

Law, Morality, and Subversion in Sumerian Prose Miniatures

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Abstract This paper investigates the legal framework and transmission history of two Sumerian prose miniatures from the Old Babylonian period (ca. 2000-1600 BCE), which were hitherto considered as folktales and whose relation to wisdom literature remained controversial. It will be argued that their affinity with academic legal discourse and moralising wisdom compositions, as well as their firm embeddedness in scribal milieu, suggests that they are better understood as satirical morality tales bridging literary genres at the intersection of law and morality. Since both stories respond to incidental or conceptual ‘gaps’ in royal law collections, special attention will be devoted to analysing their subversive potential.

Keywords Folktale. Law. Morality tale. Parody. Royal legislation. Satire. Scholarly text compilation. Scribal education. Sumerian. Wisdom literature.

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1 Introduction: The Challenges and Implications of Classifying Sumerian Wisdom Texts

Bendt Alster’s monumental monograph *Wisdom of Ancient Sumer* (2005) remains the prime source for Sumerian wisdom literature, containing the most comprehensive collection of relevant texts to date. Recent years, however, have witnessed new editions and interpretations of individual texts and a critical assessment of Alster’s approach towards defining ‘wisdom’ and Sumerian ‘wisdom literature’

more generally.¹ In the present paper, I will pursue an indirect approach to address the question of what wisdom literature can be by focusing on a small group of texts, which Alster included in his corpus but whose classification as wisdom compositions, he felt, required justification.² Paradigmatic prose miniatures featuring clichéd human protagonists are presented under two different headings, ‘fables’ and ‘folktales’.³ Under ‘fables’, Alster presented three “so-called morality tales”:⁴ *The Adulterer*, *The Lazy Slave Girl* and *The Fowler and his Wife*,⁵ although, as Alster himself admitted, the description of the adulterer reads more like a riddle,⁶ the second text is a direct warning addressed to a lazy slave girl cautioning her to work, and in the third story a fowler and his wife discuss their sex life in bird, boat, and swamp metaphors, with no moral lesson apparent.⁷ Two longer narratives, *The Three Ox-Drivers from Adab (3ODA)* and *The Old Man and the Young Girl (OMYG)*, are designated as ‘folktales’, although throughout the book, Alster wavered on the classification.⁸

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1 For new editions of individual texts included in Alster 2005, see the bibliographical notes in Attinger 2021; 2023, 19-57. Additionally: Lämmerhirt 2020; Matuszak 2022; Viano 2022a-d. On ‘critical wisdom’, see recently Viano 2023 with further literature.

2 Alster 2005, 25, 29 f.

3 Alster (2005, 342 f.) defines (Sumerian) fables as stories in which “animals act and speak as humans”, but avoids delving deeper into problems concerning their function and definition by focusing his attention on proving that they were not a Greek invention. Significantly for the purview of the present paper, he acknowledges that written versions may have been adapted or invented by scribes, despite their assumed popular origin. Folktales are understood as stories in which a “problem solver” from the lower strata of society provides “proverbial wisdom” and thus “prevails over his superiors because he is cleverer than they” (23). This definition is contradicted elsewhere in the book, cf. the summary below.

4 Alster 2005, 25.

5 Alster 2005, 342-72.

6 Alster 2005, 368.

7 Alster 2005, 29; cf. also Alster 2008, 56 fn. 33. The point of the little story abounding in word, sound, and sign play seems to be a display of scribal virtuosity. Apart from the ambiguity of Sumerian ‘a’ meaning both ‘water’ and ‘sperm’, as well as the bird, boat, and swamp metaphors already discussed by Alster (1992, 193-5), it appears particularly poignant that the ‘sparrow’ (buru₄ (ŠIR.BUR)^{mušen}), which the fowler’s wife accuses her husband of having ‘caught’ and thereby incapacitated with a ‘net’ (l. 6), is spelled with the same sign as the Sumerian word for testicle (šeri(ŠIR)). To me, the ambiguity created by the clever employ of the cuneiform writing system suggests that the story was a scribal invention.

8 Alster 2005, 373-90. *3ODA* is edited in Alster 2005, 373-83; an eclectic Sumerian text and English translation can also be found on <https://etcsl.orinst.ox.ac.uk/cgi-bin/etcsl.cgi?text=t.5.6.5#>. It has been assigned the composite number Q000785. For *OMYG*, see now Matuszak 2022; the text can be found on ORACC and CDLI as Q002335. For additional secondary literature, see Attinger 2023, 49, 55.

The idea that *Three Ox-Drivers from Adab* is a folktale goes back to Edmund Gordon's seminal article "A New Look at the Wisdom of Sumer and Akkad" and has since been almost unequivocally accepted.⁹ It is therefore not surprising that Alster, given his professed interest in folklore,¹⁰ could not quite abandon the thought that Sumerian folktales must have existed, because dropping the label 'folk-tale' would result in the genre – and with it, the world's oldest specimen – no longer being attested.¹¹ However, following a study by Edward Lipiński, which detailed the legal and parodistic aspects of *Three Ox Drivers from Adab* and *Old Man and Young Girl*,¹² Alster had to concede that the two stories do not actually operate like folktales and instead bear the marks of "innovative" "scribal wit" characteristic of "wisdom circles".¹³ Acknowledging that folktales are not normally considered wisdom literature,¹⁴ he even contemplated the label 'anti-folktale'.¹⁵ Because of their satirical elements, he resolved to assign the two tales to his category of 'critical' wisdom versus the 'traditional' or 'conservative' wisdom found in other, mainly instructional, texts.¹⁶ While this assessment of *Three Ox-Drivers from Adab* and *Old Man and Young Girl* directly contradicts the chapter title advertising them as folktales, it justifies their inclusion in his oeuvre on Sumerian wisdom literature. Evidently, Alster wanted them to be both.

It is likely that some of the contradictions in Alster's 2005 *magnum opus* are the result of tensions between ideas he had formulated in the 1970s and his response to critique and new approaches developed

9 Gordon 1960, 122, 124. Cf. e.g. Lipiński (1986, 137), who switches from "literary transpositions of folk-tales" to simply "folk-tales" and Cavigneaux (1987, 51), who describes 3ODA as an "histoire au parfum folklorique assez rare dans la littérature sumérienne". Only Foster (1974, 72 fn. 8) saw 3ODA – in my view correctly – as "a parody on a legal case, or merely a *story with a scribal legal touch* at the end" (italics added).

10 Cf. particularly his early books, Alster 1974; 1975.

11 Cf. his statement in Alster (1975, 94), announcing the discovery of the oldest attestation of an old man marrying a young girl, a common motif attested throughout world literature: "[O]ne single example would be enough to prove that the genre was well known, [since] a single folktale is inconceivable". The preoccupation with identifying the world's oldest specimen of X – understandably – characterized much of pioneering cuneiform scholarship, cf. e.g. Kramer's iconic *From the Tablets of Sumer: 25 Firsts of Man's Recorded History* (1956).

