

**Historical Texts from Ancient Egypt and the Ancient
Near East**

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R ^c	رع

Autobiography of the architect Nekhebu
Boston & Cairo, from Giza
Sixth Dynasty : Pepi I

PM III2 90. Urk. I, 215-221; Dunham, JEA 24 (1938) 1-8. Roccati, Litt., No. 39, pp. 181-186. Titles: Baer, Rank, 37; Drenkhahn, Handwerker, 90-94; Strudwick, Administration, 113.

The autobiography occupies the two door jambs of a doorway in the tomb chapel. The blocks of the right-hand door jamb were removed to the Cairo Museum, those of the left-hand to the Boston Museum. In Urk. I the longer Cairo text precedes the shorter Boston text; but Dunham placed the left-hand text before the right-hand one, and this arrangement yields the logical order of the narration.

Left Door Jamb (Boston)

1 line & 8 cols.

(1) Tue Sole Companion, Royal Architect, Ankh-Meryre-Meryptah, 1 he says:

(2) I am [a builder² for] King Meryre, my lord. His majesty sent me [to direct all the works of the king] and I [acted] to his majesty's satisfaction in Lower and Upper

Egypt. His majesty sent me to direct the construction of (3) the ka-mansions of his majesty in Lower Egypt, in the district of the (royal) domain. In the north my warrant³ was for Lake-City and Chemmis-of-Horus; in the south my warrant was for the Pyramid Men-nefer-Pepi. I returned thence on completion: (4) I had [constructed the ka-mansions] there, built and faced, and their wood-work installed, having been carpentered⁴ in Lower Egypt. I returned on completion by me.

His majesty rewarded me for it (5) in the presence of [the officials] : his majesty gave me pendants⁵ of gold, and bread and beer in very great quantity; and his majesty had a troop of the residence come to me bearing them until they reached my gate with them, (6) because he deemed me more efficient than any other royal architect whom his majesty had sent previously into the district of the royal domain.

His majesty sent me to plan⁶ the canal of Chemmis-of-Horus and dig it. (7) I dug it ---⁶ until I returned to the residence when it was under water. His majesty rewarded me for it: his majesty gave me pendants⁷ of gold, and bread and beer. Great was his majesty's praise of me for

what he had sent me on, (8) for being capable at every task, in every work his majesty had sent me on.

His majesty sent me to [Qus] to dig the canal of his --- of Hathor-in-Qus. I took action and (9) dug it [so that] his majesty rewarded me for it. Then, when I returned to the residence, his majesty rewarded me for it very greatly: his majesty gave me 'pendants' of gold, and bread and beer.

Right Door Jamb (Cairo)

1 line & 10 cols.

(1) [Tue Sole Companion, Royal Architect, Ankh-Meryre Meryptah] he says:

(2) [I am a builder for King] Meryre, my lord. His majesty sent me to direct the work of his monument in On. I acted to the satisfaction of his majesty. I spent six years there in directing the work, and his majesty rewarded me for it as often as I came to the residence. It all came about through me by the vigilance I exercised --- (3) ----- there through my own knowledge.

Having found me as a common builder, his majesty appointed me:

ii- Inspector of Builders and Team Leader;

iii- Overseer of Builders and Team Leader.

iv - His majesty appointed me Royal Architect-

Builder; Royal Attendant and Architect-Builder.

His majesty appointed me Sole Companion and Royal Architect-Builder in the Two Administrations.⁷

His majesty did all this because his majesty favored me greatly.

I am my father's beloved, my mother's favorite.

I gave them no cause to punish me,

until they went to their tomb of the necropolis.

I am one praised of his brothers.

When I was in the service of my brother, the Overseer of Works -----,

I wrote and I carried his 'palette'.

Then, when he was appointed inspector of Builders, I

carried his

measuring rod. 8

(5) Then, when he was appointed Overseer of Builders,

I was his

companion.9

Then, when he was appointed Royal Architect-Builder, I governed the village for him and did everything in it for him efficiently.

Then, when he was appointed Sole Companion and Royal Architect-Builder in the Two Administrations, I reckoned for him all his possessions, and the property in his house became greater than that of any noble's house.

Then (6) when he was appointed Overseer of Works, I represented him in all his affairs to his satisfaction with it.

I also reckoned for him the produce of his estate (pr-dt) over a period of twenty years. Never did I beat a man there, so that he fell by my hand. Never did I enslave any people there. As for any people there (7) with whom I had arguments, it was I who pacified them. I never spent the night angry with any

**of them. It was I who gave clothing, bread, and beer to
all the naked and
hungry among them.**

I am one beloved of all people¹⁰,

I never spoke evil to king or potentate about anyone.

I am one praised of his father, his mother,

an owner of costly offerings in the necropolis

(8) for making their voice-offerings of bread and beer,

for making their feast on the Wag feast, Sokar feast,

New Year's feast, Thoth feast, First-of-the-year feast,

First-and-last-of-the month feast, and every good feast,

celebrated at every season of the year.

0 ka-servants of the honored ones !

If you wish to be favored by the king,

and honored by your lords, your fathers in the

necropolis,

then make voice-offerings (9) of bread and beer,

as I have done for your fathers !

If you wish that I protect you in the necropolis,

tell your children on the day I go there

the words of the voice-offering for me !

I am a potent spirit,

**I know all that by which one becomes a spirit in the
necropolis !**

**O you who are alive on earth,
who shall pass by this tomb !
If you wish to be favored by the king,
and honored by the great god,
(10) enter not this tomb profanely, uncleanly !
Anyone who enters it profanely despite this -
I will be judged with him by the great god !
I will destroy their earth-bome, their homes on earth !**

**O you who are alive on earth,
who shall pass by this tomb !
If you wish (11) to be favored by the king,
and honored by the great god,
say, 1000 bread, 1000 beer for Nekhebu, the honored
one !**

**Not shall you destroy a thing in this tomb,
I am a spirit [potent] and equipped·!
Anyone who destroys a thing in this tomb -
I will be judged with them by the great god !**

**I am one who speaks the good, repeats the good,
I never spoke evil against anyone.'**

Early Dynastic:¹

Although it seems obvious, given the size of the Egyptian population and the different tasks that were being performed, that a multi-tiered society existed by Dynasty 1, specifics about its make-up and various levels are difficult to determine. The population expansion that began in the Naqada Period not only set the stage for the rise of cities and the expansion of political ties into the Delta, Palestine and beyond, but created a large labour force as well. Readily available labour combined with the fertility of the Nile Valley enabled Egypt to produce mass surpluses of food. These agricultural surpluses in turn allowed other segments of society to engage and specialise in non-agricultural pursuits

such as stone working, pottery manufacture and art. Through evidence from burials, we can distinguish three levels of Early Dynastic society: nobles and high

¹ - Lichtheim, Miriam ., *Ancient Egyptian Autobiographies Chiefly of the Middle Kingdom: A Study and an Anthology* , University of Zurich , 1988 , P.11-14.

² - Douglas J. Brewer., *Ancient Egypt Foundations Of A Civilization* , London , 2005.

officials, mid-level bureaucrats and artisans, and the peasantry. The burials of nobility were located near the royal burials at Saqqara and Abydos; their graves, as with those of royal family members and high court officials, were all equipped with the furniture necessary for a luxurious afterlife.

Across the river from Saqqara at Helwan, the tombs of middle-class, lesser nobles and officials of the court and government were located. They were much smaller and with fewer furnishings than the tombs of nobility, although they too reflect a high standard of living. The artisan class is represented in the tombs that surround the graves of the kings, nobles and high officials. Here again the tombs are smaller than those of nobles, high officials and working bureaucrats, but they were still furnished with food, drink and the equipment necessary to ply their craft in the afterlife. Peasants were interred much like their Presynaptic ancestors, in shallow oval graves, but by the end of Dynasty 2 even the peasantry were buried with more goods and furnishings, although they pale in comparison with those of higher social standing. To be sure, in newly united Egypt, life was in many ways similar to life in the Presynaptic, but in many significant ways it

was different. Because written records of the time are limited in scope, focusing primarily on enumerating goods, services and royal exploits, we must use alternative, more speculative means of investigating life in the Early Dynastic Period. For example, by employing anthropological methodology, archaeologists can offer some generalizations about Early Dynastic social structure, but as yet we cannot prove these assertions to be completely accurate. For instance, we can extrapolate back from the Old Kingdom and postulate about some aspects of earlier dynasties. A culture that is known to be patrilineal in historical times, for example, is likely to have been patrilineal in its Late Prehistoric Period.

Such cultural practices tend to be very resilient to change and to continue even under the most extreme circumstances. Therefore, many well-established hallmarks of later Egyptian society very likely extend back into the Late Prehistoric Period. Over the millennia, they evolved in complicated ways, but the basic building blocks probably remained intact.

The central government

During the first three dynasties, often called the Early Dynastic Period the institution of kingship was already central to the Egyptian state and government. Although the office can be traced to the Proto dynastic Egyptians believed the line of kings extended back into prehistory, to a time when gods lived on Earth. Even in the First Dynasty the king was considered a descendant and incarnation of the god Horus, who succeeded his father Osiris in an unbroken chain of related rulers. The symbolic emblems of office included a special kilt (the shendty), a sceptre, a crook and flail, as well as various crowns, most notably the white crown of Upper Egypt and the red crown of the Delta. The complex character of Early Dynastic kings was expressed in their titles, which included three names that served to reinforce the king's role as ruler of the two lands, Upper and Lower Egypt. Even at this early

The Early Dynastic generally refers to Dynasties 1 and 2, but recently scholars have included Dynasty 3 within this period. From this perspective ' Dynasty 3 is seen as the culmination of the formation process of the Egyptian state government and its monuments. Scholars viewing Dynasty 3 as part of the Old Kingdom point to

the step pyramid as the indicator that social progress in Egypt had entered a new age. As in other periods of transformation (e.g. Naqada I to Naqada II), these labels are being imposed on a fluid process and therefore should be recognised as simply markers for grouping the various dynasties into scholarly workable packages. This book treats Dynasty 3 as part of the formative period but only in the sense of bringing the aspects of the long Prehistoric Period to its appropriate.

Mesopotamian Political History[†]

Seth Richardson

Mesopotamian political history is first of all dynastic history, the history of states (city-states, territorial states, and empires) and international relations. This arena still offers the lively action of the discovery of evidence to a degree unlike many other historical fields, since lost cities, unknown kings, and forgotten wars are still being discovered and recovered by cuneiformists and archaeologists on a fairly regular basis. This is all amplified by the fact that, unlike Greek, Roman, and Biblical studies, Assyriology is an “open corpus” field, with hundreds of thousands of documents yet untranslated. This presents an advantage in the sense that Assyriologists may yet reasonably hope to fill in some

[†] - Seth Richardson., Mesopotamian Political History: The Perversities , Journal of Ancient Near Eastern History , Vol 1, 2014, p.62-66.

gaps in historical puzzles about little-known states or the origins of obscure dynasties.

It would be cantankerous to deny the pleasures of this adventurous sort of work. On the other hand, some expectations that political history should be primarily constituted by this kind of research has had a retarding effect on pursuing more abstract and theoretical questions about the nature of political institutions, actors, and processes. Many are the articles which conclude by demurring from conclusion, deferring answers until we know more of the “basic facts”. Second, chronological studies are sometimes received as a kind of political history. Most chronographers themselves don’t necessarily make the claim that their work is inherently explanatory or analytic of historical issues; indeed, much of it is considered disinterested of and predicative to such analyses. The most important of such projects is the challenge to reconstruct an absolute chronology of the second millennium BCE – then on to the third through sources which maddeningly enough seem to conflict just as often as they agree.

This is a tempting area of research with potentially very large payoffs: a proper sequence of events would

have macro-regional implications for the histories of Egypt, Anatolia, and many other parts of the ancient Near East. Again, however, though the evidence is all “hard” (dendrochronological, calendrical astronomical, lengths of reigns, etc.), scholars must defer the treatment of most of the signified historical problems (e.g. explaining why it would matter when Babylon fell to the Hittites) until final reconstructions are accepted. Third are economic studies that aim to explain the political relations of institutions, non-state sectors, and the actors who moved between them. These types of approaches are useful for every major Mesopotamian period in which economic and administrative data are plentiful perhaps most prominently in Ur III and Neo-Babylonian/ Achaemenid studies, with the Early Dynastic and Neo-Assyrian periods somewhat less well represented. Political economy has mostly been examined through the study of archives, a methodology with the advantage of explanation through emic terms and structures.

The drawbacks, however, have much to do with our imperfect grasp of these same concepts, the thorny problem of making analogies to modern economic forms, and an inability to assess the relative importance of

economic data and information in relation to the scope of the wider economy (in terms of both absent and non-existent documentation). A fourth area of political history is the study of ideology – usually the royal ideologies of large and durable conquest states.

The official principles of state organizations have not been so difficult to reconstruct, since our sources often articulated them in cartoonishly bombastic language: the king as shepherd of his people, fearless warrior, and wise judge; the state as the locus of order, with enemy lands the site of disorder; dynasties as revivals of primeval orders; and so forth. Attempts to correlate those state ideologies with the tenets of temple religion or the discourse of civil society, however – that is to say, to argue that they were based on broadly-shared ideals – have usually met with less than convincing results. Thus on the one hand certain concepts are generally accepted: that, for instance, the palace institution was a “household” with the king as pater familias; or that the king had a special relationship with certain gods and temples; or that particular economic principles can be discerned in Mesopotamian political speech (contract language, reciprocities, etc.). Yet on the other hand, such connections tend toward the general,

retain an artificial feel, and are usually fairly accepting of the premises advanced by state institutions. A presumption that state ideologies were outgrowths of social ones is also falsifiable: where in Mesopotamian royal ideology, for instance, do we find some trace of the social and philosophical pessimism that infuses much of Sumerian and Akkadian literature? What traces of Mesopotamian religious imperatives about sacrifice translate meaningfully into royal literature? How comfortably did royal claims of innovation and historical “firsts” rest among other precepts which held the past to be the location of perfect forms, against which change was coded as devolution? It is hardly impossible to give some kinds of answers to such questions, but it must also be admitted that it was in the nature of political ideology to assert its own precepts over those of other spheres of society. Full compliance with social ideals and principles was not a desired much less achievable goal for the state (cf. below regarding ambiguity and hyper coherence). That being the case, the ways in which state rhetoric deviated from more strongly emphasized cultural themes are as instructive of how ideology worked as their isometry or interconnection with them. A fifth aspect of

Mesopotamian political history are its studies of institutions and actors at the level of management and mediation – of magnates, assemblies, and scriptoria – the non-royal people who made political life work on the ground and circumscribed its in- and out-groups, sociologically speaking.⁷ This is a rich field of study to be sure; institutional and commercial documentation offers us nothing if not a close view of the day-to-day business of the offices and bureaus that made states and cities run. Such texts are highly self-referential and revealing of little outside their immediate concerns.

But an even deeper problem in using such texts lies in the a priori presumption of their effective instrumentality in forging political relations; this approach uncritically reifies their importance. Yes, perhaps the fact that a grain delivery text shows that official “X” had control of 24,000 liters of grain seems an index of his ability to make and exercise political relations; but without a context of scale for such transactions, even the largest archives will remain impossible to evaluate for importance. How important was 24,000 liters of grain? And therefore official “X”? In fact, how important was “important”? Anyone who has actually done a study of

institutional life from a body of cuneiform texts has shared the nagging feeling that almost every historical agent one discusses from the textual realm becomes inevitably transformed into an “important” person, or an “elite.” The conclusions that are possible to make about such things are a fragile web of contingent and carefully-reconstructed characterizations.

The Early History of the Assyrian Cavalry (883-745) B.C.^ξ

The representations of the Assyrian cavalry are represented in the palace reliefs of Assurnasirpal II in two contexts. In the first the cavalryman is hunting (escorting the king). It is interesting that there are two horses depicted side by side in this scene, and the cavalryman is riding the horse which is partially covered by the other one, and holding the reins of both. The riderless horse is probably the reserve horse of the royal chariot travelling in front of them.

The horseman wears the well known pointed helmet. There is a rounded (bronze) shield fastened to his back. He is equipped with a bow, a quiver, a sword and a tasselled lance with which he is spearing a wild bull. In another bull-hunting scene he is escorting the royal chariot. A similar horseman appears in a third sculpture, in which he is leading the reserve horse of the royal chariot. The character of the second context is clearly military, and shows the ways in which the early Assyrian

^ξ - Tamás. Dezső., *The Assyrian Army I , The Structure of the Neo-Assyrian Army*, 1. Infantry, Budapest, 2012. PP.14-18.

cavalry could be deployed. There are two cavalrymen fighting in a pair in one of the palace reliefs of Assurnasirpal II. One of them an archer wearing a pointed helmet is using his bow, while the other equipped with rounded bronze shield, sword (and lance?) and wearing a hemispherical helmet with earflaps – holds the reins of both horses. The garments of the archers are decorated, they have no armour, only a wide belt, probably made of bronze.

In this sculpture two pairs of such cavalrymen are chasing the fleeing enemy. The similarity to chariot warfare is obvious: the chariot warrior (the archer) uses his weapon, while the chariot driver/'third man' (shield-bearer) holds the reins and or protects him with his shield. At this point one of the most important reasons for the development of the cavalry can be detected. Assyrian chariots were pulled by two, three or even four horses, and ideally had a crew of three: the chariot warrior, the chariot driver, and the 'third man' (shield-bearer). The warrior horse ratio in this case was 1:2 or 1:3. The value of the shield-bearing 'third man' in battle is questionable. In close combat, and only then, he might have played an active part in the fighting. This 1:2 or 1:3 ratio of warriors

to horses was uneconomical, because horses were very expensive(considering not only their acquisition and breeding, but breaking them in to the chariot, and continuous exercise as well).

Furthermore if a chariot horse was wounded in battle, the other horses and the chariot crew could easily become useless. Similarly, if the chariot warrior was wounded ‘ the chariot (with its horses and the remaining members of the crew) could easily lose most of its fighting efficiency. In contrast, in the case of cavalry the warrior horse ratio was the ideal . This was the most economical way of using horses. Moreover there was no need for the expensive chariot itself, which was probably difficult to repair. In addition to this, the cavalry was a much more flexible arm: it could be deployed on difficult terrain (muddy ground, rivers, watercourses‘ hilly and mountainous country, forest, etc.), where the chariot was useless.

The palace reliefs of Assurnasirpal II show a transitional phase in the evolution of the cavalry the gradual abandonment of the chariotry, and the advent of the independent cavalry. There is still a shield-bearing horseman beside the mounted archer, but it is obvious that

this shieldbearing lancer's fighting efficiency was of full value. They are effectively two cavalymen probably with the same fighting value and with the possibility of fighting independently of one another. Moreover, in close combat they ideally complement each other. The same picture is revealed from the two Balawat Gates (palace and Mamu Temple) of Assurnasirpal II. Cavalymen are shown fighting enemy infantry, and marching behind chariots or escorting the royal chariot (leading spare horse). The Balawat Gates of Shalmaneser III (858-824 B.C.) display several possible uses of the cavalry. There are galloping cavalymen riding in pairs, alternating with chariots represented in a battle scene, in the act of trampling the fleeing enemy infantry. Both cavalymen wear pointed helmets. One of them is shooting with his bow, while the other is protecting him with his rounded (bronze) shield.

The same scene is repeated on another band, but the lancer riding side by side with the mounted archer is spearing an enemy infantryman with his lance. Further cavalymen are represented riding behind chariots. In this scene the cavalymen are depicted in pairs and alone. Those who are riding alone (both archers and shield-bearing lancers) are leading reserve horses. The next

scene shows cavalymen (equipped again with bows and lances) crossing a river. Each of them is taking a reserve horse with him.¹⁸ One interesting scene shows a cavalryman equipped with spiked bronze shield, lance and bow, who is leading a reserve horse behind the royal chariot. He is probably a high ranking officer or a member of the cavalry bodyguard unit.

