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Josué J. Justel and Daniel Justel

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AN UNPUBLISHED NUZI-TYPE ANTICHRETIC LOAN CONTRACT IN THE BRITISH MUSEUM

By JOSUÉ J. JUSTEL¹

WITH SOME COMMENTS ON CHILDREN IN THE KINGDOM OF ARRAPĤE

By DANIEL JUSTEL

The paper presents the edition of cuneiform tablet BM 102353, from Yorgān Tepe (ancient Nuzi). Though various scholars have examined the document, and information about its content has been partially distributed, it is the first time that copy, transliteration and thorough commentaries are provided. The text presumably was written during the fourth generation of Teḫip-Tilla's family. It is an antichretic contract in which a young girl is lent, and therefore some comments on children in the documentary evidence from the Kingdom of Arrapḫe are in order.

Introduction

Almost all the documents from Nuzi and the Kingdom of Arrapḫe are now being made available in first editions.² The two major collections, deriving from legal excavations, Harvard and Chicago, have largely already been published.³ The third most relevant collection is located in London, where the British Museum holds about 360 documents from the Kingdom of Arrapḫe. A large number of Arrapḫe documents currently kept in London comes from casual finds made in the city of Kirkūk at the end of the nineteenth and the beginning of the twentieth century.⁴ Another set of documents comes from Nuzi (modern Yorgān Tepe) and corresponds to a part of the family archive of Teḫip-Tilla. A complete catalogue of these unpublished documents from London, including a brief summary, was provided by Maidman (1986). Today, the list has changed significantly, since most of these texts have since been published, either by Maidman himself or by Grosz, Millard, Müller or Fincke. Fincke (2009: 239–48) has recently listed the documents still unpublished, numbering about forty texts,⁵ and Maidman (2014: 1 n. 2) has added three more. These unpublished documents include the text BM 102353⁶, which is edited here in full, together with comments on its legal content, and on the role of children in the transaction.

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² See an up-to-date list of first editions—arranged according to the current location of the documents—in Lion/Negri-Scafa 2011.

³ On the collection of the Oriental Institute of the University of Chicago and the unpublished fragments see Maidman 2005; on the collection of the Semitic Museum of Harvard University see Fincke 1999. B. Spering is currently preparing an edition of the remaining fragments, labeled as EN 11.

⁴ The history of these finds has been summarized in Fincke 1998a: 49–51.

⁵ Note that this number was reduced to thirty-eight by Maidman (2004: 305).

⁶ I examined BM 102353 in the British Museum in July 2011 while undertaking a systematic study of all documents related to marriage law in the Kingdom of Arrapḫe. This stay was made possible due to the sponsorship of the *Centre Nationale de la Recherche Scientifique* (I thank C. Michel for her help), the permission of the Trustees of the British Museum, and the collaboration of J. Taylor.

Edition of BM 102353

The content of BM 102353 was summarized by Maidman (1986: 283). At least two other scholars (Fincke and Müller) have examined the text and provided additional information (see which below). The text is an antichretic contract in which Nai-šeri, slave of Zike, gives a young girl to Tae and Ipša-ḫalu, sons of Ehli-Teššup; in return, Tae enters Nai-šeri's household as *tidenmu* for a period of two years. The document measures 113 × 71 × [29] mm. The reverse is quite fragmentary, while the lower part of the obverse is damaged.

- 1 EME¹-šu ša ¹ta-e ù ša
2 ¹ip-šá-ḫa-lu DUMU-MEŠ ¹eh-li-te-šup
3 a-na pa-ni LÚ-MEŠ ši-bu-ti an-nu-ti
4 ki-na-an-na iq¹-ta-bu-ú
5 1 šú-ḫa-ar-tu ša 2 am-ma-ti
6 ù ma-la¹ ki-iš-ri ša KUR nu-ul-lu-¹e¹
7 SIG₅-GA na-ás-qú ša ¹na-i-še-ri
8 ÌR ša ¹z¹i-ké ni-il-te-qú-¹ú[?]
9 ù ¹ta-e ki-i šú-ḫa-ar-ti
10 a-na ti-de₄-en-nu-ti a-na 2 MU-MEŠ [i + na É-it]
11 ša ¹na-i-še-ri aš-bu im-ma-ti-me-[e]
12 2 MU-MEŠ im-ta-lu 1 šú-ḫa-ar-tu
13 ša 2 am-ma-ti ù ma-la ki-iš-ri
14 ša KUR nu-ul-lu-e SIG₅-GA na-ás-qú
15 ¹ta-e ù ¹ip-šá-ḫa-lu a-na
16 ¹na-i-še-ri nu-ú-ta-ar ù¹
17 ¹ta-e iš-tu₄ É-it ša
18 ¹na-i-¹š[e-ri ú-uš-ší
19 ¹šum-ma KIN[?]-šu ša?¹ [¹] ¹na-i¹-¹š[e]-ri
20 [¹t] ¹a-e i-na u₄-mi e¹-ez-¹bu¹? [
Lo [1 MA-NA URUD]U [ú]-ri¹-¹ḫ[u]l-šu
22 [¹ta-e ù¹]¹ip-šá¹-¹ḫ[u]a-¹l [¹u¹
R ¹a¹-¹na¹ ¹na-i-še-ri¹ ú-ma-al-l[a]
24 ma-nu-um-me-e AŠ [be-ri-š]u-nu aš-b[u]
25 ši-pi-ir-šu ša ¹n[a-i-še]-ri ¹ú¹-¹ta-a]r
-
- 26 tup-pu AŠ EGIR šu-du-¹ti¹
27 AŠ ITI-ḫi im-pur-ta-a[n-ni]
28 AŠ KÁ-GAL ša U[RU zi-iz-za ša-ti]-ir
-
- 29 IGI al-te-¹š¹[up[?] DUMU
30 IGI šúk-ri-¹te¹-¹šup DUMU
31 IGI še-el-[lu-ni DUMU
32 IGI šú[k-ri-ia DUMU
33 IGI in-[zi-ia DUMU
34 IGI pa-¹i¹?-¹ik-ku DUMU
35 IGI EN/en-[××× DUMU
36 šu ¹a¹?-[
- [(Seal)]

