

LEGAL TEXTS AS A HISTORICAL SOURCE: HOW TO USE AND TO DEAL WITH THEM

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In their preamble to the conference on Neo-Assyrian history, to which the present paper was submitted, the organizers mentioned three basic points to be considered: (1) the sources themselves have to be defined; (2) the specific characteristics of these sources have to be outlined, their validity has to be analysed and the main problems faced by a modern historian who is using them have to be addressed; (3) the approaches a modern historian can use to deal with these sources have to be illustrated. I will deal with those main topics in the following contribution.

1 The sources

Neo-Assyrian legal texts were witnessed, sealed and dated documents. Considering that witnesses were present at all stages of Mesopotamian history, but sealing and date could be omitted (the sealing in the Neo-Babylonian period and the date in the “peripheral” areas, for example), we may conclude that they represented the most important feature of a legal document. Actually, legal documents were written in the third person (or “objective” style), *i.e.* from the point of view of the witnesses,¹ who were usually named after the transaction proper at the end of the tablet. For the Neo-Assyrian period, it is possible to discern different types of legal texts, each type using a specific terminology and having particular structural elements as well as physical features. For methodological reasons, some texts of legal nature are not considered here, namely grants, decrees and gifts as well as treaties and loyalty oaths. Both groups of texts form distinct genres and are normally discussed separately in scholarly works.²

After this clarification, we can distinguish four main types of Neo-Assyrian legal texts: conveyances, contracts, receipts, and judicial documents.³ Conveyances (*dannutu*) were used to record the transfer of ownership of real estate or people — be it by sale, marriage, adoption, or another form. They were single tablets, without envelope, and were sealed by the seller on the obverse, in a space separated from the text by rulings, immediately after the introductory lines. Since the writing runs parallel

¹ San Nicolò 1931, 151.

² See the contribution by Karen Radner in this volume.

³ See Postgate 1976, 3–62; Radner 1995, 66–71; 1997, 19–78. For the Neo-Assyrian legal terminology, esp. the terms *dannutu* and *egirtu*, see also Postgate 2011, 155f. A comprehensive list of publications of Neo-Assyrian legal texts up to 1997 is to be found in Radner 1997, 8–18. Main publications after this date are: Radner 1999a; Donbaz & Parpola 2001; Mattila 2002; Radner 2002; Fales *et al.* 2005; Ahmad & Postgate 2007; Faist 2007.

to the shorter axis, the tablets have a portrait or vertical format. The text has a regular composition and a conventional formulation. Its characteristic feature rests in the fact that the transaction is always presented as accomplished.

Contracts (*egirtu*) recorded an obligation of one party in favour of the other and were used for very different purposes, such as loans, delivery-contracts, and work-contracts among others. They consisted of a landscape or horizontal tablet protected by an envelope, which was sealed by the “debtor” and bore the same text as the inner tablet. Its validity period was more limited than in the case of a conveyance, since it was usually destroyed when the debtor had fulfilled his obligation. A subtype of the contract-type document is the docket, a triangular lump of clay formed round a string. Since it is sealed with the seal of the debtor and bears the text of a loan in cuneiform, it is generally considered the functional equivalent of the envelope, whereas the inner version is supposed to be an Aramaic scroll written on perishable material like papyrus. Dockets were exclusively used to record obligations in kind, especially of corn.

The receipts (*egirtu ša šalluntī*) were documents acknowledging the receipt of a payment and were sealed by the recipient. Attested are, amongst other instances, the repayment of a debt (for example, when a co-debtor repaid his share before the other(s), a third party repaid a debt or the contract tablet was lost), the payment of wages and the payment of a judicial fine. The formulation of a receipt was less standardised than in the aforementioned types and the same applies to the format. We find vertical and horizontal tablets, with or without envelope, but the sealed horizontal tablet and the tablet with sealed envelope are more frequent.

