READING MESOPOTAMIAN LAW CASES PBS 5 100: A QUESTION OF FILIATION

BY

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Abstract

In this article I explore ways of reading Mesopotamian legal records as narratives and so derive insights into Mesopotamian legal, social, and cultural norms. I examine two prevailing and insufficiently considered scholarly biases and I suggest new ways to study documents. I present a single case from Old Babylonian Nippur by way of example of how we can read Mesopotamian law collections and law cases.

Dans cet article, je cherche les moyens de lire les documents juridiques mésopotamiens en les considérant comme des récits, essayant ainsi de comprendre les normes légales, sociales et culturelles de Mésopotamiens. J'examine deux préjugés scientifiques qui ont cours et qui n'ont pas été suffisamment approfondis et je propose de nouvelles méthodes pour l'étude de ces documents. A titre d'exemple, je présente un seul cas tiré de Nippur de la période paléo-babylonienne, pour montrer comment peuvent être lus les collections de lois et les cas juridiques.

Key words: law, Mesopotamian, Babylonian, filiation, paternity, law cases

My current research project involves exploring ways of reading Mesopotamian legal records as constructed narratives in order to derive new insights into Mesopotamian legal, social, and cultural realities.[1] As an introduction to that project, I offer this article in which I present (1) the motivation for this research, prompted by my reactions to two prevailing and insufficiently examined scholarly biases; (2) a perspective that I suggest might be productive for examining the documents; (3) a single case from Old Babylonian Nippur, dating to the end of the eighteenth century BCE; (4) explication of that case as a demonstration of what might be accomplished; and (5) suggestions about how we can read Mesopotamian law collections and law cases.[2]

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[1] This more reflective or theoretical endeavor is partnered with a forthcoming volume of editions and translations of selected law cases from Mesopotamia, to be published in the series *Writings from the Ancient World*. The reader is also referred to the collection of cases published in Joannès 2000.

[2] Earlier versions of some of the issues discussed here were presented at the plenary

THE MOTIVATION: TWO BIASES

Students of ancient Mesopotamia are blessed with an extraordinarily voluminous trove of documentation: millions of clay tablets present us with the records of daily life as well as with the learned products of ancient scholarship. Yet, despite the plethora of documentation, we are constantly confronted with how little the documents actually inform us about their backgrounds and commonplace assumptions. This dilemma prevails, to varying degrees, in all areas of Assyriological research, and although my concern here is with Mesopotamian law and legal practice, common questions confront us: How can we read our rich sources (Civil 1980: 225-32)? How far can we push the texts for insights? What are the limits imposed by the texts? How does information from one text or text-type relate (or not) to that from any other? Reflections of these sorts about those texts we characterize as "legal" have been limited mostly to the law collections, and center around debates about these collections as "codes" or "legislation" and about their applicability and theoretical or propagandistic intentions.[3] Records of disputes and of judicial procedures ("judgment texts" or "law cases"), on the other hand, have rarely been the object of comparable reflection.

There are two long-standing, unexamined assumptions made about the law collections and judgment texts that illustrate the problem and that I wish merely to expose here as a preliminary. The first I will call the "*Hammurabi's Gesetz* assumption," the second the "evolutionary assumption." Briefly, (1) the "*Hammurabi's Gesetz* assumption" presupposes an intimate and mutually illuminating relationship between two categories of sources, the provisions in the law collections and the documents from daily law practice, and constructs a fiction of "Old Babylonian law." This assumption is not limited to the Old Babylonian period, but is particularly clear there because of the wealth of extant contemporary Sumerian and Akkadian law collections. (For other periods and places without formal law collections, most researchers do allow the documents from daily practice to stand as independent evidence.) (2) The "evolutionary assumption" presupposes a very different kind of scholarship and results in and reinforces two related biases: (a) first, and less often held today, a bias that a linear

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[3] See the articles, with bibliographies, by Roth, Lafont, and Westbrook, in Lévy 2000.

development and "progression" of legal theory and expression (possibly with "sidetracking" and "backsliding" to allow for the "barbarity" of certain moments) is demonstrable through the millennia from the Mesopotamian cuneiform evidence; and (b) second, and still prevalent, a bias that the Mesopotamian sources reveal an evolutionary or developmental moment less sophisticated than our own.

The Hammurabi's Gesetz *Assumption*

From 1904, just two years after the publication of the monumental stela upon which the Laws of Hammurabi were engraved, until 1923, a series of six volumes titled *Hammurabi's Gesetz* appeared under the authority of the legal historian Josef Kohler (1849-1919), with his colleagues Felix Ernst Peiser (1862-1921), Arthur Ungnad (1879-1945), and Paul Koschaker (1879-1951).[4] The first two volumes were devoted to the inscription on the stela: the first volume presented in two parallel columns a German translation of the Laws of Hammurabi and a rendering of the law provisions into modern legal form ("die modern-juristische Fassung des Gesetzes"); the second volume, published five years later, presented a transliteration and a transcription of the Akkadian text and a glossary. The next four volumes offered German translations of 1,993 Old Babylonian texts, arranged within each volume under modern general rubrics:[5] personal and family law; estate and joint ownership; debt law; gifts; inheritance law; procedure; state/civil law. Each of these general rubrics was further subdivided (the largest—debt law—had thirty-one subcategories), yielding more than fifty subcategories.

Although a very few of these rubrics correspond more or less with Akkadian or Sumerian terms found in the cuneiform documents themselves (e.g., *ṭuppi mārūtim* "tablet of adoption," *ṭuppi ragāmim* "tablet of contestation," etc.), almost all of the *Hammurabi's Gesetz* rubrics and subcategories are those of Roman legal theory. Indeed, the very few rubrics found in the native sources suggest quite different organizing principles: before LH § 26 we find "legal decisions concerning soldier and fisherman"; before LH § 36 "legal decisions concerning field, orchard, and house"; before LH gap § h "legal decisions concerning contracts of hire and purchase"; before LH § 113 "legal decisions concerning removing property from a house"; before LH § 117 "legal decisions

[4] *Hammurabi's Gesetz* (Leipzig: Pfeiffer, 1904-23). Volume 1 by Kohler and Peiser (1904); volumes 2 (1909), 3 (1909), 4 (1910), and 5 (1911) by Kohler and Ungnad; and volume 6 by Koschaker and Ungnad (1923).

[5] The rubrics were modified as the volumes were published, yielding some variations between the initial groupings in volumes 3 and 4 and those in volumes 5 and 6.

concerning distraint and obligation"; and before LH § 120 "legal decisions concerning storage."[6] The overlap of the *Hammurabi's Gesetz* with the native Mesopotamian categories is minimal; whereas the groupings in the *Hammurabi's Gesetz* outline theoretical Roman legal categories within which are organized subsets (marked, with increasing "thing-specificity," by Roman numerals, Arabic numerals, and Latin and Greek letters), the native rubrics—admittedly few in number and thus not transparent as to rationale—are determined also by the objects of the legal action (field, house, soldier).

The authors' purpose in presenting these two thousand texts is apparent from the organization of the first volumes of the *Hammurabi's Gesetz*: the initial offering was a rendering into a modern Western language of the stela containing casuistic provisions numbered from 1 through 282.[7] This rendering "translated" the composition into language familiar to and intelligible by the European legal scholar. The volumes that followed (more were planned but never published) then "illustrated" these provisions under rubrics familiar to the European legal scholar. According to the authors' preface, they intended in these latter volumes ". . . ein Urkundenbuch zu bringen mit einer Uebersetzung wichtiger Urkunden aus der Zeit Hammurabis, teils in vollständiger Darlegung, teils in Regestenform."[8] By uniting the Laws and the documents from daily practice, they went on, "[a]uf diese Weise hoffen wir zu dem der Wissenschaft neuerdings gesteckten Ziele einer möglichst genauen Darlegung des Rechts aus dem Euphratland vor 4000 Jahren einen Beitrag liefern zu können."[9]

I intend no anachronistic criticism of the extraordinary *Hammurabi's Gesetz* project, but I do wish to point out the assumptions under which these dedicated scholars operated and to place their assumptions within the historical scholarly moment.[10] The publication of the stela of Hammurabi by Scheil in 1902 was a

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[6] See Roth 1995a: 75f.

[7] This follows the paragraphing of the stela's *editio princeps* by Scheil, allowing for a gap of about 35 provisions in the obliterated columns at the bottom of the front of the stela, indicated by labelling the last provision preserved on the front as § 65, and the first on the back as § 100. The *Hammurabi's Gesetz* edition could identify only about seven of these missing fragments; today we can identify almost thirty; see the edition in Roth 1995a.

[8] Kohler and Peiser 1904: preface (unpaginated).

[9] Ibid.

[10] While the *Hammurbi's Gesetz* "Romanized" Babylonian law, it is fair to point out that other, competing, intellectual trends were operating at the same moment. Another combines this "Romanizing" trend with a "Biblicizing" or "Hebraicizing" one, exemplified by Müller 1903, which presented (pp. 9-71), in a three-column format, (a) the transliteration of the Akkadian in Latin characters, (b) a translation into classical biblical Hebrew in Hebrew characters, and (c) a translation into German; on pages 175ff., Müller presents in three columns the provisions from Hammurabi, the Old Testament, and the Twelve Tables. A connection to the Twelve Tables has been revisited by Westbrook 1988a: 74-121.

magnificent opportunity for legal historians. The Laws of Hammurabi had been known for some years from tablets inscribed with larger or smaller sections of the composition; but the discovery of the monumental stela was an unparalleled event that generated excitement throughout the scholarly world. Kohler and his collaborators were not the only ones to seize the opportunity to present this composition to their colleagues; by 1904, dozens of translations into modern languages had been published. The standard English translation was the work of Robert Francis Harper (1904), which became the basic text from which the composition has been cited in the Assyrian Dictionary (*CAD*). But the explicit linking in the *Hammurabi's Gesetz* of the law collection on the one hand with the "on-the-ground" law cases and contracts on the other established a methodology that has remained unexamined: each law provision (in the Laws of Hammurabi or in any of the other law collections) is juxtaposed with cases or contracts that "illustrate" the provision, and each case or contract is juxtaposed with the relevant law provision. In this way a particular contract, say, is said to "differ" from the assumed standard of the law provision, or a given law provision is said to "not be reflected in" the extant contracts. When asking and answering a purely modern question such as "What is the Old Babylonian 'law' of divorce?," the Assyriologist or legal historian frames the argument in terms of a distillation of the provisions of the Laws of Hammurabi or the Laws of Eshnunna, as if those were fully operating rules, with qualifications or modifications from the various contracts displaying regional or chronological differences. But the very question is, in certain ways, disingenuous, and its framing should be suspect. There is no reasonable reading of our sources that can lead us to assume there were *rules* that dictated the treatment by the Mesopotamian judicial bodies of relevant circumstances. There were, to be sure, *standards* that were applied to given situations. For example, an Old Babylonian judgment text (Stol 1999: 333-9), probably from Nippur, concerning two women who themselves wrote and witnessed property exchange[11] documents concludes:

> (23-27) . . . because[12] they (the two women) emerged (from the temple of Šamaš convicted) for false witnessing, they "touched" their cheeks with . . ., the torch (of the god) <processed?> behind them, they stripped off their head-coverings. This is the punishment for female witnesses.[13]

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[11] *ṭuppāt šupêltim ša . . . išṭuru*; Stol prefers *ṭuppat* TA-*pí-il-tim* (*ṭapiltim*) *ša . . . išṭuru* "the tablets of defamation which they wrote."

[12] The word *aššum* "because" marks the point that the judges consider decisive. See Roth (2001).

[13] [*an*]*nû*[*m a*]*ran šībātim.*

There were, in other words, appropriate punishments for certain offenses. These were *standards* that allowed the authorities to use their experience, to evaluate the offenses and the offenders, and to apply equitable treatment.[14]

What our sources do provide us with are, first, from contracts and judgment texts, *sets of circumstances* deemed pertinent by the participants to define and resolve particular problems; and second, from the law collections, *distillations of such circumstances* stripped of their particular life-markers in which the persons involved are reduced to their salient identifications (man, slave, married woman, fugitive, hired laborer, priestess, etc.). Beyond this, it remains an open question if the situations conveyed in these judgment texts and law collections are representatives of (a) the *typical* practice or event, or of (b) the *atypical* or exceptional event. The answer will determine whether or not the resolutions they present are responses that apply across the board.

The Evolutionary Assumption

It is sometimes observed, often condescendingly, that Mesopotamian scholars "could not" express principles and abstractions, but "only" specific examples of unarticulated principles. A clear presentation of this evolutionary position is found in an important 1982 article by Jean Bottéro, discussing the purpose of the scientific treatises (including the law collections). I quote from the 1992 English translation (Bottéro 1992: 177f.):

> ... In a specific scientific area that we want to study in itself or teach we [today in the West] first worry about deducing and establishing, on the basis of the facts, the principles and the laws that govern that scientific area. Nowhere in any of the numerous treatises, nor anywhere else in the enormous cuneiform literature, do we encounter an utterance of such a *principle* or of such a *law*, taken by itself in abstraction and with formal universality. We see in them nothing but an enumeration of indefinite litanies of *cases*: hypotheses followed each by an exact judgment that one has to express based on them. Neither the hypotheses nor the conclusions ever rise to the level of our absolute principles and laws, in which all the cases of interest are subsumed in a simple statement that represents the cases by their most common and most pertinent aspects.
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> It has often been suggested that these shortcomings in Mesopotamian science are only apparent. In reality, it is sometimes said, these treatises were only manuals of instruction. The master who explained them evidently had to transmit aloud what was not represented in the catalogues of examples, namely the real laws of the science in question.... [But there is no evidence for] what we understand by *principle* or *law* in the scientific or in the juridical sense: thus the ancient Babylonians had not the slightest distinct notion of these quintessential formulations.

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[14] The literature on legal rules and legal standards has been helpful to my evolving thinking on this matter. Briefly, "[i]n the familiar formulation, a rule says that no one may drive over 65 miles per hour; a standard says that no one may drive at an excessive speed" (Sunstein 1999: 41).

> In reality they learned and furthered the sciences in the same way that all of us learn grammar and arithmetic at a young age: by memorizing examples of conjugated verbs or declined words, and of multiplied or divided numbers. By [this] means, . . . we have assimilated all the essentials of grammar and of the science of numbers, of which we probably would not have understood anything at all if we had been presented at first with the laws and principles.
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> . . . [I]t was the Greeks who have taken us further, to the universal concepts, the absolute formulations, that allow us the clear perception and the distinct expression of the principles and the laws in all their abstraction. . . .

Bottéro's statement appears in a synthesis accessible to a wide audience, and comes from a scholar of enormous standing and influence, who is summarizing the conclusions drawn from a lifetime of study of the Mesopotamian texts. It presents a mid-twentieth century Western European evolutionary view of linear progression and serial improvement in human endeavors, assuming the Greek scientific/philosophical world as the direct ancestor of our own Western one. This bias is revealed by Bottéro's patronizing qualifiers and especially by the frequent use of dismissive negations: "*Nowhere* in any of the numerous treatises, *nor anywhere else* in the enormous cuneiform literature . . ."; "We see in them *nothing but* an enumeration of *indefinite* litanies . . ."; "*Neither* the hypotheses *nor* the conclusions ever rise to the level of . . ."; "the ancient Babylonians had *not the slightest* distinct notion of these quintessential formulations"; "they learned . . . in the same way that all of us learn . . . *at a young age*"; ". . . in order to preserve *nothing but* the typical and the symptomatic."

This or a similar assumed developmental mode has long been embraced by scholars of the Ancient Near East. R. Westbrook (2000: 36), while acknowledging that Hammurabi's "scientific standards were very different from our own" nonetheless presents that "difference" in developmental terms (35f.):

> Mesopotamian science must have been a considerable improvement on whatever system of thought had preceded it, for it came to dominate, along with other aspects of Mesopotamian civilization, the whole of the ancient Near East. . . .
>
> Compared with classical or modern methods of organizing knowledge, however, the Mesopotamian approach was primitive, a proto-science. In particular, it lacked the ability to formulate general principles or abstract categories. Hence it was unable to reason vertically; it could only proceed horizontally by cumulating examples. . . .