- 37 NA₄ EN/en-
(Seal)
- 38 NA₄ al-¹te¹-[šup
(Seal)
- 39 NA₄ in-z¹i¹-ia
U ¹NA₄ DUB²-s¹[AR²]
(Seal) (Seal)
- 41 NA₄ šúk-ri-ia LÚ KÁ-GAL
Le [N]_{A4} šúk-ri-te-šup
(Seal) (Seal) (Seal)
- 43 NA₄ še-el-lu-ni NA₄ pa-i-ik-ku

¹⁻³Declaration of Tae and Ipša-ḫalu sons of Eḫli-Teššup before these witnesses.

⁴Thus they said:

⁵⁻⁸“We have taken a fine, outstanding girl of two cubits and one elbow, from the land of Nullue, from Nai-šeri, the slave of Zike. ⁹⁻¹¹And Tae—in lieu of the girl—shall stay as *tidenū* for two years [in the household] of Nai-šeri. ¹¹⁻¹⁶Whe[n] the two years have elapsed, we Tae and Ipša-ḫalu shall give a/the fine, outstanding girl of two cubits and one elbow, from the land of Nullue, back to Nai-šeri; ¹⁶⁻¹⁸and Tae shall leave the household of Nai-šeri.”

¹⁹⁻²³[If¹ [T]ae neglec[ts]¹ for a single day¹ [the work of Nai¹-[še]ri, [Tae and] [Ipša¹-[ḫ]a [I]u shall [as c]om[pe]nsati[on] pa[y one mina of coppe]r t[o] [Nai-šeri]. ²⁴⁻²⁵Whoever am[ong t]hem sta[y]s shall do [agai]n² the work of N[ai-še]ri.

²⁶⁻²⁸(This) tablet [was writt]en after the proclamation in the month of Impurta[nnu], at the Gate of the ci[ty of Zizza].

²⁹Witness: Al-Tešš[up son of ...].

³⁰Witness: Šukri-Teššup son of ...].

³¹Witness: Šel[luni son of ...].

³²Witness: Šu[kriya son of ...].

³³Witness: In[ziya son of ...].

³⁴Witness: Pai[kku son of ...].

³⁵Witness: Bēl-/En[... son of ...].

³⁶(By) the hand of A[...].

³⁷Seal of Bēl-/En[...].

³⁸Seal of Al-Teššup].

³⁹Seal of Inziya.

⁴⁰[Seal of the scr¹[ibe]²].

⁴¹Seal of Šukriya, the gatekeeper.

⁴²[Se]al of Šukri-Teššup.

⁴³Seal of Šelluni. Seal of Paikku.

6: Note the extra horizontal wedge of the sign *la* (in l. 13 the same sign is correctly written).

7, 14: *sīG₅-GA na-ás-qú*: for this expression used in reference to female slaves, see CAD N/2 31a.

10: [*i + na é-it*], restoration according to l. 17. The number “2” is written over an erasure.

11–12: *immatimê 2 šanāti imtalū*, on the precise grammatical meaning see Lacheman 1976: 311.

17–18: *i + na é-it ša* PN: note that the normal Akkadian expression is either *ina bīt* PN or *ina bīti ša* PN. The form here is found in other documents from Nuzi, see e.g. AASOR 16 33: 21–22 or, in the same context as in BM 102353, HSS 5 40: 7–8 (*a-na ti-de₄-en-nu-ti i + na É-MEŠ-it/ša* PN).

19: $\text{[KIN}^2\text{-}\check{s}u\ \check{s}a^2\text{]}$; maybe $\text{[}\check{s}i\text{-}ip\text{-}ri^2\ \check{s}a^2\text{]}$ as used in the same context in EN 9/1 154: 13, or $\text{[}\check{s}i\text{-}\langle pi \rangle\text{-}ir^2\text{-}\check{s}u\ \check{s}a^2\text{]}$, the spelling attested in l. 25, or even $\text{[}\check{s}i\text{-}ip^2\text{-}ri^2\text{-}\check{s}u\ \check{s}a^2\text{]}$. For possible restorations of ll. 19–23 see the discussion on p. 136 below.

20: Note the use of the permansive plural form *ezbū* instead of the 3cs present *izzib*.

21: On the Hurrian term *uriḫullu*, translated as “compensation,” see Eichler 1973: 22–24, and recently Richter 2012: 497, CAD U/W 225—new references are to be found in EN 10/3 196: 7', JEN 972: 19, IM 70795: 22, IM 70972: 12, IM 73215: 21.

23: *umalla* in sg., as usual in Nuzi texts; the correct form here would be *umallū* (3mp).

24–25: For possible interpretations and comments see the discussion on p. 136 below.

26: *tuppu* and not *tuppu* according to Streck 2009: 137–139.

27: On the month name Impurtannu/i see esp. Oppenheim 1936: 294–297 and Gordon/Lacheman 1938: 56, as well as the comments of Wilhelm 1980: 28. No significant, comprehensive study on the Nuzi calendar has been produced since (on this specific month see briefly Cohen 1993: 368).

28: Restoration of the place name Zizza seems acceptable because of the presence of the gatekeeper Šukriya (l. 41), who acted as witness in HSS 19 98, a document written in Zizza (see Fincke 1993: 356, 358, 361; Müller 1994: 158); in fact, no gatekeeper named Šukriya is known in the town of Nuzi (Negri-Scafa 1998). Note that the seal impression on HSS 19 98 has not been published and therefore one cannot identify both Šukriyas with certainty.

