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The appellate process in a legal record {di til-la} from Ur III Umma

Abstract

In this paper, we publish in copy, transliteration and translation a previously unpublished Ur III legal record from Umma. It can be shown, on the basis of internal and prosopographic evidence that the tablet belongs to the relatively large group of Umma legal records that are housed in the British Museum and currently being published by Manuel Molina. This di-til-la is of particular interest, however, in that it includes an appellate process in which an initial legal ruling adjudicated some aspects of the slave sale in question, but other aspects such as the purchase price were appealed to the court of the provincial governor of Umma. We draw some parallels with the appellate process in Old Babylonian legal documents and conclude with a brief discussion of the *-na-na . . . nu- ‘only’ construction in Sumerian.

Keywords: Mesopotamian law, Ur III, di-til-la, appeal, ‘only’

Introduction

Here we publish a previously unknown legal text {di til-la} that documents an appellate process at work within the courts of Umma during the Third Dynasty of Ur (hereafter simply Ur III).¹ Students of Mesopotamian law have been generally hesitant to accept the existence of any formal process of appeal, nor for that matter a hierarchically organized system of appellate courts. To speak of formal processes of appeal or a strict hierarchization of higher and lower courts is probably somewhat anachronistic for the Ur III period, but the terminology in and structure of our text does make it fairly clear that an appellate process of some kind was practiced in Ur III Umma. On the basis of earlier work by R. Veenker (1974), in which he demonstrates that cases concluded with a *tuppi lā ragāmim* in the Old Babylonian period could in fact be reopened under certain conditions, we suggest that appellate processes documented in the Old Babylonian period may provide a model, *mutatis mutandis*, for the appellate process in the Ur III period as well. Given the

¹ The authors would like to thank a number of colleagues for sending preprints as well as for reading an early draft, namely Bob Englund, Bertrand Lafont, Manuel Molina, and Walter Sallaberger. We did not always take their advice, however, and they should not be held responsible for any remaining errors.

fact that at least one systematic study of the Umma legal corpus is currently underway, not to mention the on-going publication of previously unpublished Umma legal materials in the British Museum by M. Molina (2008), we limit ourselves in this short paper to an edition of the text, a description of the formal parallels that exist between this document and its Old Babylonian counterparts and a brief discussion of a relatively uncommon grammatical construction at the end of the document.

We first describe the rediscovery of the tablet, offer a transliteration and translation of it, and attempt to situate it historically within the Ur III period (handcopy on p. 363). The tablet in question is currently in the possession of Colin Brooky of Smithfield, North Carolina, who brought the tablet to Ronald A. Veenker at Holden Beach, North Carolina on October 2, 2004.² Substantial documentary evidence (including official records from the National Archives (WO95/5140) in Britain) indirectly supports Mr. Brooky's contention that the tablet was brought back from Iraq by a Stanley Bowden, who served in Iraq (2nd Battalion, Leicestershire Regiment of the British Army) from December 1915 until November 1916, a member of the 28th Infantry Brigade under General Younghusband that attempted (but failed) to relieve Townshend's troops surrounded at Kut al-Amara.³ Mr. Brooky relates that Stanley Bowden gave the tablet to his brother Edwin Bowden, a U.S. citizen, who then passed it on to his son Frank Bowden, Mr. Brooky's maternal grandfather who currently resides in Smithfield, North Carolina as well. The tablet can be shown, on the basis of internal evidence, to have come from Umma. But since Stanley Bowden's unit was not stationed in the vicinity of Umma itself, we must assume that Bowden acquired it indirectly from illicit excavations of Umma that are known to have been taking place in the early twentieth century.⁴

Transliteration

obv.

1. 1(diš) ur-^dšara₂ [dumu] GIRI₃.[NI]
2. 2(diš) gin₂ ku₃-babbar-[†]še₃[†]
3. GIRI₃.NI-še₃
4. ġiri₃-ni-i₃-sa₆ sukkal-e
5. in-ši-sa₁₀ ba-an-da-gur
6. nu-sa₁₀ bi₂-du₁₁
7. igi ki-ağ₂-še₃ ba-gi-in

² The tablet measures 7.5 cm (height) by 5.2 cm (width) by 2.3 cm (thickness) and also bears a small scratch in the center of both obverse and reverse. We believe the scratches to be incidental, however, and proceed on the assumption that the tablet was not "canceled" or otherwise marked as invalid in antiquity.

³ The two most recent histories of the campaign are A. Barker (1967) and R. Wilcox (2006), though the definitive treatment remains Moberly's four volume work (F. J. Moberly (1923)), for the siege of Kut see in particular volume 2.

⁴ Contemporary descriptions can be found in W. Andrae (1902–1903), 20–22 and G. Contenau (1915) (apud J. L. Dahl (2007), 33); for a brief account of these illicit excavations, see Dahl's introduction to the administrative record of Ur III Umma (J. L. Dahl (2007), 33–38).

8. lu₂-du₁₀-ga maškim di-til-la-bi i₃-me-am₃
9. egir-ra a-ra₂ 2-kam
10. ba-an-da-gur
11. lu₂-du₁₀-ga maškim
12. ur-niḡar^{gar} ab-ba iri
13. [lugal]-[ku₃]-zu

rev.

1. [...]
2. [...][kid₇(IMxTAK₄)?]-a-aš
3. ḡiri₃-ni-i₃-sa₆-ke₄
4. ur-^dšara₂ in-gi-in
5. igi ensi₂-ka-še₃
6. 2(diš) 1/3(diš) gin₂ ku₃-babbar i₃-me-a-na-na
7. sa₁₀-am₃ ur-^dšara₂-ka nu-me-a
8. ḡiri₃-ni-i₃-sa₆-ke₄
9. nam-erim₂-bi u₃-[ub-tar]
10. saḡ ba-an-tum₂-[mu ...]
11. di til-la dumu[umma]^[ki]
12. iti^[ezen][...]
13. [mu ...][EN]^[...]