There are, for me, at least four troubling or objectionable features in these and similar positions. First, there is, seemingly, obliviousness to context, that is, to questions about what social, cultural, or historical conditions might be necessary for (or correlate to) intellectual abstraction.[15] Second, however well-

[15] That certain social and historical conditions are necessary for intellectual abstraction might be obvious, and, although such conditions are often assumed, they are rarely articulated in the Near Eastern literature (although implied, for example, in Westbrook 1988a:

intended by its author, such remarks read as triumphalist, colonialist positions that minimize and devalue the subject. They can be recognized today as "orientalist" postures, biased and value-laden. Third, in scholarship as in life, there are "lumpers" and "splitters"; generalist positions such as those quoted above can be damaging, I maintain, in that they lead to "lumping" together individual cases and pronouncements, thus constructing an artificial or fictional narrative. And fourth, statements such as the one quoted above that Mesopotamian scholarship "lacked the ability to formulate general principles or abstract categories" are simply not sustainable; not only is speculation about an "ability" to generalize unwarranted, but the documentary evidence provides us with ample evidence of such generalizing and abstraction. As G. Farber (1991: 90) concludes: "Abstraktion ist der sumerischen Sprache keineswegs fremd."

In response, then, I challenge the assumption of a primacy of *generalizations* over *individual cases*, and assert rather the independence as well as the independent value of the law collections and the law cases.

A Different Perspective: The Narrative of the Single Case[16]

Reasoning from the Universal (Aristotle) versus from the Particular (Darwin, Mill, et al.)

Aristotle, as Bottéro implies, distinguished "scientific knowledge" (of the universal) from "prudence" or practical wisdom (of the particular thing). For Aristotle, the particular, laden with variables, is not a matter of science (episteme) nor of abstract reasoning; it cannot be understood with reference to general principles.[17] Thus

> . . . it is clear that Prudence is not the same as Scientific Knowledge: for as has been said, it apprehends ultimate particular things, since the thing to be done is an ultimate particular thing.
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> Prudence then stands opposite to Intelligence; for Intelligence apprehends definitions, which cannot be proved by reasoning, while Prudence deals with the ultimate particular thing, which cannot be apprehended by Scientific Knowledge, but only by perception. . . . (Aristotle 1926: 351)

119-21). A correlation (or coincidence) of philosophical abstraction with currency monetarization and market exchange was proposed in Weber (1922) 1978: 63ff.; see now the contribution of Vargyas 2000: 513-21; see also Postone 1993 relating the emergence of abstractions (e.g., of time) "to the development of the commodity form of social relations. It was rooted not only in the sphere of commodity production but in that of commodity circulation as well," (p. 211), and see pp. 202-16.

[16] What follows is indebted to and summarizes the arguments of Forrester 1996: 1-25, from which also much of the bibliography in the following notes was obtained.

[17] Danielle Allen, personal communication.

But at least since the 19th century, Aristotle's ideal of universal knowledge has been challenged by the appearance of alternate modes of investigation based on accumulation of data—that is, on the accumulation of particulars or individual cases (e.g., Charles Darwin, Francis Galton, etc.). According to John Forrester (1996: 3), "[a]ll categories of species are artificial, imprecise and ultimately misleading attempts to portray in the outmoded Aristotelian language of predication a fundamental dynamic reality which can be represented only statistically." The "fundamental dynamic reality" is the individual case, with all its quirks and variabilities. Thus John Stuart Mill (1874: 122-3) held that ". . . the individual cases are all the evidence we can possess, evidence which no logical form into which we choose to throw it can make greater than it is." This nineteenth century position held, in contrast to the Aristotelian view, that human reasoning proceeds from the particular to the particular: "The child who, having burnt his fingers, avoids to thrust them again into the fire, has reasoned or inferred, though he has never thought of the general maxim, Fire burns. . . . He believes [that fire burns] in every case which happens to arise; but without looking, in each instance, beyond the present case. He is not generalising; he is inferring a particular from particulars" (p. 123).

Kuhn's 'Exemplar'

In the mid-twentieth century, the work of Thomas S. Kuhn identified in a new and useful way the advantage of investigations from the particular. Kuhn (1962) introduced the term "paradigm" into the social sciences with his 1962 study of the development of the modern sciences. Kuhn later (1970 and 1996; 1977) modified and clarified what he meant by "paradigm" by distinguishing between "disciplinary matrix" and "exemplar"; it is the latter which I wish to highlight. Kuhn's (1977: 319) 'exemplars' are the "[s]hared examples of successful practice [which] provide what the group lacked in rules," the "exemplary past achievements" (1962: 75) of the group. They are, in the words of Forrester (1996: 7), "the standard experiments that novice practitioners learn their science on, or the standard problems that figure in textbooks, the exemplary achievements that define and delimit a whole field of research and eventual body of knowledge. One learns how to do science not by learning the rules or principles or concepts and then applying them to concrete situations; rather, one learns how to do science by learning how to work with exemplars: extending them, reproducing them, turning a novel situation into a version of a well-understood exemplar."

For Bottéro, following Aristotle, the process of "learning how to work with exemplars" is minimized as childish, the mark of how one learns "at a young

age"; for Forrester, following Kuhn, that process is held up as the method that "define[s] and delimit[s] a whole field of research and eventual body of knowledge." Kuhn (1970: 187-8) characterized the position assumed by Bottéro and others and countered it as follows:

> Philosophers of science have not ordinarily discussed the problems encountered by a student in laboratories or in science texts, for these are thought to supply only practice in the application of what the student already knows. He cannot, it is said, solve problems at all unless he has first learned the theory and some rules for applying it. Scientific knowledge is embedded in theory and rules; problems are supplied to gain facility in their application. I have tried to argue, however, that this localization of the cognitive content of science is wrong. After the student has done many problems, he may gain only added facility by solving more. But at the start and for some time after, doing problems is learning consequential things about nature. In the absence of such exemplars, the laws and theories he has previously learned would have little empirical content.

By now, the reader familiar with Ancient Near Eastern studies should be running ahead of my discussion. Rather than lamenting the absence of "universals" (or "abstract rules") and devaluing the "particulars" (in the present study, the "law cases"), I propose that we view the Mesopotamian law cases as no more and no less than Kuhn's "examples of successful practice." Moreover, the law provisions, too, are additional "examples of successful practice," mostly stripped of the markers of their individuality in order to be incorporated into the literary forms of the law collection. Both the law cases and the law provisions are, furthermore, highly efficient vehicles for imparting the group's mores, that is, for teaching. This pedagogical function was advanced in ancient Mesopotamia, where the model contracts and model court cases were used to train the scribes in the forms of the law, and where the law provisions were transmitted in the scribal curricula for millennia. Today, too, in classes of law students and legal historians, I use the model court cases as well as other "dramatic" cases from ancient Mesopotamia to teach "Mesopotamian law";[18] and almost every student of Akkadian is introduced first to the Laws of Hammurabi, where the repetitive syntax and vocabulary of the casuistic formulations ("If a man . . ., then . . .") render the composition prime material as a didactic tool.

The Pedagogical Application of the Case Method

The use of what Kuhn called "exemplars" for teaching by case method, now common in American schools in a variety of disciplines, can be traced to the eighteenth century, when Continental law was subject to the reforms of the Enlightenment while Anglo-Saxon law remained in the hands of an artisanal

[18] I wish to acknowledge my debt in honing these arguments to the students at the University of Chicago Law School in my "Mesopotamian Law" seminars.

elite. In Continental law, the Enlightenment ideal of the 'code' meant that "legal decisions constitute the 'application' of fixed and stable rules,"[19] that is, that "law consists solely in the derivation of judgments from a fixed set of laws supplied with sufficient linguistic clarity to allow unambiguous interpretation of the specific instance" (Forrester 1996: 15). Anglo-Saxon law, on the other hand, lacking a fixed code, relied on the tradition of *precedent*, decisions rendered by authoritative bodies. Thus "the common law process of judgment typically proceeds case by case, offering broad rulings only on rare occasions" (Sunstein 1999: xiii). Given this lack of a fixed code, later American law schools were faced with the problem of how best to teach this tradition of precedent to aspiring lawyers. Thus the nineteenth-century legal scholar Christopher Columbus Langdell (1871: vii) introduced at Harvard Law School the case method (or the Socratic method) of teaching:

> ... [L]aw, considered as a science, consists of certain principles or doctrines. To have such a mastery of these as to be able to apply them with constant facility and certainty to the ever-tangled skein of human affairs, is what constitutes the true lawyer ... and the shortest and the best, if not the only way of mastering the doctrine effectually is by studying the cases in which it is embodied.

The case method of teaching (now prevalent not only in American law schools, but also, for example, in medical schools and in business schools) was described thus by Edward Levi (1949: 1f.): "The basic pattern of legal reasoning is reasoning by example.... [S]imilarity is seen between cases; next the rule of law inherent in the first case is announced; then the rule of law is made applicable to the second case."

The success of case method of teaching will, of course, depend to a great extent upon the selection of cases introduced by the instructor. Here the Mesopotamian scribal training center, the é.dub.ba.a, was millennia ahead of the American law school: its primary mode of educating and training scribes was precisely this "case method" described above. The students in the é.dub.ba.a learned their lessons by mastering the "exemplars" of given fields: the lexical texts, the proverbs, the literary compositions, the scientific treatises, as well as the store of legal literature.[20] Stephen Lieberman (1992: 129f.) made the distinction here between what he called the "paradigmatic" approach, reserved for instructing the student in the isolated words or phrases (proverbs or lexical lists, for example), and the "pattern practice" approach in which the student copied complete texts (literary compositions or contracts, for example).

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[19] Weber 1978: 760 (cited in Forrester 1996: 14).

[20] For the training of the scribes in the é.dub.ba.a, see Veldhuis 1997: 24ff., with previous literature cited p. 24, n. 58.

The law collections, too, were copied and recopied by generations of students. We know that the collection of the Laws of Hammurabi was recopied for more than a thousand years after Hammurabi's time (Roth 1995b), and possibly the scribes who were trained in the mode of the casuistic formulation of these law provisions in the é.dub.ba.a and its successor institutions, later in their careers assembled other law compilations and promulgations for other kings. The law collections were assembled applications of the legal standards.

Even more relevant than the law collections to the training of Mesopotamian students in the operation of the law must have been the copying and recopying of *law cases* as exemplars of legal reasoning and social values. We know of this practice directly only in the Old Babylonian period, when the "model contracts" and "model court cases" were collected and incorporated into the curricula of the é.dub.ba.a.[21] There are dozens of such contracts and cases extant, although only some of the more spectacular ones have been published. One of the significant recurring features of many of the court cases is the presence of the *puhrum*, the Assembly, usually of the city of Nippur, which played a role in the operation of justice in the Old Babylonian period, and which appears in the case I will present below.

One further point about the selection of cases for pedagogical instruction. In the ancient é.dub.ba.a as well as the modern classroom, the instructor chooses examples, or cases, that do one of two things: the cases should be typical and representative, illustrating common life problems and solutions; or the cases should be atypical and extreme (or "bright-line"), expressing the outer limits of the typical and acceptable. Moreover, the more dramatic or lurid the situation, no matter how mundane the legal issue, the greater the impression that the case—and thus the lessons derived from the case—will make and leave on the student. With these considerations in mind, I choose for purposes of this essay the case that I will present below.[22] It involves a situation—a posthumous birth—that was perhaps not uncommon given the demographic realities of the time, but that rarely encountered the formal judicial systems. And the report of the case is unusually rich in details both of the participants' personal lives and of the formalities of judicial procedure.

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[21] These model contracts and court cases are under study by Walter Bodine; for earlier literature, see Roth 1983: 281f.

[22] For the modern student of Mesopotamian law there is an obvious pre-consideration in the selection of cases: accessibility. We can use only those random cases that have survived through the accidents of preservation and that are published and available.

The Facts and the Law

The British jurist William Blackstone is often quoted as noting that out of every one hundred law cases, ninety-nine are concerned with the facts and only one with the law; this would be an optimistic ratio for Mesopotamia. Our Mesopotamian law cases (Sumerian and Akkadian, from all periods of the cuneiform record) are not concerned with findings of law; in fact, I know of only one case out of thousands extant that might be said to revolve around a point of law: the "Nippur Homicide Case" worries about whether a wife who concealed the identity of her husband's killer would be guilty of any offense.[23] In every other law case known to me, the courts (king, judges, assembly, temple officials, local officers) are concerned only with findings of *fact*.

Is it possible, then, to get beyond "the facts" presented in a Mesopotamian case and at "the law"? Indeed, it is possible to infer from some of the more detailed cases (and law provisions) certain guidelines by which "the law" operates, and certain social and legal norms to which the people of a particular time and place aspire.[24] But when we look at our cases only in an effort to find "the law," we may miss the opportunity to find anything else. I suggest here another way of reading cases: as *narrative*.

The Narration of the Case

The records we possess relate a story, and relate that story in a particular way.[25] Certain facts, people, and events are selected over others, in order to convey one particular narrative in preference to some other. Although we are accustomed to seeing in law cases and in contracts a certain structure that involves set formulations of introductory and concluding matter, we are not accustomed to "reading the narrative" with any critical involvement. To this end, I suggest

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[23] See my treatment of the Nippur Homicide case in Roth 1998. Another case, CT 45 86, while not expressing a point of law, is interesting for articulating a social expectation: "A woman who has resided in your paternal house, whose status as wife is known to your city-quarter—is she to depart in such a manner? Restore her (to the identical financial position) as when she came in to you!"

[24] See Yoffee 2000 for an example of a successful analysis of one text, CT 47 63.

[25] Law as narrative has been approached from many different scholarly perspectives. Most interesting and informative for me have been the approaches from the legal and from the historical disciplines. For the former, see especially the essays in Brooks and Gewirtz 1996; for examples of using cases to uncover history, see the articles collected in Muir and Ruggiero 1994. It is unfortunately impossible, given the nature of our surviving cuneiform evidence, to ever produce the sort of compelling narratives that emerged from the case of Menocchio, reconstructed by Ginzburg 1980, or assembled—without need of elaboration—by Foucault 1975.

that we need to pay attention to (1) the external form and structure of the narrative—how is the case organized and formed in order to allow the relevant facts to emerge?—and (2) the internal presentation of events—why are certain facts and not others presented, and in which ways, to make the situation come out the way that it does, to tell the story that it tells? To be sure, the great majority of our surviving law cases are so laconic that it is not possible to read a sufficiently coherent narrative from them. But occasionally we find ourselves with a particularly dramatic, detailed, or well-documented case that does lend itself to such a reading. Such a case is PBS 5 100.

THE CASE OF PBS 5 100

The case I present here, PBS 5 100, was first published in cuneiform copy in 1914,[26] and attracted the attention of German scholarship during the next decade.[27] It then was largely ignored, at least in scholarly publications, until a 1989 English translation,[28] although it undoubtedly has been studied by many scholars over the last century.[29] PBS 5 100 is the publication of an Old Babylonian tablet, with two columns of cuneiform writing impressed into each face, composed in the city of Nippur in the 26th year of the Babylonian king Samsu-iluna, successor of Hammurabi, thus in 1722 BCE. It refers to life events and to legal activities that took place some unknown number of years earlier, at Ninurta-ra'im-zerim's birth after the death of his father. Some years after this birth, an elaborate legal procedure involving oaths and testimonies of eyewitnesses established the pedigree of Ninurta-ra'im-zerim. The immediate purpose of this record is to confirm that earlier legal procedure and to send that confirmation to the Assembly of Nippur.

The readings and interpretations of Schorr (1915), Walther (1917), and Koschaker and Ungnad (1923) are still insightful and valid. Although the edition I present

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[26] CBS 15253: Poebel 1914: plates 42-43, No. 100.

[27] Schorr 1915; Walther 1917: 161-8 (commenting only on selected passages); Koschaker and Ungnad 1923: 145-8, no. 1760.

[28] Leichty 1989: 349-56. Leichty linked the circumstances of PBS 5 100 to an unrelated phenomenon, impressed footprints of children found at Emar, for which see Zaccagnini 1994: 1-4; Leichty's statements about Mesopotamian "uneasiness and fear concerning changelings" (p. 349), and that "witness[ing] births in prominent families and . . . record[ing] such births . . . was surely done to avoid changelings" (p. 356) are pure speculation.

