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## “Judges of the King” in Achaemenid Mesopotamia<sup>1</sup>

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In his monumental history of the Persian Empire, Pierre Briant studies the case of Babylonia under the first two Achaemenid kings, Cyrus and Cambyses, and reaches the following conclusion about the effect of the Achaemenid conquest:

It is clear that neither Cyrus nor his son wished... to bring about a total disruption of existing conditions. Many institutions known from their time find their antecedents in the Mesopotamian imperial structures of the previous centuries. In other words, the transformations did not necessarily result from suppression or destruction of the existing institutions, but more often and doubtless more efficaciously came about by gradually adapting these institutions to the new structure outlined by the conquerors. (Briant 2002a: 70)

This conservative trend in Achaemenid imperial policy continued even during what Briant calls the “radical acceleration” toward administrative unification under Darius I. Briant himself notes that “the unification of administrative practices on an imperial scale does not imply a loss of traditions” and that “the

conquest and dominion played out on two levels... unification and maintenance of diversity” (2002a: 507).

According to Briant, then, Mesopotamia’s transition from rule by Neo-Babylonian kings to Achaemenid emperors was not as dramatic as one might expect. Even though the region was now subject to new royal authorities, many institutions continued to function as they had in earlier times under native kings. Even the government of Darius I, which did much to unify administrative practices, did not completely obliterate the native traditions of the populations it governed. Instead, according to Briant, the Achaemenid rulers maintained local diversity within the broader context of the empire.

The purpose of the present study is to illustrate, and thus add support to, Briant’s conclusions by examining one particular office: the office of *dayyānu ša šarrī*, Akkadian for “judge of the king”.<sup>2</sup> By collecting references to this office in cuneiform sources, the present study will trace the history of the institution of “judges of the king” in Mesopotamia and demonstrate that it survives the transition from Neo-Babylonian to Achaemenid kings. To do

so, the present study will begin by considering some of the limitations of the available evidence. It will then briefly describe the office of *dayyānu ša šarri* under the Neo-Babylonian kings just prior to Cyrus' conquest. Then, it will document the survival of this office under the Achaemenid Empire by surveying the available evidence from this period.

## I. Nature of the evidence considered

The evidence presented in the present study comes from the abundant corpus of cuneiform legal documents composed in Achaemenid Mesopotamia. These documents come from archives once kept in Mesopotamian cities including Babylon, Borsippa, Sippar, Uruk and Nippur.<sup>3</sup> The cuneiform documents themselves attest the survival of native Mesopotamian traditions under Achaemenid rule. Even while the empire wrote official documents in Aramaic on leather or papyrus, scribes in Mesopotamia continued to write legal documents in cuneiform, as they had for almost 3,000 years.

Some reflections on the limitations of the present study are in order. There are two main limitations, one resulting from the sources themselves and the other imposed by the present study. The cuneiform sources themselves limit the present study of the administration of justice, and of any legal question, for that matter, for a number of reasons. Foremost among these is the fact that legal affairs in Achaemenid Mesopotamia were not always recorded in cuneiform on clay tablets. During the period in question many, if not most, legal documents were probably written in Aramaic on papyrus or leather. These latter materials deteriorate under normal archaeological conditions (apart from exceptional environments in Egypt, the Dead Sea and Afghanistan), so

that these Aramaic documents are now lost. Although clay tablets survive, this does not mean that all the cuneiform legal tablets ever written are available to the scholarly community. Some tablets have yet to be excavated or rediscovered in museums, while others were probably destroyed even in antiquity.<sup>4</sup> Furthermore, the picture is severely limited by the fact that more than half of the nearly 13,000 tablets estimated to exist come from only two temple archives: the Eanna at Uruk or the Ebabbar at Sippar (Jursa 2003: 2). These temples were, of course, not the only places where justice was administered. The existence of private archives offers a glimpse of other adjudicatory venues and mitigates this bias towards temples, but only to a certain extent. In sum, one must always wonder if the study of cuneiform archives in Achaemenid Mesopotamia provides a comprehensive picture of the legal situation at that time.