Translation

⁴) Girini'isa, a diplomatic official, ^{5a}) bought ¹) Ur-Šara, the son of GIRINI, ³) from GIRINI ²) for two shekels of silver. ^{5b}) He (= GIRINI) challenged him (= Girini'isa) in court (*lit.* returned with him) and ⁶) said “he (= Girini'isa) did not buy him (= Ur-Šara).” ⁷) It (= the purchase) was confirmed in the presence of (the judge) Ki'aḡ. ⁸) Lu-duga was the responsible official and there is a legal record (on file with him).⁵

^{9a}) Later on, ¹⁰) he (= GIRINI) challenged him (= Girini'isa) in court ^{9b}) a second time. ¹¹) Lu-duga was (again) the responsible official, and ¹²) Ur-niḡar, the city elder and ¹³) Lugal-kuzu (were present).⁶

rev. ³) Girini'isa ^{4b}) confirmed ^{4a}) Ur-Šara ²) as (belonging to a particular social status) ... and, ⁵) in the presence of the governor, he (= Girini'isa went on to say): ⁷) “there was never any purchase price for Ur-Šara ⁶) other than (the amount of) two and one-third shekels of silver.” ⁹) After he (= Girini'isa) had sworn to that effect, ¹⁰) the chattel slave was led (back to him = Girini'isa). ¹¹) Completed legal matter of a citizen of Umma. ¹²) Month: “Festival of ...” Year: ...

⁵ M. Molina points out, quite correctly in our view, that if the judge Ki'aḡ had confirmed all aspects of the transaction, then there would be no grounds for appealing on particular aspects of the case, notably the purchase price (personal communication, Dec. 5, 2008).

⁶ On the notarial function of the {maškim}, see in particular B. Lafont (1996), 46. Here as in all other cases in which some kind of appellate process is in play, the {maškim} travels with the case, as it were, and reappears in each phase of the proceedings.

Locating the text

It is fairly clear that the tablet derives from the city of Umma in the Ur III period. Falkenstein already notes in his *Die neusumerischen Gerichtsurkunden* that Ur III legal records that derive from a city other than Girsu tend to postpone the crucial phrase {di til-la} to the end of the document (like {di til-la dumu ʾumma^[ki]} in line 11 of the reverse in the tablet published here). Thus, while the appearance of {di til-la} at the end of the document rather than the beginning does show that our tablet is not part of the large Girsu corpus, it does not by itself definitively show that it derives from Umma (A. Falkenstein (1956), 18–19). The fact that the document is described as a ‘completed legal action of a citizen of (the city of) Umma’ {di til-la dumu ʾumma^[ki]} is certainly one piece of evidence for locating the activities in question within the city of Umma.⁷ But, ultimately, it is the numerous prosopographic connections to known figures in the Umma court system that show, definitively, that the document originates from the province of Umma.

One of the most important of these prosopographical connections, at least as a decisive piece of evidence that the tablet derives from Umma, is the figure of Ur-nigar, the city elder {ur-niḡar^{gar} ab-ba iri} who participates in the first legal challenge (lines 9–13 on the obverse), although it is not entirely clear what role he plays in the proceedings other than that of bystander.⁸ Ur-nigar, the city elder, appears as a {lu₂ ki-ba gub-ba} in one of the Umma legal records recently edited by M. Molina, namely BM 111148 {1(diš) ur-niḡar^{gar} ab-ba iri} (rev. line 4), which dates to the second year of Amar-Sin (M. Molina (2008), 138). The same person also appears in one of the Umma texts edited in A. Falkenstein’s magnum opus, namely no. 110 (= TCL 5, 6058), which is dated to the fourth month of the fifth year of the reign of Amar-Sin (A. Falkenstein (1956), 181–183, no. 110).

TCL 5, 6058, rev., lines 6–11

...

6. ur-^dli₉-si₄ di-ku₅

Ur-Lisi was the judge.

7. 1(diš) amar-si₄ dumu ur-e₂-an-na

Amar-si, the son of Ur-Eanna,

8. 1(diš) ur-niḡar^{gar} egir šagina

Ur-nigar, in the retinue of the governor-general,

⁷ That the phrase {dumu ʾumma^[ki]} refers to citizenship within the city of Umma rather than the province as a whole is made clear by other attestations of the phrase in the Umma (provincial) corpus such as {di til-la dumu a-e-bar-ra} (T. Fish (1935), 104, no. 8, rev., line 5; A. Falkenstein (1956), 80–81, no. 48), {di til-la dumu zabala₃} (TCL 5, 6170; A. Falkenstein (1956), 240, no. 144; on Zabala, see J. L. Dahl (2007), 37, n. 149) and {di til-la dumu NAG-su^{ki}} (SNAT 334, rev., line 12; W. Sallaberger (2008), 172), documents in which {dumu GN} refers to a city within the province of Umma rather than the province itself (see also A. Falkenstein (1956), 24 and M. Molina forthcoming, 1 and table 2). It has been suggested that the orthography conventionally read as {umma}, namely GIŠ.KUŠU₂, may in fact be read {giša} in the Early Dynastic period in contrast to ŠAR₂xDIŠ, the orthography for {umma} that appears in documents that actually derive from Umma (W. G. Lambert (1990); G. Selz (2003), 506–508; D. Frayne (2007), 357–358). It is clear nonetheless that in later periods (including the Ur III period) the administrative documentation only refers to GIŠ.KUŠU₂ and in the interests of clarity we retain the traditional reading {umma} here.

