

TREATMENT OF CRIMINALS AT MARI

A SURVEY *)

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The nature of our juridical evidence from Mari is unusual enough in its configuration as to require preliminary statements. For this reason, my discussion of the treatment of criminals according to the Mari texts will be prefaced by some general remarks concerning the nature of the information at our disposal.

As is well known, Mari's archives are not especially rich in juridical documents. The few examples, published in ARM VIII, seldom discuss penal matters. From the relatively healthier corpus of administrative and economic texts, we could extract a limited amount of legal information, which, however, contains negligible evidence bearing on our topic. So far not even a fragment of a law code has surfaced either at Paul Geuthner or, as far as I know, at Tell Hariri. What we do have, however, are letters which, now and then, preserve data relevant to us. Inherent to this form of documentation, even when preserved in optimum physical condition, are a number of limitations. I cite only the following: a. absence of either a fixed or a relative chronology for the larger portion of our epistolary data; b. lack of precise point of origin for some of these letters; c. rarity of occasion in which a discussion of penal import is carried through more than one text.

*) In order to retain the original shape of the paper read at Columbus, Ohio during the 185th meeting of the Americal Oriental Society, I have had to burden my footnotes more than they sensibly should be. Quotations from texts are given either when they differ from the translations in ARMT, or when the point at issue is thereby clarified. All numbers pertaining to documentation refer to the ARM(T) series, unless otherwise stated. As of this writing ARM(T) I-XV were available to me.

Although no references are made in this study to A. R. W. Harrison's *The Law of Athens: Procedure* (vol. 2), Oxford, 1971, I should like to record its usefulness in shaping some of the themes discussed below.

Less serious in its implication is the fact that, to a large extent, the correspondants belong to the circle of the king and his family, this being hardly the group in which criminals abound.

Yet these limitations are counterbalanced by the large number of personal names that occur in the total corpus of texts. At its best, prosopography, especially when applied to an archive that is limited in time and area, is a powerful tool of research, often providing the context that is crucial to a proper understanding of unfolding events. A relatively bland example could be given when referring to X: 90, a text whose vocabulary indicates that a legal condition obtained¹). Diligent prosopography reveals the writer of the letter to be a woman of some standing, struggling to survive despite successive legal reverses. In the first instance, this woman had to pay a monetary judgement by dipping into her sons' inheritance. In the second, she may have been subjected to foreclosure due to non-payment of taxes. Her house taken away from her, she could only hope that her addressee, the king very likely, would grant her a portion of land in which to forget her troubles. As it happens too often, we have no idea whether or not her wishes were granted²).

1) Text treated by Römer, AOAT 12, 74-75 (l. 1-21), and 82-83 (l. 22-36). in particular, note the interesting sequence of legal vocabulary in l. 4-8: *aššum KÙ. BABBAR ša Idin-Sin irgumamma bēli dīnam ušāhissunēti akšudamma* . . . "concerning the silver for which Idin-Sin sued me, and for which my lord has given us a trial, I came to complain, but. . ." Compare CT 2:46 (=Schorr, UAZP, 283; Ungnad, HG III, 706) with the sequence *ragāmum. .kašādum. .dīnam šūhuzum* and the evidence collected in the CAD K, 276 1,d).

Additionally, note l. 22-24: *šanitam aššum É-ya eliyā (sic) idin-annu qaqqadam irši*, "Another matter, Idin-Annu has acquired priority over me in the matter of my house". See, on this idiom, Veenhof, SD 10, 161; AHW, 900 (j).

2) Those involved in X:90 include: *a*. Atrakatum, a lady from, apparently, Terqa (IX:25:23, 38; 26:26, rev 11'). She also writes X:91 assuring the king that she will relay to him a secret message brought to her by a specially-clad messenger. *b*. The name Sin-idinnam is known from practically all periods of Mari Old Babylonian(OB) history. Most profitably linkable to our Sin-idinnam are the instances which record him as an important official, an advisor, in Zimri-Lim's court (VI:31:21) who is also in charge of storage facilities (X:17; cf., VII:204:2; IX:234;iii:7'); He appears also in IX:253:iii:10 and VII:207:10. In view of the continuity of functionaries despite the changes on the throne, it may be that Sin-idinnam is the same man who lived in the 'Assyrian' period XV, 155. The Sin-idinnam of II:

We proceed by successively surveying matters of "jurisdiction", of "organs of justice", of "legal procedure", and of "crimes and punishments". We caution, however, that we are often made aware of criminal cases only when they reach such a degree of complication, that they necessitated the attention of the king. By then, however, whatever differences existed at Mari between civil lawsuits, that is ones pertaining to the private rights of individuals, and criminal proceedings, that is ones in which the state is involved, might seriously and effectively have become muted. To some extent, this blurring further inhibits a proper appreciation of the rules which governed military, religious, and international behavior.

I. *Jurisdiction*

By "jurisdiction", we are concerned with establishing the proper center where action is taken against an accused. In order to gain a better perception of the problem, however, we must first segregate materials which are obviously concerned with military infractions. These include pronouncements about the proper division of booty (e.g. V: 72; II: 13). Since campaigns often include vassals as well as allies, friction among those involved could easily become intractable problems. A good example is afforded by noting V: 39. Ḫasidanum, governor of Karana during the 'Assyrian' period, writes his suzerain Yasmaḫ-Adad, that "Atamrum, the *Kisalubḫum* has taken my share of the booty. He refuses to appear before the courts. I have repeatedly instituted proceedings against him. Judges have also tried him, but he keeps on refusing my lawsuit and on (opposing) my judges". Again, we have no idea how the matter was resolved. But we do note that this same Atamrum later became a powerful king of Andariq³). Hence, it may be that the matter was ignored by Yasmaḫ-Adad.

72:31, however, was, doubtlessly, a Babylonian official. *c.* Mut-Bisir's dossier is, except for XI:103:5, datable to the 'Assyrian' period (XV, 152; VII:58:5; *Syria*, 50(1973), 279), *d.* Sumu-ṭābī is known elsewhere only from X:91, a letter also sent by Atrakatum.

3) On Atamrum of Andariq, see O. Rouault, RA, 64(1970), 107-118; JCS(1973), 62-63.

V: 72 reports the case of a man who, after a military campaign, despoiled the enemy, thus acting contrary to solemn vows; by Adad and Šamši-Adad, which should have limited his access to spoils of war. Incredibly, he was permitted to 'shop around' for a lighter sentence before paying 15 grains of gold⁴).

Other legal complications could result from material activities. Desertion was endemic⁵). We note repeatedly that the king confronted such cases that were brought to his attention in a quite inconsistent and *ad hoc* manner. Some deserters were arrested (VI: 35)⁶), while the offenses of others were deliberately ignored (I: 13). A similar lack of legal precedence seems to surround the sentencing of those who missed registering for the (military) census⁷). At times, a provincial

4) The writer of V:72 is Qarradu known to us as a high official and, possibly, a military leader during the 'Assyrian' period (XV, 153). He relates that a certain Yawi-Addu had broken a solemn vow not to appropriate for himself booty from the temple of Adad. The listings of object taken in lines 13-14 makes it fairly clear that an inquiry must have been conducted on the matter before judgement was brought down: he was not to be spared (l. 5)! The first to impose sentence was Qarradu, who thus may have had a stake in this proceeding, and *suqāqū* (of Yawi-Addu's village?). Appeals were subsequently made, it is interesting to note, in the following order: to Išme-Dagan of Ekallātum, to Šamši-Adad when the latter visited a certain city in the area, and finally, to Yasmaḥ-Adad. Yawi-Addu's defense was found in l. 19': "Did not Qarradu take [also from the booty]?"'. Thus, it was left up to Yasmaḥ-Adad to impose,—better: to reaffirm—the sentence (l. 24'): a third (?) of a shekel of silver or 15 grains of gold. This sentence, of course, could hardly sustain and confirm the statement of l. 5.

