibly the chief of Bit-Šilāni, are contextually mentioned, possibly represents another case of common interest, or perhaps, of royal supervision in legal matters.⁶⁶ If the Nabû-nāšir mentioned here is actually the

61. On the other hand, the frequent episodes of plunder may be a symptom of general disorder and of lack of central authority, rather than a consequence of an intense slave trade. A critical situation may be illustrated in No. 34, in which there is information about military movements of Chaldaean troops in the region of Larak (?) and about the consequent danger along the routes: cf. Fales 2005, fn. 87.

62. See Tables 1.1 and 1.2, above.

63. See Brinkman 1968, pp. 290ff.

64. See Cole 1996a, p. 137: “Most references to the institution of *bīt dīni* in later Neo-Babylonian texts associate it with the royal court in Babylon”; van Driel 1998, 336: “Babylon is the place where court cases are decided”. Note, however, that in the same period different boards of king’s judges are attested in different Babylonian towns (Babylon, Uruk, Borsippa, etc.), see especially Wunsch 2000, pp. 567-568. See also Wunsch 1997-98, and 1999-2000.

65. “You and I, we must not be slack about the treaty”. Since the names of the addressee and of the sender of the letter are missing, the geo-political context cannot be defined. The letter, moreover, is problematic not only because of the lacunae, but also for the difficulty in recognizing the boundaries of the quoted direct speeches. The reading of rev. 22-31 might also be the following: LUGAL ‘ul’ [i]-‘qab’-bi lub-ra la-pa-an mi-ni-i ki-i aḥ-ka na-da-a-ta UD.ME-us-su LÚ.DUMU.šip-ri.MEŠ-šú-nu la pa-an a-ḥa-meš ul i-baṭ-ṭiṣ-lu LÚ be-lí di-ni-ka a-šib LUGAL ik-te-liš um-ma ul tal-lak, “The king must not say: ‘Let me look into it. Why is that you are being negligent?’. Their messengers never cease (going) to each other daily. Your court adversary is here. The king detained him, saying: ‘You will not go!’.” According to van Driel 1998, p. 337 the king might even be the addressee of the letter.

66. For the identification of these persons see Cole 1996, p. 71 and van Driel 1998, p. 339; consider also the notation of Brinkman 1968, that while in this period the name of the king is usually written without the personal determinative, in this text the determinative is present.

king, and if his intervention is really aimed at safeguarding the rights of the offended party, this letter might represent an additional hint at the royal role in the administration of justice and at the function of Babylon as the central bureau; but, as stressed by van Driel, there is no compelling reason for this identification. In any case, it is interesting to note that it refers to messengers; and that the right of the *bītu* to have back one of its members is again affirmed.⁶⁷

Letter no. 76 presents a different scenario. Kudurru invites his “brother” Dādiya to go together to Bīt-Amukkāni for judging the case of Ēre[šu] (*itti aḫāmeš ana LÚ.Bīt Amukkānu nillik u dīni ša PN niparrasi*).⁶⁸ Unfortunately, it is impossible to understand whether the presence of Kudurru (if he is really the *šandabakku*) depends on the traditional role of the *šandabakku*, who in Old Babylonian and Kassite times exercised his magistrate of judge even “beyond the walls of Nippur”⁶⁹ — pointing again at some form of centralization; or if his presence is limited to the patronage of a citizen of Nippur who must stand the trial, and, in the end, to the safeguarding of the commercial interests of his city, or of himself, as regards the trade of slaves. A similar situation may occur in no. 18; here, however, presumably similar means, like the exchange of messengers and the respect of the rules of a friendly neighbourhood, are employed among, or requested by other political entities. In this case, the general respect of legality seems to derive from the implementation of a system of bilateral agreements, rather than from the existence of a central authority.

The references to the use of the Babylonian rate of interest in case of ransom may also be considered clues of centralization; the possible existence of routes garrisoned by guard posts for the control of the territory is another element which might have functioned at a local, or at a regional level. The evidence, however, is too scanty for allowing firm conclusions.

Other data may be collected from texts bearing on different subjects. A part of text no. 97 refers to a grant of land: the sender received the promise of such a benefit from his lord (who cannot be better identified) and seems to be concerned with the modes of its assignation, and demands that the grant is assigned in the presence of (*ina pān*)

67. The relevant passage is damaged and the translation is uncertain: *a-na²-ku um-ma u[l i-n]a É.AD-š[ú] lu²-ú mi-šú(?)-[ú(?)]*, “I said: ‘Are there not already too few(?) in his clan?’”. Anyway, the reference to the *bītu* is clear, and may be compared with the other attestations in the *corpus*.

