

THE OLD BABYLONIAN *MĒŠARUM*-EDICT AND

THE OLD TESTAMENT

by

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## INTRODUCTION

Almost forty centuries ago there existed among the Mesopotamians a practice, called the *mēšarum* (meaning 'justice, equity'), which involved the cancellation of debts, the remittance of arrears and taxes and 'freedom' for certain people. It was customary for the Old Babylonian king to promulgate a *mēšarum* on accession, and also at certain intervals during his reign in order to remedy certain economic malfunctions, thereby restoring the socio-economic 'equilibrium'.

The existence of the Old Babylonian *mēšarum*-practice was already widely accepted by Assyriologists at the beginning of this century.<sup>1)</sup> Its exact nature and contents remained, however, unclear until 1958 when Kraus published a cuneiform text of such a royal *mēšarum*-decree.<sup>2)</sup> Since then several major contributions were made in regard to royal *mēšarum*-edicts, including the publication of a new text which contains the beginning of the Edict of Ammišaduqa.<sup>3)</sup>

The purpose of this study is to reinvestigate the Old Babylonian *mēšarum*-practice, especially in the light of the recent research by scholars such as Kraus, Finkelstein, Bottéro, Edzard and Lemche. A new transliteration, translation and commentary of the completely restored text of the Edict of Ammišaduqa will be provided. An attempt will also be made to give a fresh interpretation of its structure, contents and underlying motives.

Since there are so many references to and indications of the *mēšarum*-practice

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<sup>1)</sup> P. Koschaker, Babylonisch-Assyrisch Bürgschaftsrecht, 1911, 10 n. 41; M. Schorr, Urkunden des altbabylonischen Zivil- und Prozessrechts (VAB 5), 1913, 379 n. 7; A. Walther, Das Altbabylonische Gerichtswesen (LSS VI/4-6), 1917, 83-96, esp. 87 n. 2.

<sup>2)</sup> F.R. Kraus, Ein Edikt des Königs Ammi-Saduqa von Babylon (SD V), 1958.

<sup>3)</sup> J.J. Finkelstein, The Edict of Ammišaduqa: A New Text, RA 63(1969), 45-64.

in the cuneiform documents dating from ca 2400 B.C. to the Neo-Assyrian period an account of these will also be given.

Our second main objective is to investigate the Old Testament material for the possibility of a similar practice in Old Israel, as has been suggested by some scholars who have attempted to relate the Old Babylonian *mēšarum*-practice to the Old Testament laws concerning the Sabbatical Year and the Year of the Jubilee. This would, among other things, also call for a study of the usage of *mēšarum* and its Hebrew equivalents *yāšār*, *mēšārîm*, *mîšôr*.

Our method of approach concerns an analysis of the source material according to the principle of verba valent usu. An attempt will be made to take into account the relevant material clarifying the Sitz im Leben. While this study is also concerned with a comparison of the Akkadian material with that of the Old Testament, care will be taken not to make any haphazard decisions on the basis of comparative philology, and for that matter comparative cultural history. I believe, however, that one can speak of an Ancient Near Eastern cultural unity in the broadest terms, but still one must be constantly aware of the indigenous distinctiveness of each culture.

It is generally accepted that some Old Testament passages can only be understood in the light of extra-biblical material. It is therefore to be surmised that the *mēšarum*-practice could also illuminate expressions, institutions and practices which occur in the Old Testament.

There are, however, certain limitations to our study. Since the other terms related to *mēšarum*-decrees are sufficiently covered by Kraus, I shall confine my investigations to the two most important terms designating this practice, viz. *mēšarum* and *andurārum*. The Phoenician, Canaanite, Aramaic, Egyptian

and Hittite source material will also be left out for the purpose of this study.

Even the Neo-Assyrian material relating to royal grants and decrees, including the manumission of slaves, as well as the references to *kidinnūtu*, will not be dealt with, because it is considered to be irrelevant to our subject.

It also lies beyond the scope of this study to provide any definite conclusions to the Old Babylonian concept of justice. The Old Testament material will not be approached from any particular point of view such as the "Redaktions-geschichtliche", the traditio-historical, the literary critical, the "Form-geschichtliche", or structural-analytic methods. Where necessary, I shall, however, take these into account.

CHAPTER I      THE OLD-BABYLONIAN *mēšarum*-EDICT OF AMMIŠADUQA

Although there are many references to *mēšarum*-edicts in cuneiform sources, the only two verbatim documents extant which show the character and content of such "reform" measures are the Edicts of Ammišaduqa and Samsuiluna. In this chapter we shall confine ourselves to the Edict of Ammišaduqa.<sup>1)</sup>

1. Text

The text of the Edict of Ammišaduqa consists of three tablets which were discovered at different places and discussed and translated by various scholars. These three tablets - all presumably copies of the original one - overlap to a certain extent. One may assume that the recent edition of Finkelstein has provided an almost complete restoration of the missing beginning of the text.<sup>2)</sup>

It would be profitable to take into account the relatively short history of the restoration of this particular text. In 1914 Langdon published the text of a tablet from the British Museum (BM 78259). Although this tablet was written in the characteristic cursive script of the late Old Babylonian period he regarded it as a "small fragment of a Neo-Babylonian copy" of the laws of Hammurapi which belongs somewhere in between columns xxi-xxiii. He also connected sections D and E of this tablet with the so-called "moratorium" which the king granted to his empire in periods of economic distress.<sup>3)</sup>

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1) See infra, p. 176f for a discussion of Samsuiluna's Edict.

2) J.J. Finkelstein, The Edict of Ammišaduqa: A New Text, RA 63(1969), 45.

3) S.H. Langdon, A Fragment of the Hammurapi Code, PSBA 36(1914), 100-106.



Shortly afterwards, Schorr made a penetrating study of this text which he designated as a Babylonian "Seisachthie" from the beginning of the Kassite period. In view of his criticism of Langdon's misinterpretations and readings, Schorr also published the text in transliteration and translation.<sup>1)</sup> His arguments for dating this text to the early Kassite period, which he placed as 1722 - 1701 B.C., are convincing, and he was correct in saying that it does not belong to the LH. Moreover, his statement that the character of BM 78259 reveals a typical "Schulderlass, eine Seisachthie, d.h. ein Dekret über Aufhebung von Schuldverpflichtungen innerhalb bestimmter Grenzen"<sup>2)</sup>, was so thoroughly argued that it could be regarded as the basis for later studies of all the *mēšarum*-edicts.

Almost simultaneously Walther made his pioneer study of the expression *mēšarum šakānum*. He recognized that BM 78259 was to be connected with a so-called "Gnadenerlass" - an institution commonly referred to in year formulae, contracts, letters, etc., from the Old-Babylonian period onwards. He also suggested corrections to the editions of Langdon and Schorr.<sup>3)</sup>

In 1929 Cuq published his study of the Babylonian laws. He included a discussion of this text and characterized it as "une remise générale de dettes."<sup>4)</sup> Cuq argued along the same lines as Schorr and also dated BM 78259 to the Kassite period.

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<sup>1)</sup> M. Schorr, Eine babylonische Seisachthie aus dem Anfang der Kassitenzeit (Ende des XVIII vorchristl. Jahrhunderts.) (SHAW Phil.hist. Kl. 4), 1915, 1-21.

<sup>2)</sup> Schorr, op.cit., 10.

<sup>3)</sup> A. Walther, Das altbabylonische Gerichtswesen (LSS VI 4-6), 1917, 87-89.

<sup>4)</sup> E. Cuq, Études sur le Droit Babylonien (Les lois Assyriennes et les lois Hittites), 1929, 13-14.

In 1939 Gadd published a collation of the whole of this fragmentary text in the form of a new transliteration (with photographs), preserving the order of the first edition by Langdon.<sup>1)</sup> Although the text was in such a fragmentary state, the writing in some places defaced and not easy to read even where fully preserved, it did arouse some interest, since Weidner had discussed the term *andurārum* (Sum. a m a . a r . g i <sub>4</sub>) shortly beforehand, and shown its association with the term *mēšarum šakānum*. He suggested the meaning as "einen durch königlichen Gnadenerlass geschaffenen Zustand der Lastenbefreiung."<sup>2)</sup> In the same publication Koschaker discussed the meaning of *mēšarum* in connection with the Edict of Samsuiluna. He pointed out that the meaning of *mēšarum* should be taken up in a more general sense than that proposed by Schorr, viz. "jedes von dem Gedanken der sozialen Gerechtigkeit getragene Gesetz ..., wobei die Beziehung auf ein Einzelgesetz überwiegt, weiterhin aber auch die Rechtsordnung überhaupt, sofern sie dieses Ideal erstrebt."<sup>3)</sup> It was, however, Landsberger's detailed study of the Babylonian terminology for law and justice that aroused new interest in BM 78259.<sup>4)</sup> Landsberger regarded it as the text of a "Seisachteia" from the Old Babylonian period, more precisely an edict issued by Ammišaduqa.

In 1954 another transliteration and translation of this text was made by Driver and Miles, in their study of the Babylonian Laws.<sup>5)</sup> They also refer-

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<sup>1)</sup> C.J. Gadd, Text of the "Babylonian Seisachtheia", in: Symbolae Koschaker (SD II), 102-105.

<sup>2)</sup> E. Weidner, *Ilušumas Zug nach Babylonien*, ZA 43(1936), 114-123.

<sup>3)</sup> P. Koschaker, *Randnotizen zu neueren keilschriftlichen Rechtsurkunden*, ZA 43(1936), 219-220.

<sup>4)</sup> B. Landsberger, *Die babylonischen Termini für Gesetz und Recht*, Symbolae Koschaker (SD II), 219-234, especially 230 n. 44.

<sup>5)</sup> Driver, G.R. -Miles, J.C., The Babylonian Laws Vol. II, 1955, 319-323. Cf. W. von Soden's review: *Neubearbeitungen der babylonischen Gesetzessammlungen*, OLZ 53(1958), 526, in which he made some corrections to the text edition of Driver-Miles; L. Matouš, *Erlässe altbabylonischer Könige*, BO 16(1959), 94 and also E. Szlechter, *Les anciennes codifications en Mésopotamie*, RIDA 4(1957), 80-81.

red to the *mēšarum*-act as "Seisachtheia" or "moratorium" but expressed the need for more information from the new text which had been discovered by that time at the Istanbul-Museum, but then not yet published.<sup>1)</sup>

In 1941 already, Kraus discovered a second copy of the Edict of Ammišaduqa (Ni. 632) in the Museum of the Ancient Orient at Istanbul, written in the cursive script of late Old Babylonian. Intensive discussions with Landsberger preceded its final edition and publication in 1958.<sup>2)</sup> Since then Ni. 632 has been regarded as the main text of the edict. Kraus's commentary on the text stimulated a new interest in the subject of royal decrees. Many scholars including Matouš,<sup>3)</sup> Bottéro,<sup>4)</sup> Finkelstein,<sup>5)</sup> Korošec,<sup>6)</sup> Haase,<sup>7)</sup> Petschow,<sup>8)</sup> Edzard,<sup>9)</sup> and others reviewed it or referred to it. Others such

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- 1) R. Harris, *The Archive of the Sin Temple in Khafajah (Tutub)*, *JCS* 9(1955), 98f., (with permission of Landsberger) published nine lines from reverse column vi of this tablet, viz., Ni. 632 in 1955.
- 2) F.R. Kraus, *Ein Edikt des Königs Ammi-šaduqa von Babylon. Studia et Documenta V.* Leiden, 1958. It is understood that a new edition is in preparation for 1977.
- 3) L. Matouš, *Erlässe altbabylonischer Könige*, *BO* 16(1959), 94-96 together with additional remarks and corrections by Kraus.
- 4) J. Bottéro, *Désordre Économique et Annulation des Dettes en Mésopotamie à l'Époque Paléo-Babylonienne*, *JESHO* 4(1961), 113-165.
- 5) J.J. Finkelstein, *Ammišaduqa's Edict and the Babylonian "Law Codes"*, *JCS* 15 (1961), 91-104; *idem*, and *Some New MISHARUM Material and its Implications*, *AS* 16(1965), 233-246.
- 6) V. Korošec, *Growth of Legislation in Ancient Mesopotamia*, *Studi in onore Guiseppe Grosso* IV(1970), 260-283.
- 7) R. Haase, *Einführung in das Studium keilschriftlicher Rechtsquellen*, 1965, 27-30.
- 8) H. Petschow, art. "Gesetze", *RLA* III(1966), 270-274; and his review of Kraus's *SD V*, in *ZS* (Rom. Abt.) 77(1960), 408-414; *ZS* 85(1968), 26-29 and *DLZ* 89(1968), 852 f.
- 9) D.O. Edzard, *Die „Zweite Zwischenzeit“ Babyloniens*, 1957, 80f.; 'Soziale Reformen' im Zweistromland bis ca. 1600 v. Chr.: Realität oder Literarischer Topos? in: *Wirtschaft und Gesellschaft im Alten Vorderasien (Acta Antiqua Academiae Scientiarum Hungaricae. Tom XXII/1-4)* edited by J. Harmatta and G. Komoróczy, 1976, 145-156.

as Lewy,<sup>1)</sup> Wiseman,<sup>2)</sup> Malamat,<sup>3)</sup> Gamper,<sup>4)</sup> Fensham,<sup>5)</sup> and Weinfeld,<sup>6)</sup> attempt to relate this Old Babylonian institution of *mēšarum*-acts to the Old Testament.<sup>7)</sup>

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- 1) J. Lewy, The Biblical Institution of *D<sup>e</sup>rôr* in the light of Accadian Documents, Eretz-Israel 5(1958), +21-+31.
- 2) D.J. Wiseman, The Laws of Hammurabi Again, JSS 7(1962), 161-172.
- 3) A. Malamat, Organs of State-Craft in the Israelite Monarchy, El Ha<sup>c</sup>ayin 41 (1964), 5-66.
- 4) A. Gamper, Gott als Richter im Mesopotamien und im Alten Testament, 1966, 54-55.
- 5) F.C. Fensham, Gerechtigheid in die Boek Miga en Parallele uit die Ou Nabye Ooste, Tydskrif vir Geesteswetenskappe, 7/2 (1967), 416-425.
- 6) M. Weinfeld, Deuteronomy and the Deuteronomic School, 1972, 149-157.
- 7) Other important studies which refer to the Edict of Ammišaduqa, are W.G. Lambert, Nebuchadnezzar, King of Justice, IRAQ 27(1965), 1-11, R.D. Biggs, More Babylonian "Prophecies", IRAQ 29(1967), 117-132; W.F. Leemans, King Hammurapi as Judge, Symbolae M. David, 107-129; A. van Selms, The Year of the Jubilee, in and outside the Pentateuch, OTWSA lecture, 1975 (forthcoming); N. Sarna, Zedekiah's Emancipation of Slaves and the Sabbatical Year, Orient and Occident, Essays presented to Cyrus H. Gordon on the Occasion of his Sixty-fifth Birthday, H.A. Hoffner (ed.) (AOAT 22), 1973, 143-150; N.P. Lemche, The Manumission of Slaves - The Fallow Year - The Sabbatical Year - The Jubel Year, VT 26(1976), 38-59; Andurārum and Mīšarum. Comments on the Problem of Social Edicts and their Application in the Ancient Near East (Unpublished); H. Cazelles, De l'idéologie royale, JANES V (1973), 59-73; O. Loretz, Die Prophetische Kritik des Rentenkapitalismus Grundlagenprobleme der Prophetenforschung, UF 7(1975), 271-278. See also Manfred Müller, Rechtserlässe im Lande Arrapha, in: H. Klengel (ed.), Beiträge zur sozialen Struktur des Alten Vorderasien, 1971, 58-60 and Gadd, CAH 2/1(1973), 195f.

The larger text, (Ni. 632), is much better preserved than the earlier copy, though it remains incomplete at its beginning and end. Thus there remains a lacuna of about 23 and 22 lines in cols. i and vi respectively.<sup>1)</sup> Kraus presented a transliteration, translation and commentary, but only photographs and no hand-copy of the cuneiform text. He also compared the two texts in terms of orthography, place of origin and genre. Despite this important study, the text remains incomplete due to its fragmentary nature, especially at the beginning. Nevertheless, it should be regarded as the basis for any study in connection with *mēšarum*-acts.

The third phase in the relatively short history of the reconstruction of the text of the Edict commences when Finkelstein published BM 80289 in 1969.<sup>2)</sup> In contrast to the three-columned tablets Ni. 632 and BM 78259, this is a one-columned text - also written in the cursive script of the late Old Babylonian period. It contains what appears to be the beginning of the edict and restores almost all of the lacunae of the obverse of Ni. 632, though some lines are missing from the bottom of the obverse and from the top of the reverse. This gap, however, can be restored from the traces still visible in the poorly preserved column i of Ni. 632. What is preserved of BM 80289 is for the most part well written and clearly legible.<sup>3)</sup> Very noticeable is the indentation of the year formulae for Ammišaduqa and Ammiditana.

Thus we have three tablets (all probably copies of the original edict) from which a restoration of the edict can be made. Finkelstein designates tablet BM 78259 as ms. B, Ni. 632 as ms. A, BM 80289 as ms. C and this is followed here.

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<sup>1)</sup> It is almost twice the size of BM 78259 (20 cm x 15,3 cm against 9,3 cm x 7,8 cm).

<sup>2)</sup> Finkelstein, RA 63(1969), 45-64.

<sup>3)</sup> Finkelstein, op.cit., 45. From my own collation of BM 80289 I can only underline the correctness of Finkelstein's transliteration and interpretation.

2. TransliterationMs. C1. 1. *tup-pl* [x x x x x x]*ša-mi-am* [qá<sup>?</sup>bi<sup>?</sup>]*i-nu-ma* [šar-ru-um mi-ša-ra-am]*a-na ma-tim iš[-ku-nu]*2. 5. *lál.ḫi.a ensí.ṹmeš<sup>?</sup>**sipad.meš šu.si.ig.meš**na-we<sup>meš</sup> ù gú.un.ḫi.a é.gal*[x]x *da-na-ni-šu-nu ù i-ša**na<sub>4</sub>.kišib a-pa-li-šu-nu uš-šu-ra-am*10. *lū<sup>?</sup>mu-ša-ad-di-nu-um*[a]-ṹna é na-ṹši gú.un ú-ul i-ša<sup>!</sup>-ás-si3 *[kark]ā.dingir.ra.ki ù kar.ḫi.a ša ma-ti[m]**ṹlū<sup>?</sup>r a-i-ba-nu-um ša i-na tup-pl U MU X<sup>?</sup> KI**ṹ<sup>?</sup>lū<sup>?</sup>mu-ša-ad-di-nu e-ès-ḫu*15. *lál.ḫi.a-šu-nu ša iš-tu mu an-mi-d[i-ta-n]a lugal.e**ḫar.ra ma.da.an.na ab.ag.ag.ke<sup>?</sup>**ba.an.da.ab.du<sub>8</sub>.a a-di iti bara.zag.g[ar]**ša mu an-mi-ša-ḫu-qá lugal.e**<sup>d</sup>en.líl.lenam.en.nun.na.[ni]*Ms. A.20. *bí.íb.gu.la<sup>d</sup>utu.gímkala[m.ma.ni.šè]**zi.bí.eš íb.ta[.è.a]**uku.šár.ra.basi bí.í[b.sá.sá.a]**[aš-šu]m [šar-rum]i-ša-r[a-am]*

- [a-n]a ma-tim [i]š-ku-nu uš-[šu-ra]  
 25. lū mu-ša-ad-di-nu a-[na é -šu-nu]  
 [ú]-ul i-ša-ás [-st]
- 

4. [ša š]e<sup>am</sup> ù k ù . b a b b a r<sup>am</sup>  
 [a-na lū ak-k]a-d[i]-i ù lū a-mu-ur-ri-i  
 [a-na ḥ a r . r a a-na m]á š ú-lu a-na me-el-qé-tim  
 30. [x x x x x x]x-a id-di-nu-ma  
 [tu]p-[p]a-a[m ú-š]e-zi-bu  
 aš-šum šar-rum [mi-š]a-ra-am  
 a-na ma-tim iš-ku-nu  
 tup-pa-šu ḥe-pt  
 35. š e<sup>am</sup> ù k ù . b a b b a r<sup>am</sup> a-na pi-i tup-pi-ma  
 ú-ul ú-ša-ad-da-an
- 

5. ù šum-ma iš-tu i t i d i r i š e . k i n . [k u d u , 2 k a m]  
 š a m u am-mi-di-ta-na l u g a l . [e]  
 b ā d . d a u d i n i m . k i . a d a m - q l - i - l i - š u - k e ,  
 39a [i n . d ù . ā m b í . i n . g u l . l a]  
 40 i-si-ir-ma ú-ša-ad-di-in  
 aš-šum i-na la si-ma-an ša-ad-du-ut-ti  
 i-si-ru-ma ú-ša-ad-di-nu  
 š a ú-ša-ad-di-nu-ma il-qú-ú  
 ú-ta-ar sa a-na se-em-da-at šar-rum!  
 45 la ú-ta-ar-ru i-ma-a-at
- 

6. š a š e<sup>am</sup> ù k ù . b a b b a r<sup>am</sup> a-na ḥ a r . r a m á š

ù me-el-qé-tim a-na <sup>lú</sup>ak-ka-di-i

ù <sup>lú</sup>a-mu-ur-ri-i id-di-nu-ma

i-na ka-ni-ki-šu ša ú-še-zi-bu

50. ta-i-tam ú-wa-i-ma a-na ši-mi-im

ù ma-aš-ša-ar-tim ú-ša-aš-ṭe<sub>4</sub>-ru

ù m á š il-te-eq-qú-ú l ú . m e š ši-bi-šu

ú-ub-ba-lu-nim i-na m á š le-qé-e ú-ba-a[r-ru-šu]

aš-šum ka-ni-ik-šu ú-wa-ú ka-ni[-ik-šu ih-he-pé]

55. <sup>lú</sup>qá-ya-pa-nu-um a-na é [<sup>lú</sup>ak-ka-di-i]

[ù] <sup>lú</sup>a-mu-ur-ri-i ša [i-qí-pu-šum]

[ú]-ul i-ša'-ás-si i [-ša-ás-si-ma]

i-ma-a[-at]

7. [šum]-ma l ú š e ù k ũ . b a b b a r a - n a ḥ a r . r a i d - d [ i - i n ]

60. ù ṭup-pa-am ú-še-zi-ib

[ṭ]up-pa-am i-na qá-ti-šu

[uk-t]i-il-ma a-na ḥ a r . r a ù me-el-qé-tim

[ú-l]a-mi ad-di-in

š[e ù] k ũ . b a b b a r š a a d - d i - n a - k u m

65. a-n[a] š[i]-mi a-na ta-ad-mi-iq-tim

ú-lu a-n[a] i-d[i]-i[m] š[a]-n[i]-i[m]-m[a]

ad-di-in [i]q-[t]a-bi

l ú š e ù k ũ . b a b b a r i t - t i d a m . g ā r i l - q ú - ú

l ú . m e š ši-bi-šu ša pl-i ṭup-pl

70. ša na-di-na-nu-um ik-ki-ru

Ms. B ú-ub-ba-lam ma-ḥar d i n g i r i - q á - a b - b u - m a

aš-šum ṭup-pa-šu ú-wu-ú

ù a-wa-tam ik-ki-ru

6-iš i-na-ad-di-in



75. *šum-ma pl-ḥa-az-zu a-pa-la-am*  
*la i-li-i i-ma-a-at*

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<sup>lū</sup>*ak-ka-du-ú* ù <sup>lū</sup>*a-mu-ur-ru-ú*  
*ša š e<sup>am</sup> k ũ . b a b b a r ù bi-ša-am*  
*a-na ši-m[i]-im a-na k a s k a l a-na t a b . b a*

80. *ù ta-ad-mi-iq-tim il-q[ú]-ú*  
*tup-pa-šu ú-ul iḥ-ḥe-ep-pl*  
*a-na pl-i ri-ik-sa-ti-šu i-na-ad-di-in*

---

*ša š e<sup>am</sup> k ũ . b a b b a r ù bi-ša-am*  
*a-na ši-mi-im a-na k a s k a l a-na t a b . b a a-na ta-ad-mi-iq-tim*

85. *a-na* <sup>lū</sup>*ak-ka-di-i* ù <sup>lū</sup>*a-mu-ur-ri-i*  
*id-di-nu-ma ka-ni-kam ú-še-zi-bu*  
*i-na ka-ni-ki-šu ša ú-še-zi-bu*  
*[ḥ]a-da-an-šu i-it-ti-iq-ma*  
*[k ũ] . b a b b a r m á š i-ra-aš-ši*

90. *[d a m] . g[ā]r ú-ša-aš-ṭe<sub>4</sub>-ru*  
*[ú-lu ri-i]k-s[a]-tim wa-at-ra-tim ú-ra-ak-ki-su*  
*[a-na pl-i ri-i]k-sa-tim ú-ul ú-ta-ar*  
*š e<sup>am</sup> ù k]ũ . b a b b a r ša il-qú-ú*  
*[x x x x] ú-ta-ar*

95. *[ù ri-ik-s]a-tum a-na* <sup>lū</sup>*ak-ka-di-i*  
*[ù <sup>lū</sup>a-mu-ur-ri]-i wu-uš-šu-ra*

---

*[x x x x x]g a l a-na k á . d i n g i r . r a . k i*  
*[x x x x x K]AR b a r . z i . p a . k i*

- [x x x x x KA]R ï . s i . i n . n a . k i
100. [x x x x x] KAR l a r s a . k i
- [x x x x x]x a z . k i KAR m u r g u . k i
- [x x x-sú]m<sup>k</sup>[<sup>i</sup> KA]R š i - t u - u l - l u m<sup>ki</sup>
- [x x] x . [H] I . A x [x x?] x m i - š i - i l k i - s [i] - i [m]
- š i - m u - u m i - n a é . [g a l i] n - n a - a d - d i - n u - š u - [nū]
105. m i - i š - l u m ú - m [a - a] l - l u - ú
- i - n a š i - m i - i m k i - m a k [i . l a] m a - l i m - m a
- i - n a é . g a l i n - n a - [a d - d] i - i n - š u - n u - š i

- š u m - m a d a m . g à r š a š i - [m a] - a [m š] a é . g a l i - p a - a š - š a - r u
- i - n a l á l . ḥ i . a [n] a - [š] i g ú . u n
110. a - n a k i - m a š i - m i - i m š a i - n a é . g a l i l - q ú - ú
- k a - n i - k a m a - n a é . g a l i - z i - b u
- ù k a - n i - i k n a - š i g ú . u n i l - q [é] - e - m a
- š i - m u - u m š a p l - i k a - n i - k i - š u
- i - n a é . g a l l a i n - n a - d i - i n - š u
115. ú - l u i t - t i n a - š i g ú . u n l a i l - q é - e
- a š - š u m š a r - r u m l á l . ḥ i . a n a - š i g ú . u [n]
- ú - w a - a š - š e - r u
- d a m . g à r š u m a - ḥ a r d i n g i r m i - i m - m a
- š a p l - i k a - n i - k i a n - n i - i m
120. i t - t i n a - š i g ú . u n l a l a - q i - a - k u
- ú - u b - b a - a m - m a i š - t u ú - t e - e b - b i - b u
- k a - n i - i k n a - š i g ú . u n ú - u b - b a - l a m
- u š - t a - a t - t u - ú u š - t a - ḥ a - a r - [r] a - š u - m a
- i - n a š i - m i - i m š a p l - i k a - n i - k i
125. š a d a m . g à r a - n a é . g a l i - z i - b u

ma-la pl-i ka-ni-ki ša na-ši g ū . u n

a-na d a m . g à r i-zi-bu

[a]-n[a d]a[m]. g à r ū-wa-aš-ša-ru

2.