29, 38: This Al-Teššup cannot be the son of Šummiya (and father of Enna-mati?), well attested in the documents from Teḫip-Tilla's house (Lacheman, no date, A 288/4), since he lived during the second generation of the family i.e. by the time of Teḫip-Tilla son of Puḫi-šenni. The same problem concerns the Al-Teššup son of Naiš-kelpe attested in JEN 275: 26.

30, 42: A large number of individuals named Šukri-Teššup is attested in the kingdom of Arrapḫe. The person named here could perhaps be identified with the Šukri-Teššup son of Šeḫliya, who is mentioned in JEN 147 along with Tarmi-Tilla son of Šurki-Tilla, the brother of Zike). Another possible candidate would be the Šukri-Teššup son of Arrumti, of JEN 941: 15, a broken document also coming from Teḫip-Tilla's house (T 16), which preserves no mention of Teḫip-Tilla's family. Note that in JEN 659+: 46—a deed concerning Šurki-Tilla (see Wilhelm 1995)—a Šukri-Teššup son of Ḥaip-šarri is mentioned, but his seal impression (listed by Porada 1947, pl. xxiv as no. 480) is not the same as that used in BM 102353.

31: Restoration of the personal name according to l. 43. I am unable to propose any filiations for this Šelluni.

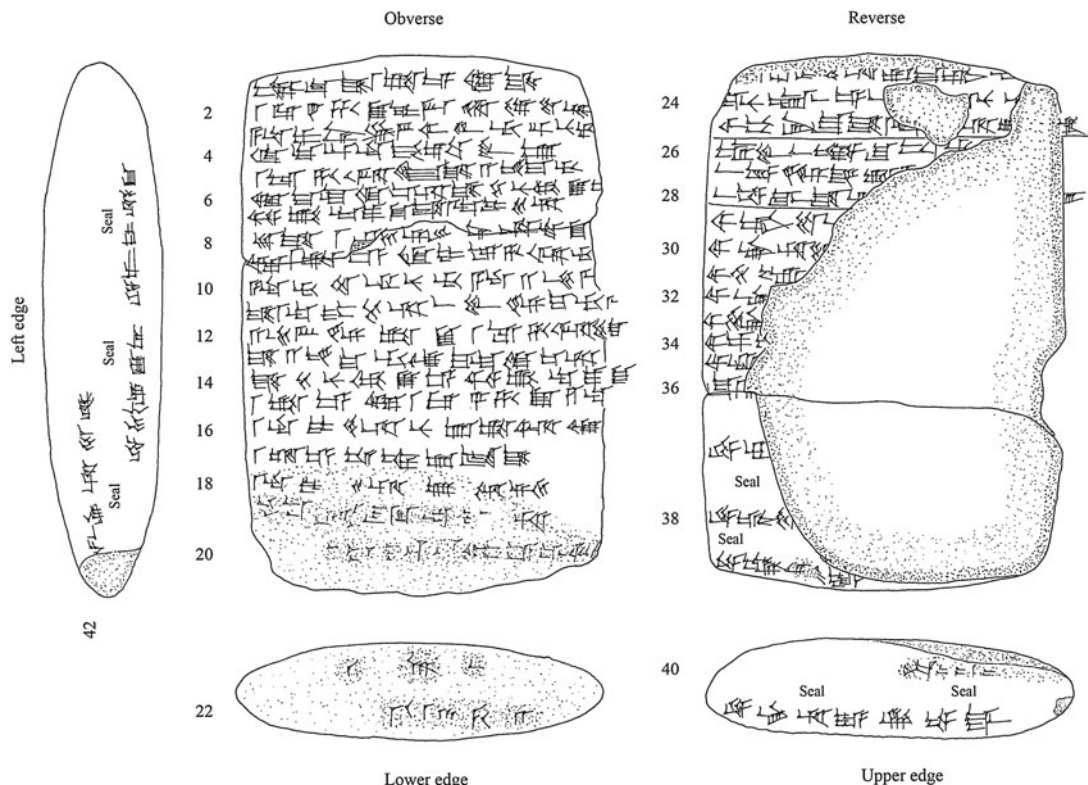
33: Restoration of the personal name according to l. 33. Only two further Inziyas are attested (HSS 14 40: 10, HSS 15 19: 89).

34, 43: Among all the known bearers of the personal name, this Paikku might correspond to Paikku, son of Kanaya, attested in JEN 61: 35 and 37, a document written in the time of Tarmi-Tilla, son of Šurki-Tilla, and therefore contemporary with Zike; and in JEN 996: 5, found in Teḫip-Tilla's house (T 16), but which contains no reference to any member of Teḫip-Tilla's family. No doubt, he is also to be identified with the same Paikku entering as *tidenmu* in JEN 829 (see the comments of Maidman 2003: 184), despite the fact that the text was recovered from the house of Tarmi-Tilla (T 13).

The archival context

As stated above, the texts from the Kingdom of Arrapḫe currently kept in the British Museum belong to different archival groups. In the present case, it appears that BM 102353 was probably drafted in the town of Zizza (l. 28, broken; see the comments on this line). Since the witness list is mostly illegible and some names are uncertain, one should focus on the main participants. Tae and Ipsa-ḫalu, Eḫli-Teššup's sons (ll. 1–2), do not appear as such in other documents from the Kingdom of Arrapḫe. However, one can find the shortened patronymic Eḫliya (<Eḫli-Teššup). A Tae son of Eḫliya appears in RA 23 62: 21, written in Nuzi and probably belonging to the archive of Teḫip-Tilla, son of Puḫi-šenni. An Ipša-ḫalu, son of Eḫliya (and brother of Ariḫ-ḫarpa), appears in HSS 5 75: 24, a text found in the room A 34 of Nuzi and—according to Dosch (1976: 4)—belonging to the archive of Akap-šenni and $\text{[Peku}\check{s}e\text{]}$.

Nai-šeri, slave of Zike (ll. 7–8), is mentioned in RA 23 54: 4–5, a document of unknown provenance. Similarly, a Nai-šeri appears in BM 95529: 10, which—according to the editor—would be the same person as in BM 102353 (Müller 1994: 266).