The first Assyrian cavalry units appear in the royal inscriptions of Tukulti-Ninurta II (890—884 B.C.) Somewhat later, in 880 B.C. when Assurnasirpal II (883—859 B.C.) led a campaign to Zamua, he placed his cavalry (pit-*al-lu*) and his kallāpu infantry (LÚ.kal-la-pu) in ambush next to the city of Parsindu and killed 50 soldiers of Ameka, king of the city of Zamru in the plain. From Zamru he took with him the same cavalry and kallāpu infantry and marched to the cities of Ata, king of the city of Arzizu. This campaign shows the cavalry being used in various ways: to lay an ambush and to move quickly. It is important to note that the cavalry became a regular part of the Assyrian army on campaign. Assurnasirpal II mentioned it in a standard context: “I took with me strong chariots, cavalry (and) crack troops.” The reserves of horses were so important that the control

of horse-breeding countries and territories became a strategic goal of campaigns. On one of his campaigns Assurnasirpal II – because horses were not constantly brought to him and he became angry – led his army to the cities of Marira and ›al‹alauš.

In 879 B.C. he led a campaign to Katmuḫi and Nairi and according to his royal inscriptions he crossed the Tigris with his strong chariots, cavalry, and infantry by means of a pontoon bridge. In 878 B.C. he besieged and captured Sūru, the fortified city of Kudurru, governor of the land of Sūḫu. In the city he captured 50 cavalrymen, the troops of Nabû-apla-iddina, king of Karduniaš, and his brother Zabdānu with his 3,000 fighting men. In 877 B.C., when he led a campaign to the West, to the Mountains of Lebanon, he took with him the cavalry (with chariotry and infantry (units of the North Syrian states which surrendered to him. Bīt-Baḫiāni, Adad-‘ime, king of Azallu, Aḫūnī, king of Bīt-Adini, Carchemish, Lubarna, king of Pattina. This is the first known occasion when foreign cavalry units were drafted into the Assyrian forces. Assurnasirpal II, however, probably did not incorporate them into the Assyrian army proper, but took them on as auxiliary units. In spite of the fact that the

descriptions of campaigns in the royal inscriptions of Shalmaneser III (858—824 B.C.) still began with the standard formula: “I mustered my chariots and troops” the cavalry was becoming increasingly important in Assyrians warfare. In 856 B.C., when Shalmaneser III defeated Arame, king of Urartu, in a mountain battle, he brought back from the mountain Arame’s chariots, cavalry (pit- \langle al-lu- \check{s} u) and horses. The inscriptions mention numerous cavalry, which shows that Urartu was a primary horse-breeding country and in the mountainous terrain they probably used far more cavalry than chariotry. In the next year, 855 B.C., the Assyrian king led a campaign against A \langle unî, king of Bīt-Adini. In one of his reports the king mentioned that after the siege of Mount Šitamrat he brought down from the mountain A.ni with his troops, chariots and cavalry. In 853 B.C. the Assyrians led the first campaign against the coalition of the twelve kings and fought a battle near Qarqar. .adad-ezer (Adad-idri king) of Damascus, mustered 1,200 chariots, 1,200 cavalry and 20,000 troops, while Ir.uleni, king of .amath, brought 700 chariots, 700 cavalry and 10,000 troops. These numbers show that at that time the larger North Syrian states could deploy relatively large numbers of

cavalry. After the battle the Assyrians captured the remnants of the coalition army, including the cavalry. In 849 B.C. the Assyrian king fought the coalition army of the 12 kings again and captured their chariots and cavalry in battle. In the next year, 848 B.C., the Assyrians fought for the third time against the coalition army of the 12 kings, defeated them, and captured their chariotry and cavalry.

In 845 B.C. the Assyrians defeated the coalition army of the 12 kings a fourth time, and again destroyed their chariotry and cavalry. In 843 B.C. Marduk-mudammiq, king of Namri, sent his numerous cavalry (pit-.al-lu-u .I.A.ME.) against the Assyrian army in a battle. Mardukmudammiq drew up a battle line opposite the Assyrians at the River Namritu, but suffered defeat, and Shalmaneser III took his cavalry from him. In 841 B.C. the Assyrian king led a campaign to Damascus again. At that time .azael was the king of Damascus; he fortified Mount Saniru, a mountain peak in front of Mount Lebanon. The Assyrians defeated them and put to the sword 16.000 Damascene fighting men, and took from .azael 1,121 chariots and 470 cavalry. In 832 B.C. the Assyrian king sent his Commander-in-Chief Daii.n-A.ur

to Urartu. The Commander in Chief defeated S.duru (Sarduri I), king of Urartu and took his numerous cavalry from him.

Once again Urartu appears to have been a horse-breeding country which used large numbers of cavalry, though it is not known exactly how many. Shalmaneser III, however, boasted that he had horses for 2,002 chariots and equipped a further 5,542 horsemen for the service of his country. This number . if these 5,542 cavalymen were all under arms at the same time . is the largest known, and probably included the auxiliary cavalry units of the vassal kings as well. His successor, .am.i-Adad V, (823.811 B.C.) mentions in his royal inscriptions that on his third campaign he captured 140 horsemen of the Median .anasiruka as well,³⁹ and on his fourth campaign when he defeated Marduk-bal.ssu-iqbi, the king of Kardunia., in the battle fought by the Daban River before the city of D.r-Papsukkal, he captured 100 chariots and 200 horsemen from his enemy. It is known from one of his fragmentary inscriptions that during his fourth campaign he pursued an unfortunately unknown army, massacred 650 soldiers, and captured 30 cavalry and one chariot from them. On his fifth campaign he led his army to

Kardunia. a second time, and in the battle fought at the gate of N.metti-.arri he captured the chariots and cavalry of Marduk-bal.ssu-iqbi During the reign of Adad-nerari III (810—783 B.C.) a Tell Halaf text lists 6 cavalrymen of the

turtanu. In a ‘letter to the god,’ written probably during the reign of Shalmaneser IV (782—773B.C.), the standard closing formula about Assyrian casualties appears: “[1 charioteer, two[cavalrymen, (and) [three kallapu soldiers] were killed.” The earliest known appearance of cavalrymen in the cuneiform records is also in the early 8th century B.C., in 788 B.C. As the written sources show, in the early 9th century B.C. the cavalry was used outside Assyria mainly in the mountainous regions to the North and East, and in North Syria. By the late 9th century B.C., however, it had become widespread throughout the Near East.

Women in the Ancient Near East^o

Women's clothing.

Sumerian literary texts indicate that the difference between women and men can be seen from far away. Women wore their clothing 'to the left', whereas men dressed 'to the right'. In the cult of the goddess of love (Sumerian Inanna, Akkadian Ištar) the roles of men and women could be interchangeable, because she 'made a man into a woman' and 'a woman into a man'. This may allude to different forms of dress. But wearing the clothing of the opposite sex is strictly prohibited in the Bible: No woman may wear an article of man's clothing, nor may a man put on a woman's dress; for those who do these things are abominable to the Lord your God. It has been suggested that the background to this verse was to prohibit any involvement with the orgiastic heathen cult of the goddess of love, where such interchange of clothing was required. That changing sex was always bad in normal life can be seen from the words of a curse upon someone who may break a contract: May Ištar, the great lady, turn his manhood into the state of a woman. The

^o - Marten .Stol., **Women in the Ancient Near East** , Boston, 2016, p.14,112, 147,152.

Sumerians well knew that it was the prerogative of Ištar to accomplish such a thing. It was not for nothing that the woman wore her clothing 'to the left'. The left side was always associated with the woman, and right with the man. A man's divine guardian accompanied him on the right, and a woman's on the left. This is alluded to in a wish expressed in a letter: May my Lord and my Mistress not fail to protect you on the right and on the left. This fits in with the Babylonian and Greek idea that during pregnancy a boy lies on the right in his mother's womb and a girl on the left, which accords with a generally accepted principle that 'right = male = favourable' while 'left = female = unfavourable'. Modern physiological studies of the brain show that the rational function can be located to the left and the intuitive to the right. More can be said about dress. It is often thought that there was no difference in the clothing of men and women, and a study of clothing in Mari in the Old Babylonian period confirms this. Any question about different clothing for men and women amounted only to the matter of size. Much later the Persians, though belonging to a very different culture, appear also to have adopted unisex dressing. For a long time it was assumed that a *na.laptu*, 'over-garment' was

worn only by men. But in an Old Assyrian marriage contract a woman who is 'lying and cheeky' is threatened that her na.laptu will be snatched from her back. A text from Nuzi speaks of 'a garment for women'. A survey of the clothing depicted in Old Sumerian art shows that men wore one particular costume and women another. For the man there was a type of toga, and for the woman a shoulder garment. It was usual for women to wear brooches. In the Early Dynastic period a woman typically wore a shawl over her head. Sumerian women could have shoes with special decorations.

The marriage gifts.

We have already shown that in the absence of special circumstances written contracts for a marriage were not drawn up. The contracts which were drawn up were written with the intention of safeguarding financial interests. We must assume that there were special circumstances surrounding the marriage contracts we have and we have to search to find what those were. The issue is usually financial, in particular gifts which were transferred.

- The family.

At the beginning of the Chapter, on marriage, we saw how much a happy family life was appreciated. That was why the innkeeper Siduri recommended this to the hero of the Gilgamesh epic. However, before delving into the Babylonian family life, we must investigate some preliminary conditions. When the time comes for a couple to start a family, what are they going to do? Just climbing on to the couch is not enough. Some very careful thought will be needed beforehand. The sexually intimate relationship between a man and a woman is one of the themes of a large Babylonian handbook known as *Šumma alu*. This text is a compilation predicting the significance of almost anything anyone will experience in a lifetime. Various aspects of human behavior are itemised towards the end, are concerned with the things that can happen during sexual intercourse. (only partly preserved) describes a man 'going' to a woman and explains the consequences of adopting different positions for the act.

One sentence states: If a man goes to her crotch: restraint will overcome him; he will be in a bad mood. Often specific rituals are prescribed, 'so that the

(predicted) evil may not come near him'. concerns odd situations in the bedroom and begins with this statement: If a man approaches an older woman he will have quarrels daily. By now it has become clear that this manual is concerned with a man having sex with any willing woman and not only with his legal sweetheart. These situations are beyond the scope of this chapter so they will be passed over speedily. Moreover, nothing will be said about some suggestive clay models of bedroom scenes and the like which have been found.

Children.

The arrival of children raises a subject which the Sumerians knew only too well: Marrying is a human affair; getting children is a matter for the gods. How many children did a family normally have? The delightful relief of Ur-Nanše, the ruler of Lagash, shows him in two different settings. In the upper register he is standing erect, as the builder of a temple with a worker's basket on his head. In the lower register he is seated and holding a beaker. The eleven people with him, including eight children depicted on a smaller scale, are named in the inscription. Facing him in the upper register, from left to

right we have From Old Babylonian inheritance records we see that up to eight adult children could inherit. On average it was three children and in the better-off families six to eight Pušu-ken, a merchant from Assyria, had four sons and one daughter. From a myth about the underworld we understand that the prevailing attitude among fathers was to have as many children as possible. It can be summarized as ‘the more sons the better’, with seven being the highest number In a handbook with predictions derived from human births we come across a short treatise on what will happen if a woman bears multiple births at one time. Here the maximum of children is eight. A Sumerian proverb takes pity on a mother who has given birth to them. When the names of members of families who were deported are listed the numbers are not necessarily reliable. Some individuals could have been away at the time, for families were quickly broken up with different members moving around to work in different places. From the Middle Assyrian period we have a brief account of some 200 Hurrians who were deported from the northern uplands and put to work building the new royal city of Kar-Tukulti-Ninurta.

EGYPTIAN BOOK OF THE DEAD AND THE MYSTERIES OF AMENTA.¹

The Egyptians entertained no doubt about the existence, the persistence, or the personality of the human spirit or ghost of man; and as we understand Manetho's account of the Egyptian religion in the times before Mena, the worship of the ghosts or spirits of the dead was that which followed the two previous dynasties of the elemental powers of earth and the Kronidæ in the astronomical mythology. For the present purpose, however, the three classes mentioned fall into the two categories of beings which the Egyptians designated "*the Gods and the Glorified.*" The gods are superhuman powers, whether elemental or astronomical. The glorified are the souls once mortal which were propitiated as the spirit-ancestors, here called the Manes of the dead. Not that the Egyptian deities were what Herbert Spencer thought, "the expanded ghosts of dead men." We know them from their genesis in nature as elemental powers or animistic spirits, which were divinized because they were

¹ - Gerald Massey., Ancient Egypt The Light of the World " A Work of Reclamation and Restitution in Twelve Books" , Vol. 1,p.120-134.

superhuman, and therefore *not* human. Sut, as the soul of darkness; Horus, as the soul of light; Shu, as the soul of air or breathing force; Seb, as soul of earth; Nnu (or Num), as soul of water; Ra, as soul of the sun, were gods, but these were not expanded from any dead men's ghosts. Most emphatically, man did not make his gods in his own image, for the human likeness is, we repeat, the latest that was applied to the gods or nature-powers. Egyptian mythology was founded on facts which had been closely observed in the ever-recurring phenomena of external nature, and were then expressed in the primitive language of signs. In the beginning was the void, otherwise designated the abyss. Darkness being the primordial condition, it followed naturally that the earliest type in mythical representation should be a figure of darkness. This was the mythical dragon, or serpent Apap, the devouring reptile, the monster all mouth, the prototype of evil in external nature, which rose up by night from the abyss and coiled about the Mount of Earth as the swallower of the light; who in another phase drank up all the water, as the fiery dragon of drought. The voice of this huge, appalling monster was the thunder that shook the firmament (Rit., ch. 39); the drought was its blasting

breath that dried up the waters and withered vegetation. As a mythical figure of the natural fact, this was the original Ogre of the North, the giant who had no heart or soul in his body. Other powers born of the void were likewise elemental, with an aspect inimical to man. These were the spawn of darkness, drought and disease. In the Ritual they are called the Sami, demons of darkness, or the wicked Sebau, who for ever rose in impotent revolt against the powers that wrought for good. These Sami, or black spirits, and Sebau supplied fiends and spirits of darkness to later folklore and fairyology; and, like the evil Apap, the offspring also are of neither sex. Sex was introduced with the Great Mother in her hugest, most ancient form of the water cow, as representative of the Mother-earth and bringer forth of life amidst the waters of surrounding space. Her children were the elemental powers or forces, such as wind and water, earth and fire; but these are not to be confused with the evil progeny of Apap. Both are elemental in their origin, but the first were baneful, whereas the latter are beneficent.

When the terrors of the elements had somewhat spent their force, and were found to be non-sentient and unintelligent, the chief objects of regard and propitiation

were recognized in the bringers of food and drink and the breath of air as the elements of life. Those were the beneficent powers, born of the Old Mother as elemental forces, that preceded the existence of the gods or powers divinized. The transformation of an elemental power into a god can be traced, for example, in the deity Shu. Shu as an elemental force was representative of wind, air, or breath, and more especially the breeze of dawn and eve, which was the very breath of life to Africa. Darkness was uplifted or blown away by the breeze of dawn. The elemental force of wind was imaged as a panting lion couched upon the horizon or the mountain-top as lifter up of darkness or the sky of night. The power thus represented was animistic or elemental. Next, Shu was given his star, and he became the Red God, who attained the rank of stellar deity as one of the seven "Heroes" who obtained their souls in the stars of heaven. The lion of Shu was continued as the figure of his force; and thus a god was born, the warrior-god, who was one of the Heroes, or one of the powers in an astronomical character. Three of these beneficent powers were divinized as male deities in the Kamite Pantheon, under the names of Nnu, Shu, and Seb. Nnu was the producer of that water which in Africa

was looked upon as an overflow of very heaven. Shu was giver of the breath of life. Seb was divinized, and therefore worshipped as the god of earth and father of food. These three were powers that represented the elements of water, air, and earth. Water is denoted by the name of Nnu. Shu carries the lion's hinder part upon his head as the sign of force; the totem of Seb is the goose that lays the egg, a primitively perfect figure of food. These, as elemental powers or animistic souls, were life-givers in the elements of food, water, and breath. Not as begetters or creators, but as transformers from one phase of life to another, *finally* including the transformation of the superhuman power into the human product. There are seven of these powers altogether, which we shall have to follow in various phases of natural phenomena and on divers radiating lines of descent. Tentatively we might parallel:—Darkness=Sut; light=Horus; breathing power=Shu; water=Nnu (or Hapi); earth=Tuamutef (or Seb); fire=Khabsenuf; blood=Child-Horus. These were *not* derived from the ancestral spirits, once human, and no ancestral spirits ever were derived from them. Six of the seven were pre-human types. The seventh was imaged in the likeness of Child-Horus, or of Atum, the man. Two

lists of names for the seven are given in the Ritual (ch. 17, I, 99-107), which correspond to the two categories of the elemental powers and the Glorious Ones, or Heroes. Speaking of the seven, the initiate in the mysteries says, “I know the names of the seven Glorious Ones. The leader of that divine company is An-ar-ef the Great by name.” The title here identifies the human elemental as the sightless mortal Horus—that is, Horus who was incarnated in the flesh at the head of the seven, to become the first in status, he who had been the latest in development. In this chapter of the Ritual the seven have now become astronomical, with their stations fixed in heaven by Anup, whom we shall identify as deity of the Pole. “They do better,” says Plutarch, “who believe that the legends told of Sut, Osiris, and Isis do not refer to either gods or men, but to certain great powers that were superhuman, but not as yet divine” (*Of Isis and Osiris*, ch. 26). The same writer remarks that “Osiris and Isis passed from the rank of good demons (elementals) to that of deities” (ch. 30). This was late in the Kamite mythos, but it truly follows the earlier track of the great powers when these were Sut and Horus, Shu and Seb, and the other elemental forces that were divinized as gods.

In the astronomical mythology the nature-powers were raised to the position of rulers on high, and this is that beginning which was described by Manetho with “the gods” as the primary class of rulers, whose reign was divided into seven sections, or, as we read it, in a heaven of seven divisions—that is, the celestial Heptanomis. Certain of these can be distinguished in the ancient heavens yet as figures of the constellations which became their totems. Amongst such were the hippopotamus-bull of Sut, the crocodile-dragon of Sebek-Horus, the lion of Shu, the goose of Seb, the beetle of Kheper (Cancer), and other types of the starry souls on high, now designated deities, or the Glorious Ones, as the Khuti. The ancient mother, who had been the cow of earth, was elevated to the sphere as the cow of heaven. It was she who gave rebirth to the seven powers that obtained their souls in the stars, and who were known as “the Children of the Thigh” when that was her constellation. These formed the company of the seven Glorious Ones, who became the Ali or Elohim, divine masters, time-keepers, makers and creators, which have to be followed in a variety of phases and characters. The Egyptian gods were born, then, as elemental powers. They

were born as such of the old first Great Mother, who in her character of Mother-earth was the womb of life, and therefore mother of the elements, of which there are seven altogether, called her children. The seven elemental powers acquired souls as gods in the astronomical mythology. They are given rebirth in heaven as the seven children of the old Great Mother. In the stellar mythos they are also grouped as the seven Khus with Anup on the Mount. They are the seven Taasu with Taht in the lunar-mythos, the seven Knemmu with Ptah in the solar mythos. They then pass into the eschatology as the seven souls of Ra, the Holy Spirit, and the seven great spirits glorified with Horus as the eighth in the resurrection from Amenta.

The Egyptians have preserved for us a portrait of Apt (Kheb, or Ta-Urt), the Great Mother, in a fourfold figure, as the bringer forth of the four fundamental elements of earth, water, air, and heat. As representative of the earth she is a hippopotamus, as representative of water she is a crocodile, and as the representative of breathing force she is a lioness, the human mother being imaged by the pendent breasts and procreant womb. Thus the mother of life is depicted as bringer forth of the elements of life, or at least four of these, as the elemental

forces or “souls” of earth, water, fire, and air, which four are imaged in her compound corpulent figure, and were set forth as four of her seven children. Apt was also the mother of sparks, or of souls as sparks of starry fire. She was the kindler of life from the spark that was represented by the star. This, we reckon, is the soul of Sut, her first-born, as the beneficent power of darkness. The power of water was imaged by Sebek-Horus as the crocodile. The power of wind or air, in one character, was that of the lion-god Shu; and the power of the womb is the Child-Horus, as the fecundator of his mother. These, with some slight variations, are four of the seven powers of the elements identified with the mother as the bringer forth of gods and men, whom we nowadays call Mother Nature.