The second limitation to the present study is, as noted above, self-imposed: by singling out one office, the *dayyānu ša šarri*, the survey will not consider other authorities that play a judicial role but do not have the title "judge". These include such authorities as city governors, temple officials, assemblies and even the king himself. Although the study will reach some conclusions about the legal system in Achaemenid Mesopotamia, a complete description is beyond its purview.<sup>5</sup>

## II. The office of *dayyānu ša šarri* in the Neo-Babylonian period

With these limitations in mind, the discussion can turn to the office of the *dayyānu ša šarri*, "the judges of the king". Documenting the survival of the office of *dayyānu ša šarri* into the Achaemenid period must begin with a

description of this office in the Neo-Babylonian period, just prior to Cyrus' conquest. Before turning to the judges themselves, however, it is useful to consider the ideological connection between the king and the judges that is expressed in the title.

This connection can be traced back to the very beginnings of Mesopotamian royal ideology. For the Neo-Babylonian period, a prime expression of this royal ideology is found in a literary text, which Wilfred G. Lambert calls "Nebuchadnezzar, King of Justice". The text praises the king as follows:

He was not negligent in the matter of true and righteous judgment, he did not rest night or day, but with council and deliberation he persisted in writing down judgments and decisions arranged to be pleasing to the great lord, Marduk, and for the betterment of all the peoples and the settling of the land of Akkad. He drew up improved regulations for the city, he built anew the law court. (Lambert 1965: 8)<sup>5</sup>

According to this text, the king is directly involved in sustaining the system of justice—he promulgates decisions and regulations and maintains the courts. It seems that this association between the king and justice gave rise to the Akkadian title *dayyānu ša šarri*, literally "judge of the king". The title alone expresses an ideological association between the king and the courts. It also raises the possibility that there was some practical connection between the royalty and the judiciary, perhaps through the appointment process. However, the Akkadian title leaves the definition of this practical connection open to speculation and, unfortunately, the available evidence does not shed much additional light on this question.

Having briefly considered the ideological underpinnings of the title *dayyānu ša šarri*,

the discussion can now return to survey the attestations of the title in the Neo-Babylonian period. Numerous Neo-Babylonian legal documents refer to groups of individuals designated *dayyānu ša šarri* ("judges of the king"), usually written with the Sumerograms <sup>102</sup>DL.KU<sub>6</sub>.MEŠ *ša*<sub>2</sub> LUGAL. More frequently, however, instead of the generic *šarri* ("king"), the documents name the king in the title, such as *dayyānu ša Nergal-šarra-ušur* ("judges of Neriglissar") or *dayyānu ša Nabû-nā'id* ("judges of Nabonidus").

The best-attested Neo-Babylonian "judges of the king" are the judges of Neriglissar and Nabonidus who served in Babylon. They are the subjects of an extensive study by Cornelia Wunsch in which she assembles all the available references to them (2000: 557–597). Wunsch studies a group of "judicial documents" ("Richterurkunden") that describe the participation of judges of Neriglissar or judges of Nabonidus in the adjudication of disputes and in land sales. The names of the particular judges appear at the end of these documents, with the title *dayyānu* ("judge") following each name (2000: 558). Wunsch compiles all these names into a directory of all the judges of Neriglissar and Nabonidus in Babylon, including the judges' seals, and lists the dates of each judge's service. By studying this information, Wunsch arrives at a detailed description of the office of "judge of the king" in Babylon during the Neo-Babylonian period.

Wunsch observes that individual judges of Neriglissar and Nabonidus in Babylon did not hear cases alone. Instead, cases were heard by "judicial councils" ("Richterkollegien"), which consisted of several judges and sometimes included other officials, as well (2000: 568 and the chart on pp. 570–571). Based on the judges' family names, she concludes that

the members of these councils came from economically influential families that are well attested in business documents from the period (2000: 568). Usually, judicial councils included only one representative of any particular family. Wunsch also determines that there was a strict hierarchy within these councils based on seniority; a judge could advance only with the departure of a more senior judge (2000: 572).

