

Review

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CRITICAL REVIEWS

ADAM FALKENSTEIN, *Die neusumerischen Gerichtsurkunden*.—Bayerische Akademie der Wissenschaften, Philosophisch - historische Klasse, Abhandlungen, n.F., Heft 39, 40, 44 = Veröffentlichungen der Kommission zur Erschliessung von Keilschrifttexten, Serie A, 2. Stück. Munich, 1956–1957.—3 vols. in-4° of XII + 153 pp.; V + 399 pp; and 178 pp. + 21 plates.

Among the innumerable texts which have come down to us from the time of the Third Dynasty of Ur, the group of texts known as *di til-la* is, albeit small, of the utmost importance not only to cuneiformists but to the general student of civilization as well, since it constitutes our best—not to say our only—source of information on Sumerian law and law practice. Though most of the material has been known since before the first World War, this source has remained practically unexploited for want of the comprehensive study which alone would have enabled scholars outside (and even inside) the small circle of assyriologists to appraise it correctly. This, however, is no longer the case, thanks to A. Falkenstein who, with the book under review, has at last produced the tool we were so badly in need of.

Die neusumerischen Gerichtsurkunden (NG) is conveniently divided into three volumes which contain respectively a general introduction and systematic study of the material, the corpus of the texts, and indices. We shall examine them in turn.

Vol. I: *Erster Teil—Einleitung und systematische Darstellung*.—After a brief survey of the texts as to type,¹ provenience,² and date,³ the author proceeds with an analysis of the characteristic features of the texts. Most of the chapter is devoted to the key-term *di til-la*, the best equivalent of which seems to be “concluded case” (*abgeschlossene Rechtssache*). Its antonym,

1. *di til-la* proper, related legal texts, archive tags.

2. All the *di til-la*'s (and tags) are from Tello save three which are from Umma, whence come also most of the other texts, while one is from Drēhem, one from Nippur, two from Ur, and two from Tello. I fail to understand the author's distinction (p. 3 line 2) between Tello and Girsu.

3. Šulgir 32 to Ibbi-Sin 14.

di nu-til-la, may serve as a label for those texts which deal with cases not yet brought to their final conclusion, although the term is not actually used. There follow three chapters dealing with the judiciary organization and the various jurisdictions (p. 18–58), the procedure (p. 59–80), and the law (p. 81–145). At the end of the volume, a *Zusammenfassung* sums up the results of the study.

In spite of the relative paucity of the documents and their uneven geographical distribution, the picture they yield of Sumerian law and judicial system is quite impressive. The fact that the administration of justice was primarily a royal prerogative which the king could—and did—delegate to other benches (the *ensi*'s, for instance), the importance of the oath, the apparently well-established principle of the *res judicata*—to name but a few of its main features—show a highly organized system, well in keeping with what we know of the other achievements of Sumero-Akkadian civilization.

In Vol. II: *Zweiter Teil—Umschrift, Übersetzung und Kommentar*, A. Falkenstein gives us the transliteration and translation of, and brief commentary on, 225 texts, five of which were hitherto unpublished (17, 33, 75, 138, 152). They fall under the following categories:

- I. Authentication of deeds in court (1–13);
- II. Cases pertaining to family law (14–29);
- III. Contestation of slave status (30–42);
- IV. Contestation of contracts (43–62);
- V. Vindication (63–115);
- VI. Distress (116–119);
- VII. Varia (120a–147);
- VIII. Unclassifiable (148–165);
- IX. Tablets recording more than one case (166–215); and
- X. Archive tags (216–224).

Most of the texts have been collated, with the result that in many cases obscurities due to misreadings or carelessness of previous editors have been removed. The transliteration and translation of each text is followed not only by philological and/or factual notes, but also by a summary of its contents emphasizing its legal implications. Since, because of the peculiar wording of

the texts, they are not always readily apparent, these summaries are very helpful.

Vol. III: *Dritter Teil—Nachträge und Berichtigungen, Indizes und Kopien*, opens with six pages of additions and corrections. Ten indices follow: lists of texts (NG numbers, original-publication or museum numbers), commented passages, realia, personal, divine, and geographic names, Sumerian and Akkadian words. The index of Sumerian words, much more than a mere index, is an 87-page glossary of Ur-III Sumerian, the practical value of which is unquestionable.⁴ However, one may wonder whether the exclusion of proper names, customary though it is, is methodologically justified. I am inclined to think that it is not and that I. J. Gelb's example (in MAD III) should be followed. The main value of a list of personal names is its contribution to prosopography. Since, owing to the very nature of our texts, prosopography is here but secondary, and since, moreover, all the names which would have a bearing on it are already listed elsewhere,⁵ it might have been more profitable to incorporate the proper names into the glossary.

The volume ends with 21 plates containing copies of passages from published texts emended or completed through collation of the originals, and copies of the unpublished texts (except for 138).

Falkenstein's book is an invaluable contribution both to Sumerian philology and to the study of Sumero-Akkadian law. Although jurists as well as philologists might disagree with the author on specific points, *Die neusumerischen Gerichts-urkunden* will no doubt remain standard for many years to come.

