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AT THE DAWN OF LEGAL HISTORY: TEACHING LAW IN ANCIENT MESOPOTAMIA

Abstract. The article presents an outline of legal teaching in ancient Mesopotamia, with emphasis on the available sources and the difficulties they present. Though our knowledge of this topic is still fragmentary, for several periods the scribal curriculum can be reconstructed, as well as the place of legal education therein. The innate conservatism of Mesopotamian culture notwithstanding, it turns out that the latter managed to produce surprisingly skilled and creative legal professionals.

Keywords: ancient Mesopotamia, scribes, legal education, scribal curriculum, law.

U ZARANIA HISTORII PRAWA: NAUCZANIE PRAWA W STAROŻYTNEJ MEZOPOTAMII

Streszczenie. Artykuł zarysowuje dzieje nauczania prawa w starożytnej Mezopotamii, przedstawiając zachowane źródła i problemy związane z ich interpretacją. Mimo że wiedza na ten temat wciąż pozostaje fragmentaryczna, możliwe jest odtworzenie, przynajmniej dla niektórych epok, zarówno programu nauczania jak i miejsca zajmowanego w nim przez edukację prawną. Jak się okazuje, typowy dla mezopotamskiej kultury konserwatyzm nie przeszkodził w kształceniu zaskakująco kompetentnych i kreatywnych profesjonalistów.

Słowa kluczowe: starożytna Mezopotamia, pisarze, edukacja prawnicza, wykształcenie pisarzy, prawo.

As stated by Raymond Westbrook in his introduction to the monumental *History of Ancient Near Eastern Law*, “law has existed as long as organized human society” (Westbrook 2003, 1). But it is the invention of writing that allowed for at least some of it to be recorded, and therefore studied by modern legal historians. As it were, both earliest written documents and earliest legal records originate from the ancient Near East. Writing was invented in Mesopotamia in the second half of the fourth

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millennium and first used mostly for administrative purposes.¹ Documents concerning legal matters, both public and private, start to become numerous only 500 years later, though the first ones seem to date back nearly to the beginnings of writing.² The oldest known records of private law are stone artifacts, each probably documenting several transactions concerning large areas of land,³ whereas legal texts on clay tablets appear in the so-called Fāra period (2600–2450) and grow in number with time. As for public law, Entemena, ruling the city Lagaš in the 25th century, issued the first “restoration edict,” cancelling debts and liberating people assigned to corvée labor.⁴ His successor, Urukagina, claims to have implemented much broader reforms.⁵ In the next two and a half millennia, thousands of legal transactions were recorded on clay tablets, and for the much rarer royal acts durable supports like stone were usually used.⁶ They all testify to the existence of a rich and diverse legal culture, with clear principles and, more often than not, surprisingly sophisticated institutions.⁷ Therefore, the question arises as to the people involved in its creation and development. The most visible to us are scribes who wrote texts of legal practice, since they are usually named at the

¹ For an exhaustive overview of the development of writing, as well as of the early texts and of the numerous problems they entail, see in particular Bauer, Englund, and Krebernik (1998, 15–414).

² The terms “private” and “public” are used in the modern sense, as this distinction was not known in the ancient Near East.

³ For their publication and analysis see Gelb, Steinkeller, and Whiting (1991). The first *ku-durrus* (stone monuments) can be dated to the Uruk III period (3100–2900), and are very difficult to read and interpret, since early cuneiform is still poorly understood.

⁴ As one of his building inscriptions praises: “A liberation for Lagaš he ordered. He let children return to the mother, he let the mother return to the children. A liberation from loans and interests in grain he ordered.” For the whole text see Steible (1982, Ent.79, 268–270). Similar edicts were issued on a regular basis in the second and first millennia, cancelling non-commercial debts and annulling their legal consequences, such as debt slavery.

⁵ Again in a building inscription. For the text, see Steible (1982, Ukg 1, 280–287). For a summary from the legal point of view, see Wilcke (2007, 21–25).