### III. The office of *dayyānu ša šarri* under Achaemenid kings

Wunsch's work on the judges of Neriglissar and Nabonidus is the starting point for the present discussion of the survival of the *dayyānu ša šarri* under the Achaemenid kings. The discussion will begin with Wunsch's evidence from Babylon and will then turn to consider other evidence from the same city, followed by evidence from other cities.

Wunsch herself documents the continuity of the office in Babylon by showing that three men, named "Nabû-balāssu-iqbi, "Rīmūt-Bēl and "Nabû-etel-ilāni, began their careers with the designation "judges of Nabonidus", and continued their careers as "judges of Cyrus" in Babylon (cf. 2000: 573). Even though a new, foreign king had come to power, these three "judges of the king" retained their position.

Wunsch draws her evidence from the prosopography of the so-called "Richterurkunden", documents that end with a record of the names of the judges. Other legal documents that Wunsch does not consider, also attest to the survival of the office of *dayyānu ša šarri* in Babylon. For example, a summons written in Uruk and dated to 18 Šabātu, year 1 of Cyrus (30 January 538 BC) requires a certain

individual to come and "argue a case" before the judges of the king. The relevant section reads as follows:

*a-di U<sub>1</sub> 15-kam<sub>2</sub> ša<sub>2</sub> ITI BAR<sub>2</sub> "PN<sub>1</sub> it-ti  
"PN<sub>2</sub> "ŠA<sub>3</sub>.TAM E<sub>2</sub>.AN.NA u "PN<sub>3</sub> "SAG.  
LUGAL "EN pi-qit-ti E<sub>2</sub>.AN.NA a-na TIN.  
TIR<sup>14</sup> il-la-kam<sub>2</sub>-ma di-i-ni . . . ina pa-ni<sup>15</sup>DI.  
KU<sub>3</sub>.MEŠ ša<sub>2</sub> LUGAL i-dab-bu-ub*

"By 15 Nisannu, "PN<sub>1</sub> shall go with "PN<sub>2</sub>,  
*šatanum* of the Eanna and "PN<sub>3</sub>, the *ša rēš šarri*  
administrator of the Eanna to Babylon  
and argue a case before the judges of the  
king."<sup>7</sup>

The summoned individual ("PN<sub>1</sub>) must come to Babylon together with two officials of the Eanna temple, the *šatanum* and *ša rēš šarri*, to "argue a case" before the judges of the king. Unlike the examples cited by Wunsch, this summons does not name the judges of the king before whom the case is to be argued. It does, however, provide additional evidence for the survival of the office of *dayyānu ša šarri* in Babylon during the reign of Cyrus.

The evidence presented thus far has been limited to tracing the history of the office of *dayyānu ša šarri* in Babylon from the Neo-Babylonian period into the Achaemenid period. The evidence from outside Babylon shows that the office survives the transition to Achaemenid rule there as well. In the Neo-Babylonian period, judges of Nabonidus and Neriglissar are known from several other cities (e.g. Wunsch 2000: 567, n. 32). Although there is not yet sufficient evidence to trace any of these judges' careers through the transition from Babylonian to Achaemenid rule, the available evidence shows that the institution of *dayyānu ša šarri* itself does survive this transition. The evidence comes from the two large temple archives of the Ebabbar at Sippar and the Eanna at Uruk.