It is likely that most of the documents mentioned—certainly BM 95529 and 23 54,⁷ and therefore also BM 102353—come from the personal archive of Zike, son Šurki-Tilla, and consequently from the fourth generation of Tehip-Tilla’s family. Most sources pertaining to this Zike have been published and treated by Müller (1998: 21). BM 102353 would have been found in the irregular excavations of Zike’s house in Nuzi—which has not yet been located⁸—and written ca. 1385–1360 B.C. Note that Zike would have kept some deeds contracted by his staff and slaves, a fact attested in other important archives from Nuzi, such as those of Šilwa-Teššup⁹ or ʿTulpun-Naya.¹⁰

The legal context: loans and pledge

Legal nature. Formally, BM 102353 is an antichretic pledge arrangement. This procedure is otherwise well-known in the kingdom of Arrapḫe, mostly related to loans—a topic extensively attested in the historiography. In his unpublished dissertation Owen (1969) brought together all the loan contracts then known. The subject of loans has been revisited and studied in detail, including by Zaccagnini (1984a, 1984b, 1984c, 2002), Wilhelm (1992: 9–23) and Negri-Scafa (2000). Eichler (1973) studied the antichretic contracts under which a person was assigned for the life of the loan. In an unpublished dissertation, Jordan (1986) focused on the antichretic contracts in which a field and its yields were transferred.¹¹ Zaccagnini has summarized the legal phenomena concerning loans and antichretic pledges in two contributions.¹²

⁷ Note that Negri-Scafa (1998: 157) incorrectly lists R4 23 54 among the documents belonging to Zike son of Nai-šeri.

⁸ E.g. Maidman 1986: 257, Müller 1998: 16, Lion 1999: 42.

⁹ See esp. Stein 1993a: 28–30, and the list of different archives in Stein 1993b.

¹⁰ See Abrahami/Lion 2012, esp. p. 48.

¹¹ See the summary in Jordan 1990, or, previously, the suggestions by Zaccagnini 1976.

¹² Zaccagnini 2001, 2003: 607–10.

In fact, the documentation from the Kingdom of Arrapḫe is particularly sensitive to the phenomenon of antichresis. The main source for studying this legal phenomenon is the corpus of antichretic contracts (referred to as *tuppi tidennūti* or similar expressions, on which see below), in which a person borrowing money or commodities from another hands over his property to the creditor, allowing its use and occupation in return for the interest on the property lent. Previous works could make use of 54 contracts of personal antichresis (Eichler 1973) and 92 hypothecary (Jordan 1990). More than 160 deeds pertaining to the phenomenon of antichresis can now be added,¹³ for a corpus of more than 300 contracts.

BM 102353 belongs to the category of personal antichretic contracts. The legal nature and formulary of these deeds was investigated by Eichler (1973), a study which I follow here—including the terminology.¹⁴ Since Eichler's work,¹⁵ eleven further personal antichretic contracts have been published:

- Five from Nuzi:¹⁶ EN 10/3 196 (Fincke 2002: 177, 229), JEN 844 (Lacheman/Maidman 1989: 40, 267), JEN 939 (Maidman 2003: 101–03), JEN 972 (Maidman 2003: 148–50), JEN 996 (Maidman 2003: 184). The first two documents and JEN 996 are poorly preserved.
- Six from Tell al-Faḫḫār: IM 70342 (Ismail/Müller, no date, no. 30), IM 70795 (Al-Rawi 1977: 186–91, 449–50), IM 70972 (Fadhil 1972: 93–94), IM 73215 (Al-Rawi 1977: 224–29, 465), IM 73264 (Ismail/Müller, no date, no. 32), and TF₁ 384 (Al-Rawi 1977: 230–32, 492).

Title and contracting parties. In most of these contracts the title is *tuppi tidennūti*. However, a small number bears other introductory formulae, as the common declaration scheme in the Kingdom of Arrapḫe, *lišānšu ša PN*, “declaration of PN” or *umma PN*, “thus (has said) PN.” According to Eichler (1973: 11), the latter formulations appear in eight documents,¹⁷ to which must be added the present BM 102353—as well as other documents published since Eichler's work (IM 70342, IM 70972, IM 73265, and JEN 996).

In all personal antichretic contracts the creditor (Party C) is a single person (Eichler 1973: 13). This is, in fact, the case of BM 102353, where this part is represented by Nai-šeri. The debtor (Party D) is usually one person too, but one can also find cases of two persons (or three as in JEN 972), whose relation varies (Eichler 1973: 14): they could be mother and son (EN 9/2 156, HSS 13 418) or brothers (EN 9/1 155, EN 9/2 152, IM 70795). This latter circumstance is that of BM 102353, Party D being represented by Tae and Ipša-ḫalu, sons of Eḫli-Teššup.

Property given by Party C. According to Eichler (1973: 14–18), 48 contracts of personal antichresis indicate which property was given as loan, to which the well-preserved contracts listed above should be added. In general, the property consisted of a quantity of metal (gold, tin, etc.), bronze, barley, or animals. In eight cases, the creditor lent one or more slaves, either women or men.¹⁸ In BM 102353 the property lent was a young girl, probably a female slave (*ṣuḫārtu*; see below), who measured two cubits and one elbow. This situation is also attested in JEN 312, where a *ṣuḫāru* and a *ṣuḫārtu* were lent, and in HSS 9 3, where it was a *ṣuḫāru* of two cubits.

Terminologically (Eichler 1973: 18), contracts of personal antichresis generally indicate that Party C delivers (*nadānu*) the property to Party D, who receives it (*leqū*), sometimes as *tidennu (ana*

¹³ Published in Lacheman/Morrison/Owen 1987, 1993, Lacheman/Owen 1995 (excluding those already published by Eichler 1973), Grosz 1988, Fincke 1996, 1998b, 2002, Müller 1994, Fadhil 1972: 93–94, Al-Rawi 1977, Jankowska 1961, Lacheman/Maidman 1989 (excluding JEN 820 and 829, already published by Eichler 1973), Maidman 2003, Lacheman/Owen 1981: 400–01.