68. The identification of this individual is uncertain; for a namesake who might have occupied the position of *šandabakku*, see Cole 1996a, p. 7. Note that the reading of the name of Bīt-Amukkāni is not completely sure due to a lacuna. As to Kudurru, the identification with the *šandabakku* is, as already stated, only hypothetical.

69. On this aspect see Cole 1996b, pp. 46-50, who collects the evidence of his intervention in disputes from different periods and regions.

Mukīn-zēri (the ruler of Bīt-Amukkāni?). It is not clear if the latter controls a bordering territory, or shares some right of control with the lord who grants the benefit. The ceremony appears aimed at avoiding the risk of future claims: in fact, the sender notes that other *kurummātu* (“allotments for sustenance”) had been granted to other beneficiaries, who are fully acknowledged as their possessors,⁷⁰ and he hopes to be entitled to enjoy his own property in safety as well.⁷¹

No. 12, sent by Bēl-usātī (DUMU.DUMU.*Barsipa*) to his “brother” Šumā, is concerned with the right of moving out and in (*ašû u erēbu*), which, with a certain analogy with no. 97 (and with the passage of the *Fürstenspiegel* quoted above), is inscribed on a stela; the stela, however, is damaged, and therefore the right must be verified. More specifically, the situation might be reconstructed as follows: the sender (Bēl-usātī) has the right to dwell in the area of the *bītu* of Nabû-ušallim, and has a safe-conduct for moving around, perhaps, as suggested by Cole, in connection with transhumance or with other peculiar activities.⁷² This Nabû-ušallim is a “man” of Iqīša, and therefore the ceremony of the reading of the stela takes place before Iqīša, Šumā (the addressee, who is said to have read the stela, and is identified only as a brother of the sender), the sender, and perhaps, but this is only a hypothesis, Nabû-ušallim, to whom the territory belongs. The lack of information about the official position of the persons involved in the matter and about the situation in which the right is granted prevents from a fuller evaluation of this letter. The procedure of reading (*atta ša eli asummitti ina pānija tamnū*, “you, who recited in my presence what was on the stela”) in the presence of the parties (and of witnesses) points to a system of tutelage of the rights which is at work at local level.⁷³

70. *agā makkūru amēli ša bēlišu rimūtu irimušu*, “I hear everyone say: ‘This is the estate of a man whose lord has given it to him as a land grant.’”. The rendering, however, is problematic; see the different translation proposed by Streck 1999, p. 295. The procedure might present an analogy with those recorded in the *kudurrus*: see, e.g., the *kudurru* dating from the reign of Marduk-zākir-šumi, *i.e.* more or less a century before this text, published by Thureau-Dangin (and commented upon by Cole 1996b, p. 49 and Brinkman 1968, pp. 201-203), where a grant of land (*irimu*) by the king of Babylon to an official of the Eanna in Uruk is recorded, and the names of the witnesses are duly noted: *ina kanāk kaniki šuātum PN₁ mār šarri PN₂ reš šarri PN₃ mār Amukkāni PN₄ šandabakku PN₅ bēl pīhāti PN₆ (...) tupšarru izzazi*.

71. The interpretation of the expression *lū ḥamāka anāku* is difficult. Cole translates “So that I may be a dependent”, but perhaps the usual sense of the verb, “to be sure, rely”, is more apt to the context.

72. See also no. 19 for the authorized presence of a group in the territory belonging to another entity, and no. 1.

73. The ceremony of swearing an oath in front of a group of people who listen to it is recorded also in text no. 98, probably in the context of a territorial dispute or of the regulation of rights of transhumance and tutelage of agricultural areas. The close relationship between *kudurru* and private documents has been recently stressed by Oelsner 2002, p. 544 (for concluding remarks).