12 Lipiński 1986. Legal aspects of 3ODA had already been noted by van Dijk (1953, 12) and Foster (1974, 72 fn. 8).

13 Alster 2005, 29, 377; 2008, 56.

14 Alster 2005, 23; 2008, 53 fn. 17.

15 Alster 2005, 377.

16 Alster 2005, 25 *et passim*; 2008, 56-61. The dichotomy of conservative vs critical wisdom was recently questioned by Viano 2023. The question of how critical 3ODA and OMYG really are will be revisited in § 2.3.

in the intervening decades. But the problem of generic classifications persists. Although the discussion has long been recognized as largely extraneous to the Sumerian-Babylonian tradition, the question of – or quest for – genre continues to shape modern readers’ expectations and interpretations. Alster’s reconstruction of the then fragmentary text *Old Man and Young Girl* is a case in point: to make sense of a story whose beginning and end were missing, but whose extant parts reminded him of a “crucial motif” “well attested in world literature”,¹⁷ he followed the ‘Morphology of the Folk Tale’ developed by the Russian formalist Vladimir Propp.¹⁸ What seemed promising turned out to be misleading: the discovery of a manuscript preserving the hitherto missing parts revealed that the plot was quite unlike Alster had imagined: it did not follow Propp’s template, the roles of individual protagonists turned out to be reversed, and the story’s resemblance to other alleged folktales remained superficial at best.¹⁹ Rather, the revised text reconstruction (cf. § 2.2) highlights the story’s parallels with *Three Ox-Drivers from Adab*, whose legal and parodistic ‘anti-folktale’ aspects had already been established.

I therefore aim to demonstrate that much more compelling results are yielded by reading these texts not through the lens of the folklorist trying to identify universal patterns, motifs, and characters, but by paying close attention to the stories’ embeddedness in specifically Old Babylonian (2000-1600 BCE) academic legal and moralising discourse. In order to avoid premature conclusions, I will use the descriptive terms ‘(short) story’ or ‘prose miniature’, which are also borne out by summary notes on Old Babylonian manuscripts (cf. § 3).

Accordingly, § 2 will outline the two prose miniatures’ pervasive legal framework and discuss how they communicate with law collections and model court cases, as well as instructional and moralising texts popular in Old Babylonian scribal circles. I will argue that both stories present unusual legal problems that are not accounted for in royal law collections, which explains why the king is called upon as supreme judge – but initially turns out to be incapable of solving them. The stories hence contain subversive potential, but this is immediately muted by their moralising finish, making them classic examples of ‘subversion and containment’ strategies.²⁰ In § 3, I will complement this strand of investigation by studying the stories’ transmission history, paying special attention to scribal practices such as rigorous line count and compilation. The affinity of both texts

¹⁷ Alster 1975, 94; 2005, 385.

¹⁸ Original publication: Propp 1968.

¹⁹ Cf. the more detailed discussion by Matuszak 2022.

²⁰ The concept was developed by Greenblatt (1988) and has since been used widely in historical and literary studies. I owe the reference to Sophus Helle.

with academic legal discourse as well as moralising wisdom compositions and their firm embeddedness in scribal milieux leads to the conclusion that they are better understood as satirical morality tales at the intersection of law and morality (§ 4).

2 Two Sumerian Prose Miniatures at the Intersection of Law and Morality

Three Ox-Drivers from Adab and *Old Man and Young Girl* seem to form a pair: they share the general structure, key characters and motifs, and even entire phrases. Both stories feature nameless, paradigmatic representatives of different social groups determined by age, gender, profession, and other status indicators. Both stories are satirical, because they focus on exposing the flaws associated with these types in a humorous, entertaining, and instructive way: as we will see, business partners are uncooperative, old men lecherous, and young girls treacherous. The implicit moral lesson is hence not to behave like these fools, for every one of them will get punished as befits them. But that is not all: the stories derive their particular ingenuity from the fact that within the context of a cautionary tale, they construct a ludicrous legal problem, which cannot be solved by 'the law.' They thus illustrate the limits of legal discourse, and law collections in particular – which bears considerable subversive potential, since according to royal ideology, laws were formulated by the king at the behest of the gods.

To be clear, in the following discussion I do not wish to suggest that Sumerian and Babylonian royal law collections had normative status. Particularly with respect to the most advanced and comprehensive example, the *Laws of Hammurapi*, it has long been demonstrated that it is an immensely complex monument to royal patronage of law, comprising elements of legal systematisation, suggestions for an ideal society, royal propaganda, scholastic literature, and more – but that it was neither used as a day-to-day legal reference work nor necessarily enforced.²¹ It also needs to be emphasized that there is no indication that these casuistic compilations were ever intended to be complete, or all-encompassing. For understanding the two fictitious stories discussed in the following, however, it seems useful to emphasize the fact that it was Old Babylonian (apprentice) scribes who – among other things – copied public stela inscriptions containing the promulgations of kings from Ur-Namma (2110-93 BCE) to Hammurapi (1792-50

²¹ Cf. most recently Barmash 2020 with an overview of previous theories (6-11) and a chapter devoted to the relation between the *Laws of Hammurapi* and legal practice (231-50).

BCE) in excerpts or their entirety.²² This made them the premier preservers and connoisseurs of this textual genre; and ‘royal legislation’ or other kinds of legal discourse treated as ‘a text’ could hence be subjected to commentary, parody, and other scribal practices.²³ The copying of law collections likely also made the scribes susceptible to noticing apparent ‘gaps’, or grey zones of semi-legal human interaction that the casuistic compilations did not cover, either incidentally or conceptually. As I hope to show, *Three Ox-Drivers from Adab* and *Old Man and Young Girl* engage in thought experiments informed by contemporaneous legal discourse, and hence indirectly bear witness to scribal endeavours at the intersection of legal thought and literature. While the stories never refer to any legal corpora directly, knowledge of legal discourse as it was at least sometimes studied during scribal education informed their content, and a full appreciation of the stories’ originality was only possible for those who were familiar with Mesopotamian legal lore.²⁴

2.1 *Three Ox-Drivers from Adab*

In the first story, three carters hailing from the city of Adab are on a mission. One man has an ox (or a bull? – the Sumerian word is conveniently ambiguous), the other a cow, and the third man a wagon. What may sound like a perfectly innocuous setup to modern readers not too familiar with the business of driving carts would have probably aroused the first round of laughter among ancient Babylonians.

22 Cf. e.g. Roth (1997, 2) and the information about the sources for every law collection up to the *Laws of Hammurapi* in the same volume. New copies of law collections kept being identified and published.

23 Roth 2000; cf. also Barmash 2020, 271-84 with respect to later periods.

24 The nature and extent of advanced legal training is debated. While numerous model contracts from the intermediate phase of scribal education survive, the relative paucity of preserved exercise tablets containing model court cases, copies of law collections, and stories like *3ODA* and *OMYG*, suggests that they were not an essential component of the scribal curriculum. However, as recently summarized by Milstein (2021, 37-8, 50), those texts that were seemingly used in legal training often exhibit parallels with laws, although they never directly quote them. The same, I might add, applies to the trial in *Two Women B*; cf. the discussion in Matuszak 2021, 121-33, 138. Despite their circulation in academic contexts, they are hence not completely divorced from contemporaneous legal practice. In this regard, it is not uninformative to compare the analysis of Steinberg (2023), who argues that legal doctrine is not the *point* of the stories collected in Boccaccio’s *Decameron* and that Boccaccio’s legal training should not be overestimated as a source of literary inspiration, but that his stories were informed by a legal culture which his readers would have recognized and appreciated. Unlike in fourteenth-century Italy, however, where thanks to Boccaccio vernacular literature was elevated to classical status, the reach of our Sumerian stories would have been restricted to the most educated of scribes, who had learned Sumerian as a dead foreign language as part of their multi-tiered education.

Nobody in their right mind, least of all professional carters, would ever set out on a business trip like this. What is the cow doing here – she is not commonly used as a draught animal? Given the matching pair of male and female bovines, one wonders, has the bull really been castrated? And finally, why is it important to introduce the three fools as citizens of Adab, home of the mother goddess and her entourage?