š[u]. s[i . i]g m[a]-tim ša i-na qa-ti sipad ā b . gud . ħ i . a

130. s[i pad ganam]. udu . ħ i . a sipad ū z . ħ [i]. a

[š]a é . [g]a l ma-ħar dingir x [x x x x]

i-ma-aħ-ħa-r[u-ma]

a-na I ā b ri . ri . ga I x [x ga]-du ku š

a-na I ganam ri . ri . ga igi 6 [g ā l] x še ga-du ku š

135. ū I 2<sub>3</sub> ma-na 5 [g i n s] í g

a-na I [ù]z ri . ri . g [a igi x] g ā l x x ga-du ku š

ù 2<sub>3</sub> ma-[na s í g ù]z

a-na é . g a l i-[na-ad-dí]-nu

aš-š[u]m š[a]r-rum m[i-ša-ra-am] a-na ma-tim iš-ku-nu

140. [l ā l . ħ i . a-šu-n]u ū-[ul uš-ta]-ad-da-na

[x x x]x šu [x x? š]u . s i . i g ma-tim

[x x] x x [x m]a-tim ū-ul um-ta-al-lu-ū

13.

[l ā l . ħ i]. a <sup>lū</sup>ba-a[b-bi]-li

š[a]a-na <sup>lū</sup>mu-ša-[ad-d]i-nim

145. a-na šu-ud-du-nim n[a-a]d-nu

ū-uš-šu-ur ū-[ul u]š-ta-ad-da-an

14.

l ā l . ħ i . a š e<sup>e</sup> š[i]-ib-ši-im

ù l ā l . ħ i . a š e<sup>e</sup> [b]a-ma-tim ša su-ħu-um<sup>ki</sup>

aš-šum šar-rum mi-ša-r[a]-am a-na ma-tim

150. *iš-ku-nu*

*ú-uš-šu-ur ú-u[l u]š-ta-ad-da-an*

*a-na é . ħ i . a su-ħu-[um<sup>k</sup>] i ú-ul iš-ša-ás-si*

15. [z a g]. ħ a [š] a g [ú]. u [n a . š à š] e . g i š . i ù se-eh-ħe-er-tam  
[š] a na-ši g ú . u n x [x] ra-bi-i

155. <sup>lú</sup>mu-uš-ke-nim a g a . u š š u . [ħ a]

*ù il-ki-im a-ħi-im ša k[á]. d[i n g i r . r] a . k i*

*ù na-we-šu im-ma-ak-ku-su*

*aš-šum šar-rum mi-ša-ra-am a-na ma-tim iš-ku-nu*

*ú-u[š]-šu-ur ú-ul im-ma-ak-ku-ús*

160. š e<sup>e</sup> ši-mi-im ù ta-ak-ši-tim

*ki-ma mi-ki-is la-bi-ir-tim im-ma-ak-ku-ús*

16. m í . l ú . d i n . n a na-we-e

*ša k ũ . b a b b a r š e<sup>e</sup> l ú . d i n . n a a-[n] a [é . g] a l*

*i-ša-aq-qá-lu aš-šum ša[r]-rum mi-ša-ra-am*

165. *a-na ma-tim iš-ku-nu*

*a-n[a] l á l . ħ i . a -šu-nu <sup>lú</sup>mu-ša-ad-di-nu*

*ú-ul i-ša-ás-si*

17. m í . l ú . d i n . n a š [a] k a š ù š e<sup>am</sup> i-qi-pu  
*mi-im-ma [š] a i-qi-pu*

170. *ú-ul ú-ša-ad-da-an*

18. m í . l ú . d i n . n a ù d a m . g â r

[š] a [n] a<sub>4</sub> k[u]-ru-u[k x l] a k[i]-it-tim  
 [x x x x x] x [x x x] x i-ma-a-a[t]

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19.

[a g a . u š ù š] u . ħ a

175. [š a x x x x x x x] m u 3 . k a m ú-še-šú-ú

[x x x x x x-t] im ú-ul i-il-la-ak

[x x x-ti] m an-[n] i-tim

[aš-šum šar-ru] m mi-ša-ra-am a-n[a ma]-tim

[iš-ku-n] u ki-ma mi-ki-is a-l[i-š] u

180. [x x] ša-lu-uš ú-lu mi-iš-l[a x]

[a g a . u] š ù š u . ħ a i-na-ad-d[i-in]

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20.

[šum-ma du] m u nu-um-ħi-a d u m u e-mu-ut-ba-lu[m<sup>ki</sup>]

[d u m u i-da]-ma-ra-az<sup>ki</sup> d u m u . u n u . k i

[d u m u ĩ . s i . i] n . n a . k i d u m u k i . s u r . r a . k i

185. [d u m u m u r g u . k] i i-il-tum i-il-šu-ma

[pa-ga-a] r-šu aš-ša-az-zu

[ú-lu x x-š] u a-na k ũ . b a b b a r a-na k[i-iš-š] a-tim

[ú-lu a-na ma-an-z] a-za-ni

[x x x aš-šum šar-rum m] i-ša-ra-am

190. [a-na ma-tim iš-k] u-nu

[uš-šu]-ur an-d[u-ra-a] r-šu

[ša]-ki- [i] n

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21.

[šum-ma] g e m e a r a d w i - l i - [i] d é [ša]

[d u m u n u - u] m - ħ i - a d u m u e - m u - u t - b a - l u m <sup>k[i]</sup>

195. [d u m u i - d] a - m a - r a - a z <sup>ki</sup> d u m u u n u . k i

[d u m u ī]. s i . i n . n a . k i d u m u k i . s u r . r a . k i  
 d u m u m u r g u . k [ i x x x x x x ]  
 š [ a ] š i - i [ m ] x [ x x x x ]  
 [ a - n a k ] ū . b a b [ b a r ] i n - n [ a - d i - i n ]

200. [ú-l]u a-[n]a [k]i-iš-ša-tim  
 [i]k-k[a]-š-i-iš  
 [ú-l]u a-na m[a-an] ~~na~~-za-ni  
 [i]n-ne-[z]i-ib  
 [an]-du-ra-ar-[š]u

205. [ú-u]l iš-ša-a[k-k]a-an

22.

[<sup>lū</sup>r]a-i-ba-nu g ĩ r . a r a d [m]a-tim  
 [ša] a-na é a g a . u š ũ š u . [h] a  
 [š]e<sup>am</sup> k ũ . b a b b a r ũ s [f] g  
 a-na e-še-di-[i]m

- 210 ũ š i - i p - r i - i m e - p [é-š]i-im  
 [i]-na e-mu-ql-im i-na-a[d-di]-nu  
 i-ma-a-[a]t  
 [a g a . u]š ũ š u . [h] a  
 [x x x š] a i [d-x x x]

- 215 [mi-im-ma ša id-di]-nu-šum i-tab-ba-al

Ms. A (Ni. 632) covers lines 20-41; 55-214.

Ms. B (BM 78259) covers lines 71-87; 145-152; 162-170; 202-215.

Ms. C (BM 80289) covers lines 1-21; 35-58 omitting, however, 39a.

3. Translation

1. (lines 1-4) The tablet [of the decree which the king announced to the land] at the time he pro[mulgated] a *mēšarum* for the land.
2. (line 5-11) The arrears of the tenant-farmers, the shepherds, the *šusikku*-officials of the districts and (others) owing dues to the palace, the [...] of their firm agreements and promissory notes ..... [sealed tablets] of their (re)payments are remitted. The collector may not call for payment from the house of anyone owing dues to the palace.
3. (lines 12-26) The "market" of Babylon and the "markets" of the country(side), the *rā'ibānum* who in the [sealed<sup>?1)</sup>] tablet [to?] ... and the allotted collector(s)? - their arrears dating from the "year in which king Ammid[itan]a remitted the debts which the land had contracted" until the month of Nis[an] of the "year in which king Ammišaduqa, Enlil having magnified his noble lordship, rose forth steadfastly like Šamaš over his country and instituted a *mēšarum* for the whole of his people" are remitted, because the king has promulgated a *mēšarum* for the land. The collector may not call for payment from [their house(s)]
4. (lines 27-36) Whoever has given barley or silver to an Akkadian or an Amorite as an interest-bearing loan or as a *melqētum* [or as a ...], and had a tablet executed - because the king has (now) promulgated a *mēšarum* for the land - his tablet is annulled (and rendered void); he may not collect the barley or silver according to (the terms of) the tablet.

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1) or "tablet witnessed by seal? "

5. (lines 37-45) Furthermore, if from the second day of the month Addar II of the "year in which Ammiditana destroyed the wall of Udim, constructed by Damqi-ilišu, he pressed the payment (of debts) through collection by force because he (prematurely) has collected by force (and) not at the season for the settlement (of debts), he shall return whatever he has received through collection. He who does not make restoration in accordance with the king's decree, shall die.
6. (lines 46-58) Whoever has given barley or silver to an Akkadian or an Amorite as an interest-bearing loan or as a *melqētum* but in the sealed document which he executed he perpetrated a fraud by having it written up as an advance for purchases or a deposit and (then) continued to receive interest, he<sup>1)</sup> shall produce his witnesses and they shall con[vict] him<sup>2)</sup> for receiving interest. Because he made his document a fraudulent one, his docu[ment shall be cancelled].
- (b) The creditor may not call for payment from the house of an [Akkadian or] an Amorite for whatever [he had loaned him]; [should he call for payment], he shall die.
7. (lines 59-76) If someone has given barley or silver as an interest-bearing loan and had a tablet executed but retained the tablet in his own possession, and then declares: "I did not give (it) as an interest-bearing loan or as a *melqētum*; the barley or silver which I gave you, I have given as (an advance for) purchases, (or) as (a loan for (mutual)) benefit or for some other purpose." (Then) the person who has received the barley or silver from the merchant shall bring forward his witnesses to the wording of the tablet which the creditor has denied

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<sup>1)</sup> i.e. the debtor

<sup>2)</sup> i.e. the creditor



and they shall speak (an oath) before the god. Because he has altered his tablet fraudulently and denied the wording, he<sup>1)</sup> shall pay six-fold (the amount he has lent him). If he cannot meet his obligations, he shall die.

8. (lines 77-82) An Akkadian or an Amorite who has received barley, silver or goods for purchases, for a commercial journey, for a co-operative enterprise or for (the production of) profit, his document will not be cancelled; he shall repay in accordance with the terms of his contracts.
9. (lines 83-96) Whoever has given barley, silver or goods to an Akkadian or an Amorite for purchases, for a commercial journey, for a co-operative enterprise (or) for (the production of) profit and had a sealed document executed and in the sealed document which he had drawn up, he<sup>2)</sup> stipulated in writing, "Should its stipulated term have expired, the silver shall bear interest", or (if) he included additional terms, he<sup>3)</sup> shall not repay [in accordance with the terms of the con]tracts; he shall repay [to his lord] (only) [the barley and] silver which he has received. [Moreover, the contractual t]erms (laid) upon the Akkadian [or the Amorite] are remitted.
10. (lines 97 - 107) .... to Babylon, [the market of Sippar<sup>?</sup>], the market of Borsippa, [the market of Nippur<sup>?</sup>], the market of Isin, [the market of Idamar]az, the market of Malgûm, [the market of Mankisu]m, the market of Šitullum [and the ships]... half (their) working capital shall be given to them by the palace as merchandise and the (other)

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1) i.e. the creditor

2) i.e. the merchant

3) i.e. the Akkadian or Amorite who borrowed

half shall be made up by (themselves) - any such merchandise shall be given to them by the palace at the market price of the (respective) city.

11. (lines 108-128) If a merchant, who disposes of merchandise belonging to the palace, made out a sealed document for the palace against the arrears of the rent-payer as if he had (already) received the merchandise from the palace; moreover, he has received the sealed document of the rent-payer, (thus) no merchandise (as stated) according to his sealed document has been given to him by the palace, nor did he receive anything from the rent-payer - because the king has remitted the arrears of the rent-payers, that merchant shall clear himself in the presence of the god, saying: "I am not in receipt of anything from the rent-payer, according to the terms of this sealed document." After he has cleared himself he shall bring the sealed document of the rent-payer. They will confront each other, make deductions from the merchandise according to the sealed document which the merchant issued to the palace, as much as the (amount recorded) according to the sealed document which the rent-payer made out for the merchant and they shall release the balance due to the merchant.
12. (lines 129-142) The *šusikku*-official of the land who receives [the carcasses] from the cattle herdsman, shepherds and goatherds which belong to the palace under divine oath<sup>1)</sup> [...], and who gives to the palace: for every cow-carcass one [quantity of barley] together with the skin; for every sheep<sup>2)</sup>-carcass,  $\frac{1}{6}$  ... barley<sup>?</sup> together with the skin, plus  $1\frac{3}{4}$  minas of wool; for every goat-carcass,  $\frac{1}{6}$  of ... plus  $\frac{2}{3}$  of a mi[na of goat wool]1. Because the king has promulgated a *mēšarum* for the land, [their arrears] shall not be collected. The [income<sup>?</sup> of] the *šusikku*-official of the land ... shall not be made up.

1) lit. "before god"

2) lit. "ewe"

13. (lines 143-146) [The arrear]s of the porters which are allotted to the collector for collection are remitted (and) are not to be collected.
14. (lines 147-152) The arrears on the barley which are *šibšum*-payments and the arrears on the barley which are *bamātum*-payments of the Suḥum (area) - because the king has promulgated a *mēšarum* for the land, they are remitted (and) are not to be collected. He shall not call for payment from the houses<sup>1)</sup> of Suḥum.
15. (lines 153-161) The z a g . ḥ a who assesses the rent of the field (planted with) barley and sesame or small crops, belonging to the rent-payer, the big ... , the *muškēnum*, the *rēdūm* and *bā'irum* or other persons owing *ilkum* service to B[abylo]n or its environments - because the king has promulgated a *mēšarum* for the land, it is remitted (and) need not be assessed. The barley (produced) for sale or profit is to be assessed according to the old assessment(-rate).
16. (lines 162-167) The female inn-keeper of the rural areas who (normally) pays the silver and / or barley of the inn-keeper to the palace - because the king has promulgated a *mēšarum* for the land, the collector shall not call for payment of their arrears.
17. (lines 168-170) The female inn-keeper who has given beer or barley on credit may not collect anything that she has given on credit.
18. (lines 171-173) The female inn-keeper or merchant who ,... dishonest [weight<sup>?</sup>], shall die.
19. (lines 174-181) [The *rēdūm* or] the *bā'irum* who has leased [a "waste"

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<sup>1)</sup> var. ms. B rev. i 7 "people"

field for cultivation] for three years, shall not perform [the (usual) *ilkum*-service]. In this [year] -[because the king] has promulgated a *mēšarum* for the land, the *rēdûm* or the *bā'irum* shall pay either one-third or half [of the crop] according to the assessment of his town.

20. (lines 182-192) [If a ma]n of Numh̄ia, a man of Emut-balum, a [man of Ida]maraz, a man of Uruk, [a man of Isi]n, a man of Kisurra or [a man of Malgûm], has incurred a debt-obligation (in consequence of which) he [gave] himself, his wife or his [children] for silver, for debt servitude, or as a pledge [- because the king has promulgated a *m]ēšarum* for the land, he is released; his freedom is restored.
21. (lines 193-205) If a house-born slavewoman or male slave of [a man of Nu]mh̄ia, a man of Emut-balum, [a man of Ida]maraz, a man of Uruk, a [man of I]sin, a man of Kisurra or a man of Malgûm ... whose price ... has been sold for silver, or was given over for debt servitude or was left as a pledge, his freedom shall not be restored.
22. (lines 206-215) The *rā'ibānum* or provincial governor who gives barley, silver or wool to the house of a *rēdûm* or a *bā'irum* (in order to) force (them) to do harvest and (other) labour, shall die. The *rēdûm* or *bā'irum* will keep whatever has been given to him.

4. Philological Notes and CommentarySection 1 (lines 1-4)

1. Finkelstein presumes *šimdatim* (or *šimdat šarrim*) *mātan* in the gap (RA 63(1969), 50).
2. *qá-bí*. From my own collation of BM 80289 it is clear that this word does not occur here. Finkelstein's restoration is based on parallels cited by Von Soden, GAG 150 e γ. *ša-mi-am* is an uncontracted infinitive of what in Old Babylonian would normally have been *šemûm*. According to Von Soden it embodies the meaning of "sich vorlesen lassen" when it occurs in connection with *tuppum*.<sup>1)</sup> Here it can be regarded as denoting the idea of "announcing" the edict.
- 3-4. *mēšarum iškunu*. Von Soden translates this expression with "gerechte Ordnung schaffen" in accordance with Kraus.<sup>2)</sup> Finkelstein translates it with "institute"<sup>3)</sup> or "invoke"<sup>4)</sup> a *mēšarum*. The rendering "to establish justice" is too vague; therefore, I follow the CAD and translate "promulgate a *mēšarum*".<sup>5)</sup>
4. The reading *ma-tim* is uncertain since the signs *ma* and *tim* differ somewhat with those further in the edict. This may perhaps be due to writing with a split stylus as Prof. W.G. Lambert suggested to me in a personal conversation.

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<sup>1)</sup> AHW, s.v. *šemû(m)* 1, 2 (p. 1212).

<sup>2)</sup> AHW, s.v. *šakānu(m)* 10c, (p. 1136); s.v. *mī/ēšaru(m)* B4, (p. 660).

<sup>3)</sup> RA 63(1969), 49.

<sup>4)</sup> ANET, 526.

<sup>5)</sup> CAD M, s.v. *mīšaru(A)*, (p. 1276).

Commentary

These first four lines must be regarded as the beginning of the text. They contain only a factual identification of the nature and purpose of the document. The possibility of a more elaborate prologue is ruled out by Finkelstein, although Kraus has pointed out that in Samsuiluna's Edict the prologue was considerably longer, paralleling the preamble of LE.<sup>1)</sup> Finkelstein correctly concludes that on the basis of the extant documentation, we must consider the beginning of BM 80289 as the beginning of the actual edict.

Finkelstein regards section one as the prologue of the edict. His rendering is based on the conception that the edict is closely linked with the law-"codes".<sup>2)</sup> If one bears in mind that the actual edict was orally transmitted to the people and heralded through the land, it seems, however, more probable that the beginning of this text served as prefixed summary of the main contents rather than as a prologue.<sup>3)</sup>

Finkelstein's publication of BM 80318 has made it clear that a symbolic ceremony took place on the issuing day of the *mēšarum*: "When my lord raised high the Golden Torch for Sippar instituting the *misharum* for Shamash who loves him."<sup>4)</sup> This ceremonial "raising" of the Golden Torch by the king

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<sup>1)</sup> Cf. F.R. Kraus, Ein Edikt des Königs Samsu-Iluna von Babylon, AS 16(1965), 225-231.

<sup>2)</sup> Cf. J.J. Finkelstein, Ammišaduqa's Edict and the Babylonian "Law Codes", JCS 15(1961), 91-104, especially 101.

<sup>3)</sup> Cf. VTE 1-12. D.J. Wiseman has pointed out to me in a personal conversation that he is inclined to regard the beginning of this text as a prefixed summary of its main contents for an Edict is much more closely related to the treaties than to the laws.

<sup>4)</sup> J.J. Finkelstein, Some new *Misharum* material and its Implications, AS 16(1965), 233-246, especially, 236.

unmistakably heralded the enactment of the *mēšarum*. To ensure a simultaneous effectiveness of an edict throughout the land, the initiating torch-raising ceremony was taken up by other torch-signals and so this important event was announced throughout the land. The specific provisions, however, would have been read out at a later stage.

It is to be surmised, then, that the first four lines contain in essence the nature and purpose of the Edict of Ammišaduqa.

### Section 2 (lines 5-11)

5. For 1 á l . ḫ i . a, "arrears", see Kraus SD V, 88-97 on the different sumerograms for "arrears" and the Akkadian equivalent, *ribbātum*.<sup>1)</sup> He analyses 1 á l . ḫ i . a from its occurrence in the Edict and other texts back to the Ur III period. All of these are shown to have the meaning of the "minus quotient". The contextual understanding of the term depends on whether such a quotient is to be paid or received. It seems that Kraus is correct in interpreting the term as arrears, i.e. overdue payment. Finkelstein connects the Akkadian term with *rbb* which in West-Semitic comes to mean "interest", *ribbit* "overage, excess", "i.e. the 'residue' payable beyond return of the principal".<sup>2)</sup>

Von Soden follows Kraus's rendering, taking it as "Rückstand".<sup>3)</sup> The word *ribbātum* also occurs in the three other documents referring to a

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1) See also B. Landsberger, *Bemerkungen zur altbabylonischen Briefliteratur*, ZDMG 69(1915), 499-500, and M. Lambert, *Deux termes techniques de l'économie sumérienne*, RA 56(1962), 39 for 1 á l . l i "récession".

2) JCS 15(1961), 95. This is, however, only an etymological comment.

3) AHW, s.v. *ribbatu(m)* (p. 980).

*mēšarum*, viz. BM 29622, lines 5, 12 (*ri-ib-ba-at bu-li-im*)<sup>1)</sup>, TCL 17 no. 76 line 10 (*ri-ib-ba-at iššakki*)<sup>2)</sup>, and Si. 507, line 11 (1 á 1` + u . p a . t e . s i)<sup>3)</sup>

e n s i (=iššakkum). This all-embracing term covers various groups of tenant-farmers of crown lands, all of whom normally paid annual rents and/or crop shares to the palace. It does not, however, include fief-holders on the basis of service.<sup>4)</sup> Leemans regards the *iššakkum* as a type of agricultural administrative official. "Parfois l'*iššakku* semble être une sorte d'administrateur des terres du gouvernement ou régisseur agricole, mais le présent texte prouve que les *iššakkū* labouraient aussi eux-mêmes les champs (avec des boeufs)"<sup>5)</sup> This interpretation supports the CAD which defines the *iššakkum* as a member of a class of privileged farmers (from the Old Babylonian period onwards)<sup>6)</sup>. From the texts quoted in CAD it is evident that the *iššakkum*-farmers inherited their status; that they held the responsibility over the fields of the palace or temple; that they often complained about irrigation water not reaching their fields, from the produce of which they had to pay rentals to the palace; that they enrolled as soldiers (*rēdūm*) and that their arrears as well as the arrears of the shepherds were re-

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1) See F.R. Kraus, Altbabylonische Briefe I no. 1. Cf. infra, p. 167f.

2) See infra, p. 171f.

3) Kraus, AS 16(1965), 225. See infra, p. 175f.

4) Finkelstein, RA 63(1969), 54.

5) W.F. Leemans, Quelques remarques a propos d'un texte concernant l'administration des terres vieux-babylonienne, Symbolae Biblicae et Mesopotamicae Francisco Mario Theodoro de Liagre Böhl dedicatae, Leiden, 1973, 281-292, especially 283 (with an extensive bibliography). See also I.M. Diakonoff, Slaves, Helots and Serfs in Early Antiquity, WGAV, 45-78; T. Jacobsen, Towards the Image of Tammuz and other Essays on Mesopotamian History and Culture (ed. W.L. Moran), 1970, 384-386.

6) CAD I and J, s.v. *iššakku* (p. 264); Krückman, Beampter, RLA I, 448-449.



mitted by a *mēšarum*. I.M. Diakonoff thinks that the *iššakkum* is either identical with the *nāši biltim* or is a group which is to be included among them.<sup>1)</sup>

6. The term *š u . s i . i g* (*šusikku*) has been thoroughly discussed by Finkelstein.<sup>2)</sup> Contra Kraus who accepts the meaning of "Schurkommissar-oder-meister"<sup>3)</sup>, Finkelstein points out that the *šusikku*-official was concerned only with disposal of the carcasses and skins of both large and small cattle. His operations are closely linked with those of the herdsmen who were in charge of the royal herds and flocks. The function and work of the *šusikku* was that of an official within the economic organisation of the royal establishment rather than that of any occupation, craft or engagement in "private enterprise". Together with the herdsmen their task was to ensure a steady profit and income to the palace on its capital stock. Since the title *š u . s i . i g* is often qualified by a territorial designation (*mātim* or *nawē*) it follows that these officials were not numerous, but that they were deployed at strategic points within the royal domains. "At such places they served as the custodians of depots to which the herdsmen delivered the carcasses and/or hides and skins of cattle that had perished from natural causes or fallen prey to beasts, and even the skins and other non-edible but usable remains of animals used for food or as temple-offerings."<sup>4)</sup>

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<sup>1)</sup> I.M. Diakonoff, On the structure of Old Babylonian Society, in H. Klengel, Beiträge zur Sozialen Struktur des Alten Vorderasien, 1971, 27 n. 42.

<sup>2)</sup> Finkelstein, RA 63(1969), 61-64. See also Commentary section 12.

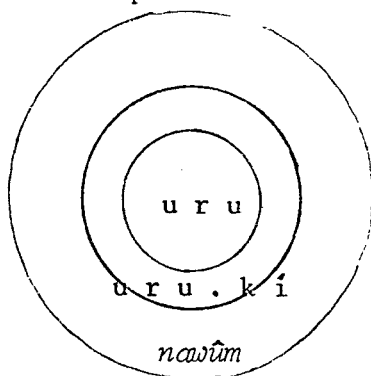
<sup>3)</sup> F.R. Kraus, Staatliche Viehhaltung im Altbabylonischen Lande Larsa (MKNW 29) 1966, 13 n. 3-5; Petschow, art. Gesetze, RLA III, 274.

<sup>4)</sup> Finkelstein, op.cit., 63.

The *šusikku*, then, is a state official appointed as agent of the palace who handles all dues relating to livestock in contradistinction to the merchant who is concerned solely with grain and other agricultural products.<sup>1)</sup> The archives of Puzriš-Dagān from the Ur III period also contain references to the *šusikku* and their activities.<sup>2)</sup>

7. *nawîm*. This word has recently been discussed by Edzard.<sup>3)</sup> It denotes not only the "Weidegebiet, Steppe"<sup>4)</sup> but may also be regarded as "province, district".<sup>5)</sup> According to Bottéro (JESHO 4(1961), 130) it signifies "les hameaux ou habitaient les paysans ou les gardiens de troupeaux". As such it could be regarded as the rural area in the vicinity of a city.

Schematically it can be depicted as follows:



1) See commentary section 12. Wiseman (An.St. 22(1972), 146) suggests a connection between *š u . s i . i g* and Akkadian *šassuku*, "land-registrar". Since *s i . s ā* equals *kittu*, *ešêru*, etc. he wonders whether this may not be a "law-officer". The *šas(s)akku* was also a "Buchführer" (AHw, p. 1194). This interpretation, however, does not fit in the context here, or in section 12.

2) See D.O. Edzard, Puzriš-Dagān-Šilluš-Dagān, ZA 63(1973), 288-94; Fischer Weltgeschichte II, 144; B. Hruška, Das Drehem-Archiv und die Probleme der neusumerischen Viehwirtschaft, MGAV, 91-110; G. Buccellati, The Amorites of the Ur III Period, 238, 274. Other important discussions are those of Kraus, Staatliche Viehhaltung (MKNAW 29), 1966; I.J. Gelb, Growth of a herd of cattle in ten years, JCS 21(1967), 64-69; J.J. Finkelstein, An Old Babylonian Herding Contract and Genesis 31:38f, JAOS 88(1968), 30-36, esp. 31 n. 6; J.N. Postgate, Some Old Babylonian Shepherds and their Flock, JSS 20(1975), 1ff.

3) D.O. Edzard, Altbabylonisch *nawîm*, ZA 53(1959), 168-173.

4) AHw, s.v. *nawî(m)*, (p. 771).

5) Kraus, SD V, 72, 162. Cf. Kupper, Les Nomades, 13. G. Buccellati, Cities and Nations, 1967, 34-39. Oppenheim, JESHO 10(1967), 1-14.

8-9 *danānišunu ù iša kunukki<sup>?</sup> apālišunu.*

The two substantives involved, *danānu* and *īšu* "apparently denote types of documents by means of which the obligations of the designated officials are kept track of"<sup>1)</sup>. *danānu* is used parallel to *īšu* or (*h*)*īšu* which means "binding obligation".<sup>2)</sup> For the substantive *danānu*, Finkelstein suggested the meaning of "firm, valid (agreement)"<sup>3)</sup>.