Generally speaking, the letters show different aspects of the control of rights and legality, but certainly do not offer a coherent picture. The only conclusion which can be drawn from the comparison between the different pieces of information and the propaganda texts is the principle that kingship is (must be) the foundation, the origin and the protection of the local authority, which is exercised by means of contractual agreements. This hypothesis is not in contrast with the perspective emerging from the *kudurru* inscriptions, where the witnesses' section often lists high officials or members of the administrative hierarchy who may sometimes coincide with the parties listed in the prohibitions section.⁷⁴ This suggests that the witness has not only the role of witnessing the formal act, but also that of acknowledging (and respecting) its content.⁷⁵

5. The definition of the *adê*

Among the agreements and the types of relationships considered so far, the most interesting is that sanctioned by the *adê*, because of its well known implication in other contexts.⁷⁶ In the letters of the Nippur archive this term is used both in peer and unbalanced relationships, and, as we have seen, the existence of an *adê*-treaty, or of a more generically defined "alliance", is recorded mainly to enforce requests relating to legal matters.

The most interesting elaboration on the principle on which the legal practice relies appears in text no. 23. It opens with the quotation of the warning that Kudurru (the recipient of the letter) had addressed to the sender: *adêni abu ana mārū ittadin*, "our treaty: father to son has given (it)". From the binding force of the *adê* derives that, in case of litigation, the legal way must be followed. The crucial sentence, albeit styled in a highly idiomatic form, is that which makes the consequence of the *adê* explicit (ll. 7-10): *kī anāku u atta niparras ašar dīnu iddū u lā dīnu idabbubu ina lēt Bēl u Nabū ul iṭibaššu*, "be it me or you he who judges, when right is despised and a non-legal way is followed it will not be pleasant in front of Bēl and Nabū".⁷⁷ After presenting the case,

74. See, in general, Slanski 2003, p. 175 on witnesses (who "often held high status in the royal court or in the provincial administration"), and p. 176 on individuals enumerated in the prohibitions list ("in the case of royal grants, the list includes officers of the administration, up to and occasionally including the king himself").

75. See lastly von Dassow 1999b.

76. For general reference and literature see most recently Lipiński 2000, pp. 595-597.

77. Cole divides the discourse differently and translates: "Our treaty — given father to son, by Heaven, you and I can not break it. Where one knows the law and one litigates without due process, it will not be pleasant for him in the jurisdiction of Bēl and Nabū." (ll. 5-10). For the meaning of *nadū* cf. no. 110, rev. 18'.

the sender closes the letter with a sentence which stresses the relationship which exists between the correspondents and the risk of breaking it, but reverses the argument of his lord: *kī mala ūmū ša balṭānu adē ša itti aḥāmeš minsu nultannuma kī lā kī atta dibbīni tundeširu*, “Why should we alter the treaty that (we have sworn) together (as binding) for all the days of our life? Should it not be this the case, because you have neglected our word?”. In this case, it seems that the *adē* guarantees the implementation of juridical procedures at a level lower in hierarchy; in general, the role of the *adē*-agreements has appeared to be relevant in relationships which develop horizontally and vertically, with peers (*aḥu*) and with subjects (*māru*).⁷⁸

On the other hand, the *adē* seems to be concerned with rights which represented the focal points of international treaties, and especially with the regulation of the matter of the runaways, and with the tutelage of the merchants; while there is a clear link with the previous Syro-Hittite tradition,⁷⁹ a neat difference may possibly be singled out in the fact that the *bītu* has a substantially more relevant role than the state. Moreover, these rights may be specifically declared, as in letter no. 6, and this suggests that actually the *adē* is not simply a generic alliance pact, but rather is a protocol of behaviour and an act of acknowledgement of specific institutions, the *bītu in primis*. The urban and political

78. See also no. 13, in which *adē*-agreements are not explicitly mentioned, but where the attempts of establishing relations of alliance between different tribes seem to be recorded. In particular, the sender acknowledges the adhesion of the Buwali, [...]ru, and Wasaḥānu tribes, while the Naqari and Tanē tribes, known from Tiglath-pileser III’s inscriptions, are said to have chosen the alliance with Ḫalapi (Bīt-Ḫalupē).

