



3 1761 05972986 3

Knut Tallquist

Old Assyrian Laws.

PJ
3879
T35
1921
c.1
ROBARTS

Lithomount
Pamphlet
Binder
Gaylord Bros.
Makers
Syracuse, N. Y.
PAT. JAN 21, 1908

7110
Svenskars-Societets Förfhandlingar.
Bd. LXIII. 1920—1921. Avd. B. N:o 3.



Old Assyrian Laws

By

KNUT TALLQVIST.



216492
14-9-27

HELSINGFORS 1921
HELSINGFORS CENTRALTRYCKERI

Old Assyrian Laws

By

KNUT TALLQVIST.

Assyrian documents of civil right ¹ have been known since the days of Layard and Oppert. They prove beyond doubt the self-evident fact that the Assyrians too had developed and observed certain legal practises and procedures. But there has been nothing to indicate the existence of written Assyrian laws. Considering the general inferiority of the civilization of Assyria to Babylonian culture and the dependence of the former upon the latter, it did not even seem probable that the Assyrians had possessed a legislation of their own. This theory has now suddenly proved erroneous thanks to the discoveries made by German scholars in Qal'at Shergât, i. e. the ruins of Assur, the oldest capital of the Assyrian empire.

Among many other highly interesting and valuable cuneiform texts brought to light by the German Orient Society through the excavations carried on at Assur ² from 1903

¹ The chief edition is *Assyrian Deeds and Documents* recording the Transfer of Property, chiefly of the 7th Century B. C., copied, collated, arranged, abstracted, annotated and indexed by the (late) Rev. C. H. W. Johns, Vol. I—III, Cambridge 1898—1901. Very valuable is the German work *Assyrische Rechtsurkunden in Umschrift und Uebersetzung* von J. Kohler — A. Ungnad, Leipzig 1913.

² Under the general title *Ausgrabungen der Deutschen Orient Gesellschaft in Assur, E: Schriftdenkmäler aus assyrischer Zeit*, herausgegeben

till the spring of 1914 there are some fragments which show that the ancient Assyrians had produced a law code that can well be compared with the famous Babylonian Code of Hammurapi (ab. 2000 B. C.) discovered some 20 years ago.

The Assur law fragments consist of nine tablets (VAT 10,000, 10,001, 9,575, 9,839, 10,109, 10,093, 10,266, 11,684 and 11,115), which are to be found in the above mentioned publication of the German Orient Society, *Keilschrifttexte aus Assur verschiedenen Inhalts* (abr. KAV) as numbers 1—6, 143—144 and 193. Among these No. 193 contains what remains of 13+6 lines, No. 143 of 14+12 lines, No. 144 of 9 lines, No. 3 of 8 lines, No. 4 of 13+15 lines, No. 5 of 17+7 lines, and No. 6 of 36+26 lines. There are thus, in all, 176 more or less defective lines belonging to 34 paragraphs or laws.

No. 2 is more important. The text of this tablet has been divided into 8 columns, 4 on each side, comprising probably about 60 lines each or about 480 lines in all. Of these are preserved in a more or less complete condition only 242 lines; 46 in col. II, 52 in col. III, 46 in col. IV, 39 in col. V, 35 in col. VI, and 24 in col. VII, while col. I and col. VIII are altogether missing. The parts that have been preserved are contained in 22 laws, but of these a great number is very fragmentary.

Best preserved and most important is No. 1 (VAT 10,000) with 8 columns and originally 828 lines, 104—114 in each column, except in the VIII th, which has never been completed. The number of completely missing lines is only 25. The laws are at least 56. The Assur law fragments represent, in all, about 112 paragraphs of varying length.

These fragments seem to belong to the same Assyrian

von Friedrich Delitzsch, there have so far appeared I, *Keilschrifttexte aus Assur historischen Inhalts*, erstes Heft, Autographien von Leopold Messerschmidt, 1911; II *Keilschrifttexte a. A. religiösen Inhalts*, Autograph. von Erich Ebeling, I Heft 1—4, 1915—1919, II Heft 1—2, 1920, and *Keilschrifttexte a. A. verschiedenen Inhalts*, Autograph. von Otto Schroeder, 1920. The last mentioned publication which contains the texts commented upon in this paper I did not receive until the end of March 1921.

law code, which has obviously been rather a large one. But it does not seem probable that they have all been redacted in the same time. On the contrary they must be referred to at least two separate redactions. The one is represented by the tablets No. 1 and No. 2, it being beyond doubt that these belong to one another on account of their external resemblance and their conformity with regard to writing and language. Very likely this redaction comprised a series of several tablets and the fact that KAV 1 has not been completed probably indicates that this tablet was the last in the series.

On the other hand there is much to corroborate the assumption that the remaining fragments belong to another redaction. It is true that these fragments are so small that it is not possible to draw any certain inferences as to the size of the tablets they represent and to their division into columns. But already the greater length of the lines in the majority of these fragments shows that the corresponding tablets have had another division into columns than Nos. 1 and 2 and that they are consequently of a different origin. Certain graphical and linguistical differences point in the same direction ¹.

As for the age of these texts, it can only be determined approximately, and it must be borne in mind that the different redactions may date from different times. It would be important to know in what stratum of the ruins of Assur our texts have been found, but of that we have no information. Valuable — though partly effaced — is the date given at the end of No. 1: arḫu ša sa-ra-a-te ūmu 2 k[an] li-mu (m) Sa-[. . .]- ū, i. e. »the second day of the month ša sarâte during the eponymy of Sa . . . u.» The old appellation ša sarâte ² for the sixth month instead of ulûlu which was the

¹ In the smaller fragments the signs for ta, tu, šá, amêlu, and šarru e. g. have another form than in Nos. 1 and 2, and the sign zu is used for ʕu in the verb maḫaṣu in a frequently occurring phrase.

² Written as here ša sa-ra-a-te also KAV 168:23; cf. šá sa-ra-ti KAV 209:8, ša sa-ra-te KAV 98:49 b, 205:38 and in the inscriptions of Salma-nassar I, KAH 13 and 15; [ša] sa-ra-a-ti = araḫ ulûlu VR 43:32.

usual term at a later time, in its manner testifies to the great age of the tablet. Still more significant is the fact that there is no eponym of the name Sa ú (i. e. possibly Sagibû or Sâsû) in the extant lists of eponym rulers from the period after 900 B. C. The tablet No. 1 thus would seem to date from an earlier time than 900 B. C. As the editor of KAV points out the writing and the language of our texts seem to indicate the period before Tiglath-pileser I (ab. 1100 B. C.). Paleographically and linguistically he thinks them closely related to certain Assyrian letters and business documents from the 13th—the 15th cent. which makes it probable that they date from that period. At all events the Assyrian laws are at least 500 years younger than the Hammurapi Code.

With regard to their contents these Assyrian laws are of an extraordinary interest. They are a valuable contribution to our knowledge of the social institutions, manners, and customs, in short the civilization of the ancient Assyrians and offer abundant material for comparative studies on the history of law.

Of the two chief tablets No. 2 appears to have been a sort of land act. Here are to be found prescriptions concerning the legal acquisition of land, together with an act that seems to correspond to what we call »notice of conveyance», III 1 ff., division of estate, II 1—14, 15—21, 22—26, boundaries and removal of landmarks IV 11—19, 20—28, encroachment upon a man's domain IV 29—37, V 13—18, 19—25, 26—33, 33—36, irrigation VI 2—14, etc.

The contents of No. 1 are very rich and varying. The majority of the laws of this tablet refers to the criminal and marriage acts. The different crimes dealt with are: sorcery § 46, blasphemy and slanderous speeches § 2, calumny and insult §§ 16, 17, and 18, murder § 10, rape §§ 11, 52 and 53, assault: woman upon man §§ 7 and 8, man upon man's daughter (miscarriage) § 20, man upon man's wife (sadism?) §§ 9, (miscarriage) § 48 and 49, man upon hierodule (miscarriage) § 50, feticide § 51, theft §§ 1, 5 and 6, abstraction and dissipation of joint property §§ 3 and 4, adultery

and seduction §§ 12, 13, 14, 15 and 23, panderage § 22, and unnatural intercourse § 19, etc.

To the marriage act belong the prescriptions concerning betrothal § 41, levirate §§ 29, 30, 32 and 40, pledged woman's giving in marriage §§ 38 and 47, the way in which a widow or a female slave becomes a legal wife §§ 33 and 40, the support of a widow § 45, deserted and unsupported wife § 35, and divorce §§ 36 and 37.

Various questions of inheritance and property are regulated in §§ 24—28, 31 and 34, § 43 treating of imprisonment for debt, and the lengthy § 39 dealing with the manner in which certain classes of women ought to dress when appearing out of doors. The last mentioned law shows among other things that the veil and the wife's cap date from the second millenium B. C.

The contents of the smaller fragments can be ascertained only in part. No. 4: 11 seems to be the introduction to a law concerning outrage. No. 5 treats of arbitrary proceedings of a shepherd, etc. No. 6, lin. 1—7, deals with a female slave, l. 8—13 and 14—21 treat of the purchase of a man's wife or daughter who has been given as a pledge, l. 22—27 and 28—32 are about horses, oxen, and asses. On the other side of the tablet there are prescriptions concerning theft, unlawful deposits etc.

It is natural to ask: How do these Assyrian laws compare with the laws of Hammurapi and the so-called Mosaic laws? The answer is that the Assyrian laws show many points of agreement with the Law Code of Hammurapi and also with certain laws contained in Exodus, Leviticus, and Deuteronomy. The most important of them are pointed out in the notes to the different paragraphs translated below. A deeper penetration into the question of the relations between the Assyrian legislation and the above mentioned codes must be reserved for future research. I will here deal only with a few general characteristics of the Assyrian laws.

The external form of the Assyrian laws is in the main the same as in C H. Each law or paragraph begins as a rule with

the word *šumma* which is best rendered «if». As in CH the text of the Assyrian laws is written almost throughout in a phonetic syllabic script, obviously in order to avoid the ambiguity by which the ideographic notation is always more or less characterized. Ideographs are used only for a few of the commonest nouns. On the whole the Assyrian codifier seems to have done his best to couch the laws as clearly and accurately as possible. But as in the same paragraph two different persons are often called e. g. amêlu 'a man' or 'the man', and the subjects are continually changing, it is sometimes rather difficult to get at the right meaning of the sentence. The language is archaic and shows many philologically interesting peculiarities of which already the editor of KAV has pointed out a few.