¹⁴ E.g. Party C is the creditor and Party D the debtor.

¹⁵ Eichler included some unpublished Harvard documents which later appeared in EN 9, but he had no access to those published in EN 10 or EN 11.

¹⁶ See also the (unusual) *tidennūtu* agreement EN 9/1 170+, joined and transliterated by Fincke 1998c.

¹⁷ AASOR 16 29 (*lišānu*), EN 9/2 144 (*umma*), EN 9/2 153 (*lišānu*), HSS 5 40 (*umma*), HSS 9 13 (*lišānu*), HSS 9 15 (*lišānu*), JEN 192 (*umma*), RA 23 32 (*lišānu*). Other antichretic hypothecary loans begin with the *lišānu* formula, see e.g. JEN 839, EN 9/2 153, EN 9/3 161, EN 9/3 171, etc.

¹⁸ AASOR 16 24, AASOR 16 63, HSS 9 13, JEN 192, JEN 305, JEN 309, JEN 312, JEN 607. In addition, in JEN 317 the property lent was the price of a slave (l. 3: ŠAM a-na 1 LÚ-IR).

tidennūti). In the case of BM 102353, it is simply stated that two persons (Party D) took (*nilteqū*) the property (ll. 5–8).

Property given by Party D. In transactions involving personal *tidennūtu*, the property given away by Party D consists of one or more persons. In half of these cases, Party D hands over himself as *tidennu*, in some others he gives one of his children, while in a few cases he hands over a sibling (brother or sister), another relative, or a slave. In the case of BM 102353, one of the debtors entered Party C's household as *tidennu*. In this regard, the situation is similar to EN 9/2 152 or IM 70795, in which Party D includes two brothers, only one of whom stays as *tidennu*.

Regarding the terminology (Eichler 1973: 19), most of the contracts use an expression containing the verb “to give” (*nadānu*); in thirteen other cases it is stated that the person “enters” Party C's household (*ina bīt C erēbu*);¹⁹ finally in another eighteen references it is said that the person “stays” in Party C's household (*ina bīt C wašābu*),²⁰ a group to which BM 102353 (ll. 9–11) should now be added. Moreover, in BM 102353 the person entering Party C's household is referred to with the expression *ana tidennūti*, “as *tidennu*,” the use of this concrete terminology is attested in another seven cases among those which use the *wašābu* formula.²¹

In BM 102353 it is also established that the *tidennu* should stay in Party C's household for two years (l. 10) from the moment of the transaction, or at least two years, since “the definite duration clause indicates the minimum number of years” (Eichler 1973: 38). In most of the remaining contracts this situation is fixed in the following clauses (see below); the exceptions are IM 70972 and IM 73215 (unknown to Eichler), which also contain this clause in the same section as BM 102353.

Other clauses. BM 102353 also contains the so-called “definite duration clause” (Eichler 1973: 20–21), attested in a further 28 personal antichretic contracts.²² This clause expresses the return of the loan and therefore the restitution of the *tidennu*. In BM 102353 this formula is (ll. 11–16): *immatimē 2 šanāti imtalū P (=property) D ana C nutār*. This two-year period is also set in EN 9/1 149 and IM 70795 (the latter not known to Eichler). After this period, the *tidennu* could leave Party C's household, which in BM 102353 is expressed (ll. 17–18) as PN (=tidennu) *ištu bīti ša C ušši*. This formula (or similar ones) appears in 8 documents;²³ in other occurrences the expressions use the verbs *alāku* or *leqū*.

BM 102353 does not indicate the type of service the *tidennu* was obliged to in Party C's household, which in other cases is expressed (Eichler 1973: 19). This seems to be referred to later, in a type of clause which Eichler (1973: 21–25) labels the “delinquency clause.” Essentially, it should consist of a formula containing several of the following parts:²⁴ *šumma ina 1 ūmi šipiršu ša PN₂ PN₃ izzib 1 manā erī urihulšu ša ūmi u ūmi PN ana PN₂ umalla*, translated as: “If PN₃ neglects the work of PN₂ for a single day, PN shall pay to PN₂ one mina of copper, his daily *urihul*.” This formula seems to be found in the damaged ll. 19–23, for which a possible restoration has been suggested, based upon the remaining personal *tidennūtu* contracts (see comments to ll. 24–25 for another possibility).

Ll. 24–25 seem to contain a previously unattested formula, *mannumē ina bērišunu ašbu šipiršu ša Nai-šeri utār*, the beginning corresponding to the usual penalty clause covering breach of contract—absent in BM 102353. The concrete meaning remains obscure: it would seem that other persons could stay as *tidennu*, and in that case they should work for Nai-šeri—*tāru* D “do again, repeat.”²⁵ Who could these people be? A possible (but unlikely) explanation would be to reinterpret ll. 19–23

¹⁹ Adding IM 70795 and JEN 939, which Eichler could not take into account.

²⁰ EN 9/1 147, EN 9/1 151, EN 9/1 154, EN 9/2 152, JEN 295, JEN 301, JEN 302, JEN 303, JEN 305, JEN 306, JEN 309, JEN 317, JEN 319, JEN 387, TCL 9 10, and now IM 70972 and IM 73264.

²¹ EN 9/1 151, EN 9/1 154, JEN 303, JEN 317, JEN 319, TCL 9 10, and now IM 70972.

²² See the list in Eichler 1973: 21, adding now IM 70342, IM 70795, IM 70972, and IM 73215.

²³ See the list in Eichler 1973: 20 n. 51, adding now IM 70795, IM 70972, IM 73264 and JEN 939.

²⁴ Eichler 1973: 21, with n. 58 for the concrete texts (now add EN 9/3 196, IM 70795, IM 70972, IM 73215, IM 73264 and JEN 972).

