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Elam and its Neighbors

Recent Research and New Perspectives.
Proceedings of the International Congress Held at
Johannes Gutenberg University Mainz,
September 21-23, 2016

Behzad Mofidi-Nasrabadi, Doris Prechel, Alexander Pruß
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CONTENTS

Preface	III
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I

PHILOLOGICAL AND HISTORICAL APPROACHS

Badamchi, H. <i>Law in a Multicultural Society: Akkadian Legal Texts from Susa in Comparative Perspective</i>	3
Krebernik, M. <i>Eine neue elamische Beschwörung aus der Hilprecht-Sammlung (HS 2338) im Kontext alloglotter Texte der altbabylonischen Zeit</i>	13
Mäder, M., Balmer, St., Plachtzik, S., Rawyler, N. <i>Sequenzanalysen zur elamischen Strichschrift</i>	49
Malbran-Labat, F., Roche-Hawley, C. <i>On the Unpublished Contracts from Susa (TS A IX-XV)</i>	105
Mofidi-Nasrabadi, B. <i>Who was "dMUŠ.EREN.EŠŠANA.DINGIR.MEŠ"?</i>	113
Prechel, D. <i>Administration in Haft Tappeh</i>	127
Tavernier, J. <i>The Functions of Abrupt Spellings in the Elamite Writing System</i>	137

II

ARCHAEOLOGICAL AND GEOARCHAEOLOGICAL APPROACHS

Abdali, N. <i>Glazed Artefacts in Elam and North-Western Iran: A Common Technology?</i>	155
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II

- Álvarez-Mon, J.
Puzur-Inšušinak, Last King of Akkad? Test, Image and Context Reconsidered 169
- Dinarvand, Y., Rezaloo, R., Ba Ahmadi, H.
A Neo-Elamite Site South of Susa (Tappeh Konar) 217
- Rashidian, E.
Dehno and its Environs. A Geoarchaeological Approach to the Elamite Urban Places 227
- Wicks, Y.
Elam and its Neighbours: A View from Neo-Elamite Mortuary Remains 247
- Zalaghi, A.
Digging up the Past: Revisiting the Elamite Underground Vaulted Tombs at Tappeh 497 (KS 53?), Susiana Plain 277

PREFACE

The international congress “Elam and its Neighbors. Recent Research and New Perspectives”, which forms the content of the present proceedings volume, was held at the Johannes Gutenberg University Mainz from September 21st - 23rd 2016. The idea to hold a congress originated from the recent excavations and fieldworks carried out in different Elamite sites. These new research activities yielded interesting archaeological, philological and historical results which offer new perspectives concerning Elamite studies. The aim of the congress was to provide an opportunity to discuss such new results in order to reflect the research strategy and create impulses for further studies in the future. I would like to thank the contributors for taking part in the discussion and I am very grateful to all lecturers who submitted their contributions to be published in this volume.

The Institutes of Ancient Near Eastern Studies of the University of Mainz funded the congress. My warmest thanks go to Doris Prechel and Alexander Pruß, who not only co-organized the congress, but also financed the publication of the proceedings. Moreover, I express my sincerest thanks to all students, faculty members and chairs for their support.

Behzad Mofidi-Nasrabadi

I

PHILOLOGICAL AND HISTORICAL APPROACHS

Law in a Multicultural Society: Akkadian Legal Texts from Susa in Comparative Perspective¹

Hossein Badamchi²

Abstract

Some 600 legal texts from Susa during the first half of the second millennium BCE constitute a unique source for the study of Elamite law and society: there is no legal text in Elamite language from this period, nor is there any Akkadian legal text found in other Elamite sites (outside Susiana) from this period. This collection of legal texts is furthermore important for studying the development of law in Old Babylonian Period.

The present paper will examine two fundamental problems that scholars face in studying these documents: the first is whether this collection of tablets can be used to reconstruct Elamite law. Different opinions about the authorship of these tablets need to be examined. The second is how contemporary legal documents from Ancient Near East can contribute to the study of this collection and if the Susa collection has something to offer back.