It is only natural that one should find in the Assyrian laws many terms and expressions of legal phraseology already met with in CH, but there are also many new ones and terms hitherto found only in Old-Babylonian legal transactions. Such are e. g. âmerânu 'eye witness' 1, VII 9, šâme-ânu 'the one who hears a report' (testis ex auditu) 1, VII 12, âhizânu 'suitor, husband' 1, IV 4; V 36, nâ'ikânu 'seducer' § 11, note 3, murabiânu 'foster-, step-father' 1, IV 6, âlidânu 'true father' § 27, note 8, ummiânu 'creditor' 1, V 29. 2, V 11; 4: 12, 13. 6: 21 b, tadinânu (§ 38, note 4) 1, V 30, 33, 41, nâdiânu 'layer-out' (establisher) 2, V 17, nâšiânu 5: 6 b, lâqiânu 6: 2, mušassiânu 2, III 46, šarišên 'eunuch' 1, II 54, 97, mummertu 'procuress' § 22, note 2, esîrtu 'captive woman' 1, V 58; VI 1, bêl mârti 'guardian' § 29, note 4, bêl šarpi 'creditor' § 47, note 3, habbulu 'debtor' 1, VII 32, ana aḥuzite nadânu 'give in marriage' 1, IV 28, [66]; VIII 32, kutalla amâru § 46, note 6, ana eqli italuku § 35, note 2, napšâte mullû 'give restitution for human life' 1, VII 69, 73, 81, 91, dumâqî 'ornaments' (given by a husband to his wife) 1, III 86, 97; V 22, emittu 'measure of punishment' 1, III 81, etc.

Characteristic of the Assyrian laws is the frequently recurring phrase ubtaerûš uktainûš which follows paren-

thetically after the »if» clause introducing the paragraph and enforces a careful ascertainment of the crime as a condition of penal consequences. This phrase does not occur in CH although the legal procedures of the Babylonians were in the main similar to those of the Assyrians.

The legal proceedings took place at the entrance of the royal palace (ina pî ekalli) before the king, the crown-prince or other princes (4 : 7), judges, and magistrates. Witnesses were heard, distinction being made between eye-witnesses and *testes ex auditu* (cf. above). An oath was in some cases decisive. It was sworn by the 'Bull-god, the son of the Sun-god' (§ 46); once the phrase 'before god' (pâni ili, 6 : 6) is used. In doubtful cases, e. g. when there were no witnesses, the ordeal by water was imposed (§§ 16, 21, 23), as in CH (§§ 2, 132).

The penalties for wrong-doing are in the main the same as in CH although some of them show peculiarities of their own. The executor of the punishment is generally denoted by the indefinite 'one', e. g. »one shall put him to death», while in CH the passive construction »he shall be put to death» is used. But this is only a linguistic difference. In each case the Executive of the state is meant. But sometimes the execution of the sentence is left to the discretion of the injured party (cf. §§ 4, 13, 14. 2, II, lin. 15—21, etc.). In some cases the informer is rewarded (§ 39).

The principle of retaliation, clearly conspicuous in CH and in the Old Testament, according to which the punishment is to be of a similar character as the injury done by the offender or directed against the limb with which the crime has been committed, is traceable in the Assyrian laws also. In § 50 he that has beaten a harlot is sentenced to receive »blow for blow». According to § 9 the lower lip of a man who has bitten (?) a man's wife shall be cut off. In § 52 it is prescribed that the wife (!) of the defiler of a virgin shall be delivered up for prostitution, and § 8 decrees that a woman who has bruised both the testicles of a man shall lose both her hands (?).

Among the most lenient kinds of penalty were the fines. They were payed in lead (*anaku*) which seems to have been in old times the commonest metal of value of the Assyrians, and varied between 30 and 150 manas (§§ 7, 17, 20, 21, 2, IV, 20—28).

It may be doubted whether the penal servitude or royal service (*šipar šarri*) of the Assyrians can be regarded as one of the lenient punishments. The brevity of this service — as a rule one month (§§ 17. 18. 20. 39. 2, IV, 9, 19, 28; V, [33, 38]. 5 : 7), sometimes only 20 days (2, IV, 34. 6 : 13), once 40 days (6 : 18) — seems to indicate that it was no sinecure. No other penalties involving loss of liberty are mentioned except that a person belonging to the family of an insolvent debtor could be retained as a pledge by the creditor (cf. 1, V, 28; VI, 42. 6 : 14).

Most usual were of course the corporal punishments. Whipping was very common. While CH in one instance (§ 202) decrees 60 and Deut. 25 : 3 has 40 lashes as a maximum, the commonest Assyrian castigation seems to have been 50 lashes (§§ 18. 20. 39. 2, IV, 26, 32). A woman who makes assault upon a man gets 20 lashes (§ 7), but the harlot that appears veiled in public shall receive 50 (§ 39). The maximum seems to have been 100 lashes which were inflicted upon him who removed his neighbour's »large boundary» (2; IV, 18; cf. No. 5 : 6).

Mutilation which has been in use in the Orient and inflicted both upon wrong-doers and vanquished enemies from hoary antiquity was a punishment frequently practiced by the Assyrians. One case of mutilation of hands has already been mentioned (but cf. § 8, note 4). One was even content with a finger (*ubânu*, perhaps the thumb, cf. Jd. 1 : 6) in the case of a man who outrages a woman (§ 9) and of a remover of boundaries (2, IV, 17). Thievish and faithless wives lost their noses (§§ 5. 14) or ears (§§ 4. 5. 23, cf. 43); slaves, male or female, who had illegally received something from the wife of their master lost both nose and ears (§ 4). Sometimes the ears were pierced, threaded upon a string,

and tied to the back of the offender (§ 39). The import of the prescription that the face of the lover of a man's wife who has been caught *in flagranti* shall be «destroyed» (§ 14), is not clear. For a certain kind of aspersion (§§ 17, 18) mutilation seems to be decreed as the punishment without it being specified. The lover of a man's wife and the homosexualist were castrated (§§ 14, 19).

Capital punishment without specification of the manner is prescribed for a woman who commits theft in the house of her husband while he is ill or has died, and for the receiver of the stolen property (§ 3), for rape (§ 11), for adultery committed by a wife and her lover who is caught with her (§§ 12, 14), for panderage (§ 22), for sorcery (§ 46), and for assault and battery under certain aggravating circumstances (§ 48) Feticide is punished with exceptional severity; the woman is to be impaled on a stake and left unburied, and the punishment is executed even if the woman has died in consequence of the abortion (§ 51).

It is characteristic of the Assyrian laws that, as in the last mentioned instance, one was not content with one punishment but exacted two or more of different descriptions. Thus a woman who lays violent hands upon a man pays a fine of 30 manas and receives 20 lashes (§ 7). Anyone who removes his neighbour's boundary makes restitution by giving three times the extent of the appropriated piece of ground, loses one of his fingers, receives 100 lashes and performs one month's royal service (2, IV, 11—19). A more lenient crime of the same kind had for consequence, besides full restitution, a fine of 1 talent, 50 lashes, and one month's royal service (2, IV, 20—28; cf. 2, IV, 29 ff.; V 26—33, 34 ff.). Anyone who accused his friend or his wife of adultery was punished with 50 lashes, one month's royal service, mutilation, and a fine of one talent (§§ 17, 18). The punishment for outrage on a pregnant woman who has a miscarriage through the illtreatment is a fine of 2 talents and a half, 50 lashes, and one month's compulsory work (§ 20). The harlot who appears veiled in public, receives 50 lashes, and

burning pitch is poured upon her head. The same number of lashes is given to him who omits to bring her to the entrance of the palace, and in addition he shall perform royal service for one month (§ 39). —

As for the interpretation of these ancient Assyrian laws a definitive and absolutely satisfactory translation would seem to be impossible to accomplish at present. The difficulties attaching to the task can only be surmounted through the collaboration of many students ¹.

That my attempt towards an interpretation, comprising the tablet KAV 1 and the main part of No. 2, labours under many short-comings, I am conscious of. Instead of a complete transcription of the Assyrian text I have, for reasons of economy, contented myself with giving only selected phrases in transcription.

KAV 1 (VAT 10,000).

§ 1 (I 1—13).

(The text is badly preserved. It is about a woman, »a man's wife or a man's daughter», who enters a temple (*bīl ili*) and steals something there. The punishment can not be ascertained any more).

¹ According to information supplied by the editor of KAV, Dr Schroeder, an interpretation of the Assyrian laws is being prepared in German quarters. For the present, excerpts are to be found in Meissner's work *Babylonien und Assyrien*, 1920, and in Friedrich Delitzsch's *Die grosse Täuschung*, I, 1921, Meissner and Peiser having besides treated the Assyrian levirate, OLZ, 23, col. 346 ff. After I had finished a translation of the laws into Swedish, which was read at the meeting of the Finnish Orient Society in April and published in *Tidskrift utgifven af Juridiska föreningen i Finland*, 1921, I discovered in the *Journal of the American Oriental Society*, vol. 41, February 1921, Morris Jastrow's, article »An Assyrian Law Code». Prof. Jastrow would seem to have made his translation in great haste, which may account for the fact that it is in many respects rather unsatisfactory. As I have not been able to refrain from pointing out certain manifest mistakes in Prof. Jastrow's interpretation, it seemed to me most appropriate to publish my study in English; in rendering the Swedish original into English my son Cid Erik has been of great help to me. — See also p. 13, note 2.

§ 2 (I 14—22).

If a woman, whether a man's wife or a man's daughter, blasphemes ¹ or utters opprobrious speeches ², that woman shall be punished ³; against her husband, her sons, and her daughters no measures shall be taken ⁴.

§ 3 (I 23—45).

If, when a man is ill or has died, his wife steals something from his house and gives ⁵ it to a man or to a woman or to anyone else, the man's wife and also the receivers shall be put to death ⁶. And if a wife whose husband lives steals

¹ I read *ši-il-la-ta taq-ti-bi* although the second character is more like *riq*. *šillatu* seems to alternate with *sillatu* (*si*)*sa-la(-a)-ti* šurpu III 131), in the same way as *šelītu* 'afterbirth' (CT 28 : 34, 23 a) with *silītu*, and often occurs as object to *qibū*, cfr. Streck, *Assurbanipal*, III 578, KAR 169, rev. 16 etc.

² *mi-ki-it pi-e ta-ar-ti-i-ši*. The phrase *miqit pi*, literally 'falling or tumbling of the mouth', seems to mean 'opprobrious speeches'. — Prof. Jastrow's translation: »if a woman does not (!) confess the theft (*ši-riq la ta-taq-ti-bi!*) or under pressure makes restitution» is impossible.

