

26) Two phonetic complements in Achaemenid Elamite Iranica – In 1989 the French scholar François Vallat published an article¹ in which he pointed out that some Elamite words and variant spellings used phonetic complements to clarify the character of a CVC-sign. Examples are ^dha-na-ma-kaš vs. ^dha-na-ma-kašiš, pa-ráš-da vs. pa-ríš-da and pa-rášiš-da, mRa-tin-da vs. mRa-tinⁱⁿ-da, etc.

In this note two other examples of phonetic complements in Achaemenid Elamite are presented. In both cases the use of phonetic complements is important for the etymological analysis of the expression.

1) Ab-ba-bar-ka₄-še

The word ab-ba-bar-ka₄-še is found in an unpublished Fortification text (PFNN 2264 : 5). The last sign ŠE, which at the end of a word is mostly a rendering of the Iranian enclitic -šai, “his,” suggests an Iranian origin of this term and indeed, an Iranian origin has already been acknowledged (**apabarga*-šai, “his/its *apabarga*”)², but unfortunately it lacks any explanation. The etymology of this word still remains to be established.

In order to get to a better understanding of this word, it is useful to have a look at the context in which it occurs. Information on this was supplied by Hinz & Koch, according to whom the text is dealing with an *amma* (account) of 21390 units of barley (line 3). In line 4 1700 of these 21390 units are being dispensed (ma-ka-ka₄). Finally line 5 mentions 170 units and the word ab-ba-bar-ka₄-še. Accordingly this word is being used to designate one tenth of the dispensed barley.

A closer look at the text, however, gives other numbers than the ones given by Hinz & Koch³. Lines 1 and 2 mention 1029 and 1110 units of barley. Line 3 sums up the total of lines 1 and 2, being 2139 units of barley. In line 4 170 of these units are being dispensed and finally line 5 mentions a damaged number (x+7) followed by ab-ba-bar-ka₄-še. Accordingly the exact rate of the *abbabarka* is not known, but it could very well be one tenth of the dispensed barley.

A word, appearing in perfectly comparable contexts and thus possibly providing more information on the nature and etymology of *abbabarka*, is ab-ba-ka₄-na-še. Although the exact nature of this expression is not known either, Koch’s suggestion that it is a special kind of tax, which could be used for several purposes (among others for the royal court itself), is not invaluable. Its rate is 1/30 (cereals) or 1/10 (wine)⁴.

The *abbabarka* appears in the same contexts as the *abbakana* and can thus be considered a special tax too. Now that the context is known better one can look for the Old Iranian word, which is rendered by ab-ba-bar-ka₄-še. In my view the reconstruction **apabarga*- of Hinz & Koch is not tenable. A more plausible reading is revealed, when one considers the sign BA to be a phonetic complement, yielding a reading ab-ba^{ba}bar-ka₄-še. Such a reading can easily render an Old Iranian **apārga*-, a compound of the prefix **apa*-, “away”⁵ and **arga*-, “value, worth”⁶. This etymology fits well the contextual (fiscal) meaning of the word.

2) AŠKu-rák-ka₄⁷ and AŠKu-ra-rák-ka₄⁸

These two spellings have always been considered as rendering two different places.⁹ The name Kurakka has not yet been analyzed,¹⁰ while Kurakka renders Ir. **Kura*-ka-, “family” (cf. OInd. *kūla*-). The equivalent personal name¹¹ is discussed by Gershevitch, Mayrhofer and Hinz¹².

In her study on the Fortification texts, Koch situates Kurakka in the Persepolis-district, while Kurakka should be situated in the south-western district.¹³ Kurakka was a larger place, where several officials were at work : **Āθrava*-, **Bagafarnah*-, **Rašnuka*-, Šimut-ap, and **Vinduka*-.¹⁴

Unlike the relatively large amount of information on Kurakka, the information on Kuraka is very scanty. This place is attested in only two texts (PF 514 and PFNN 2121) and the persons, connected with Kuraka, cannot with certainty be related to another place : Kelizza as well as **Parθara*- do not occur elsewhere and **Bagadāta* is a name that widely spread that one cannot connect it with only one individual. The only remaining personal name in PFNN 2121, **Arbamiθra*-, might bring one a little bit further. This person is named in connection with some other place names such as AŠAn-tur-ma, AŠPír-mi-ia and AŠZí-ka₄-ra. Koch does not situate AŠAn-tur-ma, but she does situate AŠZí-ka₄-ra in the south-eastern district and AŠPír-mi-ia in the south-western district,¹⁵ the same district where one has to look for Kurakka.

Conclusively we can assume that both texts, mentioning Kurakka, do not give any clue to a connection between Kurakka and the Persepolis district. Nevertheless PFNN 2121 might lead one towards a connection between Kurakka and the south-western district, although this is very uncertain. It is thus perfectly possible that both names, Kurakka and Kurakka, refer to the same place. In this case one just has to read AŠKu-rarák-ka₄ with -ra- as a phonetic complement.

1. F. Vallat, “Les compléments phonétiques ou graphiques en élamite achéménide”, *AION* 49 (1989), 219-222.

2. W. Hinz & H. Koch, *Elamisches Wörterbuch* (AMI. *Ergänzungsband* 17), Berlin 1987, p. 19.

3. The numbers quoted are the ones from Hallock’s MS of the NN texts, collated on the tablet by M.W. Stolper.

4. H. Koch, “Steuern in der achämenidischen Persis”, *ZA* 70 (1980), 125-126.

5. OInd. *apa*- and Gr. *ἀπό*.

6. Cf. OInd. *árh*-, “to be worth”, Av. *arəg*-, “to be worth(y)” and NP *arzidan*.

7. Attested in PF 514 : 5 ; PFNN 2121 : 11-12.

8. Attested in PF 1969 : 18,22, 2084 : 14 ; PFNN 2372 : 34.

9. R.T. Hallock, *Persepolis Fortification Texts* (OIP 92), Chicago 1969, p. 715 ; W. Hinz & H. Koch, *Elamisches*

Wörterbuch, p. 519.