Apt, the First Great Mother

Six of the total seven were represented by zootypes, and Horus was personalized in the form of a child. Evidence for a soul of life in the dark was furnished by the star. Hence the Khabsu in Egyptian. This was an elemental power of darkness divinized in Sut, the author of astronomy. Evidence for a soul of life in the water was furnished by the fish that was eaten for food. This elemental power was divinized in the fish-god Sebek and in Ichthus, the mystical fish. Evidence for a soul of life in the earth was also furnished in food and in periodic renewal. The elemental power was divinized in Seb, the father of food derived from the ground, the plants, and the

goose. Evidence for a soul of life in the sun, represented by the uræus-serpent, was furnished by the vivifying solar heat, the elemental power of which was divinized in Ra. Evidence for a soul of life in blood was furnished by the incarnation, the elemental power of which was divinized in elder Horus, the eternal child. Six of these seven powers, we repeat, were represented by zootypes; the seventh was given the human image of the child, and later of Atum the man. Thus the earliest gods of Egypt were developed from the elements, and were not derived from the expanded ghosts of dead men. Otherwise stated, the ancestral spirits were not primary.

Dr. Rink, writing of the Eskimo, has said that with them the whole visible world is ruled by supernatural powers or “owners,” each of whom holds sway within certain limits, and is called his Inua (viz., its or his Inuk, which word signifies “man” and also owner or inhabitant). This is cited by Herbert Spencer as most conclusive evidence that the agent or power was *originally* a human ghost, because the power may be expressed as the Inuk, or its man—“the man in it—that is, the man’s ghost in it.” The writer did not think of the long way the race had to travel before “the power” could be expressed by “its

man,” or how late was the anthropological mode of representing the forces of external nature. “The man” as type of power belongs to a far later mode of expression. Neither man nor woman nor child was among the earliest representatives of the elemental forces in external nature. By the bye, the Inuk is the power, and in Egyptian the root Nukh denotes the power or force of a thing, the potency of the male, as the bull; thence Nukhta is the strong man or giant. Sut was a Suten-Nakht. Horus was a Suten-Nakht, but neither of them was derived from man. The elements themselves were the earliest superhuman powers, and these were thought of and imaged by superhuman equivalents. The power of darkness was not represented by its man, or the ghost of man. Its primal power, which was that of swallowing all up, was imaged by the devouring dragon. The force of wind was not represented by its man, but by its roaring lion; the drowning power of water by the wide-jawed crocodile, the power of lightning or of sunstroke by its serpent-sting, the spirit of fire by the fiery-spirited ape. In this way all the elemental forces were equated and objectified before the zootype of Sign-language was changed for the human figure or any one of them attained its “man” as the representative of its power.

The earliest type of the man, even as male power, was the bull, the bull of his mother, who was a cow, or hippopotamus. Neither god nor goddess ever had been man or woman or the ghost of either in the mythology of Egypt, the oldest in the world. The Great Mother of all was imaged like the totemic mother, as a cow, a serpent, a sow, a crocodile, or other zootype, ages before she was represented as a woman or the ghost of one. It is the same with the powers that were born of her as male, six of which were portrayed by means of zootypes before there was any one in the likeness of a man, woman, or child. And these powers were divinized as the primordial gods. The Egyptians had no god who was *derived from a man*. They told Herodotus that “in eleven thousand three hundred and forty years [as he reckons] no god had ever actually become a man” (B. II, 142). Therefore Osiris did not originate as a man. Atum, for one, was a god *in the likeness of a man*. But he was known as a god who did not himself become a man. On the other hand, no human ancestor ever became a deity. It was the same in Egypt as in Inner Africa; the spirits of the human ancestors always remained human, the glorified never became divinities. The nearest approach to a deity of human origin is the god

in human likeness. The elder Horus is the divine child in a human shape. The god Atum in name and form is the perfect man. But both child and man are entirely impersonal—that is, neither originated in an *individual* child or *personal* man. Neither was a human being divinized. It is only the type that was anthropomorphic.

The two categories of spirits are separately distinguished in the Hall of Righteousness, when the Osiris pleads that he has made “oblations to *the gods* and funeral offerings to *the departed*” (Rit., ch. 125). And again, in the chapter following, the “oblations are presented to *the gods* and the sacrificial meals to *the glorified*” (ch. 126).

A single citation from the chapter of the Ritual that is said on arriving at the Judgment Hall will furnish a brief epitome of the Egyptian religion as it culminated in the Osirian cult. “I have propitiated the great god with that which he loveth; I have given bread to the hungry, water to the thirsty, clothes to the naked, a boat to the shipwrecked. *I have made oblations to the gods and funeral offerings to the departed,*” or to the ancestral spirits (Rit., ch. 125). The statement shows that the divine service consisted of good works, and primarily of charity.

The gods and the glorified to whom worship was paid are: (1) The Great One God (Osiris); (2) the Nature-Powers, or Gods; and (3) the Spirits of the Departed. But the order in development was: (1) The Elemental Forces, or Animistic Nature-Powers; (2) the Ancestral Spirits; (3) the One Great God over all, who was imaged phenomenally in the Kamite trinity of Asar-Isis in matter, Horus in soul, Ra in spirit, which three were blended in the Great One God. In the Hymn to Osiris (line 6) the ancestral spirits are likewise discriminated from the divine powers or gods. When Osiris goes forth in peace by command of Seb, the God of Earth, “the *mighty ones* bow the head; the *ancestors* are in prayer.” These latter are the commonalty of the dead, the human ancestors in general, distinguished from the gods or powers of the elements that were divinized in the astronomical mythology. In one of the texts the “spirits of the king,” the ever-living Mer-en-Ra, are set forth as an object of religious regard superior in status to that of the gods, by which we understand the ancestral spirits are here exalted above the elemental powers as the objects of propitiation and invocation. The Egyptian gods and the glorified were fed on the same diet in the fields of divine harvest, but are entirely distinct in

their origin and character. The glorified are identifiable as spirits that once were human who have risen from the dead in a glorified body as Sahus. The gods are spirits or powers that never had been human. We know the great ones, female or male, from the beginning as elemental forces that were always extant in nature. These were first recognized, represented, and divinized as superhuman. The ghost, when recognized, was human still, however changed and glorified. But the Mother-earth had never been a human mother, nor had the serpent Rannut, nor Nut, the celestial wateress. The god of the Pole as Anup, the moon god Taht, the sun god Ra, had never been spirits in a human guise. They were divinized, and therefore worshipped or propitiated as the superhuman powers in nature, chiefly as the givers of light, food, and drink, and as keepers of time and season. These, then, are the goddesses and gods that were created by the human mind as powers that were impersonal and non-human. Hence they had to be envisaged with the aid of living types. Spirits once human manifest as ghosts in human form. It follows that the gods were primary, and that worship, or extreme reverence, was first addressed to them and not to the ancestral spirits, which, according to H. Spencer and

his followers, had no objective existence. Neither is there any sense in saying the Egyptian deities were *conceived* in animal forms. This is to miss the meaning of Sign-language altogether. "Conception" has nought to do with Horus being represented by a hawk, a crocodile, or a calf; Seb by a goose, Shu by a lion, Rannut by a serpent, Isis by a scorpion. The primary question is: Why were the goddesses and gods or powers presented under these totemic types, which preceded the anthrotype in the different modes of mythical representation? Three of the seven children born of the Great Mother have been traced in the portrait of Apt, the old first genetrix, as Sut the hippopotamus, Sebek the crocodile, and Shu the lion. But there was an earlier phase of representation with her two children Sut and Horus, who were born twins. It is the same in the Kamite mythology as in external nature. The two primary elements were those of darkness and light: Sut was the power of darkness, Horus the power of light. In one representation the two elements were imaged by means of the black bird of Sut and the white bird, or golden hawk, of Horus. Thus we can identify two elemental powers, as old as night and day, which are primeval in universal mythology; and these two powers,

or animistic souls, were divinized as the two gods Sut and Horus with the two birds of darkness and light, the black vulture and the gold hawk depicted back to back as their two representative types or personal totems.

The beginning with these two primal powers is repeated in the mythology of the Blacks on the other side of the world. With them the crow and hawk (the eagle-hawk) are equivalent to these two birds of darkness and light; and according to the native traditions, the eagle-hawk and crow were first among the ancestors of the human race. That is as the first two of the elemental powers which became the non-human ancestors in mythology. They are also known as the creators who divided the Murray Blacks into two classes or brotherhoods whose totems were the eagle-hawk and crow, and who now shine as stars in the sky. (Brough Smyth, v. I, 423 and 431.) This is the same point of departure in the beginning as in the Kamite mythos with the first two elemental powers, viz., those of darkness and light. These two birds are also equated by the black cockatoo and the white cockatoo as the two totems of the Mûkjarawaint in Western Australia. The two animistic souls or spirits of the two primary elements can be

paralleled in the two souls that are assigned to man or the Manes in the traditions of certain aboriginal races, called the dark shade and the light shade, the first two souls of the seven in the Ritual. These, as Egyptian, are two of the seven elements from which the enduring soul and total personality of man is finally reconstituted in Amenta after death. They are the dark shade, called the Khabsu, and the light shade, called the Sahu. A Zulu legend relates that in the beginning there were two mothers in a bed of reeds who brought forth two children, one black, the other white. The woman in the bed of reeds was Mother-earth, who had been duplicated in the two mothers who brought forth in space when this was first divided into night and day. Another version of the mythical beginning with a black and white pair of beings was found by Duff Macdonald among the natives of Central Africa. The black man, they say, was crossing a bridge, and as he looked round he was greatly astonished to find that a white man was following him (*Africana*, vol. I, p. 75). These are the powers of darkness and daylight, who were portrayed in Egypt as the Sut-and-Horus twins, one of whom was the black Sut, the other the white Horus, and the two “men” were elementals. The natives on the shores

of Lake Rudolf say that when it thunders *a white man* is born. But the white man thus born is the flash of light or lightning imaged by an anthropomorphic figure of speech.

The aborigines of Victoria likewise say the moon was a black fellow before he went up into the sky to become light, or white. Horus in Egypt was the white man as an elemental power, the white one of

the Sut-and-Horus twins, who is sometimes represented by an eye that is white, whereas the eye of Sut was black. In the mythos Horus is divinized as the white god. The children of Horus, who are known to mythology as the solar race, are the Khuti. These are the white spirits, the children of light. The solar race at last attained supremacy as chief of all the elemental powers, and in the eschatology the Khuti are the glorious ones. The Khu-sign is a beautiful white bird. This signifies a spirit, and the spirit may be a human ghost, or it may be the spirit of light, otherwise light imaged as a spirit; thence Horus the spirit of light in the mythology, or the glorified human spirit, called the Khu, in the eschatology. The symbols of whiteness, such as the white down of birds, pipeclay, chalk, flour, the white stone, and other things employed in

the mysteries of the black races and in their mourning for the dead, derive their significance from white being emblematic of spirit, or the spirits which originated in the element of light being the white spirit. The turning of black men into white is a primitive African way of describing the transformation of the mortal into spirit. It is the same in the mysteries of the Aleutians, who dance in a state of nudity with white eyeless masks upon their faces, by which a dance of spirits is denoted. With the blacks of Australia the secret “wisdom” is the same as that of the dark race in Africa. According to Buckley, when the black fellow was buried the one word “*Animadiate,*” was uttered, which denoted that he was gone *to be made a white man*. But this did not mean a European. Initiates in the totemic mysteries were made into white men by means of pipeclay and birds’ down, or white masks, the symbols of spirits in the religious ceremonies. This mode of transformation was not intended as a compliment to the pale-face from Europe. Neither did white spirits and black originate with seeing the human ghost. Horus is the white spirit in the light half of the lunation, Sut in the dark half is “the black fellow,” because they represent the elements of light and darkness that were divinized in mythology.

Hence the eternal contention of the twins Sut and Horus in the moon. It is common in the African mysteries for the spirits to be painted or arrayed in white, and in the custom of pipeclaying the face, on purpose to cause dismay in battle, the white was intended to suggest spirits, and thus to strike the enemy with fear and terror. Also, when spirits are personated in the mysteries of the Arunta and other tribes of Australian aborigines, they are represented in white by means of pipeclay and the white down of birds. It is very pathetic, this desire and strenuous endeavour of the black races, from Central Africa to Egypt, or to the heart of Australia, to become white, as the children of light, and to win and wear the white robe as a vesture of spiritual purity, if only represented by a white mask or coating of chalk, pipeclay, or white feathers. Many a white man has lost his life and been made up into medicine by the black fellows on account of his white complexion being the same with that assigned to the good or white spirits of light. In a legend of creation preserved among the Kabinda it is related that God made all men black. Then he went across a great river and called upon all men to follow him. The wisest, the best, the bravest of those who heard the invitation plunged into the wide river,

and the water washed them white. These were the ancestors of white men. The others were afraid to venture. They remained behind in their old world, and became the ancestors of black men. But to this day the white men come (as spirits) to the bank on the other side of the river and echo the ancient cry of "Come thou hither!" saying, "*Come; it is better over here!*" (Kingsley, M. H., *Travels in West Africa*, pp. 430, 431.) These are the white spirits, called the white men by the black races, who originated in the representation of light as an elemental spirit, the same term being afterwards applied to the white bird, the white god, and the white man. This legend is also to be found in Egypt. As the Ritual shows, there was an opening day of creation, designated the day of "Come thou to me." The call was made by Ra, from the other side of the water, to Osiris in the darkness of Amenta—that is, from Ra as the white spirit to Osiris the black in the eschatology. But there was an earlier application of the saying in the solar mythos. In the beginning, says the best-known Egyptian version, the sun god Temu, whose name denotes the creator god, having awoke in the Nnu from a state of negative existence, appeared, as it were, upon the other side of the water, a figure of sunrise, and suddenly cried

across the water, “Come thou to me!” (as spirits). Then the lotus unfolded its petals, and up flew the hawk, which represented the sun in mythology and a soul in the eschatology. Thus Tum the father of souls, being established in his spiritual supremacy, calls upon the race of men to come to him across the water in the track of sunrise or of the hawk that issued forth as Horus from the lotus. From such an origin in the course of time all nature would be peopled with “black spirits and white,” as animistic entities, or as the children of Sut and Horus; as the black vultures or crows of the one, and the white vultures or gold hawks of the other. Thus we have traced a soul of darkness and a soul of light that became Egyptian gods in the twin powers Sut and Horus, and were called the dark shade and the light of other races, the two first souls that were derived as elementals. The anima or breath of life was one of the more obvious of the six “souls” whose genesis was visible in external nature. This was the element assigned to Shu, the god of breathing force. In the chapter for giving the breath of life, to the deceased (Rit., ch. 55) the speaker, in the character of Shu, says: “I am Shu, who conveys the breezes, or breathings. I give air to these younglings as I open my mouth.” These younglings

are the children whose souls are thus derived from Shu, when the soul and breath were one, and Shu was this one of the elemental powers divinized as male.

Messrs. Spencer and Gillen have shown that up to the present time the Arunta tribes of Central Australia do not ascribe the begetting of a human soul to the male parent. They think the male may serve a purpose in preparing the way for conception, but they have not yet got beyond the incorporation of a soul from the elements of external nature, such as wind or water—that is, the power of the air or of water, which was imaged in the elemental deity. Spirit children, derivable from the air, are supposed to be especially fond of travelling in a whirlwind, and on seeing one of these approaching a native woman who does not wish to have a child will flee as if for her life, to avoid impregnation. (*Native Tribes*, p. 125.) This doctrine of a soul supposed to be incorporated from the elements is so ancient in Egypt as to have been almost lost sight of or concealed from view beneath the mask of mythology. The doctrine, however, was Egyptian. The insufflation of the female by the spirit of air was the same when the goddess Neith was impregnated by the wind. With the Arunta tribes it is the ordinary woman who

is insufflated by the animistic soul of air. In Egypt, from the earliest monumental period, the female was represented mythically as the Great Mother Neith, whose totem, so to call it, was the white vulture; and this bird of maternity was said to be impregnated by the wind. “Gignuntur autem hunc in modum. Cum amore concipiendi vultur exarserit, vulvam ad Boream aperiens, ab eo velut comprimitur per dies quinque” (Hor-Apollo, B. I, 11).

This kind of spirit not only entered the womb of Neith, or of the Arunta female; it also went out of the human body in a whirlwind. Once when a great Fijian chieftain passed away a whirlwind swept across the lagoon. An old man who saw it covered his mouth with his hand and said in an awestruck whisper, “There goes his spirit.” This was the passing of a soul in the likeness of an elemental power, the spirit of air that was imaged in the god Shu, the spirit that impregnated the virgin goddess Neith. According to a mode of thinking in external things which belonged to spiritualism, so to say, in the animistic stage, the human soul had not then been specialized and did not go forth from the body as the Ka or human double. It was only a totemic soul affiliated to the power of wind,

which came and went like the wind, as the breath of life. To quote the phrase employed by Messrs. Spencer and Gillen, a spirit-child was *incarnated* in the mother's womb by the spirit of air. The doctrine is the same in the Christian phase, when the Holy Spirit makes its descent on Mary and insufflates her, with the dove for totem instead of some other type of breathing force or soul. There is likewise a survival of primitive doctrine when the Virgin Mary is portrayed in the act of inhaling the fragrance of the lily to procure the mystical conception of the Holy Child. This is a mode of inhaling the spirit breath, or anima, the same as in the mystery of the Arunta, but with the difference that the Holy Spirit takes the place of the spirit of air, otherwise that Ra, as source of soul, had superseded Shu, the breathing force. Such things will show how the most primitive simplicities of ancient times have supplied our modern religious mysteries.

We learn also from the Arunta tribes that it is a custom for the mother to affiliate her child thus incorporated (not incarnated) to the particular elemental power, as spirit of air or water, tree or earth, supposed to haunt the spot where she conceived or may have quickened. (N. T., pp. 124 and 128.) Thus the spirit-child

is, or may be, a reincorporation of an Alcheringa ancestor, who as Egyptian is the elementary power divinized in the eschatology, and who is to be identified by the animal or plant which is the totemic type of either. Not that the animal or plant was supposed by the knowers to be transformed directly into a human being, but that the elemental power or superhuman spirit entered like the gust that insufflated the vulture of Neith or caused conception whether in the Arunta female or the Virgin Mary. The surroundings at the spot will determine the totem of the spirit and therefore of the spirit-child. Hence the tradition of the Churinga-Nanga being dropped at the place where the mother was impregnated by the totemic spirit, which, considering the sacred nature of the Churinga, was certainly a form of the Holy Spirit. The spirit of air rushed out of the gap between the hills; or it was at the water-hole, or near the sacred rock, or the totemic tree, that the mother conceived, and by such means the child is affiliated to the elemental power, the animistic spirit, the Alcheringa ancestor, as well as to the totemic group. The mother caught by the power of wind in the gap is the equivalent of divine Neith caught by the air god Shu and insufflated in the gorge of Neith. The element of life

incorporated is the source of breath, or the spirit of air, which would have the same natural origin whether it entered the female in her human form, or into that of the bird, beast, fish, or reptile. It was the incorporation of an elemental spirit, whether of air, earth, water, fire, or vegetation.

In popular phraseology running water is called living water, and still water is designated dead. There is no motion in dead water, no life, no force, no spirit. Contrariwise, the motion of living water, the running spring or flowing inundation, is the force, and finally the soul of life in the element. Air was the breath of life, and therefore a soul of life was in the breeze. In the deserts of Central Africa the breeze of dawn and eve and the springs of water in the land are very life indeed and the givers of life itself, as they have been from the beginning. These, then, are two of the elements that were brought forth as nature powers by the earth, the original mother of life and all living things. When the supreme life-giving, life-sustaining power was imaged as a pouring forth of overflowing energy the solar orb became a figure of such a fountain-head or source. But an earlier type of this great welling forth was water. Hence Osiris personates the

element of water as he who is shoreless. He is objectified as the water of renewal. His throne in heaven, earth, and Amenta is balanced upon water. Thus the primary element of nutriment has the first place to the last with the root-origin of life in water. Birth from the element of water was represented in the mysteries of Amenta by the rebirth in spirit from the water of baptism. It is as a birth of water that Child-Horus calls himself the primary power of motion. Also "the children of Horus" who stand on the papyrus plant or lotus are born of water in the new kingdom that was founded for the father by Horus the son. This too was based upon the water. Hence two of Horus's children, Tuamutef and Kabhsenuf, are called the two fishes (Rit., ch. 113), and elsewhere the followers of Horus are the fishers. One of the two lakes in Paradise contained the water of life. It was designated the Lake of Sa, and one of the meanings of the word is spirit, another is soil or basis. It was a lake, so to say, of spiritual matter from which spirits were derived in germ as the Hammemat. This lake of spirit has assuredly been localized in Europe. The superstition concerning spirits that issue from the water is common, and in Strathspey

there is a lake called Loch Nan Spoiradan, the Lake of the Spirits.