79. For a general overview of the problem see Weinfeld 1976, Lafont 1998, pp. 171-181, and Snell 2001, esp. pp. 86-98. Particularly interesting for this subject are the treaties from the Mitannian and Hittite areas of influence, like those between Idrimi of Alalāḥ and Pilliya of Kizzuwatna. The treaty between Ir-Teššub of Tunip and Niqmepa of Ugarit includes explicit reference to the selling of goods robbed in the other country. In the case of fugitives, the procedure is established in detail: “If a fugitive — slave or female-slave — escapes from my land in your land, you must seize and return him to me. If someone else seizes him, and brings him to you, you [must keep him] in prison. Whenever his master comes forward, then you must hand him over to [him]. If (the slave) is not to be found, you must give (the owner) an escort, and he may seize him in whatever town (the slave) is found; (in any town where) he is not found, the mayor and 5 elders will declare under oath: (...)” (cf. Snell 2001, p. 95). See also, on the peculiar status and conventions relating to merchants, Kestemont 1977. In later periods, the runaway-clause is inserted also in the treaty between Šamši-Adad V and Marduk-zākir-šumi of Babylon, albeit in a fragmentary and somehow problematic context (see SAA 2, no. 1). On runaways and the obligation to hand them over to the entrusted official, see also the later Aramaic inscription first published by Caquot, and the relevant comments by Fales 1978; Lipiński 2000, p. 560; Kottsieper 2000, all with previous literature. For the restitution of fugitives in the framework of a treaty between Assyria and Elam during Esarhaddon’s reign, see SAA 18, 7, and the bibliography quoted there.

authorities seem to be mainly engaged in the tutelage of this system, which appears to be widespread, and in which the *bītu* must have a considerable economic force and may also function as administrative unit.⁸⁰ In the Babylonian kingdom, centralization or coordination of forces and of actions seem to derive from the common effort of guaranteeing the perpetuation of this system which was effected by the king and by high officials like the *šandabakku* of Nippur or other governors. Therefore, it is especially evident at the legal level, at least in the perspective offered by this archive; but it also emerges, albeit in its problematic aspect, in texts denouncing the attempt of the king to impose a more rigid control on the traditional institutions.

The function of the *adê* as a measure of tutelage might be detected also in some Neo-Assyrian letters (and not only in the imperial rhetoric of protection): see e.g. SAA 15, 98, where the *adê* sworn by the inhabitants of a village entitles them to obtain protection and justice from the Assyrian governor, in a perspective which might be considered quite similar to the Neo-Babylonian.⁸¹

On the other hand, that the *adê* was a flexible instrument for establishing a clear but also a peculiar protocol of behaviour⁸² is evident also in the Assyrian treaty with Tyre, where the function of the Assyrian emissary and the navigation rights are fixed.⁸³ A

80. This *corpus*, on the other hand, shows the existence of a widespread system of definition of the relationships for various purposes, like the execution of some work assignments in a temple; see also Cole's comments upon texts n. 1 and no. 3 on the concept and the expressions of brotherhood.
81. The text is damaged but reports on the flight of villagers after the killing of their city managers, on the intervention of the governor and on the conclusion of the *adê*, and, apparently, on the subsequent promise to search for the criminals and to consign them to the governor. See also SAA 15, 90, where, although the situation described is not completely clear due to a large lacuna in the centre of the tablet, the Assyrian emissary reports on a treaty concluded in the eastern border of the empire: "I (...) and said them as follows: '[Just] as [you] previo[usly stood at the dis]posal of Nabû-bēlu-kā'" in, found out wha]tever there was to report and [tol]d it to him, [in like] manner [stan]d now at my disposal and send me whatever news [of th]e Medes you hear! I shall protect you just as Nabû-bēlu-kā" in protected you and shall say a good word about you before the king my lord.'" (ll. 27 - rev. 6).
82. On the fact that the *adê* may be interpreted as a "termine-quadro", including various situations, see Fales 1990, pp. 159-161. On the "fluid borderline between the different categories" of treaties, see most recently Parpola 2003, p. 1056, with previous literature.
83. It is particularly interesting to note that the treaty guarantees the Tyrian sailors their personal safety and their right to be returned to Tyre in case of shipwreck, and their right of movement for trading in the territory recently conquered by the Assyrians. The relevant clauses, though partly damaged (SAA 2, 5: 15-27; the tentative translation "for collecting [toll ...]", proposed in l. 25', is probably to be revised, and the clause might refer instead to commercial operations), might be compared with the situation attested in the Nippur correspondence.

specific protocol, although of different nature, is also the text of the *Esarhaddon's Succession Treaty* (SAA 2, 6), in which there is a detailed list of the possible menaces to the reigning monarch and to the regularity of his succession against which all the subjects are bound to protect the king;⁸⁴ and the *Zakūtu Treaty* (SAA 2, 8), in which a partly analogous situation is depicted.⁸⁵ On the other hand, the protection of the dynasty had been previously formulated in similar terms in the Sefire treaty, in which the parties to the agreement, which was stipulated primarily between two ruling dynasties, and clearly in favour of one of them, the king of KTK, are listed as follows:⁸⁶

