THE RECIPROCAL RELATIONSHIP BETWEEN JUDGE AND SOCIETY IN THE NEO-ASSYRIAN PERIOD

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I. THE SOURCES

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

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1 For the preparation of this paper, I was allowed to make use of the Corpus of Neo-Assyrian Texts, the electronic database of the State Archives of Assyria Project; I wish to thank Simo Parpola for his generosity. Thanks are due to Aharon Skaist for the kind invitation to the Bar-Ilan conference in 2002 and to all participants, especially Kathleen Abraham, Sophie Démare-Lafont, Dietz Otto Edzard, Bernard Levinson and Raymond Westbrook, for the stimulating atmosphere there. Frans van Koppen read a draft of this paper, and I am grateful for his comments and especially the bibliographical references to É.GAL.KU₄.RA. Note that all dates after 648 B.C.E. follow the sequence reconstructed by J. E. Reade (“Assyrian Eponyms, Kings and Pretenders, 648–605 B.C.,” Or 67 [1998]: 255–265) and are marked with an asterisk (*). Note also that “Assur” is used for the place name, while “Aššur” denotes the deity.

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

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

II. THE CONDUCT OF A LAWSUIT

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

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4 See, e.g., ABL 340 = SAA 10 348 for Tabi, a judge (LÜ*Jasu-a-a-NU in r. 16 and 20) in Babylon, who in a letter of Mar-Issar to Esarhaddon is said to have incited the people of Babylon to revolt. Note also the Babylonian proverb “An incompetent man can frustrate the judge, an uneducated one can make the mighty worry,” quoted by the chief scribe Issar-sumer-ešu to Esarhaddon in ABL 37 = SAA 10 123 r. 3–6.

5 See CAD D 32 s. v. dayānu m. 3’ for gods as judges.


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10 For references to the bīt dēnī in Neo-Babylonian texts see CAD D 156.

11 Jas (N 3): 67.

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

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

less frequently attested, law cases were tried by gods.

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

The anxiety that most people would have felt when pleading their case before the authorities is reflected in the ritual series E.GAL.KU,RA “Entering the Palace.” It was popular in first-millennium Assyria; most known sources stem from libraries in Assur and Hûzirina (modern Sultantepe). It is noteworthy that the prescriptions found in these texts make no reference to divine authorization, but rely on magical objects such as thread twice twined, various salves and stone amulets to improve the situation for the one “entering the palace.” For our present topic, the relationship between judge and
lawsuits are preserved, and form our most important source. The succinct style in which these texts are formulated is, however, a serious disadvantage for the study of judicial procedures. To a certain degree, this effect is lessened by the information gained from a number of letters, both from the royal correspondence and from private archives, which document these issues from another, less stereotyped angle and hence reveal additional details.

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II. THE CONDUCT OF A LAWSUIT

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6 See, e.g., ABL 340 = SAA 10.348 for Tabî, a judge (ŁU*Ja-a-a-nu) in r. 16 and 20) in Babylon, who in a letter of Mar-Issar to Esarhaddon is said to have incited the people of Babylon to revolt. Note also the Babylonian proverb “An incompetent man can frustrate the judge, an uneducated one can make the mighty worry,” quoted by the chief scribe Isratum-erê to Esarhaddon in ABL 37 = SAA 10.23 r. 3–6.

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

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10 For references to the bit dêni in Neo-Babylonian texts see CAD D 156.

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society, it is interesting to see that the prescriptions of E.GAL.KU₂.RA imply that the subject who needs to approach the state authority rejects "the ideological idiom of the latter including its theistic overtones." 

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

The Neo-Assyrian term for a party in court is bēl dēni, literally "master of the trial"; it is best translated as "legal adversary" and can refer both to the plaintiff and the defendant. The term is most often attested in the penalty clauses of legal documents, invoking gods and sometimes the king or the crown prince as legal adversaries of whoever might break the contract. Otherwise, attestations are rare, but the few known references offer interesting insights in the judicial affairs of Assyria. A document from Kal'lu is concerned with the legal status of a temple devotee of the goddess Mullissu who was getting married. It is explicitly stated that neither her husband's creditors nor his adversaries in court (bēl dēnēsu) could ever gain authority over the woman, hinting at the otherwise quite common fate of family members of individuals who were down on their luck and had to cover up financial losses by handing over their relatives and other household members.

This attestation mentions the creditors and the legal adversaries together; indeed, often the outcome of a lawsuit turned the prevailing party into the other's creditor, as Neo-Assyrian courts usually decided on a financial penalty. This connection is also clear in a legal document from Assur recording the repayment of a debt; as the debt was settled not with the creditor himself, but one of his subordinates, the document includes a clause to the effect that in the event of any future claims made by the creditor's family this subordinate would be the adversary in court (bēl dēnēsu šī), and not the debtor who would not be involved at all. Another attestation for the term is found in an official's letter to Sargon II which is devoted to the case of the son of one Abu-il-a'i, following the royal order to "Do justice to him!" (dēnēsu epuš); the king is informed that this man's legal adversary (bēl dēnēsu)

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20 Note that in the ritual texts mentioned above, written in the Standard Babylonian dialect, another word is used for the adversary in court, bēl dabābī ("master of the litigation"); for references see CAD D 31, s. v.