²⁵ Maybe the scribe simply made a mistake, putting in the verb *tāru* (which he had written in l. 16) instead of *epēšu*, “to perform (a job)” (see CAD Š/3 80).

following the delinquency clause of JEN 305: 7–10, where a slave is mentioned instead of the usual mina of copper.²⁶ If that was the case, a possible restoration of ll. 19–23 might be: ¹⁹[šum-ma KIN²-šu ša²¹] [¹na-i¹-[šé]-ri ²⁰[i]a-e i-na u₄-mi e¹-ez-[bu]^{1?} ²¹[××] [ú^{1?} [ú]-ri¹-[h]u[l-šu ša] ²²[1 LÚ-İR ú] ¹ip-šá¹-[h]a-[l]u¹ ²³a¹-[na] ¹na-i-še-ri¹ ú-ma-al-[a].

BM 102353 does not appear to contain any further clauses related to the *tidennu*'s death, his possible flight, the clear title clause, etc. which are attested in other contracts (Eichler 1973: 25–32).

šudūtu-clause. This is also a common clause in the legal documents from the Kingdom of Arrapḫe, appearing in eleven other personal antichretic contracts (Eichler 1973: 32 n. 100). It is generally expressed: *tuppi ina arki šudūti ina abulli ša āli GN šatir*, “(This) document was written after the proclamation before the gate of the city of GN.” In BM 102353: 26–28 this clause even mentions the month in which the contract was written (*Impurtannu/i*), probably in order to specify the exact starting moment for the two years of service.

Some comments on children in the kingdom of Arrapḫe (by Daniel Justel)²⁷

Introduction. Some characteristics of the transferred girl in BM 102353, such as her size or quality, lead us to think that she is a child. Documentation concerning children is frequently of a legal nature in the kingdom of Arrapḫe. Its archives (Nuzi, Arrapḫe/Āl-ilāni or Tell al-Faḫḫār) show infant adoption contracts, sales of children or court cases concerning children. The study of these legal topics contributes to a better understanding of the general state of minors in this Late Bronze Age area.

BM 102353 sheds light on some aspects of legal practices involving children in the kingdom of Arrapḫe. As already stated, it is the only contract of personal antichretic from Nuzi in which the property given by the Party C is a simple *šuhārtu*. This Akkadian term means “young woman,” “female child,” although it also can refer to a “working woman” or to a “slave.”²⁸ In this specific case, it is indicated that the young girl comes from the land of the Lullubians (ll. 6, 14), a typical place of origin of slaves in the kingdom of Arrapḫe.²⁹ It seems therefore that the maid was actually a slave, a circumstance which fits some textual references. Additional hints of this status, pursued further in the following paragraphs, include the lack of mention of the name of the *šuhārtu*, her size, and her quality.

Sources from Arrapḫe dealing with children. Children are attested in a wide range of legal situations. In some cases, it is obvious that the underage child was a slave, as in infant sales.³⁰ In RA 23 52, for example, it is stated that a man sold his daughter, Ḫawurnišḫe, to a certain Urḫi-Tešup for 30 minas of lead, 7 *imēru* of barley, and five sheep. A further example is HSS 19 125, in which Ilaya bought a slave-girl (*GEMÉ*) from Tiwirra. In these sales of infants, as in BM 102353, the name of the child is never mentioned.

There are also references to children among the rosters of servile population of Arrapḫe. We know some lists of this kind of personnel in the archives of Šilwa-Teššub³¹ and in those of the Palace. In relation to the first lists of large households, Wilhelm (1980) showed that both the *šuhārū* and the

²⁶ Maybe the same case in JEN 312: 19–21, according to Eichler 1973: 25.

²⁷ University San Dámaso, Faculty of Christian and Classic Literature *San Justino*. The content of this part is based on my unpublished doctoral dissertation (D. Justel 2012a), in which besides the sources from Arrapḫe I deal with other Late Bronze Age sources, mostly Middle-Assyrian, Middle-Babylonian and Syrian. I thank B. Lion (Université Charles-de-Gaulle Lille 3), Ch.W. Hess (Freie Universität Berlin) and M.P. Maidman (York University), who carefully read this part of the article and suggested helpful remarks.

²⁸ See CAD § 231a.

²⁹ See for example the documents mentioned in Eichler 1973: 120, Fincke 1993: 190–93, or Klengel 1987/1990: 166.

³⁰ In other cases it is not so clear if the child is a slave or not. The document AASOR 16 39 shows a dispute concerning the legal custody of a child born to Tulpun-Naya's slave, Arrumpa. The mother of the baby, Zammini, comes before the judges to claim that the child should belong to the biological parents. The status of Zammini is not noted, and despite the fact that she is the biological mother, Tulpun-Naya argues that “Zammini's baby is born to Arrumpa, my slave” (ll. 10–13). Considering this situation, Tulpun-Naya presumes that any child born to a servant belongs to the slave's master. On this document see Abrahami/Lion 2012: 40, Garroway 2014: 151–52.

³¹ See for example HSS 14 638.

ṣuḫārātu received lower rations than the adults. Regarding the Palace archives, the distribution of grain to servile personnel, including children,³² is also attested.

