On the Emar 'Problem Documents' and the Practice of (Re)producing Deeds

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[This paper discusses the chronological issues arising from several Emar Syrian tablets (ASJ 14 311, AuOr 5 15, E 180, RE 81 and TBR 13), given that several of the individuals in their witness lists —including the scribes— were probably deceased when the deeds were produced. Hence, an analysis of these 'Problem Documents' is carried out in order to understand the nature of their contradictory features. Parallels found in other ancient Near Eastern archives (Mari, Nippur, and Ugarit) are also considered.]

Keywords: Emar, Middle Euphrates, Copies, Syrian tradition, Legal deeds, Witness lists.

0. Introduction

One of the most contentious areas in the scholarship of Emar is the chronological relationship between the Syrian and the Syro-Hittite tablets. While the Syro-Hittite tablets can be synchronized with other data extraneous to Emar and even provide an absolute chronological anchor for the city and contemporary sites, the Syrian tablets are devoid of any clear-cut ties outside their own inner relation. Hence, as a group they have no chronological anchor and therefore are 'floating'. Nonetheless, they can be internally dated. This is done by a prosopographical ordering of the first witnesses (usually the kings of the city), who are mentioned in Syrian conveyance deeds and other types of legal documentation. Since Skaist (1998), it is generally recognized that the Syrian tablets cover two royal houses or dynasties —the so-called 'First Dynasty', from which there are only a few texts, and the so-called 'Second Dynasty', from which most of the Syrian tablets originate.

^{1.} As is well known, the Emar corpus comprises of two different scribal traditions, termed Syrian and Syro-Hittite. Both traditions exhibit not only different scripts, but also different tablet formats, sealing practices, legal formulae, dating systems, ritual texts and schooling compositions; see Cohen (2016). Abbreviations in this paper follow the *Chicago Assyrian Dictionary*; note in addition the following abbreviations: ASJ 14 311 = Tsukimoto 1992b; AuOr 5 = Arnaud 1987; BLMJ = Westenholz 2000; E = Arnaud 1985–1987; Iraq 54 = Dalley & Teissier 1992; RE = Beckman 1996; SMEA 30 = Arnaud 1992; TBR = Arnaud 1991. E. Torrecilla is the Sonia and Marco Nadler Post-Doctoral Fellow for the year 2018. Y. Cohen thanks J.-M. Durand for his assistance regarding the RE documents, A. Skaist for his comments, and D. Charpin for pointing out to us the Nippur documentation.

^{2.} For an overview of the problem, see Cohen and d'Alfonso (2008), who argue that both traditions developed in separate periods and only partly overlapped. Démare-Lafont and Fleming (2015) argue that the Syrian and Syro-Hittite not only overlap for some time, but also represent two different political and legal networks, apparently serving two separate populations in the same city. According to Van Exel (2010: 69), the overlap between the two traditions could have spanned over four generations. Another view is represented by Yamada (2013 and 2016), who argues that both traditions are synchronous throughout the Emar corpus.

Although, as said, the Syrian tablets can be ordered internally, there remains a problem regarding several documents in this corpus. Individuals, including the scribes of the documents, who are found in witness lists of five documents (ASJ 14 311, AuOr 5 15, E 180, RE 81, and TBR 13), presumably dated to the last generation of the Syrian Second Dynasty (Generation 5),³ are also found in documents from much earlier generations (Generations 1, 2, and 3). How can it be then that the same persons appearing together as a group in the witness list are listed in documents separated by such a long time span? The purpose of our article is to identify and analyze these 'Problem Documents' in some detail in order to find a satisfactory explanation for the contradictory feature that they present to us. We will then discuss the administrative and historical circumstances of these documents and consider evidence related to our problem stemming from other ancient Near Eastern archives —Mari, Nippur, and Ugarit.

1. Identifying the 'Problem Documents'

The Second Dynasty starts with King Yaṣi-Dagān and spans over five generations.⁴ Table 1 gives the generation count, the names of the kings and the number of conveyance deeds where the royal name appears as the first witness.

Generation	King	Deeds
1	Yaşi-Dagān, s. Ba'al-malik	4
2	Ba'al-kabar I, s. Yaşi-Dagān	10
3	Pilsu-Dagān, s. Ba'al-kabar I	33
4	Elli, s. Pilsu-Dagān	36
5	Ba'al-kabar II. s. Elli	4

Table 1. Kings of the Second Dynasty

Four of the tablets which we call 'Problem Documents' are associated with Ba'al-kabar II or Generation 5. Hence, let us focus our attention on documents mentioning Ba'al-kabar II, son of Elli.

Ba'al-kabar II appears only in 13 texts, written by four different scribes —Iš-Dagān, Ea-damiq, Abī-kāpī, and Ba'al-malik. Nine of those texts date back to Generation 4 (Elli) and were written by Iš-Dagān and Ea-damiq.⁵ In those nine documents, the king is listed as the second witness, following his father and preceding various members of his family. On the other hand, Ba'al-kabar II is mentioned as the first witness —presumably as king— and identified as son of Elli only in four texts, all of which we classify as 'Problem Documents'. These are ASJ 14 311, written by Abī-kāpī, and AuOr 5 15, RE 81, and TBR 13, written by Ba'al-malik.

The scribe Abī-kāpī was active as early as Generation 1 (Yaṣī-Dagān).⁶ At that time, he must have been a young scribe, because most of his documents are dated to Generations 2 and 3 (Ba'al-

^{3.} Except for E 180, which belongs to Pilsu-Dagān's (Generation 3) era, as discussed below.

^{4.} We do not include in the generation count the short interregnum of Zū-Aštarti (8 conveyance deeds) and perhaps that of Abbānu (7 conveyance deeds), both of them Pilsu-Dagān's brothers.

^{5.} Iš-Dagan: BLMJ 6, BLMJ 7, BLMJ 11, E 141, and TBR 60. Ea-damiq: E 147, Iraq 54 4, RE 24, and SMEA 30 4. In fact, Ba'al-kabar II appears in one more text, E 244, from the reign of Elli. This text is too fragmentary to be used for our purposes.