³ *a-ra-an-ša ta-na-a-š-ši*, literally 'she bears her sin'; the expression corresponds to the biblical *nāsā* 'awōn or *hēt* 'bearing sin' (Lev. 7:18. 9:8. Num. 9:13. 15:31 etc.) in the sense of 'be responsible', 'suffer punishment for'. Cf. *šur-qa i-na-a-š-ši* I 73. 6, rev. 15; *hubullâ lâ i-na-a-š-ši* IV 8; *hubullâ arna u hîta ša mutiša ta-na-a-š-ši* IV 55.

⁴ *la-a i-qar-ri-i-bu*, i. e. *iqarribû*, as VIII 45: *a-na aššati-šû la-a i-qar-ri-i-bu*, 'one shall not approach', 'take measures against'. Prof. Jastrow's translation: »on her husband etc. she (!) has no claim» is erroneous. As for *qarâbu* 'have a claim on', cf. *ana ša bît abiša la iqarrib* III 108, *mâre emiša lâ i-qar-ri-bu* IV 17. — Here obviously the same principle is maintained as in Deut. 24:16: »The fathers shall not be put to death for the children, neither shall the children be put to death for the fathers: every man shall be put to death for his own sin». But just as this law (cf. Jer. 31:30) stands at variance with the doctrine of the Decalogue about a God that visits the iniquity of the fathers upon the children unto the third and fourth generation, so also this Assyrian law is opposed to what is prescribed e. g. in § 53 about the innocent wife of the defiler of a virgin.

⁵ *ta-ti-din*, can also be rendered 'sells', thus Delitzsch, *Die grosse Täuschung*, I p. 149.

⁶ Cf. CH. § 6.

from the house of her husband and gives (what she has stolen) to a man or to a woman or to anyone else, the man shall prove (the guilt of) ¹ his wife and inflict punishment ² (upon her); and the receiver shall give back the stolen thing that he has received from the hand of the man's wife and suffer such punishment as the man has inflicted upon his wife.

§ 4 (I 46—56).

If a male slave or a female slave receives anything from the hand of a man's wife, the nose and the ears of the male slave and of the female slave shall be cut off; for the stolen property they must make full restitution ³; the husband shall cut off his wife's ears. But if (the husband) releases ⁴ his wife, and does not cut off her ears, then (the ears) of the slave, male or female, shall not be cut off, and they need not make restitution for the stolen property.

§ 5 (I 57—69).

If a man's wife steals something from another man's house to the value of more than 5 manas of lead ⁵, the owner of the stolen property ⁶ shall swear: »I have truly not caused her to take (it) ⁷; in my house a theft has been committed».

¹ *ú-ba-ar*.

² *hi-i-ta e-im-me-id*; cf. *ar-nam i-im-mi-du* CH. XIII r, 23.

³ *šur-qa ú-mal-lu-ú*.

⁴ *ú-uš-šar* from *wašáru* (II 1 'release, let go, give pardon'), whence later *mašáru*, according to Ungnad, *Hammurabi's Gesetz*, II p. 133. Cf. *u-úš-šá-ru* III 26, 34; *ú-ta-aš-šar* V 78.

⁵ *a-na qa-at 5 ma-na anaki tu-ta-at-tir* (obviously from (*w*)*atáru*, and not from *t w r* as Prof. Jastrow seems to hold).

⁶ *b êl šur-ki*.

⁷ *šum-ma ú-šá-hi-zu-ši-ni*. For *šumma* used in oaths as He. *im* in the sense of 'truly not', and *šumma lá* 'truly' (VII 17), cf. Ungnad, *Babyl. Briefe* 238:11; for *aḥázu* III 1 'cause to commit a crime', 'instigate a crime', *ibid.* 218:14. Prof. Jastrow's translation: »that when it was taken 'the stolen property was in my house' is wrong philologically as well as essentially.

If her husband chooses, he may restore the stolen thing (to the owner) and redeem ¹ her and cut off her ears. But if her husband does not wish to redeem her, the owner of the stolen property may take her and cut off her nose.

§ 6 (I 70—73).

If a man's wife leaves a deposit in (anyone's) care (?) ², the receiver is responsible ³ for it as for stolen property.

§ 7 (I 74—79).

If a woman lays hands upon a man and is proved guilty of it, she shall pay 30 manas of lead and receive 20 lashes.

§ 8 (I 78—87).

If a woman in a brawl injures a man's testicle, one of her fingers shall be cut off. And if a physician applies a bandage ⁴, and then the other testicle comes in contact with (is pressed

¹ *i-pa-at-tar-ši*. It is assumed that the woman, on account of the theft, is deprived of her liberty.

² *ma-aš-ka-at-ta i-na ki-i-di tal-ta-ka-an*; cf. No. 6, rev. 11 *a-na maš-ka-ti i-na ki-i-di šá-ak-na-a*[t?]; *a-na ki-i-di* VI 74, 81. For the word *kîdu* that frequently occurs in Old Babylonian texts Thureau-Dangin in *Hilprechts Anniversary Volume*, p. 162, note 4, has pointed out the signification 'country', 'la campagne', cf. Maqlû IV, 23 *ana šêri ki-i-di u namê*. According to Prof. Jastrow it means 'pawn', while *ki-i-di ekalli* CT 27:12, 11 would be 'storing place' of some kind. My translation is based on the suggestion of Dr Landsberger that our word *kîdu* is synonymous with *mašsarûtu*; cf. Dr Ehelof's carefully commented German translation of KAV 1, which, through the author's kindness, I have been allowed to see a proof of before printing this.

³ *šur-qa i-na-aš-ši*; the phrase is also met with No. 6, rev. 15, cf. § 2, note 3; Ex. 22:7. Jastrow: »he must surrender it as stolen property».

⁴ *šum-ma amêlu âsû ur-tak-ki-is-ma*. As for *rakâsu* II 2 'apply a bandage' see HABL 392:13. Jastrow: »if the man engages a physician».

against) it ¹ (the former) and festers ², or if she (the woman) in a brawl bruises the other testicle (also), both her [hands] ³ shall be mutilated.

§ 9 (I 88—96).

If a man lays hands upon a(nother) man's wife ⁴, treating her as a *bûru* ⁵, if he has been proved guilty and convicted of it, one of his fingers shall be cut off. If he has bitten her ⁶, his lower lip shall be drawn (?) across the edge (?) of an axe ⁷ and cut off.

§ 10 (I 97—104+II 1—13).

(This law deals with murderers (*da-i-ka-nu-te*), but the main part of the text is mutilated. At the end of Col. I the line dividing the laws or paragraphs is lacking whence might be drawn the inference that the law has comprised also the first lines of Col. II.).

§ 11 (II 14—24).

If a man's wife passes along on the highway ⁸ (and) a

¹ *il-te-šá-ma ta-at-ta-al-pa-at. illu < ištu* stands = *itti* as often. *iltešama* (cf. III 56. IV 3) accordingly does not here mean 'of itself'. As for *lapātu* (whence here IV 2) 'touch', 'give a push', see Küchler, *Medizin*, p. 75.

² [*e-ri-im-ma tar-ti-i-ši* (subj. is *išku*). The translation: 'compensation shall be offered' is impossible.

³ [*rittu*] *pl-šá ki-la-lu-un*; possibly [*ubânâte*] *šá ki-la-lu-un* 'the fingers (thumbs?) of both hands'; or [*ênâ*]-*šá*. — Cf. Deut. 25:11 f.

⁴ *qa-ta a-na aššat(-at) amēli [it-ta]-bil*. This and what follows seems to imply sadism.

⁵ The meaning uncertain; *bûru* means 'child' and 'young animal'.

⁶ [*šum-m*] *a it-ti-ši-ik-ši*, from *našáku* 'to bite', probably not from *našáqu* 'to kiss'.

⁷ [*šá-*] *pa-as-su šap-li-ta ina pi(?) e ri-im-te šá-a pa-a-še [i-šá-a]d-du-du*.

⁸ *i-na ri-bi-e-te te-te-ti-iq*.

man seizes her ¹ and says to her: »I will lie with thee» ², (but) she does not consent and protects herself and he then seizes her by force and rapes her, then, whether he has been caught upon the mans wife or witnesses have proved him to have ravished the woman, the man shall be put to death; to the woman attaches no guilt ³.

§ 12 (II 25—29).

If a man's wife leaves her house and then goes to a(nother) man's dwelling ⁴, and he has intercourse with her, knowing that she is a man's wife, (both) the man and the woman shall be put to death ⁵.

§ 13 (II 30—40).

If a man has intercourse with a man's wife whether in a public house ⁶ or on the highway, knowing that she is a man's wife, the adulterer shall be treated in the same way as the husband orders his wife to be treated. But if he has

¹ *iš-ša-ba-a-zu*; masc. suff. inst. of fem.; cf. Delitzsch, *Ass. Gram.* ², § 76 b.

² *la-ni-ik-ki-me* (< *lā anīk+ki+me*), volunt. 1 p. sg. of *nāku* (= Arab. *njk*) 'to have sexual intercourse with', 'fornicate'. Of the same verb further occur the forms *i-ni-ik* II 93, *i-ni-ku-ū-ni* II 21, III 18, *i-ni-ik-ku(-ū)-uš* II 96, *a-ni-[ik-si]* III 3, *ni-a-ki* (inf.) III 16, *ni-ku-tu-ū-ni* III 33, *i-it-ti(-a)-ak-ši* II 19. 28. 33. 37. [58] III 31, *i-it-ti-ka-an-ni* III 5, *it-ti-ni(-ik)-ku* II 68, 74, *it-ti-ni-ku-ka* II 86, *it-ti-ni-ku-ū-uš* II 84, *ni-ik-ta* III 20. 23. VIII 30, *na-i-ka(-a)-nu* II 35. 38. III 24. 35. 39. VIII 24, 31. 35. 36. 47. — As for *-me* cf. *lā i-di-e-ma* III 66, and Ungnad, ZA 18 p. 56 f.

³ Cf. Deut. 22:25 ff.; the Swedish Law Code of 1734, M.B. XXII. chapt. 1. §.

⁴ *a-šar us-bu-ū-ni* 'where he is living'. The permansivum *usbu* (< *ušbu*, instead of *wašbu*, or *uššubu*, according to Delitzsch, *Assyr. Grammatik* ², § 64, also *u-us-bāt* III 47, *us-bu-tu-ū-ni* IV 24. VII 34 etc.) is characteristic of this text; as for the change *š > s* cf. *us-bal-ki-it* KAV 2, IV 21 inst. of *ušbalkit*.

⁵ Cf. Lev. 20:10.

⁶ *bīt al-tam-me* = *bīt aš-tam-me* KAR 174, Rev. IV 3.

intercourse with her without knowing that she is a man's wife, the adulterer goes free. The (other) man proves (the guilt of) his wife and does with her what he pleases ¹.