⁶ As the oriental law was mostly customary, texts of legal practice are by far the largest group of extant sources, but royal decrees, instructions, and law collections also contributed to its development. For an overview of the sources of information on ancient Near Eastern law see Westbrook (2003, 4–21). It is important to remember that we are dealing with over 2500 years of legal history recorded in written sources and with a large geographical region (Syria, Mesopotamia, and Asia Minor). This in turn means that although the cuneiform culture was a conservative one, and changes were slow to happen, they did happen eventually, and must be taken into consideration, regional variations included. However, the distribution of sources, both chronological and geographical, is very uneven, severely limiting the possibility to reconstruct the law in several periods.

The term “conservatism” is used here in its basic meaning, “a tendency to dislike change” (MacMillan English Dictionary 2007, 313). In Mesopotamia, it was more than simply dislike; the attitude towards change and progress is better described as strong opposition, noticeable in every area of life, be it architecture, agriculture, religion or scholarship (Leick 2007, *passim*).

⁷ For the concept of a shared legal traditions in the Near Eastern societies, see in particular articles by R. Westbrook collected in Wells and Magdalene (2009).

end of them.⁸ These scribes were not professional lawyers in our sense of the word, but they did receive at least some training in law, allowing them to competently write contracts.⁹ However, little can be said about scribal education in the earliest periods.¹⁰ As recently shown by N. Kraus for the Sargonic era (24th–22nd century), though it is hardly possible to reconstruct the scribal curriculum, the education would have taken place at some kind of administrative facilities, perhaps in form of apprenticeship in local institutions, as the school tablets were discovered in the proximity of such centers, and the emphasis seems to have been on the administrative uses of writing (Kraus 2021, 168–169). It is noteworthy that hardly any school texts concerning legal matters were found, save for one lenticular tablet with a property sale. Therefore, it remains unclear how Sargonic scribes learned to create legal documents, though they undoubtedly did learn it, numerous contracts from the Sargonic period bearing testimony to their skills (Kraus 2021, 106–111).¹¹

The small number of school texts from the Ur III state (22nd–21st century) makes any study of the scribal curriculum of the period even more difficult. However, the evidence brought about by literary texts points toward a major change introduced by Šulgi, the second king of the dynasty. In one of the hymns written in his praise, he boasts of founding schools in the city of Nippur, reputed for its scholarship, as well as in his capital, Ur:

In the south, in Urim, I caused a House of the Wisdom of Nisaba to spring up in sacrosanct ground for the writing of my hymns; up country in Nibru I established another. May the scribe be on duty there and transcribe with his hand the prayers which I instituted in the E-kur; and may the singer perform, reciting from the text. The academies are never to be altered; the places of learning shall never cease to exist. This and this only is now my accumulated knowledge! (Šulgi B 308–317)¹²

The same hymn starts with a depiction of Šulgi's own scribal training and his mastery of the scribal art:

I am a king, offspring begotten by a king and borne by a queen. I, Šulgi the noble, have been blessed with a favorable destiny right from the womb. When I was small, I was at the academy,

⁸ This is not always the case, however, especially in the earliest documents from Mesopotamia, as well as at the so-called peripheral sites, such as the Assyrian merchants' colony Kaneš in Anatolia (1st half of the 2nd millennium) or the late Bronze Age town of Emar in Syria. See Steinkeller (1989, 103–104), marriage documents from Kaneš discussed in Kienast (2015) and sale deeds from Emar, especially of the Syro-Hittite tradition, collected in Fijałkowska (2014).

⁹ The term "scribe" is attested for the first time already in archaic texts from Ur (2900–2600) and becomes frequent in the Fāra period (Visicato 2000, 2).

¹⁰ For what little is known about scribal education before the Sargonic era, see Nissen (1993) and Lecomte and Benati (2017) with previous literature. For a general outline of scribal education in Mesopotamia see Charpin (2010, 17–67).

¹¹ Although in this period, they still stay unnamed more often than not. See the tables in Visicato 2000.