With these questions raised but not answered, the story continues. And indeed, the suspicion that their mission was doomed right from the start is soon confirmed, for apparently the three colleagues were also inexperienced enough to forget to bring provisions and become plagued with thirst. However, every one of them refuses to go and fetch water, because the owner of the ox/bull fears that in his absence his ox/bull may be devoured by a lion, the owner of the cow worries that if he leaves her, his cow may wander off into the desert, and the owner of the wagon is anxious that his cargo may get stolen. So, foolish as they are, they decide to go together and leave all their prized possessions behind. The minute they are gone, fantastic events happen in rapid succession: the ox/bull apparently impregnates the cow, the cow immediately gives birth to a calf, and the calf eats or otherwise destroys the cargo.²⁵ Hence our initial concerns were justified: either a castrated draught ox managed to impregnate a cow, making the conception of the incredibly fast-growing calf even more miraculous, or the three carters set out with a pair of animals completely unfit for purpose: a cow and, crazier still, a horny bull, whom one would have a very hard time persuading to pull a cart. While the ambiguity of Sumerian *gud* “ox/bull” (l. 5 *et passim*) is thus fully exploited for storytelling purposes, the unusually fast gestation and growth of the calf is signalled through a conspicuously precise choice of words (l. 14): the embryo (*a-sila₃-ḡar-ra*) is pressed out (*sur-sur*)

25 While the summary offered above seems to be confirmed by the rest of the plot, *3ODA* 14 (*gud eše₂⁷ ba-a-la₂-e ab/um²-la₂ ab₂ a-sila₃-ḡar-ra-bi um²-sur-sur-ru amar⁹⁶⁵mar-ra KA bi₂-in-DU*, quoted after MS A; P345424), which contains four sentences in one line, is riddled with unusual word choices, a detailed discussion of which (also *vis-à-vis* the metaphors in *OMYG*) transcends the scope of this paper. 1) The impregnation of the cow is apparently expressed by *la₂* ‘to hang, to bind, to supervise, etc.’, although this is not how (animal) intercourse is normally described. Whatever its connotations, it evidently plays with the preceding *eše₂ la₂*, which informs us that the ox/bull had been tethered with a rope – not that it could stop him. Moreover, the patient of *la₂* (the cow) is omitted, perhaps because it initiates the next sentence (where one would expect an ergative). *ab₂* thus seems to connect the two sentences in a grammatically and syntactically unusual way. 2) *KA DU* is equally enigmatic. As recognized by Alster (2005, 381-2), it cannot be *zu₂ gub* ‘to dig in the teeth, to eat’ (thus Foster 1974, 71 and ETCSL) because of *KA tum₃/tum₄* in the parallel line 84; he interprets *KA tum₂* as ‘to bring the mouth (or: teeth, nose) to the wagon’. While the meaning of the phrase *KA de₆/tum₂* remains unknown, it seems to result in the loss of the cargo (which, if eating were involved, could have simply been expressed with *gu⁷* ‘to eat, consume, destroy’!). The rest of the unusual terminology is discussed below, but a dedicated study of word choice remains a desideratum.

rather than being born (du₂-d), and when it starts munching² on the wagon's cargo a few moments later, it is already a fully-grown calf (amar). It remains unclear in how far Paniṅara, the city-god of Adab responsible for fetuses and premature babies, who is later credited as the scribe recording the case (cf. § 3), was involved in the miraculous birth. But the prominent note about the carter's origin now finds its explanation in the fact that Adab is the home of the mother goddess and her entourage, who are concerned with all aspects of births, regular or bizarre.

When the three colleagues have quenched their thirst and return to the desert, they face complicated issues of property and liability law. Foremost on their minds is the question: who owns the calf? (l. 15), but implied in the question of rightful ownership is also the question: who assumes responsibility for the calf consuming the cargo (if that interpretation of KA DU proves to be correct)? Although their discussion is not quoted within the text and only alluded to as part of the narrative (l. 3),²⁶ we can speculate that the owner of the wagon might have wanted to claim the calf as compensation for the loss of his cargo; the owner of the ox/bull might have insisted that the calf is his as a sort of stud fee; and the owner of the cow might have claimed the calf either because babies normally belong to the owner of the female breeding animal – or as compensation for wrongful insemination. Be that as it may, the three colleagues cannot resolve the matter amongst themselves and approach the king. He listens to their story but – unheard of in the world of supremely knowledgeable and wise kings – does not know what to do and asks a court lady for advice: likely a double joke with sexist overtones. As king and divinely appointed supreme judge and lawgiver of his country, he should be the ultimate authority on all legal matters, no matter how difficult.²⁷ More importantly, if indeed he must solicit legal advice from anyone, one would expect him to consult the consortium of male experts that often features in Sumerian model court cases.²⁸

The protracted solution, which involves complex analogies, is badly preserved and difficult to comprehend in its details. Presently, there is a gap of over 40 lines (which is nearly half of the story!), and several of the preserved lines are fragmentary. While the loss is partly mitigated by frequent repetitions, many questions remain, and the

26 3ODA 3: enim ib₂-ta-an-šar₂-šar₂-eš-am₃ “They discussed it heatedly, with many words”.

27 On the image and self-representation of royal jurisdiction, see e.g. Démare-Lafont 2011, 338-40.

28 The interaction of king and assembly (*puḫrum*) is recorded in several Sumerian model court cases, most famously in the so-called *Nippur Homicide Trial*, as well as in *Two Women B*; cf. Matuszak (2021, 117) with further literature. On the role of the court lady, see Matuszak 2022, 192, 206 *ad* 18-19.

following interpretation is tentative and provisional at best.²⁹ But judging from what we can currently glean from the broken passages, it looks like no-one wins and everybody loses. Somehow the ox/bull is linked to its owner's field (cf. the fragmentary lines 65, 67, 72), and the potential threat of it being eaten by a lion (l. 23//66)³⁰ ultimately leads to the field being flooded' (l. 90).³¹ If that interpretation is correct, then there is obvious irony in losing one's livelihood to an abundance of water, given that the carters' initial problem was thirst. The fates of his two colleagues seem to rest on similar premises: The owner of the cow divorces his wife whom he despises (l. 91), presumably because she may wander off just like his cow, which would make her also vulnerable to sexual predators,³² and the man with the wagon

29 Importantly, the roles of both court lady and king, as well as the nature of his final judgement, are unclear. Since the king went to consult the court lady in l. 16 and left her abode only in l. 89, a lot seems to have happened there. It is unlikely that the court lady's speech extended over 50 lines (i.e. ll. 32-88); it is hence unclear who speaks in ll. 65-88. Since ll. 90-2 are phrased as a narrative report rather than a verdict (similar to OMYG 46-7), it could well be that ll. 65-88 were uttered by the king. But given the large gap it is uncertain if the plot developed along the same lines as in OMYG. Crucially, the interrogation of the old man and the first (and soon to be revised) verdict occur *after* the king had left the court lady. This may be because only the young girl had appealed to the king, whereas in 3ODA the claimants had approached the king jointly, rendering another interrogation unnecessary. Given the similarities and differences with OMYG it remains unclear if the court lady's advice is as perceptive as it is in OMYG and whether it inspires the king to come up with a suitable solution immediately or if he is forced to change his first verdict, as in OMYG. This uncertainty prevents us from fully appreciating the relationship between the utterances concerning each of the three colleagues in ll. 65-88 and the brief tripartite summary in ll. 90-2.