Judicial documents (*egirtu ša šulmi*) show greater variety in content, wording, and format. They include settlements out of court, court orders (for example, summonses), conditional and final verdicts, as well as records that deal with the implementation of judgments. With the exception of the introductory clause, most of the phraseology was borrowed from the other types of legal documents (cf. the payment of a judicial fine, which was mentioned above as an example for a receipt). The physical appearance of the tablets also varies, although the sealed horizontal tablet makes up — according to my own evaluation — a bit more than half of the available material.

2 The problems

Neo-Assyrian legal texts are primarily of private nature. In his seminal work on Neo-Assyrian legal texts, J. Nicholas Postgate describes the corpus as follows:

The great majority of Neo-Assyrian legal documents are day-by-day records of the transactions of ordinary men — who bought and sold, borrowed and lent, and recorded their dealings according to established legal procedures.⁴

Also the judicial documents deal with private disputes and were written down for one of the parties and not for official record. Legal texts were drawn up mainly for the purpose of proving entitlement (*Beweisurkunde*) and were usually kept in the archive of the entitled party, *i.e.* they have above all an evidentiary value. Given their eminent private character and their high degree of standardisation, there is little room left for historical information, understood here in the traditional way as a narrative

⁴ Postgate 1976, 1.

of the past.⁵ This does not mean, as we shall see, that legal documents have no historical value. Their significance for the historical analysis lies above all in the fact that they are the only class of Neo-Assyrian texts that was systematically dated. Theodore Kwasman and Simo Parpola put it as follows:

With the help of the dates, ... every little detail found on them can be fitted in its proper place in a chronological framework than in its turn can be used as a firm frame of reference in analysing other, undated texts from the period. And once properly placed in this chronological grid, even previously insignificant or seemingly meaningless details can turn out to shed unexpected light on contemporary history.⁶

3 The approaches

There are two main ways in which legal documents have profitably been used as a historical source — and can continue to be thus used in the future: for chronological reconstruction and for confirmation and elucidation of historical data. For each approach I will give three examples coming from more recent studies.

3.1 *Chronological reconstruction*

3.1.1 The Assyrian presence at Sam'al (modern Zincirli)

During the final campaign of the German excavations carried out between 1888 and 1902 at Zincirli, now in southeastern Turkey, two Neo-Assyrian tablets were found in the so-called Northwest Palace on the citadel mound. The texts were published only in photographs together with a brief commentary in the excavation reports.⁷ A few years ago I had the opportunity to collate them at the Vorderasiatisches Museum in Berlin and to gain some new insights, which shall be presented briefly.⁸

Both tablets record the purchase of a woman probably by Assyrian officials and are most likely the remnant of an archive, whose character and owner can no longer be established. Their importance lies primarily in their dating. The foundation of the Assyrian province Sam'alla is not known. It must have occurred after 733/732 B.C.,

⁵ Looking after studies with a similar scope I came up against the book by Maynard Paul Maidman *Nuzi Texts and Their Uses as Historical Evidence*. The title is, however, misleading, since the author equates “history” with “primary sources” (cf. the review by von Dassow 2012, esp. 87a). Therefore, only some of the selected texts bear historical information in the sense used in this paper, especially the texts gathered in chapter 1 (pp. 15–79), which yield (rather sparse) hints on the relations between Arrapha and the early Middle-Assyrian state. But these texts are mostly of administrative rather than legal nature. Also of administrative character are a handful of Middle-Assyrian texts, which included a historical statement (mostly of the kind *ina ūmi šarru ...* “when the king ...”) just before the date formula (see Freydank 1982 and Harrak 1989, who pointed out that this scribal practice had a Sumerian forerunner). The relationship between the historical statement and the transaction recorded by the document is not entirely clear (in this respect see also Ismail & Postgate 2008, 170, commentary to text No. 19).

⁶ Kwasman & Parpola 1991, XXVII.

⁷ von Luschan 1943, 136f., pl. 73.