When spirit-children were derived from the soul of life that was held to be inherent in the element of water, they would become members of the water-totem—unless some pre-arrangement interfered. For example, a water-totem is extant in the quatcha-totem of the Arunta tribe. A child was conceived one day by a lubra of the Witchetty-grub clan who happened to be in the neighbourhood of a quatcha, or water locality. She was taking a drink of water near to the gap in the ranges where the spirits dwell, when suddenly she heard a child's voice crying "Mia, mia!" the native term for relationship, which includes that of motherhood. She was not anxious to have a child, and therefore ran away, but could not escape. She was fat and well-favoured, and the spirit-child overtook her and was incorporated willy-nilly. In this instance the spirits were Witchetty-grub instead of water spirits of the quatcha-totem locality, otherwise, if the totem had not been already determined locally, this would represent the *modus operandi* of the elemental power becoming humanized by incorporation. The water spirit is a denizen of the water element, always lying in wait for young, well-

favoured women, and ready to become embodied in the human form by the various processes of drinking, eating, breathing, or other crude ways of conversion and transformation.

The several elements led naturally to the various origins ascribed to man from the ideographic representatives of earth, water, air, fire, such as the beast of earth, the turtle or fish of water, the bird of air, the tree or the stone. The Samoans have a tradition that the first man issued from a stone. His name was Mauike, and he is also reputed to be the discoverer of fire. Now the discoverer of fire, born of a stone, evidently represents the element of fire which had been found in the stone, the element being the animistic spirit of fire, to which the stone was body that served as type (Turner, *Samoa*, p. 280, ed. 1884). The derivation of a soul of life from the element of fire, or from the spark, is likewise traceable in a legend of the Arunta, who thus explain the origin of their fire-totem. A spark of fire, in the Alcheringa, was blown by the north wind from the place where fire was kindled first, in the celestial north, to the summit of a great mountain represented by Mount Hay. Here it fell to the earth, and caused a huge conflagration. When this

subsided, one class of the Inapertwa creatures issued from the ashes. These were “the ancestors of the people of the fire-totem,” the people born from the element of fire (N. T., p. 445). The tradition enables us to identify an origin for children born of fire, or the soul of fire, that is, the power of this element. Moreover, it is fire from heaven. It falls as a spark, which spark falls elsewhere in the fire-stone. These particular Inapertwa, or pre-human creatures, were discovered by two men of the Wungara or wild-duck totem, and made by them into men and women of the fire-totem. Such, then, are the offspring of fire or light, where others are the children of air or of water, as one of the elemental or animistic powers; and the pre-human creatures became men and women when they were made totemic. The transformation is a symbolical mode of deriving the totemic people from the pre-human and pre-totemic powers which were elemental.

There is a class of beings in the German folk-tales who are a kind of spirit, but not of human origin, like so many others that are a product of primitive symbolism, which came to be designated elementals because they originated in the physical elements. These little earth-men have the feet of a goose or a duck. Here the Kamite

wisdom shows how these are the spirits of earth who descended from Seb, the power, spirit, or god of earth, whose zootype in Egypt was the goose. Thus the earth god or elemental power of the mythos becomes the goose-footed earth man of the Märchen and later folk-lore, which are the *débris* of the Kamite mythology. The cave-dwellers in various lands are likewise known as children of the earth. Their birthplace may be described as a bed of reeds, a tree, a cleft in the rock, or the hole in a stone. Each type denotes the earth as primordial bringer forth and mother of primæval life. Children with souls derived from the element of earth are also represented by the Arunta as issuing from the earth *viâ* “the Erithipa stone.” The stone, equal to the earth, is here the equivalent for the parsley-bed from which the children issue in the folk-lore of the British Isles. The word Erithipa signifies a child, though seldom used in this sense. Also a figure of the human birthplace is very naturally indicated. There is a round hole on one side of the stone through which the spirit-children waiting for incorporation in the earthly form are supposed to peep when on the look-out for women, nice and fat, to mother them. It is thought that women can become pregnant by visiting this stone. The

imagery shows that the child-stone not only represents the earth as the bringer forth of life, but that it is also an emblem of emanation from the mother's womb. There is an aperture in the stone over which a black band is painted with charcoal. This unmistakably suggests the pubes. The painting is always renewed by any man who happens to be in the vicinity of the stone (N. T., p. 337). These Erithipa stones are found in various places. This may explain one mode of deriving men from stones, the stone or rock in this case being a figure of the Mother-earth.

In such wise the primitive representation survives in legendary lore, and the myth remains as a tale that is told. Earth, as the birthplace in the beginning, was typified by the tree and stone. A gap in the mountain range, a cleft in the rock, or the hole in a stone presented a likeness to the human birthplace. The mystery of the stone affords an illuminative instance of the primitive mode of *thinging* in Sign-language, or thinking in things. Conceiving a child was thought of as a concretion of spirit, and that concretion or crystallization was symbolized by means of the white stone in the mysteries. It is the tradition of the Arunta tribe that when a woman conceives, or, as they render it, when the spirit-child

enters the womb, a Churinga-stone is dropped, which is commonly supposed to be marked with a device that identifies the spirit-child, and therefore the human child, with its totem. Usually the Churinga is found on the spot by some of the tribal elders, who deposit it in the Ertnatulunga, or storehouse, in which the stones of conception are kept so sacredly that they must never be looked upon by woman or child, or any uninitiated man. “Each Churinga is so closely bound up with the spirit individual (or the spirit individualized) that it is regarded as its representative in the Ertnalutunga” or treasury of sacred objects. In this way the Arunta were affirming that, when a child was conceived of an elemental power, whether born figuratively from the rock or tree, the air, the water, or it may be from the spark in the stone that fell with the fire from heaven, or actually from the mother’s womb, it was in possession of a spirit that was superhuman in its origin and enduring beyond the life of the mortal. This was expressed by means of the stone as a type of *permanence*. Hence, when the stone could not be identified upon the spot, a Churinga was cut *from the very hardest wood* that could be found. The stones were then saved up in the repository of the tribe or totemic group,

and these Churingas are the stones and trees in which primitive men have been ignorantly supposed to keep their souls for safety outside of their own bodies by those who knew nothing of the ancient Sign-language.

No. 1 (Tablet no. 033)

25.III.1 Šagarakti-Šuriaš (124 5/6 BCE); 9.5 x 5.5 cm.

Three people were caught by their supervisor while breaking into the royal poultry house (*bīt iṣṣurī ša šarri*) at Kār-Nabû, and were consequently imprisoned in the palace. They were then released by guaranty of a man who promised to bring them back, for farther interrogation, when he will be so ordered.

Obv ¹ḫu-ra-ṣu ¹ki-lam-du

ù

¹□d□pap.su

kkal-ki-na-

ùru é

mušen□ḫi□

.a ša lugal

i-na ^{uru}kar-^dag *ik-ki-s[u-m]a*

5 ^{Id}amar.utu-ki-na-ùru dumu ^Iir-^dsukkal

ša-pi-ir-šu-[nu]

ni-ik-sa i-mu-ur-m[a]

iš-bat-su-nu-ti-ma i-

pa-[ad-šu-nu-t]i-

□ma□ a-na é.gal na-

šu-šu-nu-t[i]

^Iti-su-^dpap.sukkal pu-□us-su□ 10

im-ḥa-aš-ma a-na ^{Id}amar.utu-ki-na-[ùru]

ki-a-am iq-

bi a-na ia-a-

ši bi-la-šu-

nu-tì-

□ma□

lu-uš-šú-ur-šu-nu-ti-ma

a-na u₄-um lugal iq-□tir□-ba 15

lu-ud-din-ak-

ku-šu-nu-ti-im-

ma li-is-ni-qu-

□šu□ -nu-ti

^Iti-su-^dpap.sukkal a-na u₄-um

^{Id}amar.ut[u-k]i-na-ùru iq-ta-ba-aš-šu

i-nam-di[n-šu]-nu-ti-ma 20

lugal

i-[ša-ʾa-a]l-šu-nu-ti

^Iti-s[u-^dpap.sukka]l sa-a[r- Rev
ta]

□ú□-ḫal-l[a-aq-m]a ul

it-ta-d[in-š]u-nu-□ti□-

ma a-na é.g[al i]t-tar-
ra-aš

igi ^Iḫu-ud-di-[i]m-ma-nu 25

□dumu□ ^Itu-ḫi-□ia□-a

[ig]i ^Iḫu-un-nu-bu

dumu ^{Id}nin-ši-kù-<ka>-ra-bi-iš-me

igi ^Iiz-kùr-^dpap.sukkal gal ḫa-mu-ul-ti

igi ^Iki-din-^dpap.sukkal 30

dumu ^Iiz-kùr-^dpap.sukkal

igi ^Išeš-dam-qu dumu ìr-
^dé-a

igi ^I□bu□-un-na-^dim dumu ^{Id}30-e-pi-ri

igi ^{Id}30-ág-numun dumu ^Izálag-dingir-šu

igi dub.sar ^Imu-sig₅-^dim ^{lú}ḫal

35 iti.sig₄.ga ud.25.kam

□mu.1[?].kam □ ^dša-garak-ti-šu-ri-ia-aš

□AN □ ZII ša ^dza-ba₄-ba₄

ul-zi-zu

umbin ^Iti-su-^dpap.sukkal

ki-ma ^{na}₄kišib-šu 40

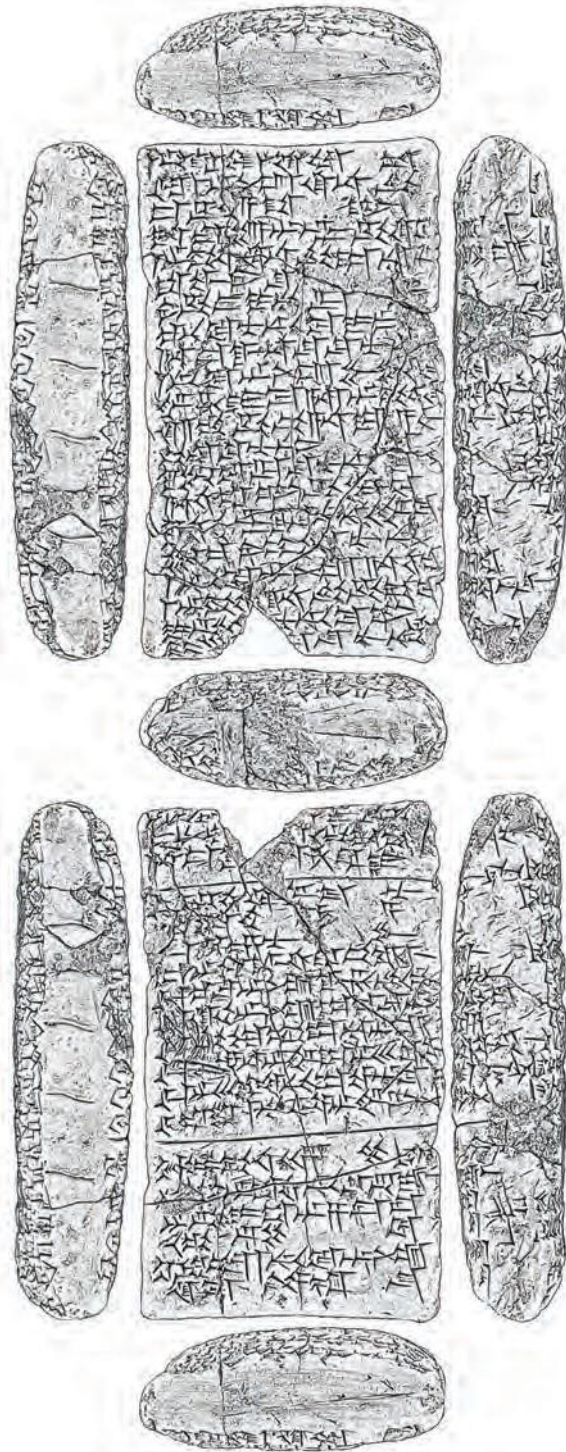
(1-9) Ḫurāšu, Kilamdu, and Papsukkal-kīna-ušur broke into the royal poultry house at Kār-Nabû. Marduk-kīna-ušur son of Arad-Papsukkal, their overseer, saw the breach, caught them, handcuffed them, and they were brought to the palace.

(10-24) Uballissu-Papsukkal stood bail (for them), and said to Marduk-kīna-ušur, ‘Bring them to me and I will watch over them. Upon the king’s arrival, I will give them (back) to you, so they will be interrogated.’ Uballissu-Papsukkal will give them (back) as soon as Marduk-kīna-ušur will order him to, so the king will question them. (If) Uballissu-Papsukkal will falsely let them flee and will not bring them back, he will be held before the palace.

(25–34) Witnesses: ʒuddimmanu son of Tuḫiya, ʒunnubu son of Ninšiku-karabi-išme, Izkur-Papsukkal, the overseer-of-five, Kidin-Papsukkal son of Izkur-Papsukkal, Aḫu-damqu son of Arad-Ea, Bunna-Adad son of Sîn-ēpiri, Sîn-rē'im-zēri son of Nūr-ilīšu, (and) the scribe Mudammiq-Adad the diviner.

(35–40) 25th of Simānu, year 1 of Šagarakti-Šuriaš, *AN ZI I* that/of Zababa erected. Uballissu-Papsukkal's fingernail is his seal.

These black and white sketches were generated by Hendrik Hameeuw based on the photos taken with the KU Leuven Portable Light Dome within the GMREH project (see note 1).



Text no. 1

1. The name 𒄩𒀪𒀭 is unattested in the Middle-Babylonian period, though it is known from other periods (e.g. CT 32 36 i: 17, BIN 6 84: 24), and as a component in geographical texts from Nuzi (e.g. HSS 15 41: 14). It might be connected to the Middle-Babylonian name 𒄩𒀪𒀭𒀭 (e.g. BE 15 180 iii: 40), which von Soden derived from *hurāṣu* (AHw: 358). Hölscher (1996: 85), on the other hand, understands 𒄩𒀪𒀭𒀭 as a Kassite name, transliterating *Hura-Zana*.

3. To the best of my knowledge, this is the only attestation of a “royal poultry house” (*bīt išṣurī ša šarri*) in Middle-Babylonian texts (and in general for that matter). The poultry fattener (*us/šandû*), however, is attested in several personnel lists (e.g. MUN 417: 34) and ration lists (e.g. BE 15 198, 200), where he is mentioned alongside i.a. courtiers (*ša rēši*), palace slaves (*arad ekalli*) and slave-girls (*amat ekalli*); for the different attestations and other officials listed in these texts, see Sassmannshausen (2001: 115).⁴ In fact, based on these attestations, Sassmannshausen (*ibid.*) notes that the poultry fattener was a royal official (rather than of the temple). The mentioning of a royal poultry house in our text illustrates this point further. Fodder for the animals is also attested; e.g. BE 14 62 and MUN 125–130. In first millennium texts from the Ebabbar archive of Sippar, we also find ducks, doves, and geese being fattened in the poultry house, and prepared for sacrifice at

the temple.⁵ The Neo-Babylonian texts, however, refer to the temple's poultry house rather than to a royal one. As noted, this is the only example of a poultry house under palace authority.

4. A city by the name of Kār-Nabû is known from the Old-Babylonian period onwards.⁶ In the Middle-Babylonian period, Kār-Nabû is mentioned in a number of letters (e.g. BE 17 26: 4, BIN 17 68: 26, CT 43 59: 9, 12) as well as in a lexical list from Ugarit (MSL 11 45: 55). Groneberg maintains that one should look for the Old-Babylonian Kār-Nabû in south-east Babylonia in the vicinity of Maškan-šapir (Groneberg 1980: 133; and see also RLA 5: 447). Nashef (1982: 158) points out that Kār-Nabû appears in the Middle-Babylonian sources alongside cities such as Bīt-ḥabban, Ḫībarītu, and Ṭabtu, which are located in northern Babylonia. Thus, it should be distinguished from its Old and Neo-Babylonian namesakes. Though, as mentioned above, our tablet's archaeological context is unknown, as in the initial catalogue of the Moussaieff collection there were several references of Maškan-šapir.⁷ This, with all careful consideration, supports a south-east location of Kār-Nabû in our text.

ik-ki-s[u-m]a; see HS 108: 35 for a similar usage of *nakāsu* as breaking into a building wall for the purpose of burglary.

6. The *šāpiru* overseer is attested in two Middle-Babylonian kudurrus (MDP 2 97: 11, MDP 6 pl. 10 iii: 29) alongside *aklu* (ugula) and *lapputû* (nu.banda) officers, and in a letter (BE 17 52: 11) in broken context. The paucity of evidence at this time does not allow satisfactory characterization of this official.⁸

8. *i-pa-[ad-šu-nu-t]i-ma*; for the *šabātu pâdu* sequence denoting incarceration in the Middle- Babylonian period, see e.g. MBTU 17: 11, MBTU 19: 9, MBTU 24: 12', and from the Old-Babylonian period, TIM 2 16: 7, AbB 13 46: 9.

9. *na-šu-šu-nu-t[i]*: 3rd person pl. stative (of *našû*), as opposed to first person sing. preterit form of *šabātu* and *pâdu* in line 8. This implies that *našû* represent a separate action. One might speculate that this separate action might have something to do with the guaranty granted to the three burglars; i.e. *našû*, in this case, might have a specific legal meaning concerning this proceeding. One option would be to see it as an elliptical form of the legal phrase *rēša našû*, “to raise/lift the head” (see e.g. PBS 1/2 41: 22). When dealing with Neo-Babylonian guaranty documents, Holtz (2009: 277–278) maintains that the phrase *rēša našû* designates the guarantor obligation to present a man to the authorities upon demand, for the purpose of his inquiry or for settling his debts. If this is indeed an elliptical form, then *ana ekalli na-šu-šu-nu-t[i]* means “they

4. I thank L. Zimmermann for pointing out the relevant attestations of *us/šandû*. 5. E.g. *Cyr.* 5: 6, *Dar.* 540: 10, 11, *Cam.* 89: 9, and see Janković (2004: 37–38).

6. E.g. AbB 4 22: 19, AbB 4 114: 6; for further Old Babylonian period examples, see Groneberg (1980: 133), and,

for the Neo Babylonian attestations, Zadok (1985: 196).

7. For the Maškan-šapir texts from the Moussaieff collection, see Abraham and Gabbay (2012).
8. For a short summary of the Middle Babylonian *šāpiru*, see Sassmannshausen (2001: 44).

(i.e. the guarantors) will present the three suspects to the palace (for the purpose of their investigation)”. However, *našû* in our text is in the context of the incarceration. The guaranty is mentioned later (lines 12–22), and there is only one guarantor. In addition, the phrase *rēša našû* is attested only once in the Middle- Babylonian period, and it is not a common legal expression that was shortened by time.

A similar use and phrasing of *našû*, i.e. in the pl. stative for –and in the context of imprisonment– is attested in a *Šumma alu* text: *amēlu kī maššarti ana ekalli našûšūma surdû ištu šumēli amēli ana imitti amēli šabtu amēlšu ilabbir*, “If a falcon flies from left to right when the guards bring a man to the palace, his imprisonment will be long” (CT 40 48: 26–27). As in **no. 1**, this text deals with a man being taken by the palace authorities for incarceration (*šabtu*). Hence, it seems that the *šāpiru* overseer in **no. 1** seized and fettered the burglars, then handed them over an unidentified officials (equivalent to the *maššartu* in *Šumma alu*), which physically transferred the burglars to the palace.⁹

21. For the use of *šālu* for questionings of suspect, see e.g. MBTU 7: 14, and see Holtz (2009: 247– 250) for a discussion on the Neo-Babylonian questioning (*šālu*) proceedings.

^{24.} *ittarraš*; N stem of *tarāšu*; cf. PN₁ PN₂ ana PN₃ *dayyāni itrušma*, “PN₁ held PN₂ before PN₃ the judge” (MBTU 8: 7–9). According to Gurney (1983: 44), *ana tarāšu* is an

elliptical form of the phrase *ana pāni tarāṣu*, in the sense of bringing a person in front of an authority; e.g. *ana pāni šandabakki itruṣu*, “held before the governor of Nippur” (PBS 8/2 163: 4, 9); for further examples, see Adler (1976: 333, Glossary), Rainey (1980: 197).