22 ND 2316, see Radner, Die neuassyrischen Privatrechtsurkunden (N 16): 171.


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¹⁴ van Binsbergen and Wiggermann (N 12): 31.
¹⁵ See, e.g., ABL 339 = SAA 10 369 for the prosecution of the corrupt governor of Dur-Sarrukin and ABL 429 = SAA 10 107 for the prosecution of a corrupt official at the Assur temple.
¹⁶ Interestingly, legal documents specifically designated as dēnu are only attested for the seventh century B.C.E., and also the typical clause excluding litigation which concludes the contract part of a Neo-Assyrian sale document (tu₄u dēnu dabābu lasītu) is a characteristic of texts of this time; the earlier variant (tu₄u dabābu lasītu), identical with the clause used in Middle-Assyrian sale texts, does not include mention of dēnu, see K. Radner, "Die neuassyrischen Privatrechtsurkunden als Quelle für Mensch und Umwelt" (SAAS 6; Helsinki: Neo-Assyrian Text Corpus Project, 1997): 353. Does this indicate a formal change in judicial procedures late in the eighth or early in the seventh century?
¹⁷ BM 122698 r. 9 (no. 29 in Table 1, below).

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The Neo-Assyrian term for a party in court is bēl dēni, literally "master of the trial,"²⁰ it is best translated as "legal adversary" and can refer both to the plaintiff and the defendant. The term is most often attested in the penalty clauses of legal documents, invoking gods and sometimes the king or the crown prince as legal adversaries of whoever might break the contract.²¹ Otherwise, attestations are rare, but the few known references offer interesting insights in the judicial affairs of Assyria. A document from Kalhu²² is concerned with the legal status of a temple devotee of the goddess Mullissu who was getting married. It is explicitly stated that neither her husband's creditors nor his adversaries in court (bēl dēnušu) could ever gain authority over the woman, hinting at the otherwise quite common fate of family members of individuals who were down on their luck and had to cover up financial losses by handing over their relatives and other household members.²³ This attestation mentions the creditors and the legal adversaries together; indeed, often the outcome of a lawsuit turned the prevailing party into the other's creditor, as Neo-Assyrian courts usually decided on a financial penalty. This connection is also clear in a legal document from Assur recording the repayment of a debt; as the debt was settled not with the creditor himself, but one of his subordinates, the document includes a clause to the effect that in the event of any future claims made by the creditor's family this subordinate would be the adversary in court (bēl dēnušu šu), and not the debtor who would not be involved at all.²⁴ Another attestation for the term is found in an official's letter to Sargon II which is devoted to the case of the son of one Abu-ilašu, following the royal order to "Do justice to him!" (dēnušu epuš); the king is informed that this man's legal adversary (bēl dēnušu)

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²⁴ A 2621 = SAA 37.
had to undergo an ordeal.\textsuperscript{25} We can probably assume that the official, whose name is unfortunately lost, himself assumed judicial duties in the case. The term also occurs in a letter written by a major-domo and his scribe to Esarhaddon, complaining about the crimes of the governor of Arrapha against their (unnamed) master's domain. They inform the king that their master would not litigate (\textit{dabābu}) against the Arraphian governor, his legal adversary (\textit{bēl dēnīšu}), nor support his subordinates' attempts in this direction.\textsuperscript{26} The two men are obviously frustrated by their master's passivity and ask the king to intervene; by doing so, they clearly circumvent their master and try to find a way around the conventional bureaucratic hierarchy. By doing this, they act in the fashion of a \textit{bātiqū} “accuser.” This term as well as the verb \textit{bātiqū} (“to accuse”) and the noun \textit{bitqū} (“accusation”) are rarely attested in our sources, but the attestations make it clear enough that the \textit{bātiqū} was a person who was not personally concerned with the offense about which he raised a complaint and not directly involved in the ensuing lawsuit.\textsuperscript{27}

In order to try a case, the opposing parties needed to be present before the judge (\textit{ina pān [judge] qarābu}\textsuperscript{28}), and it was the duty of the plaintiff to produce the defendant physically. This is made clear in the legal documents whenever we find the phrase \textit{ina pān [judge] uqtarribū} “He [the plaintiff] made him [the defendant] approach the judge.”\textsuperscript{29}

\textsuperscript{25} ABL 550 = SAA 15 295.