[29] My own interest in the case began in 1979 when I arrived at the University of Chicago and was pointed to PBS 5 100 by my colleague Maureen Gallery Kovacs, who in her work on the R volume of the Assyrian Dictionary had been confronted by the text in preparing *reḫû* and related lemmata.

below in the Appendix includes a few improvements and offers some new restorations,[30] the major innovations derive from my conclusion that the case does not narrate a contest or dispute but rather the structured testimonies of a series of friendly witnesses.

The Case

My English translation makes use of formatting conventions to mark some narrative features of the text (elements which are not, of course, inherent in the physical form of the cuneiform tablet itself) and to highlight certain narrative and stylistic elements. The flush-left headings are not part of the text. The first indent marks narrative elements. The second indent marks the direct speech testimony of petitioners and witnesses; these speeches are set off by speech-verbs within the narrative elements ("said as follows . . . thus they declared"). The third indent marks reported speech, hearsay or third-party reportage. Personal names of women are marked by a superscript letter (ᶠ).

I. Oral Presentation by Petitioners

Ia. Oral Presentation by Petitioner 1

(i 1-3) Ninurta-ra'im-zerim, the son of Enlil-bani, approached the *šūt têrētim* and the judges of the city of Nippur, he made a deposition as follows:

(i 4-11) "My father Enlil-bani, the son of Ahi-šagiš, died while I was still in the belly of my mother ᶠSin-nada. Just before my birth, ᶠHabannatum, my father's mother, informed Luga the herdsman and Sin-gamil the judge. She fetched a certain midwife and she delivered me. (i 11-15) After I grew up, in the 'Year in which King Samsu-iluna, foremost king, overthrew the enemy countries which were disobedient to him and smote the troops of Ešnunna (= Year 20 of Samsu-iluna),' (i 16-23) [. . .]"

(i 24) (Thus) he declared.

Ib. Oral Presentation by Petitioners 2 and 3

(i 25-27) [Ninurta-iriš and] Ili-išmeanni, [the sons of Ahi-šagiš] and of ᶠHabannatum, [approached <the *šūt têrētim* and the judges>], they made a deposition as follows:

(i 28-34) "Ninurta-ra'im-zerim [is indeed the son/issue] of Enlil-bani. When [the tablet] to the effect that he is the son of Enlil-bani was executed before the divine Udbanuilla (emblem of the god Ninurta), it was written without witnesses so confirming by oath of the god. At this time, (in Year 26), let witnesses confirm him by oath of the god!"

(i 34) (Thus) they declared.

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[30] I thank Steven Tinney for making selected collations for me in June 2000. My readings and interpretations also are indebted to conversations with Walter Farber, whose contribution goes beyond those few places specifically attributed to him in the notes.

II. The Court's Actions

IIa. Summation of Actions Taken by the Court

(i 35-39) The *šūt têrētim* and the judges investigated their matter; they heard (read out loud to them) the earlier tablet with the oath of the god; they questioned their witnesses; they deliberated about their testimony; and as a result

IIb. Summation of Decisive Point of Testimonies Presented to the Court

—(ii 1) because their witnesses (said), as follows:

(ii 2-3) "We know that Ninurta-ra'im-zerim is the son of Enlil-bani,"

(ii 3) (thus) they declared—

IIc. Summation of Order of the Court

(ii 4-8) they ordered the presence of the divine Udbanuilla (emblem of the god Ninurta), the confirmation by oath of the god of the witnesses who know of the filiation ("son-ship") of Ninurta-ra'im-zerim, and the return of the report to the Assembly.

IIIa. Testimony of Witnesses Before Divine Emblem

(ii 9-10) The divine Udbanuilla (emblem of the god Ninurta) was present at the Duur-sagene Gate when

IIIb. Testimony of Witness 1

(ii 11-12) Lipit-Enlil, the son of Nabi-Enlil, declared as follows:

(ii 13-19) "When Enlil-bani, the son of Ahi-šagiš, died, leaving his son Ninurta-ra'im-zerim in the belly of his wife ᶠSin-nada, he left her obviously pregnant. [Just before] her birthing, ᶠHabannatum [. . . informed] Luga the herdsman and Sin-[gamil the judge]. (ii 20-25) [They sent along] Šumum-libši [the soldier], and ᶠHabannatum fetched the midwife and she delivered her. Ninurta-ra'im-zerim is indeed the issue of Enlil-bani. Until he was born, ᶠHabannatum indeed guarded her. Indeed he is the issue of Enlil-bani."

(ii 25) (Thus) he declared.

IIIc. Testimony of Witnesses 2 and 3

(ii 26-28) ᶠUmmi-waqrat, the wife of Iddin-Ninšubur, and ᶠŠat-Sin, the *ēn(t)um* priestess and the daughter of Sin-išmeanni, (said) as follows:

(ii 28-37) "When ᶠSin-nada bore Ninurta-ra'im-zerim, the son of Enlil-bani, her mother-in-law ᶠHabannatum informed Luga the herdsman and Sin-gamil the judge. They sent along a soldier and ᶠHabannatum's midwife delivered her. Until she gave birth, . . . they guarded her. We know that Ninurta-ra'im-zerim is the issue of Enlil-bani."

(ii 37) (Thus) they [declared].

IIId. Testimony of Witness 4

(iii 1-2) Etel-pi-Ištar, the son of Šep-Sin, the companion of Enlil-bani, (said) as follows:

(iii 3-6) "When ᶠSin-nada, the wife of Enlil-bani, realized my concern for her husband Enlil-bani, she became depressed and so her husband Enlil-bani (said) as follows:

IIId-1. Reported Speech of Enlil-bani, the Father

(iii 7-8) 'Let me send her away to her father's house until she gives birth.'

IIId. Continuation of Testimony of Witness 4

(iii 8) "But I (said) as follows:

IIId-2. Reported Speech of Witness 4

(iii 9) 'In your (pl.) house there will be dissension (if you send her away).'

IIId. Continuation of Testimony of Witness 4

(iii 10-17) "Because I declared (thus) to him, he did not send her away. He gave me three PI . . . for her sustenance; fSin-nada did not go to their house; until she gave birth, I myself was present. fHabannatum together with a certain midwife came here and she delivered her. I know that Ninurta-ra'im-zerim is the issue of Enlil-bani."

(iii 17) (Thus) he declared.

IIIe. Testimony of Witnesses 5 and 6

(iii 18-22) [PN, the] wife of Ninurta-iriš, [daughter of . . ., and $^{f}PN_2$, the wife of Ili-išmeanni, daughter of . . ., (said) as follows]:

(iii 22-29) "When [fSin-nada, the wife of] Enlil-bani, bore Ninurta-ra'im-zerim, fHabannatum brought here a certain midwife <and> a soldier of Luga the herdsman and of Sin-gamil the judge. She guarded her, and when Ninurta-ra'im-zerim was born, they took him in a reed basket and brought him to the house of Sin-gamil the judge."

(iii 29) Thus they declared.

IIIf. Testimony of Witnesses 7 and 8

(iii 30-32) Sin-iriš, the sergeant, the son of Sin-magir, and Adad-tajjar, the sergeant, the son of Hummurum, (said) as follows:

(iii 32-33) "We know that Ninurta-ra'im-zerim is the issue of Enlil-bani."

(iii 33) Thus they declared.

IIIg. Testimony of Witness 9

(iii 34-35) Ennugi-inaja, the judges' bailiff, (said) as follows:

(iii 35-39) "When Ninurta-iriš and Ili-išmeanni, the sons of Ahi-šagiš, informed the Assembly about Ninurta-ra'im-zerim, they (the Assembly) sent [me] along with them. (iii 39-iv 2) While the divine Udbanuilla was present at the Du-ursagene Gate, fHabannatum (said) as follows:

IIIg-1. Reported Speech of fHabannatum, the Paternal Grandmother

(iv 3-5) 'Ninurta-ra'im-zerim is the son of my son Enlil-bani! His father's brothers shall not reject him!'

IIIg. Continuation of Testimony of Witness 9

(iv 5-7) "fHabannatum gave me one shekel of silver for his non-rejection and their (proper) tablet-execution."

(iv 7) Thus he declared.

IV. Characterization of Record

(iv 8-11) (This is) the tablet of confirmation of the male and female witnesses by means of which, in the presence of the divine Udbanuilla (emblem of the god Ninurta), Ninurta-ra'im-zerim is confirmed in the status of being a son of Enlil-bani.

V. Officials and Witnesses Present at this Procedure

(iv 12-27) [In the presence of U]tul-ilišu, the *ababdûm* official (of the temple); [in the presence of . . .], the official in charge of the *nindabûm* offerings; in the presence of Awil-Ištar, the *rab banîm* official; [(break of 6-10 lines, with one or two witnesses per line)]; in the presence of Ennugi-inaja, [. . .]; in the presence of Attaja, the *purkullum* seal-cutter; in the presence of Adad-tajjar, the . . .; in the presence of Ṣilli-Ištar, the night watchman; in the presence of Ili-iriba, son of Sin-iddinam.

VI. Date

(iv 28-39) Month Šabaṭu (XI), day 19, "Year in which King Samsu-iluna split the great mountain in the land of Amurru into stone slabs without comparison, (measuring) 18 cubits (in length), four cubits wide; he diverted the overflow of the canal Samsu-iluna-Is-the-Spring-of-Abundance into a reed swamp and he made it flow forth along a broad course; he enlarged the fertile fields of Babylon and established . . . (= Year 26 of Samsu-iluna)."

VII. Sealings

(*purkullum* sealing on upper, left, and lower edges with seal legend:) Ninurta-iriš (and) Ili-išmeanni, the sons of Ahi-šagiš (and of) ᶠHabannatum, his wife.

Some Explications of the Case

PBS 5 100 is *not* a record of a paternity suit, as it is generally characterized. First, it is not a *suit* or challenge; it is, rather, a record of a confirmation hearing before officials and judges of Nippur that clarified an ambiguous legal point of an earlier process undertaken six years previously, which had been ordered by the Assembly (*puhrum*) of Nippur and conducted under oath at the Dursagene Gate in the presence of a divine emblem of the god Ninurta. The present petitioners' concerns involved an alleged irregularity in that earlier process: they feared that the decisive tablet then written lacked sworn witnesses, thereby rendering the process invalid. It is important for what follows to stress that PBS 5 100 is not a record of a dispute between two opposing parties, but a record of the inquisition of an authoritative body that reviews the oral testimony of witnesses and the written documents. And second, it is not about (or only about) *paternity*—"the paternal relation viewed from the standpoint of the child"[31] or who one's father is—but about *filiation*—"the fact of being the child of a specified parent, . . . whose son one is . . . the fact of being descended or derived, or of originating *from*."[32] In this case, Ninurta-ra'im-zerim's descent, both the maternal and paternal, is in question.

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[31] *Oxford English Dictionary* 2nd ed. (Oxford: Oxford University Press, 1989) s.v. paternity mng. 3.

[32] Ibid. s.v. filiation mngs. 3 and 4 (italics original).

The Petitioners. The narrative begins with oral testimony presented to the current court of Nippur by the petitioners. The first petitioner is the key figure Ninurta-ra'im-zerim, who summarizes two salient circumstances of his birth: that his father died before he was born and that his father's mother oversaw the birth. Further and corroborating details will be provided by others' first-hand testimony later, but of course Ninurta-ra'im-zerim himself cannot testify to the circumstances of his own birth. Lost in the break in the text is something about what occurred in Samsu-iluna Year 20; possibly what he told the court was that in that year his grandmother [Habannatum died, and she can therefore no longer attest to the events of his birth. However, before her death, she made efforts to secure his future, as we shall hear from the witnesses to come.

Ninurta-ra'im-zerim's opening statement is followed by one made by his uncles. It is important to make clear that his uncles are not "appealing" a decision of one court, here the Assembly, before another "higher" court, here the "*šūt têrētim* and judges of Nippur." Rather, different bodies, differently constituted and authorized, seem to operate within differing jurisdictions (Dombradi 1996: 226-30). Attempts to reconstruct vertical or hierarchical arrangements of courts in Old Babylonian Mesopotamia have not been successful, possibly because of excessive reliance on Western notions of categories and of institutions.[33] The one exception is possibly the court that consists of the king as judge, which in some circumstances reserved the right to impose capital punishment. Further, there is no dispute here between Ninurta-ra'im-zerim and his paternal uncles. The latter are not disputing the "facts" of the case; they do not challenge the conclusion that Ninurta-ra'im-zerim is the issue of Enlil-bani; they do not challenge the testimonies of the various witnesses; they do not challenge the precautions taken at the birth of Ninurta-ra'im-zerim, which was closely attended by his paternal grandmother. In other words, they are not challenging the "truth" of any testimony, resulting in a dilemma that would possibly demand that the challenged parties undergo a judicial ordeal.[34] And, finally, the uncles are not disputing a "point of law" in the case. They do not challenge the right of a certified birth-son of Enlil-bani to inherit from his father (or possibly here, *per stirpes*, from his paternal grandfather).[35] Rather, the two sets of petitioners—

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[33] See, for example, Fortner 1996: chapters 4 and 5, with discussion of "levels of legal authority."

[34] The most informative and comprehensive work on Mesopotamian ordeals remains the 1977 Yale Ph.D. dissertation by T. Frymer-Kensky, "The Judicial Ordeal in the Ancient Near East"; see also Bottéro 1981; Cardascia 1993; Lafont 1999: 269ff., with notes and prior literature.

[35] The situation of a posthumous son is considered in MAL A § 28, a product of the Assyrian milieu some 700 years later than our case (see Roth 1995a: 163):

Ninurta-ra'im-zerim and his uncles—appear to be unified in their attempt to correct any possible procedural irregularities that had occurred in the process before the Assembly (possibly in the twentieth year of King Samsu-iluna), thus to confirm (*burrum*) Ninurta-ra'im-zerim's birthright. Several features of the text support this interpretation, and belie the prevailing notion that the uncles were arguing against Ninurta-ra'im-zerim.

First, the vocabulary used does not indicate adversarial proceedings: the uncles "informed" (iii 38) the Assembly about Ninurta-ra'im-zerim, using the same word, *lummudum*, that is used of his grandmother's notification of the birth to the officials (i 10, [ii 19], ii 32). This verb indicates not a hostile challenge or contestation but an informative act.

Second, the uncles close their initial statement to the judges with the request *inanna šībū ina nīš ilim libirrušu* "Now let witnesses confirm him by oath of the god!" (i 33-34). This is a request for confirmation, not a challenge, despite previous interpretations.[36] The request uses the same term, *burrum*, found elsewhere to signify confirmation and validation. The only way one could make this a challenge would be to interpret the uncles' words as a presumptuous dare (*"Go ahead, let witnesses confirm it if they can and if you can find them!"*), a rhetorical device that would be alien to a legal document.[37] Furthermore, the verb *burrum* does not appear in this or any other document known to me with a negative force (e.g., to overturn a prior position by proving the opposite), but only with a positive, confirming force (e.g., to confirm a theft, to uphold a witness's statement, etc.).

Let us examine the evidence for the counter-position that the uncles are hostile to Ninurat-ra'im-zerim. The only possible hints come from the reported statement of ᶠHabannatum and from the seal legend. First, ᶠHabannatum's statement, as conveyed by Witness 9 (iv 4-5): *ahhē abišu la inassahušu* "His father's

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šumma almattu ana bēt a'īle tētarab u māraša hurda ilteša naṣṣat ina bēt āhizāniša irtibi u ṭuppu ša māruttišu la šaṭrat zitta ina bēt murabbiānišu la ilaqqe hubullē la inašši ina bēt ālidānišu zitta kî qātišu ilaqqe

If a widow should enter a man's house and she is carrying her dead husband's surviving son with her (in her womb), (and if) he grows up in the house of the man who married her but no tablet of his adoption has been written—then he will not take an inheritance share from the estate of the one who raised him, and he will not be responsible for its debts; he shall take an inheritance share from the estate of his begetter in accordance with his portion.

[36] Kohler and Ungnad 1923: 145; Leichty 1989: 353.