^{6.} Generation 1 (Yaṣī-Dagān): RE 16. For the scribe's career, see Cohen (2009: 74–77).

kabar I and Pilsu-Dagān). However, Abī-kāpī is stated as the scribe of ASJ 14 311, which is Generation 5 (Ba'al-kabar II). Note that Abī-kāpī is not attested in the numerous texts dated to Generation 4 (Elli).

The scribe Ba'al-malik produced fourteen tablets. Nine are dated to Generation 3 (Pilsu-Dagān).⁸ One is possibly to be dated to Generation 2 or 3.⁹ However, he is considered to have written AuOr 5 15, RE 81, and TBR 13, three of the four documents dated to Generation 5 (Ba'al-kabar II). Another document written by Ba'al-malik, E 180, dates back to Generation 3 but presents some irregularities which forces us to consider it as belonging to the 'Problem Documents'; we will discuss it below. Note that this scribe, like the scribe Abī-kāpī, was not active during Generation 4 (Elli).¹⁰

Of course, it can be argued that at Emar there were two scribes by the name of Abī-kāpī and two scribes by the name of Ba'al-malik, each namesake separated from the other by one or two generations. However, it will be now demonstrated that a similar situation of double names can be observed when the witness lists of the 'Problem Documents' are examined closely.

2. The Witness Lists of the 'Problem Documents'

A close look at the witness lists in the 'Problem Documents' of Generation 5 discloses persons who are recorded as early as Generations 1 and 2. This is chronologically impossible. This situation is especially notable in ASJ 14 311, as will be seen. The witness lists of the 'Problem Documents' are presented below to facilitate our discussion.

E 180	ASJ 14 311

1	Ilīye, s. Bi'šu	1	Baʻal-kabar, s. Elli
2	Ba'al-malik, scribe	2	Addiya, s. Dada
3	Pilsu-Dagān, s. Ba'al-kabar	3	Ikūn-Ra, s. Riḫṣi
4	Aḫī-malik, ŠEŠ- <i>šu</i>	4	Ḥinnu-Dagān, s. Iššur-Ba
5	Ibniya, s. Abī-ka	5	Rašap-abu, s. Abī-kāpī
6	Ukālli, s. Tūra-Dagān	6	Še'um-ma, s. Lalla
		7	Abī-ḥamiṣ, s. Kāpī
		8	Iṭūr-Dagān, s. Igmuli
		9	Abī-kāpī, scribe

^{7.} Cohen (2009: 75). Generation 2 (Ba'al-kabar I): E 14, E 156, RE 14, RE 52, and TBR 3. Generation 3 (Pilsu-Dagān/Abbānu): ASJ 12 7, E 4, E 10, E 126, E 157, E 159, RE 71, TBR 6, TBR 8, and TBR 9. Abī-kāpī is the only individual in the 'Problem Documents' who is ascribed an ownership of a seal (E9, impressed on E 144 and E 156); see Beyer (2001: 213, 480–482).

^{8.} Generation 3 (Pilsu-Dagān): BLMJ 3, E 10, E 125, E 137, E 183, RE 3, RE 21, TBR 35, and TBR 54.

^{9.} Generation 2/3: E 109, although not mentioning any member of the royal family, can be roughly dated, because one of the witnesses, Bēlānu, s. Lanaša, also appears in a Generation 2 document, E 14:31 (Abī-kāpī, scribe).

^{10.} It is worth pointing out that Elli appears in three texts written by $Ab\bar{\imath}$ -k $\bar{a}p\bar{\imath}$ and Ba'al-malik (TBR 9, E 125, and E 137), but only as a second witness, after his father Pilsu-Dag $\bar{a}n$. Hence, these documents belong to Generation 3.

	AuOr 5 15		TBR 13
1	Baʻal-kabar, s. Elli	1	Ba'al-kabar, s. Elli
2	Tūra-Dagān, s. Ilīya	2	Aḫī-malik, ŠEŠ- <i>šu</i>
3	Abīya, s. <i>A-bi-qí-na-la</i>	3	Ba'al-bēlu, s. Zūzana
4	Ipqī-Dagān, s. Abillani	4	Ibniya, s. Abī-ka
5	Ba'al-malik, scribe	5	Ipqī-Dagān, s. Abilla
		6	Ba'al-malik, scribe

RE 81

1	Ba'al-kabar, s. Elli
2	Aḫī-malik, ŠEŠ- <i>šu</i>
3	Ba'al-malik, ŠEŠ- <i>šu</i>
4	Abī-kāpī, s. Bēlī
5	Tūra-Dagān, s. Ilīya
6	Ibniya, s. Abī-ka
7	Mūtu, s. Ilīya
8	Ba'al-malik, scribe

We will now discuss the identity of the witnesses. We begin the discussion with the two 'brothers' of Ba'al-kabar II, and then proceed to introduce the witnesses according to their identification by generation.

The two brothers of Ba'al-kabar II mentioned in the 'Problem Documents' are Aḫī-malik (RE 81:27; TBR 13:30) and Ba'al-malik (RE 81:28). These brothers, however, are not attested elsewhere. In addition, they are not specifically referred to as sons of Elli (DUMU *El/Il-li*), but as brothers of Ba'al-kabar II (ŠEŠ-šu). Note, however, that Aḫī-malik and Ba'al-malik are namesakes of two sons of Ba'al-kabar I, that is to say, two brothers of Pilsu-Dagān, who often appear in the witness lists of this king.

Aḫ̄ī-malik appears as second witness after Pilsu-Dagān, always termed as ŠEŠ-šu, 'his brother'.¹¹ He is also the third witness in E 125:26, following Pilsu-Dagān and Elli, again identified as ŠEŠ-šu. Finally, he also appears as ŠEŠ-šu after Pilsu-Dagān in the 'Problem Document' E 180:29, in fourth place. He often appears with witnesses attested in the 'Problem Documents', such as Ibniya, s. Abī-ka or Ipqī-Dagān, s. Abilla (see Table 2), who, as will be seen, are also attested in generations previous to Generation 5.

