

Kunderewicz, Cezary

"Indenture at Nuzi. The Personal Tidennūtu Contract and its Mesopotamian Analogues", Barry L. Eichler, New Haven-London 1973 : [recenzja]

The Journal of Juristic Papyrology 19, 190-191

1983

Artykuł został zdigitalizowany i opracowany do udostępnienia w internecie przez **Muzeum Historii Polski** w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej bazhum.muzhp.pl, gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

Barry L. Eichler, *Indenture at Nuzi. The Personal Tidennūtu Contract and its Mesopotamian Analogues. Yale Near Eastern Researches 5.* Yale University Press, New Haven and London, 1973, pp. xv, 163.

This volume contains a very interesting analysis of 54 tablets from the ancient city of Nuzi (about ten miles south-west of Kirkuk in Iraq) classified by the local scribes by the superscription: "A document of *tidennūtu*".

In the Chapter one of his work the author gives the general information concerning the Nuzi tablets found in the years 1900–1931 in the area of Kirkuk. These tablets, written in an Accadian patois influenced by the native language of the Hurrian scribes and dated approximatively to the second half of the fifteenth century B.C., are of great interest to the students of the ancient Near East because they have made possible a reconstruction of the customs and practices of Hurrians of Nuzi during the middle of the second millenium B.C. The author characterizes also the *tidennūtu* transaction which is one of the most interesting legal institutions in Nuzi and gives a concise summary of the history of its interpretation by the modern scholars. From this summary results that the nature of *tidennūtu* transaction is still not clearly defined. Taking into consideration that since the appearance of the last study on this subject the number of published *tidennūtu* tablets has almost doubled (there are now over two hundred) the author undertakes an analysis of the entire material in which he discerns two classes of texts. The first he designates as real estate *tidennūtu* in which one of the exchanged values is land or building, the second—as the personal *tidennūtu* in which one of exchanged values is a person or the persons. The scope of the study is limited to the class of personal *tidennūtu* (52 tablets) and the author's purpose is fourfold: to give a detailed analysis of the personal *tidennūtu* contracts, to determine the nature of the transaction, to bring the transaction in the relationship with similar Mesopotamian institutions and to consider the etymology and meaning of the term of *tidennūtu*.

The author devotes the Chapter two of his work to the first of these purposes and comes to the following conclusions (pp. 37–47). The personal *tidennūtu* transactions were not subject to any specific regulations. The *tidennūtu* institution is identical to *antichresis*. Creditor provides debtor with capital and the *tidennu* given by the debtor provides the creditor with antichretic service corresponding to the interest on the capital. This service is not applicable to the amortization of the loan. The *tidennu* also secures the loan. The 47 per cent of the *tidennūtu* contracts contain an indefinite duration clause and the creditor seems to be more interested in continuing the services of *tidennu* than in securing the return of the loan. As long as the borrowed capital remains unpaid, the *tidennu* loses his freedom of movement and with his children and grandchildren is bound by an obligation of service. In this way the Nuzi landlords assured themselves of a long term agricultural and domestic labor force which was much better as the slaves because the creditor was always protected in the *tidennūtu* contract against the flight, disappearance or death of the

tidennu. It is possible that after finishing the seasonal agricultural works the *tidennu* could practice his trade or even work on his field and during such periods the creditor was not obliged to support him. The personal self-*tidennūtu* contract has a certain similarity with the *ḥāpiru* document from Nuzi. They both are the contracts in which a free person voluntarily enters into a state of servitude without selling himself to the patron. But the duration of the service of *tidennu* (who is an impoverished Nuzi citizen) depends on the return of the loan while the *ḥāpiru* is an "outsider" who obligates himself for the lifetime of the patron.

In the Chapter three Eichler discusses the possible Mesopotāmian analogues of the *tidennūtu* institution: 1) the *mazzazānūtu* recorded in the texts from the Old Babylonian period and attested in the area from Alalakh to Suza; 2) the Assyrian *sāpartu* and *be'ūlātu*. The author proves that both the personal *mazzazānūtu* and *tidennūtu* transactions are not only a secured loan but also a type of indentured servitude. In Assyria the institution of personal *antichresis* existed more commonly outside the sphere of pledge law, where it was an accessory obligation of the debtor.

In the Chapter four the author endeavours to determine a possible etymology for the term of *tidennūtu* and considers the connection of *tidennūtu* with *dinānu* ("a substitute") as "the most attractive suggestion for a possible Accadian etymology".

The Appendix 1 contains English translations of the 54 *tidennūtu* texts, the Appendix 2—the prosopographic data; the Table 1—an index of *tidennūtu* texts, the Table 2—the distribution of clauses in the personal *tidennūtu* contracts. The book ends with a Bibliography, a General Index and an Index of Translated Texts.

Mr Eichler's work is a valuable contribution to the knowledge of the social and economic history of ancient Mesopotamis as well as the history of cuneiform law.

[University of Łódź]

Cezary Kunderewicz

Schafik Allam, *Hieratische Ostraka und Papyri aus der Ramessidenzeit (Urkunden zum Rechtsleben im alten Ägypten, herausgeg. v. S. Allam, Band 1)*. Im Selbstverlag des Herausgebers. Tübingen 1973, 340 S.

Schafik Allam, *Hieratische Ostraka und Papyri. Transkriptionen aus dem Nachlass von J. Černý (Urkunden zum Rechtsleben im alten Ägypten, herausgeg. v. S. Allam, Band¹: Tafelteil)*. Im Selbstverlag des Herausgebers. Tübingen 1973, 133 S.

Schafik Allam, *Das Verfahrensrecht in der altägyptischen Arbeitersiedlung*