Wilcke, Claus

*Early Ancient Near Eastern Law: A History of Its Beginnings: The Early Dynastic and Sargonic Periods*

Revised edition


Michael S. Moore
Arizona State University
Tempe, Arizona

The history of this volume begins with the author’s earlier essay on the fourth–third millennia B.C.E. legal material in *History of Ancient Near Eastern Law* (HO 72; Leiden: Brill, 2003). Raymond Westbrook, the editor of *History of Ancient Near Eastern Law*, had to shorten it for publication, but he was so impressed with the original manuscript that he encouraged Wilcke to publish it in a separate volume. The result is the present paperback, which includes not only the material published in *History of Ancient Near Eastern Law* but also extensive notes, indices, bibliography, and a section called “Additions 2006” preserving the author’s comments on material unearthed at Adab, Zabalam, Umm al-Hafriyat, and elsewhere, engaging the texts published in Francesco Pompiano et al., *Tavolette cuneiformi di Adab delle Collezioni della Banca d’Italia* (vol. 1; Rome, 2006); and Francesco Pompiano et al., *Tavolette cuneiformi di varia provenienza delle Collezioni della Banca d’Italia* (vol. 2; Rome, 2006).

This present, revised edition transliterates, translates, and surveys the early Sumero-Akkadian legal material in a from much more affordable than *History of Ancient Near Eastern Law*. Following a concise introduction to the original sources (9–27), it discusses some of the earliest law codes and edicts (including private and scholastic codes), constitutional and administrative law (some of the oldest laws about kingship, taxation,
and the court system), litigation (parties, procedures, types of settlements), personal status (laws about citizenship, slavery, class, gender, age), family (marriage, marital property, dowry, gifts to the groom, divorce), property and inheritance, treaties, and contracts (landed property, fields and houses, movable property, loans, pledges, exchanges, sureties, hires, oaths, and crimes).

The texts here are as fascinating to read as they are significant, and they reveal how complex was the socioeconomic structure of earliest Mesopotamia. In the area of family law, for example, Wilcke translates a prohibition cited in one of the early “reform texts”: “It was so that women of former times took two husbands each; today’s women have dropped that crime” (59). Rather than polyandry, though, he thinks this law more likely refers to the problem of debt bondage faced by women dealing with former husbands still living. In the area of property law, the texts show that private ownership occurs at the earliest levels, to the point that some individuals own latifundia-sized land holdings (67). Evidence from the Enlil-maba archive published by A. Westenholz in 1987 shows that inheritance rights can and do pass to women as “property of the mother,” even while other texts treat female inheritance as a matter of innovative reform (71–72).

In the area of personal status, Wilcke cites texts distinguishing “free citizens” from slaves via Sumerian terminology denoting status levels slightly beneath those of “full citizens” (Sum dumu-gir1 [51]). Further, the two Sumerian words for “male slave” (ir11 and úrdu.d) both use the signs NĪTA x KUR, suggesting to Wilcke that “mountain man” was the original meaning. Private persons and institutions own slaves, while a Sargonic tablet of unattested origin gives higher status to slaves who are “house-born.” The individuals most responsible for creating new slaves are not politicians but desperate family members, particularly mothers forced to sell offspring for food and shelter (56).

In the area of contract law, the author points out that “the exchange of property against a payment in kind is the earliest recorded transaction in private law” (80). He also notes, with D. O. Edzard (the scholar to whom the book is dedicated), how often “gifts” come “standard with sales of landed property” (80). Of great interest is the careful way he shows how the details of contracts change over time as Old Sumerian contracts evolve into the Sargonic period.

Three things make this volume valuable and unique: (1) its transliteration/translation of so many actual legal texts; (2) its focus on nonreligious, noncultic law; and (3) its focus on the oldest periods of Sumero-Akkadian history. Perhaps a better title for the volume would be “Early Mesopotamian Law,” since little or nothing is said about the socioeconomic legal material from Anatolia, Mitanni, Egypt, or Syria-Palestine. Assyriologists will be most attracted to the book, but biblical scholars will also appreciate
it, particularly those interested in the origins and evolution of the socioeconomic/legal material preserved in the Hebrew Bible.