These terms allude to sealed documents which were drafted by palace officials when the tenants leased the fields or when the *šusikku*-officials were appointed. Their obligations were clearly stipulated in these documents. They were accordingly obliged to pay their obligations at a specific time.<sup>4)</sup>

9. *wuššurum*: The D-form means to "release, to remit".<sup>5)</sup> From the various texts cited by Kraus (SD V, 45-47) it is clear that *wuššurum* means "release" or "remit".<sup>6)</sup> Here it concerns the "arrears" of the various groups of people mentioned that are remitted.

1) Finkelstein, RA 63(1969), 50-51.

2) CAD H, s.v. (*h*)*īšu*, 4(p. 206); AHW, 349. Sumerian *h ē . s a*<sub>10</sub>, "to buy" also indicates something like "sales (contract)". Finkelstein's rendering, viz. "promissory notes" (ANET, 526), is to be accepted.

3) Finkelstein, RA 63(1969), 50-51 n. 1, 2. He has pointed out that in spite of the fact that *danānu* does not occur in the meaning of "document", one may assume this, for *dannu* and *dannatu* are well-known in the sense of "valid or binding contract".

4) Cf. CAD A/2, s.v. *apālu* A (p. 155).

5) Cf. CAD A/2, s.v. *ašāru* C (= *wašāru*) and Driver-Miles, BL II, 206 n. i.

6) Note its occurrence in lines 96 (section 9) 117, 128 (section 11), 146 (section 13), 151 (section 14), 159 (section 15), 191 (section 20).

10. *mušaddinum*: This word designates a certain official who collects the arrears on rentals for the palace. Kraus provides an elaborate discussion of this term and concludes: "Aber seinem Wortsinne nach ist *mušaddinum* offenbar ganz allgemein derjenige, welcher im Auftrag eine fällige Zahlung oder Leistung in Empfang nimmt oder auch nur den zu Zahlung oder Leistung Verpflichteten zu Zahlung oder Leistung auffordert oder mahnt."<sup>1)</sup>

11. The expression *ana é šasûm* has been defined by Kraus (SD V, 54-59) "einen seiner Dienst-oder Leistungspflicht nicht genügenden (Lehns)-mann durch die Repressalie der Wegführung von Familienmitgliedern behördlich zur Pflichterfüllung zwingen wollen".<sup>2)</sup>

The term *nāši g ū . u n* is used parallel to terms such as *muškēnum*, *a g a . u š š u . ḫ a* and *ilkum aḫum*. It is therefore understood to relate to any person owing dues to the palace; e.g. tenant-farmer, rent-payer.<sup>3)</sup> Kraus has defined it recently: "*nāši biltim* ist derjenige, welcher eine Feldpacht entrichtet, wahrscheinlich der Bauer auf dem Kronlande"<sup>4)</sup> The *nāši biltim* is in effect a special type of tax-payer.

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<sup>1)</sup> Kraus, SD V, 47-54, especially 51; Cf. also Krückmann, art. Beampter, RLA I, 451 and AHw, s.v. *mušaddinum* (p. 680), "Steuereintreiber".

<sup>2)</sup> For *é* see the various meanings listed in the CAD B, s.v. *bītu* such as house, encampment, room, container, place, household, estate, property, etc. Cf. Von Soden, OLZ 53(1958), 520. This expression also occurs in lines 25-26 (section 3), 57(section 6), 152 (section 14) and 167 (section 16).

<sup>3)</sup> This word has been translated as "crown tributaries" (Finkelstein) "(Staats)-pächter" (R. Haase, Übersetzung, 58), "fermier" (Bottéro). Driver-Miles BL II, 167 define the meaning of *nāši biltim* as "one apparently who pays for his fief with a rent instead of service". Cf. LH sections 35-36 and also BL I, 123-125. Kraus regards it as the "Kleinpächter vom Staatsland." See also Bottéro-Finet, Répertoire, 77, and I.M. Diakonoff, WGAV, 49; and idem, On the Structure of Old Babylonian Society, in H. Klengel (ed.), Beiträge 27, no. 24.

<sup>4)</sup> F.R. Kraus, Vom Mesopotamischen Menschen der altbabylonischen Zeit und seiner Welt (MKNAW 36/6), 1973, 102. He also discusses the views of Speiser (Or 27), (1958), 19-28; JANES I, 5-10) and Von Soden (ZA 56(1964), 132-4).

Commentary

- (i) Section 2 is a preliminary and general statement regarding the remission of the arrears of people owing dues to the palace. Its particulars are taken up again in sections 12-19. There it explains in detail the way in which the remission will affect the financial position of the various groups of *nāši biltim* such as the *šusikku* and shepherd (section 12), the *babbilū* (section 13), the province of Suḫum (section 15), various groups of share-croppers and fief-holders (sections 15, 19) and the *sabītum* (sections 16-18).
- (ii) Sections 2-9 concern general dispositions relative to the arrears of various individuals or groups of people. In order to understand this better, it can be surmised that the income of these people consists of a proportion of the produce which the arable lands yielded in a specific season. The tenant-farmers rented from the king (the largest landowner) arable lands which they cultivated.<sup>1)</sup> Sometimes the king granted lands as security or alimentary allocation (*eqlu kurummatu*)<sup>2)</sup> to civil servants, officials, etc.. The income compensated for the lands at a usual rate of one-third to half of the harvest and made up the rent which the farmer had to pay to the palace - almost always a payment in kind.<sup>3)</sup> These rent-payers made out the majority of the population and were usually very poor. Under normal conditions they just managed to exist. When droughts, inundation, pests, war, crop-failure, etc., occurred they were incapable of repaying the rents, thereby increasing their arrears.

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<sup>1)</sup> Cf. Bottéro, JESHO 4(1961), 123-124.

<sup>2)</sup> CAD K, s.v. *kurummatu* lb 3 (p. 575).

<sup>3)</sup> It is as yet uncertain whether the rentals were calculated per proportion of the harvest or per *iku* (the size of the field).

- (iii) Except for the little-understood lines 8-9, this section is virtually a duplicate of the Edict of Samsuiluna (Si. 507, lines 11-17): "The arrears of the tenant-farmers, the shepherds, the inn-keeper (Kraus)/*šusikku*-officials of the districts and (others) owing dues (to the palace) are remitted because the king has promulgated a *mēšarum*. The collector may not call for payment from the house of anyone owing dues to the palace".<sup>1)</sup> This leads Finkelstein to believe that lines 8-9 are not necessarily qualificatory in purpose, but amplificatory.<sup>2)</sup> It seems that they describe the usual contractual procedures by which the dues or rents of these *nāši biltim* to the palace were given concrete form. Presumably the rents or dues were calculated beforehand on the basis of the actual produce of a field or the expected normal growth of livestock. This calculated or fixed quota of rents and dues payable to the palace must have allowed a substantial share of the produce for the *nāši biltim*. This would have enabled them to purchase other commodities needed in order to provide for their families. If the productivity of the ensuing year did not reach the expected levels, the *nāši biltim* was in real trouble, for he had to pay his rents and dues. If he could not, the arrears accumulated. Only by means of a substantial increase in produce or a *mēšarum* would these burdens have been alleviated.
- (iv) The *mēšarum* ordered the collector of the rents and dues not to sue the *nāši biltim* for payment. Presumably some of these collectors called for payment in order to pocket the rents and dues for themselves despite the *mēšarum*. They took a calculated risk, depending on the ignorance of the *nāši biltim*.

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<sup>1)</sup> See *infra*, p. 174f.

<sup>2)</sup> *RA* 63(1969), 54-55. The omission of these lines in Si.507 denotes only a lesser degree of explicitness in formulation.

Section 3 (lines 12-26)

12. *kārum*: The CAD outlines the various meanings of this word as
- 1) embankment, quay-wall, mooring-place,
  - 2) harbor district, city quarter destined for traders and sailors,
  - 3) harbor, trading station, community of merchants,
  - 4) price of a unit of merchandise (OB only).<sup>1)</sup>

Here it can be understood as a kind of "chamber of commerce".

Finkelstein translates it with "bourse" or "market" and defines it as "the formal association or *collegium* of merchant traders of the several cities whose financial activities in the OB period were closely tied to the commercial interests of the Crown, but who also served corporately as the main judicial bodies in these cities, especially as regards commercial affairs of the citizenry."<sup>2)</sup>

13. *rā'ibānum*: Von Soden follows Kraus's interpretation (SD V, 180f) and translates it with "ein Stellvertreter".<sup>3)</sup> In section 22 it appears to be a title of some or other high official, since it occurs parallel to *šakkanakku* (g ī r . a r a d), "provincial governor".<sup>4)</sup>

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<sup>1)</sup> CAD K, s.v. *kāru*, A, especially 3 (p. 234ff). Cf. also AHW, s.v. *kāru(m)* (p. 451-2). Walther, LSS VI 4-6, 70 f; W.F. Leemans, Merchant (SD III), 71, 104; Kraus, SD V, 81-3; W.F. Leemans, art. Handel, RLA IV(1973), 81-83; cf. also H. Hirsch, art. Handelskolonien, RLA IV(1973), 90-97; Landsberger, ZA 35(1924), 223; P. Garelli, Les Assyriens en Cappadoce, 1963, 19 f; Oppenheim, JESHO 10(1967), 6-7; M.T. Larsen, Old Assyrian Caravan Procedures, 1967, 5, 157; L.L. Orlin, Assyrian Colonies in Cappadocia, 1970, especially 25-26; 59-60, 90-91; J. Mellaart, CAH 1/2(1971), 691-199; K.R. Veenhof, Aspects of Old Assyrian Trade and its Terminology (SD X), 1972, 389; W. Röllig, Der altmesopotamische Markt, WO 8(1972), 286-295; J. Deshayes, Les Civilisations de l'Orient Ancien, 1969, 177-211; especially 193 f; R. Bogaert, Les Origines Antiques de la Banque de Dépôt, 1966, 83-84; M.T. Larsen, The Old Assyrian City-State and its Colonies (Mesopotamia 4), 1976, 230-241.

<sup>2)</sup> RA 63(1969), 52 n. 5. See also Oppenheim, JESHO 10(1967), 6-7.

<sup>3)</sup> AHW, s.v. *rā'ibānu(m)*, p. 944.

<sup>4)</sup> Cf. AHW, s.v. *šakkanakku(m)*, (p. 1140). See also Krückmann, RLA I; 445.

Apparently the *rā'ibānum* was in the position of being able to coerce the *rēdūm* and the *bā'irum* into involuntary labour. The exact function of this official is, however, still unclear. In view of the similarity between section 22 and LH § 34, Finkelstein suggests that *rā'ibānum* is the Akkadian equivalent of the <sup>lū</sup>PA.PA which according to Landsberger (JCS 9, 122) is not to be read as *dēkūm*. He connects it with the root *rābum* (*rā'ābum*) which means "to be angry with, to tremble, to be alarmed" (cf. AHW, 932). "As a nomen agentis the <sup>lū</sup>*rā'ibānum* could then have the meaning 'recruiter' or 'mobilizer' which has, in fact, been the rendering of the <sup>lū</sup>PA.PA all along."<sup>1)</sup>

The fact that the word occurs in connection with the merchant associations as well as with the "collector" may indicate that the *rā'ibānum* was considered a high official, engaged in the business of the palace, and that he advanced money and other commodities to the lower officials, such as the *rēdūm* and *bā'irum*, in his private capacity. (Cf. section 22).

The reading U MU x<sup>?</sup> KI is uncertain. It is also possible to read KAM x<sup>?</sup> KI<sup>?</sup>. Compare the phrase *ina ṭuppi kamki*, "in a sealed<sup>?</sup> tablet" which designates a particular kind of document.<sup>2)</sup> Another possibility is to read u d u n . k i but it makes no sense in the context.<sup>3)</sup>

14. Reading [*a-na*] supposes a scribal error; hence <sup>lū</sup>*mu-ša-ad-di-ni* for <sup>lū</sup>*mu-ša-ad-di-nu*. *e-ès-ḫu*: Finkelstein's reading *a-ab-ḫu* is unintelligible.<sup>4)</sup> It is proposed to read *e-ès-ḫu* taking this as a stative

<sup>1)</sup> Finkelstein, JCS 15(1961), 100 and ANET, 526 n. 3. Cf. also Driver-Miles BL II, 23 f.

<sup>2)</sup> CAD K, s.v. *kanāku* (G. stative form) which means "to seal by making a seal imprint on the clay; to seal a document; to place objects under seal for safekeeping", etc.

<sup>3)</sup> Finkelstein, RA 63(1969), 51.

<sup>4)</sup> ibid.



form meaning "assigned to, allotted to".<sup>1)</sup>

15-17. This is Ammiditana's 21st year. Cf. Ungnad, RLA II (1938) nos. 232 and 249; B. Landsberger, JNES 14(1955), 146 f; B. Morgan, MCS 2(1952), 48; MCS 4(1954), 37-39 and Kraus, SD V, 229 no. 43.

17-22. This text provides the complete formula for the first year of Ammi-saduqa, proving that the formula 17 +c is in fact the second part of the formula for the first year.<sup>2)</sup>

23-24. The phrase *aššum šarrum mēšarum ana mātīm iškunu* has been translated by Schorr (VAB 5 no. 273): "weil der König einen Schulderlass für das Land angeordnet hat"; Driver-Miles (BL II, 319-322): "because the king has appointed a moratorium for the land"; Bottéro (JESHO 4(1961), 115): "attendu que le Roi a rétabli l'équité pour le pays"; Kraus (followed by Haase): "weil der König gerechte Ordnung dem Lande geschaffen hat", and Finkelstein: "because the king has invoked (ANET, 526)/instituted (RA 63(1969, 49) the *mīšarum* for the land". All these translations express the idea of the promulgation of a *mēšarum*-act by the king (cf. CAD M, s.v. *mīšaru* (p. 1276) as Walther (LSS VI 4-6, 83-96) and Landsberger (Symbolae Koschaker (SD II), 229) have pointed out.

25. The end of this line can be restored to read *a-[na é-šu-nu]*, "their house". *lū mu-ša-ad-di-nu* occurs without mimation and as such it must be rendered plural. However, only the singular form of this word is used throughout.

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<sup>1)</sup> CAD E, s.v. *esēhu* (p. 327f). Usually the objects are fields, persons, barley, etc. The word occurs only in Babylonian, especially in the Mari-letters. Cf. also AHW, s.v. *esēhu(m)* (p. 248), *išhu* II (p. 387).

<sup>2)</sup> Cf. Kraus, SD V, 106-111.

Commentary

- (i) This section must also be regarded as a provision and general stipulation which concerns the "stock exchange" (*kārum*) of Babylon and those of the countryside. In sections 10 and 11 the particulars are given for this general stipulation. Here the effects of the edict on the financial activities of the *kārum* and the *rā'ibānum* are described. These organisations and persons were also engaged in the "business" of the palace like the *nāši biltim* (section 2). Kraus has pointed out that the palace exercised a strict control over the commercial activities of the *kārum* which consisted of all the merchants of a specific city. It implies that the *kārum* was under the official sponsorship of the palace. (Cf. section 10).
- (ii) The role and exact function of the *rā'ibānum* in this section are not clear. It seems that their arrears should also be remitted. This provision of the edict would contradict AbB I no. 1 where it is explicitly stated that only the officers of a lower military rank were exempted from paying their arrears, should we assume that the *rā'ibānum* was a military "recruiter" or "mobilizer" of high rank. The fact that the word occurs in connection with the merchant associations and the collector may indicate that the *rā'ibānum* was considered a high official, engaged in the business of the palace, and that he advanced money and other commodities to the lower officials such as the *rēdūm* and *bā'irum* in his private capacity. (Cf. section 22).
- (iii) This section of the edict also provides explicit information on the time limit for the accumulated arrears to be paid which would be affected by the *mēšarum*. The arrears of the *kārum* the *rā'ibānum* and the *mušaddinum* incurred since the 21st year of Ammiditana which was according to the

year formula, the former occasion of a remission of debts. Thus it appears here to be a remission of the arrears which have accumulated from year 21 of Ammiditana to the first year of Ammišaduqa. Everything in respect of arrears of these people up to the present is remitted.

- (iv) The duration of the effectiveness of the remissions of the edict is clearly pointed out here, namely that there is substantially nothing enduring about it, otherwise the economy of the country would have come to a complete stand-still! "These provisions affect only such debts and obligations incurred up to the date of effectiveness of the Edict itself; loans and obligations contracted subsequent to Nisan I, Ammišaduqa I, would not have been subject to the remissive provisions of the Edict"<sup>1)</sup>, just as it must be presumed that the debts and obligations incurred after Nisan I of Ammiditana 21, could not have been affected by the *mēšarum* of that date.
- (v) It can be assumed that the *mēšarum* must have taken effect on the very first day (Nisan I) of the year for which the king promulgated a *mēšarum*. It seems customary for the Old Babylonian kings to have had such an edict promulgated for their first full regnal year starting with Nisan I.
- (vi) Finkelstein also explains why nothing is said about the time limit governing the remission of the arrears of the *nāši biltim* (section 2). He suggests that in contrast to the business dealings with the palace of the merchants and other persons mentioned here, the obligations of the *nāši biltim* were accounted for on an annual basis, and any outstanding arrears from preceding years were then incorporated in the agree-

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<sup>1)</sup> Finkelstein, RA 63(1969), 55.

ments for the current year.

Thus the arrears of the *nāši biltim* would show on the "accounting books" only as due from the previous year. Because the merchants do not fall into the category of the *nāši biltim* and because they were more independent of palace control, "their arrears were carried by year which incurred, thereby necessitating here, in their benefit, the explicit stipulation of the time-span to be governed".<sup>1)</sup>

Section 3, therefore, stipulated the effect of the *mēšarum* on people in "business". Their arrears and obligations which had accumulated over a period of sixteen years are remitted. From the first of Nisan, Ammišaduqa I, they could start their business operations with "clean tablets".

#### Section 4 (lines 27-36)

28. The terms Akkadian and Amorite are used to embrace all permanent residents or citizens of territories under the direct authority of the Babylonian king.<sup>2)</sup> The two terms refer to "urbanites" (= Akkadians) denoting the residents of the old established cities of Sumer and Akkad and their surrounding agricultural lands, and the "rural" population (Amorites), i.e. primarily the steppe dwellers, mainly pastoral and tribal.<sup>3)</sup> With the term Akkadian is actually meant "Babylonian".

29. *ana ḥ a r . r a ana m ā š ū lu ana melqētīm:*

According to the CAD *ḥubbulum* means an obligation, debt (with interest)

<sup>1)</sup> Finkelstein, RA 63(1969), 55.

<sup>2)</sup> See CAD A/1, s.v. *akkadû*; A/2 s.v. *amurrû*; J.R. Kupper, Nomades, 147-247; Edzard, ZZB, 30f; Petschow, RLA III, 273; G. Buccellati, The Amorites of the Ur III Period, 1966, 323-362.

<sup>3)</sup> Finkelstein, RA 63(1969), 53 n. 1; Kraus, SD V, 188-189.

and interest. TCL 13 no. 15: 19 contains the expression *šarrum kunukkātīm ša ḫubullim uḫepi*, "the king annulled the sealed tablets concerning the debts". Cf. also TCL 17 no. 76: [*kunuk ḫ*]ubulli ... eḫtepi mīšaram ina māti aštakan, "I have annulled the sealed tablets concerning the debts ... I have established justice for the land", i.e. remitted the fiscal debts.<sup>1)</sup>

m ā š = *šibtum* denotes "interest".<sup>2)</sup> The mention of *šibtum* shows that capital loans bear interest (cf. LH sections L, 49, 52, etc.).<sup>3)</sup>

These two terms, then, distinguish between the *ḫubullum*-rent and the *šibtum*-rent.<sup>4)</sup> These loans are interest-bearing: for a loan of barley the term *ḫubullum* is applied; for a loan of silver the term *šibtum*. Kraus prefers to translate this phrase "als verzinsliches (Gerste) Darlehen oder auf Zins (von Silber gesagt) oder als m."<sup>5)</sup> This gives the impression that one can read only *ana ḫ a r . r a m ā š*, thereby deleting *ana* before *m ā š* in accordance with line 46.

*melqētum* is a specific type of loan which bears interest. Its precise nature cannot be ascertained due to the absence of references to the term in a definable context. A close connection between *melqētum*-loans and *ḫubullum*-loans is, however, to be surmised.<sup>6)</sup>

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1) CAD H, s.v. *ḫubullum* A(p. 217).

2) CAD S, s.v. *šibtu* A(p. 159).

3) Driver-Miles, BL I, 144f, 174f.

4) Bottero, JESHO 4(1961), 124; M. San Nicoló, art. Darlehen, RLA II, 123f; Petschow, art. Gesetze, RLA III, 273.

5) Kraus, SD V, 65-68, especially 67. Cf. J.N. Postgate, Taxation and Con-  
scription, 1974, 171f. In the Neo-Assyrian Period *m ā š* (*šibtu*) design-  
nated "tax". See also S. Dalley, et al., The Old Babylonian Tablets from  
Tell al Rimah, 1976, no. 240: 2 and Edzard, Tell ed-Der, p. 149.

6) Cf. Kraus, SD V, 64f; AHW, s.v. *melqētum* (p. 643).

31. For Š-theme of *ezēbum*, "to make out a legal document", see CAD E, s.v. *ezēbu* 3 d and 5.

Commentary

- (i) This section is a general statement concerning the annulment of private interest-bearing loans. The claims of debt laid upon the Akkadian and the Amorite are hereby cancelled. The specific detail is taken up subsequently in sections 5-9. Sections 5-7 contain a selected series of hypothetical transgressions of this general rule for which capital punishment is ordered. Sections 8-9 state the exceptions to section 4 in case of a debt incurred to obtain a profit or with a view to commercial enterprise.
- (ii) The *mēšarum* cancels these private interest-bearing loans. It is prohibited to collect (*šuddunum*) the barley or the silver as stated in the tablet.
- (iii) Although the lacuna in line 30 prevents a full understanding of the character of these loans, Bottéro's distinction between loans of necessity ("prêts de nécessité") and loans for profit-making ("prêts de rapport") may be accepted.<sup>1)</sup>
- (a) The loans of necessity bear common interest: *ana m ā š* (for silver) *ana ḥ a r . r a* (for barley) and *ana melqētīm*. These loans must be understood as solicited by the borrowers with an intention other than concluding a transaction or augmenting their capital. They were usually contracted at a stage when the *nāši biltim* was in real financial need which might have been caused by "outside" factors beyond his control

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<sup>1)</sup> Bottéro, JESHO 4(1961), 124 f.

such as war, famine, floods, droughts, pests, etc.<sup>1)</sup> By means of interest-bearing loans he attempted to meet his obligations. If, however, his financial position did not improve and his debts and obligations accumulated even further, he had to use up his own reserves of seed-corn in order to sustain his family. At a later stage he would be forced to sell his chattels and ultimately, to hand over himself or his children into debt servitude.<sup>2)</sup> In order to alleviate these burdens the king invoked a *mēšarum* whereby these private loans of necessity were cancelled. This would have prevented the impoverishment of the majority of the population and would subsequently have stimulated productivity.

- (b) The "prêts de rapport" are loans without interest (qêpu/qêptu) which are given for the purpose of yielding profit, i.e. *ana šîmi*, *ana k a s k a l*, *ana tappûti* and *ana tadmiqtim* (Cf. section 7). While (a) is aimed at gaining interest on the sum advanced, these "prêts de rapport" define the way in which the sum advanced can be put to exclusively commercial use with the purpose of investment in order to gain large profits. These loans are not affected by the *mēšarum*. Those who have borrowed to do business and have in fact solicited from the *d a m . g á r* an advance of the funds with the aim of establishing a joint enterprise, shall restore to their creditors the advanced sum regardless of the *mēšarum* (Cf. sections 10-11).

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<sup>1)</sup> Kramer (CRRA 18(1972), 118) has shown that the materialistic approach and short-sightedness led the Sumerian farmers to tamper with nature's delicate ecological balance and gradually undermine it. "Eager and impatient for ever-richer harvests from their fields and farms, they over-irrigated and thus ... 'salted' the soil into sterility and unproductiveness." See also Jacobsen-Adams, Science 128(1955), no. 3334, pp. 1251-1258.

<sup>2)</sup> I.J. Gelb, 'From Freedom to Slavery', CRRA 18(1972), 81-92.

- (iv) Contrary to sections 2 and 3 which describe loans and obligations in the public sector, this section deals only with private obligations and loans of the Akkadians and the Amorites, i.e. all the permanent residents under the authority of the Babylonian king. By implication all "aliens" are excluded from benefiting from the *mēšarum*. These are people identified as coming from, and citizens of, cities and territories not under the sovereignty of the king of Babylon, but resident within his domain for longer or shorter periods of time, usually as members of commercial and diplomatic missions.<sup>1)</sup>

All permanent residents are to benefit from the *mēšarum*, because their private non-commercial interest-bearing loans are annulled and rendered void.

#### Section 5 (lines 37-45)

- 37-39a. For this date formula as Year 37 of Ammiditana, see Ungnad, RLA II(1938), no. 248, and Landsberger, JCS 8(1954), 68 n. 174. Line 39a is omitted in ms. C.
40. *īsir* means "to press for payment due, to put a person under pressure, to collect (by force)".<sup>2)</sup> The subject seems to be the creditor if it is to be surmised that section 5 follows directly on section 4. These two verbs, *īsir* and *ušaddin*, may be regarded as complementary, denoting the forcible collecting of a debt in the form of barley and silver.
41. *siman šadduttim*: This phrase means in effect, "the season for settlement of debts". This coincides with harvest time which is the

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<sup>1)</sup> Cf. Finkelstein, RA 63(1969), 53 n. 1 who points out the striking parallel to Deut. 15:2f.

<sup>2)</sup> Cf. CAD E, s.v. *ešēru* A and AHW, s.v. *ešēru(m)* (p. 249-250).



normal time for the settlement of debts.<sup>1)</sup>

44. *šimdatum*. This term means "ordinance, royal decree".<sup>2)</sup> It has been discussed by Kraus, SD V, 194; Driver-Miles, BL I, 17f; Lautner, Personenmiete, 177-190; San Nicolò<sup>3)</sup> and most recently by Maria de J. Ellis, *šimdatu* in the Old Babylonian Sources, JCS 24(1972), 74-82. According to Ellis *šimdatu* here refers to a normative body of prescriptive rules concerning the regulation of certain economic practices which forbid the collection of debts invalidated by the promulgation of the *mēšarum*-act. A similar usage is encountered in LH § 51 where it deals with payment of established interest-rates on loans of silver and barley. Apart from this there are also many occurrences of *šimdatu* which are concerned with a specific royal decree.<sup>4)</sup> As such it has the same meaning as *mēšarum šakānum* and *andurārum šakānum*. The *šimdat šarrim* as a special royal proclamation is known from the time of Sumulael of Babylon onward, and references to it alternate with those to *mēšarum*, *andurārum* and *awat šarrim*. Note, however, the distinction Landsberger

<sup>1)</sup> Cf. Schorr, VAB 5 no. 45, 9 *warah ša-an-du-tim* (=šaddūtum) "Monat der Abrechnung"; Mendelsohn, Slavery, 24 "the month of accounts"; parallel with *ebūrim* "harvest time"; Von Soden, AHW, s.v. *šaddūtum*, (p. 1124), "Eintreibung (von Schulden)". Cf. Simons, JCS 13, 87b. According to Labat, Un Calendrier Babylonien, 256, the sumerogram *š e . g u r<sub>10</sub> . k u d* (=ešēdum) meaning literally "harvest", denotes the month Addar. See, however, Driver-Miles, BL I, 175 who state: "While every document is exactly dated and so fixes the date of the making of the loan, the time of its repayment together with the interest is fixed indefinitely, for example 'at harvest-time', in such-and-such month, or in the month of calling in for payment or on demand, or when the creditor comes for payment or the time for it falls due, or on the completion of a trading journey, or when the parties meet 'in the market'".

<sup>2)</sup> Cf. CAD Š, s.v. *šimdatu* (pp. 194-196); AHW, s.v. *šimdatum* (p. 1102); Landsberger, SD II, 225.

<sup>3)</sup> M. San Nicolò, Beiträge zur Rechtsgeschichte im Bereiche keilschriftlichen Rechtsquellen, 1931, 68f. Cf. also R. Yaron, Laws of Eshnunna, 77-79 who disagrees with Landsberger's formulation.