§ 14 (II 41—57).

If a man catches a man with his wife and his guilt is proved, they shall both be put to death: to him attaches no guilt ². But if they are (both) seized and brought either before the king or before the judges, — if his guilt is proved and ascertained, then, if the woman's husband kills his wife, he shall also kill the offender (?) ³; if he cuts ⁴ off his wife's nose, he shall castrate ⁵ the man and his whole face is to be mutilated. But if he [releases ⁶] his wife, the man [shall also be released.]

§ 15 (II 58—66).

If a man [seduces] a(nother) man's wife with her consent ⁷, no guilt attaches to the man. The husband may impose

¹ *ki-i līb-bi-šú e-pa-a-su* (inst. of *epassi*; cf. § 11 note 1).

² The woman and her lover are to be put to death by the husband or by his appointment, without his contracting any guilt thereby.

³ *a-i-la*; according to Prof. Jastrow another form of *amēlu*. (?)

⁴ *i-na-ki-eš*. The root *n k š* alternates with *n k s* (cf. *uz-ni-šá ú-na-ak-ka-aš* I 52, *uz-ni-šá la-a ú-na-ak-ki-is* I 54, *ú-na-ku-su-ma* I 55) in the same way as *r k š* with *r k s*.

⁵ *amēla a-na šá-ri-še-en ú-tar*; cf. *a-na šá-ri-še-en ú-tar-ru-uš* II 97. That *šarišēn*, a formation in *-ân* with vowel mutation *-ēn* (Delitzsch, *Ass. Grammatik*², 91: 35). — does not mean 'prison', as the editor of KAV p. VII assumes, is beyond all doubt, cf. Jastrow, *op cit.*, p. 18 note 64. It is synonymous with *šarīš* (written *ša-riš*, Anp. Ann. I 92, KAR 135, II 14, *ša-ri-ši-šu* CT 28: 36, 11 etc.) > Hebr. *sārīš*, Aram. *serīšā*, Arab. *sarīš*, and with *šutrēšu*, a formation similar to *šutmēšu* (Delitzsch, *Ass. Gram.*² § 91: 40 b) which in the passage CT 23: 10, 14 pointed out by Prof. Jensen, ZA 24 p. 109, note: *kīma šú-ul-ri-e-ši lá ālidi nīlka lībal* 'as in a š. that can not generate may thy procreative power run dry', undoubtedly means 'ennuch', but like *šarīš* also has the secondary meaning 'officer' etc.

⁶ *šum-ma aššat-s[u ú-uš-šar]* supplied in accordance with I 53.

⁷ [*ki-i*] *pi-i-šá* ('according to her mouth') [*it-ti-ak-ši*].

punishment upon his wife as he pleases. But if he has violated her by force and his guilt is proved and ascertained, he is liable to the same punishment as the man's wife.

§ 16 (II 67—71).

If a man says to a(nother) man: »One may have intercourse with thy wife»¹ (but) there are no witnesses, they shall make an agreement² (compromise) and go to the river³.

§ 17 (II 72—81).

If a man, be it privately or in a brawl⁴, says to his friend: »One may have intercourse with thy wife, I can prove (it)» but is not able to prove it, nor has proved it, this man shall receive 40 lashes⁵, do royal service⁶ for one month⁷, be mutilated⁸ and pay one talent of lead.

§ 18 (II 82—92).

If a man, secretly, says⁹ of his companion: »One may have (unnatural) intercourse with him», or, in a brawl, in the presence of men says to him: »One has had (unnatural) intercourse with thee, I will prove it against thee», but

¹ *it-ti-ni-ik-ku*, literally 'they have intercourse'.

² *ri-ik-sa-a-te i-šá-ak-ku-nu* can not mean »they bind him (i. e. the accused) in fetters», as Prof. Jastrow translates, not even if *riksâte* were 'fetters'.

³ *a-na nâri I. ID il-lu-ú-ku*, i. e. ascertain the truth through an ordeal, cf. §§ 21, 23, 24, CH 2. 132.

⁴ *lu-ú i-na pu-uz-ri lu-[ú] i-na ša-al-te*.

⁵ Literally 'they shall beat him 50 (times) with sticks'.

⁶ *ši-pár šarri e-pa-aš*, cf. p. 8.

⁷ *išten arah ûmâte*, cf. Hebr. *jer a ḥ jāmîm* Deut. 21:13.

⁸ *i-ga-ad-di-mu-uš*. The root *g d m* has, to my knowledge, not before been found in Akkadian but occurs in modern Hebr., Syr. and Arab. in the sense 'to maim'. Prof. Jastrow, contrary to the usage in this text, seems to assume that *g d m* stands for *q d m* and translates »they summon him».

⁹ The copy has *a-ba (?) -ta iš-kun*.

is not able to prove it, nor has proved it, this man shall receive 50 lashes, do 'king's work' for one month, be mutilated, and pay one talent of lead.

§ 19 (II 93—97).

If a man has had (unnatural) intercourse with his companion, if it has been proved and ascertained of him, that he has had (unnatural) intercourse with him, he shall be castrated.

§ 20 (II 98—104).

If a man strikes a man's daughter and brings about a miscarriage¹, if this is proved and ascertained of him, he shall pay 2 talents and 30 manas of lead, receive 50 lashes and do one month's royal service.

§ 21 (II 105—III 13).

If a man who is neither her father, brother, nor son causes a man's wife², »to take a road» without knowing that she is a man's wife, he shall swear (to that) and pay 2 talents of lead to the woman's husband. If he [knew that she was a man's wife,] he shall gr[ant] damages³ [and swear: »I have truly not had inter[course with her]]. But if the man's wife [says:] »He has seduced me», he shall, after having granted damages for the man's [wife], go to the river: there is

¹ *šá-a lib-bi-šá ul-ta-aš-li-eš* (*šalû* III 2) corresponds to *ša libbiša uš-ta-di-ši* (*nadû* III 2) CH § 209 (cf. KAV 1, VII 64) where the penalty is fixed to 10 shekels of silver; cf. also Ex. 21:22. Other forms of *šalû* are *ta-aš-li* VII 77, *ta-aš-li-ú-ni* VII 103, *ta-aš-ši-li* VII 93, *ša-li-e* VII 99, *ú-šá-aš-li-ši* VII 84, 88.

² *šum-ma aššat(at) amêli - - amêlu šá-ni-um-ma ħar-ra-a-na ul-ta-aš-bi-si*. The meaning is not quite clear; *ħarrâna šutašbutu* generally means 'to let somebody take a road', but *ħarrânu* as well as *girru* and Hebr. *dârek* also signifies 'enterprise, business'.

³ *bi-it-qa-a-te id-[dan i-tam-ma-ma ma]-a šum-ma a-ni-[ik-ši]*.

no compromise with him¹. [If] he returns from the river, he shall be treated in the same way as the woman's husband treats his wife.

§ 22 (III 14—39).

If a man's (A)² wife (a) takes a(nother) man's (B) wife (b) into her house, delivering her to the man (A) for sexual intercourse, and the man (A) knows that she is a man's wife, he shall be treated as one that has raped a man's wife, and as the woman's husband treats his wife, so also the pandress³ shall be treated. But if the woman's (b) husband (B) does not do anything unto his seduced wife, nothing shall be done unto the seducer (A) and the pandress (a) either⁴: they are to be released.

And if the man's wife (b) did not know (of the plot) and the woman (a) who took her into her house, introduced to her the man as a harmless⁵ (?) person and (yet) he raped her, — if upon leaving the house she (b) says that she has been raped, the woman (b) is to be released: she goes free, (but) the seducer (A) and the pandress (a) shall be put to death.

But if the woman (b) does not say (that she has been

¹ [ri-ik]-sa-tu-šú la-aš-šú, cf. § 16, note 2.

² As there are in this text two persons both called *amêlu*, and two women, both characterized as *aššat amêli* or *sinništu*, it is rather difficult to understand. In order to make it quite clear how I conceive the text I have marked the men A and B, and their wives a and b.

³ *mu-um-me-ir-ta*. That this word means 'pandress', is seen from the context. Prof. Jastrow derives it from *amâru* 'surround' (?). It seems more probable that it belongs to *wâ'âru* and is a formation similar to *mummalidat* = *muallidat* (from *walâdu*).

⁴ *ù šum-ma mu-ut sinništi aššat-su ni-ik-ta min-má la-a e-pa-aš na-i-ka-na ù mu-um-me-ir-ta mi-im-ma la-a e-pu-šú*. The verb *epêšu* with two accusatives is used as Heb. 'āsâ with *dābâr* and the prep. *le* Deut. 22:26: »unto the damsel thou shalt do nothing», i. e. thou shalt not punish her. Contrary to this, Prof. Jastrow translates: »But if no intercourse as between a man and his wife had actually taken place, then neither the adulterer nor the procuress have done anything.»

⁵ *ki-i pi-i-gi*.

raped), the man (B) may impose punishment upon his wife as he pleases. The seducer and the pandress shall be put to death.

§. 23 (III 41—81).

If a man's wife of her free will deserts (?) ¹ her husband and whether in that town ² or in a neighbouring town ³ where she has been directed to a house enters the house of an Assyrian and lives with the mistress of the house ⁴ and after she has been 3 (or) 4 times (?) — ? — ⁵, the master of the house does not know that the man's wife lives in his house and this woman is at last ⁶ seized, the master of the house whose wife has run away from him may [cut off] his wife's [ears] (and) take (her). The man's wife with whom his wife has been staying shall loose her ears; and if her husband wishes, he pays her purchase price with 3 talents and 30 manas of lead, and if he pleases he takes his wife.

But if the master of the house knew that the man's wife was living in his house with his wife, he shall pay three times the amount, and if he denies, saying that he did not know, they shall go into the river. If the man in whose house the man's wife was living returns from the river, he shall pay three times the amount; but if the man whose wife has deserted him, returns from the river, he is free; all the expenses connected with the river (ordeal) he shall give full compensation for. And if the man whose wife has deserted him does not cut off his wife's ears, he takes his wife and punishment need not be imposed.

¹ *i-na pa-ni mu-ti-šá ra-ma-an-šá tal-la-da-ad*; the meaning is not clear. Jastrow: »in the face of her husband and of her free will is carried off».

² *i-na libbi áli am-mi-e-im-ma* (i. e. pron. dem. *ammû* 'that' + *ma*, the particle of emphasis); Jastrow: »into any large city».

³ *i-na áli* (Meissner, *Seltene Assyr. Ideogramme*, No. 540) *qur-bu-ú-te*.

⁴ *iš-tu bêlit bîti ú-us-bat*.