30 There may or may not be a double entendre involved, as the lion often symbolizes the king; cf. Watanabe 2002, 42-56 *et passim*.

31 L. 90: lu₂ a-ša₃-ga-ni <...>⁷ a-ša₃-ga-ni ba-an-ši-ib₂-si 'The man <who ...>⁷ his field, his field was *flooded*'. Alster (2005, 380), following suggestions by Cavigneaux (1987, 52) and Foster (1974, 71), emends A to DİŠ and translates "Each(?) man <whose heart had not been satisfied(?)>, his heart was satisfied"; ETCSL offers "each (?) man's heart was dissatisfied". But in his line commentary, Alster (2005, 383) rightly acknowledges that, because of the parallelism of ll. 90-2, this line must refer to the owner of the ox/bull and his field. The translation 'flooded' is admittedly conjectural, as it requires a si 'to fill with water'; cf. l. 7 and parallels. However, l. 90 - despite or because of its elliptical nature - seems to involve multiple puns: a-ša₃-ga-ni ba-an-ši-ib₂-si 'his field was *flooded*' might recall a u₃-um-te-si 'if you (i.e. the owner of ox/bull, cow, or wagon, respectively) could fetch water' in lines 7//9//11, while also playing with a ša₃-ge si 'to fill the womb with semen', which is what the ox/bull had done to the cow (albeit enigmatically expressed with la₂ in l. 14).

32 The section is, unfortunately, only fragmentarily preserved, but ab₂-ba-ni edin-še₃ u₃-ba-nen-n[a ...] 'After his cow had gone off into the desert [...] (l. 74) and dam-a-ni tillaz₂-a u₃-ba-an-AK[...] *im-suz-qis i-la-ak-ma* 'After his wife had *taken to*(?) the streets' (l. 75) are clearly presented in parallel. While the Sumerian could also be translated as 'had done it in the streets' or 'had been done in the streets', the Akkadian gloss predicts: 'She will walk in the streets and [...]'. For the association of women walking in the streets and promiscuity or prostitution, see Matuszak (forthcoming). This is followed by a reference to the cow pressing out her embryo in l. 76 (ab₂ a-sila₃-ḡar-ra-bi um-sur-sur-ru [...]), suggesting that her impregnation was a direct consequence of

not only loses his cargo but apparently all of his possessions.³³ None of them seems to get the calf.³⁴

In other words, the three colleagues end up losing everything they own. On a moral level, this seems fair: they were each willing to give up their most prized possessions rather than to trust and cooperate, so they deserve to lose everything, including the bonus of the miraculously quickly born calf. But there is also a juridical perspective to this. Martha Roth³⁵ has shown that legal provisions around rented oxen, which combine property and liability law, were particularly popular in scribal education.³⁶ Ancient readers of this story would therefore know that, “if a lion kills a yoked ox engaged in pulling (a plough or wagon), he (the renter) will not replace (the ox)”³⁷ – meaning it will be the owner’s loss – or, more explicitly: “If a lion devours a wandering ox, the misfortune falls to its owner”.³⁸ The same is also recorded in the *Laws of Hammurapi* § 244: “If a man rents an ox or a donkey and a lion kills it in the open country, it is the owner’s loss”.³⁹ The fate of the owner of the loaded wagon, on the other hand, recalls *Laws of Hammurapi* § 237:

If a man hires a boatman and a boat and loads it with grain, wool, oil, dates, and any other loading, and that boatman is negligent and thereby causes the boat to sink or its cargo to become lost,

wandering off into the desert. We therefore expect a similar fate befalling the wife, though l. 77 mentioning a hero or warrior (ur-sa₂) admittedly remains unclear. L. 91 records the fact that ‘the man who hated his wife left (lit.: walked away from) his wife’ (lu₂ dam-a-ni ħulu an-ge₁₇-ga-am₃ dam-a-ni-ta ba-an-da-ġen), although the usual technical term for divorce is taka₄. The word choice (ba + ġen ‘to go away’) echoes the action of the cow (cf. ll. 10, 25, 74).

33 The Sumerian word here tentatively translated as ‘possessions’ is not clear in this context and hence the interpretation not beyond doubt; cf. already the discussion in Alster 2005, 374, 383. Normally, me means ‘essence; potential; divine power’; cf. also me = *lalū* ‘virility, sexual exuberance’ and me ‘when, where’; cf. Attinger 2023, 932. Note, however, that some of the Akkadian equivalents of me listed in OB Nippur Izi 125-32 “defy analysis” (Crisostomo 2019, 165). The unusual word choice in 30DA deserves a separate study.

34 If I understand the fragmentarily preserved l. 84 correctly, the court lady points out the risk that if the calf can eat up an entire wagon’s cargo in no time, it will also diminish (tur’]-tur’) its owner’s household possessions. Therefore, his hope that he might receive the calf in compensation for his loss is indirectly portrayed as unjustified.

35 Roth 1980.

36 On Old Babylonian school texts about owner’s liability, see also Spada 2021.

37 *Laws about Rented Oxen* §7 (cf. Roth 1997, 41). A new fragment was published by Spada 2018.

38 *Sumerian Laws Exercise Tablet* § 9’ (cf. Roth 1997, 44). Similar legal provisions are also recorded in the *Sumerian Laws Handbook of Forms* vi 16-22 and 32-6 (cf. Roth 1997, 52).

39 Quoted after Roth 1997. Other laws that might be somewhat relevant to the case are provisions for safekeeping (e.g. *Laws of Hammurapi* §§ 120-6), as well as inheritance law.

the boatman shall replace the boat which he sank and any of its cargo which he lost.

While these regulations possibly ‘justify’ the three carters’ losses (at least within the context of our ludicrous little story), there are no provisions that settle the questions at hand, namely, who owns an accidentally begotten calf born to bovine parents belonging to different owners, and who is liable for damage caused by a calf that does not have a legal owner yet. As Martha Roth astutely points out to me, ownership and liability in an ordinary situation would be clear: animal babies belong to the owner of the female just like a slave woman’s children belong to her master.⁴⁰ This would make the calf the property of the owner of the cow, and he would be responsible for the damage caused by it. But in our story, there are complicating factors, which each of the three colleagues tries to use to their advantage: unlike with other randomly conceived animals such as stray puppies, the father of the calf is known, the impregnation of the domestic cow was not planned by the owners of cow and ox/bull, and the calf caused damage to a third person’s property before anyone knew of its existence, let alone its rightful owner.

In other words, we have a problem which is not easily resolved by applying existing legal provisions, and it is this very absence of applicable laws that allows for the entire text to assume the form of a (parodied) lawsuit presided over by the king. The solution, however, is only partly based on an evaluation of property and liability regulations such as the ones quoted above. More weight is given to an implicit assessment of the businessmen’s character flaws, which provide the real reason for why their losses seem justified.⁴¹ By shifting attention away from the legal problem and towards the problematic characters, the apparent ‘gap’ in royal law collections and related texts vanishes from view.

2.2 *Old Man and Young Girl*

A concern with personal moral choices can also be observed in the second story, which is only about half as long as *Three Ox-Drivers from Adab* but similarly structured. There, an old man is lusting inappropriately after a young girl and makes her a marriage proposal of sorts, without following the customary practice. For reasons we

⁴⁰ Cf. e.g. Westbrook 1998, 220-3.