Ba'al-malik, following his brothers Abbānu and Pilsu-Dagān and referred to as ŠEŠ-*šu*, 'his brother', appears as the third witness in E 11:39, RE 71:26, and TBR 6:27. In E 126:24 and TBR 5:46, all three brothers are termed as DUMU.MEŠ dišKUR-GAL, 'sons of Ba'al-kabar'. In E 125:27 (see directly above) he follows his brother Ahī-malik as the fourth witness.

To conclude, we contend that the identification of Ahī-malik and Ba'al-malik as brothers of Ba'al-kabar II in the 'Problem Documents' is erroneous and that the brothers are in fact brothers of

^{11.} BLMJ 3:38, RE 3:27, RE 21:23, RE 49:25, TBR 7:24, and TBR 35:26.

Pilsu-Dagan. They, as other witnesses that we will examine below, were incorporated into the 'Problem Documents' from other sources. 12

Aḫī-malik, s. Ba'al-kabar I (Generation 3)

RE 3 TBR 7 E 180

Pilsu-Dagān, s. Ba'al-kabar Aḥī-malik, ŠEŠ-šu Ibniya, s. Abī-ka Ukālli, s. Tūra-Dagān Ilīye, s. Bēlī/u Ipqī-Dagān, s. Abilla Ba'al-malik, scribe

Pilsu-Dagān, s. Baʻal-kabar **Aḥī-malik, ŠEŠ-šu Ibniya, s. Abī-ka** Ukālli, s. Tūra-Dagān **Ipqī-Dagān, s. Abilla** Ilīye, s. Bi'šu Ba'al-malik, scribe Pilsu-Dagān, s. Ba'al-kabar **Aḥī-malik, ŠEŠ-**šu **Ibniya, s. Abī-ka** Ukālli, s. Tūra-Dagān

Aḫī-malik, br. Ba'al-kabar II (Generation 5)

TBR 13 RE 81

Baʻal-kabar, s. Elli
Aḥī-malik, ŠEŠ-šu
Baʻal-bēlu, s. Zūzanu
Baʻal-malik, ŠEŠ-šu
Baʻal-malik, ŠEŠ-šu
Baʻal-malik, ŠEŠ-šu
Ibniya, s. Abī-ka
Ipqī-Dagān, s. Abilla
Baʻal-malik, scribe
Ibniya, s. Abī-ka
Mūtu, s. Ilīya
Baʻal-malik, scribe

Table 2. Witness lists in sample tablets including Aḫī-malik, s. Baʿal-kabar I and Aḫī-malik, the 'brother' of Baʿal-kabar II

We have discussed the difficulties arising from the identification of the scribes of the 'Problem Documents' and pointed out the problematic appearance of the king's two 'brothers' in the same sources. In addition, there are other individuals appearing in the 'Problem Documents' that demand our attention.

Some of the witnesses in the 'Problem Documents' are not attested elsewhere.¹³ Others are recorded in texts from the previous generation (Generation 4). This of course presents no

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^{12.} In the witness lists of Syrian-type deeds, sometimes individuals are not given their correct family affiliation. For example, in TBR 62:32–33, Zū-Eia and Ibni-Dagān are counted among Elli's brothers, when they actually were his cousins (sons of Aḥī-malik, s. Ba'al-kabar I; cf. RE 23, TBR 11, TBR 59, or TBR 82; see Arnaud [1991: 108, n. 32–33]); and the Aḥī-abī attested as Elli's brother in E 141:29 is likely to be Aḥī-abī, s. Ba'al-malik (Elli's cousin; cf. BLMJ 11:17', RE 8:50). See Adamthwaite (2001: 11–15). However, the case in front of us is different because the other misplaced individuals, as will be seen, prove that this is not mistaken family affiliation, but rather the misplacement of witnesses from earlier sources in an incorrect relationship to the first witness, namely, to Ba'al-kabar II.

^{13.} Iṭūr-Dagān, s. Igmūli/u (ASJ 14 311:35); Ilīye, s. Bi'šu (E 180:26); Abīya, s. *A-bi-qí-na-la* (AuOr 5 15:29); for this individual, see Pruzsinszky (2003, CD-ROM: 63); Ba'al-bēlu, s. Zūzana/u (TBR 13:31); and Ḥinnu-Dagān, s. Iššur-Ba (ASJ 14 311:31). There is one Ḥinnu-Dagān, grandson of ^fTekiši, who appears in RE 14 and RE 16 (alongside Ilī-abu,

chronological problem. However, several witnesses who are attested in the 'Problem Documents' (Generation 5) also appear in texts from Generations 1–3, although they disappear in Generation 4 (Elli). Moreover, some of the witnesses in ASJ 14 311 usually appear together in tablets from the first two generations. We now present a description of the most interesting cases.

We begin with discussing witnesses attested in Generations 1 and 2. Addīya, s. Dāda, who appears in the 'Problem Document' ASJ 14 311:28, can be identified with Addīya, s. Dāda, attested in Generation 1 (RE 16:29, RE 34:33, and TBR 1:19')¹⁴ and Generation 2 (E 144:28, RE 14:25, RE 52:25, TBR 2:26, TBR 3:26, and TBR 4:25). He is usually listed following members of the Second Dynasty.

Ikūn-Ra, s. Riḥṣi, appearing in ASJ 14 311:29, is also recorded in Generation 1 (RE 16:30 and TBR 1:23) and Generation 2 (RE 14:26, TBR 2:25, and TBR 4:26). In E 140:9 (Generation 4), his sons (DUMU.MEŠ *I-ku-Ra* DUMU *Ri-iḫ-ṣî*) are mentioned as property owners. This means that Ikūn-Ra's sons were adults owning property during Elli's rule, so it is very unlikely that Ikūn-Ra was still alive in Generation 5.