¹² For the English translation see <https://etcsl.orinst.ox.ac.uk/cgi-bin/etcsl.cgi?text=t.2.4.2.02&display=Crit&charenc=gcirc&lineid=t24202.p1#t24202.p1>. Accessed 24 April, 2021.

where I learned the scribal art from the tablets of Sumer and Akkad. None of the nobles could write on clay as I could. There where people regularly went for tutelage in the scribal art, I qualified fully in subtraction, addition, reckoning and accounting. The fair Nanibgal, Nisaba, provided me amply with knowledge and comprehension. I am an experienced scribe who does not neglect a thing. (Šulgi B 12–20)

Obviously, taking such a composition literally, as a mere account of events, would not be a good idea. However, the hymn clearly shows the importance of the scribal profession, confirmed in turn by the economic documents. The latter feature numerous scribes occupying various posts in the royal administration, from the highest (e.g. scribes at the court), to lower, but no less needed, at the palace and temples, performing various administrative tasks (Nissen 1993, 106–108). Their role in the field of law certainly encompassed writing documents of private practice as well as court records.¹³ The royal foundation of schools may have been a response to an increasing demand for scribes, generated by the needs of the large state bureaucracy. The so-called junior scribes, i.e. probably advanced scribal trainees/interns working in the administration to gain experience could be provided with food rations by provincial governors, as was the case at Girsu (Waetzoldt 1989, 39). Unfortunately, the only information on the material taught in those school is once again provided by literary texts, this time by the Edubba literature, i.e. Sumerian compositions describing various aspects of life at a scribal school.¹⁴ These compositions are not, obviously, accurate accounts of school life; rather, “they tell us much about how the scribes liked to view themselves and the educational process” (Black et al. 2004, 276).¹⁵ Be that as it may, they do provide bits and pieces of information on the matters taught, writing legal documents being one of them. In Edubba D, a student claims to have mastered the scribal art:

I want to write tablets: a tablet (of measures) of 1 gur of barley up to 600 gur, a tablet (of weights) from 1 shekel to 20 minas of silver, with marriage contracts that can be brought to me, partnership contracts (...), sale of houses, of fields, of slaves, warranties in silver, contracts of field lease, contracts of date palm cultivation, [...], even adoption contracts, I can write all this. (Edubba D 40–48)¹⁶

¹³ Ur III is the only period when court records (or rather summaries of legal proceedings, called *di-til-la*, i.e. “case closed”) were generated within the administration and kept in provincial archives. The usual practice in all other epochs was simply to hand over the tablet containing the judgment to the winning party. For Ur III court records see Falkenstein (1956) and Culbertson (2009).

¹⁴ The widely accepted meaning of the Sumerian term *é.dub.ba* is “tablet house.” Another possibility would be “House which distributes tablets” or “House where tablets are distributed” (Volk 2000, 3).

¹⁵ The surviving copies originate from the Old Babylonian era (1st half of the 2nd millennium), but the compositions themselves are older, describing the reality of the Ur III times (George 2005, 131–133).

¹⁶ For the edition see Civil (1985).

Much more is known about the scribal curriculum from the next period (Old Babylonian), since the number of school exercises discovered in several cities allowed for a reconstruction of school curricula and their local variations.¹⁷ As shown by Veldhuis for Nippur, the pupils first learned how to use the stylus and to write the elements of cuneiform signs and the simplest signs. A list of different combinations thereof followed,¹⁸ then came the list *tu-ta-ti*,¹⁹ and lists of Sumerian and Akkadian names. The next step consisted of the Sumerian lexical list *ur₅-ra*, a thematic list of objects,²⁰ followed by a series of more advanced lists, probably introduced at the same time as mathematical exercises²¹. At this point, the students also had their first encounter with law, thanks to a list of legal phrases in Sumerian – Proto-*ki-ulutin-bi-še* (“at the agreed time” – the *incipit* of the list). The first 15 lines begin with this expression, followed by ca. 40 lines of verbal paradigms (he gave, he gave to him, they gave to him, he paid, he paid him etc.), and then the vocabulary of loans, sale, marriage, and inheritance.²² As with other lexical lists, first the pupils would have copied fragments written down by the teacher, and later they would have noted them from memory (Tanret 2002, 157). In Sippar, basic legal phraseology was taught a little earlier in the curriculum, before the list *ur₅-ra*, by means of the Sippar phrasebook, a collection of terms and expressions concerning family relations, types of real estate, time designations, verbal paradigms and other terms used in Sumerian contracts (Veldhuis 2014, 188–190). Possibly in late Old Babylonian period that phrasebook became a part of the *ur₅-ra* list, appended to it as its two first tablets (Veldhuis 2014, 156).²³ It remained a part of the elementary education through the first millennium, whereas the Nippur phrasebook, better known under the name *ana ittišu*, became rare in the later times and is known only from a few copies from Assyria (Veldhuis 2014, 328–329).²⁴