⁴¹ Cf. already Falkenstein 1952, 118: “Auf alle Fälle ist klar, daß dieser Passus ein Anrecht des Wagenbesitzers auf das Kalb begründen soll. Juristisch gesehen dürfte das aber nicht ohne einige Spitzfindigkeit zu bewerkstelligen gewesen sein”.

cannot guess, the young girl accepts, although she is aware of the impotence of the *senex amans*. As with the ill-fated business trip of the three ox-drivers, readers are thus warned right at the beginning that this marriage will not end well. And indeed, after a while, feigning innocence, the young girl approaches the king and complains about the fruitless marriage. Like in *Three Ox-Drivers from Adab*, the king is out of his depth and consults a court lady. In her somewhat oracular (and previously misunderstood) answer, she implies that a union between old man and young girl will never miraculously balance out the age difference, so the marriage does seem to be doomed. The king thereupon summons the old man to court and interrogates him about why he cannot perform in bed. The old man replies with an iconic speech, asserting that he was once young and virile but old age has consumed his prowess:

A young man used to be my god, strength my protective deity.
(But now) my youth has rushed past my thighs like a fleeing donkey.
My (formerly) 'black mountain' has sprouted '(white) gypsum' [i.e. white hair].
My 'mother' has sent a 'messenger from the forest' to me; s/he has given me a 'helping hand' [i.e. crutches].
My 'mongoose' [i.e. penis] which used to 'eat' 'pungent things,' does not (even) stretch (its) 'neck' to the 'jar with clarified butter' (anymore).⁴²

This testimony, which corroborates the young girl's charges, inspires the king to come up with the ingenious – or rather, absolutely shocking – idea that the young girl could have sex with her slave and conceive progeny that way. The young girl is delighted, leaves the palace jubilantly, proclaims a general debt remission, which would free debt slaves such as the one intended to become the father of her children, and encourages all young girls to dance around frivolously. The king in horror finally realizes her perverted nature as well as his own mistake in seriously considering her disingenuous plea, marks her as an adulteress of sorts,⁴³ annuls her marriage with the old man and chases her out into the street, where – it is insinuated – she.

Again, the little story addresses an apparent 'gap' in existing legal provisions, this time in marriage law. Pertinent legal provisions only ever deal with the scenario of an infertile wife, in which case they allow the husband to take a second wife, often a household slave, in order to secure offspring. The second wife would then cease to be his slave. This is illustrated not only by the *Laws of Hammurapi*

⁴² OMYG 33-7.

⁴³ Cf. the discussion of the implications of shaving half her hair in Matuszak 2022, 193.

(§§ 144-9), but also by several Old Babylonian contracts, in which a second wife is either adopted or purchased. They explicitly record: “wife number 2 is a slave to wife number 1 but a wife to the husband”.⁴⁴ In our story, everything is turned on its head: it is clearly the husband who is impotent, so the king suggests the wife take a second husband – apparently oblivious to the fact that this would be adultery, a capital offence!⁴⁵ Moreover, unlike in the scenario of a man securing an heir thanks to a second wife, a child conceived by wife and slave would result in the legal paternity of the slave, not the wife’s first husband. The proposed solution hence does not solve the problem – in fact, the problem cannot be solved by simple analogous inversion, unless one is ready to accept the total inversion of the patriarchic order. It is therefore almost a stroke of luck that the young girl interprets the ill-advised one-time solution on a global scale – or, one could say, as a legal precedent.⁴⁶ Her announcing the release of all debt slaves and licence for promiscuity for all girls forces the king come to his senses just in time to prevent a total upheaval of the social order. Though the king’s change of mind averts a major catastrophe, it constitutes another laughable feat of royal incompetence – particularly in light of *Laws of Hammurapi* § 5, which prohibits judges from reversing their verdict and bans them from ever serving as judge again.⁴⁷

By engaging in a thought experiment – asking ‘what if it were the other way around?’ – the story exposes the bias inherent in the rule that only men are allowed to have more than one sexual partner while married. In so doing, it briefly shakes the very foundation of Old Babylonian society – but it is quick to backtrack, and immediately proceeds to justify the existence of the ‘gap’ and thereby the existing order. The justification is again based on the character flaws of the protagonists. A marriage between a fertile wife and an impotent husband is presented as absurd and unnatural because it is the result of bad decisions made by immoral people: the old man should have never proposed to the young girl, and the young girl should have never accepted the proposal. In other words, the story provides an *argumentum ad absurdum* – a key strategy that has apparently been in the repertoire of jurists for the past 4,000 years. This also explains

⁴⁴ Cf. Westbrook 1988, 103-4. See the more detailed discussion in Matuszak 2022, 192 f.

⁴⁵ Démare-Lafont 1999, 78: “Le châtimeut de principe en matière d’adultère est la mort”; cf. 78-91 for other forms of punishment. According to Westbrook (1988, 75), “in practice a lesser punishment may have been the norm”, though he cites as evidence only model court cases from the scribal tradition, whose relation to practiced laws is difficult to determine. Cf. also the discussion in Matuszak 2021, 127-9.

⁴⁶ On the precedential value of royal utterances, see Roth 2000, 23-8.

⁴⁷ Cf. Matuszak 2022, 193.

why the king as divinely appointed lawgiver and guarantor of the social order, despite cutting a rather hapless figure at the beginning and proposing shockingly radical ideas that run counter everything he stands for, ultimately does not suffer significant status loss. The laws he and/or his predecessors proclaimed at behest of the gods remain valid and beyond critique, and thanks to his dissolution of the marriage that was never supposed to be, the divinely ordained social order remains intact. The satire hence criticizes clichéd characters – but never institutions, resulting in an exciting tension between explosive ideas and tame solutions inspired by a cast of socially deviant fools.

2.3 Summary and Discussion

In both stories, people of questionable character approach the king with seemingly trifling matters: potency problems, an extra calf. This can be seen as part of the parody, as the king normally only got involved in capital crimes. However, it also serves as a potent illustration of the fact that in both cases the situation at hand is not covered by royal law collections. According to the implicit logic of the stories, the cases hence ‘must’ be resolved by the king. However – and here we are back to the satire – the nameless ruling king in the stories does not know how to handle the unusual situation and turns to a court lady for advice. In other words, the person who embodies the institution of royal justice defers a ‘gap’ in his law collection to someone outside the legal system.

It is not entirely clear how to interpret this: while, at least in the case of the young girl, it is obvious that the king should have never taken her appeal seriously,⁴⁸ it is also possible that he realized that these are problems at the intersection of law and morality and hence cannot be settled by applying existing legal provisions alone – a realisation that may have inspired him to consult someone other than male legal experts. Should we recognize the court lady as a moral authority? Or is this a joke after all? At least in *Old Man and Young Girl*, she immediately comprehends the problem at hand and suggests that it cannot be solved – only the king is foolish enough to attempt it. His unprecedented and rather naïve solution relies on a simplistic reversal of gender roles, which is implicitly portrayed as absurd and dangerous. The two instances of gender role reversal in *Old Man and Young Girl* are intricately linked: first a mere court lady is wiser than

48 It is unclear if this is an indirect critique of people abusing the tradition of direct appeals to the King (cf. Démare-Lafont 2011, 338-9). We do know, however, that literary petitions to the king were studied as part of scribal education (Keisuke 2009).

the king, then he – apparently ignoring or misunderstanding her advice – suggests a complete reversal of the patriarchic order, which he needs to rescind in order to preserve the functioning of society and his own role in it. In *Three Ox-Drivers from Adab*, the validity of analogical thinking – arguably a staple of Babylonian scholars already in the early second millennium BCE⁴⁹ – is more difficult to gauge due to its fragmentary state of preservation.