\textsuperscript{26} ABL 415 = SAA 16 42 r. 4-8: LUGAL u-da ki-i EN-ni TA* EN de-ni-su la i-da-hu-bu-u-ni a-ni-nu EN ni-da-bu-bi-ni i-hu-as-su-ni-ši “The king knows that our master will not litigate against his legal adversary and that he silences us when we (want to) litigate.” Most of this text is edited in F. M. Fales, \textit{bit-bēl: An Assyrian Institutional Concept}, in \textit{Patavina Orientalia Selecta} (E. Rova, ed.; HANE/M 4; Padova: Sargon SRL, 2000): 241.

\textsuperscript{27} The phrase \textit{bitqū bātiqū} is attested in no. 41 (see Table 1, below) and VAT 8699, a private letter from Assur concerning trading activities; the term \textit{bitqū} is attested in a memorandum concerning a river ordeal (83-1-18, 231, see L. Kataja, “A Neo-Assyrian Document on Two Cases of River Ordeal,” SAA 1 [1987]: 65-68), a royal letter deciding a lawsuit from Nineveh (ABL 307) and a letter from the royal correspondence of Kalhu (ND 2703 = NL 81, see H. W. F. Saggs, \textit{The Nineveh Letters}, 1952 [Cuneiform Texts from Nineveh 5; London: British School of Archaeology in Iraq, 2001]: 232). The terms are discussed by Jas (N 3): 50; his suggestion to see the \textit{bātiqū} as a kind of “public prosecutor” seems too far-reaching. Compare also the Middle Assyrian term \textit{bātiqūma} (see H. Freydank, \textit{bitqū bātiqū “Abschneidungen abschneiden”}, AOF 24 [1997]: 105-114; see 112).

\textsuperscript{28} For attestations see Deller, “Die Rolle” (N 4): 640-641. and Jas (N 3): 101 s. v.

\textsuperscript{29} See no. 17 and 36 in Table 1, below.

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

\textsuperscript{30} For attestations see Deller, “Die Rolle” (N 4): 641 and Jas (N 3): 99 s. v.

\textsuperscript{31} See no. 27 in Table 1, below.

\textsuperscript{32} VAT 9875: 7-11 (cf. K. Deller, “Zur Terminologie neuassyrischer Urkunden,” WZKM 57 [1957]: 29-42; see 35): [ar]-tu-mu URUS-URU=-a gab-bu de-e-nu an-ni tu-da-a ki-i ma-si MU ANNA HALA hātuq̄-ti-ni “You, all the inhabitants of Libbi-ali, know this law case, how many years it takes to divide the inheritance for him.” The letter was written by the chief scribe (of Assur) to three men, Babu-ahu-dānī, Babu-muṣēs and Maqū-adur, his “brothers” (i.e., colleagues), informing them about the case's further proceedings.

\textsuperscript{33} \textit{tamī} “to swear an oath”: VAT 5604 and CTN 3 70, see Radner, “Vier neuassyrische Privatrechtsurkunden” (N 21): 121-125; \textit{Ana DN qabab} “to speak to DN”: no. 14 in Table 1, below, and VAT 5604 (documenting the sale).

\textsuperscript{34} See Jas (N 3): 73-76 and Radner, “Vier neuassyrische Privatrechtsurkunden” (N 21): 124.

\textsuperscript{35} Radner, “Vier neuassyrische Privatrechtsurkunden” (N 21): 118-125 on VAT 5602 (documenting the sale) and VAT 5604 (documenting the ordeal).

\textsuperscript{36} Deller, “Die Rolle” (N 4): 642-643 and Jas (N 3): 101 s. v for attestations.

\textsuperscript{37} Deller, “Die Rolle” (N 4): 643 and Jas (N 3): 100 s. v for attestations.
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In order to try a case, the opposing parties needed to be present before the judge (\textit{ina p\textbar an [judge] qar\textbar ab\textbar u})\textsuperscript{28}, and it was the duty of the plaintiff to produce the defendant physically. This is made clear in the legal documents whenever we find the phrase \textit{ina p\textbar an [judge] u\textbar tat\textbar ri\textbar b\textbar is\textbar u} “He [the plaintiff] made him [the defendant] approach the judge.”