¹⁷ It is also clear that from this period on, scribal schooling took place in private houses and was conducted by professional scribes either at their houses, or at their patron’s. As the scribal profession, like many other ones, tended to be transferred within the family, often a father would teach his son (Tanret 2002, 168; Charpin 2010, 25–33).

¹⁸ The so-called Syllable Alphabet B. Outside Nippur, a different list, Syllable Alphabet A was used (Veldhuis 1997, 43).

¹⁹ “Sets of three syllables with permutations of the vowel, in the order u-a-i” (Veldhuis 1997, 43).

²⁰ It was divided into six parts, concerning respectively trees and wooden objects (1), reed objects, vessels, leather objects, metals and metal objects (2), animals and wild cuts (3), stones, plants, fish, birds, clothing (4), geographical names and terms, stars (5), foodstuffs (6) (Veldhuis 1997, 47).

²¹ The first stage of education was completed with Sumerian proverbs, the second one consisted in learning classical works of Sumerian literature.

²² Only a partial reconstruction of the list is possible today. For the text see <http://oracc.museum.upenn.edu/dcclt/Q000045.8#Q000045.3>.

²³ Hence the name of the whole list, derived from the phrasebook’s *incipit* – *ur₅-ra=hubullu* (loan). The Old Babylonian version of the list starts with the word ^{gi}*taškarin*=boxwood (Veldhuis 2014, 149–157).

²⁴ For this series and the doubts concerning its often-surmised use for teaching see Lafont (2010, 17–20).

Aside from legal terms and expressions, the Sippar Phrasebook also comprises a few so-called model contracts. This term refers to school texts containing one or more contracts in Sumerian, usually devoid of elements such as witnesses, date, and place, and unsealed. Some of them were written on prisms, i.e., multi-sided clay objects, others on large, multicolumn tablets; both types could contain even a dozen or more contracts. There are also teacher-student exercises, on the obverse of which, in the left column, the teacher would write the text for the student to copy multiple times in the right column. The reverse usually contained a previously studied literary or lexical text.²⁵ It is not always clear, however, which of those texts are really models, and which are student exercises, either copied from a model, written on dictation, or composed from memory, using previously learnt legal formulae (Charpin 2017, 162). Another problem consists in establishing the relationship between those exercises and actual legal documents. In other words, are the formularies and vocabulary similar enough for the former to be a useful tool in teaching the composition of the latter? Studying a prism containing, among others, several model contracts, Roth concluded that it “reflects the legal reality of the Old Babylonian documents” (Roth 1979, 255). However, in her edition of model contracts from Nippur, Spada notes similarities, but also important differences between both types of documents (Spada 2018), and Charpin points out that several of the exercises from Yale edited by Bodine do not have any “real-life” counterparts. Besides, many of the model contracts are unprovenanced, and since local legal traditions could vary considerably, it makes their comparison with real-life documents a problematic endeavor (Charpin 2017, 163). Another question concerns the dating of the models used for this kind of exercises; according to Bodine, one of the Yale texts was based on documents from the Ur III rather than on Old Babylonian ones (Bodine 2014, 133–134). His arguments seem valid, but such a practice, especially if widespread, would undermine the practical purpose of legal education. After all, it would not prove very useful to learn how to write contracts the way it was done several hundred years earlier, even considering the conservative character of the Mesopotamian culture. Finally, the place of those texts within the curriculum is not obvious. Bodine puts them at the “intermediate” stage, without further clarification (Bodine 2014, 178), whereas according to Veldhuis and Spada, they were a part of the first stage of the curriculum (Veldhuis 1997, 69; Spada 2018, 3), as suggested also by the connection to the Sippar Phrasebook, used early in the learning process.