10. W. Hinz & H. Koch, *Elamisches Wörterbuch*, p. 519, avoid any reconstruction. H. Koch, *Verwaltung*, p. 114, mentions *Kurarakka-, but adds a question mark to it.

11. Spelled HAL Ku-rák-ka₄ (PF 791 : 1-2 ; PFNN 1207 : 2).

12. I. Gershevitch, "Amber at Persepolis", *Studia Classica et Orientalia Antonino Pagliaro Oblata*, vol. 2, Roma 1969, p. 201 ; M. Mayrhofer, *Onomastica Persepolitana : das altiranische Namengut der Persepolis-Tafelchen* (SÖAW 286), Wien 1973, 8.863 ; W. Hinz, *Altiranisches Sprachgut der Nebenüberlieferungen* (GOF Ir. 3), Wiesbaden 1975, p. 154.

13. H. Koch, *Verwaltung und Wirtschaft im persischen Kernland zur Zeit der Achämeniden* (Beihefte zur Tübinger Atlas des Vorderen Orients. Reihe B : Geisteswissenschaften 89), Wiesbaden, 1990, pp. 261 and 279.

14. H. Koch, *Verwaltung*, pp. 114 and 279.

15. H. Koch, *Verwaltung*, p. 72 n. 325, 90 n. 394, 274 and 287-288.

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27) LH §§7 and 123 – A contradiction? – A recent semi-popular biography of King Hammurabi contains a statement impugning the quality of the king's famous law code : ¹

"There are also some inconsistencies in the punishments that are listed. One law demands the death penalty when something is accepted for safekeeping without a proper document, because the recipient is a thief (§7). A related law in another section of the code gives a totally different verdict, however :

If a man gives goods for safekeeping without witnesses or a contract and they deny that he gave it, that case has no basis for a claim." (§123)

The claim of inconsistency has a long and distinguished history in modern Assyriology. It derives from the interpretation of a term in §7 that is perpetuated in a standard current translation of the Hammurabi code : ²

§7 Wenn ein Bürger Silber, Gold....oder was auch immer *aus der Hand eines Bürgers oder eines Sklaven eines Bürgers* ohne Zeugen und verträgliche Abmachungen kauft oder in Verwahrung nimmt, so gilt dieser Bürger als Dieb, er wird getötet.

The highlighted section of Borger's translation renders the Akkadian *i-na qá-at DUMU a-wi-lim ù lu ARAD a-wi-lim* (VI 48-49). A literal translation would be "from the hand of the son of a man or the slave of a man..." In many contexts, especially in letters, the term *mār awīlim* simply refers to the fact that the subject is of the *awīlum*-class. It is therefore often translated "citizen," "free man," "man," or the like. This interpretation is not applied consistently in translations of the Mesopotamian law codes and in LH §7 most translators do in fact opt for the literal "son of a man." Borger, however, in omitting any mention of a son, stands in an august tradition.

In his magisterial 1917 study of the Laws of Hammurabi, Paul Koschaker insisted that the section referred to a free man and not to a son : "von einem Freigeborenen oder dem Sklave jemandes."³ It was this translation of *mār awīlim* that made §7 inconsistent with §123, since both then purported to lay down the general conditions for a valid sale. Koschaker could only overcome the difficulty by assuming that the code was a composite text that suffered from clumsy editing.⁴

As Driver and Miles pointed out, the whole elaborate exercise is unnecessary, for a literal rendering of the Akkadian produces a perfectly straightforward and sensible explanation of §7 : ⁵

The section treats as a thief one who purchases or otherwise receives goods from a minor or slave, i.e. persons who normally would have no property of their own, unless the transaction is evidenced by a deed or witnesses. It would be apparent that the transferor of the goods was a minor or a slave, and therefore it would be reasonable to require special precautions from one who dealt with such persons.

To elaborate on Driver and Miles' analysis : §123 and §7 are not in contradiction because the legal basis of the claim in each is entirely different. In §123, the owner who gave his goods for safekeeping relies on his contract to reclaim the goods from the recipient.⁶ To demonstrate the *existence* of a valid contract, the owner requires formal proof of its conclusion. In §7, the owner's claim against the recipient (for theft and presumably for return of his goods) is based on the assertion that they were handed over by someone else without his authority. He needs to demonstrate the *absence* of a valid contract, for which the lack of evidentiary formalities is itself proof. Given the presumption raised by the status of the seller/depositor, it is also proof of the buyer/depositee's knowledge that the transaction was unauthorized.

In fact, Driver and Miles' interpretation followed the consensus of the early translators of LH.⁷ Koschaker based himself on the one dissenting voice, a critical note by Moses Schorr.⁸ Schorr's main argument was that *mār awīlim* could not refer to a minor, because in LH a special term was used to designate a minor (§14 : *mār awīlim šiḫram*). The expression in §7 was therefore a merism : the formalities required of the contract applied to any seller, whether free or slave.

Schorr's linguistic point is correct, but it is far from supporting the conclusion that he drew from it. It