\textsuperscript{25} ABL 550 = SAA 15 295.
\textsuperscript{26} ABL 415 = SAA 16 42 r. 4-8: LUGAL \textit{\textbar u\textbar da ki\textbar i EN\textbar ni TA\textbar \textbar EN de\textbar ni\textbar su la i\textbar da\textbar h\textbar u\textbar bu\textbar u\textbar ni a\textbar ni\textbar nu E ni\textbar da\textbar bu\textbar ni i\textbar hu\textbar as\textbar su\textbar ni\textbar ti\textbar “The king knows that our master will not litigate against his legal adversary and that he silences us when we (want to) litigate.” Most of this text is edited in F. M. Fales, \textit{b\textbar it\textbar b\textbar el\textbar i: An Assyrian Institutional Concept}, in \textit{Patavina Orientalia Selecta} (E. Rova, ed.; HANEM 4; Padova: Sargon SRL, 2000): 241.
\textsuperscript{27} The phrase \textit{b\textbar it\textbar q} \textit{b\textbar at\textbar i\textbar q} is attested in no. 41 (see Table 1, below) and VAT 8699, a private letter from Assur concerning trading activities; the term \textit{b\textbar at\textbar i\textbar q} is attested in a memorandum concerning a river ordeal (831-18, 231, see L. Kataja, “A Neo-Assyrian Document on Two Cases of River Ordeal,” \textit{SAAB} 1 [1987]: 65-68), a royal letter deciding a lawsuit from Nineveh (ABL 307) and a letter from the royal correspondence of Kalhu (ND 2703 = NL 81, see H. W. F. Saggs, \textit{The Nimrud Letters}, 1952 [Cuneiform Texts from Nimrud 5; London: British School of Archaeology in Iraq, 2001]: 232). The terms are discussed by Jas (N 3): 50; his suggestion to see the \textit{b\textbar at\textbar i\textbar q} as a kind of “public prosecutor” seems too far-reaching. Compare also the Middle Assyrian term \textit{h\textbar at\textbar i\textbar q\textbar i\textbar n\textbar a\textbar m\textbar i} (see H. Freydank, “\textit{b\textbar it\textbar q} \textit{b\textbar at\textbar i\textbar q} Abschneidungen abschneiden”, \textit{AOF} 24 [1997]: 105-114; see 112).
\textsuperscript{28} For attestations see Deller, “Die Rolle” (N 4): 640-641. and Jas (N 3): 101 s. v.
\textsuperscript{29} See no. 17 and 36 in Table 1, below.

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

\textsuperscript{30} For attestations see Deller, “Die Rolle” (N 4): 641 and Jas (N 3): 99 s. v.
\textsuperscript{31} See no. 27 in Table 1, below.
\textsuperscript{32} VAT 9875: 7-11 (cf. K. Deller, “Zur Terminologie neuaussyrischer Urkunden,” \textit{WZKM} 57 [1957]: 29-42; see 35): [\textit{an\textbar tu\textbar mu URU\textbar SU\textbar URU\textbar a\textbar gab\textbar hu de\textbar en\textbar nu an\textbar ni\textbar tu\textbar da\textbar a ki\textbar i ma\textbar su MU\textbar AN\textbar NA HALA hat\textbar tu\textbar ti\textbar ni “You, all the inhabitants of Libbi-ali, know this law case, how many years it takes to divide the inheritance for him.” The letter was written by the chief scribe (of Assur) to three men, Babu-ahu-udinda, Babu-muesi and Mqatu-adur, his “brothers” (i.e., colleagues), informing them about the case’s further proceedings.
\textsuperscript{33} \textit{tam\textbar u} “to swear an oath”; VAT 5604 and CTN 3 70, see Radner, “Vier neuaussyrische Privatrechtsurkunden” (N 21): 121-125; \textit{ana} DN \textit{qab\textbar u} “to speak to DN”: no. 14 in Table 1, below, and A 2014 = SAT 2 311.
\textsuperscript{34} See Jas (N 3): 73-76 and Radner, “Vier neuaussyrische Privatrechtsurkunden” (N 21): 124.
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documents attest the prosecution of homicide,39 robbery,40 theft41 and
damage to property.42 In all these cases, the offender had to pay a
financial penalty to the wronged person or, if found financially unable
to do so, serve a debt slave. There is no evidence from the legal
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However, not only political offenders such as traitors or rebels were
tortured, maimed and/or killed, practices for which ample attestation
can be found in the royal inscriptions. A cook who stole temple
property died in the wake of the beating he received as punishment for his
crime, according to a letter to the king.43 The names of various persons
who were tried and then subjected to severe physical punishment are
set down in a memorandum from Nineveh,44 the circumstances of this
event are unknown.

The penalties (sartu45) imposed by the judicial authorities served
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III. WHO ASSUMES JUDICIAL DUTIES?