[37] Such stylistic devices would be very difficult to detect, although some scholars have been able to isolate them in certain genres. For Neo-Assyrian letters, see Parpola 1983: 527 with index citations to stylistic devices. See also Foster 1995.

brothers shall not reject him!" The force of *la* with the present tense verb is a negative injunction. This has been taken as a charge ("Die Brüder seines Vaters dürfen ihn nicht verstossen")[38] or as a legal fact ("His paternal uncles cannot disown him")[39] with the implication that these "father's brothers" *were* indeed tempted to reject Ninurta-ra'im-zerim. The vocabulary is echoed in Witness 9's follow-up statement, in which he notes that, as an incentive to remember the proceedings, ᶠHabannatum gave him one shekel of silver *ana la nasāhišu u ṭuppi šūzubišunu* "for his (i.e., Ninurta-ra'im-zerim's) non-rejection and for their (the family's) tablet-execution." Was ᶠHabannatum's statement, made possibly in the face of her death in Samsu-iluna Year 20, anticipating that now, in Samsu-iluna Year 26, her sons would be violating her wishes?[40] Second, the seal legend. When the principals are the parties sealing the tablet, they generally are ceding rights or agreeing to accept terms they had challenged. If Ninurta-iriš and Ili-išmeanni are the "losers" in a case, their acceptance of the verdict could be indicated by this seal. However, there is nothing "won" or "lost" in this case; all that is accomplished is a hearing of witnesses. Thus the only thing that Ninurta-iriš and Ili-išmeanni can acknowledge by their sealing is that they accept as accurate the witnesses' recollections.

Any interpretation involving the hostility of the petitioning uncles demands restoring a negation at the beginning of line i 29, in the uncles' opening words. While there is certainly room for one or two signs (*ú-ul*), the gap does not demand it, although a negation ("he is *not* the son of . . .") has been restored by every previous editor of this text.[41] However, nothing else in their testimony, in the Assembly's or judges' actions, or in the testimonies of any witness supports this, and the weight of the evidence rather suggests that Ninurta-ra'im-zerim and his uncles were united in their quest to secure his status.

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[38] Kohler and Ungnad 1923: 146.

[39] Leichty 1986: 354.

[40] It is also technically possible, although I believe far-fetched, to take ᶠHabannatum's statement about "his father's brothers" as a reference to yet other sons of Ahi-šagiš by a different wife. Weak support for this is found in the fact that Ninurta-iriš and Ili-išmeanni are designated "the sons of Ahi-šagiš and of ᶠHabannatum" both when they are first introduced (i 26) and in the *purkullum* seal, leading one to expect ᶠHabannatum to refer to these possible challengers not as some unnamed persons ("his father's brothers") but more specifically as "my sons."

[41] Leichty's transliteration of this line (his "22' ") without noting his restorations by the convention of square brackets is certainly a simple typographical error, although following Schorr's restoration of *la* rather than *ul* is not correct; in Old Babylonian Akkadian a statement is negated by *ul*, while *la* negates only a single word or a subordinate clause. Moreover, a declaration by the uncles denying Ninurta-ra'im-zerim's status should conclude with the emphatic *šû*.

The uncles' statement (i 28-34) makes three points:

- *[Ninurta-rā]'im-zērim [lu mār/rīhût] Enlil-bānī*
  Ninurta-ra'im-zerim [is indeed the son/issue] of Enlil-bani.
- *inūma [ṭuppim ša kī]ma mār Enlil-bānī šû [ma]har Udbanuilla innezbu [b]alum šībū ina nīš ilim ubirrū iššaṭer*
  When (in Year 20) [the tablet] to the effect that he is the son of Enlil-bani was executed before the divine Udbanuilla (emblem of the god Ninurta), it was written without witnesses so confirming by oath of the god.
- *inanna šībū ina nīš ilim libirrušu*
  At this time, (in Year 26), let witnesses confirm him (in sonship) by oath of the god!

The first point they make states their simple conclusion: that Ninurta-ra'im-zerim is the son of and entitled to inherit from Enlil-bani; I restore their speech to anticipate the language that will be used by the witnesses to come. The uncles' second point presents the reason or grounds for the current action: although the tablet of the earlier procedure had been written in the presence of and thus with the authority of the divine emblem, it was not duly witnessed. Finally, then, their third point requests that the judges rectify the legal irregularity by now securing the knowledgeable witnesses' testimonies under oath, thus allowing Ninurta-ra'im-zerim his place as heir.

The Judicial Processes. PBS 5 100 informs us about six different (or different stages of) judicial or extrajudicial processes. They are, in reconstructed chronological order: (1) the pregnancy and birth process; (2) the Assembly process; (3) the testimony of ᶠHabannatum before the divine emblem; (4) the *šūt têrētim* and the judges of Nippur process; (5) the testimonies of the nine witnesses before the divine emblem; and (6) a second Assembly process. Because PBS 5 100 is the record of the outcome of the "*šūt têrētim* and the judges of Nippur" process, we are most informed about the formalities of that process.

(1) "The pregnancy and birth process." This is the collection of events and procedures that surrounded the birth of Ninurta-ra'im-zerim. Key to this process was notification by his grandmother ᶠHabannatum to two local authorities (a named "herdsman" and a named judge). Either as part(s) of this process or as separate procedures, there were the guarding of the pregnant woman by her mother-in-law, the guarding of the birth site by an officer sent by the local authorities, and a formal presentation to the local authorities of the newborn in a reed basket.

(2) "The Assembly process." Sometime after the "birth process," and six years prior to the "*šūt têrētim* and the judges of Nippur process," there was a procedure involving the Assembly (*puhrum*) of Nippur. The uncles initiated this by notifying the Assembly of some fact or situation involving Ninurta-ra'im-

zerim. The only action we know the Assembly took then was to send the grandmother ᶠHabannatum with a bailiff to give testimony under an oath.

The Assembly as a body with judicial authority is known to have functioned in the Old Babylonian period in the cities of Nippur, Sippar, Isin, Larsa, Dilbat, Lagaba, and Ur.[42] Almost nothing is known, however, about the Assembly's composition or functioning, and how (or if) the *puhrum* is distinct from other bodies or groups exercising judicial functions in these Old Babylonian cities, such as the *ālum* "city," *babtum* "city ward," *kārum* "harbor" (an administrative authority), and *šībūtu* (or *šībūt ālim*) "(city) elders"—and of course, the *dajjānū* "judges."[43]

(3) The testimony of ᶠHabannatum was ordered by the Assembly, but is a self-contained event. It took place at a designated spot, the Du-ursagene Gate ("Gate of the Hill of the Hero"),[44] at a time when a divine emblem, the Udbanuilla ("Merciless Storm"),[45] was present. It is possible that the only witness to her testimony was the bailiff sent by the Assembly. This bailiff was to see that a document was written up for the uncles, in which they would agree not to disinherit Ninurta-ra'im-zerim (*ana la nasāhišu u ṭuppi šūzubišunu* "for his non-rejection and their tablet-execution," iv 5-6). It is likely that the tablet was indeed drawn up, and later read to these *šūt têrētim* and the judges of Nippur (*ṭuppi nīš ilim mahrīam išmû* "they heard (read out to them) the earlier tablet with the oath of the god" i 37).

(4) "The *šūt têrētim* and the judges of Nippur process." We are largely ignorant about the identities and functions of these two groups, the "*šūt têrētim*" and the "judges." In the case reported in our document, they apparently exercised their duties together. But the "*šūt têrētim*" (literally, "those who (give or carry out?) instructions/orders") are otherwise unknown in the Old Babylonian period,[46] and the roles of judges are complex and elusive.[47] This process was initiated by the petitioners' request, in response to which the judges sent the available witnesses to the birth to give their testimonies. After hearing those testimonies, the judges reached a conclusion and ordered a document sent on to

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[42] For references, see *CAD* P s.v. *puhru* A mng. 1b-3'a'.

[43] For the Assembly, see Lieberman 1992: 127-36; Dombradi 1996: 242f.; and *CAD* P s.v. *puhru* A. A summary of the literature on the Assemblies is found in Yoffee 2000: 56-9.

[44] See below, notes to the text at ii 10.

[45] See below, notes to the text at i 31.

[46] Walther 1917: 161-8; *CAD* T s.v. *têrtu* in *šūt têrētim* cites also the Middle Babylonian text MDP 10 pl. 11 ii 18, *lu aklu lu laputtû lu mu'irru šūt têrētim ša māt tâmti u* GN *mala bašû* "either an overseer, or a military officer, or a commander—any *šūt têrētim* of the Sealand or of GN."

[47] On judges, see the 1917 work of Walther; Lautner 1922; Dombradi 1996: 222ff.; Lafont 1998: 161-81.

the Assembly. The judges' actions and decision are reported in thirteen lines (i 35-ii 8) filled with terms that are used here in specific technical ways and that often signal further processes about which we are unfortunately ignorant. The five-part process the judges go through is marked by the verbs *amārum* "to look at, look into, investigate" (i 36); *šemûm* "to hear, listen (to a tablet read out loud)" (i 37); *šâlum* "to ask, inquire, question" (i 38); *šutāwûm* "to discuss with one another, deliberate" (i 39); and finally *qabûm* "to say, declare" (ii 8). Of the multiple stages of this process, the first and fourth rely upon the judges' accumulated intuition and experience: "they investigated" and "they deliberated"; that is, the judges firstly decide what evidence to ask for, and lastly assess that evidence. In between, the two types of evidence, written and oral are presented to the judges.

After weighing the evidence in their deliberations, the judges articulate the single point that they find pertinent (ii 1-3), introducing that point by the particle *aššum* (see Roth 2001):

> Because their witnesses (said), as follows: "We know that Ninurta-ra'im-zerim is the son of Enlil-bani," (thus) they declared.

This statement signaled by *aššum* announces the judges' decision. They order (*iqbû*, ii 8) that a report (*ṭēmum*) supporting the claim of filiation be sent to the Assembly (ii 7-8). Their order then has three parts, each expressed by an infinitive verb linked by the sequencing copula: *wašābamma . . . burramma . . . turram* "to be present at . . . to confirm . . . to return." Thus their order is that the Udbanuilla emblem be present, that the witnesses present their testimonies asserting the filiation of Ninurta-ra'im-zerim, and then that the summary report be sent on to the Assembly. The elements of this order are recast and reiterated later, after the recital of the witnesses' testimonies, when this tablet is self-reflectively characterized in iv 8-11 (see Table 1).

Another point I wish to make about the mechanics of this process is that the text, PBS 5 100, which itself is probably the "report" that was ordered sent to the Assembly by the *šūt têrētim* and the judges, identifies itself as a *ṭuppi būrtim* "tablet of confirmation" (iv 8).[48] The verb *burrum* (*bâru* II-stem) appears in this text four times (i 32, 34, ii 6, iv 11), and it is this word that characterizes the entire process before us: it is a *confirmation* of a situation that potentially is open to future dispute, and in order to forestall such dispute, all available parties confirm, under oath, their positions and statements (see Dombradi 1996: 89-95).

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[48] See *CAD* B s.v. *būrtu* B in *ṭuppi būrti*.

Table 1

	Judges' order (col. ii)		Characterization of tablet (col. iv)
ii 4	*Udbanuilla wašābamma* the divine Udbanuilla should be present	iv 9	*[ma]har Udbanuilla* in the presence of the divine Udbanuilla
ii 5-6	*šībū ša . . . idû ina nīš ilim burramma* the witnesses who know . . . should confirm by oath	iv 8,11	*[ṭup]pi būrti šībī u šībātim [ša] . . . burru* the tablet of confirmation of the male and female witnesses by means of which . . . (N.) is confirmed
ii 5	*mārūt Ninurta-rā'im-zērim* the filiation ("sonship") of Ninurta-ra'im-zerim	iv 10-11	*[N]inurta-rā'im-zērim [ina mā]rūt Enlil-bānī* Ninurta-ra'im-zerim in the status of being a son of Enlil-bani

An interesting parallel to PBS 5 100, in both context and terminology, is CT 47 68a. That text deals with a field that had been given by Ahu-waqar to his daughter ᶠNunnubtum, the *nadītum* of Šamaš. After her father's death, her claim to that field was "confirmed" (*ubirrušim*, line 15) by the city authorities who "assembled" (*ālum . . . iphuršimma . . .* GN *iphurma*, lines 7 and 10) to have the document awarding the field read out to them. In both PBS 5 100 and CT 47 68a there is the possibility that the devolution of property to an heir will be challenged after the death of the donor; a body "assembles" (*pahārum*) and the rights of the petitioner are "confirmed" (*burrum*). In neither text is there necessarily any present danger of such a challenge; both texts are designed to check any such challenge in the future.[49]

(5) The testimonies of the nine witnesses were ordered by the *šūt têrētim* and the judges of Nippur. Like the testimony of ᶠHabannatum, which had been ordered by the Assembly, these too must take place at the Du-ursagene Gate and before the Udbanuilla emblem of the god Ninurta. We do not know what officials were present at these testimonies. Each witness or set of witnesses presents evidence from his or her own experience, or clearly identifies the source of second-hand evidence. Each testimony concludes with a statement, with minor variations, that the witnesses "know" that Ninurta-ra'im-zerim is the biological offspring of Enlil-bani.

[49] This point for CT 47 68a was made by Fortner 1996 at p. 55. Among other parallels, note Di 2122, published by Spaey 1993: 420 and 416f. (lines 8f.: . . . DI.KUD.MEŠ ᶠUD.KIB.NUN][ki] *ina* ŠU.NIR KU_3.GI *ú-bi-[ir-ru-ma]*).

(6) Finally, there is a hint that there will be another process involving the Assembly. We saw that the *šūt têrētim* and the judges of Nippur concluded their process with an order of *ṭēmam ana puhrim turram* "the return of the report to the Assembly." Unfortunately, we do not know what the Assembly would do with this report, nor whether the Assembly would convene and act on any question. The report might have been filed away for future reference or consultation.[50]

mārūtum and rihûtum. Old Babylonian court documents usually begin by stating their outcomes, and although our text opens by identifying *Nin-urta-rā'im-zērim mār* (DUMU) *Enlil-bānī* "Ninurta-ra'im-zerim, the son of Enlil-bani," that identification here is not a report of the court's decision but the usual way of naming a free man by his patronymic. The term *mārum* (Sumerian DUMU) "son" is a term used for both biological and legal relationships (adoption or vassalage, for example) (see Kraus 1973: 65-76). Including this first line introducing Ninurta-ra'im-zerim, the term *mārum* (DUMU) is used to qualify him as the son of Enlil-bani six times (i 1, 30, ii 3, 14, 29, iv 3).[51]

The related abstract *mārūtum* "sonship, filiation, vassalage" is always used in the context of legal relationships, especially those created by adoption[52] or by patronage.[53] In fact, the only[54] occurrence of the term outside of these deliberately constructed relationships is here, in ii 5, where the judges, in the key *aššum*-clause, refer to *šībū ša mārūt Ninurta-rā'im-zērim idû* "the witnesses who know of the filiation ("son-status") of Ninurta-ra'im-zerim," and again in the summary description of this tablet (and procedure) in iv 11.

Although the witnesses are said by the judges to be knowledgeable about *mārūtum*, in fact when they present their testimonies, their reported speech always uses another abstract term, *rihûtum* "issue, offspring," a term related to

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[50] There is as yet no evidence for an archive or storage facility maintained by any Old Babylonian judicial body; see Veenhof 1986: 27f.: "According to some archival historians systematic registration of records may well have been introduced by those responsible for the jurisdiction, in order to have depositions, verdicts, and contracts endorsed by judges on file in view of precedents, appeals or cases reopened. Evidence for this view from ancient Mesopotamia in general is very weak, though judiciary records occasionally turn up in what must have been official archives. The one exception is a collection of some two hundred court records in the form of "final verdicts" or "concluded cases" (in Sumerian di.til.la), found in ancient Girsu (Telloh) from the period of the Third Dynasty of Ur (second half 21st century B.C.)."

[51] In addition, *mārum* qualifies other men in i 4, [26], ii 11, 13, iii 1, 30, 31, 36, iv 4, 27, and *purkullum* seal; and *mārtum* (DUMU.SAL) "daughter" qualifies one woman in ii 27. These are all examples of the typical use of the term in identifying persons by patronymic.

[52] See *CAD* M/1 s.v. *mārūtu* mng. 1b.

[53] See *CAD* M/1 s.v. *mārūtu* mng. 2.

[54] *CAD* M/1 s.v. *mārūtu* mng. 1a cites iv 11 of our text (incorrectly, in my opinion), and an uncertain broken passage in MDP 24.

the verb *rehûm* "to inseminate" and the substantives *rihītum* and *rihûtum* "semen, seed."