Rašap-abu, s. Abī-kāpī, appears in ASJ 14 311:32,¹⁶ but also in Generation 1 (RE 16:34 and TBR 1:31) and Generation 2 (BLMJ 13 9:18,¹⁷ E 144:29, RE 14:29, RE 52:26, and TBR 2:30).¹⁸

The witnesses attested in Generation 2 can be described as follows. Še'um-ma, s. Lalla, seen in 'Problem Document' ASJ 14 311:33, 19 also appears as witness in Generation 2, when Ba'al-kabar I ruled (E 144:30, RE 52:28, TBR 2:34, and TBR 3:30). He is mentioned as property owner in ASJ 12 6:8, dated to Generations 3–4 (Dagalli, scribe). Abī-ḥamiṣ, s. Kāpī, in 'Problem Document' ASJ 14 311:34, has been equated to [Abi-ḥam]iṣ, s. Kāpī, found in a Generation 2 document (E 156:36). His name can be restored with greater certainty in TBR 2:31–32, as discussed below.

In Generation 3 we have two witnesses. Ukālli, s. Tūra-Dagān, attested in 'Problem Document' E 180:31, appears frequently in texts from the early part of Generation 3 (Pilsu-Dagān; no mention of Elli is made: BLMJ 3:39, E 183:22, RE 3:29, RE 21:24, RE 30:34, RE 49:26, TBR 7:26, TBR 35:27, and TBR 54:26).

Ipqī-Dagān, s. Abillani/Abilla, is seen in two 'Problem Documents', AuOr 5 15:30 and TBR 13:33.²² His name is also attested in Generation 3. In RE 3:32 and TBR 7:27 he appears together

- s. Abī-kāpī, also a witness in ASJ 14 311), TBR 2 (alongside Še'um-ma, s. Lalla, also witness in ASJ 14 311) and TBR 4 (alongside Addīya, s. Dāda and Ikūn-Ra, s. Riḫṣi, both witnesses in ASJ 14 311). The four tablets belong to Ba'al-kabar I's era. However, it is not possible to confirm beyond doubt that Ḥinnu-Dagān, s. Iššur-Ba and Ḥinnu-Dagān, grandson of ^fTekiši, were one and the same.
- 14. Viano (2007: 248). No king appears in RE 34, but it was written by Alal-abu, i.e., Generation 1; see Cohen (2009: 71). In TBR 1:19', the patronymic is lost, but the appearances of Ikūn-Ra, s. Riḫṣi and Rašap-abu, s. Abī-kāpī (see below), confirm the identification.
 - 15. Pruzsinszky (2003, CD-ROM: 459). His will, E 197, was also found in 'Temple M₁', but it is badly preserved.
 - 16. For the reading of the name, see Pruzsinszky (2003, CD-ROM: 692) and Viano (2007: 249).
- 17. No king is attested in BLMJ 9. However, the document dates to Generation 1/2, because of the mention of Iphur-Dagān, s. Ba'al-bēlu (Il. 4, 14–16) in TBR 1:10 and TBR 2:13, respectively dated to Generations 1 and 2.
- 18. Given these attestations of Rašap-abu, Viano (2007: 249) argues that the Rašap-abu, s. Abī-kāpī appearing in E 97:5 (Generation 4) is not the same person.
 - 19. For the reading of the name, see Pruzsinszky (2003, CD-ROM: 750).
 - 20. Cohen (2009: 78).
 - 21. As restored by the Sinleqiunnini Project (http://virgo.unive.it/emaronline/cgi-bin/tavoletta.cgi?id=159).
- 22. Ipqī-Dagān s. Abillani (*A-bi-il-la-ni*; cf. Pruzsinszky [2003, CD-ROM: 63]), in AuOr 5 15:30, is probably the same person that appears in RE 3:32 (Generation 3) and TBR 13:33 (Generation 5) under the name Ipqī-Dagān, s. Abilla

with Ibniya, s. Abī-ka (see below) and the scribe Ba'al-malik; both documents also include Pilsu-Dagān's brother Aḥī-malik (ŠEŠ-šu) in the witness list. Ipqī-Dagān, s. Abilla, can be also found in RE 30:32 (Generation 3). None of these texts include Elli. This implies that they were written at an early stage of Pilsu-Dagān's office or at least before the heir to the throne was an adult. Furthermore, Ipqī-Dagān, s. Abilla is not attested in Generation 4 (Elli), but reappears in Generation 5. Possible as this is, it does not seem logical.

The only witness attested in Generations 3 and 4 is Ibniya, s. Abī-ka. He is recorded in three 'Problem Documents': E 180:30, RE 81:31, and TBR 13:32. He appears in other witness lists headed by Pilsu-Dagān: E 137:5 (land co-owner, not witness), RE 3:28 (3rd witness), and TBR 7:25 (4th witness). He appears in Elli's documents as well: E 140:4,8 (landowner, not witness), RE 24:32 (9th witness), and SMEA 30 4:28 (8th witness).

Ibniya is listed right after Pilsu-Dagān's brother Aḥī-malik in E 180, RE 3, and TBR 7. Notably, he also accompanies Ba'al-kabar II's 'brother', Aḥī-malik in 'Problem Documents' RE 81 and TBR 13. What is more, Ibniya and Aḥī-malik (termed DUMU LUGAL) are attested as property co-owners in E 137:5 (Ba'al-malik, scribe), that proves his direct connection with the royal family in Generation 3.