⁵ *3-šú (?) 4-šú (?) . . . mid-da-at*; uncertain.

⁶ *i-[n]a ur-ki-it-te*. Jastrow: [*ina šú-ur-ki]-it-ti* 'by stealth' (?).

§ 24 (III 82—94).

If a woman lives in her father's house, and her husband has died while her husband's brothers live in estate undivided¹, and she has no son, her husband's brothers who live in estate undivided² may take whatever ornaments her husband has put on her³ if they have not been lost⁴. As for the rest they shall appeal to the gods, make declaration (and) take it⁵. They need not submit to a river ordeal or to an oath.

§ 25 (III 95—102).

If a woman lives in her father's house and her husband dies, her husband's children, if there are any, may take whatever ornaments her husband has put on her. If there are no children of her husband, she takes (them) herself.

§ 26 (III 103—108).

If a woman lives in her father's house and her husband enters⁶ (to her), he may take any kind of morning gift⁷ that (he as) her husband has given her. To what belongs to her father's house he is not entitled.

¹ *la-a zi-e-zu.*

² *la-a zi-zu-ú-tu*; also 2, II 15. 23. Jastrow: »the brothers may not divide».

³ *mi-im-ma du-ma-ki šá mu-us-sa i-na e-li-šá iš-ku-nu-ú-ni.* The word *dumâqu* (cf. III 97. V 22) means 'ornament' as is seen by JADD 620 = HABL 1452.

⁴ *la-a ħal-qu-ú-ni.* Jastrow: »the brothers cannot annul» (!).

⁵ *a-na ri-ħa-a-te ilâni(ni) ú-še-it-tu-qu ú-ba-ar-ru i-lak-ki-ú.*

⁶ *e-ta-na-ra-ab.*

⁷ *min-ma nu-du-un-na-a.* As for the differences of opinion as to the meaning of *nudunnû* (literally 'gift'), see Koschaker. *op. cit.*, p. 164 ff. Cf. 31 (IV 51).

§ 27 (IV 1—10).

If a widow enters a man's house¹ and brings with her her young son² and he grows up in her (new) husband's³ house, without a document of his adoption having been written, he has no share in his fosterfather's⁴ estate and is not responsible for debts. In his own father's⁵ estate he has a share according to his title⁶.

§ 28 (IV 11—19).

If a woman enters her husband's house, her dowry⁷ and whatsoever she has brought (with her) from her father's house as well as what her father-in-law gave her upon her entering, is secured⁸ for her children. The children of her father-in-law have no title to it. But if her husband deprives⁹ her (of it), he may give it to his children, whichever he pleases.

(§ 29 (IV 20—39)).

If a father has brought and carried the *biblu*-gift¹⁰ to the house of the father-in-law of his son but the woman has not

¹ *I. e.* if she marries anew.

² *mâr-šá š[á] ur-da*; the meaning is doubtful, perhaps: 'who has alighted', *i. e.* who is no more carried on his mother's shoulder.

³ *a-ḫi-za-ni-šá*, literally 'her suitor's', cf. V 36.

⁴ *mu-ra-bi-a-ni-šú*.

⁵ *a-li-da-ni-šú* = *álidišu*, as opposed to *murabiânišu*.

⁶ *ki-i qa-ti-šú*, literally 'like his hand'.

⁷ *ši-ir-ki-šá*. *širqu* here would seem to be the same thing as *širiqtu* 'dowry' in CH.

⁸ *za-a-ku*.

⁹ *i-pu-ag-ši*, reading and meaning uncertain. Prof. Jastrow: 'if her husband repudiates her' ('from *abâku*?').

¹⁰ For *biblu* (from *wabâlu*), literally 'something that is brought', in the sense of 'betrothal present', see CH § 159 and 160, Koschaker, *op. cit.*, p. 131 f. — Note the explicitness of the phrase 'brought and carried' which serves to accentuate the legal form and import of the act.

(yet) been given to his son¹, and (if) his other son, whose wife lives in her father's house, dies, he may marry² the wife of his dead son to his other son, to the house of whose father-in-law he has carried (the gift). If the master³ of the daughter who has received the bridal present⁴ does not consent to giving his daughter, the father who has carried the bridal present, may, if he chooses, take his daughter-in-law and give (her) to his son, and, if he pleases, he may take all that he has carried, lead, silver, and gold, anything except food, the capital. Upon the food he has no claim⁵.

§ 30 (IV 40—49)

If a man has carried a bridal present⁶ to the house of his father-in-law and his wife dies and if his father-in-law has (other) daughters, he may, if the father-in-law wishes, marry another of his father-in-law's daughters in place of his dead wife, or, if he pleases, he may take the silver that he has given. Grain or sheep or any kind of food shall not be given to him, (only) the silver he shall receive.

§ 31 (IV 50—55).

If a woman lives in her father's house and (?) her mor-

¹ *sinništu a-na mârišu la-a ta-ad-na-at*. Prof. Jastrow: »the daughter is not thereby pledged to his son».

² *a-na a-ḥu-zi-te i-id-dan-ši*, also KAV 1, IV 66, VIII 32. Cf. Knudtzon *Die el-Amarna-Tafeln*, No. 4:50: *a-na a-ḥu-za-ti ul a-na-d[i-in]*.

³ *bêl mârti*, i. e. 'the guardian', in this case the father.

⁴ *zu-bu-ul-la-a*. This word *zubullû*, lit. 'something carried', that is not known to occur elsewhere, except KAV 1, IV 41, seems to have the same meaning as *biblu*.

⁵ As for the levirate, dealt with in this law, cf. Deut. 25:5; Westermarck, *The Origin and Development of the Moral Ideas*, 1908, I p. 428; *Idem*, *Marriage Ceremonies in Morocco*, 1914, p. 59.

⁶ *zu-bu-ul-la-a iz-bil*.

ning gift has been handed over¹ (to her), she, whether it is taken t[o the house] of her father-in-law or not is taken², is responsible for her husband's debts, penalty and sin³.

§ 32 (IV 56—70).

(The main part of the text is lacking. What is left of the first two lines (56) *šum-ma sinništu i-na bīt[ī a]j-bi-šá-ma us-bat* (57), *[mu-u]s-sa [me-e-i]t ù mârû-]šá i-ba-aš-ši* shows that the law treats of a woman living in her father's house after her husband has died and left her with a son. Under certain circumstances she may be married to her own father-in-law⁴. »If both her husband⁵ and her father-in-law are dead and she has no son, she is a widow: she may go where she pleases»⁶.

§ 33 (IV 71—74).

If a man takes a widow in marriage⁷, without drawing up a contract with her⁸, and she stays in his house for 2 years, she is a (legal) wife: she may not go out⁹.

¹ The copy indicates: *a-[n]a n[u-d]u-nu (!)-ša ta-ad-na-at*. But according to Dr Ehelolf the original has not *a-na*; consequently *nu-du-nu-šá* is the — feminine (!) — subject to the permansive forms.

² *lu-ú a-[na bīt]t e-mi-šá la-ki-a-at lu-ú la-a la-ki-a-at*.

³ *hu-bu-ul-li ar-[n]a ù [h]i-i-ṭa šá-a mu-ti-šá [t]a-n[a]-aš-ši*. There is not the slightest doubt about this reading. As for the import of this law, cf. § 26 and CH § 152. — Prof. Jastrow has maltreated this clear paragraph badly; he translates: - - »her gift which was given to her, whether she takes (!) it [to the house] of her father-in-law or does not take it, cannot ([*la-a na]-aš-ši*) serve as an asset [after the death?] ([*ar-ki-ú mi]-i-ṭa!*) of her husband».

⁴ Ll. 65—66: *ù[a-bu-šá] a-[na] e-mi-šá a-na a-[hu-zi]-te i-id-dan-ši*.

⁵ *m[u-us]-sa*. This denotes the woman's second husband, probably one of her brothers-in-law (cf. § 29) after whose death she was given for a wife to her father-in-law.

⁶ *I. e.* she may marry whomsoever she pleases.

⁷ *a[l-ma-a]t-tu e-ta-ḥa-az*.

⁸ *ri-ka-sa la-a ra-ki-i-eš*. Cf. CH § 128: »If a man takes a wife and do not arrange with her the (proper) contracts, that woman is not a (legal) wife». According to the Assyrian law a woman became a legal wife also through two years' *usus familiaris*.

⁹ *I. e.* marry.

§ 34 (IV 75—81).

If a widow enters a man's house, everything that she has brought (with her) belongs to her husband, but if he enters to the woman¹, whatever he brings belongs to the widow.

§ 35 (IV 82—108—V 14).

If a woman lives in her father's house or if her husband has taken her into a (separate) house to pass the night² and her husband has gone to the field³ without leaving her oil, wool, clothing, food or anything and does not send her from the field what she wants, this woman for 5 years belongs⁴ to her husband: she may not move to live with a(nother) man.

If she has children, they shall be put to work for hire and (thus) get their food⁵. The woman shall wait for her husband: she may not move to live with a(nother) man.

If she has no children, she shall wait for her husband 5 years. On entering upon the 6th year⁶ she may go to live

¹ *a-na eli sinništi e-ta-rab*; this phrase suggests Hebr. *bô 'al iššā* 'go in unto a woman'.

² *bīta a-na ba-at-te ū-še-ši-ib-ši*. *batte* perhaps belongs to the same root as *bītu*.

³ *a-na eqli i-it-ta-lak*. The phrase suggests our 'take the field', and obviously means to undertake or join an expedition to a foreign country for the sake of 'war, commerce, or any other necessary business', to use a phrase from the Swedish Law Code of 1734, G. B. chapter XIII, § 6, with which this Assyrian law has many points of contact, as also with CH § 135.

⁴ *pa-ni mu-ti-šā ta-da-gal* (ās VI 49), literally: 'she shall behold the face of her husband'.

⁵ *in-na-gu-ū-ru* (from *agāru* 'hire', whence *agiru* 'labourer for hire') *ū e-ik-ku-lu* (from *akālu* 'eat', inst. of *ikkalū*). Prof. Jastrow: 'who are hostile (to her) and have withdrawn themselves (?)'.

⁶ *VI šanāte i-na ka-ba-a-si*. My translation seems to me to render the spirit though not the letter of the original. As for six year's waiting period, cf. the paragraph already referred to in the Swedish Law Code: 'Kommer han ej inom sex år igen, tå må Domaren --- annat ähtenskap tillstādia'.

with »her heart's» husband ¹. Her husband, on his return, has no claim upon her. She is free for her later husband.

