1. Sources of Law

Writing was invented at the end of the fourth millennium (in archaeological terminology: the Uruk IVa period). It is (perhaps) first documented at Uruk (Warka) in southern Mesopotamia, more than a millennium after the advent of urban civilization in that area. By that time, the society(s) of ancient Mesopotamia could look back on a long but undocumented history of public and private law. Documentation of law emerges only slowly, acquiring recognizable contours as records of private transactions only some five hundred years after the invention of writing, in the Early Dynastic (ED) I period (or possibly a little earlier, in the Uruk III period), which is followed by the Fāra (ED II–IIIa), Old Sumerian (OS = ED III) and Sargonic periods. Dating is highly uncertain for the earlier periods, which may vary from city to city.

1.1 Law Codes and Edicts

1.1.1 Inscriptions of Enmetena and Irikagina, rulers of Lagaš (twenty-fifth to twenty-fourth century) refer to edicts that they issued against social inequity and the abuse of administrative power. Enmetena claims:

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1 The sources from these early periods are difficult to decipher. Their interpretation in this chapter is based on the author’s own readings and reconstructions, which will be provided, along with detailed technical arguments, in a separate publication in SBAW 2003.

2 At Susa, according to Glassner, Écrire à Sumer, 151ff.

3 Also read Urukagina, Uruinimgina.
He established the liberation\(^4\) of Lagaš, he let the child return to the mother, he let the mother return to the child. He established the liberation of barley debts... He established the liberation of the “children” of (the city) Uruk, the “children” of (the city) Larsa.m and of the “children” of (the city) Patibira.k. He let them return to (the goddess) Inana.k, to Uruk into her hand; he let them return to (the god) Utu, to Larsa.m into his hand; he let them return to (the god) Lugalsumu.k, to the Emuš into his hand.\(^5\)

The basic purpose was to reunify nuclear families separated by corvée labor (e.g., temple building), imprisonment for debt, and perhaps debt bondage.

1.1.2 Irikagina’s edicts present legally exemplary cases of former abusive customs or rules (bi₃-lu₃-da, nam-tar-ra) and their abolition and/or replacement by new precepts.\(^6\) The ruler claims to have proclaimed a general amnesty at the beginning of his reign:

He cleared the prisons\(^7\) of indebted children of Lagaš, of those having committed gur-gub- and še-si.g-offenses,\(^8\) of those having committed theft or murder. He established their liberation (ama-r gi₄).