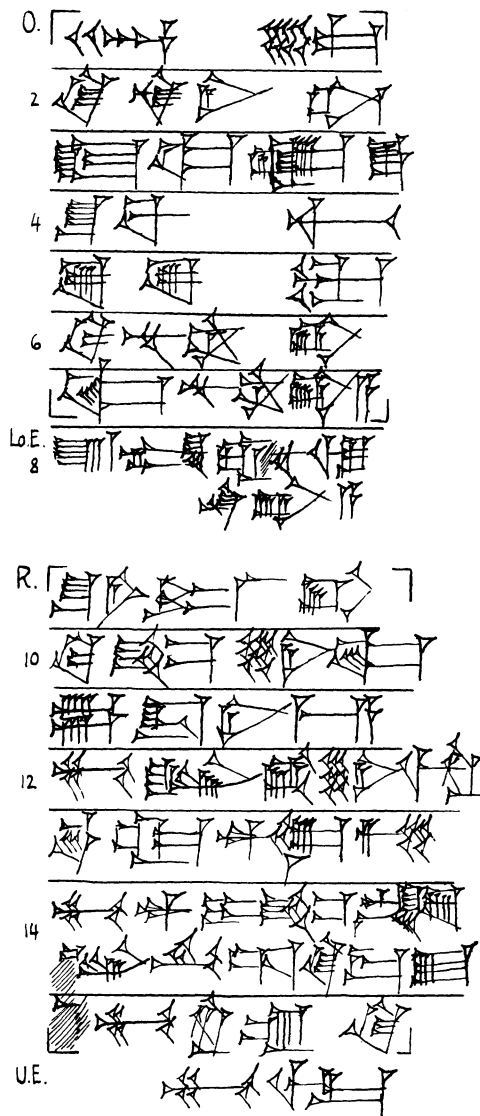
To conclude with something more constructive than an alternative reading of a personal name or an "improved" translation of a word or phrase, may I publish here a short legal text in which a man pledges himself not to sue his debtor. The tablet, which is preserved at the Musée d'art et d'histoire at Geneva, Switzerland,⁶ is dated to the

4. Our only reliable glossary of Ur-III Sumerian was, until now, A. L. Oppenheim's succinct "Index of [Sumerian] words and phrases," AOS 32 p. 225-260. Th. Jacobsen's "Vocabulary" in his *Cuneiform Texts in . . .* Copenhagen, p. 55-82 is less inclusive.

5. In Vol. I, p. 3-4 (kings), 5-7 (*ensi's*), 21-23 and 34-45 (judges), 48-52 (*maškim's*), 55-57 (official witnesses).

6. MAH 16455. Size: 51 x 44 x 19 mm.; colour: rich brown with some blackish spots due to uneven (acciden-

MAH 16455



third year of King Ibbi-Sin. Its provenience is uncertain because the month-name occurs in at least three calendars: Ur/Puzriš-Dagān, Umma, and Lagaš. Since, however, the PN in line 3 is rather rare and, as far as I know, appears only in tablets from Tello,⁷ Lagaš (*lato sensu*) would be a good guess.

Obv. 1) $23\frac{2}{3}$ še gur

2) ki na-ni-ta

3) aga-saḡ-keš(da)-e

4) šu-ba-ti

tal?) burning. Looks like the inner tablet of a case-tablet.

7. See NG III p. 37 *s.v.*

- 5) *rúgu-rúgu-dam*
 6) *dī nu-ub-bé*
 7) *inim nu-ub-bé-a*
 8) *sukal-maḥa-ra nu-ù-na-bé-a*
 Rev. 9) *tukum-bi*
 10) *dī bi-in-du₁₁*
 11) *nir-da ì-me-a*
 12) *mu-lugala-bé in-pà*
 13) *iti ezen ^dšul-gi*
 14) *mu ^di-bí-^dsîn lugal urⁱ^ki-ma-gé*
 15) [*si*]-*mu-ru-um^ki mu-hul*

“Agasaḡkeš(da) has received $23\frac{2}{5}$ gur of barley from Nani; it is to be returned. That he will not engage in a lawsuit, (nor) utter a complaint, (nor) turn to the *sukal-maḥa*, (and that) if he engaged in a lawsuit it would be a felony, he (Nani) swore its royal oath. Month of the festival of Šulgir, year in which Ibbi-Sîn, the king of Ur, ‘destroyed’ Simurru.”

Line 5.—The pronunciation of the reduplicated verb [*rugū*] could be [*rurgū*].

Lines 6 and 10.—The variation *dī . . . e/du₁₁* is probably to be explained by the nature of the verb, *e* being *marû*, or ‘durative’ (i.e., ‘present-future’), and *du₁₁* being *ḥamṭu*, or ‘punctive’ (i.e., ‘preterite’). See now Th. Jacobsen’s Introduction to MSL IV.—It will be noted that *tukumbi* is construed with the ‘preterite,’ *ag* is its Akkadian counterpart *šumma*.

Line 7.—The text seems to point to a difference between *inim . . . e*, ‘to utter a complaint,’ and the more frequent *inim . . . ḡa(r)*, ‘to lodge a complaint.’

Line 11.—*nir-da* or *ner-da* = *šērtum* (NG III p. 149, s.v.) should probably be distinguished from *nerda* < *nertum* (Th. Bauer, JNES 16 [1957] p. 259).

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