⁸ For an overview of the role of bystanders in the Umma courts, see M. Molina forthcoming.

- | | |
|--|---|
| 9. 1(diš) ur-niḡar ^{gar} ab-ba iri | Ur-nigar, the city elder, and |
| 10. 1(diš) lugal-ku ₃ -zu dumu ḡa-ba-lu ₅ -ge ₂ | Lugal-kuzu, the son of Habaluge, |
| 11. lu ₂ ki-ba gub-ba me | were also in attendance. |
| 12. iti nesaḡ ₂ mu en-unu ₆ -gal | Month: Firstfruits. Year: En'unugal was |
| ^d inanna ba-ḡun | chosen (as priest) of Inanna. |

Note as well that the “bystander” {lu₂ ki-ba gub-ba} who follows Ur-nigar, the city elder, in these lines from TCL 5, 6058, namely {lugal-ku₃-zu dumu ḡa-ba-lu₅-ge₂}, is probably the same person who follows Ur-nigar, the city elder, in line 13 of the obverse of the text published here. As shown by A. Falkenstein, TCL 5, 6058 as well as at least two other tablets that were published by T. Fish in the Deimel Festschrift (T. Fish (1935)), namely AnOr 12, p. 103, no. 4 (= A. Falkenstein (1956), 49–50, no. 30) and AnOr 12, p. 104, no. 8 (= A. Falkenstein (1956), 80–81, no. 48), can be associated with Umma rather than Girsu on the basis of a number of independent pieces of evidence, including places mentioned and prosopographical connections (A. Falkenstein (1956), 1, n. 4 and 18–19). In fact, AnOr 12, p. 103, no. 8, also shows a number of formal or generic similarities to the first two sections of our text.

T. Fish, AnOr 12, p. 104, no. 8 (A. Falkenstein (1956), 80–81, no. 48)

obv.

- | | |
|---|--|
| 1. 1(diš) a-bi ₂ -ṭāb(DU ₁₀) | Ur-Šakkan purchased Abī-ṭāb |
| 2. 2/3(diš) gin ₂ ku ₃ -še ₃ | for 2/3 of a shekel of silver |
| 3. zu-gi-še ₃ | from Zugi. |
| 4. ur- ^d šakkan-ke ₄ | |
| 5. in-ši-sa ₁₀ | |
| 6. igi e ₂ -a-lu ₂ -bi-še ₃ | Ea-lubi and Lugal-imzu were witnesses. |
| 7. igi lugal-im-zu-še ₃ | |
| 8. mu ša-aš-ru-um ^{ki} -ta ba-sa ₁₀ | From the year Šašrum (was destroyed), he |
| | was purchased |
| 9. egir-ra ab-ba-ni nu-sa ₁₀ bi ₂ -du ₁₁ | Afterwards, his (= Abi-ṭāb's) father said, “he |
| | (= Ur-Šakkan) did not buy him (= Abi-ṭāb)” |
| 10. igi ensi ₂ -ka-še ₃ | In the presence of the governor, |
| 11. ba-gi-in | It (= the testimony) was confirmed. |
| 12. ur- ^d šakkan-ke ₄ | Ur-Šakkan |
| 13. sag šu-na ba-an-gi ₄ | returned the chattel slave to him (= Zugi) |
| 14. di til-la dumu a-e-bar-ra | Completed legal case of a citizen of A'ebara. |
| 15. mu ^d amar- ^d suen lugal-e | Year: Amar-Sin, the king, destroyed |
| ur-bi ₂ -lum ^{ki} mu-ḡul | Ur-bilum (= AS.02). |

In reconstructing the archive, it should also be noted that the rare orthography {in-gi-in}, which occurs in line 4 of the reverse of the tablet published here, only occurs in two other places in the CDLI corpus: TCL 5, 6168 and AnOr 12, p. 102, no. 2, another one of the small group of tablets published by T. Fish in the Deimel Festschrift. Both texts are legal in

nature and presumably stem from the Umma archives. More importantly, however, both texts use {in-gi-in} in conjunction with the terminative postposition as is also the case in line 2 on the reverse of the text published here:

rev.

1. [...]
2. [...] ʾkid₇(IMxTAK₄)[?] ʾ-a-aš
3. ġiri₃-ni-i₃-sa₆-ke₄
4. ur-^dšara₂ in-gi-in

AnOr 12, p. 102, no. 2, lines 1–3

1. 1(diš) ur-niġar^{ġar}-ki-du₁₀ dumu ur-^dli₉-si₄-na-ka-ke₄
2. 1(diš) diġir-ġa₂-bi₂-du₁₁ ARAD₂ ur-^dli₉-si₄-na-ka i₃-me-a-aš
3. in-gi-in

TCL 5, 6168, rev., line 9

9. ʾbala ʾ-a du₁₁-ga-ʾše₃ ʾin-[gi]-ʾin ʾ

Although the correct interpretation of TCL 5, 6168, rev., line 9, remains unclear, the two other examples (AnOr 12, p. 102, no. 2 and the beginning of the reverse of the text published here) not only make use of the same orthographic conventions, but also the same distinctive phraseology. The referent of the ergative noun phrase *confirmed* {in-gi-in} the referent of the noun in the absolutive case *as* {*-a-aš} an inhabitant of a given social status. These examples stand in stark phraseological contrast to a similar construction in a legal document from Adab, CDLJ 2002/2, rev. 5–6, in which we find a quite different formulation: {ʾnam-ARAD₂ ʾ / i₃-in-[gi]-ʾin ʾ} (M. Widell (2002)).⁹ The orthographic and phraseological similarities between the tablet published here and the several tablets published by T. Fish in the Deimel Festschrift would seem to indicate that AnOr 12, nos. 2, 4, 8 and the tablet published here all belonged to the same archival context in antiquity.