25–34. The reading *šību* (and not *pāni*) for *igi* in the witness list is based on the spelling *igi-bu* in MBTU 15: 28–29.

25. The name Ḫuddimmanu can be understood in two ways: (1) an unclear Hurrian name, and (2) from the Semitic *ḫtmt* “nose”; see Hölscher (1996: 83). The Semitic interpretation is favoured both by Maraqten (1988: 164) and von Soden (AHw: 362). However, the fact that Ḫuddimmanu’s father Tuḫiya (line 26) bears a Hurrian name as well might point towards a Hurrian driven name nevertheless.

29. The *rab ḫamulti* (overseer-of-five) –an official in charge over groups of five men– is attested in two administrative texts (AfK 2 53: r. 16 and AfK 2 61: 14) from the reign of Itti-Marduk-balāṣu (1139–1132 BCE). In both of these cases it is written *gal 5-ti*, rather than the syllabic spelling we find in the present text.

36. The exact year cannot be read. Given the available space, however, as well as the fact that all three other texts are dated to 0–2 Šagarakti-Šuriaš, a restoration of 1 (possibly 2) would be the most likely option.

37–38. The obscurity of these lines lays in their meaning as well as their position in the text. The date and the signature formulae generally appear side-by-side with no

data between them.¹⁰ Two possibilities are to be explored: (1) year name, and (2) royal title.¹¹

Year name: *ul-zi-zu* is most probably a Š form of *izizzu*. The final *-u* can either stand for the subjunctive, marking the subordinate sentence following the *ša* (line 37), or *-ū* for the pl. form. The subject of this sentence can be either Zababa or the king, but it cannot be a pl. form. Moreover, since only Zababa is preceded by *ša*, it is he who must be the subject of *ul-zi-zu*. The translation would then be, ‘(The) AN-ZI-I that Zababa erected.’ If this interpretation is correct, it is difficult to assume that lines 37–38 represents a year name, since these would concentrate on the actions of the king. Furthermore, though the use of year names is known from the Kassite period, the last Middle-Babylonian use of year names dates back to the time of Kurigalzu I in the late 15th century BCE (Brinkman 1976: 205, 402), while **no. 1** is dated to the time of Šagarakti-Šuriaš

9. In other Middle-Babylonian guaranty documents we can see that it is the plaintiff or the aggrieved party who is responsible for bringing the defended to court or prison (e.g. MBTU 3: 9–12, MBTU 15: 3–4). In our case, the palace is the aggrieved party, for it is the royal poultry that was burgled. Therefore, it was the palace officials’ responsibility to arrest the burglars.

¹⁰. See Renger (1977a: 77).

¹¹. Theoretically, this could also be the name of an additional individual who was present in the signing of the tablet (this was

suggested by L. Zimmerman; personal communication). The signs, however, are relatively clear, and even if we assume a scribal error for the dropping of the ^l, I cannot come up with a reasonable reading of a personal name. Furthermore, we would also expect a father name or a profession, and the placing of this line in its current position would still be problematic.

(1245–1233 BCE). In addition, none of the three known Kassite year names contains Akkadian syllabic spelling.

Royal title: as seen above, lines 37–38 should probably translated ‘(The) *AN-ZI-I* that Zababa erected.’ The question remains, what is *AN-ZI-I*? One possible suggestion is to derive it from *yanzi*, Kassite for “king”.¹² In this case we will translate ‘(Šagarakti-Šuriaš, the) king whom Zababa erected.’ The problem with reading *yanzi* is that none of the known *yanzi* attestations neither starts with an *an-*, nor ends with an *-i* suffix.

The *an* in line 37 was initially read as *ḫal* in the preliminary deciphering of **no. 1**. In several texts from Nuzi we find a *ḫalzuḫlu* official, typically acting as a judge. This title is derived from *ḫalšu* (district), with the Hurrian suffix (*u*)*ḫlu*; see Finkelstein (1953: 116)³⁰. The king in our text does act as judge in the case, and we may then understand lines 37–38 as a royal title for the king in his judicial function, ‘(Šagarakti-Šuriaš), the judge whom Zababa erected.’ It must be stressed however that the judicial context is only associate with the *ḫalzuḫlu*, and never to *ḫalši*.

No. 2 (Tablet no. 258)

14.XI.0 Šagarakti-Šuriaš (1245 BCE); 7.5 x 5 cm.

A woman by the name of ^f*İlsitu* was imprisoned for the escape of ^f*Yā’ūtu*, her sister. ^f*İlsitu* was then released from her imprisonment by a guarantor, who promised to deliver the

escaped sister, ^fYā'ūtu, back to the authorities.

[^fi]a-a-tu₄ dumu.sal ^{lú}ašgab Obv

□ i^h-li □ -iq-ma

^{Id}nin-urta-

kiš-dingir^{meš}

^fil-si-ta

nin^{a.ni}

gaba.ri ma-am- 5.

ma i-na ki- □ li □

ik-la-ši-ma

^Iib-ni-^damar.utu pu-us-su

im-^ha-aš-ma a-na ^{Id}nin-urta-kiš-dingir^{meš}

□ ki □ -a-am iq-bi ^fil-si-ta

mu-uš-še-ra-am-ma bi-is-sa 10

la mu-uš-šu-ur a-na-ku ^fia-a- □ ta □

ša □ ^hal □[?]-qa-tu₄ ú-ba-a[?]-am-ma

□ a □[?]-li-iq-qa-šim-ma a-nam-din-ak-ku

^{Id}nin-urta-kiš-dingir^{meš} a-na ka ša[!](T. šu) di-ni

^fil-si-ta LOE₁₅

ú-še-ši-ma

ú-ma-aš-ši-ir-rù-šu Rev

^Iib-ni-^damar.utu ^fia-a-ta

ul il-te-qa-am-ma

ú ^fil-si-tu □ il□[?]-li-ik-ma 20

^Iib-ni-^damar.utu ip-pa-a-ad

igi ^{Id}nin-urta-

IA-KAL-su[?] igi

^Iqu-nu-nu-iš[?]-

giš.tuk[?]-me[?] igi

^Iri-gim-^dim

^{lú}apin

25 igi ^{Id}im-mu-si.sá dumu kur gar-ra[?]

igi ^Ia-a-rù šeš^{a.ni}

igi ^Imu-dam-mi-

iq-^dim dub.sar

umbin ^Iib-ni-

^damar.utu

ki-ma ^{na4}kišib-šu

30 iti.zíz.a.an

du.14.kam

mu sag.nam

lugal.e

□ ^dša-ga-rak-ti-šu-ri-ia-aš □ UpE

12. See *ia-an-zi* = *ša-ar-ru*, Pinches (1917: 102 ff. line 24), and see Balkan (1954: 155).



Text no. 2

(1-21) ^fYā'ūtu, daughter of the leatherworker, had fled. Ninurta-kiššat-ilāni imprisoned ^fIl^situ, her sister, in prison *in her place*. Ibni-Marduk stood bail for her, and said to Ninurta-kiššat-ilāni,

‘Release ^f*Ilsitu* to me, (but) do not relinquish her *household*. I will look for ^f*Yā’ūtu*, who had escaped, get her, and hand (her) over to you.’ Ninurta-kiššat-ilāni freed ^f*Ilsitu* and relinquished to him *according to the judgement*. (If) Ibni-Marduk will not bring ^f*Yā’ūtu*, although ^f*Ilsitu* went (with him), Ibni-Marduk will be handcuffed.

(22–27) Witnesses: Ninurta-IA-KAL-*erība*, Qununu-*išme*, Rigim-Adad the farmer, Adad-šuma-līšir, man of *Garra*, Ayyaru, his brother, (and) Mudammiq-Adad the scribe.

(28–32) Ibni-Marduk’s fingernail is his seal. 14th of Šabātu, accession year of Šagarakti-Šuriaš.

Commentary

1. Note that ^fYā'ūtu is not identified by her father's name. In addition, when ^fIl^{situ} is mentioned (line 4), she is identified only as ^fYā'ūtu's sister. It seems that ^fYā'ūtu was the head of her household or, at least, did not have a (living male) head of a household above her. According to Tenney (2011: 110) females usually escaped with their male partner and children (if they had any). It seems that ^fYā'ūtu was an unmarried woman with no children, which perhaps could also explain the fact that it was her sister who was arrested for her escape.

4. ^fil-si-tu; the name is unattested elsewhere to the best of my knowledge.

5. The translation of gaba.ri *mam-ma* as “in her place” is conjectural and based on context. The idea was perhaps that someone had to be imprisoned on account of the fleeing woman, though it was less important who would it be (as long as it was from the same household).

14. a-na ka ša'(T. šu) di-ni; the reading *ana pī qat dīni* would be awkward.

25. Adad-šuma-līšir from the unknown land of Garra, or perhaps Šara, is attested as a witness in **no. 3: 28**

as well.

No. 3 (Tablet no. 030)

15.V.2 Šagarakti-Šuriaš (1243 BCE); 8.5 x 5.3 cm.

Arad-nubatti was imprisoned by Amīl-Marduk, due to the escaping of a worker who was entrusted with him. Arad-nubatti was then released under the stipulation to present the fleeing worker in two and a half weeks' time.

^Ia-□da-lal□-[ša-^du].□gur dumu□? Obv

^I□x-iš□-ša-ba

BAD dam.□gàr x□ša^Ilú-^damar.utu

ul-tu ḥur-sag-kalam-ma^{ki}

□il□-qu-ni-šum-ma

□a□-na^Iṛ-nu-bat-ti 5

a-na ma-šar-t[i] ip-

qí-du-šu-ma

i-na šu^Iṛ-nu-bat-ti iḥ-li-iq

^Ilú-^damar.utu^Iṛ-nu-bat-ti

□i□-na ki-li ik-la-ma

a-mi-la ša 10

tu-ḥal-li-qu

bi-lam-mi iq-

ba-aš-šu

^Iṛ-nu-bat-ti ki-

a-am iq-bi mu-

uš-še-ra-an-

ni-ma

¹*a-da-al-lal-ša*-^du.gur *lu-ul-qa-am-ma*

lu-ud-din-ak-ku 15

¹lú-^damar.utu *ul-tu en.líl*^{ki}

iš-pur-am-ma ku-nu-uk-ki ša ¹*ir-nu-bat-ti*

□*iš*□-*ba-tu-ma a-na ud.2.kam ša iti.* □*kin*□-^d*inanna*

a-da-an-na iš-ku-un

[*a-d*]*a-an-ni-iš-* Rev₂₀

ku-nu it-[ti]-□*iq*□-

[*ma*][¹*a*]-*da-lal-ša-*

^du.gur □*ud.2*□.kam

□*ul*□ *il-te-qá-am-ma a-na* ¹lú-^damar.[utu]

ul it-ta-din-ma

¹*ir-nu-bat-ti ut-*

tar-ma ip-pa-

a-ad

igi ¹lú-^d*gu-la* dumu ¹*hu-la-li* 25

igi ¹*ir-nu-bat-ti* ^{lú}nagar

igi ¹□^d30□-*šeš-su*[m.n]a dumu ¹*za-ki-ri man-di-di*

igi ^{Id}*im-mu-si-sá*!(T. ki)

dumu kur gar-ra igi

¹*mu-dam-mi-iq-*^dim

dub.sar

30 iti.ne.ne.gar ud.15.kam

mu.2.kam ^d*ša-garak-ti-šu-ri-ia-aš*

lugal.e

umbin ^lir-

nu-bat-ti

ki-ma

^{na4}kišib-š*u*



Text no. 3

(1-7) Adallal-ša-Nergal *son of x-iššaba the merchant* –whom Amīl-Marduk took from Ḫursagkalamma and entrusted him to Arad-Nubatti for guard duty– had escaped from the hands of
Arad-nubatti.

(8-24) Amīl-Marduk imprisoned Arad-nubatti, and told him, ‘You will bring me the man whom you let to escape.’ Arad-nubatti replied, ‘Release me so I will get Adallal-ša-Nergal and bring him to you.’ Amīl-Marduk sent (a word) from Nippur; he took the sealed document of Arad-nubatti, setting (his) due date to the second day of Ulūlu. (Should) that term expire, and Adallal-ša-Nergal had not been seized and delivered to Amīl-Marduk by the second day (of Ulūlu), Arad-nubatti will be taken back
fettered.

(25-29) Witnesses: Amīl-Gula son of Ḫulālu, Arad-nubatti the carpenter, Sîn-aḫa-iddin son of Zākīru the surveyor, Adad-šuma-līšir, man of *Garra*, (and) Mudammiq-Adad the scribe.

(30-34) 15th of Abu, year 2 of king Šagarakti-Šuriaš. Arad-nubatti’s
fingernail is his seal.

Commentary

1-5. Amīl-Marduk is entrusting a man with Arad-nubatti; see also BE 14 127, written two years prior to the present text, where the same Amīl-Marduk instructs the same Arad-nubatti to deliver a slave. Amīl-Marduk is probably the governor of Nippur (*šandabakku*); e.g. Brinkman (1976 no. 24, UM 29-16-

340). Arad- nubatti may very well also be the mayor (*ḥazannu*), who is the first witness in **no. 4**, and see also Sassmannshausen (2001 no. 2: 13, 14) for a *bēl āli* and a scribe (respectively) by the same name. Six year after our text, we find the son of Arad-nubatti acting as a guarantor for the releasing of a farmer from the “prison of Amīl-Marduk” (*kīli Amīl-Marduk*, BE 14 135: 3).

2. The meaning of BAD in this context is obscure, although the reading is quite certain. It is perhaps also possible to read *numun la* instead of BAD dam, but this would not solve the problem. The first half of this line (BAD dam. □gār x□) probably refers to Adallal-ša-Nergal’s profession or hometown.

7. For a discussion concerning escaped servile workers, like Adalal-ša-Nergal,¹³ and statistical analyses of the phenomena, see Tenney (2011: 104ff).

28. For Adad-šuma-līšir see note to **no. 2: 25** above.

No. 4 (Tablet no. 036)

[x].VI.2 Šagarakti-Šuriaš (1243 BCE); 7.5 x 5.3 cm.

Mušēzib-Nergal and Tukultu robbed the house of Namru during the night, but only Mušēzib-Nergal was imprisoned for it. He was then released in return for a payment of gold and the stipulation to deliver Tukultu.

^I*mu-še-zi-ib*-^d*u.gur* Obv
dumu ^I*ḥu*-□x□-[...]ù
^I*tu-kul-tu*₄ dumu ^I*a*-

*ḫu-ú-□a-ba□-ni a-
na nu-bat-ti a-na é
¹nam-ri*

i-ru-bu-ṣú

é¹nam-ri ú-ḫa-am-mi-ṣú-ma 5

□x x□ *ṣu[?] ba[?] ra ri ra ne*

[x x] ud.ka.bar 1

ma.□na□ ki.lá.bi

[...] □x□-an-na

¹□pi/mi[?]-ka□-lum

[...] sa-ar-ta¹(T.

ul) iš-ṣu-sù

[x] □x *ib[?]□-bal-ki-tu-ma it-pi[?]-ku[?] (/tú[?] la[?])* 10

[x] □x□ dingir □...□ [¹][?]□nam-ri[?]□

[(x) ¹]□mu□-še-zi-ib-^du.gur sa-ar- ra

[...] □x□-pa[?]-ri-x-am[?]-ma iš-bat-su-ma

[ina ki]-li □ip□-[pa]-□ad□-su

□...□ ni[?] x tu[?] □...□ tu₄[?] 15

... [...]□x la[?]-an[?]-nu[?] ik[?]□-ba[?]

[...¹mu-še-z]i-ib- Rev

^du.gur ka šu i [...]

[...] x x x □ki-am□

iq-bi

□x x *il-tu*? □sa□-*ar-ra-ku i-na ki-li*

13. Although the affiliation of Adallal-ša-Nergal is not entirely clear, he does not seem to be a slave.

[la] a-ma[?]-a-at □ šu[□]-ša-an- 20
ni-ma[!](T. zu) 5 gín kù.gi [a]-
pal-ka ù^Itu-kul-ta

□ sa-ar-ra □ ša it-ti-ia lul-qa-am-ma

[lu][?]-ud-□ din□-ak-ku^Imu-še-zi-ib^du.gur

[i]-na ud 10[+x].kam ša iti.še.gur₁₀.kud a-dan-na iš-
kun₈

[a]-dan □ iš-ku[□]?-nu it- 25

ti-iq-ma sa-ar-□ ra□

[(x)] □ ù[□]? mu-□ ul□-

li-e ul il-te-qa-am-ma

[^I]mu-še-zi-ib^du.gur

ip-pa-□ ad[?]□-ma

□ ul□ um-ta-aš-šar

□ igi^I□ ìr-nu-bat-ti ha-za-an-nu

30 □ igi^I□ ra[!]-ba-<ša>^dim SU-□ HI[?]□-TI-□ lugal[?]□

□ igi^I□^d[x]-sum.na man-di-du

□ igi^I□^dkur-sum.na šes^{a.ni}

[igi^I]□ x□-ni[?]-ia dumu

^{Id}nin.urta-mu-mu [igi

dub.sa]r^Imu-dam-□ mi-

iq-^dim□

35 i[ti.š]e.kin.kud ud.[x.kam m]u.2.kam
dša-garak-ti-□šu□-[ri]-ia-aš lu[gal.e]

umbin^Imu-še-□zi□-ib-^du.□gur□ UpE

ki-ma^{na4}kišib-šu

(1–23) Mušēzib-Nergal son of Ḫu-[…], and Tukultu son of Aḫūa-bāni, lurked at night (by) the house of Namru. They robbed Namru’s house and unlawfully took ... of bronze, weighting one mina [...] ... [...]. Namru ... caught Mušēzib-Nergal, the thief, and handcuffed him in [pri]son. ... Mušēzib-Nergal ... said, ‘... *I am a thief*, (but) I will [not] die in prison. Release me! I will pay you five shekel of gold, and I will get Tukultu, my fellow thief, and bring him to you.’

(23–28) The term of Mušēzib-Nergal was set for day x of Adarru. (Should) this term expire and he had not brought the thief and the compensation, *then* Mušēzib-Nergal will be fettered and will not be released.

(29–34) Witnesses: Arad-nubatti the mayor, Rabâ-ša-Adad the royal *SU-ḪI-TI*, [...]iddin the surveyor, Amurru-iddin, his brother, [...]nīa son of Ninurta-šuma-iddin, (and) the [scrib]le Mudammiq-Adad.

(35–38) [x] of Ulūlu, year 2 of king Šagarakti-Šuriaš. Mušēzib-Nergal’s fingernail is his seal

Commentary

6–8. These lines must have contained the goods that were

stolen from the house of Namru.

9. *sa-ar-ta iš-šu-sù*; cf. *sa-ar-ta iš-š[i-šu-nu-ti-ma]* (MBTU 40: 10), and see Gurney's note (*ibid.*:

116).

17–18. The speaker in the following lines must be Mušēzib-Nergal, for he is the one taking the obligations at the end of the tablet. It is therefore unclear what was in between his name and the phrase *kām iqbi*, at the end of line 18.

19. The beginning of the line is unclear. One may speculate that Mušēzib-Nergal is trying to stress the fact that he was not the only thief.

19–20. Cf. PN₁ *ana* PN₂ *kām iqbi ana enti šupurma ina kīli lā amāt*, 'PN₁ spoke thus to PN₂: send a message to the priestess (concerning my imprisonment) that I will not die in prison' (MBTU 7: 5'–8').

šu-ša-an-ni-ma' (T. *zu*); this is not the expected imperative Š form of *ašû*, but cf. BE 14 124: 7, PBS 7 103: 6, and TCL 7 17: 16.