While simple people tricking or advising the king may sound like something straight out of a folktale, there are important differences. In both stories, there is no true hero fighting a just cause, and the simple folk do not prevail over the powerful.⁵⁰ Rather, all parties are guilty in some capacity, and all get punished accordingly, whether by royal decree or not: the possessive ox-drivers forfeit their belongings, the lewd old man must forsake his pretty young wife, the conniving young girl loses her marital status and home. None of the contestants win the case, but society as a whole benefits from their conviction.

The cast of foolish characters, each of whom deserves to lose, also distinguishes our stories from other texts used in the legal training of scribes, such as model court cases and the final third of *Two Women B*, all of which contrast an innocent plaintiff and a guilty defendant.⁵¹ While *Two Women B* follows the trials of a wrongfully accused heroine fighting her way to justice, the model court cases tend to focus on the defendant, who is rightfully convicted. But even in their focus on the perpetrator, there is always a victorious party present or implied. The didactic benefit in all these texts lies in learning how justice is achieved by following appropriate procedures. They hence elucidate the workings of established law and instil trust in the existing legal system in those who would later be expected to uphold it as part of their professional career. Our stories approach the topic from a different angle, but at least the better-preserved *Old Man and Young Girl* equally ends up proving the validity of marriage law as it stands.

There are also important aspects that differentiate our two prose miniatures from other moralising compositions included in Alster's *Wisdom of Ancient Sumer*, such as *The Adulterer* and *Lazy Slave Girl* mentioned above in § 1, as well as another text entitled *Slave and*

⁴⁹ See e.g. Crisostomo 2019. The possibility that the difficult Old Babylonian text *Scholars of Uruk* might be a parody of *recherché* bilingual scholarship (George 2009, 112), as well as the existence of several humorous texts about life at the scribal school (e.g. *Schooldays* ed. by Kramer 1949), indicates that (self-)satirising was not an uncommon element in Old Babylonian academic text composition.

⁵⁰ This is precisely the reason why Alster (2005, 377) potentially considered *30DA* an “anti-folktale”.

⁵¹ For the trial in *Two Women B*, see Matuszak 2021, 107-38. For literature on model court cases, see Matuszak 2021, 107 fn. 284.

Scoundrel,⁵² which can perhaps best be described as portraits of immoral characters. They are very straight-forward – so much so that even *Slave and Scoundrel*, which takes the form of a patchwork parody of different legal documents (from court records to inheritance deeds), does not construct a legal problem: the depravity of all protagonists is obvious and their fate is sealed by their own behavior, not by judicial verdict.

Our morality tales, on the other hand, engage in thought experiments outside of the established legal tradition. They ask questions that the law collections from the *Laws of Ur-Namma* up to the *Laws of Hammurapi*, which scribal apprentices in the Old Babylonian period demonstrably studied and copied,⁵³ could not answer: Who is the rightful owner of a calf that was never meant to be born, and who is liable for damage caused by it? How does a married couple secure progeny if the husband is impotent? These perceived ‘gaps’ in written legal discourse as it was studied and copied by scribes apparently warranted discussion and commentary – risky as that may be. But the subversive potential was immediately contained by connecting the legal problem to immoral and/or foolish characters, thereby invalidating it. As a result, the institution of royal justice, which is first called into question, emerges stronger than before. On the level of the narrative – at least in the better-preserved *Old Man and Young Girl* – this is expressed by the king regaining control and sentencing each as they deserve.

But where there any lingering doubts? When Greenblatt first developed the model of ‘subversion and containment’ and applied it to state-censored Elizabethan drama, he also noted its dialectical nature, pointing out that “what is for the state a mode of subversion contained can be for the theatre a mode of containment subverted”.⁵⁴ In how far this applies to our Sumerian stories is difficult to assess, partly because there are no contemporaneous metatexts such as interpretations or commentaries, and partly because the nature and extent of institutional patronage and other forms of official involvement in text production are not easy to gauge in this period. But the fact that neither a fundamental critique of kingship as an institution nor of a historical monarch composed during his reign is known to exist, suggests that there were limits to the written expression of such thoughts.⁵⁵

Therefore the legal problems that lie at the heart of our stories are never solved, but simply undone. *Old Man and Young Girl* does

52 For this text, see Roth 1983; Alster 1992.

53 Cf. above fn. 22.

54 Greenblatt 1988, 65.

55 Cf. Fink 2020; for the ambiguity of the image of the king in Sumerian proverbs, see Konstantopoulos 2017.

not provide a viable solution to the problem of how an old husband and a young wife can produce children. A marriage between a fertile wife and an impotent husband is presented as so absurd that it should be prevented at all costs, or at best dissolved, because it cannot be remedied within the existing norms that prohibit a married woman from sleeping with someone other than her husband. Something similar can be observed with respect to *Three Ox-Drivers from Adab*, which seems to presage a satirical take on Solomonic wisdom. Unlike in the Biblical story in 1 Kings 3:16-28, where the king determines the baby's real mother by means of a test, our king apparently decides that because of their moral shortcomings and their professional incompetence none of the three colleagues deserves the extra calf.⁵⁶ But the story does not stop there: at the end, all three lose everything - although due to the fragmentary state of preservation it remains unclear in how far this is the result of the court lady's advice and/or the king's decision.

Given the cast of lowly and clichéd characters such as the *senex amans* or the uncooperative business partners, as well as common tropes such as the reversal of fortunes or the court case exposing deeper societal problems than initially anticipated,⁵⁷ I would not exclude the possibility that the authors may have drawn inspiration from now-lost popular stories such as folktales when composing their cautionary tales.⁵⁸ But even if they did, they have extensively reworked them for their purposes and furnished them with a pervasive legal framework. Despite the preponderance of a moral lesson, which outweighs the legal basis for the protagonists' punishment (whether

56 This pairing of professional incompetence and immoral (here: uncooperative, mistrustful, possessive) behavior is also commonly found in Sumerian disputations (cf. Matuszak 2021, 137) and instructional texts such as the *Instructions of Šuruppak* (cf. Alster 2005, 31-226), linking our stories to other genres of wisdom literature.

57 Cf. e.g. the following motifs registered in Thompson 1955-58: J445.2 (foolish marriage of old man and young girl); J1171.1 ("Solomon's judgement: the divided child"; cf. also J1171.2 "Solomon's judgement: the divided bride. Three suitors dispute over a woman. When it is proposed to divide her, true lover is discovered"), and, more generally, J1130-J1199 (cleverness in the law court); J1230-J1249 (clever dividing); L (reversal of fortune).

58 For a discussion of the relation of *OMYG* to proverbs and 'folktales' found elsewhere in world literature, see Matuszak 2022, 188-90. As regards *3ODA*, both Foster (1974, 72 fn. 8) and Lipiński (1986, 140) considered SP 2.82 a potential allusion to a similar story: anše lu₂ a-ga-de₃^{ki} min-am₃ u₂-gu ba-an-de₂ | al-ġen u₄ za-ħa-al AK-e ul-tuš šer₇-da-am₃ 'There were two men from Akkade, who had lost a donkey. One went and disappeared. (The other), after he had been sitting around (waiting), the blame was (put on him)'. Though clearly differing in its details, it alerts us once more to the possibility of stories existing in different versions. One could, for example, easily tell both our narratives without the legal framework and rewrite the end to achieve an entirely different conclusion: perhaps in one retelling someone did get the calf, or the young girl did manage to have sex with a younger man - as she does in the medieval Pear Tree stories; cf. Matuszak 2022, 189-90.

effected by royal verdict or not), the plots of both stories can hence best be savoured if the reader is familiar with the pertinent legal tradition. At least in their present form, they are thus better understood as satirical and moralising narratives commenting on cleverly devised legal ‘problems’, which were written by scribes for scribes.