⁸ For a detailed discussion with full edition of the texts and extensive bibliographical information, see Faist 2013–14. In the present paper, I rely on an English translation of this article that was kindly done by Vincent van Exel and will be published as appendix to a forthcoming book edited by Marina Pucci and Gunnar Lehmann (*Zincirli. Pottery and Small Finds from the German Excavations in the Pergamon Collection, Oriental Institute Publications*).

i.e. after the ascension to the throne of Bar-rākib, the last king of Sam'al and vassal of Tiglath-pileser III, and before 681 B.C., when Nabû-aḥḥē-ēreš, Assyrian governor of Sam'alla, held the eponymate. The reign of Tiglath-pileser III (744–727 B.C.) is usually excluded, since too little time (6 to 7 years) would remain for the reign of Bar-rākib. Shalmaneser V (726–722 B.C.), Tiglath-pileser's successor, does not seem to have campaigned in the northwestern lands, so that consequent measures for annexation can likely be excluded. Under Sargon II (721–705 B.C.), the province Sam'alla already existed. The main clue is a fragmentary passage in the annals of the year 711 B.C., which probably list the Syrian governors, included the governor of Sam'alla, who embarked on the conquest of Tabālu in the 9th year of Sargon's reign (713 B.C.).⁹ Now, the earlier of the two Neo-Assyrian documents (VA S 3566a) can be added as new evidence. Although the name of the eponym is not completely preserved (the excavation report says that the date was broken off), the tablet possibly dated to 713 B.C. (eponym year of Aššūr-bāni), thus confirming the statement in the annals. If we assume that the annexation of Sam'al occurred during the reign of Sargon II and took place before 713 B.C., the most likely dates to be considered are 718 and 717 B.C., when Sargon campaigned in the Northwest for the first time.

The Northwest Palace of Sam'al, which had been at the disposal of both the local and the Assyrian rulers, was largely destroyed by a catastrophic fire that is thought to have been laid deliberately. The most recent studies on the stratigraphy of Sam'al have assigned a crucial importance to our second tablet (VA S 3566), which like the other one was recovered from a burnt layer.¹⁰ In these studies the destruction of the Northwest Palace is dated between 676 and 671 B.C. The first date derives from the eponym Banbâ, which according to the excavation report dated the document. The second date is connected to the earliest possible installation of the Esarhaddon stele in the so-called Outer Citadel Gate of Sam'al. The stele celebrated the Assyrian conquest of Lower Egypt, which happened in 671 B.C., and its erection is linked to the reconstruction by the Assyrian government. Now, however, it can be affirmed with certainty that the document was written down in 671 B.C. (eponym year of Kanūnāiu, chief judge) and not in 676, so that the postulated destruction and following reconstruction during the reign of Esarhaddon (who died in 669 B.C.) becomes problematic. Moreover, if we consider that in the stele not a word on the reconstruction of Sam'alla is to be found — which would be very remarkable if there was a connection between both events — it is most likely that the destruction took place at a later time. This would mean that the Esarhaddon stele was not erected after the destruction, but was a victim of it. The stele was indeed discovered shattered into multiple fragments.

⁹ Fuchs 1998, 72 (VI.e: K.1672, i'). In these annals the events, including the campaign against Tabālu, are dated a year ahead. On this problem, see *op. cit.*, esp. 81–85.

¹⁰ See especially Lehmann 1994, 109 and following him Pucci 2008, 79. In many cases, buildings and settlement layers were dated by the archaeologists mainly on account of the textual findings. For a recent example see Kreppner & Schmid 2013, 358–360. Cf. also Hauser 2010, 79–96 with Appendix 1 on pp. 409–414, who makes extensive use of the legal texts found in private archives to date the domestic architecture at Assur.