Witness 1:

ii 22f. *[Ninu]rta-rā'im-zērim lu rihût [Enlil]-bānī*
"Ninurta-ra'im-zerim is indeed the issue of Enlil-bani."

ii 25 *lu rihût Enlil-bānī šû*
"Indeed he is the issue of Enlil-bani."

Witnesses 2 and 3:

ii 36 *Ninurta-rā'im-zērim kīma rihût Enlil-[bānī] nīdi*
"We know that Ninurta-ra'im-zerim is the issue of Enlil-bani."

Witness 4:

iii 17 *kīma Ninurta-rā'im-zērim rihût Enlil-bānī idi*
"I know that Ninurta-ra'im-zerim is the issue of Enlil-bani."

Witnesses 7 and 8:

iii 33 *Ninurta-rā'im-zērim kīma rihût Enlil-bānī nīdi*
"We know that Ninurta-ra'im-zerim is the issue of Enlil-bani."

Thus, because the witnesses' oral testimonies attest to their knowledge of the *biological relationship* between Ninurta-ra'im-zerim and Enlil-bani, they use the term *rihûtum*. Their testimonies then result in the court's confirmation of a constructed *legal relationship*, signalled by the term *mārūtum*.

The Narratives of the Witnesses

This document could have ended at ii 8, and then concluded with the characterization of this record in iv 8-11 and/or with the list of officials present and the date for this record, which begins in column iv 12, and still have fulfilled its legal function. But instead PBS 5 100 provides us in ii 9-iv 7 with a recapitulation of all the testimonies of the witnesses that were heard by these officials and judges. Thus we are afforded a glimpse into the details of the testimonies of nine witnesses, each of which provides a slightly different perspective to the case. I suggest that we read these testimonies as responses to the unrecorded questions that were asked by the judges, and that we can reconstruct those questions. Furthermore, there is a non-arbitrary sequence to the calling of the witnesses and to the presentations of the testimonies, and this sequence reveals what matters to the outcome of the case, and why. And finally, underneath this narrative we find a poignant human drama that adds depth to our often superficial perceptions of Mesopotamian daily life.

I preview the narratives behind the case by speculating about what claims could possibly be brought by parties interested in denying Ninurta-ra'im-zerim's

filiation, and why they might do so. This is necessary to provide a context for the testimonies of the nine witnesses, although it should be clear that I arrive at the substance of such claims by reading backwards from the testimonies. I suggest that the hypothetical argument of potential claimants could have proceeded along the following lines: During the early days of ᶠSin-nada's pregnancy, they might say, her ailing husband sent her off to her paternal home for her confinement. While away from Enlil-bani's home and oversight, she miscarried, perhaps at the devastating news of her husband's death. ᶠSin-nada then became pregnant by another man, or, in an alternative scenario, she concealed her miscarriage and later passed another newborn off as her own. In either case, she was no longer pregnant with Enlil-bani's child. Therefore, the claimants would argue, the child that was born that day is not the biological offspring of Enlil-bani. And why would they so argue? In other words, what would the claimants stand to gain and Ninurta-ra'im zerim to lose? Although our text does not address this point directly, it is most probable that the disposition of Enlil-bani's estate would be at the heart of this hypothetical challenge. Although this case is about *filiation*, the underlying concern is certainly *property*.

It is in order to counter such a story that the court hears a narrative from the witnesses establishing that (a) ᶠSin-nada never left her husband's home, (b) her pregnancy was never interrupted, (c) the birth was carefully attended and monitored, (d) the baby born was recognized by members of Enlil-bani's family and by local authorities, and (e) that baby grew up to be the man known as Ninurta-ra'im-zerim.

All the witnesses delivered their testimonies in the presence of the Udbanuilla emblem sacred to the god Ninurta. Whatever form their testimonies took, we can be certain, because of the presence of this emblem, that the testimonies were not rambling or random remarks, but were directed toward making certain distinctive points. The utterances are frequently formulaic, and certain phrases are repeated verbatim by several witnesses. This is not to say that each and every word in each testimony has legal significance, and that there are no personal interjections; it would be anachronistic to insist that there is nothing superfluous in our ancient legal narratives. Each witness spoke from his or her personal knowledge, and although a few of the testimonies are so laconic as to appear to us to add nothing, other testimonies are replete with personal details. Moreover, even the tersely formulaic testimonies present us with the opportunity to ask why that particular witness was called forth to provide that testimony and why at that point in the parade of witnesses; that is, even if the testimony appears redundant or unnecessary, the identity of the testifier is still significant. In fact, the sequence of testifiers and testimonies is not random, but demon-

strates a clear and deliberate chronological progression, revealing a coherent narrative.

The nine persons who present oral testimony are:

1. Lipit-Enlil, son of Nabi-Enlil
2. ᶠUmmi-waqrat, wife of Iddin-Ninšubur
3. ᶠŠat-Sin, a priestess, daughter of Sin-išmeanni
4. Etel-pi-Ištar, son of Šep-Sin and companion of Enlil-bani
5. ᶠPN$_1$, the wife of Ninurta-iriš (possibly the brother of Enlil-bani)
6. ᶠPN$_2$ (possibly the wife of Ili-išmeanni, brother of Enlil-bani)
7. Sin-iriš, a sergeant, son of Sin-magir
8. Adad-tajjar, a sergeant, son of Hummurum
9. Ennugi-inaja, a judges' bailiff

We know almost nothing about any of these people, either in relation to the petitioners or in other contexts. Only the sergeant Adad-tajjar, son of Hummurum, is attested earlier in the reign of Samsu-iluna, as a purchaser of a temple office in that king's Year 11 and as a witness in Year 13.[55] And the bailiff Ennugi-inaja also could be attested in this period, in Samsu-iluna's years 17 and 20 (see Stone 1987: 582). Otherwise, like the principals in this case, these persons are without retrievable background.

The Testimony of Witness 1: Lipit-Enlil (ii 11-25). The testimony of Lipit-Enlil, son of Nabi-Enlil, is one of the most detailed, as well as one of the longest, suggesting that it was unscripted and spared a scribe's heavy editing hand. Despite the fact that we cannot document any relationship between this Lipit-Enlil and the parties in this case, Lipit-Enlil's role is crucial: he is the first recorded witness and he presents the basic narrative whose points will be corroborated in various ways by later witnesses. These points are that:

- Enlil-bani died while his wife ᶠSin-nada was pregnant.
- Enlil-bani's mother ᶠHabannatum took it upon herself to guard her pregnant daughter-in-law.
- ᶠHabannatum made the information about her daughter-in-law's pregnancy known at some time to two named officials.
- The officials sent a soldier to the site of the delivery.
- ᶠHabannatum herself obtained a midwife who delivered ᶠSin-nada.

From all these points Lipit-Enlil infers in conclusion—although he does not state, as will other witnesses, that he "knows"—that:

- Ninurta-ra'im-zerim is indeed the biological child of Enlil-bani.

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[55] See Stone 1987: index s.v., and Stone and Owen 1991: 96 index s.v.

Note finally that this witness is the only one to state explicitly the fact of Enlil-bani's death.

The Testimony of Witnesses 2 and 3: [f]Ummi-waqrat and [f]Šat-Sin (ii 26-37). The relationships of these two women to the parties in the case are unknown. One is identified as a "wife" of a named individual; the other is identified both by her high professional status (*ēntum* priestess, probably of Enlil in Nippur [Renger 1967: 116f.; Westenholz 1992]) and by a patronymic. Their testimony picks up the story when [f]Sin-nada gives birth, but alters the sequence of some events. According to these two women:

- It was when [f]Sin-nada was in labor or after she delivered that [f]Habannatum informed the two named officials.
- The officials sent a soldier to secure the site of the delivery, at which
- [f]Habannatum's own midwife delivered the baby.
- [f]Sin-nada was guarded (by [f]Habannatum) up to the time of her delivery.

The women conclude their testimony by declaring that:

- They "know" that Ninurta-ra'im-zerim is indeed the biological child of Enlil-bani.

The Testimony of Witness 4: Etel-pi-Ištar (iii 1-17). The testimony of Etel-pi-Ištar, the son of Šep-Sin, is more intimate and personal than any other testimony. Etel-pi-Ištar is identified as the "friend" of the deceased Enlil-bani, and he provides unique, first-hand information and background from this privileged vantage. Again, like the testimony of Lipit-Enlil (Witness 1), he provides the court with a personal account relatively free of formulaic statements. Etel-pi-Ištar begins his story when, as Enlil-bani's close companion:

- He was unable to conceal from the pregnant [f]Sin-nada his concern for his ailing friend.
- Her worrying, in turn, threatened her pregnancy and well-being.
- Therefore, Enlil-bani, concerned for her pregnancy, proposed to his friend that he send her back to her family.

Enlil-bani's gesture could have been made out of frustration with a difficult and complaining wife, but the personal touches here suggest to me rather that it was a loving gesture; he wanted to spare her the anxiety of watching his progressive decline. Further, as we have already learned, Enlil-bani's mother would prove to be a formidable woman, and Enlil-bani could see that a pregnant [f]Sin-nada might prefer the tender ministrations of her own mother in familiar childhood surroundings to those of her mother-in-law in her marital home.

- In response to Enlil-bani's proposal, his companion Etel-pi-Ištar advised the ailing husband that it would prove best to have her deliver her child in his, Enlil-bani's, own home.

The implication is that if ᶠSin-nada goes into labor and delivers her child anywhere else, the child's paternity will be open to question. Further, sending her back to her father's home might be viewed by the community as an act of (or as a result of) divorce,[56] complicating the status of the child ᶠSin-nada was carrying.

- As a result of this advice, Enlil-bani kept his wife at home, entrusting her care to his valued friend.
- Etel-pi-Ištar repeats that ᶠSin-nada did not leave for her natal home.
- Etel-pi-Ištar himself was present until the birth.
- ᶠHabannatum and a midwife came to where Etel-pi-Ištar and ᶠSin-nada were housed—that is, to Enlil-bani's home—and there delivered her.
- From his own personal knowledge Etel-pi-Ištar "knows" the child is the biological offspring of Enlil-bani.

In addition to what the witnesses present, it is important to note what is absent from certain testimonies. Notably absent from Enlil-bani's close companion's testimony is any mention of the fact or the timing of Enlil-bani's demise. Why does this trusted companion not confirm the point made by Ninurta-ra'im-zerim and Witness 1 that Enlil-bani died during his wife's pregnancy?

The Testimony of Witnesses 5 and 6 (iii 18-29). The identities of these women are lost in the breaks in the text. Just as Witnesses 2 and 3, who provided joint testimony, were women, so too here we find two women testifying together. This is not, however, a significant gendered legal phenomenon,[57] as we do know of individual women in this period providing testimonies alone,[58] and witnesses 7 and 8, two soldiers, also offer joint testimony. But more interesting is speculation about the identities of these two women. The first woman is identified as the wife of a man named Ninurta-iriš. It is not implausible to suppose that he is the uncle/petitioner of that same name and thus moreover that both of these women are the wives of the two uncles, that is, that they are ᶠSin-nada's sisters-in-law. Her sisters-in-law, as women of the extended household, would be available to attend to her in her travail. Whatever the relationship of these two women to ᶠSin-nada, they supply one interesting new piece of information. They testify that:

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[56] Was such a rumor behind the awkward use of the verb *ezēbum* by Witness 1?

[57] For example, in Islamic law where the evidence of two men is required, it may be replaced by the testimony of one man and two women; see Schacht 1964: 126. But note that "[e]ven in a lawsuit the evidence of two women only is accepted as valid concerning matters of which women have special knowledge, such as birth, virginity, & c." (p. 193).

[58] Providing evidentiary testimony as a witness is not, of course, the same as being a depositive witness, the latter role fulfilled less often by women (see *CAD* Š/2 s.v. *šību* A mng. 3c).

- ᶠHabannatum brought to the birth a midwife.
- ᶠHabannatum also brought to the birth a soldier, designated by the two named officials.
- ᶠHabannatum guarded ᶠSin-nada.
- The newborn baby was placed in a reed basket.
- The baby was presented at the house of one of the two named officials.

This last point is certainly important to the narrative, establishing that the newborn baby was presented in some formal fashion to an authority. The detail of the reed basket, on the other hand, is an example of something that seems superfluous to the aim of the testimony, but that, perhaps, allows a glimpse into a private moment. We know little about rituals surrounding births: is the detail of the reed basket simply a reference to a commonplace event? If the reed basket is not common in birth rituals, is this detail given here to authenticate these women as valid witnesses, privy to details not generally known? Or is the reed basket an element of the distinctive birth rituals for children born without clear parentage? I make this last suggestion because the image of the baby in the basket is reminiscent, of course, of the birth narratives of Moses (*Exodus* 2:3), Sargon (Westenholz 1997: 40:6), and other legendary figures, although this baby, unlike some of the others, is not set adrift in a river or otherwise exposed.[59] Nonetheless, the detail of the basket does connect Ninurta-ra'im-zerim to those other newborns whose parentages also were not obvious.

Note also that these two women do not declare that they "know" that Ninurta-ra'im-zerim is the issue of Enlil-bani, a curious omission given the other details to which they were privy.

The Testimony of Witnesses 7 and 8: Sin-iriš and Adad-tajjar (iii 30-33). These men are each identified as a "sergeant" (*laputtûm*) as well as by their patronymics; how they came by their information is left unstated. They make only one point:

- They "know" that Ninurta-ra'im-zerim is the issue of Enlil-bani.

Given the chronological flow of the witnesses' testimonies, however, these men must be a link between the baby in the basket at the official's residence and the subsequent events before the divine emblem. The roles and functions of the *laputtûm* in Old Babylonian procedures are not, however, well understood.[60]

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[59] For the infant-exposure motif with its many variations, see Lewis 1980: 149-272.

[60] The title *laputtû* (*luputtû*, NU.BANDA$_3$) identifies both military and non-military personnel at the middle ranks, and in a few instances identifies also a "mayor" of a city; see *CAD* L s.v. *laputtû* mngs. 2c and 3.

The Testimony of Witness 9: Ennugi-inaja (iii 34-iv 7). The preceding witnesses testified about the birth of Ninurta-ra'im-zerim and the unique circumstances surrounding that event, the secure chain of evidence from his mother's pregnancy through to his birth and presentation to the local authorities. With the witness Ennugi-inaja the bailiff (and as I suggested above, probably beginning already with Witnesses 7 and 8), we have a major shift in venue and in testimonial substance. We move from the family and local setting with grandmother, midwife, sisters-in-law and local guards and local authorities, to the formal settings of the Assembly and the Du-ursagene Gate with divine emblems, sergeants, and bailiffs. Ennugi-inaja testifies that:

- When Ninurta-iriš and Ili-išmeanni informed the Assembly about Ninurta-ra'im-zerim's problematic status, the Assembly sent him, Ennugi-inaja, to oversee a procedure before the Udbanuilla emblem.
- In the presence of the appropriate judicial paraphernalia,
- ᶠHabannatum asserted that Ninurta-ra'im-zerim is the son of her son Enlil-bani.
- ᶠHabannatum placed an injunction upon "his father's brothers" not to "reject" Ninurta-ra'im-zerim.
- ᶠHabannatum gave this witness, the bailiff Ennugi-inaja, one shekel of silver.

ᶠHabannatum is reported to have made two points in the testimony she presented before the divine emblem. The first point she made is one that established her familial and legal relationship to Ninurta-ra'im-zerim: *Ninurta-rā'im-zērim mār* (DUMU) *Enlil-bānī mārija* ([*m*]*a-ri-ia*) "Ninurta-ra'im-zerim is the son of my son Enlil-bani!" It is unusual that the scribe spelled out syllabically *mārija* (gen., "of my son"), rather than using the common logogram DUMU, drawing our attention to that one word ᶠHabannatum's utterance. Note also that ᶠHabannatum does not characterize the relationship between Ninurta-ra'im-zerim and Enlil-bani by using the word *rihûtum*, as did all the witnesses. Both these points indicate that the force of her statement stresses ᶠHabannatum's right, as the mother of Enlil-bani, to intervene; ᶠHabannatum is claiming her own relationship to Ninurta-ra'im-zerim, declaring him to be her own descendant.