Text no. 4

2. DISCUSSION: PUBLIC IMPRISONMENT IN THE MIDDLE-BABYLONIAN PERIOD

The modern concept of prison as a place of rehabilitation for criminals was foreign to ancient near east (van der Toorn 1992: 468), and the different Mesopotamian law codes only mention detention as collateral, and not as punishment (Versteeg 2000: 125–127). However, numerous cuneiform documents from various periods mention prisons, prisoners, and prison officials, proving that the reality of imprisonment was not abnormal in Babylonia. The following discussion focuses on public, rather than private, imprisonment. Furthermore, prisoners of war will not be discussed either.¹⁴

Evidences for the use of prisons by public authorities, viz. palaces and temples, are attested as early as the third millennium and as late as the first millennium BCE.¹⁵ It is therefore hard to understand Gurney's (admittedly short) note that '*the public prison (bīt kīli) of later centuries is not yet attested.*' He argues that the Middle-Babylonian phrases *ina bīt PN*, *ina bītišu*, and *ina kīli* reflect private imprisonment, and that the absence of the Late-Babylonian phrase *bīt kīli* in Middle-Babylonian documentation proves that there were no public prisons (Gurney 1983: 9³⁴).¹⁶

I will first discuss the phrase *bīt kīli* itself in Middle-Babylonian documentation. Next, the evidences for the intervention of temple and civil authorities in prison-related

cases will be examined. This will be followed by a discussion on the releasing of prisoners, and the overall function of imprisonment during the middle-Babylonian period. Finally, I will focus on one noteworthy text, PBS 2/2 116, containing a list of several prisoners and their crimes.

2.1.1. *bīt kīli*

The phrase *bīt kīli* is attested as early as the Old-Babylonian period, in the legal document BM 161764: 4.¹⁷ It is also attested in several texts from Nuzi, Alalah IV and Ugarit, all contemporary to our Middle-Babylonian texts.¹⁸ Hence it is reasonable to assume that the silence of Middle-Babylonian documentation regarding *bīt kīli* should be attributed to the scarcity of sources and their publication.

Moreover, I propose a possible attestation of the phrase *bīt kīli* in the Middle-Babylonian text BE 15 120, an administrative document concerning allocations for different officials from Nippur. Our focus lays in line 8, which the CAD (K: 361) reads: 1 gur ì.du₈ é *ki-lu*¹(T. *tu*), ‘One kor to the prison guard.’ Though this reading maintains an attestation of *bīt kīli* in the Middle-Babylonian period, by accepting it we have to assume two scribal errors in one sign. First is the obvious *tu* sign for a *lu* sign. The second is the nominative suffix *-u* instead of the genitive *-i* (in a period in which case endings were still kept by the Babylonian scribes). I suggest to read the last sign of line 8, CAD’s *lu*¹(T. *tu*), as UR, with the phonetic value of *li*₇; i.e. é *ki-*

*li*₇. This reading, although admittedly rare and uncertain even,¹⁹ solves both the orthographic and the grammatical problem. Furthermore, the use of *li*₇ (for the spelling of *kīli*) may be found in another Middle-Babylonian document: *i-na ki-li*₇ PN (PBS 2/2 89: 10). This line is read by Sassmannshausen (2001: 20²⁶⁹) as: *i-na qí-ip* PN. While in

¹⁴. For studies on private imprisonment, see note 16. For a recent study of war prisoners (in the Old-Babylonian *bīt asīrī*), see Seri (2013), with previous literature in p. 7–10. Further relevant discussions regarding several aspect of imprisonment in Mesopotamian history can be found in e.g. van der Toorn (1986, 1992), Steinkeller (1991), Finkel (1999), Wilcke (2003a, 2003b), Kleber (2005).

¹⁵. For third millennium material, see Sjöberg (1973: 19), Frymer (1977: 89), Civil (1993: 74). For sources from the first millennium BCE, see Bongenaar (1997: 113ff.), Kleber and Frahm (2006: 118), Oelsner/Wells/Wunsch (2003: 967).

¹⁶. For private imprisonment in the Middle Babylonian period, see Gurney (1983: 9), Slanski (2003: 511), Sassmannshausen (2001: 177), Petschow (1974: 33). Other periods: UR III: Westbrook and Lafont (2003: 214, 22); Old Babylonian: Renger (1977b: 76); Nuzi: Zaccagnini (2003: 611–612), Cassin (1963: 116–117); Neo Babylonian: San Nicolò

(1945: 1–2), Oelsner/Wells/Wunsch (2003: 967), Dandamaev
(1984: 160).

17. See Jursa (1997). A woman was imprisoned for a debt of her father. She was released, according to her, by a royal decree. The text is her claim against her husband, who argues it was him that got her out of jail. Jursa restores this unknown royal decree mentioned by the women by comparison to other periods.

18. E.g. HSS 19 7: 43, HSS 19 19: 29, HSS 19 39: 23, A(l)T 2:
24, A(l)T 48: 14, Ug 5 35: 37. According to Cassin, the

bīt kīli in the Nuzi text could refer to a room in a private house, and not necessarily a public prison (Cassin 1963: 116–117).

19. For the *li*₇ phonetic value for the UR sign, see Borger's note in MZL § 828: 500.

the case of PBS 2/2 89, both readings are equally acceptable, the reading *qí-ip* in BE 15 120 does not fit the context.²⁰

2.2. *Civil authorities*

A clear example for imprisonment by a civil authority can be found in text **no. 1** above. The three burglars are carried away handcuffed (*pâdu*) to the palace, and then released with two stipulations: (1) their guarantor will personally watch over them (*našāru*), making sure they will not flee, and (2) he will immediately hand them back over for investigation (*sanāqu/ša'ālu*) when he will be so ordered. We can see then that the three burglars were not only physically held in the palace (and were intended to be brought back to it), but it was royal officials who were in charge of the proceedings.²¹

Another example of imprisonment by civil authorities can be found in a letter, HS 108, written by a certain Šūzubanni-Šamaš to his lord (*bēlu*).²² The writer reports about several issues, mainly concerning international trade, which was conducted mostly under the authority of the state (Zaccagnini 1977: 173). In lines 34–40 we find a report about three men accused of breaking in to a silo in the town of Šiteli and stealing the barley. Šūzubanni-Šamaš informs his lord that he will get the burglars, reassign their ploughs, and ‘handcuff them in the lord’s house’ (*ina bīt bēlīya upâssunūti*, line 40). Since it is clear that HS 108 is not a private letter, the lord’s house must be a public building. Given the other issues discussed in HS 108

(e.g. the international commerce and the Assyrian and Hittite individuals), I tend to place the case in the state/royal sphere rather than that of the temple (although, admittedly, the latter cannot be excluded).

Finally, I would mention also the (damaged) legal text MBTU 16, in which we can see the involvement of municipal officials/authorities in the imprisonment of two men accused of stealing from the herd of the *šākin māti*, although the details of the case are not entirely clear.

2.3. *The temple*

PBS 2/2 51 and PBS 2/2 55, published by Luckenbill (1914: 82–84), are records of two task forces appointed by the temple to apprehend servile workers. Should the workers escape, they will be charged, not pardoned, interrogated, and placed (imprisoned) in the *esikillu*-building.²³ This interpretation of PBS 2/2 55 slightly differs from Tenney's (2011: 112), who links the imprisonment to the workforce itself rather to the servile workers. Further support of the *esikillu*-building function is found in PBS 2/2 126, an administrative text recording the issuing of six handcuffs (*birītu*) designated for six individuals. These men, who are said to have committed crimes, are confined in the *esikillu*-building.²⁴ It is thus clear that the temple had both authority and means to imprison individuals that were acting against it. The *esikillu*-building is used in these cases as a prison

²⁰ Sassmannshausen (2001: 189) transliterates BE 15 120: 8 as ì.du₈ é *ki-x*, leaving the last sign uncertain), while nonetheless translating *Gefängniswärter*.

²¹ See note to line 9 above concerning the meaning of *ana ekalli našûšunūti* in the incarceration procedure, and the king's role in lines 15, 20–21.

²² HS 108 was published, alongside other letters from the temple archive of Nippur, in Bernhardt and Aro (1958/1959). It has been suggested that the addressee “lord” (*bēlu*) in several similar Middle-Babylonian Nippur letters should in fact be identified as the king himself (Radau 1908: 29, Biggs 1965: 95–96). While this identification would certainly support my argument to understand the discussed case in the context of public (specifically royal) imprisonment, this is probably not the case. A proper discussion of the issue is obviously beyond the scope of this paper. Suffice here to note BE 17 24, which Radau (1908: 48–49) saw as a good illustration of his *bēlu* = king theory, but in fact is one of the clearest cases in which the addressee cannot be identified with the king. That is due to the fact that the king is mentioned in the 3rd person, and in opposite to the addressee (the *bēlu*), in lines 18–19. See Oppenheim's (1967: 116–117) translation, which is preferred to that of Radau (1908: 49). See also Sommerfeld (1982: 154) (with a reference to BE 24 17 in note 1).

23. *kar-ṣu-šu-nu in-na-ka-lu-ma pa-nu-šu-nu ul ib-ba-ba-lu iš-ša-a-lu is-sa-ni-qu a-na é.sikil.la a-na giš.bán uk-ta-an-nu* (PBS 2/2 51: 20–23); or in a slightly shorter version: *[pa]-nu-šu-nu ul ib-b[a-ba-l]u is-sa-ni□-qu a-na é□.[sikil.la] uk- ta-an-□nu□* (PBS 2/2 55: 12–14).

24. □6□ *bi-ri-tu₄ i-na si-mi-ri-ši[-na] 1 gun 36 ma.na ki.lá.b[i] 6 lú^{meš} ša sa-ar-ta i-pu-šu na-du-ma i-na é.sikil.la ka- lu-ú* (PBS 2/2 126: 1–4).

facility of the temple in Nippur. We do not know whether or not it was the only part of the temple which served as prison, nor if it was its sole/main function.²⁵

Two additional administrative texts from the temple archive of Nippur should be mentioned here. In BE 15 120: 8, as mentioned above, we find the prison guard (*atû bīt kīli*) among officials receiving allocations from the temple; i.e. this individual (identified by title alone) was paid by the temple for guarding the prison. The second text, PBS 2/2 116 (see below), is a list of imprisoned men who were under the supervision of a certain Sîn-apil-Ekur.²⁶ Although he is identified by his name rather than by his title, it is quite clear that Sîn-apil-Ekur is a temple official and not a private individual,²⁷ a warden in charge of the listed prisoners that were imprisoned by the temple.²⁸

2.4. *Releasing of prisoners*

The only recorded way by which prisoners were released from prison is by guaranty. The guaranty document is basically a legal contract involving three parties; the imprisoner, the prisoner, and the guarantor (*kattû*). The guarantor, who took upon himself the legal obligation, was the one who sealed the tablet.²⁹ The regular phrase expressing the act of guaranty is *pūta maḥāṣu* ‘to strike the forehead;’ e.g. BE 14 11: 6, MBTU 3: 18–19, MBTU 15: 17–18, MUN 17: 5, TCL 9 48: 6, and **no. 1: 10–11**. The second(ary) phrase *pūta emēdu*, ‘to lean the forehead’, is attested in four Middle-Babylonian texts, three legal

documents: BE 14 2: 15–16, MRWH 10: 17, PBS 8/2 161: 8, and one administrative text, MRWH 14: 3.³⁰

To the sixteen known guaranty documents,³¹ we can now add **no. 1–4** published above, as well as three additional texts that were partially published by Tenney.³² The terms and stipulations set for the release of a prisoner were naturally dependent on the misconduct of which he was accused. Therefore, examining the stipulations imposed upon the guarantor may unveil the nature of the case at hand, especially when the succinct characteristic of the legal phrasing prevents us from properly contextualising the case.

According to Slanski (2003: 517), the standard penalty for theft in the Middle-Babylonian period was multiples of the items stolen.³³ An unpaid debt on the other hand was not conceived as theft, and the debtor was required to repay only the original sum.³⁴ I believe that we can see here a distinction between a malice

²⁵ Sassmannshausen (2001: 176) carefully raises the possibility that *é.sikil.la* can be a logogram for the Akkadian *kīlu*, though he emphasizes that it could equally be just a part of the prison complex. His suggestion is based on PBS 2/2 51 and PBS 2/2 126, as well as on the unpublished text N 961 which I have not seen. Although we can indeed replace *é.sikil.la* with *kīlu* in each one of the cases, when trying to establish this kind of an equation, context alone is not enough. Furthermore, in an Old Babylonian lexical list we find the following equation:

lú.é.sikil = *ša é-si-ki-li* (OB Lu A: 268), from which we can infer that there was an official whose Akkadian title was *ša esikilli*. In light of the lack of sufficient evidence for an *é.sikil.la* = *kīlu* equation, and the Akkadian syllabic reading *ša é-si-ki-li*, it seems that we should maintain the dictionaries' translation as a building in the temple complex (CAD E: 336, AHw: 250).

26. *šābū kīlu qāt Sîn-apil-Ekur* (PBS 2/2 116: 1).

27. The first indication is that he is in charge over a high number of men (at least a dozen), which makes it extremely unlikely to understand the context as private imprisonments resulting from debts. Secondly, the prisoners were charged with various offences against different individuals (lines 7–9, 15), officials (lines 13–14, 16–18) and temple slaves (lines 11–12). In addition, two of the prisoners were handed over to the governor of Nippur (lines 2–4), which, again, weakens the argument for a private context.

28. He may have been a Middle-Babylonian equivalent to the Neo-Babylonian *ša bīt kīli* (on which see Bongenaar 1997: 114ff.).

29. For a summary of the Middle Babylonian material, see Sassmannshausen (2001: 218–219).

30. The case mentioned in MRWH 14 is the same one depicted in BE 14 2. This either suggests an administrative/legal distinction between the two phrases, or merely the fact that the scribe of MRWH 14 copied BE 14 2, and therefore used the same phrase. For a discussion concerning the morphology,

semantics, etymology, and further literature of these legal expressions, see Malul (1988: 252–272).

31. From Nippur: BE 14 2, 14 11, 14, 135, MRWH 10, MUN 17, PBS 8/2 161, TCL 9 48. From Ur: MBTU 3, MBTU 15, MBTU 16, MBTU 17, MBTU 18, MBTU 19, MBTU 20, MBTU 24, MBTU 75.

32. Tenney 2011, BM 17626: 1–6 (p. 34), CBS 11106: 1–7 (p. 116), Ni. 1333: 1–8 (p. 117).

33. E.g. MBTU 15 (twofold), MBTU 10 (fourfold), MBTU 75 (twelfefold).

34. E.g. MBTU 3.

offence (*mens rea*), which results in an additional fine, and a non-malice offence (strict liability), for which the offender was required to repay only the original damage afflicted by him. To this I add however one exception; runaway workers. Runaway workers were a constant problem for the middle Babylonian servile system, and it is a malice offence by nature. However, perhaps due to the lack of physical damage, guaranty cases of runaway workers regularly insured against a future escape, without an additional fine.³⁵

2.5. The function of imprisonment

When examining the Middle-Babylonian sources –legal documents, administrative notes and letters– one can identify two main functions for imprisonment: (1) mean of (psychological/financial) pressure against the prisoner or a related third party, and (2) physical restriction.

The first (and main) function of imprisonment was as a mean of pressure –used both by the public institutions as well as by private individuals³⁶– mostly against debtors. The debts could have originated in malice act (e.g. theft or possession of stolen goods) resulting in a fine on top of the original sum.³⁷ An unpaid debt on the other hand, was not considered a malice act, and once the original sum was paid by the prisoner (or his guarantor), the creditor (i.e. the imprison party) relinquished all claims.³⁸

Other cases of imprisonment that could be explained as a

mean of pressure are those in which the prisoner was not accused of an illegal act, but rather was personally (or administratively) liable for a third party; e.g. an official responsible for the escape of a servile worker under his authority (e.g. MRWH 10, **no. 3**), or a member of the family of such a man (e.g. **no. 2**). In these cases, unlike the previously mentioned debt imprisonments, the guarantor is not required to pay at all, as long as he can present the escapee to the authorities.

A second function of imprisonment was as straightforward mean of physical restriction; i.e. to prevent escape. The prisoners in these cases are mostly escaped servile workers. Here too, the guarantors were not actually required to pay for the release of these prisoners, rather to insure that they would not escape again; e.g. BE 14 2, PBS 8/2 161.³⁹

Within these cases of imprisonment meant to prevent individuals to escape we should mention a small subgroup: detaining of individuals (not necessarily servile men) during their legal process; e.g. HS 108, HS 109. Again, once a guarantor comes forward taking upon himself that the prisoner will not flee and that he will be available whenever required, the prisoner is released to his custody without payment; e.g. **no. 1**.

2.5.1. PBS 2/2 116 and the possibility of imprisonment as a punitive measure

In the above discussion on the function of imprisonment, we could not point a single case in which prison was the actual penalty. In this context, a special attention should be given to

an interesting administrative text, PBS 2/2 116. To the best of my knowledge, it is the only Middle-Babylonian evidence for prisoners who were accused of, i.a., violent offences. The content and phrasing of the text raise the question of whether or not the listed men were sentenced to prison for their crimes.

- (1) *érin*^{meš} *ki-lu*₄ *šu* ^{Id}30.*ibila-é-kur* (2) ^I*in-ni-□bu□* *dumu*
^I*man-nu-tukul*¹(T. ba)-*ti ša □il*²-*x□* [...] (3) *a-na*
gú.en.na na-ad-nu (4) ^I*dù.a-ša-d*^u.*gur* *dumu* ^I*ka.zíd.da i-na*
*ša□uš*² *du*² *x□* (5) *a-na* *gú.en.na na-ad-nu*
(6) ^I*ba-na-nu-ú* *dumu* ^I*šeš-dù áš-šum* *dumu* ^I*bad-šu-□nu□*
[...] (7) ^{Id}*en-□líl□-al.sa*₆ *dumu* ^I*lú-d*^{da}[*m-k*]*i-na*
*ma*²-*ḫal*²-*qa*² [...] (8) *dumu* ^I*lú-šu.i.gi.na-ki* ^I*ú-ša-an-né-e-a*
dumu [...] (9) *áš-šum* *ama-a.ni-šú it-tu-ú*
(10) ^{Id}*nin-imma*₃-*ki-<in>-pi-šu* *dumu* ^I*lú.ḫal ša ṣur ti x na im-*
ḫu-rù (11) ^I*ku-nu-nu za-bil* *giš*^{meš} ^{Id}*nin-urta-*

35. On the phenomena of runaway workers, see Tenney (2011: 104ff).

36. See note 16.

37. E.g. MBTU 15 (twofold), MBTU 10 (fourfold), MBTU 75 (twelvefold).

38. E.g. MBTU 3, MUN 17, TCL 9 48. For the distinction between the penalty for theft and unpaid debts see Slanski

(2003: 517).

³⁹. Tenney (2011) presents the pertained passages of three unpublished texts of imprisonment of escape servile workers; BM 17626: 1–6 (p. 34), CBS 11106: 1–7 (p. 116), Ni. 1333: 1–8 (p. 117).

šeš-sum.na šeš^{meš} (12) áš-šum nam.lú.u₁₇^{meš} ša dingir ša i-na é
 I^{re-éš?}-i iš[!](T. ma)-ba-tu₄ Rev (13) Id^{30-i-ri-}ba dumu bara₂-
 dumu^{ki} áš-šum a-na áš-an-ni (14) □ma□-ši-ri im-qú-tu₄ (15)
 I^{hu-la-lu₄} áš-šum šeš-šú gal im-ḥa-ṣu (16) I^{šeš-sum.na-}
 d^{amar.utu} dumu I^{ga-ma-li} áš-šum lú.tur (17) [š]a^{lú} sa-li-ḥi ša
 gú.en.na a-na mu-š[e₂₀-l]e-e (18) [i]d-di-nu-šu (9) dumu^{meš} I^{tà-}
 ab-mi-lí ša ul-tu □é-x-x□-ša^{ki} (20) <iḥ>-li-qu-ú-ni (PBS 2/2
 116)

The listed individuals are referred to as the prisoners that were under the supervision of a certain Sîn-apil-Ekur (lines 1–2). What follows is a list of ten cases, separated by lines, mentioning the names of the prisoners and their crimes. Six of the ten cases are more or less preserved (though even some of these are not entirely intelligible) and can be summarised as follows:

lines 7–9 three men for beating (*natû*) the mother of one of them
 lines 11–12 two men for seizing (*ṣabātu*) a slave of the temple⁴⁰
 line 15 one man for striking (*maḥāṣu*) his older brother⁴¹

lines 13–14 one citizen of Parak-māri for attacking (*maqātu*) a bowman of the *mašīru*-chariot
 lines 19–20

two brothers for escaping (*ḥalāqu*); no toponym

preserved

lines 16–18 unclear: ‘PN, for he gave the employee of the *sāliḫu*-official of the governor of Nippur to... (*mu-š[e₂₀-l]e-e*)’,⁴²

At the current stage of research, we do not know the penalty for most of the identifiable offenses mentioned in PBS 2/2 116.⁴³ However, the fact that these men were imprisoned after committing a crime is not sufficient to establish a causal relation. As we have seen above, offenders were regularly imprisoned during the legal process. PBS 2/2 116 was composed for administrative purposes, and it is a static representation of a certain moment in time. It lays out the prisoners that were under the supervision of *Sîn-apil-Ekur* with no attention or implication to their penalties or future proceedings. Furthermore, there is no reference to the releasing of the prisoners, neither by guaranty nor by the ending of the prison term. Therefore PBS 2/2 116 should not be seen as evidence for the use of prison as a penalty in the Middle-Babylonian period. It is much more reasonable to assume that some of the prisoners were on remand to prevent their escape, the disruption of justice, allow interrogations, and so on.⁴⁴

^{40.} *i.š¹*(*T. ma*)-*ba-tu*₄. Sassmannshausen (2001: 117²⁰⁰⁴) reads *áš¹*(*T. ma*)-*ba-tu*₄, from *ašābu*. Both readings appear in CAD A II (P. 61, 399).