3.1.2 The post-canonical eponym sequence

According to the Assyrian dating system each year was named after an official (*līmu*, “eponym”). For the period between 910 and 649 B.C. the sequence of these officials has been reconstructed from several manuscripts that list the names in order (“eponym lists” and “eponym chronicles”).¹¹ But for the time between 648 B.C. and the end of the Assyrian empire, which covered the second half of the reign of Assurbani-pal as well as the reigns of Aššur-etel-ilāni and Sīn-šarru-iškun, no canon (as the eponym lists were originally called) is available. Beside some few but important hints given by royal inscriptions and administrative texts, the prosopographic analysis of the legal documents has been — and still is — the main method to reconstruct the “post-canonical” eponym order.¹² Margarete Falkner, whom we owe the first reconstruction, paid special attention to witnesses that occur in the same archival context and on this ground identified groups of eponyms that must have been close to each other in time.¹³ Additionally, she focused on some high military officials attested with different titles, especially in the archive of Kakkullānu from Nineveh. She assumed that the titles represented different grades, reflecting a promotion in the officials’ careers, and arranged the eponyms accordingly. The most recent studies by Simo Parpola and Julian Reade¹⁴ rely on genealogical research as well, notably associated with the family archives from Assur. Many of them cover more than one generation, thus giving clues as to which eponyms must precede or follow others.

The potential of genealogical research has not been fully exploited yet. Moreover, new legal texts have been published, especially from Assur and Dūr-Katlimmu, and should be incorporated into the discussion.¹⁵ For instance, it has already been mentioned that the promotion of some military officials was a significant source for Falkner’s eponym list. In this context, she considered the *ša qurbūti*, conventionally rendered as “(royal) bodyguard”, to have been of lower rank in the military hierarchy than the *rab kišri* or *rab kišir mār šarri*, “cohort commander (of the crown prince)”. Doubts about the validity of this premise have been expressed by Julian Reade and

¹¹ For a general introduction see Millard 1994, 1–14. While the “eponym lists” were lists of names only, the “eponym chronicles” mentioned an event (sometimes more than one) that had occurred during the corresponding eponym year. In the eponymate of Bur-Sagalê, governor of Guzāna, a revolt at Assur took place and, in the third month, a solar eclipse. The latter has been identified with the almost complete solar eclipse on June 15, 763 B.C. and is the cornerstone for the calculation of the absolute dates: see Radner (ed.) 1999, 355a *s.v.* Bur-Sagalê.

¹² In the (badly preserved) royal inscriptions of that time events were frequently dated by eponyms. Therefore, it is possible to attribute some eponyms to a certain king and to make a first sorting by reigns. Two administrative texts mention eponyms in a chronological correlation (see Whiting *apud* Millard 1994, 74f.). For the reconstruction of the chronology of the late Assyrian empire the dating formulas of archival material from Babylonia are also of great importance (see especially Beaulieu 1997 and Oelsner 1999).

¹³ Falkner 1954–56.

¹⁴ Parpola *apud* Radner 1998, XVIII–XX; Reade 1998.

¹⁵ For Assur see in particular Radner 1999a; Donbaz & Parpola 2001; Faist 2007; and Faist 2010. Some of these texts have already been taken into account for chronological considerations, but new readings may challenge some previous assumptions (as in the case of Sīn-kēnu-īdi commented below). The Iraqi and German excavations at Assur from the late twentieth and early twenty-first century have also yielded Neo-Assyrian documents, which remain unpublished so far (for example, Radner 2000; al-Muntheri 2004; al-Me’ mari 2007). For Dūr-Katlimmu see Radner 2002.

Raija Mattila.¹⁶ The last scholar concluded that *ša qurbūti* did not represent a military rank but a special function or status that could be held alongside a service grade. Based on the evidence from Dūr-Katlimmu Karen Radner proposed to understand the term as an honorary title of the royal friends, the confidants of the king (“Vertrauter des Königs”).¹⁷ She further suggested that the title was conferred as a distinction at an advanced age. The consequences these assumptions might have for the reconstruction of the post-canonical eponym sequence still have to be evaluated.