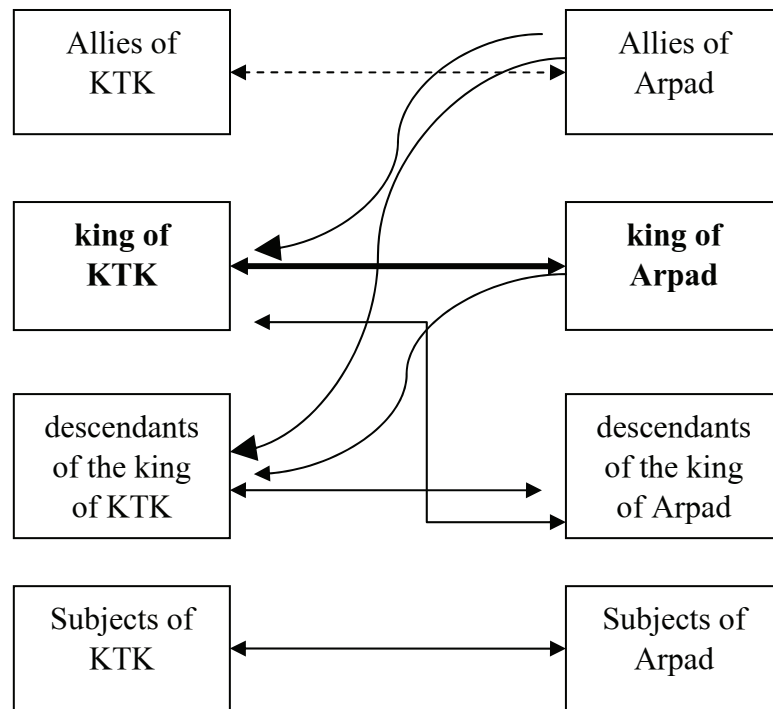
84. It is worth noting that the loyalty oath defines a specific *iter*, in this case possibly dictated by the peculiar function of the group involved: everything factually or potentially dangerous for the designated heir must be related directly to him, *i.e.* not to other members of the court possibly involved in hostile maneuvers, nor to other magistrates or officials. The parties to the agreement are clearly identified at the beginning (SAA 2, 6, ll. 1-10) and the duty of protection and of communicating with Ashurbanipal is imposed upon them: "Treaty of Esarhaddon (...) with PN, city ruler of GN, his sons, his grandsons, with all the GNeans, the men under his authority young and old, as many as there are from sunrise to sunset, all those over whom Esarhaddon (...) exercises kingship and lordship, (with) you, your sons and your grandsons who will be born in days to come after this treaty (...)". On the role of the Medes in the royal army and at court see Liverani 1995, Lanfranchi 1998.
85. It is not concluded with tributary rulers, probably serving in the royal army or in the "bodyguards corps" at the Ninevite court, as in the previous case, but with the Assyrian nation. After the royal family, the court, and the administrative apparatus, it lists *mārē māṭ Aššur qallu dannu* and again *nišē māti gabbu*, and advocates the control of menaces against Assurbanipal primarily to Zakūtu and to the king himself: "... you shall come and inform Zakūtu, his mother, and your lord Assurbanipal" (rev. 5-7, 10-12, 15-17, 25-27, with variants). See also the fragmentary *Sennacherib's Succession Treaty*, SAA 2, 3. This *iter* bypassing the administrative authorities, on the other hand, finds a parallel in the institution of the appeal to the king (Postgate 1976).
86. For the edition of this famous and long debated text see Lemaire – Durand 1984, with previous literature and an ample discussion on the identity of Bar-ga'ya, reconsidered in Fales 1990. Among the most recent treatments see Lipiński 2000, pp. 217-219 and 221-231, who, re-working previous hypothesis, discusses the possible identification of KTK with Κίττικα, and with the kingdom of Kašku, mentioned in the Assyrian royal inscriptions, to be located in northwestern Syria, in the area inhabited by Anatolian populations; see also Morrow 2001 on the evidence of a Western Mesopotamian tradition of treaty making in the Sefire text, notwithstanding the Assyrian influence, and Bachelot – Fales 2005, for additional reflections on the problem. For the runaways-clause in this treaty, see Stela III.