On the basis of both internal evidence as well as Mr. Brooky's contention that the tablet was acquired by Stanley Bowden in 1915–1916, we suggest that the the tablet published here was once part of the first major set of illicitly excavated Umma tablets that were made available in the local Iraqi antiquities market immediately before and during the First World War. That this tablet was once part of a larger corpus of tablets that were illicitly excavated prior to the First World War is further supported by M. Molina's observation that almost all of the Umma legal records in the British Museum were acquired in "a single

⁹ For a brief discussion of the alternation between {in-} and {i₃-in-} in the verbal prefix, see C. Wilcke (1988), in particular p. 6, n. 31, although the most exhaustive study of the alternation remains M. Yoshikawa (1977) (= M. Yoshikawa (1993), 184–198). M. Yoshikawa cites two other examples of the root {gi-in} in conjunction with the so-called plene prefixes: {i₃-ib₂-gi-ne₂} (ITT 4 8010 = TCS 1, 335, line 11) and {i₃-in-gi-in} (A. Falkenstein (1956), no. 69, line 8), but neither construction corresponds to the phraseology under discussion here (M. Yoshikawa (1993), 189, no. 6, line 10).

consignment which actually arrived at the British Museum on June 24th, 1912” (M. Molina forthcoming, 1).

Dating the text

Unfortunately the month and year at the end of the tablet are almost entirely missing and the traces that remain could be made to fit a number of different month and year names. In light of the absence of well preserved dates on the tablet, we must turn to prosopographical connections in order to limit the temporal frame in which the tablet was produced. Besides Ur-nigar, the city elder, some of the other individuals named in the document also provide clues as to the approximate date of the tablet. One problem that we must face at the outset is that many of the names that appear in the document were quite common in the Ur III period and particularly in Umma, where individuals with names like {GIRI₃.NI}, {ur-niĝar^{gar}}, and {lu₂-du₁₀-ga} were in the highest echelons of the ruling family of Umma.¹⁰ Thus many aspiring families would likely have named their own children after these members of the local elite and we must, therefore, be particularly careful in adjudicating any possible connection between, say, (i) Ur-nigar, the son of Šulgi, (ii) Ur-nigar, chief cattle administrator in Umma and the son of GIRI₃.NI and (iii) the Ur-nigar, the city elder in our text. And while the possibility that the former chief cattle administrator of Umma and progenitor of a line of Umma governors {ensi₂} became a city elder in his retirement cannot be entirely excluded, such an inference must be deemed quite unlikely. As J. L. Dahl points out, “[d]ue to the paucity of sources we must at present conclude that it is likely that Ur-nigar died sometime during the reign of Šulgi” (J. L. Dahl (2007), 86). Moreover, there were several individuals named Ur-nigar who were active in Umma legal circles: (i) the city elder mentioned in our text, (ii) {ur-niĝar^{gar} eĝir šagina} in rev. line 8 in TCL 5, 6058, and (iii) {ur-niĝar^{gar} dumu ĥa-ba-lu₅-ge₂} who acts as a witness in SNAT 374, a legal text that dates to the sixth year of Amar-Sin and was conducted in the presence of the judge Kī’ag {igi ki-aĝ₂-še₃} (see below). Due to the mixture of patronymics and designations of office, we cannot be sure how these references to Ur-nigar relate to one another, nor for that matter to the numerous other mentions of an Ur-nigar in legal texts from Umma (SNAT 320, rev. 2 (AS.02.00.00); BPOA 1, 495, rev. 3 and 5 (AS.02.11.00); MCS 2, 75, BM 105377, rev. 8 (AS.04.13.00); TCL 5, 6167, obv. 3 (AS.05.08.00); SNAT 360, obv. 4 and 10, rev. 7 and 9 (AS.05.09.00); AnOr 12 103 4, rev. 7 (no date)).

Another individual who provides relatively stable prosopographical connections to several dated tablets is the court official Girini’isa {ĝiri₃-ni-i₃-sa₆ sukkal}. Girini’isa appears in a number of messenger texts that lack any enumeration of the year in which they were written as well as in a small number of dated tablets such as the following:

text	date
BM Messenger 34 (P106913)	Amar-Sin year 2, month 6
TCL 5, 6165 (P131778)	Amar-Sin year 8, month 5
OIP 121, 428 (P124158)	Amar-Sin year 9, month 7, day 19

¹⁰ See J. L. Dahl (2007) for a comprehensive examination of these elites.

In each of these three texts we find Girini'isa's name {ḡiri₃-ni-i₃-sa₆} as well as his occupation {sukkal}. On the basis of these texts we can infer that Girini'isa acted as a court representative throughout much of the reign of Amar-Sin. This corresponds to the time frame during which Ur-nigar, the city elder, is mentioned in the one text that explicitly refers to him as city elder {ab-ba iri} and bears a date, namely TCL 5, 6058 above (AS.05.04.00). Moreover, the traces of the year name in our text clearly include the sign EN, which is only present in the various year names that correspond to Amar-Sin years 4, 5, 6, 8 and 9. This is also the period of time in which Umma texts generally, but in particular legal records, are well attested for the first time, so we have a fair amount of circumstantial evidence that at least two of the main participants in this text were active during the reign of Amar-Sin.