Finally, the following witnesses found in the 'Problem Documents' (Generation 5) are also attested in several texts from Generation 4, with no chronological inconsistency (3 out of 22 witnesses in total): Abī-kāpī, s. Bēlī, appearing in RE 81:29 appears also in Generation 4 (RE 24:30, Iraq 54 4:33, and SMEA 30 4:26); Mūtu, s. Ilīya, listed as a witness in RE 81:32, is found in Generation 4 (E 147:43, RE 24:31, and SMEA 30 4:27) and also appears in an undated tablet written by Aḫī-me (ASJ 13 23:46);²³ Tūra-Dagān, s. Ilīya (Generation 4: E 147:39, E 160:10, Iraq 54 4:31, RE 5:25, RE 24:3,27, and SMEA 30 4:24; Generation 5: AuOr 5 15:28 and RE 81:30). Indeed, all three witnesses appear together (alongside the abovementioned Ibniya, s. Abī-ka) in E 147, Iraq 54 4, RE 24 or SMEA 30 4—all written by the scribe Ea-damiq. These are documents from Generation 4 (late) in which Ba'al-kabar II is attested after his father Elli.²⁴

In sum, a total of five witnesses, all of them in ASJ 14 311, are attested in Generations 1 and 2. Two more witnesses from the remaining 'Problem Documents' appear in Generation 3 but not in Generation 4, which in our opinion is incoherent. In addition, Aḫ̄ī-malik, 'brother' of Ba'al-kabar II, who appears in 'Problem Documents' TBR 13 and RE 81 (but is unheard of elsewhere), also appears with the same witnesses as Aḫ̄ī-malik, brother of Pilsu-Dagān. As a result, some witness lists mentioning Aḥ̄ī-malik, s. Ba'al-kabar I and brother of Pilsu-Dagan (e.g. TBR 7 or the 'Problem Document' E 180) are very similar to 'Problem Documents' RE 81 and TBR 13 (see Table 2), except for the first witness, who is Ba'al-kabar II.

Finally, it must be noted that the individuals who appear in the 'Problem Documents' as sellers or buyers, never appear in the rest of the Emar deeds.

(*A-bíl-la*). The name Abilla was probably a shortened form of Abillani/u, a PN which otherwise is not attested in Emar; cf. Abī-ilânû, Pruzsinszky (2003, CD-ROM: 38).

^{23.} This would help us link ASJ 13 23 to Generation 4. Cohen (2009: 81) proposes that $Ah\bar{\imath}$ -me is a shortened form of $Ah\bar{\imath}$ -malik, another undated scribe who wrote three documents.

^{24.} There are two different witness lists in documents headed by Elli and his son, Ba'al-kabar II. The deeds written by Ea-damiq include Asda-aḥī (Elli's brother) and individuals such as Tūra-Dagān, s. Ilīya, Abī-kāpī, s. Bēlī or Mūtu, s. Ilīya (all attested in the 'Problem Documents'). Documents written by Iš-Dagān present witness lists comprised almost exclusively of members of the Royal Family: Yaṣi-Dagān, Zūzu, and Aḥī-abī (Elli's brothers), as well as Zū-Eia and Ibni-Dagān (Elli's cousins). See note 5 above for details.

3. Special Features of the 'Problem Documents'

We will now examine in more detail the internal features of the documents in question, and demonstrate their irregular and unique character when compared to the Syrian scribal tradition documents of Emar.

The first tablet we discuss is ASJ 14 311, written by the scribe Abī-kāpī. This is a sale of a field in the city of Rabban by Ba'al-kabar II, who also owns a property adjacent to the lot in question (l. 10). One of the most interesting features of the document is found in the specification of the property seller (ll. 11–12). The usual A.ŠÀ *ša* PN KI PN *be-el/él* A.ŠÀ, "the field belongs to PN; from PN, the owner of the field, [...]", is here replaced with *be-lu-ú* A.ŠÀ PN KI PN, "the owner of the field is PN; from PN, [...]". This is the only text in the Emar corpus with such a formulation of ownership.²⁵

The opening clause of the curse is also rare: *ma-an-nu-me-e a-wa-te-e ša tup-pí an-na-am ú-sà-ha-ru*, "Whoever twists around the words of this tablet, [...]" (ll 23–24). The usual formulation in Emar (as well as in Ekalte) is: *ša a-wa-ti an-né-ti ú-na-kar* (rarely *i-bá-qa-ar*), "He who modifies/contests these words, [...]".²⁶ This, along with the special spelling *a-wa-te-e* (vs. *a-wa-ti*) and the pronoun *mannummê* (found only in Syro-Hittite documents),²⁷ brings the opening clause of ASJ 14 311 closer to a formulation found in one Syro-Hittite document than those occurring in Syrian texts.²⁸

The absence of the expected object and verb A.ŠÀ *išām* "he has purchased the field" (l. 16), when plenty of space is provided for it, is also notable. This has been put as example of graphic ellipsis, a rare phenomenon at Emar —albeit more common at Ekalte— where clauses or phrases were abbreviated to include only essential information; see AuOr 5 15, below.²⁹ One can also find scribal mistakes. For instance, 5/6 shekels (5/6 GÍN, l. 15) is a price too low for a field; it is probably a mistake for 5/6 mina (*ma-na*), a price more common (cf. E 2, E 3, E 110).³⁰

In addition, note that we find the use of the typical Syro-Hittite sign to express the glottal stop (HI+AN/MAŠ) instead of the Syrian sign.³¹ Also the spelling of PN *Zu-Ba-la* (l. 13) is uncommon in Syrian tablets.³²

Finally, it is worth mentioning that, instead of the expected *lihalliq/u* 'may he/they destroy', we find a form spelled lu-u-ha-li-iq (1. 26). 33

AuOr 5 15, written by Ba'al-malik, is a will of Yayānu, s. Šurši in the presence of the 'Brothers'. The clauses of this tablet are common to Syrian style wills. However, there are many

^{25.} Fijałkowska (2014: 56 and 62) and Viano (2007: 250), who provides additional remarks about the uniqueness of the document.

^{26.} See, e.g., ASJ 12 7:47–49, ASJ 14 46:27–30, E 125:35–41, etc. The verb $sah\bar{a}ru$ appears only here; see Tsukimoto (1992b: 313).

^{27.} Seminara (1998: 273-274).

^{28.} TBR 70:11'-12': [ma-n]u-me-e ša a-wa-te^{MEŠ} an-nu-ti [ú-na-k]àr [...]. According to Fijałkowska (2014: 182), this is the only curse found in the Syro-Hittite conveyance deeds.

^{29.} Seminara (1998: 117-118); e.g., RE 2:16 and TBR 17:23.

^{30.} Viano (2010: 269).

^{31.} L. 30: Ri-i'-și (PN); see Cohen (2012: 37).