According to the eponym order by Reade, the cuneiform written record ended at Assur in 614 B.C. with the destruction of the city by the Medes. But if we follow Parpola’s sequence, various private archives would extend their existence into the years 613 and 612 B.C. The implications for the history of the city and the end of the Assyrian empire are quite different in each case and the matter is significant enough to merit further investigation, which should also take into account the archaeological data.¹⁸ Last but not least, the basic problem concerning the superfluous eponyms remains unsolved and the new published material does not make things easier. Already at the time of Falkner’s examination, the number of post-canonical eponyms was greater than required by the period from 648 to the fall of Nineveh in 612 B.C. Various solutions have been offered, for example, to consider some eponyms as being erroneous, post-empire or simultaneous with another eponym. With regard to Sīn-kēnu-īdi, Robert Whiting proposed to identify him with the chamberlain (*ša muḥḥi bītāni*) Sīn-ālik-pāni and in this way to remove him from the eponym list.¹⁹ The proposal was (implicitly) accepted by Parpola and Reade.²⁰ Nevertheless, according to an improved (though not fully certain) reading achieved in one of the new Assur publications Sīn-kēnu-īdi was a *ša pān ekalli*, a “palace supervisor”,²¹ thus rendering his identification with Sīn-ālik-pāni less probable.

3.1.3 The aftermath of the Assyrian empire: the evidence from Dūr-Katlimmu (modern Tell Šēḥ Ḥamad)

After the fall of Nineveh in 612 B.C., very little is known about the regions that had belonged to the Neo-Assyrian empire.²² A small collection of four land sales found in 1992 in the so-called red house (“Rotes Haus”) of the lower city of Tell Šēḥ Ḥamad on the Ḥābūr provides a valuable insight into the history of post-imperial Assyria.²³ The documents bear the Babylonian date formula by ordinal regnal year and were drawn up early in the reign of Nebuchadnezzar II.²⁴ Hence, they provide conclusive evidence for the Babylonian control of the Ḥābūr in the time span from

¹⁶ Reade 1998, 258 *sub* 628; Mattila 2002, XIII–XV.

¹⁷ Radner 2002, 13f.

¹⁸ Cf. Hauser 2012, 103–108 for a useful first attempt.

¹⁹ Whiting *apud* Millard 1994, 73. He evidently assumed on the basis of the similar spellings that Sīn-ālik-pāni (^{md}30–DU–IGI) is a mistake for Sīn-kēnu-īdi (^{md}30–DU–ZU). The latter eponym is amply attested, both in Assur and other cities, while the former is mentioned in three texts from Assur alone (Faist 2007, No. 3, 62 and 64; Baker 2002, 1135b quotes only two texts).

²⁰ Cf. also Baker 2002, 1129a *s.v.* Sīn-ālik-pāni 2.b.

²¹ Faist 2007, No. 3, l. 36 with commentary on p. 20b.

²² Cf. Curtis 2003.

²³ Postgate 1993 and Röllig 1993a; new edition by Radner 2002, 61–69. For the archaeological context see Kühne 1993.

²⁴ See Brinkman 1993.

603 to 600 B.C. (remaining unknown when exactly the Babylonians came into control). But the most significant aspect for us is that — regardless of the Babylonian dating — they are genuine Neo-Assyrian legal texts. They are written in Assyrian cuneiform and orthography and show Assyrian legal formulas as well as Assyrian titles. Two of them bear Aramaic epigraphs, a practice that is sufficiently attested for the Neo-Assyrian period as well. This means that ten years after the end of the Neo-Assyrian empire Neo-Assyrian script and language as well as Neo-Assyrian legal practice survived at the local level.²⁵ Against this background it is possible to say — contrary to previous opinions²⁶ — that there are clear signs of cultural continuity and that the Babylonian interference with the daily life of the urban population was in any case limited at the end of the seventh century B.C.²⁷

3.2 *Confirmation and elucidation of historical data*

3.2.1 Royal edicts

According to the royal inscriptions of Sargon II and Esarhaddon, social edicts called *andurāru* were also promulgated in the Neo-Assyrian empire. But in contrast to the Old-Babylonian period no copy of such an edict is known. Nevertheless, some legal documents (and letters) confirm that the statements in the royal inscriptions were not simple propaganda and add some aspects concerning their implementation and technical meaning.²⁸ The reference to a *durāru* (Assyrian counterpart of the Standard Babylonian *andurāru*) occurs in additional clauses of both conveyances and contracts. These clauses are usually placed before or after the list of witnesses and are attested in texts from Kalḫu, Nineveh, and Assur since the eighth century B.C., thus