As the administrative officials who assumed judicial duties can be
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41 ADD 161 = SAA 6 265 (no. 17 in Table 1, below); BM 123360 = SAA 6 133 = Jas (N 3): no. 32; CTN 2 92 = Jas (N 3): no. 39; VAT 20339 (no. 38); BT 140 = Jas (N 3): no. 45; VAT 8737 (no. 21).
42 TH γ (no. 10 in Table 1, below).
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44 ADD 880 = SAA 11 144.
45 See Jas (N 3): 51 for a discussion of the term.
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47 A complete study of the Assyrian administrative bureaucracy, including the state, provincial and municipal level, is still missing. Especially the provincial administration and the army hierarchy are little studied. See Mattila (N 5) for a study on the most impor-
48 A case tried either by a chief cook or by an army official, the commander-of-fifty, has been excluded from this discussion as the reading of the functionary is highly doubtful and needs collation (A 1880 and A 1888 = STAT 2 165 and 166, from Assur, 65Q B.C.E., cf. Radner, “Review” (N 3): 385 no. 14* and no. 15*).
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<td>Assur</td>
<td>658</td>
<td></td>
<td>VAT 9995 = KAN 3 33</td>
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<td>O 3701 (cf. Mattila [N 5]: 105)</td>
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<td>za pān dēnāni ša sukalli</td>
<td>Assur</td>
<td>648</td>
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<td>VAT 8737 = SAAB 9 97 (cf. Radner, “Review” [3]: 366 no. 21*; Mattila [5]: 105f.)</td>
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<tr>
<td>masanmu</td>
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<td>VAT 15576 (cf. Radner, “Review” [3]: 385 no. 7*)</td>
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<td>VAT 8656; Jas [3]: no. 19</td>
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<td>620*</td>
<td>the three hazanu of Assur</td>
<td>BM 122698 (Radner, Ein neuassyrisches Privatarchiv [19]: 17-19)</td>
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<td>post-614</td>
<td>VAT 9759 = KAN 3 3</td>
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<td>ADD 166 = SAA 14 156 (Jas [3]: no. 5)</td>
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<td>ADD 169 = SAA 14 239 (Jas [3]: no. 6)</td>
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* On the šaknu, a title which could both denote the provincial governor as well as an army official, see J. N. Postgate, “The Place of the šaknu in Assyrian Government,” *Assyriologist* 30 (1980): 67–76. Because of the archival context, it seems more likely to me to assume that it is the provincial governor who tried the case.

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<td>The title of the judge Akkultanu is not mentioned. Elsewhere, he can be shown to be the šangū of the Assur temple, see Pearce and Radner [73]: 95.</td>
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<td>625*</td>
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<td>MAH 16154; Jas [3]: no. 13</td>
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<td>“man from Libbi-ali”</td>
<td>Assur</td>
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<td></td>
<td>VAT 20339 = SAAB 5 11 (Jas [3]: no. 33)</td>
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<td>“man from Nineveh”</td>
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<td>VAT 15460 = StAT 2 54</td>
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<td>“man from Kalhu”</td>
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<tr>
<td>“man from Libbi-ali”</td>
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</table>

The "man from Nineveh" and the "man from Kalhu" have already tried a case; why invoke the "man from Libbi-ali"?

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<td>ša pān Ṿēnānī ša sukalli</td>
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<td>648</td>
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<td>VAT 8737 = SAAB 9 97 (cf. Radner, “Review” [N 3]: 386 no. 21*; Mattila [N 5]: 105f.)</td>
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<td>or</td>
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<td></td>
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<td>Babylonia</td>
<td>Asb</td>
<td>sartennu decides case as hazannu is not yet appointed; new hazannu reverses judgment.</td>
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<td>ABL 716 = SAA 18 181</td>
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<td><strong>ša munhi āli</strong></td>
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<td>VAT 14438 = SAAB 5 66 (cf. Radner, “Review” [N 3]: 385 no. 18*)</td>
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<td>638*</td>
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<td>ND 3433 (cf. Mattila [N 5]: 80 with n. 30)</td>
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<td>648*</td>
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<td>The “man from Nineveh” and the “man from Kalhu” have already tried a case; why involve the “man from Libbi-ali”?</td>
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1. Administrative Officials of the State Level

The two members of the state administration who most often assumed judicial functions are the *sartennu*\(^{20}\) and the *sukallu*.\(^{20}\)

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

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

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

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<td><em>saron</em> (^{54})</td>
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<td>TH III 998 (Las [N 3]; no. 24, cf. p. 8)</td>
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<td>VAT 9696 – SBAB 9 801, cf. <em>Review</em> [N 3]: 386, no. 229</td>
<td>621*</td>
<td>Assur</td>
<td><em>saron</em> (^{54})</td>
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<td>49</td>
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\(^{20}\) The sources for the *sartennu* are collected in Mattila (N 5): 77–90.

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⁴⁹ The sources for the sartennu are collected in Mattila (N 5): 77–90.
⁵⁰ The sources for the sukallu are collected in ibid., 91–106.
⁵¹ Deller, "Die Rolle" (N 4): 650 and 652.
⁵² See also Mattila (N 5): 90.
speaking, they seem to be colleagues of equal status. Note, however, that in two witness lists of legal documents the sequence sar-tennu, sukallu dannu and sukallu šanitu is attested.53 The offices of sar-tennu, sukallu dannu and sukallu šanitu were not held for life. Interestingly, if not surprisingly, the three posts circulated among the same set of officials: The sources show that a sukallu dannu could later hold the office of sukallu šanitu,54 and a sar-tennu is (later?) attested as sukallu.55

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

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

Also, other state officials could take on judicial duties but are attested in this role much less frequently than the sukallu and the sar-tennu. The masennu (“treasurer”) assumed the role of the judge in a text from Assur (no. 22), and from the fact that he had a court clerk (ša pān dēnāti, see below III. 7.) at his disposal we can infer that also the rab ša rēši (“chief eunuch”) could pass judgment.58 The rab šaqtu (“chief cupbearer”) was supposed to act as judge in the matter of an unsettled debt but somehow failed to do so; according to a memorandum from Nineveh, the king had been approached instead to speak justice.59