Another problematic genre of school text are the so-called “literary legal decisions” or “model court cases,” recording legal proceedings full of interesting, and sometimes even sensational details, but usually lacking elements necessary

²⁵ For the classification of school texts in general see Civil (1969, 27–28).

in actual documents, such as witnesses and date.²⁶ One of them is the famous Nippur murder trial, relating a murder of a Sumerian priest by three men. The killers confessed to the victim's wife, who failed to denounce them. As a result, both the murderers and the wife were condemned to death.²⁷ The text, however, does not merely relay the facts of the case, as is usual for judicial records. On the contrary, its interest lies above all in the account of the discussion in the assembly of Nippur, before the judgment was rendered. This never happens in actual trial documents, and the question arises as to the reason for such a presentation.²⁸ As pointed out by Neumann, it shows that legal teaching within the scribal curriculum was not limited to the merely technical skill of writing standard contracts, but it also aimed at developing other important professional abilities, such as proper juridical reasoning, argumentation, and discussion, as well as creativity (Neumann 2004, 92). By the same token, two other texts of this kind provide a factual justification of the assembly verdict, which is very rare in actual trial records, but was necessary for teaching purposes.²⁹ Moreover, some of those

²⁶ It is unclear whether those texts retell true court cases, perhaps somewhat embellished to catch the students' interest, or if they are entirely products of teachers' imagination (Neumann 2004, 79). For the list of documents of this kind, see Roth (1983, 281–282), and texts published in Hallo (2002; inheritance case), Klein and Sharlach (2007; *Sammeltafel* with a model adoption contract and two inheritance cases) and George (2009, 123–152). The latter document differs from Sumerian model court records in a few aspects, most importantly in language since it is written partly in Akkadian. See commentary by George (2009, 142–152). Additionally, four short legal disputes may be found on a multicolumn school tablet published in George and Spada (2019, 95–106), two concerning loans of barley, two others – burgled houses. There is also a school tablet with a short summary of a trial for slander on another tablet. Finally, a document tentatively qualified by Spada as a school text contains three legal cases, one of them possibly being a trial, since it ends with the punishment for the offenders (George, Spada 2019, 120–123).

²⁷ First published in Jacobsen (1959). Based on the king's name, the events can be dated to the Isin period (1923–1896), but the extant copies are Old Babylonian.

²⁸ The death penalty for the three killers is deemed indisputable, and the debate focuses on the fate of the widow. Most assembly members argue for a death penalty too, their point being that the silence of the women after the fact is tantamount to aiding the killers. Moreover, they take it as proof of her adultery and even of having instigated the murder herself (“A woman who values not her husband may give information to his enemy and thus he may (be able to) kill her husband. That her husband is killed, he may let her hear – why should he not thus make her keep silent about him? She killed her husband, her guilt is greater than theirs.” The minority speaking in her favor uses the weaker sex argument: “Nin-Dada daughter of Lu-Ninurta may have killed her husband; but what can a woman do in (such a matter) that she is to be killed?” (Jacobsen 1959, 137–138). For a detailed analysis of the points of law see Lafont (1999, 399–407).

²⁹ A trial concerning the rape of a slave woman concludes with the following judgment: “Because he deflowered the slave-girl without (her) owner(s) knowledge, Lugal-melam is to pay ½ mina of silver to Kuguzana her owner” (Finkelstein 1966, 359). A dispute about inheritance between an uncle and his nephew ends as follows: “(Because) the temple office, the house (and) fie[ld were held] in distraint, and [for] 10 years [he was looking at them with] jealousy – [Bēli-ennam] must pay 2 mina of silver and [return] the temple [office, the house (and) the field]” (Klein, Sharlach 2007, 8–11).

model cases could have been used as exercises in solving particularly complicated legal problems, as at least two of them concern complex inheritance matters.³⁰ Still, it is not clear at which stage of the schooling they were used, though they seem to be appropriate for rather advanced pupils. Furthermore, the legal reasoning they teach, as well as the degree of complexity of some of the cases, would point towards students in the higher levels of education, perhaps even somewhat specialized in legal matters. A related problem concerns the frequency of their use, or, in other words, whether they were a permanent or only rare or even accidental part of the curriculum. Their scarceness in comparison with the several hundred of preserved model contracts would point to one of the two latter options, though that may change with further publication of Old Babylonian school documents used for legal education.