²⁵ Cf. Radner 2002, 16–19. The author also discusses another text with regard to the situation after 612 B.C. It is a judicial document that mentions the crown prince instead of the king (occasionally followed by the crown prince) in the penalty clause. Radner explains this exceptional disposition assuming that the crown prince referred to was Aššur-uballiṭ II, the last Assyrian ruler, who ascended the throne in the western provincial capital of Ḫarrān in 612 B.C. after the political collapse of the Assyrian heartland. Since according to Assyrian tradition the king had to be crowned in the Assur temple at Assur, Aššur-uballiṭ II probably lacked in the eyes of the Assyrians the (ideological) legitimation to be considered a king (although the Babylonians did so in their chronicle). The underlying hope that he would recapture the lost territories and be finally crowned king did not come true. The origin of the document in the post-imperial period is further confirmed by the eponym Sē-ilā'ī, only attested in this text and probably used exclusively at local level.

²⁶ On this point cf. the brief remarks by Röllig 1993b, 131f.

²⁷ Also the archaeological sources (esp. the pottery) suggest a cultural continuity beyond the fall of the empire. On this point see Kreppner in this volume. Concerning the extent of Babylonian control over Syria see lastly Jursa & Wagensonner 2014.

²⁸ See Villard 2007, who gathered and commented all the evidence, and further Guichard & Marti 2013, 58–65. Unlike royal inscriptions, private legal documents were not exposed to intentional distortions, typical of political propaganda. This, of course, does not mean that legal documents reflect reality in a one-to-one relation. Apart from the fact that they were written in a very concise style, so that we get only scanty information about the individual cases, the rigid standard form could express only imperfectly the variegated legal practice. For example, a conveyance was always formulated as a cash purchase. But if the purchased person was not delivered by the seller when the contract was concluded, but had to be handed over at some future time, it was necessary to add an extra clause at the end of the document or to write down a separate debt-note in favour of the purchaser. Needless to say, the forgery of documents was also known.

showing that the edicts were not limited to the reigns of Sargon II and Esarhaddon.²⁹ The particular time for a *durāru* proclamation seems to have been chosen largely on account of political considerations, since — as far as the documents can be dated with certainty — the beginning of a reign was preferred.³⁰ There were two types of *durāru* clauses. The most common type stated that the transaction had been concluded after the *durāru* (*urki durāri*). In other words, the *durāru* was prior to the recorded transaction and therefore did not touch it. The second type referred to a potential *durāru* in the future. It is poorly attested and the formulation is always case-based. The general meaning is that the buyer or the creditor of the recorded transaction would be reimbursed in case of a *durāru* proclamation.³¹ Based on this evidence, we can say that the *durāru* was a measure that affected the validity of a transaction. Since the attested transactions are debts, sales of persons, and land pledges, it is possible to conclude that it most likely implied remission of debts, release of (debt?) slaves and restitution of land sold under economic pressure. Nevertheless, many details remain unclear. For instance, it is not possible to recognize whether a difference was made between commercial (profit-oriented) and non-commercial (non-profit) transactions. Nor can we say whether the *durāru* also affected obligations vis-à-vis the public administration.³² Both aspects played a major role in the Old-Babylonian practice.³³

3.2.2 Deportees

The deportation of large population groups as well as the taking of prisoners and hostages was an integral part of Neo-Assyrian military practice. These measures were amply described in the royal inscriptions. But only exceptionally do we learn concrete names or personal histories. More specific information can be expected

²⁹ Moreover, in the royal inscriptions the beneficiaries were in most cases Babylonian cities.