In Sippar, a text dated to 21 Ayaru, year 8 of Cyrus (25 May 531 BC) records the activities of an adjudicating council that met there. The lines that narrate the actual activities are broken,<sup>8</sup> but the concluding lines that contain the names of the council read as follows:

*i-na* EŠ.BAR [*di-i-ni*] MU.MEŠ  
 ["]<sup>1</sup>EN-TIN-*il*<sup>102</sup>E<sub>2</sub>.MAŠ UD.KIB.NUN<sup>11</sup>  
 ""<sup>1</sup>EN-PAP ""<sup>2</sup>DI.KU<sub>5</sub> LUGAL A-*ša*<sub>2</sub> *ša*<sub>2</sub>  
 ""<sup>1</sup>NA<sub>5</sub>-A-MU A ""<sup>30</sup>-DINGIR  
 ""<sup>1</sup>NA<sub>5</sub>-PAP ""<sup>2</sup>DI.KU<sub>5</sub> LUGAL A-*ša*<sub>2</sub> *ša*<sub>2</sub> ""*ha-*  
*za*-[X]-DINGIR  
 ""*ri-mut* ""<sup>1</sup>UMBISAG A-*ša*<sub>2</sub> *ša*<sub>2</sub> ""<sup>1</sup>EN-GI A  
 ""IM-*šam-me-e*

"At the decision of this [case]:

"Bēl-uballit, the *šangū* of Sippar;

"Bēl-nāšir, the judge of the king, son of

"Nabū-apla-iddin descendant of Šin-ilī;

"Nabū- nāšir, the judge of the king, son  
 of "Haza-[X]-ilī;

"Rīmūt, the scribe, son of "Bēl-  
 ušallim descendant of Adad-šammē. (Cyr  
 301:11-14)

Two members of the adjudicating council, "Bēl-nāšir and "Nabū-nāšir, have the title *dayyānu šarri*.<sup>9</sup> They demonstrate that, as at Babylon, the title continued to be used well into the reign of Cyrus.

The archives of the Eanna attest to "judges of the king" at Uruk as well. One summons written at Uruk on 18 Šabātu, year 5 of Cyrus (15 February 533 BC) reads as follows:

U<sub>4</sub> 7-*kam*<sub>2</sub> *ša*<sub>2</sub> ITI ŠE MU 5-*kam*<sub>2</sub> ""*kur-aš*<sub>2</sub>  
 LUGAL TIN.TIR<sup>11</sup> LUGAL KUR.KUR ""PN<sub>1</sub>  
*a-na* UNUG<sup>11</sup> *il-la-kam*<sub>2</sub>-*ma di-i-ni*... *ina pa-ni*  
 ""<sup>2</sup>DI.KU<sub>5</sub>.MEŠ *ša*<sub>2</sub> LUGAL *i-dab-bu-ub*

"On 7 Addaru, year 5 of Cyrus, king of Babylon, king of the lands, ""PN<sub>1</sub> shall come to Uruk and argue a case...before the judges of the king."<sup>10</sup>

As in the summons cited earlier in the discussion, this summons also requires the summoned individual ("PN<sub>1</sub>) to "argue a case" before the judges of the king. However, instead of requiring the individual to appear in Babylon, this summons requires him to appear in Uruk to argue his case. The "judges of the king", before whom the case would be argued, would be in Uruk, rather than in Babylon.

Further evidence for the office of *dayyānu ša šarri* at Uruk during the reign of Cyrus comes from the record of a legal decision written at Uruk, recently published by David B. Weisberg as OIP 122, 38.<sup>11</sup> The text dates to 16 [+] Du'ūzu, year 9 of Cyrus (7 [+] July, 530 BC). It begins with a record of the plaintiff's statement, which is introduced as follows:

"PN<sub>1</sub> ""<sup>2</sup>za-ku-u<sub>2</sub> *ša*<sub>2</sub> "INNIN UNUG<sup>11</sup> *a-na*  
 ""<sup>2</sup>DI.KU<sub>5</sub>.MEŠ ""*ku-ra-aš*<sub>2</sub> LUGAL TIN.  
 TIR<sup>11</sup> LUGAL KUR.KUR *iq-bi* *un-ma*...