<i>Stela I A</i>		<i>Stela I B</i>	
<i>KTK</i>	<i>Arpad</i>	<i>KTK</i>	<i>Arpad</i>
Bar-ga'ya	Mati ^ʿ -ʿil	[Bar-ga'ya]	[Mati ^ʿ -ʿil]
descendants	descendants	descendants	descendants
		with the sons of Gūš and Bīt-Šullūl ⁸⁷	
<i>adē</i> KTK	[<i>adē</i>] Arpad	[<i>adē</i>] KTK	<i>adē</i> Arpad
people (w ^ʿ dy b ^ʿ ly ktk)	people (ʿm [dy b ^ʿ ly] ʿrpd)	people (w ^ʿ dy bly ktk)	people (ʿm [dy b ^ʿ ly] ʿrpd ʿmḥ)
[...] and Aram as a whole, with <i>Mšr</i> and descendants, with [...] Aram High and Low (<i>kl ʿly ʿrm wḥth</i>) and descendants		from Qarqar as far as Yaʿudy and Baz, from Lebanon as far as <i>Ybrd</i> and [...], from ʿUmq as far as ʿArro and Maṣuate, from <i>Bqʿt</i> as far as KTK ⁸⁸	

In the treaty, the directions in which the dynastic protection is exercised and the relations are recognized are drawn, and it is specified that they run between the two rulers, between the two lines of descendants, between the citizens of the two reigns, and between the rulers and the Aramaean allies. Theoretically, it seems that the relationships are more complex than in the Assyrian treaties, and that they develop at different levels, around the central axis of the oath between the two reigning dynasts. I have illustrated these relations in a schematic drawing, where lines running in only one or in both directions indicate the unbalanced power of the two rulers, and the guarantees which the treaty acknowledges to the ruler who is in the weaker position; the curvilinear line indicates the uni-directional relationships, the stright line the bi-directional, the dotted line the directions which are not mentioned in the text, but might be inferred:

87. On the possibility that this name may be considered the dynastic name of the kingdom of KTK, *i.e.* the name referring to the legendary founder of the reigning dynasty, see Lipiński 2000, p. 225.

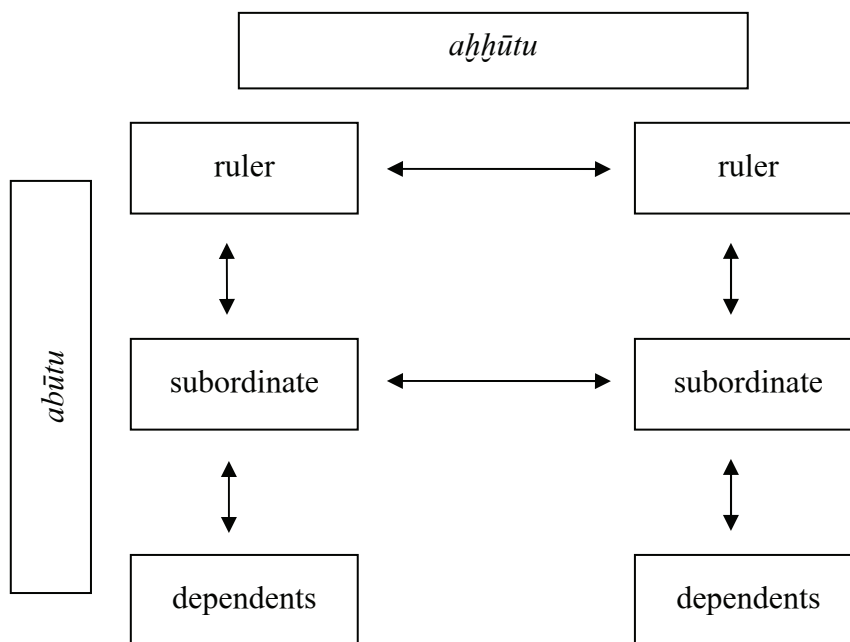
88. On the identification of the toponyms see most recently Lipiński 2000, pp. 204-211 and 222-230, with previous literature. The beginning of the section is broken, but it has been interpreted as describing “the large territory where the stipulations of the treaty ought to be proclaimed” (see Lemaire – Durand 1984, pp. 59-79).