³⁰ Due the economic nature of the *durāru* (see below), Villard 2007, 119–121 investigated to what extent the particular economic situation influenced the proclamation of an *andurāru*. For this purpose, he compared the dates of the *andurāru* proclamations with the dates of documents containing a “Getreidekursangabe”, which alluded to an economic depression. Even if the material is very scarce (for a more complete list of attestations see Radner 1999b, 157), it seems that the occurrences did not necessarily correlate. Cf. also Müller 2004, 208f., who traced the economic development in Assyria in the seventh century B.C. taking into account not only the “Getreidekursangaben” but also other information provided by the legal documents (interest level, self-pledge and the like).

³¹ According to Otto 1997, esp. 47–51, this second clause implied that the royal *durāru* edict could be invalidated at any time by a disposition of the contract law. As a consequence, the *durāru* would have had no meaning for the legal practice and would have shrunken to a motif of royal propaganda. Considering that he relies on no more than three documents and that we lack any clarifying information about the background of the transactions, his conclusions appear a too hazardous generalization. For a critical view and an alternative proposal see Attinger 2009–11, 293f.

³² Cf. Villard 2007, 122, who suggests that *andurāru* in the royal inscriptions could also have meant release of enslaved prisoners of war, restitution of lost territory and the like. Otto 1997, 46 thinks of privileges concerning taxes and labour service.

³³ Another stipulation that reflects historical developments is the *adê* sentence in the penalty clause of Neo-Assyrian legal documents. It is attested since the reign of Esarhaddon and its general meaning is that the loyalty oath (*adê*) sworn to the king shall punish the one who breaks the contract. According to Radner in this volume the deified *adê*, synonym of revenge, is meant here and this concept is intrinsically tied to the so-called vassal treaties of Esarhaddon.

from the legal texts. In a purchase document from Assur the sold woman and her daughter are characterized as Elamite captives, who had been granted by the king to the (inhabitants of the) city of Assur (ll. 12–15: *Nanāia-ilā ī' mārta gimir 2 napšāti ħubtu ša Elamtu ša šarru ana Libbi-āli iddinū[ni]*).³⁴ The date of the text is damaged, but on the ground of prosopographical analysis it can be assigned to the reign of Assurbanipal.

Together with Babylonia and Media, Elam belonged to the countries from which the Assyrians most frequently deported population. All booty, human as well as animal, was regarded as property of the king. But royal inscriptions frequently note that the king divided it among the soldiers, high-ranking officials, and the inhabitants of the main Assyrian cities. The mechanisms of distribution are little known, and our text may give a hint. Since the Elamite captives were sold by ten men, who were bound by either familial or professional ties, I suggested that they might have been members of an institution like the Assur temple, through which deportees were allocated, and that the rewarded men sold the woman and her daughter in order to get money that could easily be divided among them.³⁵

3.2.3 Hostages

The document to be presented here is less explicit than the one quoted just above. It was found in Nineveh and recorded the purchase of a house by an Egyptian scribe in 692 B.C.³⁶ Among the witnesses to the transaction were four individuals, whose names clearly point to an Egyptian origin. The most prominent was Šusanqu, “the king’s in-law” (*ħatan šarri*), who headed the witness list. It had already been recognized that Šusanqu, Egyptian Shoshenk, was a prince of one of the Libyan dynasties that ruled over the Nile Delta in the first centuries of the first millennium B.C. (Third Intermediate Period).³⁷ But the reason of his transfer to the Assyrian capital more than two decades before the conquest of Egypt by Esarhaddon in 671 B.C. remained an intriguing question. In a recent contribution, Karen Radner linked this document with a passage of Sennacherib’s royal inscriptions that gives an account of the battle of Eltekeh near the city of Ekron in southern Palestine in the year 701 B.C.³⁸ The conflict arose because the city of Ekron rebelled against the previously accepted Assyrian authority. The rebels were supported by Egypt, ruled at that time by a Kushite dynasty. According to the Assyrian annals several Egyptian charioteers and princes were captured. Radner suggested that Šusanqu was one of these princes (and that also the three other witnesses could have been among the seized military personnel). After his capture he would have become a hostage and in virtue of his high rank treated as a royal guest. Radner further postulated that the marriage to an Assyrian

³⁴ For a full edition with commentary see Faist 2009.