2. Administrative Officials of the Provincial Level

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

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

3. Administrative Officials of the Municipal Level

We find two municipal officials attested in the role of judge. The ša muḫḫi ḫali’s title can easily enough be translated as “city overseer.” However, the title hazanna is problematic; the word is not Akkadian and, like many other Assyrian administrative titles such as sar-tennu or

53 Ibid., 92 on SAA 12 86 r. 16f. and ADD 595: 2f.
54 Mattila (N 5): 94 on the case of Slīm-Asšur.
55 Ibid., 78–79 on the case of Ad-ad-dan.
56 ABL 132 = SAA 1 191. Note that the governor addresses the sukallu as “my lord”; this shows that the state officials outranked the provincial governors.
57 Mattila (N 5): 90.

58 ABL 1109 = CT 54 294 r. 12.
60 CTN 2 92 = Jas (n 3): no. 39; CTN 2 95 = Jas (n 3): no. 43; CTN 2 96 = Jas (n 3): no. 38.
speaking, they seem to be colleagues of equal status. Note, however, that in two witness lists of legal documents the sequence sartennu, sukallu dannu and sukallu šanīu is attested.\(^{52}\) The offices of sartennu, sukallu dannu and sukallu šanīu were not held for life. Interestingly, if not surprisingly, the three posts circulated among the same set of officials: The sources show that a sukallu dannu could later hold the office of sukallu šanīu,\(^{54}\) and a sartennu is (later?) attested as sukallu.\(^{55}\)

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

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

Both the hazannu and the ša muḫḫi ʾālī frequently assumed judicial duties according to the available texts. The fact that the hazannu is so much more often attested than the ša muḫḫi ʾālī in the role of the judge might specifically reflect the situation in the late seventh century, when the hazannu outranked the ša muḫḫi ʾālī; most of our sources stem from that time. Note that no. 35, which dates to the year 676 B.C.E. and predates the reforms in the municipal hierarchy, names the ša muḫḫi ʾālī in the role of judge. It is quite possible that prior to the hazannu’s elevation the ša muḫḫi ʾālī, as the highest city functionary customarily, acted as judge in law cases that were decided on the municipal level.

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

4. Temple Functionaries

Judicial duties were taken on by the šangū, the highest-ranking official of a temple, according to three lawsuit documents; two from Assur (nos. 40 and 41) document cases judged by the šangū of the Aššur temple, while the text from Imgar-Illil (modern Balawat) must refer to the šangū of the dream god Mamû (no. 8*). This official tries a case about a missing camel together with the sartennu. Another text from Assur (no. 42) features the deputy of the šangū of the Aššur temple67 in the role of judge.

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

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5. Gods

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

That gods were assumed to pass judgment over human beings is also reflected by the popularity of personal names such as DN-deni-lamur, DN-deni-amur, DN-deni-epuš, DN-deni-šime, and Pan-DN-deni; these names are constructed using the divine elements Aššur, Adad, Bel, Nabû, Ištar and Šamaš.74 Especially Šamaš and Adad frequently were given the title of judges and closely associated with the verdict of justice in texts of the Neo-Assyrian period.75 It is hence not unexpected that we find both these gods assuming judicial duties in lawsuits. With five trials, Adad is most often attested, and three texts (nos. 45–47) refer specifically to judgments of Adad of Guzana (modern Tell Halaf in Syria)76 and another to Adad of Kannu’77 (no. 44); it is epigraphically difficult to establish which cult center of Adad is named in no. 43, but the place name in question might be Bir-Adini. Samaš and Ninurta act as judges in one lawsuit each, both taking place in Assur (nos. 48 and 49).

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

6. ša pān dēnāni “Court Clerk”

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clear from our sources. His title is the only administrative title
linked semantically to judicial procedures. He is only once attested as
trying a case (no. 21) but frequently served as a witness to legal
documents in court proceedings. Most often, these lawsuits are explicit-
ly tried by other officials. In one case only (ADD 1531154, see Table
2 below), no judge is named, and the ša pān dēnāni holds the first
position in the witness list. Here, we might see a parallel to no. 40 and
consider the option that the ša pān dēnāni was the one who tried this
case.

According to the known sources, the ša pān dēnāni was the subor-
dinate of state or provincial officials. It seems likely to assume that he
was the judicial secretary of these high functionaries who, besides their
courtroom duties, had many other administrative tasks to fulfill.

Hence, I suggest translating the title as court clerk.