"PN<sub>1</sub> a *zakū* of Ištar of Uruk said thus to the judges of Cyrus king of Babylon, king of the lands..."<sup>12</sup>

In addition to this notice, the seal of one of these judges of Cyrus appears on the right and, according to Weisberg's restoration, the left edge of the text. The legend, written in cuneiform, gives this judge's name, "Bau-ēreš, followed by his title, *dayyānu*. This same judge's name, probably followed by the same title, *dayyānu*, also appears in the text itself, among the names of the officials in whose presence the tablet was written. After the narration of the proceedings in court and the decision, the text reads as follows:

*i-na ma-har* ""<sup>4</sup>ba-u<sub>2</sub>.APIN-*eš* r<sup>102</sup>DI.  
 KU<sub>5</sub>[X.X.X] ""<sup>1</sup>DA-<sup>1</sup>AMAR.UTU DUB.SAR  
 A ""<sup>1</sup>DU<sub>5</sub>-*eš*-(DINGIR) ""<sup>1</sup>ba-u<sub>2</sub>.APIN-*eš* r<sup>102</sup>š-

*pi-ri ša<sub>2</sub> "gu-ba-ri* <sup>102</sup>NAM TIN.TIR<sup>101</sup> *u<sub>2</sub> a-rbā<sup>101</sup>*  
*[ID<sub>2</sub>] tup-pi ša-tir*

"(This) tablet was written in the presence of "Bau-ēreš, the judge [...] "Ile"i-Marduk, the scribe, descendant of Eppeš-[ili], and "Bau-ēreš, the parchment-scribe of Gobryas, satrap of Babylon and the Transenphratene district."<sup>15</sup>

In both the seal legend and the notice at the end of the text, the name of "Bau-ēreš is followed by the title *dayyānu* ("judge"). The title does not include the term *ša šarri* ("of the king") even though it is clear from the document's opening lines that the judges are indeed "judges of the king". The use of the abbreviated title *dayyānu* conforms with the usage Wunsch observes in documents from the reigns of Nahonīdus and Neriglissar: the names of "judges of the king" are usually followed by the title *dayyānu*, rather than by the longer title *dayyānu ša šarri* (cf. Wunsch 2000: 558).

The decision record only discussed dates near the end of the reign of Cyrus. The career of the judge "Bau-ēreš as a *dayyānu ša šarri* apparently does not end when Cambyses succeeds Cyrus to the Achaemenid throne. Tracing his career during the reign of Cambyses must begin with the examination of excerpts from three legal records written in Uruk at that time. These three excerpts document the career of two judges, one named "Bau-ēreš and the other named "Rīmūt. The first comes from the record of a decision reached on 12 Addaru, year 3 of Cambyses (22 March 526 BC):

*ina ITI ŠE MU 3-kam<sub>2</sub> "ri-mut u<sub>2</sub> "ba-u<sub>2</sub>-*  
*APIN-eš* <sup>102</sup>DI.KU<sub>3</sub>.ME...*i-na tup-pi is-tu-*  
*ru-ma*

"In Addaru, year 3, "Rīmūt and "Bau-ēreš the judges wrote in a tablet..."<sup>16</sup>

In this text, two men, one named "Bau-ēreš and another named "Rīmūt, have the title *dayyānu*. A judge named "Rīmūt also appears in the following excerpt from a text written in Uruk earlier in the same year, on 24 Du'ūzu, year 3 of Cambyses (11 July 527 BC):

*"PN<sub>1</sub> ša ina ma-har* <sup>102</sup>ri-mut <sup>102</sup>DI.KU<sub>3</sub>.LUGAL  
*u* <sup>102</sup>DA-<sup>101</sup>AMAR.UTU <sup>102</sup>UMBISAG *iq-bu-u<sub>2</sub>*  
*um-ma...*

"PN<sub>1</sub>, who said thus before "Rīmūt the judge of the king and "Ile"i-Marduk, the scribe..."<sup>17</sup>