^{32.} *Zu-Ba-la* is a spelling typical of the Syro-Hittite texts, albeit not exclusive. The common spelling in the Syrian tradition is *Zu-Ba-ah-la*, unattested in the Syro-Hittite texts. See Pruzsinszky (2003, CD-ROM: 840–862).

^{33.} See Seminara (1998: 401–402), precative of verbs with prefix, III ps sg m (D stem) "luparris (o lū uparris?)".

omissions throughout the tablet. Are those omissions scribal errors or further examples of ellipsis?³⁴ In addition, we find the spelling ^dKUR for Dagān in the PNs *Tu-ra-*^dKUR (l. 28) and *Ip-qí-*^dKUR (l. 15:32). The use of this logogram is recorded in both traditions, but generally speaking Syrian texts prefer the syllabic spelling of the god's name.³⁵

In TBR 13, also written by Ba'al-malik, a *kirṣītum*/^{KI}*erṣētum* is confiscated by NIN.URTA from an individual. In this document, some words are missing from various standard expressions and there is an incorrect use of cases.³⁶ In addition, we find an intrusion of a Syro-Hittite LI sign (l. 9).

RE 81, written by Ba'al-malik, also deals with the purchase of a *kirṣītum*/^{KI}*erṣētum* from NIN.URTA and the Elders.³⁷ Much about this tablet is unusual. A comparison of RE 81 with two other tablets produced by the same scribe (RE 3 and RE 21; Generation 3) reveals notable physical differences. RE 81 is narrower in shape and its surface is covered with scratches inadvertently made by the stylus when the tablet was inscribed. In addition, the dynastic seal is impressed on the left side of the tablet with several lines running over it, which is not customary; the dynastic seal is usually found on the top edge.³⁸ Finally, some lines on the obverse exceptionally run onto the reverse and interfere with lines from that side. To conclude, these features tell us we are facing a tablet which is unique.

The document E 180 (a testament) written by Ba'al-malik, unlike the previous 'Problem Documents', does not belong to the reign of Ba'al-kabar II, but to Pilsu-Dagān's era (Generation 3). Its most noticeable feature is the odd order of the witness list.³⁹ The first witness is an unknown individual called Ilīye, s. Bi'šu. This person is not related to the Emar royal family and remains unattested elsewhere. The second position is exceptionally taken by scribe Ba'al-malik. Scribes always appear last on the documents they produce. Pilsu-Dagan appears as the third witness and is then followed by his brother Aḥī-malik and other notable witnesses. Certainly, there are no parallels of such a strange order in the nearly one-hundred deeds testified by the Second Dynasty rulers.

4. Discussion: The Nature and Purpose of the 'Problem Documents'

The 'Problem Documents' presented here were already recognized in the past, although they did not benefit from a detailed discussion. Viano (2007: 249–252), in order to solve the problem, proposed that Ba'al-kabar (II), s. Elli, was in fact Yaşi-Dagān's father, making him in the 'Problem Documents' *Ba'al-kabar (I). This suggestion was based on a misreading of a particular source, and now we know without doubt that Yaşi-Dagān's father was Ba'al-malik.⁴⁰ Yamada (2013: 130–131), after identifying and recognizing the 'Problem Documents', suggested that they were written in the times of Ba'al-kabar I, hence in Generation 2. He concluded (*op. cit.*) that "Yaṣi-Dagān had two

^{34.} Missing words are: <ù DUMU.MEŠ-šu> (l. 4), <um-ma šu-um-ma> (l. 5), <KÙ.BABBAR şur-pu> (l. 7), and <NU.TUKU> (l. 19); see Arnaud (1987: 235) and ASJ 14 311, above.

^{35.} Feliu (2003: 216).

^{36.} The missing words are: <KÙ.BABBAR> (l. 16), and <SILA> (l. 7). For incorrect case-endings, cf. ll. 12 and 18 vs. 24.

^{37.} For the seemingly high price of the plot, see Viano (2012: 147).

^{38.} Balza 2009: 49.

^{39.} Cohen (2009: 79, n. 45).

^{40.} E.g., E 163:12,17, RE 2:24, RE 32:2, etc. The reading of 'Ya'-ṣí-dDa-gan DUMU d'IŠKUR'-GA[L] in RE 16:27, on which Viano's proposal was based, is incorrect. Following collation, we read d'IŠKUR-ma'-[lik].

names, Elli (birth name?) and Yaṣi-Dagān (throne name?)". Such a solution is of course *ad hoc* and not supported by parallels in the Emar documentation or from elsewhere.⁴¹ Furthermore, it forces us to accept a double sequence of royal names: Yaṣi-Dagān aka *Elli 'I' and his son Ba'al-kabar I; and *Elli 'II' and his son Ba'al-kabar II.

In our opinion, the 'Problem Documents' are not the original conveyance deeds, but renewed and/or reworked copies of older (and now lost) tablets. This was confirmed by our detailed examination of the individuals appearing in the witness lists and the scribes who wrote the deeds. Not only is it unacceptable to assume that an individual can live throughout five generations, it is also highly unlikely that the scribes Abī-kāpī and Ba'al-malik and a witness such as Ipqī-Dagān, s. Abilla, be attested in Generation 3, but absent in Generation 4 only to reappear in Generation 5. It is very difficult to admit that these individuals were still alive or at least active during Ba'al-kabar II's days.

In addition, the authenticity of Ba'al-kabar II's two brothers —Aḫī-malik and Ba'al-malik—was shown to be problematic, if not outright unlikely. Firstly, both are namesakes of two brothers of Pilsu-Dagān. Secondly, several witnesses who appeared in the texts mentioning Aḫī-malik, s. Pilsu-Dagān, were seen to appear in 'Problem Documents', again alongside Aḫī-malik, but here the latter is identified as the 'brother' of Ba'al-kabar II. We conclude that at least the first witness of the original witness list —i.e. the king— was changed, as especially discerned from ASJ 14 311, RE 81, and TBR 13.