In other documents, children were adopted.³³ Although in this case children do not participate actively, as in the aforementioned sale agreements, both cases do not express the same legal situation. In all these adoption texts the name of the adopted child is mentioned. Some of these contracts furthermore raise the possibility of a future breaking of the agreement by the adoptee, with consequent forfeiture.³⁴

A parallel phenomenon, but with different connotations, is provided by the so-called matrimonial adoptions. These represent a legal mechanism by which a woman enters another family, which later on could give her in marriage to a third party.³⁵ In some documents, this woman was undoubtedly an underage girl. The most evident cases are HSS 19 86/HSS 19 134, by which Utḫap-Tae adopted a girl (named ^fNūru-mātu) from her biological parents, and contracted her biological mother for nursing her.³⁶ Additionally, adoption contracts of sons could contain marriage clauses.³⁷

Another text group from Arrapḫe which provides indirect evidence about children—with parallels throughout ancient Near Eastern literature—are the payments (Akk. *tēniqu* or *tarbītu*) received by professional wet nurses (Akk. *mušēniqtu*). This salary, generally measured in barley, clothes, wool, or oil, was frequently intended for the wet nurses themselves.³⁸ However, these goods could also be assigned for the care of babies, with cereal for complementing the wet nurse's milk, clothes for the children, oil as food or for skin cares, etc.³⁹

Finally, antichretic contracts inform us about childhood in Arrapḫe as well. These documents concern a loan in which the debtor pledges real estate or persons to the creditor, allowing the use of them in lieu of interest. When contract involves personal antichresis, the persons could be either adults or children. The latter case is that of BM 102353.

Measuring children in Arrapḫe and other LBA archives. In some texts from Arrapḫe—and contemporary Babylonia—infants were described according to height, in cubits (Sum. *kūš*, Akk. *ammātu*), hands (*ūtu*), fingers (*ubānu*), or *kinšulkišri* (elbow), the last being attested only in Arrapḫe. Table 1 shows as an example the sales of children mentioning their sizes:

The exact value for the length of the cubit in Late Bronze Age texts is not accurately known.⁴² Although it slightly changes according to the period and area, a normal cubit⁴³ could be equal in this period to 30 fingers (thus approximately 40–50 cm).⁴⁴ The hand-measure could correspond to

³² See for example HSS 16 7, HSS 16 333, or the damaged HSS 16 408. I thank B. Lion for these and other references regarding the Palace archives from Nuzi.

³³ On this legal phenomenon in the kingdom of Arrapḫe see Stohlman 1972, Lion 2004 and D. Justel 2012b.

³⁴ In this sense see for example HSS 5 57: 15–17, HSS 5 67: 32–34, HSS 19 22: 27–28, JEN 572: 26–31 (broken).

³⁵ On matrimonial adoptions from Nuzi see especially Breneman 1971: 80–179, Eichler 1977, Grosz 1987, Cassin 1994, Fincke 2012. For the Ancient Near East in general see a brief abstract in Westbrook 2003: 52–54.

³⁶ See D. Justel 2010. In the matrimonial adoptions HSS 19 89 and RA 23 42 it is stated that the girl delivered was reared by another woman—a slave of the palace—so the first one was an underage girl as well. In the marriage adoptions JEN 437: 12 and JEN 440+/638: 11, a young girl (*ṣuḫārātu*) is also mentioned.

³⁷ See specially HSS 19 76 (Breneman 1971: 271–72) and HSS 19 75. For the child adoptions in which the future marriage of the adoptee is foreseen see HSS 5 57, HSS 19 45 and JEN 572.

³⁸ As explicitly show for example in HSS 13 165: 5 (*a-na mu-še-ni-iq-tu₄*), HSS 14 102: 6 (*a-na MUNUS-MEŠ mu-še-ni-qa-ti*) and HSS 16 234: 19 (*a-na mu-še-ni-iq-ti*). For other corpora attesting that the payment was for the wet nurses (in this case specifying their personal names) see, for example, Ziegler 1997: 47 (Mari).

³⁹ See for example HSS 15 247: 1–6, “The wet nurses (*mušēniqātu*) took 5 *qū* of sesame oil for the children (TUR-TUR-MEŠ), in the month of Arkapinni” (see CAD Š/1 304b and Schneider-Ludorff 2009: 485 and n. 44). On the characteristics of this oil in Mesopotamia see particularly Kraus 1968, Maidman 1992 and Lion 2001. See also some references to the Hurrian term *teḫambašḫu* (payment given to a woman, man, or couple, in exchange for the rearing of a baby), in Fincke 1995: 5–12 and D. Justel 2012b: 143–44.

⁴⁰ UET 7 27 could originally have included the size of the girl sold, named ^fSalašētu.

⁴¹ BE 14 1 could originally have included the size of the boy sold, named Taklāku-ana-Kamulla.

⁴² Powell (1987/1990: 481–82) only analyzes for the Middle-Babylonian period measures of surface, but not of length.

⁴³ We have to distinguish between a “normal cubit” (Sum. *kūš*, Akk. *ammātu* = 40–50 cm) and a “large cubit” (Sum. *kūš-GAL*, Akk. *ammātu rabītu* = 70–75 cm). The first one is used in sales of children.

⁴⁴ See in this sense CAD A/2 70b. This interpretation is supported by the sources from the contemporary archive of Emar, for which there seems to be a general consensus in assigning to the cubit the value of 50 cm (Chambon 2008: 142). See however the document from Arrapḫe YBC 5143, where it is pointed out that the delivered slave should be measured “according to the cubit of Wullu” (l. 5: *i-na am-*

TABLE 1: sales of children that include mention of their size.

Archive	Text	Size
Arrapḫe	EN 9/1 409	2 <i>am-ma-ti</i> ù <i>ma-la ki-in-ṣi</i>
	HSS 19 115	2- <i>na am-ma-ti</i>
	HSS 19 125	2- <i>na am-ma-ti</i>
	YBC 5143	2 <i>am-ma-ti ú-uṭ-ṭá</i> ù 4 <i>ú-ba-ni</i>
Ur ⁴⁰	UET 7 21	1 KÜŠ
	UET 7 22	[1 KÜŠ ¹
	UET 7 25	[2 ¹ KÜŠ
	UET 7 26	½ KÜŠ
Tell Imliḫiye Nippur ⁴¹	BaM 13/1	(1) <i>am-ma-at</i>
	BE 14 128 ^a	½ KÜŠ
	CBS 10733	1 KÜŠ

20–25 cm,⁴⁵ while a finger could equal 1.3–1.5 cm. We do not know the value for the length of a *kiṣru/kinṣu*, although it could probably have been just short of 20 cm, similar to the hand. Accordingly, the two cubits and one *kiṣri* (2 *ammati u mala kiṣri*) given in BM 102353 could refer to a girl of 1–1.20 m of height, a child of perhaps 6–8 years old.