1. Introduction

The legal documents of the Ancient Near East, including the ones from Susa, are ancient but not primitive: they belong to societies which had a millennium-long history of large scale complex social life. The origins of law, as Raymond Westbrook (2003, 1) writes, “are lost in the mists of prehistory: we can only speculate as to what kind of law our early ancestors practiced. It was not until the advent of writing that lawmaking could leave durable traces, a record from which modern historians may reconstruct what were once living institutions.”

The present research examines Elamite law in second millennium BCE through the corpus of Akkadian legal documents found in Susa. It is based on two interlocking claims: the first is that Elamite law can be reconstructed from the Susa documents because these documents portray the legal

¹ I wish to thank my friend and senior colleague, Prof. Guido Pfeifer (Goethe-Universität Frankfurt) who generously offered much valuable insight when I was writing this paper. I also wish to thank the organizers of the Elamite seminar in Mainz, in particular Dr. Behzad Mofidi-Nasrabadi.

² Hossein Badamchi, Assistant Professor of History, University of Tehran and an Alexander von Humboldt Fellow in Goethe-Universität Frankfurt (hbadamchi@ut.ac.ir).

life of the Elamite people (not a group of Akkadian immigrants or Babylonian soldiers). F. Vallat (2008), a great scholar of Elamite civilization, writes “we must emphasize that the history of Susa is inseparable from that of Elam, for a major part of the elements that enable Elamite history to be established derive from the excavations of Susa and its environs.” Vallat exclusively talks of political and religious history (so does Koch 2011). The present study intends to apply this method to reconstruct Elamite law. The second claim is that Susiana is a multicultural society where elements of Mesopotamian and Elamite cultures (legal and religious) lived side by side.

2. Historical Context

The geographical boundaries of Elam varied in different periods of its history but the core region was the lowland of modern Khuzistan with Susa, which existed as an urban center since about 4,000 BC, and the Iranian highland centered on Anšan, about 50 km north-northwest of Shiraz (Potts 1999, 5-9). The Elamite extension in the east included Kermān and the margins of the great deserts of Dašt-e Lūt and Dašt-e Kavīr. Elam's political history was reconstructed from native epigraphical record, archeological excavations, and to a large extent from the textual evidence in Mesopotamia. The first rulers known by name are from the period of about 2500 BCE.

Elamite Government is described in modern scholarship as a confederation where the peoples of Elam did not live under a single political entity. Rather, they existed as independent entities with various forms of political and social organization. The main body of law was customary law, derived from timeless tradition, and could vary from one place to another; for example, a Hittite text clearly demonstrates how significant local customs were (Westbrook 2003, 14; Miller 2013, 228)³. At around 2000 BCE Elam (now centered on Susa) saw a consolidation of ruling power, and important changes in the organization of power. Modern scholars call this era the ‘period of the Sukkalmah’ because the rulers of this dynasty, which lasted for almost five centuries, bore that title, a Sumerian epithet taken over from Mesopotamia (literally ‘great chancellor’).

Recently discovered archives from Mari demonstrate that in the early 2nd millennium Elam was one of the most powerful states in the Middle East. Its rulers advanced as far as the regions to the west of the upper Tigris, and in the age of Ḫammurapi of Babylon claimed suzerainty over Mesopotamia (Van de Mieroop 2005, 15ff.). Elam's trade relations extended to the Mediterranean. For example, Elamite tin was sold to Karkemiš, Aleppo and Qatna in central Syria. Joint venture contracts in this corpus shed light on how these commercial partnerships were legally arranged. They also document how temples as money lending institutions take part in the long-distance trade.

³ Hittite Instructions to the Frontier Post Governors iii, 9-14 (after Miller 2013, 228): “Further, the governor of the post, the magistrate, (and) the elders shall judge law cases properly, and they shall resolve (them). And as the law regarding a sexual offense has been handled traditionally in the provinces, in a town in which they have executed, let them execute, while in a town in which they have banished, let them banish.”