The question that inevitably arises is why include witnesses who were no longer alive when these tablets were produced. We suggest that in fact these tablets are duplicates of previous deeds that were restored, updated, or modified.⁴³ The name of the king heading those witness lists was changed in order to update the validity of the deed, although, for the most part, the rest of the original witness list and even the name of the original scribe were respected. When producing a copy or update of a conveyance deed, changing the whole witness list was probably considered unnecessary, so the scribes limited themselves to changing the king's name, essential for dating the document. Consequently, the family relation between the new first witness King Ba'al-kabar II and the witnesses Aḫī-malik and Ba'al-malik (RE 81 and TBR 13) was not updated, hence leading to our confusion.

In ASJ 14 311, it even seems that only the patronymic was changed: Yaṣi-Dagan was simply changed to Elli. The rest of the document remained the same. Thus, the appearance that Ba'al-kabar (II), s. Elli, was the seller and first witness is misleading; in fact, it was Ba'al-kabar (I), s. Yaṣi-Dagan, who was the seller in the deed. One more detail supports this: the property sold in ASJ 14 311 was in the city of Rabban. Indeed, we have another document, TBR 2, dated to Ba'al-kabar I's days, which mentions property belonging to this king in the same city (II. 1–4). To add to matters,

^{41.} The presence of Ibniya, s. Abī-ka in Generation 3 (Pilsu-Dagan) and Generation 4 (Elli) refutes Yamada's suggestion that Elli was an alternative name for Yaṣi-Dagān (Generation 1), given that this individual is reported two generations later.

^{42.} See already Cohen (2013: 291); id. (2009: 79, n. 45 and 47); Cohen and D'Alfonso (2008: 10, with n. 27). This view is supported by Viano (2010: 269), Fijałkowska (2014: 236), or Endesfelder (2017: 42). Solans (2014: 341) suggests that three more deeds (E 139, E 140 and RE 59) could be also copies.

^{43.} At Emar there are examples of newer Syro-Hittite copies of older tablets, such as E 42 (a dedicatory inscription), E 652 (Lunar Signs Omens), and E 698-699 (The šumma immeru Omens); see Cohen (2016: 124–125).

the partially preserved witness list corresponds to that of ASJ 14 311.⁴⁴ Unfortunately, the name of the scribe in TBR 2 was not preserved. However, the context in which both deeds were written is clearly the same.

In RE 81, the original head of the witness list must have been King Pilsu-Dagan (Generation 3), because the first name is immediately followed by his two brothers. Similarly, in TBR 13 the first name is immediately followed by one of Pilsu-Dagān's brothers. Both lists also name Ibniya, s. Abī-ka, a contemporary of Pilsu-Dagān. RE 81, however, also inserts in the witness list witnesses known solely from the later Generation 4. AuOr 5 15 likewise includes a later Generation 4 witness. One may reasonably suppose that they continued to be active in Generation 5. These late Generation 4 witnesses (Tūra-Dagān, Abī-kāpī, Mūtu) also appear in documents written by Eadamiq, which may point to the scribal circle, if not the very scribe, that produced the 'Problem Documents'.

The updated document was then sealed with the royal seal, approving its authenticity and validity. The seal used in RE 81 was E2a, the "official" anepigraphic dynastic seal. The same seal, according to Beyer (2001: 208), is impressed on TBR 13 (= ME 21). It is identified by a legend as 'the seal of Ba'al-kabar' (which was not included in Arnaud's edition). Note that legends accompanying seals in the Syrian scribal tradition are very rare.

Furthermore, the Syro-Hittite contaminations and the scribal mistakes described above provide additional support for our theory that these are non-regular documents.

But why renew tablets? We may imagine that the original deeds were either broken or badly preserved. Hence the need to produce a new text in order to prove ownership of the property in question. Once the new tablets were produced, the older tablets were undoubtedly destroyed in order to invalidate them. Therefore, we have no evidence of the original documents in question.

We can find other examples of copies or re-editions in the Emar archive. For instance, TBR 9 is considered a poor-quality copy —up to the point of being almost unintelligible— of a previous document written by Abī-kāpī. 45 Interestingly, TBR 9 bears the E2d version of the dynastic seal, which is also impressed on ASJ 14 311. 46

In order to support the scenario we envision at Emar, we turn to evidence provided by other archives. In Mari, some texts were identified as duplicates which updated or added information missing in the original and older document.⁴⁷ Indeed, one such case was clearly identified: T.518 is a so-called *šakkanakku* tablet and T.519 is its updated copy (displaying a newer Ešnunna scribal tradition); they were found side by side in room 117 of the Mari palace.⁴⁸ T.519:22–24 names an individual not found in T.518, and adds a date.

^{44.} TBR 2:24–33: Ba'al-kabar (I), s. Yaṣi-Dagān; Ikūn-Ra, s. Riḫṣi; Addiya, s. Dada; [Ḥi]nnu-Dagān, grandson of ^fTekiši; [two broken PNs], [A-bi-ḥa-m]i-iṣ [DUMU Ka]-pí, (cf. ASJ 14 311:34), and [Še'um]-ma, s. Lal[la]. It is tempting to equate Ḥinnu-Dagān, grandson of ^fTekiši with Ḥinnu-Dagān, s. Iššur-Ba (ASJ 14 311:31); see note 13.

^{45.} Arnaud (1991: 35); Cohen (2009: 77). Abī-kāpī, specified as DUB.SAR, is followed in the document by a certain Ilīya, s. Abī-kāpī. Due to his patronymic and his last position in the witness list, Ilīya has been proposed as the actual scribe of the copy.

^{46.} Endesfelder (2017: 42). The photographs published by Tsukimoto (1992b: 315) confirm that E2d is impressed on ASJ 14 311.

^{47.} Durand (1985: 166).

^{48.} Durand (1985: 160-162, 166-171) and Charpin (2012: 119-120, with n. 2).