41. For a short discussion of the use of two different verbs (*natû/maḥāṣu*) to denote a violent act, see Roth (2006: 356).

42. The difficulty of this case lays in the meaning of *mu-š[e₂₀-l]e-e*, which is incomprehensible, neither as a noun, nor as a participle form of *šalû*, nor as in the reading *mu-u[l⁷-l]e-e*, as appear in CAD M II: 190. None of the different meanings of the noun *mušēlû* (plough, stick, part of a lock/door/canal, winnower, doorkeeper, cloud formation, CAD M II: 264–165, *sub mušēlû* A-C) can fit to our context. The verb *šalā’u* does indeed have the meaning of “to do harm”, but it is only attested in the Old Assyrian period and only in G conjugation (CAD Š I: 241). The reading *mu-u[l-l]e-e*, as suggested in CAD M II: 190, is hard to accept because *mullû* (replacement) makes no sense to my view. If Aḥa-iddina-Marduk gave a replacement for something, I do not understand what can be his crime.

43. Slanski (2003: 516) argues that physical assault was resulted in prison sentence, but this is based on line 15 in the discussed text. To the best of my knowledge, there is no other relevant case from this period.

The general rejection of the use of prison as a punitive measure, even in later periods (see e.g. San Nicolò 1945: 1–2, Dandamaev 1984: 159), was re-evaluated by Kleber and Frahm (2006: 116³⁰), who, without being conclusive, point to cases of long prison terms

as a possible indicator for its punitive use. See also Wunsch (in Oelsner/Wells/Wunsch 2003: 967) who does not exclude this idea. A possible text which might present us with a prison sentence is EE 91 from the Murašû archive, in which an individual seems to be sentenced to 100 blows as well as placed in the prison (*bīt kīli*) of his accuser's servant. We should also bear in mind, however, that the context of this case is private (I thank Reinhard Pirngruber for pointing out this text to me). .^y

^y - Yuval. Levavi., Four Middle-Babylonian legal documents concerning prison, RAAO, Vol. 111, 2017, p. 87-103.

The Code of Hammurabi

1. If any one ensnare another, putting a ban upon him, but he can not prove it, then he that ensnared him shall be put to death.

2. If any one bring an accusation against a man, and the accused go to the river and leap into the river, if he sink in the river his accuser shall take possession of his house. But if the river prove that the accused is not guilty, and he escape unhurt, then he who had brought the accusation shall be put to death, while he who leaped into the river shall take possession of the house that had belonged to his accuser.

3. If any one bring an accusation of any crime before the elders, and does not prove what he has charged, he shall, if it be a capital offense charged, be put to death.

4. If he satisfy the elders to impose a fine of grain or money, he shall receive the fine that the action produces.

5. If a judge try a case, reach a decision, and present his judgment in writing; if later error shall appear in his decision, and it be through his own fault, then he shall pay twelve times the fine set by him in the case, and he shall be publicly removed from the judge's bench, and never again shall he sit there to render judgement.

6. If any one steal the property of a temple or of the court, he shall be put to death, and also the one who receives the stolen thing from him shall be put to death.

7. If any one buy from the son or the slave of another man, without witnesses or a contract, silver or gold, a male or female slave, an ox or a

sheep, an ass or anything, or if he take it in charge, he is considered a thief and shall be put to death.

8. If any one steal cattle or sheep, or an ass, or a pig or a goat, if it belong to a god or to the court, the thief shall pay thirtyfold therefor; if they belonged to a freed man of the king he shall pay tenfold; if the thief has nothing with which to pay he shall be put to death.

9. If any one lose an article, and find it in the possession of another: if the person in whose possession the thing is found say "A merchant sold it to me, I paid for it before witnesses," and if the owner of the thing say, "I will bring witnesses who know my property," then shall the purchaser bring the merchant who sold it to him, and the witnesses before whom he bought it, and the owner shall bring witnesses who can identify his property. The judge shall examine their testimony--both of the witnesses before whom the price was paid, and of the witnesses who identify the lost article on oath. The merchant is then proved to be a thief and shall be put to death. The owner of the lost article receives his property, and he who bought it receives the money he paid from the estate of the merchant.

10. If the purchaser does not bring the merchant and the witnesses before whom he bought the article, but its owner bring witnesses who identify it, then the buyer is the thief and shall be put to death, and the owner receives the lost article.

11. If the owner do not bring witnesses to identify the lost article, he is an evil-doer, he has traduced, and shall be put to death.

12. If the witnesses be not at hand, then shall the judge set a limit, at the expiration of six months. If his witnesses have not appeared within

the six months, he is an evil-doer, and shall bear the fine of the pending case.

14. If any one steal the minor son of another, he shall be put to death.

15. If any one take a male or female slave of the court, or a male or female slave of a freed man, outside the city gates, he shall be put to death.

16. If any one receive into his house a runaway male or female slave of the court, or of a freedman, and does not bring it out at the public proclamation of the major domus, the master of the house shall be put to death.

17. If any one find runaway male or female slaves in the open country and bring them to their masters, the master of the slaves shall pay him two shekels of silver.

18. If the slave will not give the name of the master, the finder shall bring him to the palace; a further investigation must follow, and the slave shall be returned to his master.

19. If he hold the slaves in his house, and they are caught there, he shall be put to death.

20. If the slave that he caught run away from him, then shall he swear to the owners of the slave, and he is free of all blame.

21. If any one break a hole into a house (break in to steal), he shall be put to death before that hole and be buried.

22. If any one is committing a robbery and is caught, then he shall be put to death.

23. If the robber is not caught, then shall he who was robbed claim under oath the amount of his loss; then shall the community, and . . . on whose ground and territory and in whose domain it was compensate him for the goods stolen.

24. If persons are stolen, then shall the community and . . . pay one mina of silver to their relatives.

25. If fire break out in a house, and some one who comes to put it out cast his eye upon the property of the owner of the house, and take the property of the master of the house, he shall be thrown into that self-same fire.

26. If a chieftain or a man (common soldier), who has been ordered to go upon the king's highway for war does not go, but hires a mercenary, if he withholds the compensation, then shall this officer or man be put to death, and he who represented him shall take possession of his house.

27. If a chieftain or man be caught in the misfortune of the king (captured in battle), and if his fields and garden be given to another and he take possession, if he return and reaches his place, his field and garden shall be returned to him, he shall take it over again.

28. If a chieftain or a man be caught in the misfortune of a king, if his son is able to enter into possession, then the field and garden shall be given to him, he shall take over the fee of his father.

29. If his son is still young, and can not take possession, a third of the field and garden shall be given to his mother, and she shall bring him up.

30. If a chieftain or a man leave his house, garden, and field and hires it out, and some one else takes possession of his house, garden, and field and uses it for three years: if the first owner return and claims his house, garden, and field, it shall not be given to him, but he who has taken possession of it and used it shall continue to use it.

31. If he hire it out for one year and then return, the house, garden, and field shall be given back to him, and he shall take it over again.

32. If a chieftain or a man is captured on the "Way of the King" (in war), and a merchant buy him free, and bring him back to his place; if he have the means in his house to buy his freedom, he shall buy himself free: if he have nothing in his house with which to buy himself free, he shall be bought free by the temple of his community; if there be nothing in the temple with which to buy him free, the court shall buy his freedom. His field, garden, and house shall not be given for the purchase of his freedom.

33. If a . . . or a . . . enter himself as withdrawn from the "Way of the King," and send a mercenary as substitute, but withdraw him, then the . . . or . . . shall be put to death.

34. If a . . . or a . . . harm the property of a captain, injure the captain, or take away from the captain a gift presented to him by the king, then the . . . or . . . shall be put to death.

35. If any one buy the cattle or sheep which the king has given to chieftains from him, he loses his money.

36. The field, garden, and house of a chieftain, of a man, or of one subject to quit-rent, can not be sold.

37. If any one buy the field, garden, and house of a chieftain, man, or one subject to quit-rent, his contract tablet of sale shall be broken (declared invalid) and he loses his money. The field, garden, and house return to their owners.

38. A chieftain, man, or one subject to quit-rent can not assign his tenure of field, house, and garden to his wife or daughter, nor can he assign it for a debt.

39. He may, however, assign a field, garden, or house which he has bought, and holds as property, to his wife or daughter or give it for debt.

40. He may sell field, garden, and house to a merchant (royal agents) or to any other public official, the buyer holding field, house, and garden for its usufruct.

41. If any one fence in the field, garden, and house of a chieftain, man, or one subject to quit-rent, furnishing the palings therefor; if the chieftain, man, or one subject to quit-rent return to field, garden, and house, the palings which were given to him become his property.

42. If any one take over a field to till it, and obtain no harvest therefrom, it must be proved that he did no work on the field, and he must deliver grain, just as his neighbor raised, to the owner of the field.

43. If he do not till the field, but let it lie fallow, he shall give grain like his neighbor's to the owner of the field, and the field which he let lie fallow he must plow and sow and return to its owner.

44. If any one take over a waste-lying field to make it arable, but is lazy, and does not make it arable, he shall plow the fallow field in the fourth year, harrow it and till it, and give it back to its owner, and for each ten gan (a measure of area) ten gur of grain shall be paid.

45. If a man rent his field for tillage for a fixed rental, and receive the rent of his field, but bad weather come and destroy the harvest, the injury falls upon the tiller of the soil.

46. If he do not receive a fixed rental for his field, but lets it on half or third shares of the harvest, the grain on the field shall be divided proportionately between the tiller and the owner.

47. If the tiller, because he did not succeed in the first year, has had the soil tilled by others, the owner may raise no objection; the field has been cultivated and he receives the harvest according to agreement.

48. If any one owe a debt for a loan, and a storm prostrates the grain, or the harvest fail, or the grain does not grow for lack of water; in that year he need not give his creditor any grain, he washes his debt-tablet in water and pays no rent for this year.

49. If any one take money from a merchant, and give the merchant a field tillable for corn or sesame and order him to plant corn or sesame in the field, and to harvest the crop; if the cultivator plant corn or sesame in the field, at the harvest the corn or sesame that is in the field shall belong to the owner of the field and he shall pay corn as rent, for the money he received from the merchant, and the livelihood of the cultivator shall he give to the merchant.

50. If he give a cultivated corn-field or a cultivated sesame-field, the corn or sesame in the field shall belong to the owner of the field, and he shall return the money to the merchant as rent.

51. If he have no money to repay, then he shall pay in corn or sesame in place of the money as rent for what he received from the merchant, according to the royal tariff.

52. If the cultivator do not plant corn or sesame in the field, the debtor's contract is not weakened.

53. If any one be too lazy to keep his dam in proper condition, and does not so keep it; if then the dam break and all the fields be flooded, then shall he in whose dam the break occurred be sold for money, and the money shall replace the corn which he has caused to be ruined.

54. If he be not able to replace the corn, then he and his possessions shall be divided among the farmers whose corn he has flooded.

55. If any one open his ditches to water his crop, but is careless, and the water flood the field of his neighbor, then he shall pay his neighbor corn for his loss.

56. If a man let in the water, and the water overflow the plantation of his neighbor, he shall pay ten gur of corn for every ten gan of land.

57. If a shepherd, without the permission of the owner of the field, and without the knowledge of the owner of the sheep, lets the sheep into a field to graze, then the owner of the field shall harvest his crop, and the shepherd, who had pastured his flock there without permission of the owner of the field, shall pay to the owner twenty gur of corn for every ten gan.

58. If after the flocks have left the pasture and been shut up in the common fold at the city gate, any shepherd let them into a field and they graze there, this shepherd shall take possession of the field which he has allowed to be grazed on, and at the harvest he must pay sixty gur of corn for every ten gan.

59. If any man, without the knowledge of the owner of a garden, fell a tree in a garden he shall pay half a mina in money.

60. If any one give over a field to a gardener, for him to plant it as a garden, if he work at it, and care for it for four years, in the fifth year the owner and the gardener shall divide it, the owner taking his part in charge.

61. If the gardener has not completed the planting of the field, leaving one part unused, this shall be assigned to him as his.

62. If he do not plant the field that was given over to him as a garden, if it be arable land (for corn or sesame) the gardener shall pay the owner the produce of the field for the years that he let it lie fallow, according to the product of neighboring fields, put the field in arable condition and return it to its owner.

63. If he transform waste land into arable fields and return it to its owner, the latter shall pay him for one year ten gur for ten gan.

64. If any one hand over his garden to a gardener to work, the gardener shall pay to its owner two-thirds of the produce of the garden, for so long as he has it in possession, and the other third shall he keep.

65. If the gardener do not work in the garden and the product fall off, the gardener shall pay in proportion to other neighboring gardens. [Here

a portion of the text is missing, apparently comprising thirty-four paragraphs.]

100. . . . interest for the money, as much as he has received, he shall give a note therefor, and on the day, when they settle, pay to the merchant.

101. If there are no mercantile arrangements in the place whither he went, he shall leave the entire amount of money which he received with the broker to give to the merchant.

102. If a merchant entrust money to an agent (broker) for some investment, and the broker suffer a loss in the place to which he goes, he shall make good the capital to the merchant.

103. If, while on the journey, an enemy take away from him anything that he had, the broker shall swear by God and be free of obligation.

104. If a merchant give an agent corn, wool, oil, or any other goods to transport, the agent shall give a receipt for the amount, and compensate the merchant therefor. Then he shall obtain a receipt from the merchant for the money that he gives the merchant.

105. If the agent is careless, and does not take a receipt for the money which he gave the merchant, he can not consider the unreceipted money as his own.

106. If the agent accept money from the merchant, but have a quarrel with the merchant (denying the receipt), then shall the merchant swear before God and witnesses that he has given this money to the agent, and the agent shall pay him three times the sum.

107. If the merchant cheat the agent, in that as the latter has returned to him all that had been given him, but the merchant denies the receipt of what had been returned to him, then shall this agent convict the merchant before God and the judges, and if he still deny receiving what the agent had given him shall pay six times the sum to the agent.

108. If a tavern-keeper (feminine) does not accept corn according to gross weight in payment of drink, but takes money, and the price of the drink is less than that of the corn, she shall be convicted and thrown into the water.

109. If conspirators meet in the house of a tavern-keeper, and these conspirators are not captured and delivered to the court, the tavern-keeper shall be put to death.

110. If a "sister of a god" open a tavern, or enter a tavern to drink, then shall this woman be burned to death.

111. If an inn-keeper furnish sixty ka of usakani-drink to . . . she shall receive fifty ka of corn at the harvest.

112. If any one be on a journey and entrust silver, gold, precious stones, or any movable property to another, and wish to recover it from him; if the latter do not bring all of the property to the appointed place, but appropriate it to his own use, then shall this man, who did not bring the property to hand it over, be convicted, and he shall pay fivefold for all that had been entrusted to him.

113. If any one have consignment of corn or money, and he take from the granary or box without the knowledge of the owner, then shall he who took corn without the knowledge of the owner out of the granary

or money out of the box be legally convicted, and repay the corn he has taken. And he shall lose whatever commission was paid to him, or due him.

114. If a man have no claim on another for corn and money, and try to demand it by force, he shall pay one-third of a mina of silver in every case.

115. If any one have a claim for corn or money upon another and imprison him; if the prisoner die in prison a natural death, the case shall go no further.

116. If the prisoner die in prison from blows or maltreatment, the master of the prisoner shall convict the merchant before the judge. If he was a free-born man, the son of the merchant shall be put to death; if it was a slave, he shall pay one-third of a mina of gold, and all that the master of the prisoner gave he shall forfeit.

117. If any one fail to meet a claim for debt, and sell himself, his wife, his son, and daughter for money or give them away to forced labor: they shall work for three years in the house of the man who bought them, or the proprietor, and in the fourth year they shall be set free.

118. If he give a male or female slave away for forced labor, and the merchant sublease them, or sell them for money, no objection can be raised.

119. If any one fail to meet a claim for debt, and he sell the maid servant who has borne him children, for money, the money which the merchant has paid shall be repaid to him by the owner of the slave and she shall be freed.

120. If any one store corn for safe keeping in another person's house, and any harm happen to the corn in storage, or if the owner of the house open the granary and take some of the corn, or if especially he deny that the corn was stored in his house: then the owner of the corn shall claim his corn before God (on oath), and the owner of the house shall pay its owner for all of the corn that he took.

121. If any one store corn in another man's house he shall pay him storage at the rate of one gur for every five ka of corn per year.

122. If any one give another silver, gold, or anything else to keep, he shall show everything to some witness, draw up a contract, and then hand it over for safe keeping.

123. If he turn it over for safe keeping without witness or contract, and if he to whom it was given deny it, then he has no legitimate claim.

124. If any one deliver silver, gold, or anything else to another for safe keeping, before a witness, but he deny it, he shall be brought before a judge, and all that he has denied he shall pay in full.

125. If any one place his property with another for safe keeping, and there, either through thieves or robbers, his property and the property of the other man be lost, the owner of the house, through whose neglect the loss took place, shall compensate the owner for all that was given to him in charge. But the owner of the house shall try to follow up and recover his property, and take it away from the thief.

126. If any one who has not lost his goods state that they have been lost, and make false claims: if he claim his goods and amount of injury

before God, even though he has not lost them, he shall be fully compensated for all his loss claimed. (I.e., the oath is all that is needed.)

127. If any one "point the finger" (slander) at a sister of a god or the wife of any one, and can not prove it, this man shall be taken before the judges and his brow shall be marked. (by cutting the skin, or perhaps hair.)

128. If a man take a woman to wife, but have no intercourse with her, this woman is no wife to him.

129. If a man's wife be surprised (in flagrante delicto) with another man, both shall be tied and thrown into the water, but the husband may pardon his wife and the king his slaves.

130. If a man violate the wife (betrothed or child-wife) of another man, who has never known a man, and still lives in her father's house, and sleep with her and be surprised, this man shall be put to death, but the wife is blameless.

131. If a man bring a charge against one's wife, but she is not surprised with another man, she must take an oath and then may return to her house.

132. If the "finger is pointed" at a man's wife about another man, but she is not caught sleeping with the other man, she shall jump into the river for her husband.

133. If a man is taken prisoner in war, and there is a sustenance in his house, but his wife leave house and court, and go to another house: because this wife did not keep her court, and went to another house, she shall be judicially condemned and thrown into the water.

134. If any one be captured in war and there is not sustenance in his house, if then his wife go to another house this woman shall be held blameless.

135. If a man be taken prisoner in war and there be no sustenance in his house and his wife go to another house and bear children; and if later her husband return and come to his home: then this wife shall return to her husband, but the children follow their father.

136. If any one leave his house, run away, and then his wife go to another house, if then he return, and wishes to take his wife back: because he fled from his home and ran away, the wife of this runaway shall not return to her husband.

137. If a man wish to separate from a woman who has borne him children, or from his wife who has borne him children: then he shall give that wife her dowry, and a part of the usufruct of field, garden, and property, so that she can rear her children. When she has brought up her children, a portion of all that is given to the children, equal as that of one son, shall be given to her. She may then marry the man of her heart.