As to Yawi-Addu, the most fruitful prosopographical data would identify him with a scribe mentioned in VIII:12:10'. In addition to Huffmon, APN, p. 39, the following are further attestations of this PN: RA 65(1971):44:iv:22; 53:xii:3; RA 61(1967), p. 20; XIV, p. 249.

On infringement of a tabōo (*asakkum*) taken (verb: *leqūm*, *šakānum* (?): II:55:36), and the penalties involved, see lastly Marzal's good discussion in CBQ, 33(1971), 357-361. Add the occurrences in XIV:22 (interdiction on killing a lion, a royal sport), and 67 (interdiction on slowing down an army's (?) forced march).

5) As is clear from texts such as VI:38 and XIV:61-68, kings and bureaucrats took elaborate measures to prevent the escape of draftees.

6) Baḥdi-Lim to Zimri-Lim: "Since my lord is now staying in the Upper Country, may my lord unequivocally order Kibri-Dagan [of Terqa] and Yaqqim-Addu [of Saggartum] that these men not be allowed to escape. Whenever they are seized, they should bring them back, so that they will fear (to do it again) in the future (ll. 14-21)".

7) Šamši-Adad to Yasmaḥ-Adad: "Concerning the troops who are with Sami-

governor would gingerly approach offenders (XIV: 63; 66), while on other occasions, he would threaten capital punishment (XIV: 61) in a language which neared the form of an edict. In a proclamation issued under quite similar circumstances, Kibri-Dagan, governor of Terqa, imposes death on the leaders who abet the crime, while the actual malefactor is merely to be jailed (II: 92; cf., 102)⁸). In a broken text (XIII: 108), however, we learn that those who ran away, possibly from the military draft, were to be impaled.

Recurring difficulties with deportees and exiles were also resolved on an *ad hoc* basis. Exiled dignitaries and (political) refugees from a hostile nation were either well received in the palace (V: 38, IV: 86)⁹) and

daḥum and who have escaped to Qatna, Sami-daḥum is sending his *suqāqū* in order that (these) *suqāqū* bind the deserters and return them to Sami-daḥum. When these men realize that they will bind them and return them to Sami-daḥum, they will never be willing to return (voluntarily) to their land, but will, instead, choose to enter another country (in order to seek asylum?). [Sami-daḥum's act] will be a signal for the troops to desert! They will all desert!"

"Rather, let them [Sami-daḥum and the *suqāqū*] gather before La'um, and the *suqāqū* and give the following order (*šiptam idin*): 'All the troops who are deserting for Qatna, do not bind them and do not take them into custody (*lā tukassā u ina qātim lā tanaddinā*)'. Give them this order".

This letter makes it clear that, in order to prevent widespread desertion which might have the effect of furthering defection, Šamši-Adad advised a "hands-off" policy. That deserters from other camps were not always a welcome blessing is clear from VI:46; 64, and is clearly suggested in X:4. The last is treated most recently in *Orientalia*, 43(1974), 404-410.

8) Kibri-Dagan to Zimri-Lim (II:92) "My lord wrote to me concerning the summoning and ordering the troops of the Benjaminite villages. [The situation] is even better than my lord wrote to me! Now, even before the very same tablet of my lord reached me, at the time when I stayed in Mari with my lord, and had heard of this matter from my sources, I gathered the *suqāqū* of the villages and gave them the following ruling: 'Whoever you are, (you, from) whose village (even) one man goes to the Upper (Country), and you do not seize him, and do not bring him to me, you shall die and not be spared'. This is the ruling which I gave them. Likewise, I gave strong orders to my outposts. Now according to what my lord wrote to me. I gave a ruling and strong orders to the troops: 'I will seize and throw in prison any man who plans (to run away) toward the Upper (Country)...'.

On l. 19 of this text, see Marzal, CBQ, 33(1971), 338-339, and XIV:111:6 in II:102, Yaqqim-Addu, governor of Saggaratum, is faced with a similar situation. He threatens to jail whoever schemes to run away to the Upper Country.

9) Yasmaḥ-Adad sends IV:86 to his brother Išme-Dagan. The obverse which speaks of exiles is unfortunately in sad condition. We begin translating with l. 30,

allotted choice land (IV: 1¹⁰); V: 73¹¹); IV: 4; V: 35) or were parceled out as palace slaves (IV: 63). Were they to forment troubles in their host city, they could be executed (II: 18)¹²). It is apparent that, at times, they were deported to their homeland (IV: 5). In view of the strong protest lodged by Babylonian exiles, threatened with deportation, the last act may have been regarded as a gross infraction of international etiquette (XIV: 73)¹³).

International complications, be they of commercial or political nature, are also to be segregated. IV: 5, II: 103, and possibly XIV: 49, clearly preserve an (unwritten) agreement that escapees from an ally's territory were expected to be returned. A Yamḥadian deserter is caught and sent to jail (XIV: 75), probably pending deportation (see, possibly,

obviously in the midst of a statement of Šamši-Adad: "...they will indicate fields for them and let them cultivate (them). As to those who are not bound by agreement or are unable to cultivate, appropriate (?) them as replacement for reservists, for these in fact are reservists. Have them receive grain, oil and wool from the palace. Now I have given instruction so that they will not revert and constantly set their mind on their ancestor's pedigree, and constantly boast (of it). Thus, (some people) might forcibly take their fields away".

"For sometimes now, I have repeatedly written to you about the exiles. They will cause you difficulties. No wonder that the king [Šamši-Adad] has given strict instructions on the matter of the exiles [cf., AHW, 947 (16, a) *sub rakāsu(m)*].

"Now give strong orders so that they inspect the exiles who have been set at liberty in the land. . ."

New translation of V: 38 is to be found in Finet, 18^e RAI, 1970, 65³

10) Since the GN mentioned in IV: 1 belong to the sphere of Saggaratum, we place this reference in this context.

11) Ur-samana, responsible for allotment of land, writes V: 73 to Yasmaḥ-Adad. A large gap in the text precedes our quotation "...Nanna-manse is available. Since he has mastered well the scribal art, I had him meet with my lord. My lord ordered for him the allocation of a 'house', but they did not give it to him. My lord should write so that they give him a 'house'. But because he is deported to Mari his 'brothers' are contesting his 'house'. His 'brothers', who have been deported to Mari, are numerous, and are in possession of houses and fields within the land. (yet), they do not perform any corvée duty, but (even) pester him. May my lord investigate there the matter of his servant, so that they will not contest his 'house'".

12) Išme-Dagan writes II: 18 to Yasmaḥ-Adad: "In truth, because of the émigrés in Saggaratum, there was rebellious activity (*sartum*), so that the king ordered executions there". (lines 30-34).

13) *ina qātīm nadānum* of XIV: 73:7', tentatively rendered by Birot by the verb *extrader*, might better be translated, 'to arrest, to take into custody'; cf. 1: 13: 29.

II: 46; XIV: 50). Aplaḥanda of Carchemish repeatedly writes that kidnapped Mariyites will be returned (V: 7; 8). We do not know whether or not the culprits were to be punished for such deeds. We could only point to X: 56 in which, in an obscure and fragmentary context, Addu-duri, a highly placed female in Mari's palace, writes of the kidnapping of a man on his way to Yamḥad. The mention of *bēl arnim*, 'criminal' in line 14, indicates that she was concerned with punishment of the guilty party. When an ally procrastinates in his duty to release another's citizens, his own envoys might be subjected to imprisonment (XIV: 33). An interesting case involving the kidnapping of an ally's citizens is reported in XIV: 77-78. Fearing political complications which would surely have ensued if the deed was uncovered, Zimri-Lim orders that the victims be sold to those Sutū-nomads who roamed furthest from the scene of the crime. The governor of Saggaratum adds the further suggestion that they be made mute and blinded before their sale is affected.

I: 28 is a case which should be placed in a category of its own. It involves escapees from territory of a suzerain, in this case Šamši-Adad, to that of a vassal, in this case his son Yasmaḥ-Adad. It is to be noted, however, that Šamši-Adad seems to provide his letter with a reason for demanding extradition of the culprit. No doubt, scrupulous regards for correct procedure were to be observed, even within a ruling family¹⁴).