³⁵ Besides becoming domestic slaves, many more deportees were distributed over the country and settled in groups according to provenance, as illustrated by two land sales found in Tell Šēḫ Ḥamad that mention plots bordering “the land of the Elamites” (see Postgate 1993, 110; Potts 1999, 288).

³⁶ The latest edition is that of Kwasman & Parpola 1991, No. 142.

³⁷ Onasch 1994, 15f.

³⁸ Radner 2012. Cf. furthermore Heltzer 1994, who — based on some individuals with Hebrew names attested in a sale contract from Dūr-Katlimmu — saw a confirmation of the biblical passage II Kings 17,6 referring to the deportation of Israelites to the Ḥābūr area.

princess was not an isolated case, but part of an alliance policy that also involved other captured princes:

The Egyptian princes' continued presence in Nineveh guaranteed their families' goodwill towards Assyria and kept the relationship of the northern kings with Kush in balance: as long as there were possible pro-Assyrian candidates for the thrones of the Delta and of Middle Egypt, Kushite power over Egypt was not absolute.³⁹

Neo-Assyrian documents from Assur that show individuals of Egyptian origin as main protagonists and archive holders belong to the most promising sources for further historical analysis,⁴⁰ comparable — from a historical point of view — with the “Judean texts” from Babylonia. The latter group comprises approximately 200 legal documents written in Neo-Babylonian that belonged to exiled Judeans in Babylonia.⁴¹ They come from the antique market and their exact provenance is not known. The “Egyptian texts” on their part amount to approximately 110 legal documents written in Neo-Assyrian and were found during regular excavations at Assur, in what seems to be three different houses.⁴² In any case, both sets of texts illustrate the familiar, administrative, and economic conditions of the respective communities and give valuable socio-historical insights into the life of minority groups. Although the “Judean texts” pertain to Judeans settled in rural areas whereas the “Egyptian texts” have a more urban character, it would surely be profitable to undertake a comparative study of them in the future.

³⁹ Radner 2012, 476. Additionally, she hypothesized that Shoshenk could have been identical with the king of Busiris in the central Delta region, who was appointed as vassal by Esarhaddon after his conquest of Egypt in 671 B.C. (and reinstalled by Assurbanipal after Taharqa's revolt). The same proposal was previously made by Dalley 1998, 84 but rejected by Baker 2002, 1161a s.v. Susinqu I. on account of chronological considerations. Also Radner's other conclusions concerning the Assyrian rule in Egypt (which would have relied on Egyptians who — like Shoshenk — had lived in Assyria) and the Assyrian marriage policy (which she considered to have been quite intensive and would explain the Egyptian support of Aššur-uballiṭ II in the war with Babylon for the control over Syria and the Levant after the fall of Assyria) remain — in spite of their attractiveness — speculative at the present stage of knowledge.

⁴⁰ For the texts discovered at the beginning of the twentieth century by the German mission under the direction of Walter Andrae see Faist 2007, 125–129. For the texts found in the year 1990 by a team from the University of Munich see preliminarily Radner 2000, 101. In Faist 2007, 1 and 126 I announced that Hans-Ulrich Onasch and myself were preparing a comprehensive study on the Egyptians at Assur, but we gave up this work because Raija Mattila was also dealing with the material. Also Charles Draper (now Oxford) worked on the texts as a doctoral fellow of the Munich Graduate School for Ancient Studies “Distant Worlds” between April 2015 and December 2016 (*Egyptian Diasporic Communities in the Ancient Near East*) as well as Melanie Wasmuth (Basel) in the scope of a postdoctoral project called *Identitätskonstruktionen in der Antike: “Ägypter” im früheisenzeitlichen Mesopotamien* (life span: May 2012 to June 2014).

⁴¹ Cf. Magdalene & Wunsch 2011. An assemblage of 103 texts from the David Sofer Collection has just been published by Pearce & Wunsch 2014.

⁴² Cf. Hauser 2012, 81f. with footnote 276 for Andrae's excavation and Radner 2000, 101 for the recent discoveries.

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