<sup>4)</sup> Cf. Kraus, SD V, 196-201 (Kings of Isin), 201-209 (Larsa), 224-230 (Babylon), 230-232 (Ešnunna), 232 (unknown), 232-233 (Ḫana), 233-234 (Assyria), 243-245 (uncertain).

(p. 229) has made between *mēšarum* and *šimdatum*. "Diese beiden Wörter unterscheiden sich dadurch, dass *mēšaru* die Verbesserung eines schlimmen Zustandes (Entrechtung) voraussetzt, ein Moment dass š, fremd ist; ferner hat m, nichts von der feierlichen bindenden Eigenschaft, die š, innewohnt, es könnte sich auf eine private und nicht offizielle Beseitigung eines Unrechts beziehen."

Despite the parallelism between a *mēšarum*-enactment and the *šimdat šarrim*, Ellis has shown that *šimdatu* could also be more broadly used to designate a corpus of rules, not enacted as a specific economic corrective. Moreover, the term can be applied to both written and unwritten, as well as to normative and specially proclaimed, corpora of legal prescriptions. Although the exact relationship between the written and oral *šimdatu* is still unknown, the written version must be strictly differentiated from the original oral proclamation, just as in the case of the *mēšarum*-enactment.<sup>1)</sup>

#### Commentary

- (i) Section 4, as we have seen, is to be regarded as the general statement dealing with the regulation of private loans.<sup>2)</sup> It states that because the king has enacted a *mēšarum*, interest-bearing loans of barley and silver, and loans contracted on the *melqētum* basis are annulled and therefore no longer collectable. This section adds the information that if the creditor has enforced collection after 2 Addar II Ammiditana 37, he must return that which he has taken, and if he does not return it in compliance with the requirements of the *šimdat šarrim* he must die.

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<sup>1)</sup> Ellis, JCS 24(1972), 82.

<sup>2)</sup> Kraus, SD V, 26-29.

- (ii) In order to understand this difficult provision one has to explain the phrase *siman šadduttim*. The question now arises: Did the *mēšarum* go into effect on the second day of the month Addar II of Ammiditana 37, hence not on the first day of Nisan Ammišaduqa I? This depends on how the phrase *la siman šadduttim* is to be interpreted.
- (iii) In section 5 the period after 2 Addar II is paralleled by the phrase *la siman šadduttim*, "not the season for the settlement of debts". Thus, despite the suggestiveness of its sumerogram, Addar (š e . g u r<sub>10</sub>. k u d) which is rendered by Thureau-Dangin as "mois de la récolte", it seems according to our text that Addar II is not the normal period for the settlement of debts.

The vast number of "harvest worker" contracts clearly indicate that the time of harvest did not commence with Addar. The greatest concentration of such contracts is in the months XI and XII, although they already begin to be numerous in IX and extend to month I. These contracts were drawn up prior to the harvest.<sup>1)</sup> Moreover, in the Ur III and Old Babylonian period the barley harvest did not begin till about the middle of Nisan and continued through Ayar of the solar/agricultural year.<sup>2)</sup> The evidence from various kinds of contracts has shown that the completion of all the activities in connection with the harvesting of barley did not occur until month III, i.e. Simanu. This then, was the month for the settlement of debts and obligations

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1) Finkelstein, RA 63(1969), 57 n. 2 and 58 n. 1. He refers to Weitmeyer, Some aspects of the Hiring of Workers ... at the time of Hammurapi, 54f, 61f (not available to me).

2) F. Thureau-Dangin, La Chronologie des trois premières dynasties babyloniennes, RA 24(1927), 193.

and the beginning of contractual arrangements for the new agricultural year. According to Finkelstein, the term *siman šadduttim* represents the full "designation of the period denoted as a proper month-name in somewhat elliptical fashion as *SIMANU* 'the Season (par excellence)'<sup>1)</sup>

(iv) We can envisage a situation as follows:

(a) The tenant-farmers obtained from their creditors private loans of barley, silver and loans *ana melqētīm* from after the previous season of the "settlement of the debts"; i.e. after the fourth month of Ammiditana 37.

(b) Their tablets would have stated that they should repay these interest-bearing loans by the harvest-time of the next year, commencing with Nisan of the expected Ammiditana 38.

(c) It may be surmised that the creditors could have demanded payment at any time, but this normally did not occur before the third month, i.e. after the harvest had been completed, since the tenant-farmers would not be in the position to settle their debts.

(d) Suddenly Ammiditana died. The creditors would presumably have known that a *mēšarum* was in the offing. Knowing already that an intercalation was decided, the creditors might have attempted to take advantage of the intercalation to exact payment of due obligations on the technical justification that the term of loans expired with the end of Addar I and that the *mēšarum* would come into effect on Nisan I. In fact, the intercalary month may have given additional warning of the impending *mēšarum*. This led some creditors to exact payment under pressure

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<sup>1)</sup>Finkelstein, RA 63(1969), 56-59.

in order not to lose the equivalent of one month's interest, and especially, not to lose their silver or barley which they had given as private interest-bearing loans to the tenant-farmers. One would expect the creditors to have been well aware of the effects of a *mēšarum*. As the text indicates, they therefore collected prematurely before the harvest commenced, in order to recover their funds before the debts were remitted and they would consequently suffer heavy losses.

(e) The result of such action would have been that the debtor with virtually no reserves some two months prior to the harvest, would be forced to sell whatever grain he had retained for his own consumption, as well as his chattels. Otherwise he would have been forced to contract yet another loan at exorbitant rates with a stipulation inserted that in case of a *mēšarum* this loan was not to be affected.

(f) In essence, then, section 5 is an attempt to prevent the collection under pressure of the debts before its normal due date. The fact that this provision occurred in the edict shows that Ammišaduqa was well aware that the impending *mēšarum* "could trigger an inordinate number of such violations as compared with other years".<sup>1)</sup>

(g) A contract dated the 11th of Addar in Ammiditana's 37th year,<sup>2)</sup> shows that Ammiditana died only a few days before the new year.<sup>3)</sup>

The intercalary month could have been inserted in order to sort things out.<sup>4)</sup>

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<sup>1)</sup> Finkelstein, RA 63(1969), 58.

<sup>2)</sup> Schorr, VAB 5 no. 85.

<sup>3)</sup> It is, however, possible that even if the king had died earlier they would have used the same date formula.

<sup>4)</sup> For intercalated months see H. Hunger and E. Reiner, A scheme for Intercalary Months for Babylonia, WZKM 67(1975), 21-28; R.A. Parker and W.H. Dubberstein, Babylonian Chronology, 626 B.C.-A.D. 75 (1956).

One would expect the new king to have taken over office immediately sometime during Ammiditana 37. It seems highly likely that the coronation ceremony took place simultaneously and not necessarily on Nisan the first.

A *mēšarum* would, however, most probably have been announced on the day of coronation, and would have been immediately effective. This leads one to think that the oral proclamation of the edict took place at the coronation date. The full and detailed provisions would be issued later in written form.

The publications of ms. C. by Finkelstein rules out the possibility envisaged by Kraus, Bottéro and Petschow (RLA III, 273), namely that the debtor deliberately delayed the repayment of his debts, because he also anticipated a *mēšarum* whereby debts were to be remitted. In that case the edict ordered him to reimburse the received barley or silver to his creditor who had reclaimed it for a second time.

Section 5, then, contains a hypothetical instance of coerced premature payment. If a refund was made, there was apparently no penalty; if not, the creditor was to die.

#### Section 6 (lines 46-58)

46f. Except for something unintelligible in line 30 and *kanikkum* instead of *tuppum*, lines 46-49 are an almost word for word copy of lines 27-31. For *kanīkam šūzūbum*, see line 86.

50. *ta'itam uwwim*. Kraus's study of the occurrences of *ú-PI-ù* leads him to assess it as a D-form of *ewim* ('wī)<sup>1)</sup>, meaning "to change", to turn

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<sup>1)</sup> SD V, 71f.

into, to alter".<sup>1)</sup> By taking *ewûm* D-form meaning "to make a change, to alter" connected with the noun *ta'itum* "fraud", one may conclude that the expression is used to indicate a distortion of the normal practice of drafting loan contracts. Finkelstein has also shown that the D-form *uwûm* is a cognate of Heb. 'iwwah, "to act pervertedly, to distort".<sup>2)</sup> This gives sense to the passage in the text and provides the necessary complement to *nakârum* in line 70. Moreover, *ta'itum* with *uwûm* conveys the meaning of "fraud".<sup>3)</sup> Thus the expression indicates certain types of fraudulent drafting of loans in order to have them appear to be something other than loans.

The implication here is that some creditors might well have adopted such a practice, especially when they had knowledge of an impending *mêšarum*.

*ana šîmim*. The word *šîmum* conveys the meaning of "(Tausch) Kauf, Kaufpreis, Kaufgut".<sup>4)</sup> Thus it designates the merchandise and/or objects to be purchased or sold. Veenhof's study of its Old Assyrian usage shows that it can also denote a business advance for purchases.<sup>5)</sup>

<sup>1)</sup> CAD E, s.v. *ewû* 2. It refers specifically to this particular section. See also Matouš, BO 16(1959), 95 contra Von Soden, OLZ 53(1958), 526 whose rendering *uh-pi-û* is untenable. (Cf. also AHw, s.v. *ewû*; GAG 97b, 106 k.y.; Goetze, The Laws of Eshnunna, 97).

<sup>2)</sup> Finkelstein, JCS 15(1961), 94. Cf. KBL, 686.

<sup>3)</sup> Finkelstein, RA 63(1969), 52.

<sup>4)</sup> AHw, s.v. *šîmu(m)* I (p. 1240); Kraus, SD V, 75-77, "Pränumerando-Kaufpreis"; Driver-Miles, BL II, 404, "sale"; B. Landsberger, Bemerkungen zu San Nicolò und Ungnad, Neubabylonische Rechts- und Verwaltungsurkunden, Bd I, 1.2. ZA 39(1930), 279, "Preis des Ganzen"; Bottéro, JESHO 4(1961), 115-116, "en vue d'opérations commerciales"; Bottéro-Finet, Repertoire, 262 "prix"; cf. also Koschaker, ZA 47(1942), 141, n. 15.

<sup>5)</sup> K.R. Veenhof, SD X, 358-388.

51. *maššārūtum*: According to Von Soden this means "Verwahrung"<sup>1)</sup>. Oppenheim renders the phrase *ana m. lēqû* to mean "to accept or entrust on deposit".<sup>2)</sup> One has to accept a scribal error and read *maššārūtum* instead of *maššartim*.<sup>3)</sup> It seems, therefore, that this word designates a "deposit" or "bailment".
52. *šībū*, "witnesses".<sup>4)</sup>
53. The subject of *ubbalu* is the debtor. *ubarrūšu*: Compare LH section 5. Here it is the creditor who will be convicted by the witnesses. *burru* means to establish the true relationship (ownership, liability, etc.) by a legal procedure involving an oath, or by court officials alone.<sup>5)</sup>
55. *qayapānum*: "creditor, lender". The verb *qāpu* embodies a more generalized meaning "to extend credit, to give on credit."<sup>6)</sup> The phrase *qayapānūtam epēšu* means "to become a creditor"<sup>7)</sup>. Finkelstein also

1) AHw, s.v. *maššārūtu(m)* (p. 621). It is to be distinguished from *maššartu(m)* "a funeral wake" (AHw, s.v. *maššartu(m)* (p. 620); cf. Oppenheim, The Archives of the Palace of Mari. A Review article, JNES 11(1952), 131.

2) A.L. Oppenheim, Untersuchungen zum babylonischen Mietrecht (Beiheft WZKM 2), 1936, 47.

3) Finkelstein, RA 63(1969), 52.

4) Cf. H. Klengel, Zu den šībūtum in altbabylonischer Zeit, Orientalia 29(1960), 357-375.

5) CAD B, s.v. *bāru* A3, 127f; 129f.

6) Cf. Kraus, SD V, 163; Goetze, LE section 16; Finkelstein, RA 63(1969), 60 n. 1. Cf. AHw, s.v. *qīapu(m)* 4; "to entrust merchandise/money to a commissioner". Bottéro-Finet, Repertoire, 246; Veenhof, SD X, 84, 419.

7) See Köcher and Oppenheim, The Old Babylonian Omen Text, VAT 7525, AfO 18(1957-58), 63 n.8. It might be worth adding a grammatical note on the form *-(a)nu* once explained by Goetze (Language 22/2 (1946), 121 as denoting a specific definite "the", cf. I.J. Gelb, Glossa 2(1968), 101, but see now also I.J. Gelb, Languages and Areas. Studies presented to George V. Babrinski (1967), 45-48 who regards it more as an adjectival form.



argues that the word is not used here in the strict sense of "interest-free" as Landsberger (MSL I, 19f) has suggested. Note that é is omitted in ms. A.

### Commentary

(i) Finkelstein has argued convincingly that this section is to be divided in two parts.

(a) The first deals with certain types of fraudulent drafting of loans so that they appear to be something other than private loans of necessity.<sup>1)</sup> Moreover, such an offence at any time would have led to the forfeiture of the amount of the loan, but as with section 5, it appears to be much more likely that creditors would have attempted such fraudulent practices when expecting a *mēšarum* that would cancel all private loans. This appears, then, to be both an attempt by the lender to disguise an ordinary private loan in the external form of a commercial contract, i.e. an advance for purchases or a deposit in order to circumvent the effect of the impending *mēšarum*, and in addition, to continue to receive interest. Finkelstein thinks that the type of loan envisaged here was a newly contracted one, drawn up in the last two or three months of Ammiditana 37. The interest rates in such circumstances were extraordinarily high. Thus we may surmise that the creditor, knowing that these types of commercial loans would not be affected by the *mēšarum*, deliberately loaned barley or silver in order to profit by means of interest as well (*ū m á š ilteqqû*), otherwise he would not have given a loan when expecting that a *mēšarum* would soon annul it. It can be assumed that Ammišaduqa knew these practises and this section is therefore to be regarded as an attempt to

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<sup>1)</sup>Finkelstein, RA 63(1969), 59-60.

forestall such a (hypothetical) practice.

(b) The second part (lines 55-58) presents a problem for it is not clear how this is to be related to the first. As we have seen, lines 46f contain a statement designed to circumvent the effect of a *mēšarum*, although this kind of fraud would have been illegal at any other time as well. Lines 55-58, however, do not contain a general statement because this would mean that a lender could under no circumstances attempt to recover the goods or capital he had loaned. It is therefore to be surmised that these lines deal by implication with the specific circumstances of the edict. "The statement must therefore be taken as a recapitulation of the basic principle enunciated in § 4, namely, that the *mēšarum* cancels all debts contracted in the form of the accepted types of loans (thereby excepting advances of various kinds of business operations aimed at profit-making which § 8 specifically excludes from the remission). By employing the generic term *qayapārum* ... the author avoids limitation to any single kind of loan".<sup>1)</sup> In short, then, lines 55-58 contain a general statement interdicting foreclosure processes by any kind of creditor against the person or dependents of the obligee.

(iii) The penalty for (a) is the annulment of the debt and for (b) death.

#### Section 7 (lines 59-76)

60. *tuppam šuzūbum*, "to make out a document".<sup>2)</sup>

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<sup>1)</sup> Finkelstein, RA 63(1969), 60. Cf. Kraus, SD V, 57f.

<sup>2)</sup> CAD E, s.v. *ezēbu* 5c (p. 423).

62. *kullum*, "to hold back, retain as security".<sup>1)</sup>
65. *ana tadmiqtim*: The word is derived from the root *damāqum* "to make good".<sup>2)</sup> It seems to designate money given as a loan without interest to a travelling commissioner for expenses and for doing business on his own.<sup>3)</sup> Thus it is an investment of money in the form of an interest-free loan with the purpose of benefiting from the profit which the debtor produced.<sup>4)</sup> The expression occurs in LH, section 102 where it is stated that in case of a loss on such a commercial enterprise only the principal capital has to be returned to the creditor.<sup>5)</sup>

Veenhof discusses a letter which shows that the consignment of textiles was also called a *tadmiqtum*. Thus it seems to be a word also denoting an amount of goods entrusted (without bearing interest) to a merchant for making profits.<sup>6)</sup> In the present context, then, it can be regarded as a commercial loan for 'mutual benefit' which does not bear interest.

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<sup>1)</sup> CAD K, s.v. *kullu* I. Cf. AHW, s.v. *kullu(m)* II (p. 502).

<sup>2)</sup> Cf. W. Eilers, Gesellschaftsformen im altbabylonischen Recht, in the series Leipziger rechtswissenschaftliche Studien 65(1931), 28 n. 2 and AO 31, 3/4, 29 n. 4. Cf. Leemans, The Old Babylonian Merchant (SD III), 1950, 25 n. 1; Driver-Miles, BL I, 190f.

<sup>3)</sup> See J. Laessøe, Reflections on Modern and Ancient Oriental Water Works, JCS 7(1953), 16 n. 52. He quotes Landsberger, OLZ, 409 and ZDMG 69, 523, n. 2 as references (not available to me).

<sup>4)</sup> Cf. Bottéro, JESHO 4(1961), 124f. See also J.G. Lautner, Altbabylonische Personenmiete und Erntearbeiterverträge, 1936, 15 n. 49.

<sup>5)</sup> Driver-Miles, BL II, 408, "mutual advantage/benefit"; Leemans, SD III, 25, 31 and also his article "Handel", RLA IV(1973), 85f (with a bibliography). See also Oppenheim, The Seafaring Merchants of Ur, JOAS 74(1954), 10.

<sup>6)</sup> K.R. Veenhof, SD X, 110-111; P. Garelli, Les Assyriens en Cappadoce, 1963, 250.

66. *ana idim šanimma*: "for another objective".<sup>1)</sup>
69. *ša pí-i tuppi*: Kraus, SD V, 31, "für den Inhalt der Urkunde"; Bottéro, JESHO 4, 116, "de la teneur de la tablette"; Finkelstein, ANET, 527, "to the wording of the document"; Cf. Driver-Miles, BL II, 397; Schorr, VAB 5, 546; AHw, s.v. *pûm* II (p. 873).
70. *nādinārum* designates the principal man instigating the transaction; in other words, he is the creditor who supplies the capital for making purchases. *nakārum*, Kraus (SD V, 69-71) regards it as "ableugnen".<sup>2)</sup> The meaning "to deny, to alter", is supported by Finkelstein's and Bottéro's ("denâturee") translations. (See also VTE, 69, 128).
71. *mahar ili*. Oaths were taken by the life (*nîš*) of the god(s). Munn-Rankin suggests that it designates the life which the gods had given and could take away if the oath was broken.<sup>3)</sup> In the present context, however, it only means to make a declaration under oath.
73. *awātum* could denote either the matter in general<sup>4)</sup> or the wording/ contents.
75. *pīhātu, pūhtu, pūhātu*. According to Landsberger it designates the sum total of obligations upon a person.<sup>5)</sup> The expression *pīhātum +*

<sup>1)</sup> CAD I&J, s.v. *idu* B (p. 16) for a translation of lines 64-67, viz., "I gave you the barley or the silver that I have handed over to you for making purchases, for profit purposes or for some other reason". See also Kraus, SD V, 31, 34 and AHw, s.v. *idu(m)*.

<sup>2)</sup> See also AHw, s.v. *nakārum* I, 5 (p. 718).

<sup>3)</sup> J.M. Munn-Rankin, *Diplomacy in Western Asia*, Iraq 18(1956), 88. Cf. MSL V, 81: *nîšu = tanetu*.

<sup>4)</sup> CAD A/2, s.v. *amātu* 3 (p. 35). Bottéro translates "l'affaire"; Finkelstein "the truth of the matter"; Kraus and Haase "die Sache".

<sup>5)</sup> MSL I, 125ff., especially 135.

*apālum* means something like "to meet one's obligations", or "make good one's liability"<sup>1)</sup>. Compare lines 75-76 with LH section 256: 97-98 and line 71 with LH section 9: 36-37.

Commentary

- (i) This is a second instance of possible fraud by the creditor. He apparently executes a proper contract for an interest-bearing private loan, but retains both copies in his own possession. In view of the impending *mēšarum* by which a private loan is to be annulled, he denies that the contract was a loan, claiming instead that the barley and silver had been given as commercial and interest-free loans (which are not to be affected by the *mēšarum*). Thus we have another example of attempted fraud by the creditor with the aim of evading the effect of the edict which he anticipates.
- (ii) In his fifth chapter, Kraus has shown that there is little correlation between the kinds of contracts covered by the edict and those found in actual documents. Loans *ana māš* and *ana ḥar.ra* are also known from outside Babylonia,<sup>2)</sup> but virtually nothing is known of loans *ana melqētim*, *ana tadmiqtim*, *ana kaskal*, or *ana tappūti* (t a b . b a) from sources other than the edict.<sup>3)</sup> On the other hand, some of the most commonly known types of debts and obligations appear to be unaccounted for in the edict.<sup>4)</sup> Finkelstein is probably correct in assuming that there must be a correlation between the actual documents

<sup>1)</sup> AHw, 862 "eine Verpflichtung nachkommen"; Cf. CAD A/2, s.v. *apālu* A, I c; cf. Finkelstein, ANET, 527.

<sup>2)</sup> Simmons, JCS 13(1959), 83f and ARM VIII no. 22.

<sup>3)</sup> See sections 8-9.

<sup>4)</sup> Finkelstein, JCS 15(1961), 94.

and these sections of the edict, although it remains to be explained why the contracts should have utilized one set of formulae while the edict used another.

- (iii) The penalty imposed on the creditor (i.e. that he shall pay sixfold the amount he has lent, and if he is unable, to be put to death) should he be proved to have committed fraud, shows that the stipulations of the edict were vigorously carried out.<sup>1)</sup> This view is supported by a contract (BE VI/I 103 = VAB 5 273) which demonstrates the practical effect of this particular edict in a court case some ten months after its promulgation.<sup>2)</sup> Moreover, these provisions are to be compared with LH, sections 106-107 and 8.<sup>3)</sup>

#### Section 8 (lines 77-82)

78. *bīšum* here denotes goods acquired.<sup>4)</sup> These may be distinguished from ordinary household chattels. The term is commonly used for goods of any kind when referred to in a commercial contract. The CAD B, s.v. *bīšu* translates it with "movable property".<sup>5)</sup> The word also designates personal property which is to be sold together with the debtor himself if he is not able to repay debts.<sup>6)</sup> A man can also purchase

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<sup>1)</sup> Petschow, RLA III, 273; Petschow, ZS 77 (1960), 410 n. 19.

<sup>2)</sup> See *infra* p. 178f; Kraus, SD V no. 45. Similarly TCL 17 no. 76 (the letter of Samsuiluna) refers to a *mēšarum*. See also Si. 507.

<sup>3)</sup> Driver-Miles, BL I, 186-202, especially 197-198.

<sup>4)</sup> Kraus, SD V, 31 and Haase, Übersetzung, 58 translate it with "Waren" and "(sonstiges) Vermögen" respectively; Bottéro and Finkelstein with "goods". Cf. Petschow, RLA III, 273.

<sup>5)</sup> Cf. also AHw, s.v. *bīšu(m)*, (p. 131), "bewegliche Habe, Besitz".

<sup>6)</sup> LH section 54:24 and section R (Driver-Miles, BL II, 41).

a house with barley, silver or his personal property.<sup>1)</sup>

79. For *ana šīmim*, see philological notes line 50 (section 6).

*ana k a s k a l*: The word *ḥarrānu* has various shades of meaning ranging from "highway" to "corvee work".<sup>2)</sup> It is frequently used for a "commercial journey" or "business trip".<sup>3)</sup>

*ana t a b . b a* (= Akk. *tappû*) "friend, companion, associate";  
*tappûtu* "cooperative enterprise/association"; "Kompagniegeschäft".<sup>4)</sup>

For a full discussion of this term see Bottéro, JESHO 4(1961), 125.

He distinguishes between *ana k a s k a l* "d'une expédition à caractère commercial" and *ana tappûti* "en vue d'une association", thus, both with a commercial aim.

80. *tadmīqtīm*, see philological notes, line 65 (section 7).

82. *riksu*: The verb *rakāsum* is used in the sense of "binding obligation" (cf. Veenhof, SD X, 9) or "binding term" by a fixing date (Nuzi, Or. 1942, 329 n. 4).<sup>5)</sup> *Riksu* means among other things an "agreement,

<sup>1)</sup> LH sections C: 16 (cf. Driver-Miles, BL II, 34); 137: 85; etc. See Driver-Miles, BL I, 293; II, 203 for a discussion.

<sup>2)</sup> CAD H, s.v. *ḥarrānu*.

<sup>3)</sup> CAD H, s.v. *ḥarrānu*, 3, 5, 6. See also LH sections 112:51; 103:24; 99:13; etc. where it occurs in a similar context. For a discussion, see Driver-Miles, BL II, 382; Leemans, SD III, 22-39, 78-106 and art. Handel, RLA, IV(1973), 85f.

<sup>4)</sup> R. Borger, Zeichenliste, no. 124; Finkelstein, ANET, 527 "joint enterprise"; Petschow, RLA III, 273 (Handels-) Gesellschafts(einlage)"; Driver-Miles, BL II, 408 "partnership"; Schorr, VAB 5, 557 "Gesellschaft, Kompagnie". Cf. Leemans, SD III, 30.

<sup>5)</sup> AHW, s.v. *rakāsu(m)* (pp. 945-947); see Lewy, Hrozny-Festschrift IV (AnOr 18), 377, *rukkūsum*, "to declare someone liable (for his action)".

treaty, bond".<sup>1)</sup> It is used in all attested and binding legal documents, e.g. treaties and contracts (cf. AT 3: 1).

### Commentary

Sections 8 and 9 illustrate a contractual relationship in the private sector which is to be excluded from the class of obligations affected by section 4.

- (i) This section removes all normal commercial activity from the *mēšarum*-edict's scope. All loans other than loans of necessity, are not to be affected by the *mēšarum*; they retain validity and are not to be remitted since their objective is to augment capital. Moreover, such commercial loans might include some forms of investment with the single objective of increasing profit without necessarily bearing interest.
- (ii) Both parties, the creditor and the lender, usually profited by these commercial enterprises. If a *mēšarum* would have benefited either the one or the other, all commercial co-operation would have ceased. As such, just the opposite of the intention of the *mēšarum* would have been attained, for the *mēšarum* aimed at an improved economic situation for all.<sup>2)</sup> Therefore measures were taken in order to stimulate production and subsequent commercial activities.

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<sup>1)</sup> AHw, s.v. *riksu(m)* C, (p. 985). For *rakkus* "rate of exchange", see Veenhof, SD X, 451.

<sup>2)</sup> "Akkadian and Amorite" denote all the subjects (see notes to line 28).



(iii) Finkelstein's translation allows for only two kinds of loans.<sup>1)</sup>

This is untenable in the light of Kraus's and Bottéro's discussions.

One should rather ask whether all normal commercial activities are covered by these four terms.

This section clearly states that commercial loans retain their validity and are not to be affected by the *mēšarum*.

Section 9 (lines 83-96)

86. *kanīkam šūzūbum*. The expression means "to make out a sealed document". *kanīkum* also embodies the meaning of a receipt for silver, barley or goods received for a commercial undertaking. (Cf. LH, sections 104:42; 105:52).<sup>2)</sup> It occurs in the edict as an alternative to *tuppam šūzūbum* without any apparent reason. While the loan contracts are referred to as *tuppum* in lines 31, 34, 35, 60, 61, 69, 72, 81 they are designated as *kanīkum* in lines 49, 87, 111, 112, 113, 119.
88. *hadanšu etēqum*. This is a specific phrase, commonly used to designate the exceeding of the term of a contract. The expression also occurs in the Tell Billa texts, nos. 1:16, 3:11, 4:9 with the meaning "if the term has elapsed, the silver/barley shall incur interest."<sup>3)</sup>

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<sup>1)</sup> ANET, 527 "An Akkadian or an Amorite who has received barley, silver or (other) goods *either as merchandise* for a commercial journey or as a *joint enterprise* for the production of profit." (italics mine)

<sup>2)</sup> CAD K, s.v. *kanīku* I. Cf. Kraus, SD V, 74.