3 The Scribal Context

Let me substantiate the claim that both prose miniatures are better understood as scribal creations by taking a closer look at their transmission history. In *Three Ox-Drivers from Adab*, the distinctly scribal, scholarly context is literally written into the last line of the story, which records the following: “Paniṅara, their ‘eldest brother’,⁵⁹ the scholar, the god of Adab, was its (the court case’s) scribe”⁶⁰ On the one hand, the choice of divine patron alludes once more to the miraculously fast birth and growth of the calf: Paniṅara, whose name contains the Sumerian word for foetus or stillbirth (niṅar), was associated with the mother goddess and responsible for foetuses, as well as premature and stillborn babies.⁶¹ His qualifications as scholar (um-mi-a) and scribe (dub-sar), however, root him and the entire composition in an academic milieu. The title ‘scribe’ also establishes a link between the alleged divine court clerk and subsequent generations of scribal apprentices copying the text as part of their training. Qišti-Ea, for example, who copied the text in Late Old Babylonian Sippar (Ammi-ṣaduqa 8/i/11), referred to himself as ‘apprentice scribe’ (dub-sar tur) at the time of writing.⁶² As shown by Frans van

⁵⁹ Note that Foster (1974, 72) and Alster (2005, 381) translated pa₄-ses as ‘sage’, which was also adopted by ETCSL. The term, however, means ‘eldest brother’, here in the sense of oldest ‘living’ ancestor, and refers to the fact that Paniṅara is the city-god and hence primordial resident of Adab, the three ox-drivers’ hometown. The Sumerian word for ‘sage’ is abgal; cf. Fechner 2022, 9-40.

⁶⁰ Note that court records from the Ur III period list the names of the bailiff (maškim) and the judges (di-kus) at the end, but never mention scribes (dub-sar); cf. Falkenstein 1956. However, in the late Old Babylonian period (post-Samsuiluna), it becomes common practice to list the name of the scribe of a given legal document as the last witness (Harris 1975, 284). The reference to Paniṅara as the ‘scribe’ of the court case may hence corroborate the suggestion that *3ODA* is the product of Old Babylonian scribal circles. Paniṅara’s identity as both city-god and scribe is perhaps indicated by the fact that his name is preceded by determinatives for both men and deities (^lpa₅-niṅar⁰⁰¹-ra).

⁶¹ Krebbernik 2004. On niṅar vel sim., see Attinger 2023, 1040.

⁶² The important colophon of MS A (AO 07739 [TCL 16, 80] + AO 08149 [TCL 16, 83] = P345424) was mentioned but not presented or discussed in Alster’s (2005, 373-83) edition. It reads, following the transliteration by Cavigneaux 1987, 52: (rev. 17”-18”): dub til mu šid-bi 95 | šu qiz-iš-ti-⁴e₂-a dub-sar tur ‘Tablet complete. Its number of lines: 95. Hand of (i.e. written by) Qišti-Ea, the junior scribe’; (upper edge 1-4): iti para₁₀-za₃-ṅar u₄ 11-kam | mu am-mi-ša-du-qa₂ lugal-e | ⁰⁰⁶⁵dur₂-ṅar ku₃-si₂²-ga-a ki-bad-ra₂-a-aš

Koppen,⁶³ he went on to work as a professional scribe and wrote perfectly normal, humourless legal documents for his fellow Sippar citizens. According to his titles, however, Qišti-Ea was proud of his education: three years after he copied our story, he referred to himself as *dub-sar* '(professional) scribe'⁶⁴ and yet another two years later, as *dumu e₂-dub-ba-a*,⁶⁵ literally 'son of the scribal school' and hence a testament to his advanced academic education. One would love to know what else he did in this capacity.

In the case of *Old Man and Young Girl*, no colophons mentioning the names of scribes are preserved. But passages of particular literary value and metaphorical density, such as the old man's iconic speech for the defence quoted above in § 2.2, have been excerpted in various so-called 'proverb collections', indicating an ancient appreciation for idiosyncratic and creative use of language.⁶⁶ As has been compellingly argued by Yoram Cohen (2018), the so-called 'proverb collections'⁶⁷ did not just play a role in scribal training, but also attest to compilation efforts, which served various purposes in the quest for achieving scholarly erudition. This observation deserves further consideration.

Evidence for junior scribes studying our stories exists in the form of lenticular tablets containing single line excerpts as well as a few teacher-student exercises.⁶⁸ These tablet types are characteristic of the intermediate phase of scribal education, where students moved from words to entire sentences by studying proverbs and model contracts. In the case of UM 55-21-254 (P231631), the quoted line *OMYG* 3//6 may record a common idiomatic expression that is found in two 'proverb collections'.⁶⁹ However, both prose miniatures are also attested on large tablets written by advanced scribes. *Three Ox-Drivers*

biz-in-gub²-ba u₃ alan¹-a-ni hub₂ šu₂-šu₂-e-a | e₂-nam-til₃-la-še₃ in-<ne->en-ku₄-ra 'Month 11, day 4. Year in which Ammi-šaduqa, the king, set up a throne made of gold (fitting) for the throne room and brought a statue of himself as a runner into the Enamtila (temple)'. Cavigneaux further notes that, despite the Late Old Babylonian date, the palaeography alone suggests a Kassite date.

⁶³ van Koppen 2011, 146.

⁶⁴ BM 92506 (CT 8, 3; P365166) rev. 18 (AŠ 11).

⁶⁵ CBS 1534 (BE 6/1, 95; P258868) rev. 17' (AŠ 13); probably also in CBS 1524 (BE 6/1, 101; P258858) rev. 17 (AŠ 15), though his title is mostly broken.

⁶⁶ Matuszak 2022, 188-90.

⁶⁷ On the diverse nature of Sumerian 'proverb collections', see Taylor 2005, 14-18.

⁶⁸ *3ODA* line 10//25 is preserved on the Type IV (lenticular exercise) tablet UM 29-16-719 (Peterson 2010, 565 no. 49; P228801) and *OMYG* lines 3//6 and 12, respectively, on Type IV tablets UM 55-21-254 (Alster 1997, 1:305; P231631) and NBC 1278 (BIN 2, 59; P297181). Jeremiah Peterson kindly informed me that the first line of *OMYG* is also attested on Type II (teacher - student exercise) tablets CBS 14233 (PBS 13, 22; P230524) obv. 5' and CBS 6765 (P264225) l. 5'.