The second point ᶠHabannatum made is that "His father's brothers shall not reject him!" Having affirmed her link to Ninurta-ra'im-zerim by biological ascent, she enjoins her surviving sons to include him among their ranks, whether she is referring to their inheritance from her (deceased) husband Ahi-šagiš or to her own dotal properties.

The last gesture of ᶠHabannatum's, giving the bailiff one shekel of silver, is remarkable by being explicit. We may assume that in order to secure a witness's cooperation and memory, the parties could give him something as a memory-jogger, although the practice is not otherwise documented. Ennugi-inaja's mention of this "gift" in no way detracts from the force of his testimony;

it is a perfectly acceptable exchange—his memory for her cash. In fact the exchange might even be construed as evidence of the credibility of his testimony. The expressed purposes of the payment are to ensure Ninurta-ra'im-zerim's "non-rejection" and the uncles' writing of a tablet to that effect. It is this tablet with its irregularities that the uncles referred to in their opening statement.

Ennugi-inaja's report about the events many years ago at the Du-ursagene Gate before the Udbanuilla emblem concludes the testimony presented to the *šūt têrētim* and the judges of Nippur. The nine witnesses narrated, in chronological order, the sequence of events from ᶠSin-nada's pregnancy through the formal procedure by which ᶠHabannatum acknowledged her son's son. We already know the judges' decision: having heard the witnesses' testimonies, they ordered that a report containing that testimony be sent back to the Assembly (ii 4-8). This document (PBS 5 100) is that report and is so characterized in the demarcated lines iv 8-11.

The Absent Testimonies. ᶠHabannatum's reported testimony, presented as hearsay by the bailiff, leads to the conclusion that she was dead by Samsu-iluna Year 26, a fact that is not explicit in our text (although her death might have been mentioned in the missing lines i 17-23 in Ninurta-ra'im-zerim's opening remarks). This leads us to take note of other characters whose testimonies would have been important had they been alive and available in Samsu-iluna Year 26. Three candidates emerge. First is the midwife. Although everyone else, without regard to the significance of her or his role, is named (Luga the herdsman, Sin-gamil the judge, Šumum-libši the soldier), the midwife remains anonymous in the narrative. She is referred to in Ninurta-ra'im-zerim's opening statement and in three testimonies (those of Witnesses 1, 2 and 3, and 5 and 6). In Ninurta-ra'im-zerim's statement (i 10) and in the testimony of Witnesses 5 and 6 (iii 24) she is referred to as "one (or: a certain) midwife" (1 SAL.ŠA$_3$.ZU).[61] The specification "a certain" may be significant. Was she a well-known figure, identifiable in the community without her name? Did ᶠHabannatum's family reg-

[61] The DIŠ-sign, which I take as a logogram for "one" or "a specific one," does not precede SAL.ŠA$_3$.ZU in ii 24 (Witness 1) or ii 33 (Witnesses 2 and 3) which in both instances is at the beginning of the line. This absence argues against taking the DIŠ-sign preceding SAL.ŠA$_3$.ZU as a personal name marker ("Personenkeil"), for in the Old Babylonian period the DIŠ-sign generally precedes personal names that appear in first position on a line, and only infrequently precedes personal names later on a line. Thus the co-occurrence of the DIŠ-sign and the logogram SAL.ŠA$_3$.ZU in this text is the opposite of what one would expect in an Old Babylonian legal text. Our text, however, is not so consistent; the Personenkeil is both present and absent before personal names in the middle of lines. See further Krecher 1974: 161: "... vor allem fehlt die „I" noch in altbabylonischen Texten bei den Namen von Personen, die nicht von der Sache oder der Urkunde als Partei, Zeuge usw. betroffen sind, d.h. vor allem bei den Namen der in Filiationen genannten Väter (eines Zeugen usw.)."

ularly use only one midwife? She was clearly a key person and could have been expected to testify to the fact of a successful birth, i.e., that the baby was not still-born. But she is not called, and we infer that she was probably dead or—less likely in a relatively immobile society—no longer residing in the area.

The second "absent" person is Enlil-bani. He, we already know from the statements of the petitioner Ninurta-ra'im-zerim and of Witness 1, died while his wife was pregnant. He did not have the opportunity, therefore, of formally acknowledging his wife's offspring as his own. He did, however, take certain measures to deflect later challenges. As Witness 4 so carefully details, Enlil-bani had been tempted to send his pregnant wife back to her parents' home for her confinement but was dissuaded from that plan. Instead, Enlil-bani very deliberately ensured that his pregnant wife would remain within his own household. Thus we do hear Enlil-bani's voice and his intentions are made explicit.

The third "absent" person is ⌜Sin-nada, the woman whose pregnancy is central to this case. It is easier to say what is not revealed about her than what is. We know only that she is a "wife" and that she had a *bīt abim* "father's house" to which she could return, two points implying a prominent status. Otherwise, she is a mystery. Who were her parents? Did she have other children before this pregnancy? Did she have other unproductive pregnancies? What was her dowry like? Was she Enlil-bani's first wife? We can infer with confidence that she was dead by Samsu-iluna Year 26, the time of the process recorded in PBS 5 100; but was she dead already by Samsu-iluna Year 20, when the earlier process was initiated? Did she die in childbirth while delivering Ninurta-ra'im-zerim? Did she welcome or resist ⌜Habannatum's intervention?

The absences of all three of these people are important, but in different ways. Had the midwife been alive and available, her testimony would surely have been recorded here; the case would have been a bit more detailed and a bit stronger in favor of Ninurta-ra'im-zerim's position. But had either Enlil-bani or his wife ⌜Sin-nada been alive, there would have been no case at all. The absence of either or both of them is what motivates this process, and the writing of PBS 5 100.

Elements of the Witnesses' Narratives

Let us chart the points of convergence in all of these witnesses' testimonies, including the opening remarks of the petitioners. There are nine witnesses and three petitioners, and two of the witnesses provide hearsay evidence from two more persons; thus there are fourteen "voices" heard in this text (excluding those of the judges and court officers), presented in eight sets of testimony. I present the elements in the order of a reconstructed chronological narrative (see Table 2).

Table 2

Elements of the narratives (in chronological sequence)	Petitioners		Witnesses					
	Nrz	Ni & Ii	1	2&3	4	5&6	7&8	9
Eb proposed sending ʿS away					+			
Eb was persuaded to keep ʿS at home					+			
ʿS remained in Eb's house for her entire pregnancy					+			
ʿS was provided rations by Eb's friend					+			
Eb's friend was present until the birth					+			
Eb died while ʿS was pregnant	+		+					
ʿH guarded the pregnant ʿS			+	+		+		
ʿH informed 2 officials before/at/after the birth	+		+	+		+		
ʿH obtained the midwife who delivered ʿS	+		+	+		+		
The two officials sent a soldier to the birth			+	+		+		
The newborn was brought in a basket to the judge's house						+		
ʿH (and uncles?) was (were) sent to give sworn testimony								+
The proper emblem was present at the testimony		+						+
ʿH declared that Nrz is "the son of my son"								(+)
ʿH declared that Nrz is not to be disinherited								(+)
ʿH gave the bailiff silver								+
"(I/We know that) Nrz is the issue of Eb"		+	+	+	+		+	

Hearsay testimony is marked by parentheses. Persons are identified by their initials (Nrz = Ninurta-ra'im-zerim, ʿS = ʿSin-nada, etc.)

One of the first things to note is that of the seventeen charted points, ten are known from only one testimony each. This is not to say that these details were unimportant and were thought unworthy of repetition; rather, perhaps, whatever their significance for the case at hand, they could stand on the say-so of one witness only. Discounting these elements, the narrative would be poorer but most of the essential issues would still be clear. We would still know that Enlil-bani died while ʿSin-nada was carrying their child; that his mother ʿHabannatum guarded her daughter-in-law; that ʿHabannatum informed appropriate officials and secured the services of the midwife; that the officials sent a soldier to the birth; and that at the earlier testimonies to these facts there was the appropriate emblem in place.

But what we would not know would be substantial. The testimony of Witness 4, the friend of Enlil-bani, is almost completely uncorroborated. (The only corroborated point is his conclusion that he "knows that Ninurta-ra'im-zerim is the issue of Enlil-bani," a point that, in its repetition throughout the witnesses' testimonies, sounds formulaic.) His highly personal story, however, is hardly irrel-

evant. It is he who establishes the key point that ᶠSin-nada did not leave her husband's house and his (direct or indirect) oversight during her pregnancy, despite her husband's ill health (and perhaps despite local rumors to the contrary). Similarly, the testimony of the bailiff, Witness 9, speaks to points which only he and the now-deceased ᶠHabannatum could attest. It is he who reports ᶠHabannatum's sworn statement that the baby is the son of her son, and her insistence that his uncles not attempt to disinherit him.

Leaving aside the unique elements of the testimonies and turning to the corroborating elements, it emerges that the highest convergence of elements occurs between the testimony of the petitioner Ninurta-ra'im-zerim and the first witness, Lipit-Enlil, whose relationship to the parties and to the narrative is unknown. Lipit-Enlil presents no claim of first-hand knowledge, even extending to the almost standard concluding assertion which he phrases uniquely (omitting the prefatory "I know that") as "Indeed he is the issue of Enlil-bani." Nonetheless, Lipit-Enlil corroborates every point made in Ninurta-ra'im-zerim's preserved opening remarks. Moreover, he is the only one to reiterate that Enlil-bani was dead at the time of Ninurta-ra'im-zerim's birth.

I noted above that Witness 1's testimony is unusually long and detailed. This is appropriate for a first witness, who sets the stage for all who follow him. It is possible that Lipit-Enlil was making every effort, perhaps prompted by the court, to cover the salient points made in Ninurta-ra'im-zerim's opening remarks. One could imagine that his testimony was presented piecemeal, in fits and starts, as responses to questions directed to him by the court (I take some liberties with the wording of Lipit-Enlil's responses):

Q: Was Ninurta-ra'im-zerim born before or after his father Enlil-bani died?
A: When Enlil-bani died, he left his son Ninurta-ra'im-zerim in the belly of his wife ᶠSin-nada.

Q: Please be precise; your colloquialisms are unclear to us. Are you certain that she was pregnant when he died?
A: Yes. He left her when she was visibly pregnant.

Q: "Left"? Do you mean that he divorced her?
A: No. He died.

Q: Thank you. Did her mother-in-law ᶠHabannatum step in? When and how?
A: Just before ᶠSin-nada delivered, ᶠHabannatum, her mother-in-law, brought in the local authorities.

Q: And whom did she inform?
A: She informed Luga the herdsman and Sin-gamil the judge.

Q: And what did Luga and Sin-gamil do?
A: They sent along Šumum-libši the soldier.

Q: Did they also select the midwife?
A: No, ᶠHabannatum herself brought along the midwife who delivered ᶠSin-nada. Ninurta-ra'im-zerim is indeed the issue of Enlil-bani!

Q: Please confine yourself to answering the questions. Now, did ᶠHabannatum guard ᶠSin-nada without interruption from the time of Enlil-bani's death until the birth?
A: Yes. Until the baby was born, ᶠHabannatum indeed guarded ᶠSin-nada.

Q: Thank you. You may now make your concluding statement.
A: Indeed he is the issue of Enlil-bani!

However fanciful the above might be, it illustrates that Witness 1 corroborates every piece of Ninurta-ra'im-zerim's statement about the circumstances of the latter's birth—circumstances which Ninurta-ra'im-zerim would not have been in a position to know himself.

The Importance of the Role Played by ᶠHabannatum

ᶠHabannatum—the wife of Ahi-šagiš, the mother of Enlil-bani, Ninurta-iriš, and Ili-išmeanni, the mother-in-law of ᶠSin-nada, and the grandmother of Ninurta-ra'im-zerim—emerges as the dominant active figure in this narrative. R. Harris (2000: 88-118) recently drew our attention to some of the social roles of women of senior generations in Mesopotamian society, and ᶠHabannatum well illustrates Harris's point. After her son's death, ᶠHabannatum took control of at least part of the house where his pregnant wife was being fed and cared for by the deceased's friend. She took it upon herself to notify the two local officials of her son's wife's condition. She maintained vigilant supervision over her pregnant daughter-in-law. She selected and brought a particular midwife, from which we can infer that she was not relying on the chance availability and skill of local practitioners. She ceremoniously sent the newborn off in a basket to the local officials for verification. And she stood before the powerful and daunting divine emblem to declare her knowledge and her intentions, possibly in defiance of her surviving sons' wishes. She probably oversaw the nurturing and education of the baby as well, until her death perhaps in year 20 of King Samsu-iluna.

All the extraordinary measures ᶠHabannatum took prior to, during, and after the birth of Ninurta-ra'im-zerim are pointedly remarked upon by multiple witnesss. I referred above to the "baby in the basket" motif that associates Ninurta-ra'im-zerim's birth with the births of other babies whose parentages are open to dispute or unusual. ᶠHabannatum's involvement with Ninurta-ra'im-zerim recalls another unusual filiation: the complicated legal situation in *Ruth* 4:13-17, in which Obed, the offspring of Ruth and Boaz, is called the "son" (*ben*, 4:17) of Naomi, the mother of the deceased man who was his legal (but not, as here in PBS 5 100, biological) father. In both cases, the baby's grandmother is an important link to the dead father (Sasson 1979: 157-78).

All this presents us with a picture of a resourceful and powerful matriarch, unintimidated by her grown sons or by local secular and religious authorities, fighting to perpetuate the inheritance line of her dead son. It is a role that could have been played by the awesome Olympias, whose son Alexander the Great died leaving his wife Roxane pregnant with Alexander IV (see Will 1984: 25f., 34ff.; Carney 1993, 1994). Although we certainly cannot make claims of social or political prominence for Enlil-bani or his son Ninurta-ra'im-zerim comparable to that of the Alexanders, [H]abannatum's tactics anticipate Olympias's by fourteen hundred years.

On Reading Mesopotamian Cases

At the beginning of this essay, I marked two approaches to the study of our cuneiform records documenting legal events. The first, which I called the "*Hammurabi's Gesetz* assumption" assumes that, in the Old Babylonian period at least, the provisions of the collections and the situations glimpsed in the contracts and legal disputes are evidence for reconstructing and synthesizing a unified and operational "legal system." The assumptions embedded in this approach often are accompanied by a second bias, which I called the "evolutionary assumption," by which the "law" or at least the social realities revealed by these texts are placed somewhere along a developmental and morally-determined continuum whose orientation is the Western European Enlightenment. My objections to both these approaches are that they de-historicize and de-contextualize the evidence, asking the extant documents to do both more and less than they are capable of. More, because each document—without regard for its place in its original setting—is taken as a representative of a given legal phenomenon ("the way homicide is dealt with in Mesopotamia is revealed by document x"); less because the variety of legal and social experience documented by each text, its original purpose or intention, is blurred by stripping it of its individuality.

There is, to be sure, no single way to analyze the rich and difficult cuneiform sources; certain texts will yield more when subjected to certain methods and inquiries. One way that has not been sufficiently used is to study the texts as records of narratives and *cases*. My investigation of PBS 5 100 as a *case* has yielded rich and interesting new results. As students of the ancient Mesopotamian world, no less than the ancient Mesopotamian scribes and aspiring scholars, it is appropriate for us to learn about their world the same way they did: by working with cases or "exemplars."