If, on his return, he proves (that) he has delayed for a term of 5 years without (being able to) approach of his own accord, be it that he has been seized by —?— and (therefore) fled ² or that he has been seized as a rebel and (thus) detained ³, he shall sell (?) the woman that has been as his wife ⁴ and take his wife (back).

And if the king sends him to another country so that he is detained for 5 years, his wife shall wait for him: she may not move to live with a(nother) husband. But if within 5 years she goes to a (new) husband, and bears (him) children, because she has not waited (in accordance with) the contract but allowed herself to be taken in marriage ⁵, her husband, on his coming, may take both her and her children ⁶.

§ 36 (V 15—19).

If a man divorces ⁷ his wife, he may, if he chooses, give her something; if he does not choose, he need not give her anything: empty-handed ⁸ she must go away.

§ 37 (V 20—25).

If a woman lives in her father's house and her husband

¹ *mu-ut lib-bi-šá* 'a husband of her choice', as CH § 137; the meaning is: she may go to live with whomsoever she pleases.

² *lu-ú qa-a-li iṣ-ba-at-su-ma in-na-bi-it*. The meaning of *qâli* is doubtful. Prof. Jastrows reading *qa a-li* (= *qâ âli*) 'distaste of the city' is too bold. Dr Landsberger suggests the reading *qa-a-tu*, see the commentary of Dr Ehelolf.

³ *ki-i sa-ar-ri ṣa-bi-it-ma ù-ta-aḥ-[ḥa-ar]*.

⁴ *sinništa ṣa ki-i aššati-šú id-dan*. The meaning is not clear. At any case it is anticipated that the man within the five years has married another woman.

⁵ I read *ta-na-ḥi-zu!-u-ni* from *aḥâzu*. The copy has *su*.

⁶ Cf. § 44 and CH § 135.

⁷ *ezêbu* 'divorce', the same term as in CH and in Hebr.

⁸ *ra-qu-ta-e-šá* (cf. *ra-qu-te-e-šu* HABL 198:26). According to CH (§§ 137—141 and 148), the divorced wife is left without compensation only in case that she has made herself guilty of improper behaviour.

divorces her, he may take the ornaments which he himself has furnished her with¹. Upon the marriage settlement² that he brought he has no claim: it is free for the woman³.

§ 38 (V 26—41).

(The interpretation of this law is very difficult because it contains certain terms of doubtful meaning and the text is partly corrupt.)

If a man gives a (woman that is) not his daughter to a husband, if, her father having been, previously, a debtor⁴, (and) she having been caused to live as a pledge⁵, a former creditor⁶ appears, he shall, at the expense of him who gave the woman⁷, be compensated with the price of the woman. If there is nothing to give, he (*i. e.* the creditor) may take him who gave (the woman). But if she is living in misery⁸, she is free for her rescuer. And if, as regards the suitor of the woman, he is either caused to [draw up] a document or a claim is made upon him, he [shall pay] the price of the woman, but he who gave (the woman in marriage) [is free].

§ 39 (V 42—106).

(This long law contains regulations as to the dress of

¹ *du-ma-ki šá šú-tu-ma iš-ku-nu-ši-ni*; cf. §§ 24 and 25.

² *te-ir-ḫi-te* which corresponds to *tirḫātu* in CH, is originally the purchase price for the wife, and then her marriage settlement.

³ *a-na sinništi za-a-ku!*

⁴ *ḫab-bu-ul*.

⁵ *ki-i šá-pár-te še-šú-bat*. Cf. *ki šaparte usbûni* KAV 1, VI 42. 6:14; *ana šaparti šakin* JADD 63:5. 66:14 etc. *ana šapri (šaparti) kammusat* JADD 61:5. 72:5 etc.

⁶ *um-mi-a-nu pa-ni-ú. umm(i)ânu* (cf. KAV 2, V 3. 6. 11; 4:12. 13 b; 6:21. 25 b), according to Meissner, *Beiträge zum altbabyl. Privatrecht*, p. 144, and Schorr, *Urkunden des altbabyl. Zivil- und Prozessrechts*, p. 255, means the 'fund of a partnership'; here the meaning 'creditor' seems more appropriate.

⁷ *ta-di-na-a-ni šá-a sinništi. tadinânu* can not, as Prof. Jastrow supposes, denote the pledged woman. It is an analogous formation of *-ân* from *tadânu* (= *nadânu* I 2) as *nâdinânu* from *nadânu* I 1.

⁸ *šum-ma i-na lum-ni ba[1]-ḫa-at*.

women of various classes of society when appearing in the streets and highways (ina ribête), and fixes punishments both for the women that break the law and for those who omit to seize and bring up before the judges women that are not properly dressed. Unfortunately the beginning of this interesting text (lines 42—57) is so mutilated that it can not be translated. Then follows:)

A captive¹ woman who with her mistress² goes on the highway, must be veiled³.

A hierodule who is married shall be veiled on the highway; if she is not married, she shall have her head uncovered and not be veiled on the highway.

A harlot⁴ shall not be veiled; her head shall be uncovered.

Whoever sees a veiled harlot shall seize her⁵, summon witnesses and bring her to the entrance of the palace. Her equipment⁶ may not be bereft her, but her garmen the who seizes her⁷ may take. She shall receive 50 lashes, pitch⁸ shall be poured upon her head. But if a man, when he sees a harlot veiled, lets her pass and does not bring her to the entrance of the palace, this man shall receive 50 lashes; he who has seized him⁹ may take his garment. His ears shall

¹ *e-si-ir-tu*, a woman taken in war, a 'bondswoman'. Cf. Deut. 21:10-14.

² *iš-tu bêlit [bîti]*. Jastrow: »without».

³ *pa-aš-šu-na-at*. Other forms of the same verb are *pa-šu-nu-tu-ú-ni* VI 7; *ú-pa-ša-an* VI 1. 3; *[u]p-[t]a-aš-ša-[an]* V 55; *up-ta-ša-na* V 88; *tu-up-ta-aš-ša-an* V 65; *pa-(aš-)šu-un-tu* (*ta, te* V 68. 77. 89. 94; VI 12. Dr Ehelolf compares the Hebr. and Aram. root *š n p*, Arab. *n š f*.

⁴ *ḥarimtu*.

⁵ *i-ba-as-si*, probably error for *i-ša-ba-as-si*.

⁶ *šú-ku-ut-ta-šá*.

⁷ *ša-bi-ta-aš-šá* = *ša-bi-ta-an-šá* V 93; cf. CH IX 7.

⁸ *qi-ra*.

⁹ *batiqânu* 'an iron instrument', 'dagger' (?), cf. Nabd. 784:9. As regards the singular form of the predicate *ilaqqi* and the clause that he who seizes the harlot may take her garment, the assumption lies close at hand that *bâtiqânu* here denotes the person that seizes the man, executes the whipping etc.

be pierced, threaded upon a string ¹ and tied to his back; and for one month he shall perform royal service.

Female slaves shall not go veiled.

Whoever sees a female slave veiled shall seize her and bring her to the entrance of the palace; her ears shall be cut off, and her garment may be taken by him who seized her. If a man sees a veiled female slave and lets her pass and does not seize her nor bring her to the entrance of the palace, if this has been proved and ascertained of him, he shall receive 50 lashes; his ears shall be pierced, threaded upon a string, and tied to his back; he who has seized him may take his clothes; for one month he shall perform royal service.

§ 40 (VI 1—13).

If a man wishes to veil his bondswoman ², he shall summon 5 or 6 of his companions as witnesses and in their presence veil her, saying: »she is my wife», then she is his (legitimate) wife. A bondswoman who has not been veiled in the presence of men ³ and of whom her husband has not said 'she is my wife', is not wife; she is a bondswoman. If the man dies and there are no children to his veiled wife, the children of the bondswoman ⁴ are (regarded as legitimate) children ⁵: they shall receive their (hereditary) portion.

¹ *i-na ib-li i-šá-ak-ku-ku.*

² *e-si-ir-tu-šu*; cf. § 39.

³ *šábê* 'warriors, soldiers'.

⁴ *mârê es-ra-a-te* is plural of *mâr-esirtu*; the same construction is met with in Hebr., see Gesenius-Kautzsch, *Hebr. Grammatik* ²⁶, 124, q.

⁵ If *aššatu pašuntu* denotes the female slave whose veiling is described in the text, the meaning is that if she has born no children after the veiling, those that were born before it while she was a common *esirtu*, shall be regarded as legitimate. If, on the contrary, as Prof. Jastrow and Dr Ebelolf assume, *aššatu pašuntu* is the legitimate wife, the meaning, of course, must be that the children of the veiled female slave are legitimate only in case that there are no children of the legitimate wife. In any case the law shows that among the Assyrians already in the second millenium B. C. the legal wife had to be veiled in the presence of men.

§ 41 (VI 14—18).

If a man, when unengaged¹, pours oil on the head of a man's daughter, or in a state of childlessness (?)² brings a woman autumn-fruits³, the engagement shall not be revoked⁴.

§ 42 (VI 19—39).

If a man, be it that he has poured oil upon the head (of a man's daughter) or brought (her) autumn-fruits, and (his) son, for whom a wife has (thus) been designated, dies or flees, he may give her to anyone whom he pleases among his remaining sons from the oldest to the youngest that is ten years of age. If the father dies, and the son for whom a wife has been designated (also) dies, and there is a son of the deceased son that is (at least) ten years old, he shall marry (the woman intended for the deceased son). If there are (only) grandsons under ten years of age, the girl's father, if he pleases, may give his daughter (to anyone of these) or, by agreement (with the girl's family), break the engagement. If there is no son, he (*i. e.* the father of the bride) shall give back all that he has received, stone (tools), everything except food, the capital, but the food he need not return.

¹ *i-na ûmi ra-a-ki*. My translation is doubtful. For *râqu* in the sense of *rêqu* 'free, unengaged' cf. Johns, *Liber censualis*, No. 6, where *râqu* seems to denote 'unmarried men' (or 'men without employment?'), as distinguished from men with wife and children. On the other hand there is a word *ra-a-ku* = SAR II R 36, No. 3, 72 of unknown meaning; cf. Jastrow.

² *i-na ša-ku-ul-te*; cf. Hebr. *šechōl*, *šikkūlīm* 'childlessness'. Prof. Jastrow assumes that *šakultu* means a vessel, which is of course not impossible although the context and the parallelism with *ina ûmi ra-a-ki* seem to demand a more pregnant meaning. Of course *šakullu* may belong to *akālu* and mean 'meal'.

³ *ḥu-ru-up-pa-a-te*, from *ḥarāpu* 'gather, cull'; cf. Akk. *ḥarpu*, Hebr. *ḥōref* 'autumn', Arab. *ḥurfa* 'autumn-fruit'; but *ḥu-ru-pa-a-te erī* 'brass tool' Sarg. VIIIth, 363.