<sup>3)</sup> Finkelstein's publication of the texts from Tell Billa, JCS 7(1953), 111-176, esp. 148. See also CAD A/1, s.v. *adannu* I, 4 (p. 99) for the translation of this section ... "who has recorded (the clause), '(if) he exceeds his term interest will accrue on the money' in the sealed document which he had drawn up". See also Bottéro-Finet, Repertoire, 189 and Kraus, SD V, 73-74.

It seems therefore that the contract stipulates that after a fixed term this loan, which is not normally interest-bearing, will accrue interest.

90. Kraus's restoration of *d a m . g ā r* may be questioned, because the space appears insufficient. Finkelstein (ANET, 527) accepts this restoration and translates it with "creditor". Note Leemans, SD III, 20 who has some reservations about rendering *tamkārūm* as "creditor". If the restoration of *d a m . g ā r* in line 90 is, however, accepted this may also be expected in line 94, otherwise another word for "creditor" (e.g. *ana bēlišu*) must be restored here.<sup>1)</sup>

#### Commentary

- (i) Section 8 clearly states that commercial loans which normally do not bear interest, are exempted from the effects of the *mēšarum*. Section 9 deals with the situation in which these loans were drawn up subject to certain conditions, e.g. a specific term after which they will accrue interest. These two sections, then, state the exceptions to section 4.
- (ii) The issuing of "commercial" loans for purchases, for profit-making, for a co-operative enterprise, etc., was a calculated risk on the part of the creditor. The loans did not bear interest, but as a kind of investment of capital goods they were expected to yield large profits. If not, the "borrower" (i.e. the debtor) was obliged to reimburse the capital. Thus the creditor did not lose his capital, for there was no such thing as bankruptcy in the Old Babylonian economic system. Nevertheless, he could have lost substantially in terms of interest if the debtor had not been successful in the long run. Therefore,

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<sup>1)</sup> See Driver-Miles, BL II, 381b for *bēl ḫubbulim*, "creditor".

stipulated terms and other conditions were inserted in the contracts covering the possible loss of interest. These additional clauses in the contract bound the "borrower" to reimburse the capital goods and also the interest thereupon, should the stipulated term have expired.

(iii) While (interest-free) loans for commercial purposes were normally not affected by the *mēšarum* (section 8) this section stipulates that in case of loans with additional conditions or time-limit stipulations, these terms (*riksātu*) will be cancelled. Note that it is only the additional stipulations laid upon the "borrower" that are remitted. Thus, the *mēšarum* would have benefited the "borrower" at the expense of the creditor.

#### Section 10 (lines 97-107)

97. [x x x x] g a l: Various attempts have been made to restore this line.<sup>1)</sup> Bottéro's proposed restoration deserves attention. He reads *a-na šī-ma-at é . g a l*, i.e., "for the commercial transactions of the palace to Babylon".<sup>2)</sup> This fits in with the tenor of sections 10 and 11 which deal with the business relationship between the palace and the various *kārū*.

Lines 98-102 contain the names of cities in a systematic geographic order from north to south, then eastwards and again from south to north for the East-Tigris area.<sup>3)</sup> The mention of Malgûm, Mankisum and

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<sup>1)</sup> See Kraus, SD V, 77-79 for other suggestions.

<sup>2)</sup> Bottéro, JESHO 4(1961), 116 n. 3.

<sup>3)</sup> Kraus, SD V, 79-81. For the restoration of place names see Kraus, ibid; Bottéro, ibid and Finkelstein, JCS 15(1961), 95 who expects to read the name Dilbat as well.

Šitullum in section 10 and also Numh̄ia, Emut-balum and Idamaraz in sections 20 and 21, shows the size of the Babylonian empire circa 1646 B.C.

103. The beginning of this line is very difficult to restore. Kraus suggests reading the place-names *numh̄ia* and *é . g a l . ḥ i . a* (Cf. ARM 2 no. 39: 32 = *Ekallatum*)<sup>1)</sup>. Bottéro proposes reading *[ù g i š . m] a . [ḥ] i . a* = fleet, ships.<sup>2)</sup> If Bottéro is correct in assuming "fleets" this is an important aspect of overseas trade.<sup>3)</sup> However, direct sea-trade by the inland Babylonian cities is not well attested. *kīsum* denotes a leather bag for stone weights and for the merchant's silver, or capital kept in a bag, to be used for business transactions.<sup>4)</sup> In Old Babylonian it is the equivalent of Old Assyrian *naruqqum*, denoting the funds of the merchant.<sup>5)</sup> In the edict it designates the working capital in the form of silver and merchandise (*šimūm*) which was invested by the palace in the commercial activities of the *kārum*.

106. *k i . l a m = g a n b a* as the Sumerian equivalent of Akk. *maḥīrum* embodies various shades of meaning such as "market, equivalent price, exchange rate, market-price".<sup>6)</sup> The market-price was of such impor-

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<sup>1)</sup> Kraus, SD V, 78.

<sup>2)</sup> Bottéro, JESHO 4(1961), 117, 129.

<sup>3)</sup> Cf. A.L. Oppenheim, The Seafaring Merchants of Ur, JAOS 74(1954), 6-17.

<sup>4)</sup> CAD K, s.v. *kīsu* A, 2 b (p. 432); AHW, s.v. *kīsu* (p. 487); Kraus, SD V, 76 n. 1. See also Veenhof, SD X, 37, 117, 177 ("purse") and Leemans, Foreign Trade, 73 n. 2.

<sup>5)</sup> Veenhof, SD X, 117 n. 187.

<sup>6)</sup> Cf. AHW, s.v. *maḥīru(m)* "Gegenwert, Kurs, Markt". Cf. also Bottéro-Finet, Repertoire, 220; Schorr, VAB, 5, 535 and Kraus, SD V, 82. For a discussion of other terms, see J. Krecher, Die Aufgliederung des Kaufpreises nach Sumerischen Kaufverträgen der Fara- und der Akkadzeit, WGAV, 29-32.

tance at all periods of history as to be the subject of separate records and thus usable for checking any transactions including law cases and contracts.<sup>1)</sup> The quantity of staple commodities such as barley, oil, wool and dates was recorded in the equivalence of silver or in terms of each other. This might have been the origin of the "money economy".<sup>2)</sup> Veenhof gives an excellent analysis of the occurrences of *mah̄irum* in various texts and concludes that it denotes (a) "the exchange of goods, the trade as such, resulting in the rather technical meaning 'Warenkurs', i.e. the amount of goods one acquires in exchange for the other goods, or more generally, in exchange for an amount of money."

(b) It could also denote "market".<sup>3)</sup>

Moreover, the expression *mah̄ir ālim* occurs in a few texts meaning "according to the rate of exchange in the City (of Aššur)".

### Commentary

- (i) Section 10 deals with the business relationship between the palace and the different "markets" (*kārū*). It apparently describes the normal mode of operation of these two economic "organizations". Note that the general statement in section 3 is resumed here.

- (ii) To understand this mode of operation better, a few remarks are nee-

<sup>1)</sup> Cf. A.K. Grayson, Assyrian and Babylonian Chronicles (TCM 5), 1975, 60-62, 178-179. This text (no. 33) is a chronicle of market prices and can be compared to the astronomical diaries which contain entries regarding market-prices. See also A.L. Oppenheim, Ancient Mesopotamia, 144f and A.J. Sachs, Classification of Babylonian Astronomical Tablets of the Seleucid Period, JCS 2(1948), 271-90, esp. 286.

<sup>2)</sup> Morris A. Copeland, Concerning the Origin of a Money Economy, The American Journal of Economics and Sociology, 33(1974), 1-17.

<sup>3)</sup> K. Veenhof, SD X, 389-400, esp. 389 and 397 (nos. 3, 8, 9).

ded regarding this highly complicated relationship. The palace (state) drew its revenue mainly from agricultural sources. The tenant-farmers and other rent-payers generally paid their rentals and taxes in natura.<sup>1)</sup> In this way the palace received enormous surpluses of goods and provisions (e.g. fish) which it conceivably could not consume, store or process. It thus became absolutely necessary to transform these goods into a basic monetary system. For this purpose the palace utilized the merchants of the autonomous *kārū*. These merchants were in the position to acquire the most needed "strategic" imports such as wood and metals. The palace invested in these commercial enterprises by providing "capital" in the form of merchandise and surplus commodity goods which were received as revenue. The exact nature of this relationship between palace and merchant is not quite clear from the text. Ostensibly the merchant was normally under pressure to accept the share of the palace (half of the investment capital) against an exchange rate imposed upon him by the palace. If this exchange rate was exceptionally high, he received less goods for still the half share of the palace. This would mean that he was forced either to sell at higher prices or he had to accept a smaller income, for he had to hand over the palace's full share. For the interior population higher prices of staple commodities would imply a lowering of their standard of living, increasing private debts and accumulating arrears which eventually would result in debt servitude. A smaller income to the merchant would mean less capital (goods) to lend out, thereby increasing the interest rates to exorbitant levels.

(iii) Section 10 stipulates that the palace will now provide the merchandise

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<sup>1)</sup>Cf. Bottéro, JESHO 4(1961), 127-129.

at the market-prices of the respective cities. Although it is not explicitly stated, it is assumed that these exchange rates of the cities were of competitive nature and therefore much more favourable to the merchant. The *mēšarum* intended to improve the financial situation of the merchants (at the expense of the palace). The results of such a concession can be imagined. It would stimulate new commercial activities, because the merchant received more goods for selling from the palace as its fixed half-share and consequently commodities would be cheaper. Capital would become more readily available at lower interest rates. Thus the *mēšarum* created a new economic situation not only for the tenant-farmers, shepherds and *šusikku*-officials from the rural areas, but also for the merchant, and, by implication, for the urban population.

- (iv) The mention of these cities and the concession that the merchant could "buy" capital (goods) from the palace at the exchange rate of the respective cities might have some significance, namely, that these towns were possibly exempt, because of their *kidinnūtu*, "privileged status".<sup>1)</sup> As a result of the urbanization process, a number of old and important

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<sup>1)</sup> CAD K, s.v. *kidinnūtu*. This word is used in connection with verbs such as *kašāru*, *turru* and *šakānu*. It occurs mainly in the royal inscriptions of Neo-Assyrian kings. (Cf. Streck, *Asb.* 242: 29; 244: 48, etc.; Borger, *Esarh.*, 28, Ep. 41: 33, etc.; J.A. Brinkman, Merodach-Baladan II, in *Studies Oppenheim*, 1964, 34). Most important is the article by W.F. Leemans, *Kidinnu*, un symbole de droit divin babylonien, *Symbolae Van Oven*, 36-61, especially his discussion on the relationship between *kidinnūtu* and *andurāru* and *zakūtu* (p. 58-60). Cf. J.N. Postgate, *Neo-Assyrian Royal Grants and Decrees*, 1969, 10; F.R. Kraus, Ein mittelbabylonisches Rechtsterminus, *Symbolae M. David* (1968), 9-40 discusses the term *zakūtu* ("immunity against taxes"). He shows that the term is used distinctly in stone monuments commemorating royal land-grants (*kudurru*) of the Late Kassite period. The term denotes immunity in the sense that the grantee and landgrant are to be exempt in perpetuity from all forms of corvée, military service, various kinds of taxes, rents and requisitioning, and guarantees pasture and water rights, etc. This kind of general personal immunity disappeared, leaving only the well-known claims of citizens and cities to special privileges (*kidinnūtu*). See Finkelstein's remarks in *JAOS* 90(1970), 244f and also CAD Z, s.v. *zakū* and *zakūtu* 3.

cities of Babylon enjoyed certain privileges and exemptions from taxes.<sup>1)</sup> In principle, the inhabitants of these "free cities" claimed freedom from corveé work, freedom from military service as well as tax-exemptions. Edzard has shown that as early as the Ur III period the inhabitants of Nippur were exempted from military service and the paying of tribute.<sup>2)</sup> Other *kidinnūtu* cities were Babylon, Sippar, Ur, Kish, and perhaps Larsa. The privileges of the inhabitants of these cities were under divine protection. The *kidinnu* denotes an object placed at the gate of such a city as a symbol of divine approval and protection which safeguarded the legal status of the citizens. The charters of free cities may be related to the *kudurru*-grants during the Middle Babylonian period and to a certain extent also to the *mēšarum*-edicts of the Old Babylonian period.<sup>3)</sup>

Additional support for such an assumption is the following:

(a) The obscure Elamite term *kubussû*, meaning "universal legal norm, law, decree" may resemble *mēšarum* representing an earthly order. It is nearly always connected with *kiten* = *kidinnu*.<sup>4)</sup> Koschaker defines the term as "heilige Rechtsordnung" and also "(Einzel)verfügung".<sup>5)</sup> The term is used in a specified sense for regulations concerning the release of private debts:

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1) Oppenheim, Ancient Mesopotamia, 120-125, 285.

2) ZZB, 80f. Note, however, that the term was mainly used in the Neo-Assyrian period. See CAD B, s.v. *biltu*, 4a (p. 232).

3) Oppenheim, op.cit., 285-287.

4) Koschaker, Or NS 4(1935), 38f, 45ff, 65ff. Cf. Von Soden, Symbolae Koschaker (SD II), 199f, 202. According to the CAD K, s.v. *kubussû* the term denotes, (a) regulations governing specific legal procedures, and (b) regulations concerning the release of private debts.

5) See W. Hinz, CAH 2/1(1973), 273-277 for a discussion of this term with the meaning "secular law".



*šullum ù kubussum liššakinma mamman eqlam ul ikkimšu*, "even if protective regulations (concerning the release of debts) are established (later on), nobody may take the field away from him" (MDP 23, 282:12). Note also the connection with *kidinnu*: *kidinnam ù kubussam ul išu*, "the privilege and regulation (concerning the release of debts) does not apply (with respect to the loan contracted)" (MDP 24, 344: 17). Moreover, there are several texts with indications that a contract had been established after such regulation (MDP 23 249: 9; 250: 8; 251: 9, etc..<sup>1)</sup>

(b) Landsberger has shown that *kubussû* ("law") expresses the equivalent meaning of *šimdatu*, ("sich auf eine Einzelregelung aber auch die gesamte Rechtsexekutive beziehen kann"), especially in the light of the parallel expression *arki kubussê ... ikbusu/iškunu*, to *warki šimdat ... iškunu*.<sup>2)</sup>

(c) H. Reviv has shown that certain cities resisted the claims of a central authority for the services of its subjects. This, in fact, has led to the curbing of the royal authority in certain areas, especially if the king was not a powerful man. The king had to accept these cities' privileged status and adhere to the principles of the *kidinnûtu*. There is, however, no direct connection between the *mēšarum* and privileges of cities. Privileges of this kind are mentioned separately and they are granted on the basis of a specific royal interest in the city.

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<sup>1)</sup> For text references see CAD K, p. 490.

<sup>2)</sup> Landsberger, Symbolae Koschaker (SD II), 222 n. 15, 230h. Cf. also ZA 41, 49 n. 1.

<sup>3)</sup> H. Reviv, On the Urban Representative Institutions and Self-government in Syria-Palestine in the Second Half of the Second Millennium B.C., JESHO 12 (1969), 283-297; Oppenheim, op.cit., 120-125.

Moreover, the *mēšarum* is imposed on territorial units (lands, kingdoms, which also, of course, include cities) and is thus granted to all the citizens of a kingdom or a social stratum as a whole, but never on an urban basis. Thus the cities mentioned in the edict more probably refer to a geographical area, viz. the domain of the kingdom, than to cities of special privileged status. The idea that an indirect relationship exist between the *mēšarum* as an act of royal favour and the *kidinnūtu* nevertheless seems possible in the light of the relationship between

- (a) *kidinnūtu* and *andurāru*
- (b) *kubussū* (release of private debts) and *šimdatu*.

Section 11 (lines 108-128)

108. *pašārum* means "absolve, release, sell".<sup>1)</sup> In LH section 104 it designates "selling at retail".<sup>2)</sup> Oppenheim provides a thorough discussion of this term in the context of the interpretation of dreams, and renders its meaning "to release, remove, dispose of, relax, etc."<sup>3)</sup> In the present context the meaning "to dispose of by means of selling at retail" seems to fit.

121. *ebēbum* here means "to clear a person of financial or legal claims".<sup>4)</sup> This is also clearly brought out by Finkelstein, Bottéro, Kraus and Haase in their respective translations.

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<sup>1)</sup> AHw, s.v. *pašāru*, 3 (p. 842). Kraus, SD V, 33f, "verschleissen".

<sup>2)</sup> Driver-Miles, BL II, 398, BL I, 194-195.

<sup>3)</sup> A.L. Oppenheim, The Interpretation of Dreams in the Ancient Near East (Transactions of the American Philosophical Society N.S. 46/3), 1956, 217-220; Cf. also VTE, 433.

<sup>4)</sup> CAD E, s.v. *ebēbu* 2c (p. 6f).

123. *uštattû*: "to meet, confront each other, look at each other". Hence, "they (the creditor and the debtor) will confront each other, make the deductions and release (the balance due)".<sup>1)</sup> *ḥarāṣu* (Št - theme), "to deduct", only occurs in Old Babylonian.<sup>2)</sup> It is used mainly in connection with the settlement of accounts at the harvest. The two verbs in line 123 must be regarded as complementary, denoting the mutual reckoning when accounts are settled mutually.

### Commentary

- (i) Section 11 deals with the business relationship between the palace and the state trading merchants. In addition to section 10 further particulars are given, illuminating the general stipulation of section 3. Section 11, then, delineates the procedure by which the tripartite financial relations between the rent-payer, the merchant (as individual member of the *kārum*) and the palace itself are to be adjusted in conformity with sections 2 and 3 of the edict.<sup>3)</sup>
- (ii) From what we have seen above (cf. section 10) it is clear that the palace received such enormous surpluses of goods and other perishable commodities as revenue that it was forced to utilize the merchants for selling them. The relationship between palace and merchant here seems to be more or less the equivalent of that of a wholesaler to a retailer. In this way the merchant acted as official agent of the palace with the right to collect on its behalf the taxes in natura

<sup>1)</sup> CAD A/2, s.v. *atû* (Št - theme) 3 (p. 520). Cf. Von Soden, GAG, 106, o.

<sup>2)</sup> CAD H, s.v. *ḥarāṣu* A, 7, (AHw, p. 324); Driver-Miles, BL I, 191; BL II, 382. Cf. especially LH section O.

<sup>3)</sup> Cf. Finkelstein, RA 63(1969), 53.

directly from the rent-payers. On allocating these taxes to the merchant, the merchant had to issue a receipt to the palace for actually receiving the goods. Theoretically the palace thus forwarded the goods to the merchant, which he himself then had collect and dispose of by selling on a "retail basis". In other words, the merchant "bought" the goods from the palace, but took delivery directly from the rent-payers who produced them. By selling on retail the merchant made his profits. In this respect he remained free to carry out his own affairs as businessman.

At a specified time he had to pay the palace the basic equivalent of the goods he had received from the rent-payers in terms of other commodities needed and specified by the palace. The palace profited by this arrangement by having disposed of its surpluses, by eliminating the difficult task of collecting the "taxes" and finally, by not taking any risks in case some of the rent-payers could not meet their obligations. Unfortunately we have no evidence of the prices at which the palace "sold" the goods to the merchant, but we may surmise that the merchant made exceptionally high profits in view of the risks he took in these transactions. This type of transaction is entirely different from the one mentioned in section 10 whereby the palace acted as partner who provided "capital" for the commercial enterprises of the *kārum*.

- (iii) What happens in section 11 is that in case a rent-payer was unable to meet his obligations to the palace due to bad crops or other reasons, the merchant (who acted as "revenue collector") received from the rent-payer a contract stipulating that the merchant actually granted a loan of necessity to the rent-payer, thereby taking upon himself the obligation to pay rent-payer's "taxes" to the palace.

The rent-payer was, therefore, forced to make a loan from the merchant and had a contract executed in which the terms of the new loan would be stated. These loans would have accrued interest at the rate of  $33\frac{1}{3}\%$  for barley and 20% for silver. In this way the merchant obtained interest in order to compensate for the "taxes" of the rent-payer which he undertook to pay to the palace. Thus the merchant became the creditor of the rent-payer instead.

The only problem which could arise, was when a *mēšarum*-act was involved whereby all debts (thus all loans of necessity) and arrears of the rent-payers were remitted. In that case the loan contract between the merchant and the rent-payer was cancelled and rendered void. The merchant still would have to refund the "taxes" of the rent-payer to the palace in accordance with the receipt already given to the palace, at the time when the collecting of the "taxes" of the rent-payers was allocated to him by the palace. This transaction between the palace and the merchant, however, was regarded as a commercial transaction and consequently it was not to be affected by the *mēšarum*. Therefore, special arrangements were needed such as are stipulated in sections 11 and 12.<sup>1)</sup>

- (iv) The merchants could have attempted fraud by taking "invalid" contracts of such loans of necessity to the authorities responsible for the palace administration.<sup>2)</sup> These, then, would have been deducted from the total price of the merchandise recorded in the palace receipt. In order to circumvent such attempts of fraud the edict stipulates

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<sup>1)</sup> See also the discussion of Kraus (SD V, 83-85) and Bottéro, JESHO 4(1961), 129f.

<sup>2)</sup> For instance, if the contract was retained illegally by the merchant after he had already received the rentals and, moreover, if he issued other "normal" loans of necessity to the rent-payer, but now pretended that they were contracted in order to cover their rentals and obligations to the palace.

that the merchant should clear himself under divine oath.<sup>1)</sup>

- (v) Section 11 thus contains a specific stipulation by which the merchant is safeguarded against any losses which he would suffer from the remittance of the rent-payer's arrears and debts. Otherwise no merchant who was aware of the effects of a *mēšarum* would ever have issued a loan of necessity (covering his 'taxes') to a rent-payer. In such circumstances very large numbers of rent-payers would have been forced into debt servitude with serious effects on the economy of the country as a whole.

Section 12 (lines 129-142)

129. s i p a d (= *rē'û*). The reading s i p a is to be preferred.<sup>2)</sup>  
 ā b . g u d . ḥ i . a . According to Deller (Or NS 34, 273) and Goetze, (JCS 17, 85) it is to be rendered as *sugullu*,<sup>3)</sup> hence "cattle herdsmen". Note the collective plural.
131. Finkelstein suggests reading "carcasses" in the lacuna (RA 63 (1969), 61-64).
133. ā b (= cow) r i . r i . g a = *miqittum* means "carcass", "Kadaver" according to Finkelstein and Kraus respectively.<sup>4)</sup> Finkelstein suggests

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<sup>1)</sup> Kraus, SD V, 85. See also Bottéro-Finet, Repertoire, 183 and J.R. Kupper, Studia Mariana, 99-110.

<sup>2)</sup> AHw, s.v. *rē'û(m)* (p. 977); Borger, Zeichenliste no. 295 m; Seux, ERAS, 441-446; B. Hruška, Das Drehem-Archiv, in WGAV, 95 n. 25.

<sup>3)</sup> AHw, s.v. *sug/kullu(m)*, (p. 1053). See also Borger, Zeichenliste no. 420.

<sup>4)</sup> Finkelstein, ibid.; Kraus, SD V, 113-114: "dass RI.RI. g a keine Eigenschaft, sondern ein Gegenstand ist, nämlich ein Aas, ein Tierkadaver, oder charakteristische und aufbewahrbare Reste desselben." Cf. also AHw, s.v. *miqittu(m)* 2(d) (p. 657).

reading "sinews" in the gap (ANET, 527) and Bottéro "one shekel of silver". One would rather expect to read š e (barley), for the space is too small. Moreover, š e occurs in the following line in a similar context.

134-137. For the quantities, Kraus's and Finkelstein's translations are to be followed. Bottéro (p. 118, n. 1) gives a literal translation i.e.,  $1\frac{2}{3}$  mina equals 1 mina (= 60) +  $\frac{2}{3}$  (= 40) + 5 = 105 =  $1\frac{3}{4}(60 + 45)$  mina.

142. [x] x-*tim* can be restored to read [m] a-*tim*. *malûm* (Dt-form) is used here in the sense of "be made up, settled".<sup>1)</sup> One would expect a subject (masculine plural) which parallels "arrears".

### Commentary

- (i) Sections 12-19 explain in detail the effects of the general remission announced in section 2. In section 12 the affairs of the shepherds and *šusikku*-officials seem to be combined, since their obligations to the palace are fulfilled for the most part by "a single interrelated chain of transactions, although both groups are *nāši biltim*".<sup>2)</sup>
- (ii) It appears that the *šusikku*-officials held the same position as the merchant of section 11, i.e. that of intermediary or agent between the rent-payers (here the herdsmen) and the palace. It seems that the palace allocated the collecting of the "taxes" of the herdsmen to the *šusikku*-officials. The *šusikku* received these "payments" and turned them over to the palace at specified times. These pay-

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<sup>1)</sup> AHw, s.v. *malû(m)* (p. 597).

<sup>2)</sup> Finkelstein, RA 63(1969), 53.

ments consisted of the usable parts of sheep, goats and cattle, e.g., the wool, hides or skins and carcasses from these animals. Because the palace could not conceivably use up or store or process these carcasses and other non-edible rests, they were given to the *šusikku* who disposed of them. Thus the *šusikku* actually got these as a commercial loan from the palace. This loan he repayed according to fixed rates stipulated by the palace, e.g. for one sheep-carcass,  $\frac{1}{6}$  ... barley together with the skin and  $1\frac{3}{4}$  mina of wool. Unfortunately the text is too fragmentary to allow for a careful assessment of these tariffs.

Both Kraus (Staatliche Vielhaltung) and Postgate (JSS 20 (1975), 1-11) refer to the role of the palace herdsmen and their responsibilities and obligations. If losses occurred by accident, robbery or natural death, the herdsman had to report them to the *šusikku*-official. When the *šusikku*-official was satisfied that there was no negligence or wilful fraud on the part of the herdsman he issued a receipt in his favour. If, on the other hand, the herdsman could not provide evidence for the disappearance of the animals, the *šusikku* charged him to make good the losses, because the herdsman could have sold or butchered the animals, or he could have acted irresponsibly and negligently. In case the herdsman was unable to satisfy this claim i.e. to compensate for these losses, the *šusikku* extended the losses on credit at the settlement of accounts, thereby taking over the debts the herdsman owed to the palace. In such a case a document was drafted, presumably in the form of an interest-bearing loan of necessity, precisely as in the case of section 11. Over and above these loans other forms of loans of necessity plus the arrears would be expected.



A question that remains is why arrears should have occurred for the herdsmen. From texts listed, Kraus (SD V, 120-121) has proved that losses were carefully calculated on the total of the herds during the previous year. The officially accepted rate of losses was calculated at the rate of 10% for cattle and 15% for sheep on the total of the herds at the beginning of a specified year. Careful supervision could prevent such a high percentage of losses which then would have counted in favour of the herdsmen. At the yearly stock-taking (for cattle in the eighth and for sheep in the twelfth month) receipts were made out taking into account whatever losses and profits had occurred.

- (iii) A *mēšarum* would have cancelled all loans of necessity of the herdsmen.<sup>1)</sup> As such the *šusikku* who issued such a loan to the herdsmen stood in danger of losing heavily.

It is to be surmised that the king knew that the *šusikku* was going to suffer heavy losses in case of a *mēšarum* when all loans of necessity of the herdsmen would be cancelled. In order to compensate for these losses the king presumably changed the existing tariffs in favour of the *šusikku*.<sup>2)</sup>

### Section 13 (lines 143-146)

143. *babbilum*. This rare word has been studied by Kraus who renders it

<sup>1)</sup> The possessive suffix in line 40 could denote the arrears of both the herdsmen and those of the *šusikku*-officials. Kraus admits this possibility, but opts for the first case. He, however, expects another (lost) stipulation dealing exclusively with the arrears of the *šusikku*. However, the remittance of the arrears of shepherds and *šusikku*-officials is already mentioned in section 2.