APPENDIX: TRANSLITERATION AND NOTES TO PBS 5 100

i 1 [^{l}]^{d}NIN.URTA-ra-i-im-ze-ri-im DUMU ^{d}EN.LIL$_2$-ba-ni
i 2 LU$_2$.MEŠ ⌜šu⌝-ut te-re-e-tim ù DI.KUD.ME EN.LIL$_2^{ki}$
i 3 im-hu-ur pa-ni-šu iš-ku-un-ma
i 4 ^{Id}EN.LIL$_2$-ba-ni a-bi DUMU a-hi-ša-gi$_4$-iš
i 5 i-nu-ma i-na li-ib-bi ^{Id}EN.ZU-na-da
i 6 um-mi-ia ša-ak-na-ku im-tu-ut
i 7 i-na pa-ni wa-la-di-ia
i 8 ^{l}ha-ba-an-na-tum um-mi a-bi-ia
i 9 ^{l}LU$_2$.GA.A U$_2$.TUL$_2$ ù ^{d}EN.ZU-ga-mil DI.KUD
i 10 ú-lam-mi-id 1 SAL.ŠA$_3$.ZU it-ra-a-am-ma
i 11 ú-wa-al-li-da-an-ni iš-tu ar-bi-a-am
i 12 i-na MU sa-am-su-i-lu-na LUGAL SAG.KAL
i 13 [K]UR NU ŠE.GA.NI BI$_2$.IN.SI$_1$.SI$_3$.GA
i 14 [U]GNIM MA.DA EŠ$_3$.NUN.NA^{ki}
i 15 [. . . SAG GIŠ] BI$_2$.IN.RA.A
i 16 [. . .] x x
[. . . (gap of ca. 8 lines)]
i 24 [. . . i]q-bi
i 25 [^{Id}NIN.URTA-APIN ù ì-lí]-iš-me-a-ni
i 26 [DUMU.MEŠ a-hi-ša-gi$_4$-iš] ù ha-ba-an-na-tum
i 27 [<LU$_2$.ME šu-ut te-re-e-tim ù DI.KUD.ME> im-hu-ru pa]-ni-šu-nu iš-ku-nu-ma
i 28 [^{Id}NIN.URTA-ra]-i-im-ze-ri-im
i 29 [lu-ú DUMU/ri-hu-ut ^{d}]en-líl-ba-ni i-nu-ú-ma
i 30 [DUB ša k]i-ma DUMU ^{d}en-líl-ba-ni šu-ú
i 31 [ma]-har ^{d}UD.BA.NU.IL$_2$.LA in-ne-ez-bu
i 32 [b]a-lum ši-bu i-na ni-iš DINGIR ú-bi-ir-ru
i 33 iš-ša-ṭe$_4$-er i-na-an-na ši-bu i-na ni-iš DINGIR
i 34 li-bi-ir-ru-šu iq-bu-ú
i 35 LU$_2$.MEŠ šu-ut te-re-e-tim ù DI.KUD.MEŠ
i 36 a-wa-ti-šu-nu i-mu-ru
i 37 DUB ni-iš DINGIR ma-ah-ri-a-am iš-mu-ú
i 38 ši-bi-šu-nu i-ša-lu
i 39 [ši-bu-s]ú-⌜nu⌝ uš-ta-wu-ma
ii 1 aš-šum um-ma ši-bu-š[u-nu-ma]
ii 2 ki-ma ^{Id}NIN.URTA-ra-i-im-[ze-ri-im]
ii 3 DUMU ^{d}EN.LIL$_2$-ba-ni ni-i-di i[q-bu]-ú
ii 4 ^{d}UD.BA.NU.IL$_2$.LA wa-ša-ba-am-ma
ii 5 ši-bu ša ma-ru-ut ^{d}NIN.URTA-ra-i-im-ze-ri-im
ii 6 i-du-ú i-na ni-iš DINGIR bu-ur(!)-ra-am-ma
ii 7 ṭe$_4$-ma-am a-na PU.UH$_2$.RU.UM
ii 8 tu-ur-ra-am iq-bu-ú
ii 9 ^{d}UD.BA.NU.IL$_2$.LA
ii 10 i-na KA$_2$ DU$_6$.UR.SAG.E.NE ú-ši-im-ma
ii 11 ^{l}li-pí-it-^{d}EN.LIL$_2$ DUMU na-bi-^{d}EN.LIL$_2$
ii 12 ki-a-am iq-bi um-ma šu-ma
ii 13 i-nu-ma ^{Id}EN.LIL$_2$-ba-ni DUMU a-hi-ša-gi$_4$-iš
ii 14 ^{Id}NIN.URTA-ra-i-im-ze-ri-im ma-ra-šu
ii 15 i-na li-ib-bi ^{Id}EN.ZU-na-da DAM.A.NI i-zi-bu-ma
ii 16 ⌜i-mu⌝-tu a-ri-a-at-ma i-zi-ib-ši
ii 17 [i-na pa-ni wa]-⌜la⌝-di-ša ^{l}ha-⌜ba-an⌝-[na]-⌜tum⌝
ii 18 [. . .] x x

ii 19 [^{l}LU$_2$].GA.A U$_2$.TUL$_2$ ù ^{r}^{d}EN.ZU$^{\neg}$-[ga-mil DI.KUD ú-lam-mi-id]
ii 20 [^{l}š]u-mu-um-li-ib-š[i AGA.UŠ iṭ-r]u-d[u-nim-ma]
ii 21 SAL.ŠA$_3$.ZU ^{l}ha-ba-an-[na-tum it-ra]-a-am-ma
ii 22 ú-wa-al-li-is-s[í ^{d}NIN.UR]TA-ra-i-im-ze-ri-im
ii 23 lu-ú ri-hu-ut ^{l}[^{d}EN.LIL$_2$]-ba-ni a-di i-wa-al-du
ii 24 ^{l}ha-ba-an-na-tum lu-ú iṣ-ṣú-ur-ši
ii 25 lu-ú ri-hu-ut ^{ld}EN.LIL$_2$-ba-ni šu-ú iq-bi
ii 26 ^{l}um-mi-wa-aq-ra-at DAM i-din-^{d}NIN.ŠUBUR
ii 27 ù ša-at-^{d}EN.ZU SAL.EN.NA DUMU.SAL ^{d}EN.ZU-iš-me-a-ni
ii 28 um-ma ši-na-ma i-nu-ma ^{ld}EN.ZU-na-da
ii 29 ^{ld}NIN.URTA-ra-i-im-ze-ri-im DUMU ^{d}EN.LIL$_2$-ba-ni
ii 30 ul-du ^{l}ha-ba-an-na-tum e-me-es-sà
ii 31 ^{l}LU$_2$.GA.A U$_2$.TUL$_2$ ù ^{d}EN.ZU-ga-mil DI.KUD
ii 32 ú-lam-mi-id AGA$_5$.UŠ iṭ-ru-du-nim-ma
ii 33 SAL.ŠA$_3$.ZU ša ^{l}ha-ba-an-na-tum ú-wa-al-li-id-sí
ii 34 a-di ul-du SAL+x-šu iṣ-ṣú-ru-ši
ii 35 ^{ld}NIN.URTA-ra-i-im-ze-ri-[im]
ii 36 ki-ma ri-hu-ut ^{ld}E[N.LIL$_2$-ba-ni]
ii 37 ni-i-di i[q-bi-a]
iii 1 ^{l}e-til-KA-EŠ$_4$.DAR DUMU še-ep-^{d}EN.ZU
iii 2 KU.LI ^{ld}EN.LIL$_2$-ba-ni um-ma šu-^{r}ma$^{\neg}$
iii 3 ki-ma ^{ld}EN.ZU-na-da DAM ^{d}EN.LIL$_2$-ba-ni
iii 4 li-ib-bi a-na ^{d}EN.LIL$_2$-ba-ni mu-ti-ša
iii 5 i-mu-ru it-ta-na-ás-la-ah-ma
iii 6 um-ma ^{d}EN.LIL$_2$-ba-ni mu-us-sà-ma
iii 7 a-na bi-it a-bi-ša a-di ul-la-du
iii 8 lu-uṭ-ru-us-sí um-ma a-na-ku-ma
iii 9 i-na bi-ti-ku-nu li-ib-bu-um i-ma-ar-ra-aṣ
iii 10 ki-ma aq-bu-šum ú-ul iṭ-ru-us-sí
iii 11 3 (PI) x a-na ri-ši-i-ša ku-ul-li-im
iii 12 id-di-nam ^{ld}EN.ZU-na-da a-na bi-ti-šu-nu
iii 13 ú-ul il-li-ik a-di ul-du
iii 14 [a-n]a-ku ú-ši-ib ^{l}ha-ba-an-na-tum
iii 15 qá-du 1 SAL.ŠA$_3$.ZU il-li-kam-ma ú-wa-al-li-sí
iii 16 ki-ma ^{ld}NIN.URTA-ra-i-im-ze-ri-im
iii 17 [r]i-hu-ut ^{ld}EN.LIL$_2$-ba-ni i-di iq-bi
iii 18 [^{r}PN D]AM ^{d}NIN.URTA-APIN
iii 19 [DUMU.SAL ^{l} . . .]
iii 20 [ù ^{r}PN$_2$ DAM ì-lí-iš-me-a-ni]
iii 21 [DUMU.SAL ^{l} . . .]
iii 22 [um-ma ši-na-ma] i-nu-ma [^{d}EN.ZU-na-da]
iii 23 [DAM ^{d}EN.LIL$_2$-b]a-ni ^{ld}NIN.URTA-ra-i-im-z[e-r]i-im
iii 24 [ul-d]u ^{l}ha-ba-an-na-tum 1 SAL.ŠA$_3$.ZU <ù>
iii 25 AGA$_5$.UŠ ^{l}LU$_2$.GA.A U$_2$.TUL$_2$ ù ^{d}EN.ZU-ga-mil DI.KUD
iii 26 il-qí-a-am iṣ-ṣú-ur-ši-ma
iii 27 ki-ma ^{ld}NIN.URTA-ra-i-im-ze-ri-im i-wa-al-du
iii 28 i-na GI.MA.SA$_2$.AB il-qú-ú-šu-ma
iii 29 a-na E$_2$ ^{d}EN.ZU-ga-mil DI.KUD ub-lu-šu iq-bi-a
iii 30 ^{ld}EN.ZU-APIN NU.BANDA$_3$ DUMU ^{d}EN.ZU-ma-gir
iii 31 ù ^{d}IM-ta-a-a-ar NU.BANDA$_3$ DUMU hu-um-mu-ru-um
iii 32 um-ma šu-nu-ma ^{ld}NIN.URTA$_3$-ra-i-im-ze-ri-im
iii 33 ki-ma ri-hu-ut ^{ld}EN.LIL$_3$-ba-ni ni-i-di iq-bu-ú
iii 34 ^{ld}EN.NU.GI$_4$-i-na-a-a MAŠKIM DI.KUD.ME

iii 35 um-ma šu-ma i-nu-ma $^{\text{id}}$NIN.URTA-APIN
iii 36 ù ì-lí-iš-me-a-ni DUMU.ME a-hi-ša-gi$_4$-iš
iii 37 aš-šum $^{\text{d}}$NIN.URTA-ra-i-im-ze-ri-im
iii 38 pu-úh-ra-am ú-lam-mi-du ⌜x⌝ [(jâti)]
iii 39 it-ti-šu-nu iṭ-ru-du k[i-ma]
iv 1 [$^{\text{d}}$U]D.BA.NU.ÍL.LA i-na KA$_2$ DU$_6$.UR.SAG.E.NE
iv 2 uš-bu um-ma ha-ba-an-na-tum-⌜ma⌝
iv 3 $^{\text{id}}$NIN.URTA-ra-i-im-ze-ri-im DUMU $^{\text{d}}$EN.LIL$_2$-ba-ni
iv 4 [m]a-ri-ia šeš.meš a-bi-šu
iv 5 [l]a i-na-as-sà-hu-šu a-na la na-sa-hi-šu
iv 6 ⌜ù⌝ DUB-pí šu-zu-bi-šu-nu 1 GIN$_2$ KU$_3$.BABBAR
iv 7 [$^{\text{l}}$h]a-ba-an-na-tum id-di-nam iq-bi

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iv 8 [DUB]-pí bu-úr-ti ši-bi ù ši-ba-a-tim
iv 9 [ša m]a-har $^{\text{d}}$UD.BA.NU.ÍL.LA
iv 10 [$^{\text{id}}$NI]N.URTA-ra-i-im-ze-ri-im
iv 11 [i-na ma]-ru-ut $^{\text{id}}$EN.LIL$_2$-ba-ni bu-úr-ru

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iv 12 [IGI U$_2$.T]UL$_2$-ì-lí-šu AB.AB.UL
iv 13 [IGI . . .] LU$_2$.NIG$_2$.DAB.BA IGI ⌜a-wi-il-U+DAR GAL.DU$_3$⌝
[(gap of ca. 6-10 lines)]
iv 23 IGI [. . .]
iv 24 IGI $^{\text{d}}$EN.NU.GI$_4$-i-na-a-a [. . .]
iv 25 IGI a-at-ta-a BUR.GUL IGI $^{\text{d}}$IM-ta-a-a-⌜ar⌝ LU$_2$.A$_2$.GUB$_3$.BU
iv 26 IGI či-lí-EŠ$_4$.DAR LU$_2$.MI.A.DU.DU
iv 27 IGI ì-lí-eri$_4$-ba DUMU $^{\text{d}}$EN.ZU-i-din-nam

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iv 28 ITU.ZIZ$_2$.A UD 19.KAM
iv 29 MU sa-am-su-i-lu-na LUGAL.E
iv 30 HUR.SAG GAL KUR MAR.TU$^{\text{ki}}$.A
iv 31 1$^{\text{l}}$/$_2$ 4 KUŠ$_3$ BURU$_3$ DA.BI
iv 32 NA$_4$.SAG.GI.A.BA NAM.MI.NI.IN.DAR.RA
iv 33 ID$_2$ sa-am-su-i-lu-na-
iv 34 na-qá-ab-nu-úh-ši
iv 35 MAŠ$_2$.BI ŠA$_3$ SUG.MUŠ$_3$.A.KA ŠA MU.UN.LA$_2$.A
iv 36 KI.IN.GUB DAGAL.LA.TA IM.TA.AN.E$_3$.A
iv 37 GAN$_2$.ZI KA$_2$.DINGIR.RA$^{\text{ki}}$.KA
iv 38 ŠU MI.NI.IN.PEŠ.PEŠ.A
iv 39 ⌜. . .⌝ MI.NI.IN.GAR.GAR.A

rolled *purkullum* sealing on edges:
$^{\text{d}}$NIN.URTA-APIN
ì-lí-iš-me-ni
DUMU.ME a-hi-ša-gi$_4$-iš
$^{\text{f}}$ha-ba-na-tum DAM.A.NI

i 3 and i 27: (PN/DI.KUD/etc.) *mahārum* + *panam šakānum*, demanding direct objects, appears only here and in YOS 12 186 (lines 1-3: PN DI.KUD.MEŠ *im-hu-ur pa-nam iš-ku-un-ma*), see Dombradi 1996: 60ff. §§ 80ff.; that text is dated to Samsu-iluna Year 6, and probably was written at Nippur, see Stol 1982: 162, n. 1; the comparable phrase gaba—ri + igi—gar appears also in Sumerian-language documents of the same period: BE 6/2 10, from Nippur, dating to Hammurabi 33 (lines 4-5: (two brothers) $^{\text{d}}$*Hammurabi* lugal.e gaba i.íb.ri.eš igi.ne.ne in.gar.re.eš.ma; case sent to the *puhrum* of Nippur); Çığ, Kızılyay and

Kraus 1952: 59, date broken, Nippur; (lines 1'ff.: [ᶠPN] PU.UH$_2$.RU.UM n[ibru^{ki}.ka] gaba i.[ib.ri] igi.ni [in.gar]). Note the correlation of the phrase with texts from Nippur and with procedures involving the Assembly. (See Fortner 1996: 62f., citing also restored and incomplete references.) In i 27, although there is not enough room in the break for the full clause (LU$_2$.MEŠ *šu-ut te-ri-e-tim ù* DI.KUD.ME EN.LIL$_2^{ki}$ *im-hu-ru*) as in line 2, I restore it in its entirety rather than postulate an unattested alternative.

i 9, ii 19, 31, iii 25: For the "herdsman" as an administrative title, see Waetzoldt 1982: 386-97.

i 12-15: For the year formula, see Horsnell 1999: 2:207.

i 16-23: In my understanding of the text, the missing lines probably informed the court that in Samsu-iluna Year 20, before his grandmother ᶠHabannatum died, she took measures to publicize the circumstances of his birth.

i 31, ii 4, 9, iv 1, 9: Note ud.ba.nu.íl.la = *ūmu la pādû* "merciless storm" *Nabnitu* XVI 132, and see *CAD* P s.v. *pādû* in *la pādû*. The Udbanuilla emblem of the god Ninurta is used in testimony-taking in BE 6/2 49 (Nippur, Samsu-iluna 19) in lines 28-29: *dajānū šībūssunu mahar* ᵈUD.BA.NU.IL$_2$ *qabâm iqbûšunūti* "the judges ordered them to declare their testimony before the Udbanuila." The emblem appears in the year-name for King Samsu-iluna's 38th year: MU *sa-am-su-i-lu-na* LUGAL.E ᵈUD.BA.NU.IL$_2$.LA ŠITA$_2$ KALA.GA ᵈNIN.URTA UR.SAG GAL IN.NA.AN.GIBIL.A "Year: King Samsu-iluna renewed the Udbanuila, the mighty mace of the great hero Ninurta" (see Horsnell 1999: 2:231). It also appears in a late god-list commentary as a local name for the god Sîn: CT 25 14 iv 18f.: ᵈUD.BA.NU.IL$_2$.LA = ᵈEN.ZU MU *šá* U[RU X] X X [X] *u šá* URU *šá* ⌜X⌝.BA.NI.

ii 9-10: The notation that the Udbanuila was present for the following testimony applies to *all* the witnesses' testimonies that follow.

ii 10, iv 1: For the Du-ursagene Gate (literally "Gate of the Hill of the Hero") in Nippur, see Kraus 1951: 159 and 191, citing the bilingual legal compendium *ana ittišu* with, in VI iii 40-46, several parallels to our text:

ká.ur.sag.e.ne.ke$_4$	KA$_2$ *qar-ra-di*	The Heroes' Gate
nig$_2$.erim$_2$ nu.dab$_5$	*ša rag-gu la i-ba-'u*	through which no criminal passes.
igi ᵈnin.urta.ka.ta	*i-na ma-har* ᵈ*nin-urta*	Before Ninurta
giš.tukul.ᵈnin.urta.ke$_4$	*kak-ku ša* ᵈ*nin-urta*	the weapon of Ninurta
ì.gub.ba.àm	*iš-ša-kin-ma*	is set up, and
nig$_2$.nam.bi igi bí.in.šid	*mim-ma-šu i-be-er-ma*	His property he selected and
šu bí.in.ti	*il-qe*	took.