We are left with data that pertain to the jurisdiction of Mari proper, provinces, and its immediate vassals. Proceeding backwards, we first

14) I: 28: "Now even a doctor, (in addition to) 5 cooks have fled toward you. Previously, *girseqqū*-personnel have fled during the spring season. You have settled these men and continued them in their position beside (your) *girseqqū*. There is much destruction and havoc. . . They have come to you (solely) for the pleasure of the tavern. They have neither chief or superior. Have they anything to worry about? When they come to you, what do you give them? Are you to give them fine (?) silver or barley [i.e., anything they ask]? Where does your silver and barley, which you plan to give them, come from [i.e., is it yours to give]?"

"Now I am sending Išme-Addu to you; bind these men and put manacles on them. (Furthermore,) place chains around their waist; strengthen their guards and have them brought to me; wherever I am, have them brought to me. In the future, before I (even) write to you, all those who flee toward you, bind them and have them brought before me".

note the instance in which a vassal asks Mari to try a case of sheep-stealing, one which involved citizens from different powers (II: 79)¹⁵. Yatar-Ami of Carchemish, son-in-law (?) and vassal of Zimri-Lim, sends him a man accused of treason, in order to have him undergo a river ordeal. If found guilty, that is if he drowned, the traitor's belongings were to be given to his accuser. If cleared of any crime, however, his slanderer was to be burnt¹⁶). Although deserters from vassal-states were to be returned, Mari, it appears from II: 64, XIV: 49, was invariably lax in fulfilling its obligations. One letter from Zimri-Lim, II: 60, even sarcastically rejects a vassal's complaint on this score¹⁷).

Matters concerning the jurisdiction of the *šāpīṭum*, the provincial

15) The case of II:79 deserves some attention. It is sent by Zakira-Ḥammu, governor of Qattunan in Saggaratum province. Our interest is focused on lines 10 ff: "Qarni-Lim [of Ašnakkum] has written to me as follows: 'Ibassir, the shepherd and Ša-pi-El, the Hanean, who forcibly took away the sheep of Ḥasu-El, the Yamutbalian, now lives in Qattunan [read *qa'-at'-[tu-na-an (ki)]* in l. 16.] I have sent my servants to [my brother]. Now, (you) send to my brother (i.e. Zimri-Lim) the Haneans and Ya'uš-Addu [read: *ya-uš'!*—^aIM in l. 19] the [x], together with Yašub-[x]. May my brother bring them to judgement'. This is what Qarni-Lim wrote to me.

"I answered Qarni-Lim's servants as follows: 'The shepherds are not my subjects. Their matter is in the hand of my lord'. This is what I answered Qarni-Lim's servant. So, now the messenger which Qarni-Lim sent to my lord [read: *iš'-ru-dam* in l. 30], and Qarni-Lim's tablet which came to me. I have sealed and dispatched to my lord".

What apparently occurred is the following: two men, Ibassir and Ša-pi-El, have rustled some sheep from Yamutbalian citizen of Ašnakkum, and proceeded to settle in Qattunan. Qarni-Lim, not normally one of Zimri-Lim's most constant ally, asks Zakira-Ḥammu to dispatch the two accused to Zimri-Lim and to have them accompanied by Ya'uš-Addu, apparently Zimri-Lim's ambassador to Qarni-Lim, a man whose dossier reveals him to be *au-courant* of events in Qarni-Lim's territory (Huffman, APN, 37; add X: 58: 11, 17). The role of Yašub-[x] is not clear. Qarni-Lim, meanwhile, reveals that he had sent his own servant, possibly the plaintiff, to Zimri-Lim.

However, claiming little jurisdictional power over the matter, Zakira-Ḥammu refuses to order the culprits to Zimri-Lim. Instead, he refers the whole matter to the king.

16) Dossin, *Symbolae Koschaker*, (1939), 113-115. A recent translation is available in ANET³, 627-628.

17) Zimri-Lim writes II:60 to Kabiya of Kaḥat: "I have read the tablet which you sent to me. You wrote as follows: 'The men who suffered wrong should (no longer) be wronged!'. These men have in no way suffered wrong! When I took Kaḥat, among the spoils. . . I took out. . . One or two (men) I carried away. Is it thus (that) I have wronged these men? What kind of a letter are you sending me?'"

governor, and to some extent the jurisdiction of nomadic chieftain, have been ably handled in the writings of Kupper, Marzal, and Rowton; those concerning the *šandabakkum*-official, have been studied by Birot¹⁸). Here, I wish to limit myself to remarks concerning conflicts which, probably reflecting the lack of definite jurisdictional guidelines, no doubt frequently arose between two provincial centers. Kibri-Dagan of Terqa was involved in at least two cases which could be reconstructed. One was a drawn-out dispute with Šuri-Ḥammu, a tough chieftain of the Amnanum-(Ōnan ?-) clan, a dispute which we have discussed elsewhere¹⁹). The other finds Kibri-Dagan struggling with Ḥammi-ištamar of the Ubrabu-clan. We quote II: 94: "To Kibri-Dagan, from Ḥammi-ištamar: 'I have heard your message in which you said: "men of Terqa live in your place. Send me any of them against whom there is a law-suit (*awatum mimma elišunu ibašši ṭurdaššunūti*)". This is what you said'. I had these two men [from Terqa] confront your envoy and said: 'Dispute (the matter). If you are (palace) slaves or men in debt; if you are subject to lawsuit either on the part of the palace or on that of Kibri-Dagan, I shall have no mercy upon you, and shall extradite you'. They took the stand and argued with your envoy, but he was not able to dispute them. Now, would it be fitting for me to place *awilū* in fetters and (then) extradite them, so that I (end up) wrecking my district with my own hand?"²⁰).

This is not the only instance in which Kibri-Dagan and Ḥammi-ištamar did not see eye-to-eye. The former writes III: 71 to Zimri-Lim about a matter which, it is apparent, was to be resolved with some urgency. A certain Yaḥzib-Addu, a man otherwise unattested in the

18) Kupper, RA, 41(1947), 149-183; Marzal, JNES, 30(1971), 186-217. See also the last's *Orientalia*, 41(1972), 359-377; Rowton, JNES, 32(1973), 201-215; *Orientalia*, 42(1973), 247-258; JESHO, 17(1974); Birot, *Syria* 41(1964), 25-26.

19) *Kramer Festschrift*, pp. 407-408 and n. 21. The information of XIV:83 is important but, unfortunately, obscure in the crucial lines 16-29. The text speaks of Šura-Ḥammu as having arrived by boat to Zarri-Amnan, a locality which, correcting slightly our statement in the *Kramer Festschrift*, p. 404, may have been situated on the border of Terqa/Saggaratum districts. He may have come to worship at the temple of Dagan located there (XIV:7).

20) See also Oppenheim's translation, *Letters*, p. 103 (No. 42).

Mari archives, came before dawn to report to Terqa's governor that Ḥammi-ištamar had him placed in prison. Yaḥzib-Addu, however, succeeded in escaping by piercing the wall of his jail. We do not know the full circumstances behind Ḥammi-ištamar's action. Nor do we know whether Kibri-Dagan was approached by the escapee because the former had authority to countermand Ḥammi-ištamar's action. We suspect, however, that Yaḥzib-Addu sought a man who was most likely, for personal reasons or otherwise, to champion his cause before the king ²¹).

II. *Organs of Justice*

The organs of justice and the terminology employed, do not differ radically from those of other Old Babylonian sources. The king was the chief officer. Undoubtedly, he maintained jurisdiction whenever he was in his capital. To him would be referred cases whether political (II: 95) ²²), or criminal (II: 136) in nature. The nature of our documentation, unfortunately, does not allow us to properly assess those decisions which the king arrived at while in Mari. It is possible that such decisions were not recorded. Whenever he travelled outside his capital, however, hearings could be heard before the queen (X: 160; 114) ²³), the major-domo, and other officials (X: 105). It is very likely that the king, upon receiving reports of such hearings, arrived at a

21) For attestations of the name Ḥammi-ištamar other than those in Huffmon, APN, 34, see XIII:86, and XIV:83:87.