<sup>2)</sup> Kraus, SD V, 116f; Bottéro, JESHO 4(1961), 131.

as "Zubringer".<sup>1)</sup> It occurs in a list of professions as a person who was engaged in the harvesting of barley and dates (MSL I, 169; MSL V, 77, 339). According to texts cited by Kraus, it seems that the *babbilum* was at work in a fortress, received rations and was called up for performing *ilkum*-service. As an officially appointed person his *ilkum*-service may have consisted of, among other things, the delivering of taxes in kind to the palace stores, overland or by ship.<sup>2)</sup> Moreover, it seems that the *babbilum* did not produce any agricultural products such as barley or dates, contra the CAD which regards the *babbilum* as a particular class of tenant-farmers.<sup>3)</sup> The edict, however, distinguishes between the rent-payer and tenant-farmers on the one hand and the *babbilum* on the other. It seems therefore more likely that the *babbilum* was regarded as the transporter of the vast quantities of agricultural products. One may surmise that he was allowed to take a small share for his own use according to a fixed rate.

### Commentary

- (i) Section 13 explains in detail the effects of the general remissions (section 2) for the *babbilum*.
- (ii) It also shows that the service of the *babbilum* implied a heavy obligation which could accumulate to severe indebtedness when he was unable to meet all his obligations. If he is not regarded as a tenant-farmer but as a transporter of agricultural products (the time he was

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<sup>1)</sup> Kraus, SD V, 123-124. Cf. CAD B, s.v. *babbilu* "bearer"; AHW, s.v. *babbilu(m)* "Kornträger".

<sup>2)</sup> Bottéro, JESHO 4(1961), 132-133. Cf. also Bottéro-Finet, Repertoire, 192.

<sup>3)</sup> CAD B, s.v. *babbilu*.

not engaged in the harvesting and winnowing of barley and other agricultural products), then it seems likely that this indebtedness could further incur losses for which he was responsible during transportation. He would then have been forced to make loans of necessity.

- (iii) The *mēšarum* cancels these loans of necessity and his overdue payments are also remitted.

#### Section 14 (lines 147-152)

147. *šibšum*: This term is known from various literary texts and contracts from the Old Akkadian to the Neo-Babylonian period. It can be related to the verb *šabāšum* meaning here "Kornabgaben einsammeln".<sup>1)</sup> By employing the well-known grammatical rule regarding the relationship between verb and noun whereby the action or process denoted by the verb (always a G-stem active) is applied to a specific substance or product, Finkelstein narrows down the meaning of *šibšum*. Hence it means a real product collected as rent "which might have been computed in some way on the basis of area rather than on yield, or perhaps on the husked corn".<sup>2)</sup> In his discussion of the term in its various contexts, Kraus shows that *šibšum* is a rent payment in natura to the palace.<sup>3)</sup> Its parallel use with *nasāhum* also suggests

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<sup>1)</sup> AHw, s.v. *šabāšum* (p. 1119).

<sup>2)</sup> Finkelstein, JCS 15(1961), 95f; See Postgate, TCAE, 187f.

<sup>3)</sup> Kraus, SD V, 126-132. This interpretation is followed by Von Soden, AHw, s.v. *šibšum* (p. 1227), viz. "Getreideabgabe". This interpretation is of course not new. Langdon (PSBA, 36(1914), 102f) pointed out as early as 1914 that *šibšum* denotes a "state tax" or "rent on land in terms of grain." Schorr, Seisachthie, SHAW (1915), 6 translates it with "Pachtzins" and Driver-Miles, BL II, 321, "corn-rent".

something of the procedure in which this payment was exacted, viz. the cropping of the fields by competent officials just before the actual harvesting starts.<sup>1)</sup>

Therefore Bottéro regards *šibšum* as a particular form of obligation different from "normal" rents and he renders it as "la taxe de *šibšu*".<sup>2)</sup> Kupper shows that it may be regarded as the rentals paid by a subject district to the palace.<sup>3)</sup>

From several Neo-Assyrian texts concerning land leases it seems that certain villages and estates were exempted from *šibšu* and other taxes such as *miksē*, *tibni*, (dues on straw) and *nusāhē* ("corn taxes") for longer or shorter periods. A clause about *šibšu* and *nusāhē* seems to have been incorporated in loan transactions when the land was handed over as pledge, but not necessarily in sale contracts. By the Middle Babylonian period *šibšum* had already lost its specific Old Babylonian meaning, viz. "a tax collected by the government on corn", and was applied to the entire crop.<sup>4)</sup> During the Neo-Assyrian period *šibšu* was the government tax on straw, and *nusāhē* on corn. The rate is specified as 10% on corn and 25% on straw. Usually the governor

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<sup>1)</sup> Kraus, SD V, 131-132.

<sup>2)</sup> Bottéro, JESHO 4(1961), 133; Cf. Bottéro-Finet, Repertoire, 258.

<sup>3)</sup> J.R. Kupper, Un Gouvernement Provincial dans le Royaume de Mari, RA 41(1947), 179. See also Burke, ARM XI, 131. For *šibšum* rents from Harmal, see Goetze, Sumer 14(1958), 37, 39. Steele, The University Museum Esarhaddon Prism, JAOS 71(1951), 4 col. iii, 5-6, translates the phrase *še 'i nu-sa-ḫi šī-ib-še mi-ik-si* with "grain levy, harvest rents and fees". Finkelstein, JCS 7(1953), 140 no. 82, has shown that these *šibšum*-rents were already exacted in Old Babylonian times. Cf. Ebeling, MAOG 15 1/2(1942) no. 57: 9f.

<sup>4)</sup> Postgate, TCAE, 174-199, esp. 182f; idem, Or NS 42(1973), 444. See also M. de J. Ellis, Taxation and Land Revenues in the Old Babylonian Period, 1969, Ch. 1.

must have assembled a force of tax collectors to go round the villages to make the collection right at the beginning of the harvest time.

Assessment of the amounts to be paid was probably carried out on the spot according to an ideal crop per homer figure which was presumably assessed beforehand for each village. Since this is true for the Neo-Assyrian period, it seems very likely that the same practice could have existed in the Old Babylonian period.

The recent publication of the Tell al Rimah tablets contains a text dealing with the *šibšum*-taxes: "Four homers of barley according to the measure for *šibšum*-taxes received by Kanganum. One homer of barley according to the measure for the *šibšum*-taxes in the department of Imgur-Šamaš received by Kanganum".<sup>1)</sup>

It can be surmised, then, that the *šibšum*-rents can be regarded as a rent due on tenanted fields, and payable in produce, mainly barley.<sup>2)</sup>

148. *bamātum* means "half, half shares".<sup>3)</sup> The CAD translates lines 147-148: "The arrears in *šibšū*-rent and the arrears in metayage agreements (lit. in halves) of the country of Suḫu". According to Driver-Miles, BL II, 321, *bamātum* is to be rendered as "half-rents".

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1) S. Dalley, et al., The Old Babylonian Tablets from Tell al Rimah, 1976, 137, no. 17. See also M. de J. Ellis, JCS 26(1974), 228f, 234f.

2) According to Finkelstein, JCS 15(1961), 95-96, "... it appears to be certain that at first the terms denoted the crop division between tenant and landowner, then the crop share exacted by the palace from palace-owned land occupied and cultivated by fiefholders, and ultimately in the more general meaning of 'tax' in which sense the term is borrowed in Aramaic".

3) CAD B, s.v. *bamtu* A (77f); AHW, s.v. *bāmtu(m)* (p. 101).

This term is used here in connection with dues assessed against the produce of the fields. Though rather obscure, it may be interpreted as a kind of rent in which the crop is divided equally between tenant and landlord, and operative usually where the landlord supplied the seed corn, the farming equipment and the animals.<sup>1)</sup> Contrary to this view Landsberger (JNES 8, 276f, n. 91) renders it as the rents of "Felder ausserhalb des Inundationsgebietes eines Flusses".<sup>2)</sup> Following this interpretation Kraus translates it with "Talrandgrundstücken". The latter, however, seems unacceptable, because section 19 deals exclusively with the "waste" fields which were given out for cultivation. Moreover, from the context it seems to be a certain kind of rent.<sup>3)</sup>

Suḥum was the large territory on the Middle Euphrates downstream from Mari but north of Babylonia proper.<sup>4)</sup> Its capital Anat was an island fortress on the Euphrates erected by Tukulti-Ninurta II.<sup>5)</sup> It was occupied by Hammurapi, and at the time of the edict it was a province of Babylon.<sup>6)</sup> The reason why only Suḥum was granted a general remittance of arrears is one of the most difficult and unsolved problems of the edict.<sup>7)</sup>

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<sup>1)</sup> Finkelstein, ibid., translates it with "half-share rents". See also ANET, 527, n. 6.

<sup>2)</sup> See also Kraus, SD V, 125.

<sup>3)</sup> Driver-Miles, BL II, 321; Bottéro, JESHO 4(1961), 134.

<sup>4)</sup> Finkelstein, RA 63(1969), 54 n. 1.

<sup>5)</sup> Kraus, SD V, 124-125.

<sup>6)</sup> Bottéro, JESHO 4(1961), 133, J.R. Kupper, Les Nomades, 44. See Landsberger, JCS 8(1954), 63 n. 148 who provides sufficient evidence for such an assumption.

<sup>7)</sup> Kraus, ibid., See also Walther, LSS VI. 4-6, 87 n. 2.

150. Note the variant reading of ms.B, viz. *é . ḫ i . a e r i m*, "the population of Suḫum". It is to be assumed that the collector (*mušaddinum*) is subject of the collecting.

### Commentary

- (i) This section explains further detail in connection with the precise contents of section 2.
- (ii) The terms *šībšum* and *banātum* are to be regarded as special "taxes" levied upon the tenant-farmers of the Suḫum-province, in addition to the usual taxes all the farmers of the Old Babylonian empire had to pay.<sup>1)</sup> The agricultural land in this region apparently stood under some special form of proprietorship of the palace and was expected to yield substantial rents to the palace.<sup>2)</sup> The reasons for such special "taxes" are difficult to assess. It might have been a more fertile area without the problem of excessive salinisation.
- Alternatively one could argue that the king imposed special "taxes" because this area was conquered, and too much wealth could eventually lead to rebellion. By overburdening the population economically, the king could forestall such action.
- (iii) The edict contains special provisions for these people in order to alleviate their obligations to the palace. The additional taxes

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<sup>1)</sup> Bottéro, JESHO 4(1961), 134.

<sup>2)</sup> Finkelstein, RA 63(1969), 54.

presumably caused excessive debts which would have accumulated during the preceding years. Overindebtedness could lead to a decrease in production of barley. Therefore the king made an exception in favour of the Suhum-area by allowing the remittance of their arrears on barley (which are *šibšum* and *bamātum* payments) due to the palace.

Section 15 (lines 153-161):

153. The term *z a g . ḥ a = e n k u* (Akk. *mākisu(m)*) denotes the official crop assessor of taxes in terms of produce. Von Soden takes this as "Einnehmer", i.e. the person officially in charge of collecting the *miksum*-tax.<sup>1)</sup> Kraus in his study of both the verb and its derivatives (*mākisu(m)*, *miksum*) made it clear that these terms are used in connection with duties or levies assessed according to the produce of the fields.<sup>2)</sup>

Finkelstein takes this as "crop impost officer", which is rather similar to Kraus's rendering of "Ernteertragsverteiler"<sup>3)</sup>. From the Neo-Assyrian texts it is clear that *mākisu* is to be regarded as a "tax-collector" who was employed in this capacity for a limited period only.<sup>4)</sup> However, it is preferable to take *mākisu* to mean

<sup>1)</sup> AHW, s.v. *mākisu(m)* (p. 588). Schorr, VAB 5 no. 126 takes this as "eine Abgabe erheben".

<sup>2)</sup> SD V, 133-143. See now also the important study of M. de J. Ellis, Taxation in Ancient Mesopotamia: The History of the term *miksu*, JCS 26(1974), 211-250, esp. 217-219.

<sup>3)</sup> ANET, 527-8; AS 16(1965), 238. See CAD S, s.v. *šihhirtu* for "crop distributor".

<sup>4)</sup> J.V. Kinnier Wilson, The Nimrud Wine Lists ..., 1972, 18; see also Postgate, TCAE, 134 who shows that the *mākisu* was appointed by the governor as tax-collector. "Probably the tax-collectors he (the governor) appointed had not previously held the title of *mākisu* - if, indeed it was thought of as a title - but had been ordinary administrative members of his staff, or else military officers".



"assessor" i.e. the official who determines the (palace's) proportion of the produce that the tenant is obliged to deliver as *miksu*-payment.<sup>1)</sup>

Hence we again have as background "crop-sharing with state/landlord on the one hand and tenant on the other. This sort of (state) crop-sharing was probably a special privilege of the citizens of Babylon and its vicinity - most probably because Babylon and Borsippa are listed as having *kidinnūtu*.

*g ū . u n* (= *biltum*). This term denotes among other things, the yield of a field, garden or flock, the produce of a region, tax payable to the king, or rent payable to the lessor of a field or a garden.<sup>2)</sup>

Kraus correctly interprets it here as "Feldabgabe", i.e. the proportions or shares to be paid out as rent for the fields planted with barley, sesame or other smaller crops. This is illustrated in an Old Babylonian letter from Harmal which states: *inanna aššum g ū . u n uḫhurat anniš altansakan ... ana šītat g ū . u n ba-ab-te é a[na] maḫārim lupputāku*, "Now I am in trouble<sup>?</sup> here because the tax is overdue, I am behind in receiving the balance of rent outstanding to the estate".<sup>3)</sup>

Several other Old Babylonian contracts and legal texts refer to *biltum* as the rent payable to the lessor of the field or garden. LH sections

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1) According to Ellis, *op.cit.*, 228f, *miksu* refers to an amount of impost that had to be paid, both on the initial production, and on any increments in value the harvest acquired through sale and speculation.

2) CAD B, s.v. *biltu* 3, 4 (p. 229f). Cf. LH section 64: 65.

3) CAD B, p. 232. Cf. Goetze, Sumer 14(1958), 14 no. 1: 35, 38.

45, 46, 62 refer to a person who gives his field to a tenant-farmer for rent (*ana g ú . u n*). Cf. also CT 4, 28: *aššum g ú . u n eqlija ša šaddaqa la uqattia u ša šatti annītim l s i l a š e la laqiāku*, "as to the rent for my fields which he did not pay in full last year and of which I have not got one sila of barley this year" ...<sup>1)</sup> The CAD regards the lessor of the field to whom the *biltum* is to be paid as a private individual.<sup>2)</sup> From our text it seems that it also denotes the rent payable to the palace by the tenant-farmers (*nāši biltim*) such as the *rēdūm*, *bā'imum* and other performers of *ilkum*-service, and not merely the tax. In other words, the palace lets out fields for cultivation on the basis of crop-sharing. The tenants have to hand over as *biltum* of the fields a certain proportion of the produce in addition to other taxes.<sup>3)</sup>

*šehhertum* appears here to be something like the "smaller" crops, contra barley and sesame, which are the main crops.<sup>4)</sup> It is possibly an all-embracing term for less common types of seedlings, such as leguminous plants.<sup>5)</sup>

154. *ra-bi-i* is an adjective used as an attribute for some persons now lost in the break. Bottéro suggests "les grandes possédants".

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<sup>1)</sup> Cf. CAD B, s.v. *biltu* 4b (p. 234).

<sup>2)</sup> The CAD Š, s.v. *šihhirtu* translates this section of the edict as follows: "the crop distributor, to whom is distributed the yield of the field(s), (namely) the barley and sesame and minor crop of the tenant farmer, of the ..., of the citizen, of the soldier, of the fisherman, and of the holder of any special *ilku*-field in Babylon or its environments - it shall not be (so) distributed to him". Note that *biltu* is regarded as "yield" here.

<sup>3)</sup> See J. Renger, CRRA 18(1972), 168-173.

<sup>4)</sup> CAD Š, s.v. *šihhirtu* "minor crops". AHW, s.v. *šehhertum* (p. 1088, 2).

<sup>5)</sup> Kraus, SD V, 161.

155. *muškēnum*. Kraus has argued that this term means "Bürger" (common citizen) as opposed to *awēlum*, which he takes to be a small and exclusive noble stratum. Despite severe criticism<sup>1)</sup> Kraus keeps to this interpretation.<sup>2)</sup> Finkelstein finds Kraus's arguments far from convincing, although he concedes that in specific contexts *muškēnum* can denote the entire civilian citizenry, which is subservient to the king, and for whose well-being the king is morally responsible. The term appears to denote "a variety of people whose economic resources depended in whole or in part on some relationship to the crown. Before the law and in the social consciousness the position of the *muškēnum* emphasizes not so much his subservient status ... as the obligation of the crown to pay special attention to his interests" (JCS 15(1961), 97). According to Speiser the *muškēnum* is to be regarded as "state-dependent" and therefore his legal status implies that he is singled out for protection as a ward of the state.<sup>3)</sup> Driver-Miles, BL I, 80f translate it with "villein" but they assume too much of a feudal system in operation. Von Soden regards it as a term for persons who have settled on royal land and enjoy the protection of the king in exchange for their services. Such persons were mainly freed men and former nomads.<sup>4)</sup> This last specification, how-

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<sup>1)</sup> See I.M. Diakonoff, *Slaves, Helots and Serfs in Early Antiquity*, WGAV (1976), 50; *idem*, *On the Structure of Old Babylonian Society*, Beiträge zur sozialen Struktur des alten Vorderasiens, Klengel (ed.), 1971, 22f; *idem*, Society and State in Ancient Mesopotamia (Russian), 1959; *idem*, *Socio-Economic Classes in Babylonia and the Babylonian Concept of Social Stratification*, CRRA 18(1972), 41-52; Finkelstein, JCS 15(1961), 96-99; Petschow, ZS 77 (1960), 413.

<sup>2)</sup> F.R. Kraus, Vom Mesopotamischen Menschen ...., 1973, 91f.

<sup>3)</sup> *The muškēnum*, Or 27(1958), 19-28.

<sup>4)</sup> Von Soden, *muškēnum* und die Mawāli des frühen Islam, ZA 56(1964), 133-141. See also B. Kienast, *Zu Muškēnum = Maula*, CRRA 18(1972), 99-104.

ever, lacks any factual support except that the *muškenū* are more often mentioned in the Mari letters than in the Old Babylonian records.<sup>1)</sup>

Diakonoff regards *muškenum* as a very general term. The reason for this lies in the fact that the Old Babylonian royal letters and LH distinguish between an upper group of royal servants whose obligation towards the king was service, e.g. as administrative officers, functionaries or as skilled craftsmen, and a lower group whose obligation was the creation of material wealth for the palace, whether in produce of the crafts, or of agriculture. "Originally both groups were probably classed as *muškenū*. However, the richer group had more opportunities to buy community land and thus becoming *awīlū*",<sup>2)</sup> but there is no contrast between the *awīlū* as an aristocracy and the *muškenū* as the common people. Diakonoff also shows how the scope of the term seems to have dwindled. "Thus, the Edict of Samsuiluna mentions the *iššakkum* and the *nāš [biltim]* in the narrow sense of the word (*nāš biltim* probably meaning in this case workers of the royal estate other than agricultural hands and herdsmen) and includes both these categories into the term *nāš [biltim]* in its wider sense, viz. 'royal workers producing material wealth': but the Edict of Ammišaduqa (§ 13 = § 15) employs the term *nāši biltim* apparently in the sense of the earlier *iššakkum*, i.e. meaning 'agricultural workers of the king' and *muškenum* apparently in the wider sense of *nāš [biltim]* of the earlier text and not in the general sense

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<sup>1)</sup> Cf. I.M. Diakonoff, On the Structure of Old Babylonian Society, Beiträge, Klengel (ed.), 25-27.

<sup>2)</sup> op.cit., 27-28; Yaron, The Laws of Eshnunna, 1969, 83-95.

of 'royal servants' as in the Laws of Hammurapi".<sup>1)</sup>

The terms *rēdūm* (a g a . u š) and *bā'irum* (š u . ḫ a) are usually grouped together and have been variously translated as "soldier, sergeant, runner, gendarmes" and "fisher, Fänger, marins", etc..<sup>2)</sup>

They seem to have similar responsibilities to the palace.<sup>3)</sup> These two terms frequently occur together in LH and in the Mari correspondence.<sup>4)</sup> As specified groups of tenants of crown lands they have a wide range of duties. By performing military service they received fields in tenure as compensation.<sup>5)</sup>

*ilku* *aḫum*: This term also described a group of tenants performing a special service to the palace.<sup>6)</sup> Driver-Miles (BL I, 125) and Kraus (SD V, 37) regard them as "alien" fiefholders. Bottéro translates the term "tenants de charges spéciales". It seems that this term is used to embrace all other groups of state dependants (except for the *rēdūm* and *bā'irum*) to whom the palace granted fields in return for which services were rendered. These terms, then, denote the various groups of persons owing (annual) rents and services

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- 1) Diakonoff, op.cit., 29. His interpretation was recently followed by J. Klíma, *Im ewigen Banne der muškēnum-Problematik?*, WGAV, 267-274. He discusses the interpretations of the various scholars mentioned. See also Gadd, CAH 2/1(1973), 218f; Kraus, op.cit., 102f and Landsberger, Symbolae M. David (1968), 72 n. 3.
- 2) Cf. translations by Driver-Miles, BL I, 111f; BL II, 161f; Bottéro, JESHO 4 (1961), 136; Kraus, SD V, 37; Finkelstein, ANET, 528.
- 3) V.A. Jacobsen, *The Legal status and property qualifications of the r-soldier in the time of I Dynasty Babylon*, VDI (1963), 121-141 (not available to me).
- 4) Cf. discussions of Driver-Milers, BL I, 111-127 and Walther, LSS VI 4-6, 173-177.
- 5) CAD B, s.v. *bā'iru* (p. 32-33).
- 6) CAD I and J, s.v. *ilku* (p. 79) and AHW, s.v. *ilku(m)* (p 371f).

to the palace "as labourers of the state".<sup>1)</sup> It is to be assumed that they constituted the poorer classes of society who were encumbered with socio-economic and legal impedimenta. It was for such people that the *mēšarum*-acts were designed in the first place, and it was the mark of a diligent *šar mēšarim* to pay particular attention to those socially and economically handicapped.<sup>2)</sup>

160. *takšitum*: This is a verbal abstract D-form of the verb *kuššû(m)* "to make a (commercial) profit".<sup>3)</sup> The expression occurs also in VAS 8 71:18: *ana harrānim illikuma ukaššû*, "they went on a business trip and made a profit"; cf. *takšitam ša ú-kà-šu-ú šitta [qātēn]* PN *ilaqqe* "(as to) the profit they will make, PN will take two thirds (PN<sub>2</sub> one third) " (=ICK 2, 60:7)<sup>4)</sup>

The term also denotes "business management"<sup>5)</sup> or merely "abundance".<sup>6)</sup> It seems therefore that these groups of tenants produced barley with the specific intention to sell it on a profit-making basis, in addition to the barley produced on a crop-sharing basis (with the palace as share-holder).

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<sup>1)</sup> Diakonoff, *Slaves, Helots and Serfs in Early Antiquity*, WGAU, 49. His idea of "state" can of course not be accepted for it was actually the palace which controlled the affairs of the empire belonging to the king. See Oppenheim, Ancient Mesopotamia, 97-109.

<sup>2)</sup> Finkelstein, JCS 15(1961), 97; see LH xxiv b, 59f.

<sup>3)</sup> CAD K, s.v. *kašû* B; AHW, s.v. *kašû(m)* II (p. 463); Kraus, SD V, 157-158.

<sup>4)</sup> CAD K, s.v. *kašû* B 2.

<sup>5)</sup> Landsberger, *Remarks on the Archive of the Soldier Ubarum*, JCS 9(1955), 128 n. 59.

<sup>6)</sup> Lambert, AfO 18(1957-58), 44 n. 12.

161. *miksum*. See philological notes, line 153 (section 15). This is to be related to the verb *makāsum* "take in, distribute, levy, assess". According to Landsberger (MSL I, 191) this verb denotes "die Teilung des Ertrags zwischen Pächter und Verpächter"; in other words, crop-sharing. Kraus has shown from various contracts that the proportion generally was taken to be  $\frac{1}{3} : \frac{2}{3}$  to landlord and tenant respectively.<sup>1)</sup>

The question arises whether this crop-sharing applies only to the private relation between landlord and tenant as Landsberger states categorically? Kraus is convinced that it is applicable to the sphere of public tax as well (SD V, 139). *miksum* here is therefore to be regarded as the assessed share of the produce of a field payable as rent to the palace.<sup>2)</sup>

*labirtum* denotes "the status or possession of long standing" or "an outstanding debt" or "past times".<sup>3)</sup> The CAD translates lines

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<sup>1)</sup> Kraus, SD V, 133-143. See also R. Harris, Ancient Sippar, 45-6.

<sup>2)</sup> The term occurs frequently in the Neo-Assyrian period and is used in connection with royal grants, in the meaning of "tax" or "dues" (Postgate, RGD, p. 10). "I wrote afresh their tablets of exemption (*ṭuppi zakutīšumu*) and increased and magnified it higher than it had been before; I exempted them from corn taxes and straw taxes (*š e nusāḫē šibšē*), (and) from dues (*miksē*) on quay and crossing. I established their freedom (*andurāru* = annulled their debts) and I erected the *kidinnu* for all time at their city gate". Borger, Esarh., 2iii 3-15; Postgate, TCAE, 132. Note also the relationship between *zakūte andurāru* and *kidinnu*. See also Ellis, JCS 26(1974), 211-250. The word *miksu* also occurs in AT 108: 6 in a letter to Utti requesting exemption from "transit-tax" for donkeys on which *miksu*-tax is disputed. Cf. H. Klengel, Geschichte Syriens I, 1965, 223. In the Neo-Babylonian letters it designates "Zoll, Abgabe" (cf. Ebeling, Neubab. Briefe, 1949 no. 44). See also U. Massing, Akkadisches miksu in Osteuropa, WGAU, 1976, 521-26.

<sup>3)</sup> CAD L, s.v. *labirtu*. AHW, s.v. *labirtu(m)* (p. 523) refers to this expression *mīkis l.*, "von früher her (geltende) Ernteanteil". See also Kraus, SD V, 158-160.

160-161 "The barley (owed) due to sales and business transactions will be collected according to the tax of earlier times".

### Commentary

- (i) Sections 13-15 deal with the various types of imposts and rents owed to the palace from agricultural activity and crop production on lands held in one or other form of tenancy from the palace. Sections 13 and 14 remit the arrears of the *babbilum* and the people of Suḫum respectively. Section 15 is concerned with the effect of the edict upon the share-cropping of palace-owned lands held both by the rent-payers of the palace (*nāši biltim*) and by fiefholding groups who were obliged to perform various kinds of service to the palace.<sup>1)</sup> As such section 15 is to be regarded as a further detailed description of the effects of the general remission announced in section 2.
- (ii) The *mēšarum* specifies the remission of the assessed (impost) shares of the different crops owed to the palace as rent for the fields. It is restricted only to the tenant-farmers from Babylon and its vicinity, excluding the rest of the country, probably because Babylon enjoyed special "privileged status" (*kidinnūtu*). The intention might also have been to encourage the people nearest to the capital to continue in their loyalty to the ruling dynasty. Moreover, the remission only applies to the barley, sesame and minor crops needed for private consumption and perhaps also the barley needed as seed-corn for the next season. It does not concern, however, the barley destined for sale or commercial profit. Hence the king would be regarded as the one who feeds his people.

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<sup>1)</sup> Finkelstein, RA 63(1969), 54.