Yet another kind of legal material studied by scribal pupils were law collections, as testified by extant copies of the “codes” of Ur-Nammu, of Lipit-Ištar, and of Hammurabi, as well as of the Laws of Ešnunna, at least some of them being undoubtedly school exercises (Roth 1979, 12–17; Neumann 2004, 76). Additionally, small compilations dealing with single issues were used, such as “Laws about Rented Oxen” or “A Sumerian Laws Exercise Tablet” (Roth 1997, 40–45).³¹ Once again, the question arises as to their place in the curriculum, and even to the very reason of their presence therein. Few scribal students would ever have use for that knowledge, mostly those who would later be active as judges or other high officials, whereas most would spend their lives drawing simple contracts or performing unsophisticated administrative tasks. Therefore, they should be taught to fairly advanced, perhaps even specialized students. However, this assumption is contradicted, at least regarding the smaller compilations, by the many mistakes in the preserved copy of the Sumerian Laws Exercise (Roth 1979, 16, and 1997, 43). Moreover, as pointed out by Veldhuis, compared with the practical requirements, students learned a lot of completely unnecessary Sumerian material, such as most of the lexical lists, and not near enough Akkadian (Veldhuis 1997, 82–83). That in turn suggests that one of the main goals of education was enculturation and formation of identity, rather than practice (Lenzi 2019, 23). Law collections could have been used for a similar purpose, as a part of cultural

³⁰ The third text on the tablet published in Klein and Sharlach (2007, 18–23) relays a dispute among four brothers, complete with a final, detailed record of individual inheritance shares (and as any student of modern civil law knows very well, there is nothing worse than being asked to count individual inheritance shares during a civil law exam; apparently, ancient Mesopotamia was not much different in this respect). The text published by George under the title “The tribulations of Gimil-Marduk” presents in detail the process of clearing a legal mess spanning nearly 50 years.

³¹ It is not entirely clear if those unformal compilations are fragments of actually existing law “codes” or rather purely educational products. As noted by Roth regarding the Laws about Rented Oxen, they “reflect considerations similar to those found in groups of provisions within larger collections” (Roth 1997, 40),

heritage common to all students rather than as teaching material essential only for those who in future would deal in depth with legal matters.³²

School texts from the next, Middle Babylonian period (2nd half of the 2nd millennium), are few and far between. Most of the Old Babylonian curriculum remained in place, though the Akkadian language was introduced to a degree by far exceeding its sporadic use in the earlier times (Volk 2000). The *ur₅-ra* list, now with the Sippar phrasebook as its fixed first part, was taught both in unilingual and bilingual versions, as well as the Hammurabi Code (Volk 2000, 71–72), which at this point was obviously a part of cultural heritage rather than a tool used to teach contemporary law.

A major change in the educational set-up occurred in the Neo-Babylonian period, when the first stage of schooling was divided in two parts. During the first one, the pupils learned to write, read, and apply basic mathematics, aided by material similar to the one from previous periods. The first three tablets of the *ur₅-ra* list played an important role (Gesche 2001, 61, 77). It must be noted, however, that its significance for the legal education was severely undermined by the character of the terminology it contained, in use a thousand years earlier and now largely outdated. Later the students would learn to write administrative and legal texts, sometimes quite complicated.³³ The laws of Hammurabi were still copied in schools, but they certainly could not be a source of legal knowledge anymore (Lambert 1989; Charpin 2009, 51). However, another legal collection seems to have been used for teaching, the so-called Neo-Babylonian Laws. The preserved tablet is a damaged school text containing only 15 provisions, and there is no indication that it may be a copy of a Neo-Babylonian royal code.³⁴ According to Oelsner, it could be a fragment of a set of instructions for judges and other judicial functionaries (Oelsner 1997, 225), thus perfectly useful for the education of aspiring scribes in matters of jurisprudence.³⁵

The second stage of study encompassed the classical compositions of Babylonian literature, more advanced lexical lists, as well as texts conveying knowledge needed for an *āšipūtu*, i.e., exorcist (Gesche 2001, 172–173).