138. If a man wishes to separate from his wife who has borne him no children, he shall give her the amount of her purchase money and the dowry which she brought from her father's house, and let her go.

139. If there was no purchase price he shall give her one mina of gold as a gift of release.

140. If he be a freed man he shall give her one-third of a mina of gold.

141. If a man's wife, who lives in his house, wishes to leave it, plunges into debt, tries to ruin her house, neglects her husband, and is judicially convicted: if her husband offer her release, she may go on her way, and he gives her nothing as a gift of release. If her husband does not wish to release her, and if he take another wife, she shall remain as servant in her husband's house.

142. If a woman quarrel with her husband, and say: "You are not congenial to me," the reasons for her prejudice must be presented. If she is guiltless, and there is no fault on her part, but he leaves and neglects her, then no guilt attaches to this woman, she shall take her dowry and go back to her father's house.

143. If she is not innocent, but leaves her husband, and ruins her house, neglecting her husband, this woman shall be cast into the water.

144. If a man take a wife and this woman give her husband a maid-servant, and she bear him children, but this man wishes to take another wife, this shall not be permitted to him; he shall not take a second wife.

145. If a man take a wife, and she bear him no children, and he intend to take another wife: if he take this second wife, and bring her into the house, this second wife shall not be allowed equality with his wife.

146. If a man take a wife and she give this man a maid-servant as wife and she bear him children, and then this maid assume equality with the wife: because she has borne him children her master shall not sell her for money, but he may keep her as a slave, reckoning her among the maid-servants.

147. If she have not borne him children, then her mistress may sell her for money.

148. If a man take a wife, and she be seized by disease, if he then desire to take a second wife he shall not put away his wife, who has been attacked by disease, but he shall keep her in the house which he has built and support her so long as she lives.

149. If this woman does not wish to remain in her husband's house, then he shall compensate her for the dowry that she brought with her from her father's house, and she may go.

150. If a man give his wife a field, garden, and house and a deed therefor, if then after the death of her husband the sons raise no claim, then the mother may bequeath all to one of her sons whom she prefers, and need leave nothing to his brothers.

151. If a woman who lived in a man's house made an agreement with her husband, that no creditor can arrest her, and has given a document therefor: if that man, before he married that woman, had a debt, the creditor can not hold the woman for it. But if the woman, before she entered the man's house, had contracted a debt, her creditor can not arrest her husband therefor.

152. If after the woman had entered the man's house, both contracted a debt, both must pay the merchant.

153. If the wife of one man on account of another man has their mates (her husband and the other man's wife) murdered, both of them shall be impaled.

154. If a man be guilty of incest with his daughter, he shall be driven from the place (exiled).

155. If a man betroth a girl to his son, and his son have intercourse with her, but he (the father) afterward defile her, and be surprised, then he shall be bound and cast into the water (drowned).

156. If a man betroth a girl to his son, but his son has not known her, and if then he defile her, he shall pay her half a gold mina, and compensate her for all that she brought out of her father's house. She may marry the man of her heart.

157. If any one be guilty of incest with his mother after his father, both shall be burned.

158. If any one be surprised after his father with his chief wife, who has borne children, he shall be driven out of his father's house.

159. If any one, who has brought chattels into his father-in-law's house, and has paid the purchase-money, looks for another wife, and says to his father-in-law: "I do not want your daughter," the girl's father may keep all that he had brought.

160. If a man bring chattels into the house of his father-in-law, and pay the "purchase price" (for his wife): if then the father of the girl say: "I will not give you my daughter," he shall give him back all that he brought with him.

161. If a man bring chattels into his father-in-law's house and pay the "purchase price," if then his friend slander him, and his father-in-law say to the young husband: "You shall not marry my daughter," the he shall

give back to him undiminished all that he had brought with him; but his wife shall not be married to the friend.

162. If a man marry a woman, and she bear sons to him; if then this woman die, then shall her father have no claim on her dowry; this belongs to her sons.

163. If a man marry a woman and she bear him no sons; if then this woman die, if the "purchase price" which he had paid into the house of his father-in-law is repaid to him, her husband shall have no claim upon the dowry of this woman; it belongs to her father's house.

164. If his father-in-law do not pay back to him the amount of the "purchase price" he may subtract the amount of the "Purchase price" from the dowry, and then pay the remainder to her father's house.

165. If a man give to one of his sons whom he prefers a field, garden, and house, and a deed therefor: if later the father die, and the brothers divide the estate, then they shall first give him the present of his father, and he shall accept it; and the rest of the paternal property shall they divide.

166. If a man take wives for his son, but take no wife for his minor son, and if then he die: if the sons divide the estate, they shall set aside besides his portion the money for the "purchase price" for the minor brother who had taken no wife as yet, and secure a wife for him.

167. If a man marry a wife and she bear him children: if this wife die and he then take another wife and she bear him children: if then the father die, the sons must not partition the estate according to the mothers, they shall divide the dowries of their mothers only in this way; the paternal estate they shall divide equally with one another.

168. If a man wish to put his son out of his house, and declare before the judge: "I want to put my son out," then the judge shall examine into his reasons. If the son be guilty of no great fault, for which he can be rightfully put out, the father shall not put him out.

169. If he be guilty of a grave fault, which should rightfully deprive him of the filial relationship, the father shall forgive him the first time; but if he be guilty of a grave fault a second time the father may deprive his son of all filial relation.

170. If his wife bear sons to a man, or his maid-servant have borne sons, and the father while still living says to the children whom his maid-servant has borne: "My sons," and he count them with the sons of his wife; if then the father die, then the sons of the wife and of the maid-servant shall divide the paternal property in common. The son of the wife is to partition and choose.

171. If, however, the father while still living did not say to the sons of the maid-servant: "My sons," and then the father dies, then the sons of the maid-servant shall not share with the sons of the wife, but the freedom of the maid and her sons shall be granted. The sons of the wife shall have no right to enslave the sons of the maid; the wife shall take her dowry (from her father), and the gift that her husband gave her and deeded to her (separate from dowry, or the purchase-money paid her father), and live in the home of her husband: so long as she lives she shall use it, it shall not be sold for money. Whatever she leaves shall belong to her children.

172. If her husband made her no gift, she shall be compensated for her gift, and she shall receive a portion from the estate of her husband, equal to that of one child. If her sons oppress her, to force her out of the

house, the judge shall examine into the matter, and if the sons are at fault the woman shall not leave her husband's house. If the woman desire to leave the house, she must leave to her sons the gift which her husband gave her, but she may take the dowry of her father's house. Then she may marry the man of her heart.

173. If this woman bear sons to her second husband, in the place to which she went, and then die, her earlier and later sons shall divide the dowry between them.

174. If she bear no sons to her second husband, the sons of her first husband shall have the dowry.

175. If a State slave or the slave of a freed man marry the daughter of a free man, and children are born, the master of the slave shall have no right to enslave the children of the free.

176. If, however, a State slave or the slave of a freed man marry a man's daughter, and after he marries her she bring a dowry from a father's house, if then they both enjoy it and found a household, and accumulate means, if then the slave die, then she who was free born may take her dowry, and all that her husband and she had earned; she shall divide them into two parts, one-half the master for the slave shall take, and the other half shall the free-born woman take for her children. If the free-born woman had no gift she shall take all that her husband and she had earned and divide it into two parts; and the master of the slave shall take one-half and she shall take the other for her children.

177. If a widow, whose children are not grown, wishes to enter another house (remarry), she shall not enter it without the knowledge of the judge. If she enter another house the judge shall examine the state of

the house of her first husband. Then the house of her first husband shall be entrusted to the second husband and the woman herself as managers. And a record must be made thereof. She shall keep the house in order, bring up the children, and not sell the house-hold utensils. He who buys the utensils of the children of a widow shall lose his money, and the goods shall return to their owners.

178. If a "devoted woman" or a prostitute to whom her father has given a dowry and a deed therefor, but if in this deed it is not stated that she may bequeath it as she pleases, and has not explicitly stated that she has the right of disposal; if then her father die, then her brothers shall hold her field and garden, and give her corn, oil, and milk according to her portion, and satisfy her. If her brothers do not give her corn, oil, and milk according to her share, then her field and garden shall support her. She shall have the usufruct of field and garden and all that her father gave her so long as she lives, but she can not sell or assign it to others. Her position of inheritance belongs to her brothers.

179. If a "sister of a god," or a prostitute, receive a gift from her father, and a deed in which it has been explicitly stated that she may dispose of it as she pleases, and give her complete disposition thereof: if then her father die, then she may leave her property to whomsoever she pleases. Her brothers can raise no claim thereto.

180. If a father give a present to his daughter--(either marriageable or a prostitute unmarried)--and then die, then she is to receive a portion as a child from the paternal estate, and enjoy its usufruct so long as she lives. Her estate belongs to her brothers.

181. If a father devote a temple-maid or temple-virgin to God and give her no present: if then the father die, she shall receive the third of a

child's portion from the inheritance of her father's house, and enjoy its usufruct so long as she lives. Her estate belongs to her brothers.

182. If a father devote his daughter as a wife of Mardi of Babylon (as in 181), and give her no present, nor a deed; if then her father die, then shall she receive one-third of her portion as a child of her father's house from her brothers, but Marduk may leave her estate to whomsoever she wishes.

183. If a man give his daughter by a concubine a dowry, and a husband, and a deed; if then her father die, she shall receive no portion from the paternal estate.

184. If a man do not give a dowry to his daughter by a concubine, and no husband; if then her father die, her brother shall give her a dowry according to her father's wealth and secure a husband for her.

185. If a man adopt a child and to his name as son, and rear him, this grown son can not be demanded back again.

186. If a man adopt a son, and if after he has taken him he injure his foster father and mother, then this adopted son shall return to his father's house.

187. The son of a paramour in the palace service, or of a prostitute, can not be demanded back.

188. If an artizan has undertaken to rear a child and teaches him his craft, he can not be demanded back.

189. If he has not taught him his craft, this adopted son may return to his father's house.

190. If a man does not maintain a child that he has adopted as a son and reared with his other children, then his adopted son may return to his father's house.

191. If a man, who had adopted a son and reared him, founded a household, and had children, wish to put this adopted son out, then this son shall not simply go his way. His adoptive father shall give him of his wealth one-third of a child's portion, and then he may go. He shall not give him of the field, garden, and house.

192. If a son of a paramour or a prostitute say to his adoptive father or mother: "You are not my father, or my mother," his tongue shall be cut off.

193. If the son of a paramour or a prostitute desire his father's house, and desert his adoptive father and adoptive mother, and goes to his father's house, then shall his eye be put out.

194. If a man give his child to a nurse and the child die in her hands, but the nurse unbeknown to the father and mother nurse another child, then they shall convict her of having nursed another child without the knowledge of the father and mother and her breasts shall be cut off.

195. If a son strike his father, his hands shall be hewn off.

196. If a man put out the eye of another man, his eye shall be put out.
[An eye for an eye]

197. If he break another man's bone, his bone shall be broken.

198. If he put out the eye of a freed man, or break the bone of a freed man, he shall pay one gold mina.

199. If he put out the eye of a man's slave, or break the bone of a man's slave, he shall pay one-half of its value.

200. If a man knock out the teeth of his equal, his teeth shall be knocked out. [A tooth for a tooth]

201. If he knock out the teeth of a freed man, he shall pay one-third of a gold mina.

202. If any one strike the body of a man higher in rank than he, he shall receive sixty blows with an ox-whip in public.

203. If a free-born man strike the body of another free-born man or equal rank, he shall pay one gold mina.

204. If a freed man strike the body of another freed man, he shall pay ten shekels in money.

205. If the slave of a freed man strike the body of a freed man, his ear shall be cut off.

206. If during a quarrel one man strike another and wound him, then he shall swear, "I did not injure him wittingly," and pay the physicians.

207. If the man die of his wound, he shall swear similarly, and if he (the deceased) was a free-born man, he shall pay half a mina in money.

208. If he was a freed man, he shall pay one-third of a mina.

209. If a man strike a free-born woman so that she lose her unborn child, he shall pay ten shekels for her loss.

210. If the woman die, his daughter shall be put to death.

211. If a woman of the free class lose her child by a blow, he shall pay five shekels in money.

212. If this woman die, he shall pay half a mina.

213. If he strike the maid-servant of a man, and she lose her child, he shall pay two shekels in money.

214. If this maid-servant die, he shall pay one-third of a mina.

215. If a physician make a large incision with an operating knife and cure it, or if he open a tumor (over the eye) with an operating knife, and saves the eye, he shall receive ten shekels in money.

216. If the patient be a freed man, he receives five shekels.

217. If he be the slave of some one, his owner shall give the physician two shekels.

218. If a physician make a large incision with the operating knife, and kill him, or open a tumor with the operating knife, and cut out the eye, his hands shall be cut off.

219. If a physician make a large incision in the slave of a freed man, and kill him, he shall replace the slave with another slave.

220. If he had opened a tumor with the operating knife, and put out his eye, he shall pay half his value.

221. If a physician heal the broken bone or diseased soft part of a man, the patient shall pay the physician five shekels in money.

222. If he were a freed man he shall pay three shekels.

223. If he were a slave his owner shall pay the physician two shekels.

224. If a veterinary surgeon perform a serious operation on an ass or an ox, and cure it, the owner shall pay the surgeon one-sixth of a shekel as a fee.

225. If he perform a serious operation on an ass or ox, and kill it, he shall pay the owner one-fourth of its value.

226. If a barber, without the knowledge of his master, cut the sign of a slave on a slave not to be sold, the hands of this barber shall be cut off.

227. If any one deceive a barber, and have him mark a slave not for sale with the sign of a slave, he shall be put to death, and buried in his house. The barber shall swear: "I did not mark him wittingly," and shall be guiltless.

228. If a builder build a house for some one and complete it, he shall give him a fee of two shekels in money for each sar of surface.

229. If a builder build a house for some one, and does not construct it properly, and the house which he built fall in and kill its owner, then that builder shall be put to death.

230. If it kill the son of the owner the son of that builder shall be put to death.

231. If it kill a slave of the owner, then he shall pay slave for slave to the owner of the house.

232. If it ruin goods, he shall make compensation for all that has been ruined, and inasmuch as he did not construct properly this house which he built and it fell, he shall re-erect the house from his own means.

233. If a builder build a house for some one, even though he has not yet completed it; if then the walls seem toppling, the builder must make the walls solid from his own means.

234. If a shipbuilder build a boat of sixty gur for a man, he shall pay him a fee of two shekels in money.

235. If a shipbuilder build a boat for some one, and do not make it tight, if during that same year that boat is sent away and suffers injury, the shipbuilder shall take the boat apart and put it together tight at his own expense. The tight boat he shall give to the boat owner.

236. If a man rent his boat to a sailor, and the sailor is careless, and the boat is wrecked or goes aground, the sailor shall give the owner of the boat another boat as compensation.

237. If a man hire a sailor and his boat, and provide it with corn, clothing, oil and dates, and other things of the kind needed for fitting it: if the sailor is careless, the boat is wrecked, and its contents ruined, then the sailor shall compensate for the boat which was wrecked and all in it that he ruined.

238. If a sailor wreck any one's ship, but saves it, he shall pay the half of its value in money.

239. If a man hire a sailor, he shall pay him six gur of corn per year.

240. If a merchantman run against a ferryboat, and wreck it, the master of the ship that was wrecked shall seek justice before God; the master of the merchantman, which wrecked the ferryboat, must compensate the owner for the boat and all that he ruined.

241. If any one impresses an ox for forced labor, he shall pay one-third of a mina in money.

242. If any one hire oxen for a year, he shall pay four gur of corn for plow-oxen.

243. As rent of herd cattle he shall pay three gur of corn to the owner.

244. If any one hire an ox or an ass, and a lion kill it in the field, the loss is upon its owner.

245. If any one hire oxen, and kill them by bad treatment or blows, he shall compensate the owner, oxen for oxen.

246. If a man hire an ox, and he break its leg or cut the ligament of its neck, he shall compensate the owner with ox for ox.

247. If any one hire an ox, and put out its eye, he shall pay the owner one-half of its value.

248. If any one hire an ox, and break off a horn, or cut off its tail, or hurt its muzzle, he shall pay one-fourth of its value in money.

249. If any one hire an ox, and God strike it that it die, the man who hired it shall swear by God and be considered guiltless.

250. If while an ox is passing on the street (market) some one push it, and kill it, the owner can set up no claim in the suit (against the hirer).

251. If an ox be a goring ox, and it shown that he is a gorer, and he do not bind his horns, or fasten the ox up, and the ox gore a free-born man and kill him, the owner shall pay one-half a mina in money.

252. If he kill a man's slave, he shall pay one-third of a mina.

253. If any one agree with another to tend his field, give him seed, entrust a yoke of oxen to him, and bind him to cultivate the field, if he steal the corn or plants, and take them for himself, his hands shall be hewn off.

254. If he take the seed-corn for himself, and do not use the yoke of oxen, he shall compensate him for the amount of the seed-corn.

255. If he sublet the man's yoke of oxen or steal the seed-corn, planting nothing in the field, he shall be convicted, and for each one hundred gan he shall pay sixty gur of corn.

256. If his community will not pay for him, then he shall be placed in that field with the cattle (at work).

257. If any one hire a field laborer, he shall pay him eight gur of corn per year.

258. If any one hire an ox-driver, he shall pay him six gur of corn per year.

259. If any one steal a water-wheel from the field, he shall pay five shekels in money to its owner.

260. If any one steal a shadduf (used to draw water from the river or canal) or a plow, he shall pay three shekels in money.

261. If any one hire a herdsman for cattle or sheep, he shall pay him eight gur of corn per annum.

262. If any one, a cow or a sheep . . .

263. If he kill the cattle or sheep that were given to him, he shall compensate the owner with cattle for cattle and sheep for sheep.

264. If a herdsman, to whom cattle or sheep have been entrusted for watching over, and who has received his wages as agreed upon, and is satisfied, diminish the number of the cattle or sheep, or make the increase by birth less, he shall make good the increase or profit which was lost in the terms of settlement.

265. If a herdsman, to whose care cattle or sheep have been entrusted, be guilty of fraud and make false returns of the natural increase, or sell them for money, then shall he be convicted and pay the owner ten times the loss.

266. If the animal be killed in the stable by God (an accident), or if a lion kill it, the herdsman shall declare his innocence before God, and the owner bears the accident in the stable.

267. If the herdsman overlook something, and an accident happen in the stable, then the herdsman is at fault for the accident which he has

caused in the stable, and he must compensate the owner for the cattle or sheep.

268. If any one hire an ox for threshing, the amount of the hire is twenty ka of corn.

269. If he hire an ass for threshing, the hire is twenty ka of corn.

270. If he hire a young animal for threshing, the hire is ten ka of corn.

271. If any one hire oxen, cart and driver, he shall pay one hundred and eighty ka of corn per day.

272. If any one hire a cart alone, he shall pay forty ka of corn per day.

273. If any one hire a day laborer, he shall pay him from the New Year until the fifth month (April to August, when days are long and the work hard) six gerahs in money per day; from the sixth month to the end of the year he shall give him five gerahs per day.

274. If any one hire a skilled artizan, he shall pay as wages of the . . . five gerahs, as wages of the potter five gerahs, of a tailor five gerahs, of . . . gerahs, . . . of a ropemaker four gerahs, of . . . gerahs, of a mason . . . gerahs per day.

275. If any one hire a ferryboat, he shall pay three gerahs in money per day.

276. If he hire a freight-boat, he shall pay two and one-half gerahs per day.

277. If any one hire a ship of sixty gur, he shall pay one-sixth of a shekel in money as its hire per day.

278. If any one buy a male or female slave, and before a month has elapsed the benu-disease be developed, he shall return the slave to the seller, and receive the money which he had paid.

279. If any one buy a male or female slave, and a third party claim it, the seller is liable for the claim.

280. If while in a foreign country a man buy a male or female slave belonging to another of his own country; if when he return home the owner of the male or female slave recognize it: if the male or female slave be a native of the country, he shall give them back without any money.

281. If they are from another country, the buyer shall declare the amount of money paid therefor to the merchant, and keep the male or female slave.

282. If a slave say to his master: "You are not my master," if they convict him his master shall cut off his ear.[^]

[^] - Robert. Francis. Harper., The Code of Hammurabi, King of Babylon: About 2250 B.C. : Autographed Text , 1999.