It would further prevent the tenant-farmers from selling the essential seed-corn as did occur sometimes when debts reached an unbearable level.<sup>1)</sup>

- (iii) This section also shows the palace's interest in the activities of the tenant-farmers by means of crop-sharing. The palace let out fields for cultivation to these mentioned groups of palace dependents.<sup>2)</sup> It presumably supplied the seed-corn and most probably also the essential implements; and by taking a proportion of the produce (one-third) and not a tax levied on the size of the field, the tenant-farmers were encouraged to cultivate the fields more intensively and consequently production was increased. It is also to be surmised that crop-sharing was an additional income to some of these tenants and not the only source (cf. section 14).
- (iv) The remission would concern only the produce of the current year. It would nevertheless have benefited the tenant-farmers immensely through gaining the extra third of the crop. The unexpectedness of the *mēšarum* could also have effectuated a continuous high production level, for the higher the produce the more there was to profit from a *mēšarum*.
- (v) The *mēšarum* is therefore not only limited to the arrears on taxes for these groups of people in Babylon and its vicinity, but it also implies the remittance of the palace's share of the production from the fields cultivated on a crop-sharing basis.

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<sup>1)</sup> Bottéro, JESHO 4(1961), 136, "nourriture et réserves pour ensemencement".

<sup>2)</sup> The translation "crown dependent" has now found wide acceptance (cf. Bottéro and Finkelstein).

(vi) The people who benefited from the *mēšarum* were the poorer socio-economic classes who were largely dependent on the palace. The six groups concerned, e.g. the *nāši biltim*, the big ..., the *muškēnum*, the *rēdūm*, *bā'irum* and *ilkum aḫum* constituted the main part of all persons involved in agricultural activities.<sup>1)</sup> This is additional proof of the basic agricultural character of the Old Babylonian economy.<sup>2)</sup>

Sections 16 (lines 162-167) and 17 (lines 168-170)

162. m í . l ú . d i n . n a (= *sabītum*). The reading m í . l ú . k u r ú n . n a is, however, suggested by Von Soden but in that case it is to be expected that TIN/DIN should be supplemented by (KAS + TIN) = k u r u n .<sup>3)</sup> The masc. *sā/ību'u* or *sā/ībū* is identical with the Aramaic כַּבָּר "barman" and the fem. *sābītu* with אִתְּיָבָר "barmaid".<sup>4)</sup> According to Driver-Miles *sabītum* is to be rendered as "ale-wife". Finkelstein translates it with "taverness"<sup>5)</sup>. It is, however, proposed that it be read "female innkeeper". The mere fact that section 16-18 are devoted to the activities of the *sabītum*, stresses the importance of her role in the Old Babylonian economy.<sup>6)</sup> These sections also

1) Petschow, *RLA* III, 273. Finkelstein, *RA* 63(1969), 54 believes that the *en si* (= *iššakku*) of section 2 is used as an all-embracing term to cover all the various groups of tenant-farmers of palace-owned fields. All of them normally paid annual rents and/or crop shares to the palace.

2) R.L. Heilbroner, *The Making of Economic Society*, 1972, 32f.

3) *AHw*, s.v. *sābītu(m)* which follows Kraus, *SD* V, 161f, ("Schankwirtin"). See also Landsberger, *Zu den Frauenklassen des Kodex Hammurabi*, *ZA* 30(1915/16), 72 n. 1 and Borger, *Zeichenliste* nos. 214, 465.

4) Driver-Miles, *BL* II, 197f.

5) Finkelstein, *JCS* 15(1961), 99 n. 11. Cf. *ANET* 528 and Bottéro-Finet, *Repertoire*, 252 ("cabaretière").

6) Bottéro, *JESHO* 4(1961), 136-137.

relate closely to the provisions about the *sabītum* in LH 108-111 and LE 15 and 41. Both in the edict and in LE 15 the business activities of the *sabītum* are partly treated parallel to those of the *tankārūm*.<sup>1)</sup> According to Driver-Miles BL I, 202f, the *sabītum* was a woman whose reputation was none of the best, who was engaged in the sale and preparation of liquors.

From LH 108 it is clear that she could obtain payment for her beer by illegal methods. She could refuse to be paid in barley but demands silver, and when she gets it, she uses a false weight. As such she misuses her position as innkeeper. LE 15 prohibits her from taking silver, barley, wool or oil from a slave for speculative purposes. She acts as a "merchant" or poker in the rural areas, especially on the crossroads. The tavern was in fact a place for economic exchange, especially for foreigners.<sup>2)</sup> There she sells not only beer, but also barley. Moreover, a great deal of the economic life of the rural areas centres around the *sabītum*'s activities. Finkelstein regards the *sabītum* as belonging to the category of *nāši biltim* and therefore she is covered by that general classification in section 2, rather than under her specific title.<sup>3)</sup>

163. *še'u*. The word order varies in the two different copies of the edict.<sup>4)</sup>

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<sup>1)</sup> Finkelstein, JCS 15 (1961), 99. See also Goetze, The Laws of Eshnunna, AASOR 31 (1956), 56-57, 107 and R. Yaron, op.cit., 98-100.

<sup>2)</sup> D.J. Wiseman, Rahab of Jericho, TB 14(1964), 8-11, regards Rahab as typical of the *sabītum*.

<sup>3)</sup> RA 63(1969), 54.

<sup>4)</sup> Cf. Kraus, SD V, 162-163 and L. Matouš, BO 16(1959), 94.

168. *qāpum*. According to Kraus it means here nothing more than "verbor-gen"<sup>1)</sup>, hence, "to give on credit", or "advance a loan". Bottéro regards this as a non-interest-bearing loan.<sup>2)</sup> It is, however, not clear why it should have been regarded as such. The *sabītum* would only have profited by an interest-bearing loan, especially if the interest on barley normally accrued  $33\frac{1}{3}\%$ .

### Commentary

- (i) Sections 16 and 17 should be regarded as one.<sup>3)</sup> While section 16 concerns the remittance of the arrears on silver and barley owed by the *sabītum* to the palace, section 17 in reciprocal manner, prohibits her in her capacity as creditor from exacting payment from her debtors.
- (ii) The exact nature of the *sabītum*'s obligations is not described, except for a statement in section 16 that they consisted of barley and silver which had to be paid as annual "tax" to the palace.
- (iii) If other obligations were involved, it is to be expected that these would have been specifically mentioned here. The *mēšarum*, however, concerns here only the remittance of the arrears on "business"-level, nothing more.

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<sup>1)</sup> Kraus, SD V, 163. Cf. also AHW, s.v. *qīāpu(m)* (p. 919), "anvertrauen, auf Vorschuss geben". See philological notes, line 55 (section 6) and Yaron, op.cit., 98-99, 101.

<sup>2)</sup> JESHO 4(1961), 119.

<sup>3)</sup> Kraus, SD V, 162; Bottéro, JESHO 4(1961), 137.

- (iv) Because the *sabītum* played such an important role in the economic life of the country, the remittance of their arrears owed to the palace is to be expected. By having more capital at hand, new loans would have been extended to the inhabitants of the rural areas. Moreover, this would compensate for their apparent losses since the loans of necessity of the tenant-farmers were cancelled by the palace (see section 17). This would also provide the essential capital needed by the *sabītum* to run her business.
- (v) Section 17 orders the *sabītum* to write off the debts or loans of necessity of her "clients" as compensation for the remittance of her arrears. One can understand why the palace discourages the selling of beer on credit (Cf. LH, section 111). This provision, then, encourages the *sabītum* to let her poorer "clients" pay in "cash" for whatever beer or barley they needed as consumer-goods; otherwise she could suffer severe losses when a *mēšarum* was enacted. In practice, however, she would continue to give credit (and receive interest) until she becomes aware of an impending *mēšarum*.
- (vi) Thus the edict endeavours to discourage "easy" loans of consumer-goods. This would prevent the collapse of the economy under too great a weight of private debt, should any catastrophe cause a reduce production of staple commodities. It would also prevent the creditors from gaining too much (economic) power over the tenant-farmers. In fact, the edict intends to prevent the excessive accumulation of private wealth in too few hands.<sup>1)</sup> Therefore it cancels debts owed to the *sabītum* by these poor people.

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<sup>1)</sup> D.J. Wiseman, Law and Order in Old Testament Times, Vox Evangelica 8(1973), 11.

Section 18 (lines 171-173)

172. The reading of this line is rather uncertain, due to the fragmentary state of the text. Kraus's (SD V, 163) restoration can be accepted, namely, that it deals with "dishonest (*la kittum*) weights".

In an economy based on the standard shekel of barley and silver as monetary measure, cheating by false weights could easily occur. Proper weights and measures had to be standardized according to the sizes specified by the palace.<sup>1)</sup> This may be related to LH section P.

However, since the restored form of *kuruk* is in the construct, one would expect a noun which it qualifies, such as *tuppmim*? This does not seem likely here; therefore *kuruk* can also be regarded as "seal". (Cf. CAD K, s.v. *kurukku*, "seal, seal impression produced by a cylinder seal"). In that case one would expect the missing verb to be either *šuzūbum*, i.e. "whoever issues/impresses a false seal on a tablet" or *ittadū*, "places their impressions?" or *putru*, "removes a seal impression?".<sup>2)</sup>

In both of these cases capital punishment is demanded.

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<sup>1)</sup> Saggs, Greatness, 292; Wiseman, Vox Evangelica 8(1973), 6; Driver-Miles, BL I, 180-184; BL II, 191-192.

<sup>2)</sup> Bottéro, JESHO 4(1961), 119; J. Nougayrol, PRU III (1955), 96-98. See also J. Brandis, Das Münz - Mass - und Gewichtswesen in Vorderasien, 1966, 43-53; A.R. Burns, Money and Monetary Policy in Early Times, 1927, 171-177 and F. Thureau-Dangin, RA 18(1921), 123. Note that the merchant is described in the Nanše-hymn as one who "substitutes the small weight for a large weight; the small measure for a large measure". See S.N. Kramer, CRRRA 18(1972), 118. Ur-Nammu standardized weights and measures to prevent these iniquitous practices (see LU Prologue).

Commentary

- (i) Despite the fact that it is concerned with the *sabītum*, section 18 does not follow any earlier rule of the edict, but is a general rule about fraud that has nothing to do with the immediate purposes of the edict proper.<sup>1)</sup>
- (ii) This section shows the close association between the *sabītum* and *tamkārūm*, both of whom are regarded as money-lenders.
- (iii) The death penalty imposed on these people if caught using false weights or seals, recalls the provision prevalent in LH section P. This demonstrates the purpose of law, namely justice.

Section 19 (lines 174-181)

174. [*rēdīm ù bā*]<sup>1)</sup> *irum* has been so restored by Kraus since it also occurs in line 181 as the subject of the sentence. For these terms see philological commentary, line 155 (Section 15).
175. Kraus suggests reading a . š à *ta-ap-ta-am* in the lacuna instead of the more common a . š à *te-ep-ti-im*, "a new field for developing", literally, "opening up" (*petû*).<sup>2)</sup> Kraus quotes as evidence a lease contract from the time of Abi-ešuh.<sup>3)</sup> The term clearly concerns the lease for the development of a "waste" field to make it

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<sup>1)</sup>Finkelstein, RA 63(1969), 54 n. 3. See also Finkelstein, JCS 15(1961), 99f.

<sup>2)</sup>Driver-Miles, BL I, 136f; BL II, 27.

<sup>3)</sup>SD V, 164.

a cultivated area.<sup>1)</sup> The *rēdūm* and *bā'irum* were paid for their services to the palace by being granted "waste" land which they then could cultivate. A tax-free period of three years was allowed before the field could yield its produce in full. Thereafter rent had to be paid as a proportion of the produce.<sup>2)</sup>

(w)*ašūm* (Š-theme). This verb occurs frequently in LH meaning "let go out" and in a fixed expression in connection with property "to lease" (LH sections 42-47).<sup>3)</sup>

176. Kraus suggests reading [*i-li-ik la-bi-ir-t*]im in the lacuna. This is possible since the expression *ilkam alākum* is frequently used in LH meaning "to perform the *ilku*-service to the palace". Cf. sections 27, 28, etc..<sup>4)</sup>

*labirtum* here means "customary" or "usual".<sup>5)</sup>

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<sup>1)</sup> Bottéro, JESHO 4(1961), 138-140. Cf. Driver-Miles, BL I, 138-139. It is either "new" land or land that has fallen out of production due to salination. See Th. Jacobsen - R.M. Adams, Salt and Silt in Ancient Mesopotamian Agriculture, Science 128(1958), 125 ff; Th. Jacobsen, Summary of Report by the Diyala Basin Archaeological Project, Sumer 14(1958), 79f.

<sup>2)</sup> Landsberger, JNES 8(1949), 278, n. 97.

<sup>3)</sup> CAD A/2, s.v. *ašū* 7c 2 (p. 378).

<sup>4)</sup> Driver-Miles, BL I, 112, 118-9. According to CAD I and J, s.v. *ilku* A 1 a-2; 2a,b,c, etc.; CAD A/1, s.v. *alaku* 4a (p. 313) it is to be rendered as corvée work. Cf. G. Boyer, PRU III, 1955, 295f.

<sup>5)</sup> Kraus, SD V, 158-160; CAD L, s.v. *labirtu*.



177. Kraus's restoration [ina ša-at-ti]m an-[n]i-tim is to be accepted.<sup>1)</sup>
179. a-[li-š]u. Kraus mentions the possibility that the restoration ālišū could just as well be rendered as a.[š à -š]u, "his field".

### Commentary

- (i) Section 19 seems to combine two different issues, i.e.
- (a) a permanent regulation regarding the *ilkum*-service for a "waste" field;
- (b) the reduction of the usual *miksum*-tax as result of the *mēšarum*.

Regarding (a): It is known from LH section 44 that rentals on "waste" land are only due in the third year of the lease of such land. In return for their services, the *rēdūm* and *bā'irum* are granted the lease of a "waste" field for cultivation ("opening up"). No rent in any form whatever is due on this lease until the third year. Moreover, this "waste" field is leased in addition to other "cultivated" fields of the *rēdūm* and *bā'irum*. In this way the palace encourages the cultivation and development of new fields which would eventually result in higher food production. This in its turn would stimulate the agriculture-based economy.<sup>2)</sup> Another reason lies perhaps in the so-called "Ordnungdenken" which urges the king to make order out of the chaos, even in the agricultural sphere. Also in section 19 this measure of the edict is only applicable to the leasing of "new" fields and not to the other cultivated fields which the *rēdūm* and

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<sup>1)</sup> Kraus, SD V, 164-165.

<sup>2)</sup> Kraus, SD V, 164-166; Bottéro, JESHO 4(1961), 139-40; Petschow, RLA III, 273.

*bā' irum* have rented. As such it must be regarded merely as a confirmation of an old existing law.<sup>1)</sup>

Regarding (b): The edict states that, because of the *mēsarum*, the *rēdūm* and *bā' irum* shall pay as rent either one third or half of the crop according to the assessment of their town. In the present year the usual rents, to be paid as shares of the crops produced, are thus reduced.

A question now arises: Does this apply to the "waste" fields that have been leased for more than two years<sup>2)</sup> thereby excluding theoretically two-thirds of these people who have taken on the cultivation of the "waste" land? Alternatively, does this apply to the cultivated fields on the produce of which the *rēdūm* and *bā' irum* as the lessees have to pay the usual *miksum*-tax annually according to the assessment of their town, thereby excluding all other tenants who have leased cultivated fields?

An answer to these questions depends on the correct understanding of the taxation system applicable to them. The *miksum*-tax (specified at one third or a half of the produce of the field at the assessment of the town) can be understood in two different ways.

- (1) In the first place it means that the *rēdūm* and *bā' irum* have to pay as tax one third or one half of their entire crop. This

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<sup>1)</sup> Driver-Miles, BL I, 138-139.

<sup>2)</sup> As stated under (a) the lessee had to pay rent on the produce of the "waste" field only in the third year.

seems to favour the palace and not the tenant for it most probably indicates the customary ratio of the town. Since it is not reduced, no *rēdūm* and *bā' irum* would benefit by the edict. This seems contrary to the general tenor of the edict which intends to alleviate the obligations and taxes of rent-payers including the *rēdūm* and *bā' irum*. (Cf. section 15).<sup>1)</sup>

- (2) Secondly, this provision could imply that the *rēdūm* and *bā' irum* only had to pay one third or half of the local customary tax. In this case their rentals would be reduced to a large extent and they would benefit immensely. This would also be in accordance with the general tenor of the edict.
- (ii) It seems most likely that the reduction of taxes in this section is only applicable to the *rēdūm* and *bā' irum*, who have leased "waste" land in addition to their cultivated fields. Other rent-payers of the palace are excluded from this measure. The *ilkum*-service due on the "waste" fields in the third year is remitted by the *mēšarum*. However, they still have to pay the reduced *miksum*-tax and rent. Moreover, those who have leased such fields for less than three years are automatically excluded by this measure. This leaves theoretically only one third of these people to whom the tax-reduction is applicable. The *miksum*-tax due as rent on the "waste" land is reduced by two thirds or half of the local customary assessment. The purpose of such a reduction was to encourage the *rēdūm* and *bā' irum* to continue cultivating and developing "new" land. By an

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<sup>1)</sup> Cf. Bottéro, JESHO 4(1961), 139.

eventually greater food production the economy would be stimulated. It would also increase the revenue of the palace from the newly developed fields which would later bear the higher and customary taxes.

The only question that remains is whether this reduction of *miksum*-tax, applied theoretically to only a third of these people, was regarded by the others as "justice". Such a question cannot be answered without documentation which enables us to enter into the thinking of ancient peoples, and this is usually lacking. However, it can be assumed that new areas for cultivation were made available on a large scale. In that case one could expect that a very large number of these people would have leased the fields simultaneously. In that case a far greater proportion than a third would have benefited by this measure.

Section 20 (lines 182-192) and 21 (lines 193-205)

182. The term *dumu* is used here for a free citizen (cf. Kraus, SD V, 167).

185. *i'iltum* means "obligation, liability, bond".<sup>1)</sup> The term occurs in a similar context in LH section 117: 55: *šumma awīlam ehīltum išbassuma*, "if an (unpaid) obligation brings about the seizure of a man".<sup>2)</sup> It also occurs in an Old Babylonian contract and designates a "debt-obligation".<sup>3)</sup> The phrase *i'iltum i'ilšu* means literally

<sup>1)</sup> AHw, s.v. *e/i'iltu(m)* (p. 191); CAD E, s.v. *e'iltu* 1. The CAD translates this phrase: "if a native of GN ... has assumed an obligation ..." (p. 52).

<sup>2)</sup> According to Kraus (p. 168) *ehīltum išbat* (LH section 117) is the exact equivalent of *i'iltum + e'elum*. See also Driver-Miles, BL I, 211f; BL II, 47f; "if a man has become liable to arrest under a bond"; Koschaker, Babylonisch-Assyrisches Bürgschaftsrecht, 1911, 126; San-Nicolò - Petschow, Babylonische Rechtsurkunden aus dem 6. Jahrhundert v. Chr., 1960, 116.

<sup>3)</sup> Schorr, VAB 5 no. 26.

"the (debt)obligation binds him"<sup>1)</sup> or as Kraus (p. 168) puts it:  
 "Die Schuldverpflichtung, die bisher über dem Haupte des Schuldners schwebte, duldet keinen längeren Verzug und hat den Schuldner 'gebunden'".

187. Kraus's suggestion to read [ú-lu d u m u . m e š -š]u is to be accepted in the light of LH section 117.

The word *kiššātum* denotes the status of a person given as a distrainee for a debt.<sup>2)</sup> Kraus shows that the phrase *ana kiššātum ikkašiš* (section 21) means the forcible seizure of the debtor or a member of his family into bondage involuntarily.<sup>3)</sup>

188. *ana manzazānim* (+ *ezēbum* in section 21) denotes the voluntary placement of a dependent or a slave by the debtor with the creditor in order to cover only the interest on a debt.<sup>4)</sup> This is clearly illustrated by a contract (Kh. 1935 no. 17) where it is stated that the slave Serija stands as pledge with PN2 for 5 shekel of silver. This 5 shekel of silver is the interest on the debt which PN owes PN2.<sup>5)</sup> See also Landsberger (MSL I, p. 29, 139). It also occurs in ARM 8 nos. 71: 5; 72:2 and AT nos. 18:7 and 20:9 and in the Edict of Samsuiluna (= Si. 507) which is an almost exact equivalent

<sup>1)</sup> For the verb, see CAD E, s.v. *e'ēlu* 2; AHW, s.v. *e'ēlu(m)* (p. 189).

<sup>2)</sup> AHW, s.v. *kiššātu(m)* (p. 492); CAD K, s.v. *kiššātu* (p. 459-60): "he has (given) himself his wife or his children for (a payment in) silver, as a distrainee or as a (working) pledge". See also Finkelstein, JCS 21(1967), 42 n. 6; Driver-Miles, BL II, 114.

<sup>3)</sup> Kraus, SD V, 169, 171.

<sup>4)</sup> Finkelstein, ANET, 528, n. 8. Cf. AHW, s.v. *mazza(z)zānum* (p. 638).

<sup>5)</sup> R. Harris, The Archive of the Sin Temple at Khafaiyah (Tutub) JCS 9(1955), 60.

of section 21.<sup>1)</sup>

189. Kraus suggests reading [*id-di-in*] in the lacuna.<sup>2)</sup>

191. *andurārum šakānum*. As technical term it denotes the manumission of slaves or the release of pledges (LH sections 117, 171, 280).<sup>3)</sup> In the present context it is clearly stated that as result of the *mēšarum* the distrained person is to be released from his binding debt-obligation, and as such he has been given freedom. The term *andurārum* has been discussed by several scholars. They have pointed out its connection with *mēšarum*.<sup>4)</sup>

193. The term *wilid bītim* denotes a "house-born slave". Kraus rejects Mendelsohn's view (Slavery, 57f) that the house-born slave was granted special privileges. He understands rather "Sklave von Geburt" under this term, thus in a sense of "permanent" slave contrary to "free" persons who became slaves as result of war, debts, pledging, etc.:

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1) Kraus, AS 16(1965), 226.

2) Kraus, SD V, 169.

3) CAD A/2, s.v. *andurāru* b. (pp. 155-117). Note the differentiation between the two uses of *andurāru*: one which refers to the remission of debts of a commercial nature (and the subsequent release of distrained and pledged persons) and one which entails the cancelling of illegally imposed services on basically free persons.

4) E. Weidner, Ilušumas Zug nach Babylonien, ZA 43(1936), 114-123, especially 120-123; Falkenstein, NSG I, 93 n. 2; Edzard, ZZB, 91 n. 445; E. Ebeling art. "Freilassung", RLA III (1959), 111-112; Driver-Miles, BL I, 221-230; Mendelsohn, Slavery, 74-91; Gadd, CAH 2/1 (1973), 196; Szlechter, L' affranchissement en droit suméro-babylonien, AHDO I (1952), 125-195 (not available to me). Cf. Lewy, Eretz Israel 5(1958), 21-31; Postgate, TCAE, 132; Manfred Müller, Rechtserlasse im Lande Arrapha, Klengel (ed.), Beiträge, 1971, 56-60; Diakonoff, CRR 18(1972), 45. Cf. recently, M.T. Larsen, The Old Assyrian City State and its Colonies (Mesopotamia 4), 1976, 63-80.

"Der Unterschied zwischen beiden Kategorien, die man auch etwa als konstitutionelle und akzidentelle Sklaven definieren könnte, dürfte darin zu suchen sein, dass der hausgeborene Sklave permanent und essentiell Sklave war und blieb, wenn ihn sein Herr nicht förmlich freiliess, während der zum Sklaven gewordene Freie prinzipiell ohne Zutun seines Besitzers durch Loskauf, Einlösung, oder Nachweis seiner Eigenschaft als freier Bürger wieder frei werden konnte".<sup>1)</sup>

Following Finkelstein (ANET, 528) I can see no reason why Kraus, Bottéro and Haase should accomodate this interpretation in their translations, since the distinction is apparent if one reads 20 and 21 together, as was originally the intention. According to their translations there seem to be three categories of slaves which is to be rejected.

197. Bottéro's reconstruction seems plausible: *i-[il-ti be-li-šu]* "slave ... who in exchange value (*šm*) for the obligation of his master..."

#### Commentary

(i) Sections 20 and 21 belong together. Section 20 states the rule that a (free) person in debt servitude is to be released as result of the *mēšarum*. Section 21, on the other hand, states the exception, namely that the manumission is not effectuated in case the person is an ordinary (house-born) slave. These sections take up subjects not mentioned earlier in the edict.

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<sup>1)</sup> Kraus, SD V, 173-174.

<sup>2)</sup> Bottéro, JESHO 4(1961), 120 n. 3.

- (ii) According to Kraus this release of persons in bondage is only applicable to the free citizens of the seven areas listed. Bottéro suggests that the very miserable conditions of people in debt servitude in these particular areas caused their release.<sup>1)</sup>
- (iii) Some of the areas mentioned occur also in section 10, namely, Isin, Malgûm and probably also Uruk and Kisurra. Numhîa, Emut-balum and Idamaraz are West Semitic names (Kraus, SD V, 167). These places were probably situated within the Amorite tribal areas. The fact that the names Babylon, Sippar, Borsippa, Kish, Nippur and Larsa do not occur here, implies that there were special ordinances for the other areas. The names also indicate the size of the Babylonian empire in the time of Ammişaduqa (cf. Landsberger, JCS 8(1954), 66).
- (iv) Contrary to sections 4-5 and 7-9 which concern private debts of which the date of refund has not yet expired, sections 20 and 21 concern private debts of which date of refund has already expired and on which the debtor was incapable of meeting the demand for repayment. There were no means of declaring the debtor bankrupt; he was "seized by his debts" and the result of this foreclosure was debt servitude.<sup>2)</sup>
- (v) Kraus has made a thorough comparison between these sections and LH sections 117-119. Since the Old Babylonian economy did not allow for

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<sup>1)</sup> Bottéro, JESHO 4(1961), 140-143. Thus it is no general release as in the case of the Biblical *šēmitṭā/yōbēl*.

<sup>2)</sup> Cf. Finkelstein's translation: "If an obligation has resulted in foreclosure against a citizen of ..." (ANET, 528).



bankruptcy the only way out for a debtor was debt servitude.

The edict contains expressions showing the three possibilities for (self) enslavement, namely:

- (i) *ana k ú . b a b b a r iddin*, to sell (the debtor) in order to cover the debts.
- (ii) *ana kiššātim ikkašiš*, i.e., the forcible seizure of the debtor or a member of his family into involuntary bondage. (Cf. Driver-Miles, BL I, 208).
- (iii) *ana manzazānim innezib*, i.e., "the voluntary placement of a dependent or a slave by the debtor with the creditor on an antichretic basis covering only the interest on a debt."<sup>1)</sup> Thus a person or his labour was sold and the money was used to cover his debts, or the person entered the service of the creditor thereby losing his "freedom". On the one hand the person was forced into debt servitude which according to Kraus occurred very seldom (SD V, 175-179), or he gave himself (JCS 9(1955), 155, n. 88), his wife or children (cf. ARM 8, 71) as a pledge, while the debt obligation persisted. The voluntary giving of a pledge ensured the payment of the debt and covered the interest in the meantime.<sup>2)</sup> LH (sections 117 and 118) provides for a release of a free person after three years. On the other hand the debtor could give his slave, but then he forfeited his right to that slave.

(vi) It is evident that debt servitude has resulted in "umstürzende Stan-

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<sup>1)</sup> Finkelstein, ANET, 528 n. 8.

<sup>2)</sup> Kraus, SD V, 167-172; Driver-Miles, BL I, 208-221; Bottéro, JESHO 4(1961), 140-143.

desverminderung die vitalen Belange des Freien" (Kraus, SD V, 174). According to Kraus the purpose of the edict, then, was to release persons in debt servitude from their subservient position (as a result of their debt obligations) to the creditor. This would inevitably create a better social standing for these persons, for their position in society would have been restored. This clearly underlines the social implications of the edict.