In this second example, the man named "Rīmūt is specifically designated as a *dayyānu šarri*. This designation lends support to Hans Martin Kümmel's restorations of the following excerpt from a third text written in Uruk on 30 Addaru of the same year (9 April 526 BC):

*"PN<sub>1</sub> u<sub>2</sub> "PN<sub>2</sub> "PN<sub>3</sub> u<sub>2</sub> "PN<sub>4</sub> a-na "PN<sub>5</sub> <sup>102</sup>ŠA<sub>3</sub>  
TAM E<sub>2</sub>.AN.NA "PN<sub>6</sub> [<sup>102</sup>SAG.LUGAL <sup>102</sup>EN  
*pi-qil*] E<sub>2</sub>.AN.NA *u<sub>2</sub> "ri-mut u<sub>2</sub> "ba-u<sub>2</sub>-KAM<sub>2</sub>*  
*[<sup>102</sup>DI.KU<sub>3</sub>.ME] LUGAL iq-bu-u<sub>2</sub> u<sub>2</sub> <ma>**

"PN<sub>1</sub> and "PN<sub>2</sub>, "PN<sub>3</sub> and "PN<sub>4</sub> said thus to "PN<sub>5</sub> *šatammu* of the Eanna, "PN<sub>6</sub> [the *ša rēš šarri* administrator] of the Eanna and "Rīmūt and "Bau-ēreš the [judges] of the king."<sup>18</sup>

In this third excerpt as it is restored by Kümmel, two men, one named "Rīmūt and the other named "Bau-ēreš, have the title *dayyānu šarri*. Since all three documents come from the same place and almost the same time, it seems safe to conclude, as Kümmel has, that the proper names in all the documents refer to the same two judges—"Rīmūt and "Bau-ēreš—even though the names occur without filiation.

The three excerpts just examined have shown that a man named "Bau-ēreš served as a "judge of the king" during the reign of



Cambyes. Based on this, it seems reasonable to suggest that the "judge of the king" named "Bau-ēreš is the same Bau-ēreš as the judge of Cyrus in OIP 122, 38. If this suggestion is correct, then the career of "Bau-ēreš provides another example of a "judge of the king" surviving the change of monarchy, this time from Cyrus to Cambyes. Of course, this example is much less striking than Wunsch's examples of "judges of the king" surviving the change from Babylonian to Achaemenid rule. Nevertheless, the career of "Bau-ēreš demonstrates that even under Cyrus and Cambyes the office of *dayyānu ša šarri* remained as it had been under the Neo-Babylonian kings: despite the connection to the king implied by the title, changes in the monarchy seem to have had little effect on the office.

The discussion until this point has considered some of the evidence for the office of "judge of the king" during the reigns of Cyrus and Cambyes. It will now turn to some of the available evidence from the reign of the next Achaemenid king, Darius I. In particular, it will examine two examples of legal texts that are worded in a manner similar to that of other texts already examined. The first is the ending of a debt note drawn up in Babylon on 18 Šabātu, year 6 of Darius I (25 February 515 BC). The text states:

*ina ma-har "dNA<sub>1</sub>-na-din-ŠEŠ "EN-šu<sub>2</sub>-nu  
"ba-ga-i-in "na-din "d30-SIG<sub>2</sub>-iq "ap-la-a u  
"dNA<sub>2</sub>-ZI-tim-URI<sub>2</sub> "dDI.KU<sub>2</sub>.MEŠ "MU-  
"NA<sub>2</sub> "si-pi-ri u<sub>2</sub>-il<sub>2</sub>-ti e-lel*

"The note was drawn up before "Nabû-nādin-ahi, "Bēlšunu, "Baga'in, "Nādin, "Sin-mudamniq, "Aplaya and "Nabû-napištim-ušur, the judges and "Iddin-Nabû, the parchment scribe."<sup>17</sup>

This notice indicates that the note was drawn up before seven men who all bear the title

*dayyānu*. It may be compared with the concluding lines of OIP 122, 38, which are cited earlier, in the discussion of the "judges of the king" at Uruk. Both texts name the judges among those "before (*ina mahar*) whom" the text was written.