Table 2. Attestations for the title ša pān dēnāni

<table>
<thead>
<tr>
<th>subordinate to</th>
<th>place</th>
<th>date</th>
<th>attestation</th>
<th>function</th>
<th>text</th>
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</thead>
<tbody>
<tr>
<td><strong>STATE OFFICIAL</strong></td>
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</tr>
<tr>
<td>sukallu &quot;vizier&quot;</td>
<td>Assur</td>
<td>648</td>
<td>ša IGI ae-na-ni ŠA LUG.SUK.KAL</td>
<td>as judge</td>
<td>VAT 8737 r. 3 (no. 21, above)</td>
</tr>
<tr>
<td></td>
<td>Ma'alanne</td>
<td>649</td>
<td>LUG.*ŠA IGI de-MA ME ŠA SUK.KAL</td>
<td>as third witness in lawsuit text; no judge is named</td>
<td>O 3690 r. 9</td>
</tr>
<tr>
<td>rab ša reši &quot;chief eunuch&quot;</td>
<td>Babylon</td>
<td></td>
<td>LUG.*ŠA IGI di-na-te ŠA É LUG.GAL.SAG</td>
<td>mentioned in Babylonian letter to the king</td>
<td>ABL 1199 + CT 54 294 r. 12</td>
</tr>
<tr>
<td><strong>PROVINCIAL OFFICIAL</strong></td>
<td>Assur</td>
<td>708</td>
<td>LUG.*ŠA IGI de-na-ni ŠA LUG.*GAR.KUR</td>
<td>as witness in field sale text</td>
<td>VAT 9763 = KAN 3 32 r. 19</td>
</tr>
<tr>
<td>governor of Assur</td>
<td>Assur</td>
<td>708</td>
<td>LUG.*ŠA IGI de-MA MEŠ ŠA LUG.KUR.KAL</td>
<td>as witness in field sale text</td>
<td>VAT 9763 = KAN 3 32 r. 20</td>
</tr>
<tr>
<td>governor of Rasappa</td>
<td>Assur</td>
<td>708</td>
<td>LUG.*ŠA IGI di-na-te ŠA É LUG.GAL.SAG</td>
<td>mentioned in Babylonian letter to the king</td>
<td>ABL 1199 + CT 54 294 r. 12</td>
</tr>
<tr>
<td>(governor) of Kalbu'</td>
<td>Nineveh</td>
<td>679</td>
<td>LUG.*ŠA IGI di-KUD.MESŠ ŠA URU.KAL-ŠA</td>
<td>as second witness, after the scribe of the sukallu, in lawsuit text with the sukallu acting as judge</td>
<td>ADD 161 = SAA 6 265: 14 (Jas [N] 3: no. 44)</td>
</tr>
<tr>
<td><strong>NOT STATED</strong></td>
<td>Assur</td>
<td>638*</td>
<td>ŠA IGI de-na-a-te</td>
<td>as first witness in a lawsuit text with the sukallu acting as judge</td>
<td>SE 102: 10 (no. 13, above)</td>
</tr>
</tbody>
</table>

*It cannot be excluded that this official was not a subordinate of the governor of Kalbu, but belonged to the municipal administration.
dures, the exact function of the official called ša pān dēnānī, also attested as ša pān dēna, is not clear from our sources. His title is the only administrative title linked semantically to judicial procedures. He is only once attested as trying a case (no. 21) but frequently served as a witness to legal documents. In one case only (ADD 1354, see Table 2, below), no judge is named, and the ša pān dēnānī holds the first position in the witness list. Here, we might see a parallel to no. 40 and consider the option that the ša pān dēnānī was the one who tried this case. According to the known sources, the ša pān dēnānī was the subordinate of state or provincial officials. It seems likely to assume that he was the judicial secretary of these high functionaries, besides their courtroom duties, had many other administrative tasks to fulfill. Hence, I suggest translating the title as court clerk.

Table 2. Attestations for the title ša pān dēnānī

<table>
<thead>
<tr>
<th>subordinate to</th>
<th>place</th>
<th>date</th>
<th>attestation</th>
<th>function</th>
<th>text</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATE OFFICIAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>sukkal “vizier”</td>
<td>Assur</td>
<td>648</td>
<td>ša IGI de-na-a-te</td>
<td>as judge</td>
<td>VAT 8737 r. 3 (no. 21, above)</td>
</tr>
<tr>
<td>Ma’alanne</td>
<td>Assur</td>
<td>649</td>
<td>LU* ša IGI de-na-a     LUGAL SAG</td>
<td>as third witness in</td>
<td>O 3690 r. 9</td>
</tr>
<tr>
<td></td>
<td>Babylonia</td>
<td></td>
<td></td>
<td>lawsuit text; no judge is named</td>
<td></td>
</tr>
<tr>
<td>rab ša rēši “chief eunuch”</td>
<td>Ashurbanipal</td>
<td>LU* ša IGI de-na-a-te</td>
<td>mentioned in Babylonian letter to the king</td>
<td>ABL 1169 + CT 54 294 r. 12</td>
<td></td>
</tr>
<tr>
<td>PROVINCIAL OFFICIAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td>governor of Rāsappa</td>
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</tr>
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<td>(governor) of Kālhu</td>
<td>Nineveh</td>
<td>679</td>
<td>LUGAL SAG</td>
<td>as second witness, after the scribe of the sukkal, in a lawsuit text with the ša pān dēnānī acting as judge</td>
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IV. THE EXTENT OF JUDICIAL POWER AND AUTHORITY