All cases in which the sizes of infants are attested correspond to the transfer of children. Apart from BM 102353, other examples from Arrapḫe include: EN 9/1 409, in which Ilaya paid Tatau the agreed amount of money for a slave girl (GEMÉ), measuring two cubits and one *kinṣu*,⁴⁶ HSS 19 115, by which a man delivered his son as a slave and received in exchange another slave of two cubits; HSS 19 125, where one learns that a man bought a slave girl of two cubits and one *kinṣu*; or YBC 5143, where it is attested that a trader should hand over a slave (male or female) measuring two and a half cubits and four fingers.⁴⁷ This does not mean that sizes are mentioned in every transfer of children. Child adoptions, for example, never specify size. Therefore, and bearing in mind that there is a link between size/age and strength, the mention of size in the transfers of a child leads us to think that these children would be slaves, even if they are not explicitly designed as such (IR or GEMÉ).⁴⁸

Transfers of children “of good quality”. The quality of the underage child transferred is expressly recorded in some Late Bronze Age texts from Mesopotamia and Syria. In BM 102353: 7 and 14 the quality of the girl is expressed through the adjective SIG₅-GA, “good.” The same adjective is used regarding other slave girls from Arrapḫe: EN 9/1 409: 5, 18, AASOR 16 95: 6, HSS 9 17: 6, 8, EN 9/1 431: 21 (all from Nuzi), Fadhil 1972 no. 5: 24, 27 (Tell al-Faḫḫār) and this text. This phenomenon occurs in Late Bronze Age Syrian documentation as well.⁴⁹ For example, in *AuOr* 5 11 (Emar) one learns that three slaves were sold, one of the clauses (ll. 9–10) pointing out that: “If someone in the future comes and wants to free them, this person shall give PN four women of good quality (MUNUS-MEŠ SIG₅), (and) shall take them.”⁵⁰

Every text mentioned above refers to slaves. In other documents in which the transferred children were not slaves, we do not find the same expressions. This is the case, for example, in adoption contract *AuOr* Supp. 1 77, also from Emar. The document points out that whoever claims the boy and girl adopted should provide two other people “of the same value” (*maṭiṣṣunu*).⁵¹ Therefore, the quality of the underage child transferred had probably only be noted in cases dealing with slaves.

ma-at ¹*wu-ul-lu*). Lacheman and Owen (1981: 383) suggest that, at least at Nuzi, there were nonstandardized measures for the cubit, and for this reason it would here specify the relation between the cubit of Wullu, the buyer’s personal name, and the length of the child.

⁴⁵ On the measure of *ūtu*, “hand,” see Landsberger 1960: 109–12 and Von Soden 1977: 240–41. On the relationship of this term with *ammatu*, “cubit,” see Lewy 1959: 3 n. 13.

⁴⁶ The text is partially damaged; it seems that Tatau could have taken Ilaya’s money but Tatau did not deliver the girl. For this reason, Ilaya reported him before the judges, and

they sentenced Tatau to pay Ilaya the amount of 9 *imēru* of barley in addition to a slave girl of the same quality as the first one.

⁴⁷ See also AASOR 16 36: 9 or JEN 317: 11.

⁴⁸ Adopted children are not designed by their size since they are not probably used as workforce.

⁴⁹ See the example of Emar in J.J. Justel 2008: 243.

⁵⁰ The document was published in Arnaud 1987: 229–31.

⁵¹ *AuOr* Supp. 1 77: 16; cf. CAD M/1 147b. Arnaud (1991: 130) translates the expression simply as “à leur place.”

It is possible that some contracts could have been considered invalid due to the insufficient quality of the slave child. This phenomenon is not so far attested in the documentation from Arraphē, but it is certainly proved for the Middle-Babylonian corpus.⁵²

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⁵² See UET 7 2 (1224 B.C.) where Šamaš-eṭir bought the young Bunni-Sin from three persons, a guarantor (*kattū*) being among them. After checking him (*lataku*), Šamaš-eṭir

did not find the slave satisfactory, so he raised a claim over the sellers—in this case by having the guarantor’s wife, ‘Riḫītuša, imprisoned.

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Josué J. Justel
 Universidad de Alcalá
 Facultad de Filosofía y Letras
 Departamento de Historia y Filosofía
 (Seminario de Historia Antigua)
 C/ Colegios, 2
 28801 Alcalá de Henares
 SPAIN
josue.justel@uah.es

Daniel Justel
Universidad Eclesiástica San Dámaso
Facultad de Literatura Cristiana y Clásica San Justino
C/ Jerte, 10
28005 Madrid
SPAIN
djustel@gmail.com

رهون عقارية من نوع نوزي Nuzi-Type لم تنشر سابقا محفوظة لدى المتحف البريطاني – مع مناقشات عن الطفولة في مملكة أربخه

بقلم: جوسويه جيه جستيل By Josué J. Justel

يقدم البحث إضافة BM 102353 من يورغان تبه Yorgan Tepe، نوزي القديمة. رغم قيام عدد من الباحثين بدراسة الوثيقة وتوزيع المعلومات المشتقة منها جزئيا، فهذه هي المرة الأولى التي يتم فيها تقديم نسخة طبق الأصل مع نقحرة (وهي نسخ كتابة لغة بحروف لغة أخرى) مع ملاحظات شاملة. يعتقد ان النص قد حرر خلال الجيل الرابع من عائلة تهيبي- تيللا Tēhīp-Tilla ويمثل عقد رهن عقاري يتم تسليفه الى بنت شابة، وعليه فان بعض الملاحظات عن الأطفال في مملكة أربخه Kingdom of Arraphē تأتي في مكانها المناسب.