Another example is a legal procedure from Nippur, concerning the adoption of three brothers. The procedure is documented in two versions, ARN 45 and ARN 65.⁴⁹ The first deed ARN 45 was dated to the reign of Rīm-Sîn, while the second deed ARN 65 was dated to the days of Hammurabi of Babylon, a few years later. The first deed bears the adopter's seal (a person named Damiq-ilīšu), while the second deed presents the adopter's seal along with the adoptees' seal (a clue that these individuals were adults at the time of ARN 65). Only one witness is present in both deeds, a certain Šumum-libšī, s. Enlil-rabi. The newer version, so it was argued, was written because of the incorporation of the city of Nippur to Hammurabi's kingdom.⁵⁰ Had ARN 45 not been found, we would never have known that ARN 65 is its updated version.

Finally, we may cite the tablet RS 16.145 from Ugarit, sealed by the dynastic seal bearing the legend of King Yaqarum.⁵¹ Its opening lines (Il. 1–9) tell of a royal donation of property by King Yaqarum to a certain Ilu-qarrādu. The rest of the tablet relates how Ilu-qarrādu transfers this property to a third party. Thus, the tablet, which begins as a royal donation, now turns into a conveyance deed. It is rather clear that the first lines are an excerpt of a previous decree, because they fit rather uncomfortably with the rest of the document. Even though the figure of Yaqarum plays an active role in RS 16.145, the tablet in its second part may relate to a later period. Yaqarum may have passed away and Ilu-qarrādu sold the land which he had received as a royal gift. Other possibilities can be brought to mind. In any case, regardless of the exact circumstances leading to the writing of RS 16.145, we have before us a tablet, sealed with the dynastic seal, which actively utilizes a previous source in order to verify proof of ownership and permit the sale of property.

The case from Ugarit shows us how a king's name was used in order to validate documents (by name or by seal impression), even when the king was possibly no longer among the living. His figure was still recognized as a source of authority, although for the modern historian this manipulation of the past leads to confusion when we attempt to place the text within a chronological framework.

In Emar, the king's name served not only to validate the document, but also to date it. It was the crucial information that needed changing in the new deed. Consider the change of dates in the Nippur case. The Mari example shows us that perhaps some new details were added while the rest of the text remained intact. It is also possible that part of a previous document was quoted in a new tablet, as occurs in RS 16.145 from Ugarit.

In sum, these parallels from Mari, Nippur, and Ugarit illustrate the situation at Emar, in a scribal context where particular circumstances —sometimes of a political kind—led to the updating or reworking of deeds. It is possible to detect such parallels because both the originals and the copies have been preserved. The lack of the originals of the Emar 'Problem Documents' makes it impossible for us to exactly determine to what degree the first deed was modified.

5. Conclusions

We conclude that, contrarily to what Yamada (2013: 131) suggested, the 'Problem Documents' do not belong to the earliest period of the 'Second Dynasty'. The witnesses in the texts were

^{49.} As noticed by Sallaberger (1997: 161, n. 62).

^{50.} Kraus (1951: 132).

^{51.} RS 16.145 = PRU III, p. 169; pl. L. Our interpretation relies on Arnaud (1996: 48, n. 6), Singer (1999: 611–612) and Márquez Rowe (2006: 187–194); see also Van Soldt (1991: 14, n. 130). For the seal, see also Lackenbacher (2002: 253). We do not enter into the debate regarding the dating of the document and the chronology of the Ugarit dynasty.

demonstrated to be outside of their chronological context. Hence, the 'Problem Documents' are to be counted among the latest texts of the 'Second Dynasty'.

The 'Problem Documents' are probably copies or re-editions of property conveyance deeds from previous generations, in which at least the name of the king heading the witness list, which serves to date and authenticate the deed as a source of authority, was changed.⁵² This shifted the following names in the list (including that of the original scribe) out of their chronological context. Additional, contemporary witnesses may in some cases have been incorporated into the documents (as in AuOr 5 15 and RE 81).

While the content for the most part as well as the original scribal traditions were kept in the copy, we have managed to detect telltale signs that betray their rather 'low-quality' production: Syro-Hittite signs, omissions, scribal mistakes, occasional different spellings and expressions typical of the Syro-Hittite tradition (notably in the curse of ASJ 14 311:23–24).

The cases examined lead us to consider the possibility that the phenomenon of re-copying texts at Emar did not begin in Generation 5, as the strange witness list in E 180 (Generation 3) suggests. Unfortunately, tracking down this phenomenon is a complicated task in the light of the information at hand. The original deeds, on the assumption that they existed, were presumably broken immediately after they were recopied and renewed because they lost their purpose. However, a closer analysis of the PNs, legal formulations, and other features may help us determine with more accuracy the scope of this phenomenon throughout the 'Second Dynasty'.

The historical context in which these 'Problem Documents' were produced is not clear. However, not to be dismissed is the fact that they are the only sources where Ba'al-kabar II, s. Elli is ever mentioned as the first witness. In other words, these are the only sources from his presumed reign. But, as we saw, the 'Problem documents' probably stem from much earlier times. Hence, given that we have no original or independent sources for this person, we can ask: did Ba'al-kabar II, s. Elli, the last member of the 'Second Dynasty', ever rule in Emar? To put it differently, in chronological terms, was there ever a Generation 5 of the 'Second Dynasty'? We have seen that ARN 65 from Nippur was produced because of a shift in power (the rule of Hammurabi replacing that of Rīm-Sîn). Did similar political circumstances lead to the assigning of documents to the reign of a person who, otherwise, is not attested as king of Emar? Was the putative reign of Ba'al-kabar II, s. Elli, if we accept the suggestion that it never took place, the result of a power struggle among the members of the Second Dynasty, or the consequence of the takeover by the Hittites and their collaborator, Zū-Ba'la the diviner? The legend 'Seal of Ba'al-kabar' accompanying the dynastic seal (on TBR 13) is a unique case, since it is never identified elsewhere as the seal of the Emar 'Second Dynasty' kings. This may point to dynastic strife or, at the very least, a question of authenticity of deeds, with a change of rule. In any case, further investigation is needed into the historical context of the re-production of old documents at the very end of the 'Second Dynasty'.

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^{52.} To remind the reader, in ASJ 14 311, the name of Ba'al-kabar (I), the seller of the property, as well as the first witness, we argue, was also changed to Ba'al-kabar (II), s. Elli.

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