⁴ *tu-ur-ta la-a ū-ta-ar-ru*, lit. 'they shall not bring about revocation'. — The symbolic ceremony described in this law, apparently signifies betrothal, a binding engagement, cf. Meissner, OLZ 1920, Col. 247, note 4, and Jastrow, *op. cit.*

§ 43 (VI 40—45).

If (it is) an Assyrian man or an Assyrian woman who lives in a man's house as a pledge for whatever amount it may be or is taken for the full value, he¹ may beat² (them), strike³ (them), destroy (and) pierce his ears.

§ 44 (VI 46—88).

If a woman has been given (to her husband), and the enemy has captured her husband, and she has neither father-in-law nor son, she belongs to her husband for two years. Within these two years, if she has no food, she may go and notify (it); (then) she becomes a dependent⁴ upon the palace: it shall supply her with food, and she shall perform work for it⁵. (After 4 almost completely effaced lines follows:) the field and [house] she shall go [and say]: [»There is nothing] to ea[b]»⁶. (Then) the judges shall ask the [may]or⁷ (and) the magnates of the town to go to the field of the town⁸ and they shall prepare (?) and give her a farm for her support for a term of two years. She shall live (there)⁹, and a document shall be drawn up for her. Two years she shall complete, (then) she may move to

¹ I. e. the man in whose house the pledged Assyrian man or Assyrian woman is living.

² *i-na-at-tu*, from *na!û*, evidently = *maḥāṣu*; cf. K 13153, 11/12: *ḥa!tu ni-tu-tum* (= *sig. sig-ga*, and *sig-ga* = *maḥāṣu*) 'a staff that smites', BA V, p. 578.

³ *i-ba-aq-qa-an. baqânu* usually is = *baqâmu*, see Hinke, *Boundary Stones*, p. 263, and cf. *ziq-ni-šu i-ba-qa-a[n]* HABL 854, Rev. 11, *ba-qa-ni* = *ka-zi-ra* (Hebr. *qāṣar* 'reap, harvest') EA 244: 14. But KAV 5: 7 *i-ba-qu-nu-uš* is a variant of *imaḥḥuṣûš*; cf. KAV, 1, VIII 61.

⁴ [*ka*]-*la-i-tu*, as the context shows, must mean 'dependent' or something like that. Dr Ehelolf suggests [*e-ka*]-*la-i-tu*, from *ekallu*, 'palace'.

⁵ [*ú-kul-la*]-*áš-šá ú-šá-kal-ši* [*ši-pa-a*]-*ar-šú te-ip-pa-aš*.

⁶ *ma a-na a-ka-[li la-aš-šú]*.

⁷ [*ḥa-zi*]-*a-na*, cf. *ḥa-zi-a-nu* KAV 2, III 35.

⁸ *ki-i eqla i-na âli šú-a-tu il-lu-ku-û-ni*. Dr Ehelolf: 'ob er ein feld in dieser stadt bewirtschaftet'.

⁹ *us-bat*.

live with »her heart's» husband. A document as for a widow shall be drawn up for her ¹.

If at a future time her husband (that has been regarded as) lost, returns, he may take his wife that has been married for the sake of protection (?) ², but on her children that she has born to her later husband he has no claim: them her later husband takes. With regard to the field and the house which were, for the sake of protection (?), given to the full value for her support, he, if he has not entered the *dannat* ³ of the king, shall give (recompense) for the grant of them (?) and take (them) ⁴. But if he does not return and dies in another country, he ⁵ shall give (sell?) his field and his house for the purpose that the king will decree ⁶.

§ 45 (VI 89—112).

If a woman whose husband has died is not willing, on the death of her husband ⁷, to leave her house, if her husband has not assigned anything to her, she may live in the house of one of her children where she chooses ⁸; the children of her husband shall support her with food and drink and attach themselves to her as to a bride whom they love ⁹.

If she is a second wife and has no children (of her own), she shall live with one ¹⁰ (of the children of her hus-

¹ *dup-pa-šá ki-i al-ma-te-ma i-šaṭ-tu-ru*. It is assumed that her husband is dead, therefore she is given the status of a widow, free to marry.

² *a-na ki-i-di*, cf. *ina kīdi* I 76, p. 13, note 2.

³ The meaning of the expression *ina dannat šarri erēbu* (or *turru CH* §§ 27 and 28) is not clear:

⁴ *ki-i ta-ad-nu-ni-ma id-dan ù i-lak-ki*.

⁵ Evidently the later husband.

⁶ *a-šar šarru id-du-nu-ú-ni i-id-dan*. Prof. Jastrow translates: »the field and the house shall be given in place of what the king gave»; but *id-du-nu-ú-ni* is a presentform as IV 48 and VI 67 shows.

⁷ *mu-us-sa i-na mu-a-te*. Prof. Jastrow: »within a year» (!).

⁸ *a-šar pa-nu-ša-a-ni*.

⁹ *ki-i kal-li-te ša-a i-ra'-mu-ši-ni i-ra-ak-ku-ni-eš-še*.

¹⁰ *iš-tu il-te-en tu-ú-uš-šab*. Jastrow: »with those of the first wife (*il-te-en-tu!*) she is to dwell»; though 'the first wife' is called *panitu* (VI 104), as opposed to 'the second wife (*urkītu*).

band), together they shall support her. If she has children (of her own) and the children of the first wife decline to support her, she shall live in the house of her own children where she chooses; her own children shall support her and she shall do their service. And if among the sons of her husband there is one who has taken her they are to support her.

§ 46 (VII 1—31).

If a man or a woman practices sorcery¹ and they are caught in the act, if they are proved and found guilty, the practiser of sorcery shall be put to death.

A man who has seen the performance of sorcery, who has heard an eye-witness² with his own mouth say to him: »I saw it», shall, as an ear-witness, go and report it to the king. If the eye-witness denies what he has said to the king, he (*i. e.* the ear-witness) shall swear before the Bull-god³, the son of Shamash: »He has truly told (it) me»; (then he

¹ *kis-pi* (pl.) 'acts of sorcery'. Sorcery was regarded as a terrible crime and involved capital punishment, cf. Ex. 22:18; Deut. 18:10,11. According to CH § 2 anyone who had been accused of sorcery had to submit to the river-ordeal.

² *āmerānu* 'who has seen' = *testis oculatus*; *šāmeānu* 'who has heard' = *testis ex auditu*.

³ *ilu GUD*, called the »son of Šamaš», is also mentioned CT 27: 4,19 and 6,15, where he is compared to two foetus grown together, and KAR 137: 10, 214: 24, 29, while KAV 74 mentions images of this god, supporting the Sun-god on his hands, cf. OLZ 1920, col. 243 ff. It is so far not clear what god *ilu GUD* denotes. That he is the same as *ilu GUD. UD i. e.* Mercury, as Jastrow assumes (cf. also Schroeder, OLZ 1920, col. 245), is only a conjecture. The epithet *mār Šamaš* is in the list of gods related to the Sun-god, CT 24: 31, lines 74—87, also given to the gods *Kitlum*, 'Truth', and *Si-si-gál* which, in Akkadian, is perhaps to be pronounced *Mēšarum* 'Justice'. The gods Truth and Justice are personifications of two of the most important attributes of the sun-god and chief-judge *Šamaš*, are often mentioned together (cf. Ps. 89: 15) as his servants, and were perhaps for that reason conceived as a pair of twins (cf. *kakkab Kittu u Mēšar* = *Kaimānu* — Saturnus MNB 1848, III 7, RA VIII, p. 42). As a twin the above mentioned *ilu GUD* also was conceived, and he is perhaps identical with *Kittu* and *Mēšaru*, that represent the Sun-god himself.

is free¹. As for the eye-witness (who is reported to have) said so and denies it, the king shall question him as it pleases him and let him go². A conjurer³, on the day that the man is brought (before the king), shall make him confess and say: »From the oath that thou hast sworn to the king and to his son, he will not absolve you. According to the oathrite by which thou hast sworn to the king and his son, thou hast sworn.

§ 47 (VII 32—62).

If a man, with regard to his debtor's⁴ daughter who (as a pledge) for the debt⁵ lives in his house, asks her father, he may give her to a husband. If her father does not give his consent, he may not give (her). If her father is dead, he shall ask one of her brothers, and he shall impart (it) to her brothers. If one brother says: »I will redeem my sister within one month», but does not redeem her within one month, the creditor⁶, if he pleases, may dispose of her freely and give her a husband. (The rest of the law, comprising the lines 46—62, is missing. Towards the end it deals with the death of a harlot and the division of her property).

§ 48 (VII 63—82).

(This law deals with a case that is also touched upon in § 49 and 50 (cf. § 20), CH §§ 209—214, Ex. 21: 22—24, and in the Swedish Law Code of 1734, M. B. Chapt. 22, § 7; a woman with child is beaten so that she has a miscarriage. Unfortunately l. 63—67 are almost completely erased. Then comes:)

¹ *šum-ma iq-bi-an-ni za-a-ku*. Cf. § 5, note 3.

² *ku-tal-la-šú e-im-mar*, lit. 'he shall see his back', *i. e.* let him run(?).

³ *amēlu a-ši-pu*.

⁴ *ḥab-bu-li-šú*.

⁵ *ki-i ḥu-bu-ul-li*.

⁶ *bēl šarpi*.

... [in compensation for] the fruit of her womb, he shall make full restitution for human life¹. But if the woman dies, the man shall be put to death. For the fruit of her womb he shall make full restitution. And if the husband of the woman has no son, and his wife has been beaten so that she has had a miscarriage², the man that has beaten her³ shall be put to death for the fruit of her womb. If the foetus was of female sex⁴, he shall make full restitution for human life.

§ 49 (VII 82—86).

If a man strikes a man's wife not yet advanced in pregnancy⁵ and (thus) causes her to miscarry, he shall atone for this crime by paying two talents of lead.

§ 50 (VII 87—91).

If a man strikes a harlot and (thus) causes her to miscarry, he shall receive blow for blow⁶ and make full restitution for human life.

§ 51 (VII 92—VIII 105).

If a woman of her own accord brings about a miscarriage⁷, if this is proved and ascertained of her, she shall be impaled on a stake⁸ and left unburied⁹. If she dies through the

¹ *nap-šá-a-te ú-ma-al-la*.

² *šá lib-bi-šá ta-aš-li*, cf. § 20, note 1.

³ *ma-ḥi-ša-a-na*.

⁴ *šu-ḥa-ar-lu*.

⁵ *la-a mu-ra-bi-la*, lit. 'not breeding'.