The last figure we would like to look at before turning to the structure of the document is a still somewhat mysterious figure named {ki-aḡ₂}, presumably meaning 'beloved' in connection with a particular (but unnamed) deity in spite of the absence of a nominalizing particle. The first phase of the legal proceedings in our text were carried out in the presence of someone named Ki'aḡ ({igi ki-aḡ₂-še₃} in line 7 on the obverse). Ki'aḡ names at least three individuals active in Umma during (and immediately before) the reign of Amar-Sin: a throne-bearer {ki-aḡ₂ gu-za-la₂} (CTMMA 1 9 (SH.43.00.00) and AUCT 1, 73 (AS.01.02.15)), a royal scribe {ki-aḡ₂ dub-sar lugal-ka} (MVN 3, 244 (AS.09.11.8)), and interestingly enough a judge {ki-aḡ₂ di-ku₅} (BCT 2, 156, left edge (AS.01.00.00) in the phrase {ša₃ e₂ ki-aḡ₂ di-ku₅-ka}). Only two other attestations of both name and profession are known to us in the published record: a receipt (BPOA 2, 2183, lines 1–4 (SH.34.00.00)) that documents the labor of five men over nine days on behalf of his wife Igi-Kar on a trip from Umma to Ur: {5(diš) guruš u₄ 1(u) la₂ 1(diš)-še₃ / umma^{ki}-ta / uri^{ki}-še₃ / igi-kar₂ dam ki-aḡ₂ di-ku₅-ra₂-a} and a contribution to the Akitu festival from the forty-fourth year of Shulgi (PDT 1, 433, lines 1–2 (SH.44.01.26)), in which Ki'aḡ contributes a substantial number of animals: {2(diš) gu₄ niga 1(u) 9(diš) udu / 1(diš) maš₂ ki-aḡ₂ di-ku₅}. A similar document from two and a half years later in Shulgi's reign (SH.46.06.03), namely HUCA 29, 69 1, obv. col. ii, lines 1–2, simply refers to a {ki-aḡ₂} without any professional designation, but the number of animals contributed is nearly the same: {2(diš) gu₄ niga 2(u) udu / ki-aḡ₂}. Like the so-called poll tax documents such as TCL 5, 5671 (T. Sharlach (2004), 115–121), PDT 1, 433 and HUCA 29, 69 1 represent contributions of livestock from the major office holders in the province of Umma. The fact that {ki-aḡ₂} makes such a contribution (and a sizeable one at that) demonstrates that he occupied a rather high position within the provincial hierarchy of Umma.

M. Molina's forthcoming work on the unpublished legal materials from Umma in the British Museum also demonstrates that there are actually a substantial number of previously unknown documents that mention the judge Ki'aḡ (M. Molina forthcoming). M. Molina notes, for instance, that Ki'aḡ is mentioned in three unpublished records in the British Museum: BM 106451, BM 106470 and BM 106495 (M. Molina forthcoming, 6). W. Sallaberger cites one passage from BM 106470 based on M. Molina's preliminary edition in which Ki'aḡ imposes an evidentiary oath on one of the parties in a case: {ur-kalla-ḡu₁₀ / nam-erim₂-e ki-aḡ₂-e ba-an-sum} "Ur-kallaḡu was made to take an evidentiary oath by Ki'aḡ" (BM 106470, lines 11–12; W. Sallaberger (2008), 167). And at least one of

these documents (BM 106451) seems to involve a case that was initially tried by Ki'aḡ and then subsequently appealed to the Governor: {di-ḡu₁₀ ki-aḡ₂-e in-til bi₂-du₁₁ / lu₂-^dsuen maškim di til-la-ḡu₁₀ bi₂-du₁₁} “she declared: ‘Ki'aḡ closed my case’ (and) ‘Lu-Suen was the commissioner of my closed case’” (M. Molina forthcoming, 6). If so, there may well be additional evidence for the nature of the appellate process in Umma to be found in BM 106470 and similar texts.

Structure of the document

Although the interpretation of certain parts of the document remain unclear, it does seem to exhibit some kind of appellate process: after the first legal challenge {ba-an-da-gur} was concluded, a second legal challenge was initiated {egir-ra 2-kam / ba-an-da-gur}. Although legal challenges are attested in the Ur III corpus, in particular in three documents that all stem from Umma and make use of the phrase {ba-da-gur} or {ba-an-da-gur}, namely TCL 5, 6167, obv. 11, BPOA 1, 495, obv. 4, and TCL 5, 6048, rev. ii 2. In each case the legal challenge is described as settled at the end of the document and one of the parties is forced to take an oath verifying the facts of the case.¹¹ This oath typically makes use of the verb {nam-erim₂-ku₅}, traditionally known as the assertory oath (*Der assertorischen Eid*) in A. Falkenstein's classic description of the role of oaths in the Ur III legal system (A. Falkenstein (1956), 63–72; D. Edzard (1975), 88–92). Sallaberger translates the term as “declaratory oath” (W. Sallaberger (2008), 159), but perhaps the best translation of the term is as “evidentiary oath” (L. Culbertson (2008)). In terms of the lengthy discussions of the significance of oaths within the legal arena (A. Falkenstein (1956); D. Edzard (1975); Steinkeller (1989), 74; W. Sallaberger (2008)), it should be kept in mind in the following discussion of the structure of the document that Girini'isa is only described as taking the evidentiary oath at the conclusion of the second appeal (once all the facts in the case – including the purchase price – had been clarified).

We first summarize the discussion of the appellate process in the Old Babylonian period as described in the earlier work of the first author (R. Veenker (1974)) and then turn to the formal parallels between the appellate process in the text published here and the Old Babylonian materials. R. Veenker begins with a description of the *ṭuppi lā ragāmim* as a legal document that the losing party in a trial presents to the winning party, so as to block future legal challenges to the verdict (R. Veenker (1974); E. Dombradi (1996), vol. 1, pp. 161–167). But it should be kept in mind throughout the following discussion that one of the most important differences between Ur III legal records {di til-la} and the *ṭuppi lā ragāmim* of the Old Babylonian period is the institutional role of the written text: the Ur III {di til-la} was usually deposited in the official archive of the jurisdiction in which the

¹¹ In comments on an early draft, M. Molina noted that he had published a text from Girsu involving an appellate process (BM 22871) in Fs. Pettinato (M. Molina (2004), 177–178). This case differs from the case in the tablet published here in that the BM 22871 case involves an appeal to a new governor after the old governor is no longer in power. Thus questions of jurisdiction or hierarchy, which may be germane to our case are absent from BM 22871.

legal proceedings were carried out, whereas the *ṭuppi lā ragāmim* was held by the party that eventually won the verdict. The importance of this difference in institutional practice cannot be overestimated, but in the interests of brevity, we will not explore this difference here.