22) Announcing their decision to dispatch the elders of Qā, a locality in the Baliḥ region, to Zimri-Lim, Asqudum and Ḥaya-Ḥadum write II:95. This text may be related to II:75 which informs us that Qā, apparently enjoying a 'republican' form of government, had decided to aid Hammurapi (of Kurda?) without obtaining permission from Mari.

Asqudum's career has been detailed by Finet, RA, 53(1959), 67-68. See further, however, ARMT XI, 130¹, and add X:59:8'; 101:9; XIII:36:35; 39:15. XIV:4 relates his demise under unfortunate circumstances.

Ḥaya-Ḥadum's dossier shows him to be concerned mostly with the struggles occurring in the Upper Country. Apparently a troubleshooter for Mari, Ḥaya-Ḥadum strove to neutralize a threatened entente among Zimri-Lim's enemies. On him, see Huffmon, APN, 33 and add X:157; 152, and *Mélanges Dussaud*, II, 984-987.

23) X:160 has been discussed in the *Kramer Festschrift*, p. 409-410. X:114 has been treated by Römer, AOAT 12, 61-62.

verdict and communicated it to the proper party. Although his deputies sometimes suggested alternatives to royal decisions, there is no reason to believe that the king's orders were ignored. In XIV: 54, the king orders the jailing of subjects suspected of harboring a fugitive. This is carried out by the governor who, nevertheless, did not hesitate to present the king with evidence absolving the accused²⁴). At times, the king's commands were not implemented with the requisite alacrity, thus possibly allowing the passage of time to redress what the governor may have felt to be an overhasty decision (XIII: 107)²⁵). It is clear, however, that the king felt free to alter even commonly accepted patterns of palace-citizen relations. According to XIV: 48, the king decided to allow the *muškenū* to exchange service in a short term campaign for labor due the palace. Complications arose, as could be expected, when bureaucrats, responsible for preventing derelictions in duty, were not kept *au-courant* of their king's decision.

Finally, the large number of petitions requesting the king to alter bureaucrats', even his own decisions, judicial or otherwise, indicate him to the ultimate seat of appeal. As examples drawn from ARM X, we mention text No. 57 which concerns *girseqqū*-guards reacting to the king's decision to have one of theirs given away as a gift; No. 100 and 97 which contain pleas for the release of a kidnapped girl and for revoking the name of a woman from the roster of potential give-aways,

24) The case of XIV: 54 involved a certain Kaspu-Ištar and his two sons. He was an agent, it seems of an official who ruled in Saggaratum province. The king had written Yaqqim-addu, that province's governor, to arrest and jail Kaspu-Ištar for allegedly harboring one of his sons, an escapee from Mari's work-force. Yaqqim-Addu obeys his king, but does not fail to report Kaspu-Ištar's defense: one of his sons was assigned in Dēr of Terqa, and the other to Ḥaya-Sumu. The last was probably not the ruler of Ilaṣura, but rather a provincial leader in Terqa. (cf., IX: 283:iv: 11'; 237: 21; 253: iii: 8; XI: 207; 259; 270).

25) In XIII: 107, a text discussed by Kupper in RA, 58(1964), 79-80, the king orders Kibri-Dagan to secretly dispose of a certain Yarim-Dagan, burying him in an inaccessible ditch. Yarim-Dagan's dossier indicates that he was once a resident of Dunnim, a village in Terqa's district, near the borders of Saggaratum. He apparently was shifting his residence, and hence possibly his allegiance, to Ilum-muluk, a Benjaminite stronghold. At one point, however, he was much involved in the saga of Kirum, a princess unhappily married to the king of Ilaṣura. On this, see JCS, 25(1973), 68-69.

and No. 92²⁶) which concerns a nanny, taken away by a high official, whose return is requested by the addressor.

We read of *DI.KU₅* (*dayyānum*) 'judge', both in the singular and the plural²⁷). The role of these officials is scarcely developed, however, probably because of the nature of our evidence. Moreover, we have no personal name attached to any judge, a condition which inhibits prosopographical reconstruction. That judges could be challenged, is clear from V: 39, a text treated above. A larger role seems to have been played by the *šāpiṭum*²⁸).

It is not always possible to distinguish a difference in the vocation of police forces. Most often, we meet with the term *baṣaḥātum*; but we also read of *sagbūm*, *šābum niḥrārūm*, *šābum mušallimum*, *šābum nāširum*, *šābum taqribātum*, as well as individuals labelled *āmeru*, *maššāru*, and *rēdū*²⁹). Unspecified groupings of Haneans (e.g. XIV: 77), even

26) Text and context of X:92 were recently presented in UF, 6(1974), 353-354.

27) VIII: 83; In a badly preserved civil case, a *dayyānum* judges a dispute concerning an ox.

VIII: 87; In a civil suit presented before *dayyānū*, the property of a deceased is established.

IX: 204: 1; Reading of DI [KU₅] is not clear; see ARMT VII, 241-242 (§ 55)

IX: 225 16 (= 226: 14): A sheep "*ša DI.KU₅ É.yal'e-Dagan*". It is not clear to me what a 'judge of a house(hold)/storehouse' might imply. The PN Yal'e-Dagan is known from as early as the Sumu-Yamam period (RA, 65 (1971), 54: xii: 40 [a DİM.GAL]; VIII: 2: 21. A man from Kišite bore a homonym (?), VII: 180: v': 18'.

For the sake of completeness, we mention the occurrence of *DI.KU₅* in the Yaḥdun-Lim disk, used as an epithet of UTU, *Syria*, 32(1955), 4: i: 9

The vocabulary associated with the mention of *dayyānum* is not exceptional. In V: 39 the verb *dānum* is used, while in VIII: 87 *burrum* occurs. The vocabulary of VIII: 83 is not clear.

28) On the 'legal' involvement of the *šāpiṭum*, e.g. II: 94: 138; VIII: 6; 84; X: 160, see Marzal, JNES, 30(1971), 196-203. On pp. 203-205 of his study, Marzal attempts to refute Bottéro's suggestion, made in ARMT VII, 241-242 (§ 55), that would equate *DI.KU₅* with *šāpiṭum*. The evidence he marshalls is quite persuasive. It would be difficult to ignore, however, VIII: 84 which has a *šāpiṭum* expressing a verdict in an inheritance case in a vocabulary which poaches seriously on a *dayyānum*'s territory: "PN₁ u PN₂ *Sumu-ḥadum šāpiṭum dīnam ušāḥissunūti*."

29) The terms *baṣaḥātum* and *sagḥbūm* have been most recently treated with adequate bibliographical data by M. Anbar, UF, 6(1974), 439-441. He concludes that the terms are nearly synonymous: "*Sagḥbūm* est le nom courant de cette unité, *baṣaḥātum*, qui désigne le poste où est stationnée, est, semble-t-il, une innovation de la chancellerie de Zimri-Lim. Le mot *baṣaḥātum* est, peut-être, d'une origine ouest-sémitique (p. 441)".

solitary 'bounty-hunters' (VI:42)³⁰), are also attested. In addition

The recently published ARMT provides us with further attestations of these terms (XIV, p. 251, 256). XIV:86 is noteworthy in that it is unique in preserving both terms, *sagbûm* and *baḫāḫātum* in the same document. Additionally, lines 17-22 may be taken to imply that a *sagbûm* unit was formed by a *merḫum*, in this case Ibal-pi-El. II:27, it is interesting to note, also records this same Ibal-pi-el as raising a *sagbûm*-unit of 1000 men (but cf., XIII:41 in which a governor of Qattunan performs the same task). Such observations as are derived from a study of XIV:86 certainly complicate, but not necessarily seriously challenge, Anbar's thesis.