⁶⁹ Cf. the discussion in Matuszak 2022, 189. On the Old Babylonian 'core curriculum' in Nippur, see Veldhuis 2011, 82-6 and Tinney 2011, 581-4.

from *Adab* is known from two manuscripts that originally contained the entire composition and nothing else.⁷⁰ Whenever both manuscripts are preserved, their textual transmission is remarkably similar. Both bear marks on the margins after 10 or 20 lines and the one written by Qišti-Ea, MS A, also details in its colophon that the tablet is complete at 95 lines. The end of MS B, where a colophon might have been placed, is not preserved. For *Old Man and Young Girl*, the line count of the individual manuscripts differs. One (X₁; P252108) indicates 45 lines, another (B; P283760) added four lines by improvising on a theme, yielding a total of around 50. The other manuscripts are too poorly preserved, but clearly add or omit lines.⁷¹ Being about half as long as *Three Ox-Drivers from Adab*, *Old Man and Young Girl* is exclusively attested on big compilation tablets collecting miscellaneous prose miniatures. One of them (X₁) meticulously notes the line count for each story and on the left-hand edge lists their titles, summarising them in Akkadian as 9 *še-eh-ḫe-er-tum* ‘9 short (ones)’. The left-hand edge thus records information comparable to the spine of a book. Similar summaries are also attested on other compilation tablets, suggesting that these texts were grouped together because of their brevity.⁷²

Meta data such as 10-line marks, line counts, or ‘tables of contents’ are normally only provided on ‘library copies’, suggesting that professional scribes collected such stories for future reference.⁷³ The precise recording of line counts safely situates the texts within a written tradition, where such data were relevant. Moreover, the grouping of *Old Man and Young Girl* together with other prose miniatures can be seen as early evidence for compilation of wisdom texts, which later finds its full expression in the *Series of Sidu*. Although available manuscripts all date to the first millennium BCE, its roots extend to the mid-to-late second millennium BCE.⁷⁴ Just like the Old Babylonian compilation tablets, it is characterized by rather diverse content, ranging from proverbs to agricultural instructions to texts about the ephemerality of life.⁷⁵ In the Old Babylonian compilations, the se-

70 A: AO 07739 (TCL 16, 80) + AO 08149 (TCL 16, 83); P345424 and B: CBS 01601 (Alster 2005, pl. 48; P258933). Both are of unknown provenience, though A probably stems from Sippar, where Qišti-Ea later worked as a professional scribe (van Koppen 2011, 146). Given the similarity of both MSS, B could originate from the same city.

71 For details, see Matuszak 2022, 187.

72 For details, see Matuszak 2022, 185. A similar descriptive label, this time in Sumerian ([...] x TUR-TUR-me-eš ‘they are small ones’), was probably used in the colophon of the compilation tablet BM 80184 (CT 44, 18) containing three compositions, two of which (*Niĝ-nam C* and *Ballade of Early Rulers*) are included in Alster 2005.

73 On ‘tables of schools and scholars’, see Tinney 2011.

74 Cohen 2018, 47.

75 Cohen 2018, 50-3.

quence of individual stories, many of which still await discovery and publication, is not yet fixed. However, there is a certain amount of overlap between individual compilation tablets, and groupings based on various criteria can be discerned.⁷⁶

Cohen has convincingly argued that these compilations of seemingly disparate texts show that they were recognized as a specific, valuable, and important type of literature, which was “cultivated in order to meet curricular, intellectual, and academic purposes” and that these texts were not only studied for moral education but also for achieving scribal erudition.⁷⁷ While we currently have no evidence for our stories being used for exegetical and hermeneutic purposes, as Cohen has shown for the later *Series of Sidu*, I would argue that the extensive analogies in *Three Ox-Drivers from Adab* linking oxen to fields and cows to wives, the shrewd commentary on extant and non-extant legal provisions in both *Three Ox-Drivers from Adab* and *Old Man and Young Girl*, as well as the ubiquitous word, sound, and sign play, can be seen as manifestations of early Babylonian hermeneutics at play, which firmly situates our stories in scribal circles.

4 Conclusion

After reviewing the legal framework and distinctly scribal transmission history of two Sumerian prose miniatures, *Three Ox-Drivers from Adab* and *Old Man and Young Girl*, we can conclude that Alster⁷⁸ was right in including them in this book on Sumerian wisdom literature – but his classification as folktales is less convincing. As argued in § 2.3, I would not exclude the possibility that the authors were drawing inspiration from popular tales, but any orally circulating Sumerian folktale that may have once existed is forever lost to us. In their present form, the stories are clearly the creation of educated scribes working in an academic context. This is obvious both from text-internal references to scribal scholarship, as in the last line of *Three Ox-Drivers from Adab*, and from distinct features of the manuscripts recording both *Three Ox-Drivers from Adab* and *Old Man and Young Girl*, which attest to scribal practices such as counting the lines of the written transmission and compiling relevant texts for future reference.

⁷⁶ Both MSS B and X₁ of *OMYG*, for example, contain hitherto unknown stories about a Burglar and a Builder, which can equally be understood as parodies of court cases; see provisionally Matuszak 2022, 194. For other compilation tablets with short texts, see e.g. Kleinerman 2011, 57-74, and 64-6 specifically for wisdom compositions.

⁷⁷ Cohen 2018, 41, 56. On the conception of authors/compilers like Sidu as specificalliterate scholars, see also Helle 2019, 357f.

⁷⁸ Alster 2005.

Moreover, both stories have been supplied with a strong legal underpinning, which establishes links with other genres of academic legal discourse, such as law collections and model court cases. This results in deceptively burlesque and entertaining stories, whose moral lesson would have been fairly obvious to anyone, but whose juridical depth could only be appreciated by those who were familiar with the legal tradition as it was studied during specialized scribal education. In terms of legal training for aspiring notaries such as Qišti-Ea, these satirical stories may have complemented model court cases, which provided examples of how to successfully adjudicate a complicated case, with examples of how *not* to do things. The presentation of negative examples as a deterrent is a popular pedagogic strategy across Sumerian moralising and didactic texts and connects our prose miniatures with proverbs, instructional texts, disputations, character portraits, and other texts commonly considered 'wisdom literature'.⁷⁹

It is hence not surprising that on compilation tablets, *Old Man and Young Girl* is grouped with other wisdom texts, and not with more overtly legal genres such as model court cases. Rather than elucidating the workings of the law, as the model court cases do, the morality tales focus on exposing stereotypical fools, or embodied vices. The satirical elements of the stories are targeted at criticising paradigmatic characters - but never institutions. Although the king may not initially come across as the all-powerful, all-wise, divinely appointed lawgiver and supreme judge - he *is* at first duped and a little overwhelmed - he regains control and sentences each according to their misdeeds, whether outright criminal or merely immoral. While our prose miniatures thus do contain intriguingly subversive elements, they always judiciously stop short of any fundamental critique of the existing order, rendering Alster's categorisation of these stories as representing 'critical wisdom' doubtful. They may point out apparent incidental or conceptual 'gaps' in the law collections, but immediately defend them as justified, because either the resulting scenario would be too absurd or the characters who would take advantage of them too immoral: potential subversion is thus contained by hyperbole and humor, and any lingering aftertaste of critique is difficult to gauge.

As it stands, the royal vision of an ideal society put forward by the law collections thus remains valid and beyond critique, but measures must be taken to prevent immoral and/or foolish figures from operating in grey zones not considered by the law. For fixing situations in which law is neither available nor enough, the stories propose ethical solutions tailored to the protagonists' misdeeds and character flaws. In both narratives, the solution is ultimately brought about by the king, who - ideally - embodies the concept of justice (ni₂-si-sa₂ /

⁷⁹ Cf. e.g. Matuszak 2021, 142 f. with further literature.

mīšarum), which informs both law and morality as related yet distinct regulators of human behavior.⁸⁰ Considering the affinity of *Three Ox-Drivers from Adab* and *Old Man and Young Girl* with both academic legal discourse and moralising wisdom compositions, as well as their firm embeddedness in scribal milieux, I would hence suggest that they are best understood as satirical scribal inventions at the intersection of law and morality.

Abbreviations

Abbreviations follow the conventions of the *Reallexikon der Assyriologie*: https://rla.badw.de/fileadmin/user_upload/Files/RLA/03_Ab- kverz_Ende_Nov2018.pdf.

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⁸⁰ E.g. Shavell 2002. On (kings and) justice in Mesopotamia, see e.g. Démare-Lafont 2011, 335-40.

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