Students who completed the first stage of schooling could work in the administration or as notaries, preparing contracts and other legal documents. However, their education was not yet sufficient, and they needed to significantly broaden their professional knowledge before becoming full-fledged specialists.

³² Although it should be noted that only the first two “codes” are written in Sumerian. Laws of Ešnunna and of Hammurabi were both Old Babylonian, that is roughly contemporary with the students in question, and written in Akkadian.

³³ The loan contract, or parts of it, seems to have been recopied very often; an example of a more complex agreement is an apprenticeship contract for a barber (Gesche 2001, 147).

³⁴ For the text see Roth (1997, 142–149).

³⁵ See, however, the reservations expressed by Gesche, who puts the Neo-Babylonian Laws in the *Fachausbildung* stage of education rather than at school (Gesche 2001, 217).

This was the purpose of what Gesche calls *Fachausbildung*, while stating that its course is practically unknown (Gesche 2001, 218).³⁶ Traces of such training may have been found in a Neo-Babylonian family archive of Bēl-rēmānī, containing a surprisingly high number of duplicates of contract types usually not kept in several copies, such as debt notes, receipts, prebend sales, and a work contract (Jursa 1999, 13–14). According to Jursa, their origin lies precisely in the professional training of at least one family member. Not only was he tasked with copying whole legal documents, but he also had to learn to use the formulary in a flexible and creative way (Jursa 1999, 17, 30–31).

Another indication for the after-school professional training is the existence of highly specialized scribes, such as royal notaries active in Babylon and Borsippa during the reigns of Nabonidus and Cyrus the Great, who wrote and sealed real estate sales, probably officially registered (Baker, Wunsch 2001). It is rather safe to assume that the highest level of professional competence was required of such officials, and they certainly did not achieve it at school.

Though our knowledge of the scribal education, including its legal part, is still fragmentary, we can easily observe and assess its results, thanks to countless texts of legal practice, as well as such monumental sources as the law codes. As emphasized by Neumann, the very order of the Laws of Hammurabi, arranged according to typical scientific principles of the time, points towards a systematic work of the editors.³⁷ The same is true for the integration of customary practices and of earlier legal dispositions into the Code, which may be taken as a sign of nearly dogmatic thinking as well as of legal knowledge (Neumann 2004, 92). In addition, scribes were willing to interpret and clarify the provisions of the codes in various ways, by means of translation, of creating new variants while recopying, and of revising material shared among various law collections (Barmash 2008). Obviously, all of the above required not only wide juridical knowledge, but also the ability of correct legal reasoning as well as a solid dose of creativity.

The same qualities may be found in documents of practice. This statement may *prima facie* seem rather problematic, given that the latter are often described as highly formulaic and repeatable. Indeed, such a description is accurate for most of them, but not all. Occasionally, the scribe would be faced with an unusual legal situation, a very complicated dispute, a surprising request from a client, and their creativity would find an outlet. A truly extreme case are family law documents from the peripheral sites of Emar and Nuzi (2nd half of the 2nd millennium), full of instances of sham transactions and of very ingeniously used legal fiction, usually applied to circumvent legal prohibitions (Fijałkowska 2017). In Mesopotamia proper, the development of the sale on credit while maintaining the appearance

³⁶ Not much has changed in this respect during the last three thousand years or so. Today, a law graduate, even after 5 years of exclusively legal education, still needs further training to become a competent law practitioner...

³⁷ For the connections between legal training and Mesopotamian science see Lafont (2010).

of a cash transaction may be cited (Pfeifer 2013, 83–113), as well as the practice current among the prebendaries of the Nabu temple of Borsippa in the first millennium, who tended to conceal prebend sales under the guise of donations (Jursa 2008, 608–610).³⁸

To sum up, it may be said that all in all, the goals of Mesopotamian legal education seem to have been very similar to the modern ones – building on a general cultural background, to provide the students with solid juridical knowledge, good professional skills and the ability to think creatively. The effects, in the form of works left behind by so many of them, bear testimony to its success.

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³⁸ The reason for it is not certain; it might have been a way to avoid the registration and taxation of sales (Jursa 2008, 609–610).

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