The second text from the reign of Darius I is an excerpt from the beginning of the record of a decision pertaining to a piece of property. This text states as follows:

PN<sub>1</sub> *a-na mahar "KI-<sup>d</sup>NA<sub>2</sub>-TIN u<sub>2</sub> "ki-na-at-te-šu "dDI.KU<sub>2</sub>.MEŠ a-na muh-hi E<sub>2</sub> šu-a-tim... a-na di-i-ni tu-te-lu'-ma*

"PN<sub>1</sub> came to court before "Itti-Nabû-balātu and his colleagues, the judges, regarding that house..."<sup>18</sup>

Like the opening lines of OIP 122, 38, quoted earlier, these lines introduce the complaint of the plaintiff (PN<sub>1</sub>). To state her case, she "comes to court before "Itti-Nabû-balātu and his colleagues, the judges". Although only one judge, "Itti-Nabû-balātu, is named, the term "his colleagues" (*"ki-na-at-te-šu<sub>2</sub>*) indicates that he was not the only judge who heard this case. Rather, the term apparently refers to a judicial council, like the ones that functioned during the reigns of earlier kings.

Both of the examples from the reign of Darius attest only to the use of the title *dayyānu*, rather than the term *dayyānu ša šarri*. As of the present writing, I am unaware of any references to the title *dayyānu ša šarri* that may be dated to the reign of Darius. One may, therefore, question the continuation of the office of *dayyānu ša šarri* during this time. However, it has already been noted that under earlier kings, the shorter title designates the names of individuals who are actually "judges of the king". Assuming that the title continues to be used in the same way, one may argue

that the office of *dayyānu ša šarri* continues even under Darius I.

#### IV. Conclusions

The survey of the cuneiform evidence just undertaken has traced the institution of *dayyānu ša šarri* from the Neo-Babylonian period into the Achaemenid period. It has demonstrated that in Mesopotamia, apparently, the *dayyānu ša šarri* continued to hear cases well into the reign of Darius I. The office of *dayyānu ša šarri*, then, is another example of how the Achaemenid kings maintained local institutions while building their vast empire.

The office of *dayyānu ša šarri* is significant in its own right because it is an example of the survival of a pre-Achaemenid institution under Achaemenid rule. The significance of this survival grows even more when one considers the role played by those who held the office. As all the examples quoted earlier show, these individuals administer justice by trying cases and rendering legal decisions. To all appearances, the laws they follow are the norms that had been in place for centuries before the Achaemenid conquest. On the local level, at least, these judges maintain the rule of law. To some degree, it seems that the Achaemenid emperors left this important function in the hands of local Mesopotamian authorities rather than seeking to impose a new legal order. Of course, in the case of the *dayyānu ša šarri* this is not so surprising. No doubt the existence of a local judicial system associated with the king served the administrative needs of the emperors. They could easily adopt it and incorporate it into their system of government.

By way of conclusion, the case of the *dayyānu ša šarri* in Mesopotamia should be considered within the broader context of the

administration of justice in other parts of the Achaemenid Empire. The present discussion has pointed to the Mesopotamian "judges of the king" as evidence for the Achaemenid kings' maintenance of a native judicial system, and, more broadly, for the survival of the Mesopotamian legal tradition. Evidence from elsewhere in the Achaemenid Empire shows a similar maintenance, and possibly an active cultivation, of local legal traditions. A brief Demotic text from Egypt describes how Darius I convenes a commission to codify and translate Egyptian laws. This example from Egypt has long been associated with what is perhaps the most famous example of the Achaemenid preservation of native legal traditions: the Hebrew Bible's description of Ezra's mission to the province of Judea.<sup>19</sup> Artaxerxes I orders Ezra to appoint "magistrates and judges" who are to judge the Judean populace and inform them of the laws of their God. In issuing this order and authorizing the punishment of disobedient subjects, the king gives royal backing to the laws of Judea. The judges Ezra appoints are, of course, from a later time than any of the Mesopotamian *dayyānu ša šarri* discussed in the present article. Nevertheless, the Judean judges, like the *dayyānu ša šarri* in Mesopotamia, illustrate the generally tolerant Achaemenid policy toward local legal institutions.