R. Veenker describes three distinct stages within Old Babylonian legal practice and uses the particular example of two cuneiform documents (CT 2 47 and CT 45 18) that refer to a single process, namely a series of legal confrontations between the plaintiffs (two brothers named Nidnuša and Šamaš-āpili) and the defendant (a nadītu who is only referred to as “the daughter of Sîn-erībam”). The defendant, the daughter of Sîn-erībam, had been adopted by a *nadītu* priestess named Amat-Šamaš, and upon the death of Amat-Šamaš, the daughter of Sîn-erībam had inherited a house, a slave and a few other household goods from her adoptive mother. The first and second stages of the process are documented in CT 2 47 and can be described as follows:

First stage

“We suggest that the issuing of this sealed document reflects what may be called a ‘first stage’ procedure in OB civil law. Many of these ‘first stage’ sealed documents or contracts cover familiar transactions such as giving and selling property within and without the family group.” (R. Veenker (1974), 3)

Second stage

“It appears that these sealed documents were offered to the court as supporting evidence by the parties. The actual litigation before the court could be referred to as a ‘second stage’ procedure. At this stage the verdict of the judge would be recorded in a document known as the *ṭuppi lā ragāmim*.” (R. Veenker (1974), 3–4)

In the second stage of the legal process, the plaintiffs (Nidnuša and Šamaš-āpili) accuse the daughter of Sîn-erībam of forging the sealed tablet that documented her inheritance of Amat-Šamaš’s estate after her death. Thus the sealed document that Nidnuša and Šamaš-āpili call into question corresponds to the first stage of the legal process, while CT 2 47, in which Nidnuša and Šamaš-āpili bring their accusation before a court corresponds to the second stage in the legal process. The daughter of Sîn-erībam is able to produce witnesses who testify to the validity of the initial sealed tablet (First Stage) and the judge decides against Nidnuša and Šamaš-āpili. With the judge’s decision, Nidnuša and Šamaš-āpili are forced to give a “tablet of no contest” (*ṭuppi lā ragāmim*) to the daughter of Sîn-erībam in the form of CT 2 47 (Second Stage).

Crucially, the second stage of this process is documented in both CT 2 47, which is the *ṭuppi lā ragāmim* that Nidnuša and Šamaš-āpili issued to the daughter of Sîn-erībam (along with three other inheritors of Amat-Šamaš’s estate) as well as in the first section of CT 45 18, which documents the third stage of the process. This first section of CT 45 18 reads as follows:

Second stage (= first legal challenge)

CT 45 18, obv., lines 1–7b (R. Veenker (1974), 9)

1'. [ni-id-nu-ša u₃ ^dšamaš(UTU)-a-pi]-[li¹ aḫū (ŠEŠ)-šu

2'. [mārū (DUMU.MEŠ)] [id¹-di-nu-nim

3'. ir-gu-mu-u₂-ma dayyānū (DI.KU₅.MEŠ) i-na bīt(E₂) ^dšamaš(UTU)

4'. di-nam u₂-ša-ḫi-zu-šu-nu-ti-ma

5'. ṭup(DUB)-pa-at la ra-ga-mi-im a-na la-ma-zi

6'. ^mbe-el-ta-ni ^{mil}il-ta-ni u₃ mārāt(DUMU.MUNUS) sîn(30)-e-ri-ba-am

7'. i-zi-bu ...

Nidnuša and Šamaš-āpili, his brother, the sons of Iddinūnim, raised a legal claim, so the judges of the Šamaš temple granted them a trial. (Then subsequently) they made out *ṭuppi lā ragāmim* for Lamassi, Bēltani and the daughter of Sîn-erībam.

Before turning to the events of the third stage, therefore, CT 45 18 first briefly records the events of the second: the brothers had brought suit, (lost the case), and as a result were forced to issue “tablets of no further claim” (*ṭuppi lā ragāmim*) to all three of the women who had inherited from Amat-Šamaš’s estate. CT 45 18 then goes on to describe the third stage proceeding itself in the rest of the tablet.

Third stage (= second legal challenge or “appeal”)

CT 45 18, obv., lines 7b'–17' (R. Veenker (1974), 9–10)

7b'. ... ni-id-nu-ša mār(DUMU) id-di-nu-nim

8'. i-tu-ur₂ ir-gu-um-ma

9'. ^msu-mu-UH₂.KI ra-bi-an sippar(UD.KIB.NUN)^{ki}

10'. u₃ dayyānū (DI.KU₅.MEŠ) sippar(UD.KIB.NUN)^{ki}

11'. di-nam u₂-ša-ḫi-zu-šu-nu-ti-ma

12'. aš-šum ṭup(DUB)-pa-at la ra-ga-mi-im

13'. šu-zu-bu-u₂-ma i-tu-ru-u₂-ma

14'. ir-gu-mu mu-ut-ta-su₂ u₂-ga-li-bu

15'. ap-pa-šu [ip¹-lu-šu i-di-šu

16'. it-ru-šu₂ ālam(IRI)^{ki} u₂-sa-ḫi-ru-šu-ma

17'. ba-aq-ru-šu u₃ ru-gu-mu-šu

18'. na-as₂-ḫu u₂-ul i-ta-ar-ma

(Later on) Nidnuša, the son of Iddinūnim, returned and raised (another) legal complaint (about the same matter). So, Sumu-Akšak, the *rabiānu* of Sippar, and the judges of Sippar granted them (*sic!*) a trial. Because, after having been charged to make out *ṭuppi lā ragāmim*, he returned and made another complaint, they shaved off half his hair, bored a hole in his nose, stretched out his arms and led him around the city. Furthermore, his complaint and his claim are null and void (R. Veenker (1974), 10–11).

