INTERNATIONAL LAW

INTERNATIONAL LAW IN THE FIRST MILLENNIUM

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1. SOURCES OF INTERNATIONAL LAW

Even though the cuneiform writing system continued to be used in the Near East through the first millennium, cuneiform documentation becomes progressively scantier and more one-sided towards the end of the millennium as a result of the establishment of Aramaic as an imperial lingua franca under the Neo-Assyrian Empire (see 2.1.2 below).¹ Being written on perishable materials, the only relevant Aramaic sources extant are three eighth-century treaties. Thus most types of source relevant to the study of international law, while abundantly available earlier, are entirely missing from the latter half of the millennium.

1.1 Treaties

Original treaties in cuneiform have been preserved only from the Neo-Assyrian period, from which twenty-two texts are extant, dating between ca. 825 and 625.² The individual texts vary greatly in type, content, length, and quality.³

² Edited by Parpola and Watanabe in SAA 2. The total of twenty-two includes ten exemplars of Esarhaddon’s succession treaty (no. 6), treated in the edition as a single text but actually representing ten identically worded treaties imposed on at least ten different political parties (mostly vassal nations). On the number of the extant exemplars of SAA 2 6, see ibid., xxix–xxx, and Farber, Review . . ., 163.
³ The corpus includes several short one-column tablets, two of which (nos. 8 and 10) are probably drafts and two (nos. 3 and 12), excerpt tablets. Contrast these with the elaborate 670-line succession treaty of Esarhaddon and the multi-column treaties with Arpad (no. 2), Tyre (no. 5), and an unidentified country (Arabs[?], no. 11).
1.2 Royal Inscriptions

Royal inscriptions, particularly those of Sargonid Assyria, contain a wealth of information on international relations, warfare, diplomacy and treatment of foreign nationals, as well as many references to treaties.4 Unfortunately, inscriptions containing political and historical information are very scantily available from later periods.5

1.3 Royal Correspondence

An extensive corpus of approximately 3,500 letters exchanged between Assyrian kings and various members of the Assyrian ruling class survives from the last two centuries of the Empire (ca. 740–615). This corpus is an extremely rich source on virtually any aspect of contemporary life, including international law.6 Many treaties are referred to, paraphrased, or quoted verbatim in these texts.7 Unfortunately again, very few letters of this type exist from later periods.8

1.4 Letters to Gods

A genre closely related to royal inscriptions, such texts provide invaluable first-hand evidence on the king’s position as the earthly representative of god (see 4.1.1 below). Examples are available only from the Neo-Assyrian period.9

1.5 Legal Documents

Legal documents are available in abundance throughout the millennium but their relevance to international law is largely limited to occasional references to royal treaties in the penalty clauses included in them.10

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4 See the summary in Parpola, “Neo-Assyrian Treaties . . .,” 184–85.
5 Events of political history were not normally recorded in Babylonian royal inscriptions; those of Nabonidus (555–539), which constitute an exception, follow the Assyrian tradition. Achaemenid royal inscriptions in Old Persian and Babylonian cuneiform do contain historical material but are relatively few and stereotypical.
6 See Parpola, “Assyrian . . .”
8 E.g., a letter from the crown prince Nebuchadnezzar published by F. Thureau-Dangin, [RA 22 (1925) 27–29], dating to 609. Private letters, which are plentiful also from later periods, rarely contain information relevant to international law.
9 The Neo-Assyrian corpus has been discussed by Pongratz-Leisten, Herrschaftswissen . . ., 210–65.
10 See the evidence collected in Watanabe, Adê . . ., 9–23, under 1.20.129–30, 4.4.179 and 5–9.