The present study has demonstrated that the office of *dayyānu ša šarri* survives the transition to Achaemenid rule in Mesopotamia. It thus provides additional specific support for Briant's general conclusions about the Achaemenids' maintenance of local diversity within their empire. One may reasonably conclude, then, that when it came to the rule of law, the Achaemenid emperors saw no need to "reinvent the wheels of justice" which had been turning efficiently for centuries.



## Notes

1. This paper was read at the conference "The World of Achaemenid Persia" at the British Museum on 29 September 2005. In preparation for the conference, a preliminary version of this paper was presented at the Judah Goldin Memorial Seminar in Hebrew Bible and Related Fields held at the University of Pennsylvania on 20 September 2005. The present final version has benefited from the comments of the participants in the Goldin Seminar. Aaron Koller read and commented on a written draft. I thank them all and, of course, assume responsibility for any shortcomings. Abbreviations in the references to cuneiform sources and in the list of works cited follow Reiner & Roth 1990: ix–xxvii. Dates follow Parker & Dubberstein 1956.
2. The term *dayyānā šā šarrī* might also be translated "royal judges". The present paper does not use this translation to avoid confusion with the native Persian royal judges, mentioned, for example, in Herodotus III.31. See the discussion in Briant 2002a: 129–136, 510.
3. For a general discussion of this material see Jursa 2005.
4. For a discussion of what documents in a cuneiform archive survive to the present day, see Baker 2004: 5–6.
5. For a discussion of this subject see Oelsner, Wells & Wunsch 2003: 915–920.
6. For more on Mesopotamian royal ideology, see Seux 1986/83, especially the discussion of *šar mīšari* on pp. 163–165.
7. AnOr 8, 37: 1–8. A similar summons (YOS 7, 31: 1–10) requires the summoned individual to go to Babylon from Uruk and argue his case *ina bīt dāni šā šarrī*, "in the king's court of law".
8. In terms of form, the text closely resembles Wunsch's "Richterurkunden". It is classified as a "sworn deposition" in Bongenaar 1997: 18, n. 40.
9. Note that the title here and in some of the other examples below occurs without the particle *ša*. The absence of this particle does not indicate a different title.
10. AnOr 8, 50: 1–9.
11. For earlier editions and discussions of this text, see Weisberg's commentary in OIP 122, p. 73.
12. OIP 122, 38: 1–3.
13. OIP 122, 38: 46–50. Note that among all these officials, only one, "Bau-ēreš, has the title *dayyānā*, even though the plural forms in the opening lines of the document and the subsequent narrative clearly indicate that more than one judge was present. Based on this discrepancy, one may suggest that the two scribes also served as "judges of Cyrus", or that other, unnamed judges participated in the proceedings. Deciding between these two possibilities requires additional research beyond the scope of the present paper.
14. YOS 7, 161: 7–11. For more on this text and the decision in it, see San-Nicolò 1932: 341–342.
15. YOS 7, 159. For more on this text, see von Bolla 1941: 113–120.
16. YOS 7, 137: 10–14. Restorations follow Kimmell 1979: 136 n. 198.
17. BE 8/1, 107: 19–21.
18. Dar. 410: 4–7. The present reading follows the edition in Wunsch 1993: II, no. 353 (pp. 293–294). For discussion of the situation surrounding this text, see 1993: II, 71.
19. Ezra 7:25–26. For a recent discussion of this subject, including references to earlier literature, see Steiner 2001. For a different understanding, see Fried 2001.