When Marzal evaluated the role of the *merḫum*, JNES, 30(1971), 194-203, he had at his disposal only three personal names attached to that office. As a short excursus, we add a prosopographical note on Ibal-pi-El who, as XIV:86 reveals, was a *merḫum*. The Mari attestations of such a PN (Huffmon, APN, 23; XIV, p. 247) refer to more than one individual (Finet, ARMT, XV, p. 148, distributes the citations among 4 persons). Certainly one of those was the famous king of Ešnunna, Dossin, Syria, 19(1938), 117; whose name possibly also occurs in the seal of *i-x-ra-ḫi-ya/DUMU bu¹-ṣi-ya/IR i-ba-al-KA-AN* (VIII:52). Another person by that name may have begun his career, during the 'Assyrian' period, as a diviner (II:15). But we know much more about him as Zimri-Lim's emissary to Babylon (cf., II:20-32; VI:21). As such, he was not above commanding troops and negotiating with other powers of the region. His son, Šubna-El, was known as a leader in Tizrah, the important locality in Terqa's district (RA, 42(1948), 69:7-8).

We have very little evidence that Ibal-pi-El, the *merḫum*, was ever a district governor. Thus, our dossier of this *merḫum* does not support Marzal's contention that "the *merḫum* is higher grade, and commands wider territory, than a *šāpiṭum* (p. 202)".

In XIV 53, the servant of a *merḫum* is sent to arrest (*šabātum*) a man accused by the king of having spied (? *awatam ḫabālum* l. 15-16) for Kurda. We do not, however, have clear evidence for Kurda's hostilities to Mari.

Šabum niḫrārum is used to capture escapees, III:35. See also XIV:121:11 where a *šabum kašrum ša naḫrāram* was to be sent to capture slaves running away from the palace. The LÚ.MEŠ *āmerū* occur in X:174:6, treated most recently by B. Batto, *Studies on Women at Mari*, 63-64, in a context which would have them in a guarding mission. In X:175, a certain Yašub-Lim is called an *āmerum*, a man who receives a reward upon delivering a message. We do not know whether this man is to be identified with either a *suqāqum* (VII:140:r:13') or with a citizen of Urah, a village lying in Benjaminite territory (VII:180:ii:2').

For protection of travelers and of property, we know of units called *šabum taqribātum* (II:134:9-16), *šabum nāširum* (II:39:47; 96:15), *šabum mušallimum* (Syria, 19(1938), 119:12; XIV:105; 120), and *maššārum* (XV, 225-226; XIV, p. 254; X:88:18). Occasionally, *rēdū*-soldiers could be used to guard an escapee (IV:5; XIII:41). *Suqāqū* and *laputtū* are sometimes recorded as searching for a man to be placed in jail, RA, 66(1972), 119. It is possible that the *nāḡirū* mentioned in VII:217:10 and XIV:48:9 also played a role in this context.

30) 'Bounty-hunter' is possibly too loose a characterization. The individual in question, Kalan, is known to us from other Mari texts as an official of some importance; cf., Syria, 48(1971), 9:4; VII:205:17; 220:28; VIII:99:1'; RA, 47(1953),

to the usual weaponry carried by these officers, tools of the trade include fetters (*kuršum*), chains and manacles (*šāt qātim*)³¹.

When detained or arrested (verb: *kalūm*; *šabātum*, rarely: *ḫalālum*, e.g. 11:72:30), culprits could be 'confined within the city'. It should be noted, however, that the expression *abullātim kalūm* only occasionally refers to this type of punishment³². At Mari, *abullātim šūdūm* does not at all seem to apply to a penal form³³. For 'prison' we occasionally

123:28 [note p. 126]. From the 'Assyrian' period we have attestations of a homonym (?) in VIII:14:3', and 11:37.

31) The verb most commonly used with regard to binding prisoners is *kasūm*, either in the *G* or *D* stems. We occasionally meet with *pādum* in the *G* stem.

fetters: *kuršum*, I:28:31, for the passage's translation see CAD K., 251 (lb).

manacles: (GIŠ) *šāt qātim*, see Finet, ALM, 51 (§ 23 1), I:28:30; V:31:9-31; XIV:53:8.

32) *abullātim kalūm*. a. VI:42:5-9. Kibri-Dagan places an escapee in prison and had him 'confined within the city gates (*abullātim ikealla*)'. b. X:29. A certain Sin-ašarid, 'confined within the city gates (*abullātim iklūšu*)', writes a letter of protest *ana ririm*; cf., JCS, 25(1973), 76. c. X:85. Addad-šarrum is taken by the letter writer's husband and 'confined within the city gates (*abullātim iklāšu*)'. The rest of the text is broken but the verb *wašārum*, 'to release', occurs in l. 8. We know of an Addad-šarrum practicing as a cook (?) IX:27:iii:2=24:ii:26, and as a gardener, IX:27:ii:30. A Babylonian sports the same name in XIV:72-73. d. XIV:46. Yaqqim-Addu reports to his king that Aḫam-nuta, has left (resigned?) his post as a *suqāqum*. Until he is persuaded to return, Mašum, the *laputtū*-officer, a trustworthy person (cf. VI:49:16) is 'confined within the city gates (*abullātim kali*)'.

While in example a. it is most certain that to be *abullātim naklūm* was not welcome, it is by no means clear that the same obtained in d. Indeed, we might interpret our idiom in that example to mean 'to give responsibility'; cf., *Syria*, 48(1971), 11-12. We cannot as yet, assess the implications of examples b and c.

33) *abullātim šūdūm*. a. I:76 in biting language, Šamši-Adad berates his son's decision to purchase the allegiance of well-born refugees from the area of Ešnunna, by offering them good positions at Mari. Yasmaḫ-Adad had written in lines 5-9: "Let me make them forget their (own) homeland and treat them fairly. Let them occupy a (good) position in the palace and let them 'get to know the city gates (*terti ekallim lū šabtū u abullātim lū šūdū*)' ". Šamši-Adad rejects his son's proposal, implying that persons used to higher offices could not be trusted not to abuse a guest's hospitality. b. III:76. Kibri-Dagan of Terqa was given strict orders not to allow anymore Subareans pass through Terqa. When 10 Subareans belonging to Lime-Addu arrived, however, Kibri-Dagan: "got them to know the city gates (*abullātim uštēdišumūti*)". Subsequently, an important official advised Kibri-Dagan to seek advise from the king on the matter.

O. B. evidence collected in CAD I/J, 34 (6, c) and A/I, 86 (f) (cf., Falkenstein, BiOr, 11(1954), 114) clearly indicate that our idiom did not promise the person to whom it was applied a pleasant stay in a town. The two citations from Mari,

meet with the term *šibittum*, *bīt ešerī*, and *bīt* (LÚ) *tamkārim*³⁴). However, prisoners were entered (verb: Š/G of *erēbum*; G of *nadūm* for those

however, may not be in agreement with such conclusions. In III:76 (b.) it is clear that the 10 Subareans were welcomed by Kibri-Dagan, especially since Lime-Addu was one of Mari's loyal ally (Huffmon, APN, 50; XIV:57:9). Note, in this respect, Finet's translation of this passage in ALM, 226 (82 e): "qu'ils soient mis au courant des portes". We have absolutely no reason to suspect Kibri-Dagan's act to have been hostile in nature. Indeed, the advice of Ḥabdu-Malik, a man in charge of the foreign quarters (?), may well have tried to remind Kibri-Dagan's of the king's blanket order not to distinguish between allies and hostile troops.

One other phrase might be *à-propos* in this note. It occurs in II:72, a letter which has most recently been translated by Oppenheim, *letters*, 105-106 (No. 46). It contains the gist of a treaty between Rim-Sin of Larsa and Hammurapi of Babylon (lines 9-16). The section of interest to us begins in line 29: "Šime-tagup held back the messengers of the 'vizier' of Elam, for four days, from (reaching) Zimra-Ḥammu [king of Buzullum, XIV:41:15]. the tax-comptroller, Sin-iddinam, came out of the palace and placed these messengers in the warehouse of Enlil. Šime-tagup who [unclear] confined him to his special-quarters (?)/guest-house (*bāb naḫṭarišu iklašu*), and cut down his rations. . .".