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

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

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

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

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

Those who wanted to seek the king’s attention concerning a law case had at their disposal the usual ways to make contact with the king. A written petition might be addressed to the king, stating the matter and appealing for the king’s help, or an audience could be requested. Should this be granted, the petitioner was led veiled into the king’s presence where he had the opportunity to state his case. Without doubt, the condemned frequently made pleas to the king’s ultimate judgment in matters of life or death, but we find him approached for more trivial reasons also, such as in the case of a man who twice appealed to the king because one of his debtors had failed for six years to repay a debt, and the Chief Cupbearer would not resolve the matter. There seems to have been no restriction concerning the issues in which the king’s help was requested.

V. SUMMARY

Our attempt to trace the relationship between judge and society in the Neo-Assyrian period was based on the available sources, which mostly stem from the seventh century B.C.E. and consist primarily of legal documents, but also letters and even ritual texts.

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

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

Abbreviations:

A = Tablets in the Assur collection of the Istanbul Arkeoloji Müzesi
ADD = C. H. W. Johns, Assyrian Deeds and Documents Recording the Transfer of Property (Cambridge: Deighton, Bell, 1898–1923)
BATSH 6 = K. Radner, Die neuassyrischen Texte aus Tall Sêh Hamad (Berichte der Ausgrabung von Tall Sêh Hamad/Dûr-Katlimmu 6; Berlin: Reimer, 2002)
BBR = H. Timmern, Beiträge zur Kenntnis der babylonischen Religion (Leipzig: Hinrichs, 1895–1901)
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\(^1\) A judicial decision of the king is preserved in the form of the letter ABL 307. The
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under the Assyrian Empire,” *Le Palais et la Royauté* (P. Garelli, ed.; CRAI 19; Paris:
180–182; and P. Garelli, “L’appel au roi sous l’empire assyrien,” in *Reflets des Deux
Fleuves: Volume de mélanges offerts à André Finet* (M. Lebeau and Ph. Talon, eds.;
\(^2\) CT 53 72 = SAA 1 237.
\(^3\) S. Parpola, “The Murderer of Sennacherib,” in *Death in Mesopotamia* (B. Alster,
ed.; CRRA 26; Mesopotamia 8; Copenhagen: Akademisk, 1980): 171–182; see 172 and
176 n. 12.
\(^4\) CT 53 173 = SAA 11 145:1–8.

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Al-Rafidan = Publication number in A.Y. Ahmad, “The Archive of Aššur-māatu-
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CT  =  Cuneiform Texts from Babylonian Tablets in the British (London: British Museum, 1896–)

CTN  =  Cuneiform Texts from Nimrud (London: British School of Archaeology in Iraq, 1972–)

KAN  =  B. Faist, Neugynische Rechtshviten III (Wissenschaftliche Veröffentlichungen der Deutschen Orient-Gesellschaft 110; Saarwellingen: SDV, 2005)

KAR  =  E. Ebeling, Keilschrifte aus Assur religiosen Inhalts (WVDOG 28; Leipzig: Hinrichs, 1919; WVDOG 34; Leipzig: Hinrichs, 1923)

LKA  =  E. Ebeling, Literarische Keilschrifte aus Assur (Berlin: Akademie, 1953)


MAH  =  Museum siglum of the Musée d’Art et d’Histoire, Geneva

ND  =  Field numbers of tablets excavated at Nimrud


O  =  Museum siglum of the Musée du Cinquantenaire, Brussels: Antiquités orientales

SAA  =  State Archives of Assyria

SBTU  =  E. von Weiher, Spätbabylonische Texte aus Uruk, Teil II (Ausgrabungen der Deutschen Forschungsgemeinschaft in Uruk-Warka 10; Berlin: Mann, 1983)

Scheil  =  Publication numbers in V. Scheil, “Quelques contrats Ninivites,” RA 24 (1927): 111–121

SE  =  Tablets in the collection of the École Biblique et Archeologique Française de Jerusalem

STAT  =  K. Radner, Ein neuassyrisches Privatarchiv der Tempelgoldschmiede von Assur (Studien zu den Assur-Texten 1; Saarbrücken: SDV, 1999)

STAT  =  V. Donbaz and S. Parpola, Neo-Assyrian Legal Documents Assur in Istanbul (Studien zu den Assur-Texten 2; Saarbrücken: SDV, 2001)


TH  =  Field numbers of tablets excavated at Tell Halaf

VAT  =  Museum siglum of the Vorderasiatisches Museum, Berlin (Vorderasiatische Abteilung, Tontafeln)