The *ana ittišu* passage illustrates the connection between the Heroes' Gate (or, in our case, the variant Hill of the Heroes' Gate) and the god Ninurta, the emblem of Ninurta (see note above to i 31, etc.), and judicial procedures (in *ana ittišu*, inheritance division). Another text that mentions this gate in connection with oath-taking is Çığ, Kızılyay and Kraus 1952: 59 (see Kraus 1951: 156ff.), which records a mother's claim and identification of her missing child; rev. 1-10 reads [*ina* KA$_2$ GI]Š.SAR DU$_6$.UR.S[AG.E.NE] . . . PN (the mother) NAM.ERIM$_2$.BI [IN.KUD]; for the KA$_2$ GIŠ.SAR in this connection, see ká GIŠ.SAR.ke$_4$ = *i-na* KA$_2$ *ki-ri-i* "at the Garden Gate" *ana ittišu* VI iii 32, among locations and paraphernalia for oath-taking.

ii 13-16. The syntax and structure of the clauses has caused confusion. The main clause here is *a-ri-a-at-ma i-zi-ib-ši* "he left her (*īzibši*) in her being pregnant (*ariāt-*) very certainly (*-ma*)"; the main verb thus is *īzib* "he left." Subordinate to the main clause is the preceding temporal clause *inūma . . . īzibuma . . . imūtu* "when he left (the baby in her belly) and died," in which the two verbs are both in the subjunctive, governed by *inūma*.

ii 15 and 16. The verb *ezēbum* appears twice. (a) In ii 15, the direct object of *ezēbum* is Ninurta-ra'im-zerim, clearly marked by the accusative *ma-ra-šu* in ii 14. All commentators and dictionaries agree that this occurrence of *ezēbum* refers to Enlil-bani's action, although Koschaker and Ungnad 1923: 146 and 147, n. 12, took it as "to inseminate" ("*i-zi-bu-ma*

wohl auf den Konzeptionsakt bezüglich"); so also Biggs 2000: 4. Compare the passage in an Old Babylonian literary text, CT 15 5 ii 2: *Enlil īzib rīhissu ikkarši* "Enlil left his offspring in the womb," see Römer 1966: 138-40; and the dog-bite incantations which evoke the imagery of insemination in the passage *ašar iššuku mārašu* (var. *mirânam*) *īzib* "wherever he bit, he left behind his son (var., a whelp)," see Finkel 1999: 214-8.

(b) The problem arises in ii 16, in which the direct object of *ezēbum* is ᶠSin-nada, clearly marked by the accusative 3fs pronominal suffix *-ši*. The verb *ezēbum*, whose primary meaning is "to leave," is found in many idiomatic usages, but in the context of a marriage the obvious usage is the well-attested "to divorce"; see *CAD* E s.v. *ezēbu* mng. 3c, see also mng. 8c, and add Sever 1992: 484, Kt. n/k-1414: 2f.: *mutum u aššatum innezibu*; this might be the implication of the translations of Koschaker and Ungnad 1923: 146 and 147, n. 13, and Leichty 1989: 353, who translated "he abandoned her after she became pregnant." But here it seems preferable to understand *ezēbum* in ii 16 as a euphemism or otherwise idiomatic for "to die," as in other languages that use similar circumlocutions (e.g., the English use of "departed" to refer to the dead person), an interpretation supported by the use of *mâtum* in i 6 and in ii 16, and already suggested by Westbrook 1988b: 22, n. 98.

ii 16: I owe the restoration ᶠ*i-mu*ᵀ-*tu* to W. Farber; it is supported both from context and from the unmistakable sequence *inūma* (ii 13) followed by a subjunctive with connective *-ma* (*īzibuma*, ii 15). Tinney's collation supports the first sign (*i-*) but is less certain about the second sign (*-mu-*).

ii 17: The restoration is suggested by W. Farber; see i 7.

ii 18: I have no suggestions for restorations here. Leichty 1989: 351, followed Schorr 1915 in restoring ii 18-19, although both Walther 1917: 163f., and Koschaker and Ungnad 1923: 146 and 147, n. 14, had already pointed out the error of the restoration. W. Farber makes the appealing suggestion to eliminate the troublesome line "ii 18," seeing the traces of one line across the break, but Tinney's collation showed that although "the curvature of the tablet suggests that the two fragments are at least very close to a direct join," the relationship of the two fragments is as on the copy; moreover, on the reverse, Tinney reports that there are probably at least two lines lost at the join.

ii 20: Restoration follows the suggestion of Walther 1917: 163f.; again, Leichty's restoration follows Schorr's (1915) readings.

ii 23, 25, 36, iii 17, 30: *riḫûtum*, here translated "issue," is related to words for "sperm," "impregnate," etc., thus emphasizing the physical act and the biological relationship.

ii 34: Koschaker and Ungnad 1923: 146 ("Bis sie gebar, . . . hat sie(?) sie bewacht") and 147, n. 17, and Leichty 1989: 351 and 353 (*a-di ul-du* x x x *iṣ-ṣú-ru-ši* "Until the birth, x x x they looked after her") implicitly reject Schorr's (1915: 79) proposed restoration (*ši*(!)*-ma lu*(?) *iṣ-ṣu-ru-ši*, i.e., "she herself guarded her") without proposing another. Walther 1917: 163, n. 1, seems to offer *a-di ul-du-*ᵀ*ù*(?)ᵀ *šu iṣ-ṣu-ru-ši*. Tinney confirms that the copy accurately conveys the traces.

The plural or subjunctive of *iṣ-ṣú-ru-ši* is puzzling, but the *-ru-* is confirmed by collation. Walther 1917: 163, n. 1, sees a plural ("sie bewachten sie"), while Koschaker and Ungnad 1923: 147, report a suggestion they attribute to B. Landsberger that it is "vielleicht Eidesmodus." Recall that three times in the testimonies the pregnant woman is said to have been guarded up to the moment of her delivery: ii 23-4: *adi iwwaldu* ᶠ*H lu iṣṣuršu*; here in ii 34: *adi uldu . . . iṣṣuruši*; and iii 22-26: *inūma* ᶠ*S . . . uldu* ᶠ*H . . . iṣṣuršima*. In the first and third of these, the one who undertakes the responsibility to guard the pregnant women is explicitly her mother-in-law ᶠHabannatum, and we expect the same actor in this second instance as well despite the troubling final */u/* of the verb.

iii 2: The reading KU.LI follows Walther 1917: 162, n. 2; Leichty 1989 (following Schorr's GIŠ.LAM(?) "Schwager(?) . . . [o]der: Verwalter(?)") reads here MAŠKIM and translates "bailiff." Tinney's collation confirms KU.LI.

iii 3-5: *li-ib-bi* can only be the first person possessive *libbī*, and must refer to Etel-pi-Ištar's concerns for his ailing friend (an insight I owe to W. Farber); cf. CAD s.v. *libbu* mng. 3. The closest parallel to this phrase may be in an OB letter, Genouillac Kich 2 D 18:10f.,

kīma libbī ītanakkalanni atta ul tīdê "don't you know that I am constantly worried?" (see Kupper 1959: 32). Schorr 1915: 79: "Sobald als Sin-â'da . . . (ihr) Inneres dem Ellil-bani (geschwängert) beobachtet hatte"; Koschaker and Ungnad 1923: 147, n. 19, suggested that something was missing in the text, but understood Enlil-bani as the subject of *īmuru* ("als E. die Schwangerschaft seiner Frau bemerkte"); Leichty 1989: 353: "When Sin-nada . . . saw the (pregnant) womb (and revealed it) to Enlil-bani . . ."

iii 9: *i-na bi-ti-ku-nu* "in your (m. pl.) house," is clear on the copy and from collation; the plural referent must be to Enlil-bani's family. Note that in iii 12 the witness declares that *ana bītišunu ul illik* "she did not go to *their* house," clearly referring to ᶠSinnada's family, again employing a plural pronominal suffix although resuming the singular (or better, collective) *ana bīt abiša* "to her father's house" (i.e., "family's house") of iii 7.

iii 9: *libbum imarraṣ*. Earlier editions interpreted this as "to go into labor"; Schorr 1915: "In eurem Hause möge (ihr) Mutterleib Wehen erfahren," apparently followed by Walther 1917: 162, n. 2 ("vgl. das auch in unserm Text von den Geburtswehen gebrauchte *marāṣu*"), and Koschaker and Ungnad 1923: "In eurem Hause soll sie die Wehen bekommen." Leichty 1989 takes a different usage of *marāṣum* when he translates (p. 353): "In your house there is much heartache," which follows the 1977 *CAD* translation s.v. *marāṣu* mng. 4b: "there is bickering in your house." The *CAD* interpretation has the advantage of the amply attested idiom *libbu* + *marāṣu* (see *CAD* M/1 s.v. *marāṣu* mngs. 4, 6a-2', and 7). Although *libbum* is clearly used in this text in the sense of "womb, belly" (i 5, ii 15, see *CAD* L s.v. *libbu* mng. 1a-1'a'), it is also used elsewhere in an idiomatic sense ("intentions" in iii 3), and is here probably also the common idiom with *marāṣu* rather than an otherwise unattested "to go into labor." (For the terminology used for laboring and childbirth, see Stol 2000: 122ff.)

iii 11: Leichty 1989 reads 3 (PI) ŠE.BA; collation inconclusive.

iii 18: [D]AM, supported by Tinney's collation, yielding "wife" (of Ninurta-iriš) (rather than DUMU, "son") finds support in the feminine plural verbal form at the end of the direct quote, in iii 29; so already Walther 1917: 166, n. 1.

iii 19-21: Possibly only one or two lines missing; see above note to ii 18.

iii 24-26: The syntax is awkward and there must be an error here; without emendation, the text provides the contextually impossible: "ᶠHabannatum took along a certain midwife, a soldier, Luga the herdsman, and Sin-gamil the judge," contradicting the testimonies of Witness 1 and Witnesses 2 and 3 that ᶠHabannatum brought the midwife and that Luga and Sin-gamil sent the soldier.

iii 38: Koschaker and Ungnad 1923: 147, n. 26, thought that ᶠHabannatum was sent with them; see next note.

iii 39: *k*[*i-ma*] follows W. Farber's suggestion and provides a particle to govern the subjunctive *ušbu* in iv 2; Schorr 1915 read *iṭ-ru-du-ú-*[*šu*]; Koschaker and Ungnad 1923, following Walther 1917, read *it-ru-du-š*[*i* . . .]; Leichty 1989 read *it-ru-du* ᶠDI¹.[KUD].

iv 11: The verb *burrum* takes an indirect object, hence the restoration *ina* at the beginning of the line, as suggested by W. Farber. Earlier editors' restoration of [*mā*]*rūt* "sonship of" presents problems: Koschaker and Ungnad 1923: 146, "N. als Sohn des E."; Leichty 1989: 354: "Ninurta-ra'im-zerim is the son of Enlil-bani"; Dombradi 1996: 2, n. 554 mangled the text, *Ninurta-rā'im-zērim* [*ma*]*-ru-ut Enlil-bānī burru* ". . . ist die (Erb)sohnschaft (d.h. 'legitime Abstammung') des Ninurtarā'imzērim nachgewiesen (worden)." But *mārūt* PN is *not* "son of PN," a difficulty recognized by *CAD* B 129a s.v. *bâru* A mng. 3a-2' which read [*mā*]*rūt* and translated "heir of." The relational orientation of the term *mārūtum* demands that the "child" (son, adoptee, etc.) is qualified by his *mārūtum* "sonship," not the father; thus, correctly, *mārūt Ninurta-rā'im-zērim* in ii 5.

iv 13: Although GAL.DU$_3$, following Leichty 1989 is a title otherwise attested only in first millennium texts (see *CAD* R s.v. *rab banî*), Tinney's collation confirms it here. (Schorr 1915: *a-wi-il ši-ma-tim*).

iv 24: Is this the same individual identified as "the judges' bailiff," our Witness 9 (iii 34)?

iv 25: Is this Adad-tajjar the same individual identified as a NU.BANDA$_3$ "sergeant," our Witness 8 (iii 31)? A$_2$.GUB$_3$.BU, read thus by Leichty 1989 and confirmed by Tinney's collation, remains unclear; see *CAD* Š/3 s.v. *šumēlû* adj.

iv 29-38. For the year formula for Samsu-iluna's twenty-sixth year see Horsnell 1999: 2:217f.

Sealing and legend. The sealing and legend are repeated on the top, bottom, and left edges of the tablet. Empty spaces on the tablet are filled with the rolling from a burgul-seal (Akkadian *purkullum*); note the seal-cutter is a named witness in iv 25. Renger 1977: 75-88, noted that "the bur-gul appeared as a witness on the tablet along with the scribe.... burgul seals are very common on texts from Nippur" (p. 77). For seal-cutters see Porada 1977: 7-14; *CAD* P s.v. *purkullu* usage b. The Old Babylonian burgul-seals were temporary seals, cut or impressed for the occasion, with a legend that included the names of the principals ceding rights (e.g., alienators in sales transactions), agreeing to terms (e.g., heirs in an inheritance division), or accepting obligations (e.g., debtors or tenants) or the names of the witnesses or presiding officials. Sealings on legal tablets (like drawings on magical or incantation tablets) served multiple functions: at a minimum, the sealing served to record the sealer's acceptance of and acquiescence to the terms; furthermore, by filling all blank spaces on the tablet, the sealings protect against fraud by preventing the insertion of additional clauses, terms, or names of witnesses.

W. Farber suggests that the legend might alternatively be understood as marking the acceptance of three people, (1) Ninurta-iriš and (2) Ili-išmeanni, the sons of Ahi-šagiš, and (3) ᶠHabannatum, the wife of Ahi-šagiš. Although this reading is possible from the laconic wording of the seal legend, it is unlikely: this entire process was necessary in no small part due to the death of ᶠHabannatum; logically, if she were alive, Witness 9 (the bailiff) would not have had to report her instructions to him.

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The following abbreviations are used for text citations: BE 6/2 = Poebel 1909; *CAD* = Oppenheim, et al.; CT 15 = King 1902; CT 25 = King 1909; CT 47 = Figulla 1967; Genouillac Kich 2 = Genouillac 1925; *JAOS* = *Journal of the American Oriental Society*; *JCS* = *Journal of Cuneiform Studies*; LH = Laws of Hammurabi, in Roth 1995a, 1995b; PBS 5 = Poebel 1914; *RA* = *Révue d'assyriologie et d'archéologie orientale*; YOS 12 = Feigin 1979.

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