Whatever may be meant by *bāb naḫṭarim* (cf., CAD B 16 (2'), K 97 (3'b')), the events recorded certainly occurred outside of Mari, very likely in Babylon or its vicinity. This is clearly indicated by the occurrence of *šu-tu-um-mi^a[e]n[?].lil* of l. 33, a reading, and references concerning which, I owe to M. Stol, Leiden (cf. LIH 59 = IRSA, 215 (IVC6g), and CT 48:101:4, 16 the latter attestation indicating that a *bīt šutummi* of a temple could be used to confine wrong-doers. Note also X:8:15-18. It is also clear that those confined in the *bāb naḫṭarim* were not treated terribly well, especially when rations were cut down (*harāšu*).

34) 1. *šibittum*. a. II:46. 3 men are brought from Karana and are thrown in prison (L Ú.MEŠ *naš[rūtim] ina šibittim [nadū (?)], l. 10-11*". b. *Symbolae Koschaker*, 113 (translation in ANET³, 627-628). A man who had accused others of treason is placed in jail pending the outcome of a river ordeal (*mābiš qaqqadišunu annikēm ina šibittim inaššarū*, I, 15-17). c. XIV:33. Asinum, a merchant/messenger from Terqa or Sagaratim (cf., VII:190:16; XIII:13:13) had gone to Emar, in Yamhadian territory, to negotiate the purchase of grain. Because a citizen of Emar had been thrown in jail, Asinum and his grain-filled boats were detained in Emar (*Asinam aššum LÚ imarim ša ina šibittim nadū kalūšu*, l. 7'-10').

2. *bīt ešerī*. This term occurs in ii:24, 27 of the "Ištar Ritual" published long ago by Dossin, RA, 35 (1938), 2. The context is lost in a break; but this passage deals with a *muhḫūm*-estatic, a prisoner's compound, and releasing (of prisoners?).

3. *bīt LÚ tamkārim*. IV:3. This text has been elucidated by the comments of Oppenheim, JNES, 13(1954), 143 (cf., also CAD H 218). Šamši-Adad writes his son in Mari: "The bearer of this tablet, Naḫmanu, his brother is in the 'home of the merchant'. Let him (Naḫmanu) give the silver of his creditor and (read: *u'* in l. 12) take away his brother".

It is not certain that Naḫmanu's brother was imprisoned in the *bīt LÚ tamkārim*. The text simply states that he was there (*ibaḫṣi*). But since Naḫmanu was to pay

already there) most often a *nēparum*³⁵). When in the singular, the last term almost always refers to 'prison'; the plural, on the other hand, seems to be applied to 'workshops'. The difficulties in establishing the connection between the two forms are made manifest were one to study the dossier of Etel-pi-šarrim, a man in charge of such *nēparum/nēparātum*³⁶). We know that a *nēparum* was located in Mari (II: 48; III: 31:41; RA 66 (1972), 119), Saggaratum (XIV: 54; 74; II: 102), Dūr Yaḥdun-Lim (XIV: 77), Qattunan on the Ḥabur (II: 129); and Suprum in Terqa province (X: 150)³⁷). We should not be surprised to learn, in the future, that a *nēparum* existed wherever royal palaces were built. III: 71 and X: 150 speak of prisoners breaking through (verb: *palāšum*) the walls of their cells to make good their escape. It would appear, in the light of these attestations, that jails did not differ radically from other constructions used for dwelling purposes.

III. Legal Procedures

The actual processes of justice followed no pre-established format. An important official's misdemeanors are recorded in VII: 263, thus possibly constituting a bill of indictment³⁸). Those who felt themselves

the debts (of his brother), it may not be too bold to suggest that the debtor was held there involuntarily. The term *bit tamkārīm* (*without lú!*) occurs in one other Mari text. There, XIV: 17:15' (also 2' (?), see Birot ARMT XIV, 221), it is best translated by 'bank'. It would not be unusual, though not unpeccable, that a house of money deposits would also be used to detain debtors.

35) Previous Literature in *Iraq*, 34(1972), 61. Mari citations AHw, 804 (*nūparu(m)*), to which add RA, 66(1972), 119; XIII: 40; 41; XIV, p. 255.

36) Preliminary sketch in *Iraq*, 34(1972), 61-62. Compare, as one example of such difficulties, texts X: 12 and 13 which are concerned with the same incident, and note the information culled from XIII: 40; 41; 43 and IX: 34. All these have been discussed in the article cited in the preceding footnote.

37) Note that, in X: 150, those who escape from a *nēparum* were *LÚ-MEŠ kinattū*. According to CAD K, 381 ff, *kinattum* refers to 'menial workers', but neither to criminals nor prisoners. One could only suppose that, in this case, the *nēparum* of Suprum to have been a 'workshop'.

38) The nature of this text, VII: 263, was first noted by Landsberger, who communicated his ideas to Bottéro. See the last's extensive note on the text, containing a summation of the charges levelled against the accused, in ARMT VII, 355-357. This man, whose name has not been preserved, may have been an official in Mišlan, a town in Terqa closely related to Benjaminite settlements. VII 263 is datable to

wronged, approached either the king (e.g. X: 88) or of his officers. These sometimes referred the matter to the proper authority (XIII: 137). In criminal cases where no plaintiff appeared, as in the instance in which a baby's body was found (VI: 43), a palace official questioned workers and heads of wards who were close to the scene of the crime³⁹).

the period of Zimri-Lim since those mentioned, Etel-pi-šarrim and Yaḥatti-El, were both Mari officials best known from that reign.

The accusations consist of wrongdoings apparently committed over a year's time. The months are mentioned either specifically by name or simply by their number in the Mari calendar. Whenever possible, specific festivals, which may have seen large transactions of grains and beasts, were named. This was done, it is likely, as much to pinpoint the exact moment of the crime, as to underscore the enormity of this official's guilt. In order for the proper authority to evaluate the veracity of the documentation, especially when concerned with the size and weight of the pilfered grain shipments, references are made to information *ša (pī) kanikātim* (iii: 9', 10') 'according to sealed documents'. This is contrasted to information drawn from *šuppātim lā kanikātim* (iii: 13'), 'unsealed tablets'. Furthermore, the naming of officials who were victim of this man's malefeasance (ii: 6; iii: 16', 23') would have ensured personal testimony were it ever needed.

VII: 263 is not the only instance which hints of official corruption. In a sarcastic letter to his son, I: 73, Šamši-Adad makes it clear that an unnamed tax collector has been profiteering. We render lines 7-23: "You wrote to me about the barley which you have continually taken (as ration) for your *wedū*-notables [cf., ARMT XIV, 234, *sub.* 81: 38]. This district is not his [the tax collector's]! The barley which you have taken (from him) is not his to tax! The one to two minas of silver which he collects yearly and presents as his contribution (MU.DU), where does he get (them)? Is it not from constantly selling barley, oil, and wine, that he collects such sums and presents (them?). . . As if there were a silver mine in his district whence he takes silver and bring it (over)! Is it not because of the barley, oil, and wine, that he could collect and bring (over) this sum?. . ."

For another instance of an official possible wrongdoing, see XIV: 111.

39) When a traveller's decapitated head is discovered, Baḥdi-Lim reports the failure of his search for the missing remains. VI: 37, however, reveals the palace official as more concerned with the proper burial of the victim's head than with establishing the facts of the crime. This letter was written a day or so after XIV: 104; the latter is dated to the 27th of Laḥḥum. Since this would have placed the crime in mid-summer, it is likely that Baḥdi-Lim's concern about a quick burial might be related to practical considerations.