The rest of CT 45 18 states that Nidnuša cannot challenge the case again in future and that he will bear the responsibility for any further legal challenges brought by members of his family, even if he does not bring these himself. It concludes with a promissory oath to Šamaš, Marduk and Šin-muballit.

As R. Veenker points out, the negative result of Nidnuša's claim was not a foregone conclusion. In other cases in which an appeal was granted, such as CT 48 11, the plaintiff could win a reversal of the decision. In commenting on this third stage of the process, R. Veenker writes:

Thus, CT 45 18 and CT 48 11 provide a clear picture of the third stage procedure, or second suit *de eadem re*. Although one cannot call the third stage 'appeal' in the manner of modern jurisprudence, it is, nevertheless, a legitimate and distinct litigation, i.e., the plaintiff at this stage can win his case (R. Veenker (1974), 14).

If we now return to the Ur III {di til-la} published here, the same three stages of legal procedure also seem to be evident there.

First stage: obv., lines 1–5a

1(diš) ur-^dšara₂ [dumu] GIRI₃.[NI] / 2(diš) gin₂ ku₃-babbar-[†]še₃ / GIRI₃.NI-še₃ /
 ġiri₃-ni-i₃-sa₆ sukkal-e / in-ši-sa₁₀

Girini'isa, a diplomatic official, bought Ur-Šara, the son of GIRINI, from GIRINI for two shekels of silver.

Second stage (= first legal challenge): obv., lines 5b–8

ba-an-da-gur / nu-sa₁₀ bi₂-du₁₁ / iġi ki-aġ₂-še₃ ba-ġi-in / lu₂-du₁₀-ga maškim di-til-
 la-bi i₃-me-am₃

He (= GIRINI) challenged him (= Girini'isa) in court and said: "he (= Girini'isa) did not buy him (= Ur-Šara)." It (= the purchase) was confirmed in the presence of the (judge) Ki'aġ. Lu-duga was the responsible official and there is a legal record (on file with him).

Third stage (= second legal challenge or appeal): obv., lines 9–13

egir-ra a-ra₂ 2-kam / ba-an-da-gur / lu₂-du₁₀-ga maškim / ur-niġar^{gar} ab-ba i₃
 [lugal]-[†]ku₃-zu

Later on, he (= GIRINI) challenged him (= Girini'isa) in court a second time. Lu-duga was (again) the responsible official, Ur-niġar, the elder of the city, and Lugal-kuzu (were present) ...

(the text goes on to describe the resolution of the case: Girini'isa swears an oath to the effect that 2 1/3 shekels was the price he had paid and he then leads the slave away)

The stage directions, as it were, for the series of legal events described in this document are fairly clear, particularly in the use of {ba-an-da-gur} “he returned with him (to court)” as the initial element within the first legal challenge and the repetition of the same phrase along with the adverbial elements {egir-ra 2-kam} “later on a second time” in the second legal challenge.

If the broken lines at the beginning of the reverse (lines 1–2) are primarily concerned with the conditions under which a new trial was granted, then it is quite likely that the resolution of the third and final stage of the case is only documented in the few lines that describe Girini'isa's final testimony and his evidentiary oath. This is not surprising of course: the Ur III {di til-la} are famously laconic and often resist coherent interpretation even when perfectly preserved. In our view, the proper interpretation of this {di til-la} largely hangs on the grammatical particle at the end of line 6 on the reverse of the tablet, namely *-nanna, which in combination with the negative expression {nu-me-a} in line 7 means ‘only’ in Sumerian. Let's first briefly review the passage in question as well as the {-nanna . . . nu-me-a} construction in Sumerian.

rev.

5. igi ensi₂-ka-še₃
6. 2(diš) 1/3(diš) gin₂ ku₃-babbar i₃-me-a-na-na
7. sa₁₀-am₃ ur-^dšara₂-ka nu-me-a
8. ġiri₃-ni-i₃-sa₆-ke₄
9. nam-erim₂-bi u₃-[ub-tar]
10. saġ ba-an-tum₂-[mu . . .]

In the presence of the governor, (Girini'isa said:) “The only purchase price for Ur-Šara (that was ever agreed to) was 2 and 1/3 shekels of silver. After he (= Girini'isa) had sworn to that effect, the chattel slave was led (back to him = Girini'isa).

The verb at the end of line 6 is a verbal form of the copula {me} as indicated by the verbal prefix {i₃-}, but the particular arrangement of suffixes that follow the verbal root, namely {-a-na-na}, is quite rare and has only been identified in a handful of other texts: Edzard refers to the syntagm as, simply, “the suffixed particle [nanna]” and describes the particle as follows:

In addition to the syntagma -X-da nu-me-a “not being with X” = “without X” . . ., another Sumerian expression rendering the idea of “without” is suffixed -[nanna]. It occurs with pronouns, nouns, and nominalized verbal forms (D. Edzard (2003), 158).