The most interesting aspect is that the Sefire treaty specifies also the horizontal relations implied in the alliance pact, contrary to the later treaties of dynastic protection where the direction of the relationships is simply vertical.⁸⁹ The working hypothesis is, there-

89. For the warranties established in the treaty in favour of the king of Arpad and his descendants see Stela I B, 22ff., in particular: “[*Mais si vous écoutez et accom*]plissez ces serments et (si) tu dis: ‘Celui-là (est) un homme de serments’, [*moi, je ne pourrai pas porter la main*] contre toi, ni mon fils ne pourra porter la main contre [ton] fils, ni ma descendance contre [ta] descend[ence]”, and II B, 6ff.: “(...), alors je ne pourrai pas porter la *ma[in contre toi...]*”. For the relations between the allies of the king of Arpad, or of his descendance, and the king of KTK, or his descendance, see the various clauses of Stela III (beginning with: “[...] ou vers ton fils, ou vers ta descendance, ou vers un des roi d’Arpad et p[ar]le contre moi, ou contre mon fils, ou contre mon petit-fils, ou contre ma descendance, (...) tu les livreras dans ma main, et ton fils (les) livrera à mon fils, et ta descendance (les) livrera à ma descendance, et la descendance de [tous les r]ois d’Arpad (les) livreront à moi”), which include the protection against a large range of possible threats against KTK, but also the free circulation of messengers and emissaries of that king. If the interpretation of the difficult line 19 of Stela III is correct, the king of Arpad might be somehow involved also in the relations between KTK and its allies, apparently under the obligation of not intervening to create trouble: “*Et quant aux rois de mes [relations], et (si) s’enfuie mon fugitif vers l’un d’eux, et que s’enfuie leur fugitif et qu’il vienne vers moi, s’il a restitué celui qui est à moi, je restituerai [celui qui est à lui, et] toi, tu ne me feras pas de tort*” (III, 19-20) (translation from Lemaire – Durand 1984, pp. 120-131).

fore, that this formulation is functional to a particular institutional and social reality and to its particular development. In the Nippur *corpus* is attested a series of juridical relations, conventions and procedures, as well as of commercial contacts (often implied also by the juridical matters treated), which may be framed in a context with a similar structure. Although incompletely documented, the general scenario shows in fact the integration of forces endowed with different degrees of autonomy and representing different institutional and social levels. The theoretical scheme of the relationships attested in the letters from Nippur is represented by the relation of *aḥḥūtu* between city or state/tribe rulers and between their subordinates, who refer to the brotherhood of their superiors to support their own relation of parity. They might be at the head of a *bītu*, and might be engaged in commercial activities; moreover, they apparently take advantage of the acknowledgment of some basic rights by different political entities. Below this level there is that of the dependents, who rely on the support of their masters. The vertical direction of the relations is that of *abūtu*, the horizontal one that of *aḥḥūtu*.



It should be further investigated whether the Sefire treaty may be interpreted as a view from the top (*i.e.* from the establishment of relations between the rulers) of a socio-political reality that the Nippur letters show from the bottom (*i.e.* from the everyday pract

ice of the administrative and judiciary offices). Other more specific topics for further inquiry can be singled out: at the institutional level, the similarity of the organization of power in Babylon and in the Aramaic *milieu*, which may be considered also in the historical perspective; at the economic level, the establishment of political alliances allowing the thriving of commercial contacts and fostering the growth of strong entrepreneurial groups; at the political level, the relationship with the Assyrian power and with the development not only of the Assyrian imperialistic policy but also of a different system of kingship and of administration of the state and of the conquered territories.

For the moment, we can only add another element of speculation concerning the last point. In his *Annals*, Tiglath-pileser III describes the Babylonian region as a patchwork of fragmented and institutionally differentiated entities.⁹⁰ This picture must have contrasted deeply with the new model of royal control of the territory which was imposed to the Assyrian homeland and to the conquered territories by the administrative reorganization operated by this king;⁹¹ and it cannot be excluded that the significance of the representation of a fragmented Babylonia is also in the background of the comparison of the new order with the recent past of the Syro-Assyrian area itself, in which high officials were powerful and very autonomous. On the other hand, the list of the Aramaean tributaries in Tiglath-pileser III's inscriptions⁹² possibly also defines a new system of relationships, in which both large and small groups are subjugated to Assyria and their horizontal links are cancelled, at least in the ideological perspective.