Another unsolved crime, this time the murder of caravaneers, is reported in II: 123. In XIV: 111, Yaqqim-Addu, governor of Saggaratum issues a proclamation (*šiptam nadānum*), warning of grave consequences (? -text fragmentary), if the gold that was stolen from the city's temples were not recovered. When none other than the ruler of Qattunan is implicated, the last blames one of his subjects who is sent, together with the recovered loot, to the king.

Accusations sometimes reached a governor by means of 'secret sources' (*abītum*, e.g. XIV: 51). As was stated above, hearings were conducted by royal officials. Addu-duri, a female intendant in Zimri-Lim's palace, heard testimony on dispute concerning real estate (II: 114) and money deposits (X: 58). These hearings, exemplified by XIV: 51, were mini-trials, complete with cross examinations and testimony of witnesses. Evidence brought to bear included contracts, documents (I: 130; X: 114), and witnesses (*šibum*, *mūdūm*, e.g. I: 50; X: 90). Abettors of a crime appeared before an inquiry (I: 89). Scribes were present to record the testimony. In some cases (e.g. I: 130), oaths were administered. In difficult situations ordeals might be ordered⁴⁰). In important cases, it was apparently left to the king to decide the guilt of individuals and to impose sentence after receiving reports, and, in some instances, conducting further testimony.

IV: 58 is a letter sent to Yasmaḥ-Adad in which his brother, Išme-Dagan informs him of his decision concerning a case presented before him. Although quite short, the letter permits us to reconstruct the circumstances surrounding a legal suit, and to recover the steps taken by the king to resolve the matter.

It seems that a certain Uštāp-kiriš had borrowed money from Kazibu. It is unfortunate that we know nothing of these personalities, beyond the evidence of this text. But it is not unlikely that the former lived close to Mari. Uštāp-kiriš leaves donkeys as a pledge with Kazibu, the number of which will become the object of the law-suit. Upon payment of the borrowed money, Kazibu releases *one* donkey. Claiming that he had left *three* donkeys as pledge, Uštāp-kiriš takes matters in his own hands and 'kidnaps' a worker assigned to Kazibu. It is at this point that the matter reaches the king. The latter investigates and obtains the information that Uštāp-kiriš did indeed 'kidnap' the young man, and that only one donkey was given as pledge. His ruling is that Kazibu's worker is to be released. It is noteworthy that Uštāp-kiriš is not punished, at least as far as we know, for either his prevarication or his kidnapping. It may be, however, that Išme-Dagan was realistic

40) A classic case is translated in ANET³, 627-628.

enough to know that punishment of a subject far from his own court may well have been difficult.

IV. *Crime and Punishment*

In the matter of crime and its punishment, we first note those that were political in nature. XIII: 107 contains a royal order to secretly dispose of one, Yarim-Dagan. As clarified above, reconstruction of events shows that the last, a former ambassador to the court of Ilanšura, had espoused Benjaminite causes. It may have been just a personal whim on the part of Šamši-Adad when he ordered a man imprisoned in such a way that no one would ever hear from him again (1:57). From the 'Assyrian' period, we have strong hints that a high official fell from favor⁴¹). We do not know why. We have already spoken of the fate that awaited deserters and draft-dodgers. In II: 18, we read

41) We have information on the name 'Mašum' from the 'Assyrian' and Zimri-Lim periods. It may be that, as Birot suggests, ARMT IX, 329 (12⁰), we are dealing with two different officials. Because of the number of Mari bureaucrats who saw service under both regimes, however, we might suppose Mašum to have risen to his former rank after a period of political eclipse. His seal impression is preserved on tablets found in Chagar Bazar, Iraq, 7(193), 42. His role as a DUB.SAR MAR. TU during the 'Assyrian' period has been recounted in Kupper, *Nomades*, 194. For additional references which date Mašum to the reign of Yasmaḥ-Adad, see XIII:141:7; 145 side; RA, 66(1972), 122:18; 68(1974), 32:6. For those stemming from the time of Zimri-Lim, see Birot, *ibid.*, and add XIII:31:23; 142:38, 43.

The texts which allow us to suppose a fall from favor for Mašum are IV:5, V:46, and very likely, XIII:141. In the first document, (for translation, see Laesse, *People of Ancient Assyria*, 57), Šamši-Adad allows to his son that *bīt mašim ekallum irdi* (l. 9). The verb *redūm* used in this context means 'to confiscate', see AHW, 966 (9); Leichty, TCS IV, 32³. Thus our line is to be rendered "The palace has confiscated the 'house' of Mašum". The second text, V:46, records in lines 20-27 the request of Išar-Lim, a military leader (see Anbar, *IsOrSt.*, 3 (1973), 21), for a female, servant of Mašum, who was taken into the palace. Lines 25-26 are obscure, but may indicate the further dissolution of Mašum's estate. Finally, XIII:141, a text recently discussed by Finet, 18^e RAI, 1970, 68-72, indicate the low status which Mašum's family had reached, very probably after his 'fall'. It would seem that his sister, once highly regarded (l. 7-10), married a *muškēnum*. Her two sons had been allotted to Mašiya, once a colleague of Mašum. But now the king wanted those children taken to Yawi-ila, the writer of the letter. The last, however, urges him not to insist on this step: "Heaven forbid that I should take these young ones: their father will petition the king [Šamši-Adad] (l. 17-19; cf. AHW, 578, (2,a))."

of mass executions carried out because of uprisings, apparently precipitated by the influx of exiles. Treason is punished by burning the guilty, together with his family (III: 73). Impaling (*ina giššim šakānum* (*N*-stem)) is known from XIII: 108:14'-15' as a punishment meted out to run-aways. On the other hand, the idiom *napištam mu(ta)llūm*, occurring in a 'political' context, may refer to a formal act in which the overlord forgave his vassal's trespasses⁴²).

No attempts seem to have been made by the authorities to segregate the inmates of a prison despite the differing nature of their crimes. Largely because of the connection between the terms *nēparum* and *nēparātum*, we presume that prisoners were put to work (but cf. XIV: 16). It does not seem likely that long-term sentencing was prevalent. The jailed blabber-mouth who unwillingly gave away state secrets was surely not kept for long (RA, 66(1972), 119-120). Additionally, one might imagine serious complications among those incarcerated to have developed when a psychopathic parricide was thrown in jail⁴³). While in prison, a person might conduct complex negotiations to raise the amount of silver needed for his release. XIV: 17 tells the saga of a man who, despite the sale of his property could raise only 4/5 of the amount required for his release. Conversely, those who were not able to raise the requisite security money, which the palace demanded from those in a position to run-away, were locked in prison (V: 35:34-35).

A prisoner was released (verb: *wašārum*) upon payment of debts (IV: 3) or to accomplish work on a dam (XIV: 16). To please the Haneans, jugglers were set free, along with other Hanean deserters (XIV: 82). One unfortunate criminal (*bēl arnim*) was released from jail only to be executed. His head was paraded to put fear in the hearts

42) But cf., AHw, 598 (12 f), "*voll erstatten*".

Note also the *Št* of *kānum* of 1:61:7, translation in n. 45. below. In XIV:66, Yaqqim-Addu of Saggaratum interferes in behalf of persons who did not register with the proper authorities. Since they were contrite (*sarrātīm lamdū*, l. 37), the king is urged to simply let them register.

43) It may be that XIII:109 refers to another instance of parricide. Yasu-Dagan had 'detained' a man who had done something (*ḥarāmum*, a W.S. term?) to his father.

of the populace (II: 48). A man who killed his 'brother' was released, but he was placed on the roster of the palace (V: 35:24-27).

The palace levied fines against those who did not pay their share of the harvest (implied in I: 80), and those who breached their contract. In VIII: 1, a stiff fine was imposed on such a transgression despite the fact that the matter was labelled a 'capital case' (*dīn napištim*). In XIV: 79, the palace confiscated the goods obtained from the trafficking in slaves obtained in friendly lands. An official under whose supervision temple materials were either stolen or lost, was allowed to retain his post when fined double the amount involved (RA, 64(1970), 40-41). A stiff fine of 10 minas raised against an unknown crime was used to decorate Dagan's throne (XIII: 110).