Given the fact that the form in question here is clearly verbal, the correct morphological analysis is fairly straightforward: the {-a-} that immediately follows the verbal root {me}

may be seen as nominalizing the finite verb {i₃-me} and the particle [nanna] (written {-na-na} in our text) can then be seen as modifying the nominalized verb {i₃-me-a}. D. Edzard only mentions two other examples of the particle *-nanna: one in a royal inscription from the Ur III period in three copies – all from door sockets excavated at Ur that deal with the construction of the Dubla-mah temple (D. Frayne (1997), 253–255 and references therein – and the other in a legal record included in Falkenstein’s corpus of Ur III legal documents (A. Falkenstein (1956), part 2, 39–40 = ITT V 6948). These two examples follow here.

RIME 3/2.1.3.9 = Amar-Suen 12 (D. Frayne (1997), pp. 253–255; D. Edzard (2003), 158–159)

dub-la₂-maḥu₄-ul-li₂-a-ta ki-šu-tag šuku-UD šub-ba i₃-me-a-na-an-na
e₂-bi nu-du₃-am₃

Except for the Dublamah Temple, in which from ancient times there had been a cultic site whose daily offerings had fallen in desuetude, he did not rebuild the temples.

NG 24, lines 9’–12’ (A. Falkenstein (1956), part 2, 39–40; D. Edzard (2003), 151–152)
-dam-kal-la / ʾur¹-balag-ku₃-ga-na-an-na / ʾlu₂¹ nu-u₃-da-nu₂-a / nam-erim₂
in-ku₅

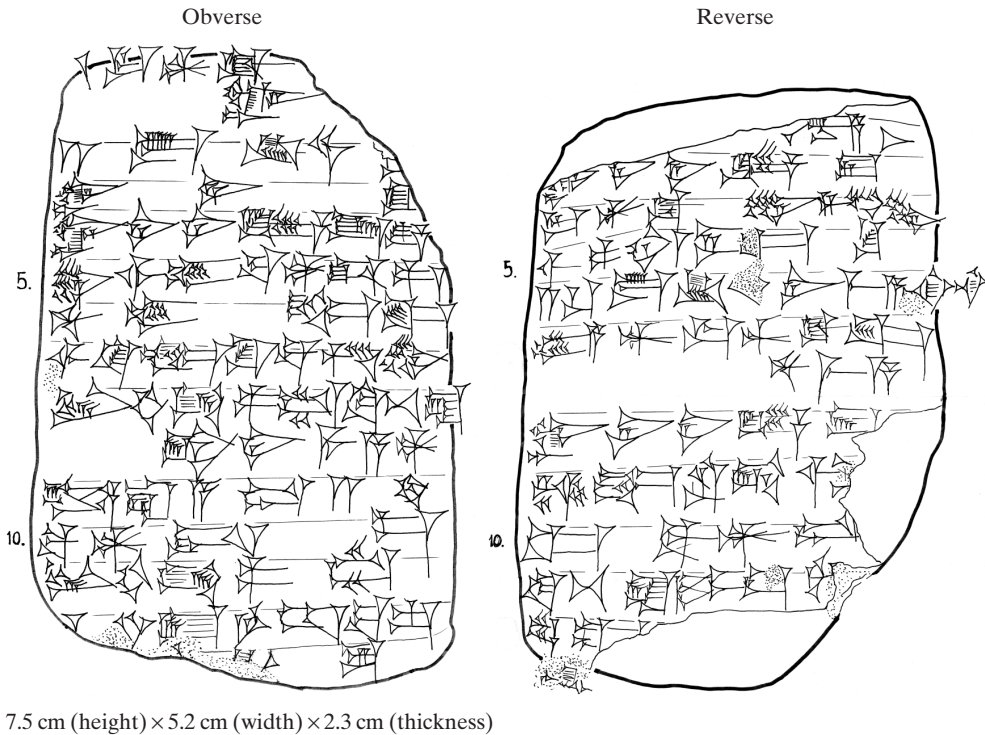
Damkala swore: “except for Ur-balag-kuga, no one slept with me”

Unlike the expression X-da nu-me-a, however, {-na-(an)-na} only seems to legitimately occur within the scope of a categorical statement that involves negation, and only within the context of such a negation does {-na-(an)-na} single out an exception to the negative statement. Thus in the first of these two examples Amar-Sin states that he did not rebuild any temples *except for the one temple that is referred to by the phrase that bears the {-na-(an)-na} suffix*. Likewise, in the second of the two examples, Damkala swears an oath categorically denying that anyone has slept with her *except for the individual whose name bears the {-na-(an)-na} suffix*. Clearly the example of {-na-na} in our text fits this pattern as well. If we translate Girini’isa’s statement literally, it amounts to “except for two and one-third shekels of silver, there was no price for Ur-Šara,” {2(diš) 1/3(diš) gin₂ ku₃-babbar i₃-me-a-na-na / sa₁₀-am₃ ur-^dšara₂-ka nu-me-a} (rev., lines 6–7), or in other words, “the *only* price for Ur-Šara (that was ever agreed to) was two and one-third shekels.”

Girini’isa’s final statement, a statement that he then confirms with an evidentiary oath, disagrees with the statement of the case as found at the beginning of the document in only one aspect, the purchase price. Crucially, the initial description of the purchase in line 2 on the obverse states that the purchase price for Ur-Šara was precisely two shekels of silver, yet in Girini’isa’s final testimony in lines 6 and 7 on the reverse he states that “the only purchase price for Ur-Šara (that was agreed to) was two *and one-third* shekels of silver.” These rather laconic facts suggest that while the purchase of the slave was already confirmed in the second stage of the proceedings (= the first legal challenge) before the judge Ki’aḡ, the purchase price remained in dispute. The difference of opinion concerning the purchase price was appealed to the court of the governor, where Girini’isa presumably

contradicts his original assertion and must make use of the distinctive *-nanna construction in order to do so. Girini'isa then confirms his testimony with the evidentiary oath and leads his property away.

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