PART II

NEO BABYLONIAN ADJUDICATORY PROCEDURE
In Part I, the primary focus was to analyze the legal function of the different text-types that were generated during the course of adjudication of disputes in the Neo-Babylonian period. Each text-type was situated within the framework of the adjudicatory process. Texts that set the courtroom scene, such as the decision records and the preliminary protocols, served as the background against which other text-types, such as the summonses and the guarantees, were interpreted.

The typological discussion in Part I mentioned a number of procedures, such as summoning and interrogation. However, in the interest of maintaining a focus on the legal function of text-types, the discussion did not offer a complete picture of Neo-Babylonian adjudicatory procedure. In addition, the typological discussion did not consider the differences between the adjudicatory procedures pertaining to temple property and those pertaining to private litigation. Part II addresses these issues.

Each of the following two chapters considers the process in a different context. Chapter 8 addresses the process as it is reflected in private records, especially the “Royal Judges style” decision records. Chapter 9 addresses the process that is reflected in texts from temple archives, particularly from the Eanna. Generally speaking, private records can best be described as the records of the adjudication of civil cases; they reflect the attempts of individuals to find redress for wrongdoings against them by other individuals. Temple records, on the other hand, reflect the temple’s own prosecution of mishandling of its property. This difference gives the proceedings in the temple a different character, which warrants a separate description.

The discussion of legal procedure follows a hypothetical case from its initiation to its conclusion. It is structured around the decision records, which provide a complete and organized narrative of the adjudication of cases by authorities. The discussion of each stage of the trial begins with an analysis of the information derived from the decision records. It is therefore important to consider the nature of the information that the decision records provide.

The decision records present the adjudication of a dispute as a series of consecutive actions in “real time.” Prima facie, it seems that these actions take place at one judicial session, which begins when the case is initiated and ends when the judges render their decision. The reality, however, must have been different. The numerous preliminary protocols,