We know very little about damages which result from civil lawsuits. Since our evidence is practically limited to the documents published in ARM VIII, I refer the reader to Boyer's treatment in ARMT VIII. Previously, we have alluded to the few instances of damage or compensation, to be paid an injured party, which are drawn from the letters (e.g. I: 130; IV: 3; 58). At this point, it might be appropriate to discuss a charge which is often levelled against individuals: slander. The Akkadian idiom most often used in the context joins the substantive *karšum*, 'calumny, accusation', to the verb *akālum*⁴⁴). The possessive suffix attached to *karšum* refers to the one who is slandered. Those who feel slandered try to prevent the accusations from being believed (*maḥārum*), with a consequent loss of favor (idiom: *ina libbim šūšum*, X: 3:12-13).

Most of those complaining of slander are officials (V: 75⁴⁵); X: 73),

44) But note the usage of *nuggurum* in V: 34, the crucial passage of which is rendered by Landsberger, JCS, 9(1955), 123. Note also *b/paqārum* as is employed in III: 36. On this text and others involving Kibri-Dagan and Sumu-Ḥammu, see *Festschrift Kramer*, p., n. 21. On *asakkam akālum*, see now M. Anbar, RA, 68 (1974), 172-173.

45) On this text, see Marzal, JNES, 30(1971), 207-208. Since the slanderer of Yašub-El is a man very trusted by the king, the latter had genuine reasons to feel defensive.

In I: 61:7-9 (text translated in Laessøe, *People*, 46-47), Šamši-Adad berates his son for allowing an upstart at the court in Mari to besmirch the reputation of a

and relatives of the king (a daughter:II: 115; a 'sister': X: 49⁴⁶). There is little evidence of a public accuser, such as is known in later periods⁴⁷). As far as we could judge, these accusations and charges seem to be personal in nature, levelled before the king in order to better jockey for bureaucratic positions and to curry favor.

An accused could ask someone to interfere in his behalf. When Šiptu, Zimri-Lim's wife, was slandered at her brother's court in Aleppo, Mari's ambassador to that state obtained a conciliation (D of *salāmum* + dative suffix, X: 156:21-22). Another approach is to try to damage the reputation of your accuser, by questioning his loyalty to the king (V: 75:rev. 4'-6'). An eloquent, if garrulous, *Kapellmeister* was eager to salvage his professional reputation before the king. He writes: "When my lord enters Mari in peace, let him command of us (example of) my work and the work of he who slanders me before my lord; and, on that occasion, let him decide what is better. Why should you constantly hear evil in secret? Let the servant and the [x] sit beside the lord. Let my lord confront us (with) whatever I accomplished (? Š of *bašūm*) and whatever he accomplished (?). Before my lord countless things will I say to improve my situation, so that I may become cleared (? *durrum*) from slander. And now, what good (does it do) should my lord learn of the matter bit by bit. . .⁴⁸)

We have only one case of slander, stemming from petty bureaucratic jealousies, whose origins might, conceivably, be partially reconstructed. It concerns an important merchant who did not fully agree with Yasmaḥ-Adad's allotment of land to a dignitary at Mari. As a result,

veteran official. To make matters worse, complains Šamsi-Adad, "you neither allow him to defend himself (verb: *šutakūn(n)um*) nor do you forgive him (verb: *kabāsum*, cf., X:53:16), but you treat him miserably (*dullum* CAD D 59 (e, 2) "with indifference")".

46) *ištu inanna mamman ša šūmī lā damqiš iqabbu lā tešemme . . . sarrūtīm lā taqāl*, "From now on, do not listen to anyone who says nasty things about me. . .do not pay heed to lies" (X:49:5'-7').

47) Landsberger, *op. cit.*, 124.

48) Text treated and translated by Finet, AIPHOS, 15(1958-60), pp. 17-32. The translation offered above, is extremely tentative, For l. 41-42, see CAD A/2 77 (*sub ammu*).

he criticized the king's judgement as he travelled from one place to another ⁴⁹).

At this paper's conclusion, we might broach the subject of crime prevention. Warnings of the dire consequences awaiting a draft dodger or a deserter were often repeated. At times, an example was set by beheading a criminal and by displaying his head (II: 48). In order to prevent the escape of artisans and to discourage the pilfering of produce due to the palace, securities, bail, and guarantees (*qātātum*, *nipūtum*, *mazzazānum*), either in monetary or human forms, were collected ⁵⁰). Jewelers' guarantees were set so high that a group of prominent citizens was formed to pool resources ⁵¹). Unstable elements were also subject to posting of bonds (V: 35). In order to prevent regicide, what could be done was to repeatedly warn the king to protect himself, and to surround himself with intimate friends ⁵²).

49) Our interpretation is highly hypothetical and depends on linking V:4 to VIII:12. The latter reads as follows: "King Yasmaḥ-Addu has given as inheritance to Yarim-Addu, a field of the palace at Hutnim [on the Mari/Terqa borders, II:48:18; VII:225:2'; 226:42] as much as there is (on it), the piling-up (damming up?) of which Tarim-sakim accomplished". Among those who witnessed this allotment of property is an Abi-eqar. Now, Yarim-Addu, and Tarim-šakim were well-known bureaucrats in Mari's palace. Abi-eqar, it is likely, is equatable with Abum-waqar, a man from Andariq (? VII:159) known as a wide-ranging merchant (XIII:63:5).

We meet with all these names, and that of yet another Mari official, in V:4, a letter Yasmaḥ-Adad wrote to his brother in Ekallātum: "You know that Abum-waqar has not 'gone' to the inheritance of Tarim-šakim and of the sons of La'um. He is a sly (?) person. Previously, he had wished me dead! . . . and now he abuses me (*izzuranni*). You know the gossip that he spoke [unclear and broken segment]. May this man never come to return here". On individual lines, cf., however, AHw, 832 (sub *parašum*), 'to flatter', and p. 712 (sub *naḥallu(m)*, *naḥlu(m)*) II, 'river bed'.

50) For some examples, see ARMT VIII, 217-227 and note IV:58 and V:35, discussed above. Also compare XIII:137 and X:160. XIV:47 gives a particularly clear instance in which human 'securities' are kept by the palace to replace escaped artisans.

Note also the usage of *iḫterum*, AHw, 385; XV, 181; XIII:137:6; XIV:17:14.

51) Note VIII:62, a text discussed in *Kramer Festschrift*, p. 403-404 and n. 16.

52) *šarrāqum* (X:8:15; 81:7, cf., II:130:6), 'thief', and *sarrārūm* (AHw, 1030), 'dupe, cheat' are terms, with pejorative implications, which are applied to political enemies.

III:18 offers a good example of warning sent to the king. In this case Kibri-Dagan eloquently warns of criminals (*bēl arnim*) who are out to murder the king, acting "like a rabid dog, I/he know(s) not where (next) he will bite.". Kibri-Dagan urges that: "until my lord has not controlled the (enemy) troops and placed his enemies

By its very nature, the above sketch must certainly have distorted the quality of life that Mari's citizenry enjoyed. So to partially remedy this, I might be permitted to quote from a somewhat lyrical letter, II: 59, from one of Zimri-Lim's many vassals: "To my father Zimri-Lim, from Kabiya, your son. The flock of the Haneans which feeds in my district is well. In the pastures there is water, and in the courtroom, they are justly treated (*ina dīnim išaris aplū*). Concerning the flock of Ḥanat and the city of Kaḥat, (everything) is well. May my lord write me of his well-being" ⁵³).

and foes at his feet, and has not placed them all in prison, may my lord not step out of his palace for at least three to four days."

⁵³) Those who felt mistreated (verb: *ḥabālum*, e.g. X:92: II:60; and possibly, *dullum*, above, n. 45) could, on the other hand, always make a complaint (*tarzīmtum*, XV, 274; *unnenum*, I:91:15').