Coming back to the Babylonian polemic texts of the *Fürstenspiegel* and of the misdeeds of Nabû-šuma-iškun, we may conclude our observations on the *adê* with an additional, more specific question. In the text about the misdeeds of Nabû-šuma-iškun,⁹³ the term *adê* is mentioned in different entries, albeit sometime in broken contexts. In ll. III, 5'-11', one of these cases is recorded: "When the splendid lord (the preceding king Erī-ba-Marduk?) [had established] the exemptions of Babylon, Borsippa and [Kutha]; and

90. On the subject see most recently Gaspa 2005.

91. As is well known, the subject is of crucial importance; but since Forrer's theorization, a complete reconsideration is still a *desideratum*. See anyway the general references in Fales 2001, 291 and the discussion on the administrative system, pp. 68-71.

92. For a detailed analysis see Lipiński 2000, pp. 441-472.

93. Cole 1994, with previous literature. Quoting an observation of Brinkman, Cole notes that this composition attests to the antiquity of the *adê* institution in Babylonia and suggests that its use is coeval with the Assyrian oldest documents of the same kind; he stresses, moreover, that: "whereas the kings of Assyria figure prominently in the *adê* agreements made between the principal powers of the Fertile Crescent, local princes were the chief participants in such agreements in the south" (p. 222). The turmoils of this reign are recorded also in the inscription of Nabû-šuma-imbi, governor of Borsippa, commemorating restorations of a part of the Ezida sanctuary (RIMB 2, B.6.14.2001).

had *imp[osed?]* on them the treaty of Enlil-ina-māti, son of Ku(*hepi*), governor of Larak, (...) year by year he increased killing, pillaging, murdering, and forced labour upon them”. This sentence seems to imply that, in contrast with official acts aimed at safeguarding a privileged status, Nabû-šuma-iškun has committed abuses on the legal and administrative ground. If this interpretation is correct, it would result that the royal authority intervened in the stipulation of a treaty with(?) the governors (*šākin māti* of Larak and of Dēr),⁹⁴ together with the establishment of *zakūtu* for the main cities and with the offering of sacrifices to temples. The crimes are apparently specified in the following lines, and actually concern the homicide of 16 Kuthaeans in Babylon, the envoy of Babylonian citizens to foreign rulers as gifts, the expulsion of people from the town, the requisition of immovable properties as royal possession. Two additional cases are reported. The first is presented as a judiciary case: PN *bēl dīnišu/bēl šalāmišu balu hīti u bartum iṣbatsuma*, “PN seized his court opponent who had not committed any crime or sedition” (iii, 25). The second is explicitly connected with the *adê*: PN₂ (...) *ina adê u māmīt ana pānišu ušamma ikkib rubê parūti pišāt lā qabê* (...), “PN₂ (...) came into his presence under sworn treaty, but he committed against him crimes that are forbidden of princes, insults and unspeakable slander (...)” (iii, 30-31).

The role of the crown is presented along the usual lines of the tutelage of justice and of procedural correctness, of the safeguarding of the rights of the people to maintain their status and property; moreover, the *adê* appears as a means for guaranteeing this situation. The difficult sentence of the *Fürstenspiegel* (ll. 50-52), in which *adê* is mentioned in an ambiguous context, might then be tentatively interpreted in the sense that the king has forced the Babylonian cities to a new *adê*, *i.e.* to a new protocol of vertical type, which modifies the system that acknowledges horizontal relations and mutual tutelage which characterized the Babylonian world.

6. Conclusions

After having attempted to depict a largely hypothetical picture of the institutions of the early Neo-Babylonian period, and after having enucleated a series of problems rather than a series of solutions, I revert to the Nippur archive for summarising some points briefly. This group of texts, with the presence of many senders and addressees, and, at the same time, of clearly identifiable scribal hands, of scribal texts, of lists, copies, etc., seems to represent the product (even discarded and found in secondary context) of an office where documents were filed or prepared for the carrying out of peculiar proce-

94. See also Brinkman 1990, pp. 99-100.

dures; the hypothesis, however, that these are simply the remains of a “school” where tablets were copied for exercise cannot be completely excluded.

One of the best represented horizons of the archive is that of the control and of the management of manpower, of movements of people, of the role of the *bītu*. Of this activity, the legal aspect especially emerges, notwithstanding the difficulty of identifying and describing individual procedures. The other matters frequently mentioned are of commercial nature, and this suggests that the implementation of justice and the correct procedures, reminded or requested in the letters, are functional to the development of this economic sector. For both perspectives, this archive testifies the fundamental impact of the Aramaean element, the numerous interpretative problems notwithstanding.

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