⁶ *mi-iḥ-ši ki-i mi-iḥ-ši i-šá-ak-ku-ú-nu-uš*; cf. Ex. 21: 25.

⁷ *i-na ra-mi-ni-ká šá lib-bi-šá ta-aš-si-li*.

⁸ *i-na eši* pl. *i-za-qa-pu-ú-ši* seems to be synonymous with *ina gaššim išakkunūši*, a punishment that according to CH § 153 is inflicted upon a wife who out of jealousy procures her husband's death.

⁹ Not to be buried was regarded by the ancients as a very great disaster (cf. Ps. 79: Jer. 22: 19).

miscarriage, she shall be impaled and left unburied. If one conceives a dislike for this woman because she has brought about a miscarriage and says (the rest is broken off).

§ 52 (VIII 6—41):

[If a man's daughter,] (still) a virgin [who lives in the house of] her father, whose has not been —?—¹ and who has not been deflowered [by force]² nor taken in marriage, and upon whose father's house no claim³ has been put, — if a man, be it in or outside the town or at night on a highway or in a store-house⁴ or at a town festival, as a —?—⁵, seizes the virgin and ravishes⁶ her, the father of the virgin shall take the wife of the seducer and deliver her to be ravished⁷; he shall not give her back to her husband but take her (away from him). The father may give his deflowered daughter in marriage to her seducer⁸. If the seducer has no wife, he shall pay three times the price of the virgin to her father, take her in marriage and not oppress (?) her⁹. If the father does not consent (to it), he takes three times the price of the virgin, and gives his daughter to whomever he pleases.

¹ [šá]-šá *la-a ú-tar-ri-šú-ni*. — Part of the first five lines is mutilated in consequence of which the meaning is not quite clear.

² [*e-mu-q*]a *la-a pa-te-a-tu-ú-ni*. As for *emûqa* 'by force', cf. § 15 (II 63); as for *pitû* 'deflower' (lit. 'open') cf. Arab. *fataha*.

³ *ru-gu-um-ma-na-a*, probably an error for *ru-gu-um-ma-a*.

⁴ *i-na bît qa-ri-e-te*; meaning uncertain. Cf. *ina ga-ri-tim* CH § 120; *qa-ri-e-ti* HABL 406:7.

⁵ *ki-i da-'-a-ni*; meaning not clear.

⁶ *ú-ma-an-zi-e-'-ši* < *umazziši* from *mazû*. The meaning 'schwächen' of wine through dilution), vindicated by Jensen, ZA IX p. 67, and recognized by him in Hebr. *mezē rācāb* 'weakened through hunger', seems to be applicable here also in the sense 'deflower, ravish' a virgin. But the sign of hiatus probably denotes a root *tertia gutturalis*, cf. *ma-an-zu-û-'-e*, lin. 26.

⁷ The justification of this barbaric clause is difficult to understand.

⁸ Cf. Ex. 22:16 f. Dent. 22:29.

⁹ *la-a i-sa-ma-ak-ši*. As for the meaning of *samāku* cf. Maqlû^v V 44; *us-sa-am-me-ik* HABL 611, rev. 4, *sa-me-ik-tu* HABL 879:24.

§ 53 (VIII 42—48).

If a virgin gives herself to a man, the man shall swear (that it is so); against his wife no measures shall be taken¹. The seducer has to pay three times the price of the virgin, in silver, and the father may do with his daughter as he pleases.

VIII 50—63.

(These lines are so defective that their meaning can not be ascertained. They are divided into sections of 4+4+6 lines each. The sections are not begun with the usual introductory word *šumma*).

KAV 2 (VAT 10,001).

II 1—14.

(Beginning mutilated. This law prescribes how an estate is to be divided among brothers.)

II 15—21.

If one of the brothers of an undivided estate commits homicide², he shall be handed over to the owner of the human life. The owner of the human life either³ kills him or³ pardons him and takes his share.

II 22—26.

If one of the brothers of an undivided estate either blasphemes⁴ or flees, the king (does with) his share as he pleases.

¹ *a-na aššati-šú la-a i-qar-ri-i-bu*, cf. § 2, note 4. The meaning seems to be that, differently from what is prescribed in the preceding law, no punishment is imposed upon the wife of the seducer.

² *nap-ša-a-le ig-mu-ur*.

³ *pa-nu-šú-ma — pa-nu-šú-ma*.

⁴ *šil* (? *ši*)-*la-ta [iq]-bi*, cf. § 2, note 1. For the doubtful character the copy seems to give *pi*.

III 1—50.

(This law prescribes the legal procedures, notices of conveyance etc., that are to be observed when land is bought. Unfortunately the beginning and the end of this interesting text are missing and the first lines are defective. What remains of these seems to prescribe that it must first be determined whether the land in question has not already been sold to another person (u-di-ni [eqlu ù] bîtu a-na sarpi la-a [la]-qi-ú-ni) than the intended purchaser. This)

... he shall cause the attorney (?)¹ to proclaim three times within a month in the city of Asshur. Three times he shall cause the field and the house which he wishes to acquire to be proclaimed in the city by the attorney, thus: 'The field and the house belonging to N. N. son of N. N. within the confines of this city I wish to acquire. Those that have appeal and claims², let them produce their documents, deposit them with the *qîpûte*, advance their claim, prove their ownership (?) and then go away³. Of those that within the fixed term of this month have, without forgetfulness (?)⁴, produced their documents and deposited them with the *qîpûte*, each is left in undisputed possession of his field to the full extent (and) takes it.

On the day that the attorney makes proclamation in the city of Asshur, a deputy for the king's secretary⁵ (?), the town scribe, the attorney and the *qîpûte* of the king shall make their appearance⁶, the intended purchaser of the farm, the mayor, and three of the magnates of the town shall (likewise) assist and cause the attorney to make his announcement; their documents they shall draw up and hand over running as follows: »Whitin this month the attorney

¹ *amêlu II.* (Brünnow, *List*, No. 6143), pronunciation and meaning unknown. Seems to mean something like attorney or broker; cf. the function of *mušaddinu*, Schorr, *Urkunden*, No. 55.

² *šá-a na (?) -qa-šú-nu ù d[a-b]a-ab-šú-nu i-ba-aš-šî-ú-ni.*

³ *li-id-bu-bu lu-za[k-k]i-ú-ma li-il-l[u]-ú.*

⁴ *la-a ma-šá-e*, meaning not clear.

⁵ *I i-na (?) sukkalli (?) ša pá-ni šarri.*

⁶ *iž-za-zu* 'they shall assist'.

has made proclamation three times; anyone who has not brought his document within this month nor deposited it with the *qîpûte*, has lost his claim on the field¹ and the house: they are at the disposal of him who caused the attorney to proclaim.»

Three copies of the document concerning the proclamation of the attorney which the judges draw up, shall

IV 11—19.

If a man annexes a large piece of his neighbours field², if this is proved and ascertained of him, he shall give three times the field that he has appropriated; one of his fingers shall be cut off, and he shall receive 100³ lashes; for one month he shall do royal service.

IV 20—28.

If a man encroaches upon the »small boundary» of an enclosure (?)⁴ and his guilt is proved and determined, he shall pay one talent of lead, restore three times as much field as he has appropriated, receive 50 lashes and do one month's royal service.

IV 29 ff.

If a man digs a well and makes a reservoir (?) on a field that does not belong to him, he forfeits his claim on the well and the reservoir. He shall receive 30 lashes and perform 20 day's royal service. If birds (The rest is missing.)

¹ *i-na eqli û bitî qa-su e-li*. cf. KAV 2, IV 32. 6:11, 16; *ina kaspišu i-te-el-lî* CH XII 4, 18 etc.

² *la-ḫu-û-ma rabû šá-a tap-pa-i-šû uš-sa-am-me-îḫ*. As for *samâḫu* see ZBBR 1—20, Kûchler, *Medizin*, p. 24, line 43.

³ 100 lashes is the severest chastisement mentioned in the Assyrian laws. This together with the usual inscriptions on the boundary stones shows that the fraudulent extending of boundaries was regarded as a very serious crime; cf. Deut. 19:14. 27:17. Hos. 5:10. Ps. 22:28.

⁴ *ša a-bu-ra-a-ni*; cf. *aburru* 'enclosure' (?).

V 13—18.

If a man in the field of [his neighbour] lays out an orchard, [digs] a well and raises trees (and) the owner of the field sees (this) without [protesting], the orchard is at the disposal of the layer-out¹. Field for field [he shall give] to the owner of the orchard².

V 19—25.

If a man on ground that does not belong to him lays out an orchard, or digs a well, or raises vegetables or trees, and he is proved guilty and convicted of this, the owner of the field on the day that he goes (and inspects it) may take the orchard together with what has been laid out on it³.

V 26—33.

If a man on ground that does not belong to him establishes⁴ himself and bakes bricks, and he is proved guilty and convicted of this, he shall give three times the area of the ground, (and) all his bricks shall be taken away from him. He shall receive) 50⁵ lashes and perform [one month's] royal service.

V 34—38.

(The beginning of all the lines is missing. The law treats, chiefly, of the same things as the preceding law.)

VI 2—20.

If there is among them [spring-water?] which runs

¹ *na-di-a-ni* from *nadû* 'lay out' an orchard.

² The meaning seems to be that the cultivator shall compensate the owner of the field by giving him a corresponding piece of another field.

³ *a-di ma-ni-ḥa-te-šû*; in CH *mānaḥâtum*.

⁴ The meaning of *ig(k, q)-lu-šû-ma* is unknown.

⁵ Or 40?

into a *šakānu* for irrigation¹, the owners of the fields shall assist each other², and each shall take part in the work according to the extent of his field and irrigate it. But if there is no harmony among them, each one asks the judges for mediation among them, takes the document (resolution) of the judges, and does his work³, taking of those waters for his own use, and irrigating his field, no one else doing it.

¹ The beginning of the text which seems to attach itself to a missing preceding law is corrupted, but can partly be supplemented from VI 21 ff.

² *iš-tu a-ḥa-iš [iz]-a-zu = iz-za-a-zu* VI 25.

³ *šum-ma i-na lib-bi-šú-nu la-a ma-ag-ru-tu i-ba-aš-ši ma-ag-ru šá lib-bi-šú-nu amēlu dajānê (pl.) i-šá'-a-al duppa šá amēlu dajānê (pl.) i-ša-bat ũ ši-ip-ra e-ti-ip-pa-aš.*



**University of Toronto
Library**

**DO NOT
REMOVE
THE
CARD
FROM
THIS
POCKET**

**Acme Library Card Pocket
Under Pat "Ref. Index File"
Made by LIBRARY BUREAU**