- (vii) This measure of the edict would theoretically have affected only about two-thirds of persons in debt servitude from these areas, for LH section 117 provides a general rule for the release of persons in debt servitude after three years. This measure calls for the immediate release of all (free) persons in debt servitude. With their social position restored and their arrears owed to the palace remitted, they were enabled to make new loans and they would return to their "farms" and other work and start producing again.
- (viii) It is not certain whether this release ipso facto implies the cancellation of their debt obligations as well, for these people were taken into debt servitude because they could not repay their debts on the date of refund. Does this section also apply to those debtors for whom the date of repayment of their debts was postponed and who were thus not taken into debt servitude? This measure could have been intended only to put the debtors in a better position to repay their debts. However, such a supposition would be against the general tenor of the edict.
- (ix) The fact that this provision was limited to only the seven areas listed, also indicates that the edict intended to prevent the delibe-

rate delay of the repayment of debts in view of an impending *mēšarum*, for nobody would know which areas were going to profit from the *mēšarum*.<sup>1)</sup>

- (x) It is evident that the house-born slave's position was not affected by the edict. For them the status quo as was set out in LH, remained.

### Section 22 (lines 206-215)

206. The word *šakkanakkum* designates a high administrative official who acts as governor or representative of the king for a specific province or city.<sup>2)</sup>
209. *ana ešēdim*. This phrase denotes the harvesting of barley. Several contracts show that people were hired to do harvest work, e.g., BE VI/1 no. 111: 2 k ú . b a b b a r *ana ešēdim*, "silver for harvesting".<sup>3)</sup>
211. *ina emūqim (+ nadānum)* means "to force" someone.<sup>4)</sup> This section has been translated by the CAD: "(an official) who forces the family of a soldier or a 'fisherman' to take barley, money or wool for harvesting or other work, will be killed".

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<sup>1)</sup> Cf. Petschow, RLA III, 274.

<sup>2)</sup> AHw, s.v. *šakkanakku(m)*, p. 1140; Walther, LSS VI 4-6, 127; W.W. Hallo, Early Mesopotamian Royal Titles (=AOS 43), 1959, 100f; Krückman, art. Beamter, RLA I (1932), 445; B. Albrektson, History and the Gods, Lund, 1967, 45f; J.R. Kupper, Rois et *Šakkanakku*, JCS 21(1967), 123f. Cf. also Goetze, JCS 17(1963), 1-31.

<sup>3)</sup> CAD E, s.v. *ešēdu* c; AHw, s.v. *ešēdu(m)*; cf. Lautner, Personenmiete, 146 n. 445.

<sup>4)</sup> CAD E, s.v. *emūqu* 3 a; AHw, s.v. *emūqu(m)*, 4. See also BE VI/1 no. 103: 19 (= Schorr, VAB 5 no. 273).

215. The text has been restored here according to the variant reading of ms. B rev ii 10.

Commentary

- (i) This section is not restricted in its effects to the period of the *mēšarum*'s effectiveness. It would have a permanent effect against any such abuse of power. As such it has nothing to do with the immediate purposes of the edict proper.
- (ii) Section 22, then, describes the penalty for those high officials who abused their authority by forcing the *rēdûm* and *bā'irum* to do harvest labour though their wages were being paid by them. These high officials, especially in the more remote areas, forced their subordinates to accept a sum of money or quantities of wool and barley<sup>1)</sup> in advance as their wages for the harvest and other labour. It is to be surmised that these wages were very much lower than the usual. Then why did the *rēdûm* and *bā'irum* accept this?
- (a) Possibly their own financial position necessitated them to take whatever money was offered for their services in order to pay their creditors, thereby saving their own provisions and seed-corn.
- (b) The position and functions of the *rēdûm* and *bā'irum* are not as yet clearly defined in the laws. It is, however, certain that they were low-ranking officials who were engaged most of the time as tenant-farmers (LH sections 27-38). These

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<sup>1)</sup> Silver, wool, barley (and dates) were all recognised monetary units. See P. Einzig, Primitive Money, 1966, 202-209.

people had to be protected by the king from their superiors because of their socio-economic position and their rather limited rights.<sup>1)</sup> As tenant-farmers they were responsible for the major part of the palace income. Any interference would have affected their production capacity and consequently the palace would have suffered losses. Especially in the remote areas they could very easily be exploited by high officials, and one can expect that these people might have readily agreed to a small fee for their labour. They submitted to the officials' demands because they feared them, and were consequently underpaid rather than oppressed or robbed.<sup>2)</sup>

(iii) The *rēdūm* and *bā'irum* were then hired out by their "employers" to a third party at much higher rates, for they had artificially created a shortage in harvest labour. The mere fact that the *rēdūm* and *bā'irum* had previously accepted the (forced) wages, necessitated their working for others, instead of producing their own barley or other products. They could not then meet the demands of the taxes levied by the palace and were consequently forced to make loans. Moreover, if the *rēdūm* and *bā'irum* (which certainly constitute a major part of the tenant-farmers) did not themselves maintain production the merchants were forced to buy these necessary commodities and products at much higher prices from the high officials. In its turn it would lead to excessive price increases of staple commodities. The simultaneous effects of higher prices and accumulated debts would force many tenant-farmers into debt servitude. Conse-

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<sup>1)</sup> Bottéro, JESHO 4(1961), 142.

<sup>2)</sup> Cf. LH, section 34. See also H. Klengel, Or 29(1960), 374.

quently production would decline and eventually the economy would collapse. This would lead not only to economic chaos, but also to political unrest.

- (iv) This section is aimed, then, at the prohibition of impermissible enrichment of higher officials by way of misusing tenant-farmers.<sup>1)</sup>

The edict allowed for the wages to be kept by the *rēdūm* and *bā'irum*, thus increasing the effective penalty on the higher officials for their abuse of power. It would also serve to compensate for the "force" which the *rēdūm* and *bā'irum* had experienced.

- (v) This section deserves special attention, for here the king openly demonstrates his desire to alleviate the burdens of the poorer classes who were exploited by the richer high officials. Hereby he follows the "reform" tradition of earlier kings such as Urukagina, Hammurapi, etc..

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<sup>1)</sup> Kraus, *SD V*, 181, "Die Bestimmung kann deshalb nur den Sinn haben, Lehnsleute, die in ein unstatthafte privates Dienstverhältnis hineingezwungen werden sollten, zur Denunzierung gewissenloser Beamter zu veranlassen und dadurch derartige verbotene Praktiken auszurotten".

CHAPTER II      STRUCTURE AND CONTENT

I.    FORMAL ASPECTS

(a)    Style

Contrary to the usual style of the LH, i.e. *šumma*-clause followed by the Perfect,<sup>1)</sup> the edict uses relative sentences in the form, substantive + *ša* (sections 3, 8, 10, 13-17, (18-19), 22) or merely *ša* (sections 4, 6, 9).<sup>2)</sup> Sections beginning with the *šumma*-clause (5, 7, 11, (except 20) 21) are dependent upon and concern the exceptions to the preceding general statements.<sup>3)</sup> Section 20 is, however, an autonomous section which is also couched in the *šumma* (conditional) style. The reason for this lies in its resemblance to and dependence upon LH section 117.

It may be assumed that all the dependent sections (except section 20) reflect only the normal juridical and social conditions which are not to be affected by the edict.

(b)    Section with/without the *mēšarum*-formula

The formula *aššum šarum mēšarum ara mātīm iškuru* occurs only in sections

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1) Meek, JNES 5(1946), 64 takes *šumma* as 3 m.s. impers. permansive:  $\text{D}\Psi$  + *ma* (explicative) = "namely", i.e. "It is determined that" ...

2) R. Hentschke, Erwägungen zur israelitischen Rechtsgeschichte, Theologia Viatorum 10(1965/6), 108-133, esp. 116-124, has shown the similarity between the Old Testament apodictic style and the particular stylistic form of the edict. Some of his theses as regards apodictically formulated provisions versus those casuistically formulated (sections 5, 7, 11, 21) are overruled by Finkelstein's publication of BM 80289. See now also P.E. Dion, Une inscription araméenne en style *awilum ša* ..., Biblica 55(1974), 399-403 and E. Lipiński, Studies in Aramaic Inscriptions and Onomastics I, 1975, 78.

3) Kraus, SD V, 182f; Petschow, RLA III, 272.

3, 4, 12, 14, 15, 16, 19, 20. Kraus shows that it describes "das einmalige Ausserkraftsetzen gewisser bestehender Rechte und geschlossener Verträge", and is therefore, of course, applicable to these sections only.<sup>1)</sup> All these sections containing the *mēšarum*-formula (except section 20) serve the main (social) purpose of the edict. The remaining sections which lack this formula, have a different objective. Either they are exceptions to the *mēšarum*-measures, or they are meant to have a permanent effect. If this holds true, the edict maintains the status quo in certain circumstances, but in others permanent 'reforms' are envisaged.<sup>2)</sup>

The inclusion of the *mēšarum*-formula in a section indicates that the particular provision is meant to have effect only at the time of the edict's announcement. This implies that the effect of the edict would lapse after a specific and limited period.<sup>3)</sup> Those sections without the formula and which are not exceptions to preceding provisions, e.g. 6, 22, are meant to have effect at any time. However, the fact that they are included in the edict does show that it was more likely to have such fraudulent practices or abuse of power when a *mēšarum* was expected shortly.<sup>4)</sup>

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1) Kraus, SD V, 184; see also 44f and 239f.

2) Hentschke, op.cit., 120 argues that (a) all the sections which express the social purpose of the edict, are in the apodictic style whether they concern a rule of exception or a permanent measure; (b) all the sections which limit the effects of the edict - thus maintaining the status quo - are conditional and dependent. He also sees a special connection between the use of *mēšarum šakārum* and these articles in the "appodictic style" of the edict. While this formula is not used in section 2, it does occur as *aššum 1 u g a l mi-[ša-ra-am] iš-ku-nu* in Si. 507 obv. 13f, which is a parallel to section 2. It is therefore possible to argue that it was necessary for the validity of the decree that the formula was used once in connection with each stipulation. Cf. Lemche, Andurārum and Mišarum. Comments on the Problems of Social Edicts and their Application in the Ancient Near East (unpublished), 4 n. 14.

3) Finkelstein, JCS 15(1961), 100.

4) Finkelstein, RA 63(1969), 59-60.



(c) Protasis/Apodosis

Bottéro concludes that a protasis is contained in a section to recall the state of affairs before the king intervenes. The apodosis marks the changes this intervention wishes to bring about.<sup>1)</sup> The promulgation of an edict is to be regarded as an effective turning point between the old and the new, "bad" times of the past and "good" times ahead; overindebtedness and relief from these burdens; debt servitude and freedom for distrainees; etc. Only in this "ideal" sense it may be called a "reform". In reality, however, it follows that while the edict concerns only the existing debts and obligations of the current year, debts subsequently contracted (i.e. after the promulgation of the edict) are not to be affected by the general remission. The *mēšarum* was no reform which involved permanent regulations regarding debts and obligations for the future.<sup>2)</sup> It was designed to remedy the unbearable economic situation, not to reform the economic system.<sup>3)</sup>

(d) Edict and Laws

The relationship between the *mēšarum*-act and law-collections has been thoroughly discussed by Finkelstein.<sup>4)</sup> He argues that none of the so-called "law codes" were designed to remit certain financial obligations just for a limited period of effectiveness like the edict. Moreover, while the *mēšarum* was enacted at the beginning of a reign (and others possibly afterwards) and had at least some real force in the economic life of the period, as is evidenced by contracts and letters, the laws were composed late in the king's reign with another

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<sup>1)</sup> Bottéro, JESHO 4(1961), 120.

<sup>2)</sup> Edzard, WGAU, 153.

<sup>3)</sup> Kraus, Genava 8(1960), 294-295.

<sup>4)</sup> JCS 15(1961), 101-104.

purpose; namely, to demonstrate to posterity and the gods the achievement of a reign of true justice by acting as a *šar mēšarim*. The fact that permanent "reform" measures (cf. sections 17, 18, 22) were incorporated in the edict shows, however, some basis for assuming a degree of relationship between the *mēšarum*-act and laws. Their character fits in "well with the tenor and purpose of the 'law-codes' reflecting for the most part pious hopes and moral resolve rather than effective 'law'".<sup>1)</sup>

Finkelstein further argues that the purpose of the "law-codes" was decidedly not legislative, but must be viewed in the first instance as royal apologia and testaments. "Their primary purpose was to lay before the public, posterity, future kings, and, above all, the gods, evidence of the king's execution of his divinely ordained mandate: to have been 'the Faithful Shepherd', and the *šar mīšarim*".<sup>2)</sup>

The most effective accomplishment of the king in this direction was the *mēšarum* proclaimed at the beginning of his reign, and it is therefore only natural that he should have harked back to it when he drafted his "code". The original *mēšarum*-act, the act which was celebrated publicly by the date-formula for the first or second year of the reign, was but one source for the "code" that was written much later. These "codes" are therefore to be evaluated as royal inscriptions of the apologia genre. "From the point of view of the populace and the contemporary scene, it was only the original *mīšarum* that was regarded as an effective 'act' or event, every bit as real as the building of a temple, a canal or a military success, and so deserving of commemoration in the date-formulae". The 'publication' of LH as a

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1) Finkelstein, op.cit., 102. See Kraus, SD V, 185 who shows that section 17 e.g. is a well-meant but, by its very nature obviously ineffectual, way of coping with a common practice which could ultimately put such debtors in a particularly defenseless and desperate situation. Cf. also Sheriffs, Empire and the Gods ..., 1976.

2) Finkelstein, op.cit., 102. He shows that LH sections "L"-100 and 215-277 may well have formed part of the original *mēšarum*-act of Hammurapi.

royal inscription of the *nāru*-type directed to posterity and to the gods, was not evaluated as an 'event' of great consequence for the people at the time. This also accounts for its absence in court-cases.<sup>1)</sup> The so-called "law-codes" stand typologically at a much further distance from the *mēšarum*-acts and were composed at a time further removed from the date of the act than the text of the edict.

The *mēšarum*, as we have seen, was enacted in the first full year of a king's reign and concerned mainly the remission of debts and obligations. Some pronouncements of a more general and moral character were included to add to the king's public image as a *šar mēšarim*. The proclamation of the *mēšarum* was diffused orally throughout the realm (cf. the torch-raising ceremony, BM 80318). Later an official text was drawn up which included all the specific particulars of the general announcement. "Permanent" laws were then incorporated.<sup>2)</sup>

## II. GENERAL SCHEME

According to its subject-matter the edict may be subdivided into two major parts,<sup>3)</sup>

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<sup>1)</sup> See also Kraus, Genava 8(1960), 283-296 who argues that the Laws of Hammurapi are an example of Babylonian academic literature couched in the phraseology of the hypothetical propositions created by the scribes.

<sup>2)</sup> Finkelstein, op.cit., 102f, correctly argues that the very nature of LE, especially sections 1-21 which are concerned exclusively with economic and commercial affairs, represents a text that stands midway between Ammišaduqa's edict and the "law-codes". It is highly probable then, that LE is rather to be related to a *mēšarum*-act. One gets the impression that Finkelstein is somewhat biased in his views on this relationship. For other views on the laws, see Driver-Miles, BL I, 48f; Koschaker, Rechtsvergleichende Studien zur Gesetzgebung Hammurapis, 1917, 1-6; G. Boyer, De la science juridique et de sa methode dans l'ancien Mesopotamie, Semitica 4(1951-52), 5-11; Kraus, Genava 8(1960), 283-96.

<sup>3)</sup> Kraus, SD V, 187, divides the edict into two parts: The first and most important part (sections 1-12) concerns all the subjects of the king whose arrears on taxes are remitted and whose private debts are cancelled. The second part (13-22) deals with the less important regulations regarding only certain groups of people or areas. He is followed by Bottéro (op.cit., 120f), and Petschow (RLA III, 272). Finkelstein (RA 63(1969), 52f) and following him, Lemche (op.cit., 2-3) makes a better division.

concerning

(a) The public sector:

Section 2 and 3, covered in greater detail in sections 10-19.

(b) The private sector:

Section 4, covered in greater detail in sections 5-9. The supplement (sections 20-22) and section 1 are not to be regarded as belonging to the actual and original edict in its oral form.

Regarding (a): (i) Section 2 announces the effects of the edict upon the financial activities of the tenant-farmers, rent-payers and other owing dues to the palace.

(ii) Section 3 concerns the effects of the edict upon the financial activities of the various *kārū* and their business relationships with the palace.

In one way or the other, these categories of people were engaged in the palace-business. The first provided the essential revenue of the palace in terms of taxes, rentals and other obligations, while the second group disposed of its surpluses.

Regarding (b): Section 4 describes in general terms the effects of the edict on the financial activities in the private sector, such as the relation between creditor and debtor.

The regulations of section 2-4 must be regarded only as preliminary and general statements. The precise nature of the edict's effects on the financial activities of these classes of persons (economically and/or socially defined) and specific situations and relations that could arise or prevail within these two sectors, are dealt with in a peculiar chiasmic arrangement of the subsequent section, viz.

(a) Section 2 deals with 12 - 19

Section 3 deals with 10 - 11

(b) Section 4 deals with 5 - 9

This arrangement also has some consequences for the usage of the recurrent formula (*aššum mēšarum* ...): While section 3 and 4 (general statements) contains the *mēšarum*-formula, those sections dealing with their particulars (i.e. 5-11) do not. On the other hand, the generally formulated section 2 lacks the formula, but it is used in the section where we find the precise content of section 2 described (i.e. 12, 14, 15, 16, 19). The reason for its omission in sections 13, 17, 18 lies in the fact that 13 is an exception<sup>1)</sup> to 12 and 17 + (18) an exception to 16.

In the final, supplementary part of the edict the formula is used in section 20. Section 21 is an exception to 20. The reason for the absence of the formula in section 22 lies in the fact that the validity of section 22 is not confined to the period of the edict's effectiveness.<sup>2)</sup>

The specific situations envisaged by the edict can therefore be subdivided as follows:

1. Private Sector:

(a) Regarding section 4:

Sections 5-7 contain a selected series of hypothetical violations of the rule laid down in section 4, together with appropriate penalties in each case. (See lines 37-76).

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<sup>1)</sup> According to Kraus, SD V, 183f the omission of the formula here is the result of the carelessness of the scribe.

<sup>2)</sup> Lemche, op.cit., 2; Finkelstein, ANET, 528, n. 9; idem, JCS 15(1961), 100f.

- (b) Sections 8-9 illustrate the contractual relationship in the private sector which is to be excluded from the class of obligations affected by section 4. (See lines 77-96).

2. Public Sector:

- (a) Regarding section 3:

Specific regulations are given regarding the business relationship between the *kārum* and the palace (section 10; see lines 97-107), the tripartite business relation between the *nāši biltim*, merchant and palace (section 11; see lines 108-128).

- (b) Regarding section 2:

Section 12-19 explain in detail the way in which the general remission is to affect the financial position of various groups of *nāši biltim*, such as the *šusikku* and the shepherd (section 12; see lines 129-142), the *babbilu* (section 13; see lines 143-146), the Suhum-area (section 14; see lines 147-152), the rent-payers, the *muškēnum*, the *rēdūm* and *bā'irum*, other persons owing *ilkum*-service to Babylon (section 15 and 19) and the *sabitum* (sections 16-18).

3. The supplement (sections 20-22) concerns the manumission of persons in debt servitude (section 20) excluding slaves (section 21), and the abuse of authority by high officials who coerce their subordinates into harvest labour (section 22).

III. CONTENTS OF THE EDICT

The edict can be understood as a collection of economic measures intended to

modify or alleviate a certain existing economic situation.<sup>1)</sup> In other words, it is an officially promulgated legislative act designed to remedy certain economic malfunctions,<sup>2)</sup> thereby restoring the "equilibrium" in the economic life of society.<sup>3)</sup> It creates the necessary effect of a tabula rasa for certain types of obligations and debts.<sup>4)</sup> As such it involves the remission of certain obligations and the cancellation of specified debts.<sup>5)</sup>

1. Remission of obligations ("Abgaben")

(a) Taxes (g ú . u n)

The edict is directed in the first place to the rent-payers of the palace and other fiefholding groups such as the *nāši biltim*, the big ..., the *muškēnum*, *rēdūm*, *bā'irum* and others owing *ilkum*-service. Their "taxes" due on tenanted fields are remitted.<sup>6)</sup> These consist of a specific proportion or share of the crop to be paid in natura to the palace. Very strict limitations regarding this "tax"-remission are, however, incorporated in the edict:

(i) They were not allowed to retain all of the produce of the tenanted fields.

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<sup>1)</sup> Kraus, SD V, 189-190 has defined the edict as "eine Sammlung von Vorschriften sozialen Charakters ... dazu bestimmt, gewisse vorwiegend wirtschaftliche Misstände meist vorübergehend zu beseitigen oder zu lindern".

<sup>2)</sup> CAD M, s.v. *māšaru* A 1 "redress".

<sup>3)</sup> Bottéro, JESHO 4(1961), 151, 153.

<sup>4)</sup> Finkelstein, JCS 15(1961), 100.

<sup>5)</sup> Wiseman, JSS 7(1962), 163; Matouš, BO 16(1959), 95.

<sup>6)</sup> Kraus, SD V, 190 translates this word with "Feldabgaben".

In reality this tax remission concerns only the proportion required for their own consumption and the quantity needed as seed-corn.

The remainder, which was destined for selling, is not covered.

- (ii) This remission concerns only Babylon and its vicinity, thereby excluding the rest of the country.
- (iii) It is confined only to the six population groups of Babylon, thereby excluding all other groups. It is, however, to be assumed that these groups could have covered the whole of the farming population.
- (iv) It concerns only the "taxes" due in that particular year.<sup>2)</sup>

(b) Arrears (l á l . ḫ i . a)

All other stipulations regarding the remission of obligations concern only the arrears thereupon.

- (i) In the general statement (section 2) the arrears of the various specified groups of tenant-farmers of the rest of the country are remitted. The arrears of the *babbilum* (section 13) and *sabitum* (section 16) are also remitted. Thus the normal "tax"-obligations remain while the tenants are only relieved from the burden of accumulated arrears owed to the palace.
- (ii) The arrears of the Suḫum-territory are remitted only in respect to certain types of rents (section 14).

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<sup>1)</sup> See commentary to section 15.



(iii) The arrears of certain market-associations which accumulated over a period of at least sixteen years, are remitted (section 3). These remissions are conceded at the expense of the palace.

## 2. Cancellation of debts

Turning to the private sector, it seems that the edict stipulates the cancellation of all private debts at the expense of the creditors (section 14). This, however, is subject to certain limitations:

- (i) These private debts involve only non-commercial loans; in other words, loans without any objective of profitmaking, hence loans of necessity which bear interest (sections 7 and 8).
- (ii) The *mēšarum* concerns only those debts of which the date of refund has not yet expired on 2 Addar II Ammiditana 37 (section 5). Otherwise debtors would have been in the position of delaying the repayment of their debts in view of an impending *mēšarum*. If the date of refund of a commercial loan has expired and the loan consequently bears interest, the interest is also remitted by the *mēšarum* (section 9).
- (iii) Section 17 contains a remission of private debts of anyone who has loaned barley or beer from a female inn-keeper, presumably at exorbitant rates.
- (iv) Kraus also shows that the cancellation of debts is in close coherence with the release of former free persons from debt servitude (section 20).<sup>1)</sup>

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<sup>1)</sup> SD V, 191.

Again it is limited only to the seven areas mentioned and does not cover house born slaves (section 21).

3. Concessions (to compensate for losses caused by the *mēšarum*)

While most of the remissions of taxes and arrears are granted at the expense of the palace, the cancellation of debts is at the expense of the creditors. In order to compensate for their losses, the king made certain concessions to the merchant, *šusikku* and inn-keeper.

- (i) Section 10 allows for an adjustment of prices of merchandise (given by the palace to be disposed of by the merchants as its investment share of capital (goods) in a joint commercial enterprise) in accordance with the current prices of the respective cities. Most probably it involves a price-reduction which would benefit the merchants as well as the small number of consumers not engaged in agricultural activities.
- (ii) Sections 11 and 12 also contain concessions to the merchants and *šusikku*-officials who normally dispose of the surplus commodities and carcasses (see commentary to sections 11 and 12 respectively).
- (iii) Section 16 specifies the remission of the arrears of the *sabitum* in order to compensate for their losses incurred when all private debts of the tenant-farmers are remitted.
- (iv) Compensate for the *rēdūm* and *bā'irum* who suffered under the *rā'ibānum* and governors (section 22).

4. The so-called permanent provisions (those without the *mēšarum*-formula)

contain in essence the same general purpose as the other, namely to bring about an improvement in the economic situation of the specified social classes or groups of persons.

- (i) The *rēdūm* and *bā'irum* are protected by the provisions in section 22 which forbid their being forcibly hired out by their superior officers (even though their wages are paid). In addition, their obligations were cut by a half or a third in the year of the *mēšarum* to enable them to continue with their cultivation of new land (section 19). By granting such special concessions the king ensures an eventual increase in production.
- (ii) Section 18 specifies the death penalty for the inn-keeper or merchant who cheats the "public" by means of false weights and measures. This provision naturally serves the general interest.
- (iii) Provisions prohibiting the collection by pressure of debts before the harvest is completed (section 5), and the fraudulent drafting of contracts (section 6) are inserted in the edict, because these practices were much more likely when creditors anticipated a *mēšarum*.

CONCLUSIONS      THE UNDERLYING MOTIVES ("GRUNDLAGE")(A) THE ECONOMIC SITUATION AS MOTIVE FOR THE *mēšarum*<sup>1)</sup>

The edict seems to be a carefully worked out (secret) "budget" designed to alleviate the financial burdens of certain specified groups and/or areas.

The mere fact that areas such as Babylon and the province of Suḫum were granted special concessions (while the rest of the country was excluded) shows that the *mēšarum* was not intended to be of universal and general character. More-

1) It is not the purpose of this study to discuss the economic system of the Old Babylonian period in detail. For the central concerns such as the interaction between rural production and city (market)-trade; the "great organizations" (temple, palace, *kārum*), the various aspects (internally based storage economy; market-economy and redistributive economy; price fluctuations, profitmaking; etc., see especially Heilbronner, The Making of Economic Society, 1972, 31-44; Oppenheim, Ancient Mesopotamia, 83-109; H. Schmökel, Kulturgeschichte des Alten Orient, 1961, 46-85; Saggs, Greatness, 269-298; I.J. Gelb, On the alleged Temple and State Economy in Ancient Mesopotamia, Studi in Onore di Eduardo Volterra VI(1971), 137-154; P. Koschaker, Zur staatlichen Wirtschaftsverwaltung in altbabylonischer Zeit, ZA NF 13(1942), 135-180; I.J. Gelb, The Ancient Mesopotamian ration system, JNES 24(1965), 230f, 243; A.I. Tyumenev, The State Economy of Ancient Sumer, in Ancient Mesopotamia, I.M. Diakonoff (ed.), 1969, 70-87; A. Falkenstein, La cité-temple sumérienne, in Cahiers d'Histoire Mondiale 1/4(1954), 784-814; H. Klengel, Einige Bemerkungen zur sozialökonomischen Entwicklung in der altbabylonischen Zeit, in WGAV, 249-257; K. Polanyi, et al., Trade and Market in the Early Empires, 1957; J. Deshayes, Les Civilisations de l'Orient Ancien, 1969, 177-211; H.T. Wright, The Administration of Rural Production in an Early Mesopotamian Town (Antropological Papers 38, Michigan), 1969. Other studies are also of importance here, such as B. Laum, Allgemeine Wirtschaftsgeschichte, 1949, 30-39; F.M. Heichelheim, An Ancient Economic History, Vol. 1(1958), 96-192; I. Golgher, La Structure Economique et Sociale de Sumer Présargonique, (Diss.) Paris, 1959; L. Brentano, Das Wirtschaftsleben der Antiken Welt, 1961, 13-19; R. Bogaert, Les Origins Antiques de la Banque de Dépôt, 1966, 41-99. The majority of these authors show that the Old Babylonian society can be characterized as an urban-capitalistic society. See especially Oppenheim, Ancient Mesopotamia, 119-142; *idem*, A New Look at the Structure of Mesopotamian Society, JESHO 10(1967), 1-16, especially 9f; M. Hammond, The City in the Ancient World, 1972, 33-56; R.M. Adams, The Evolution of Urban Society, 1967, 10f, 56; C.H. Kraeling and R.M. Adams (edd.), City Invincible. A Symposium on urbanization and cultural development in the Ancient Near East, 1960; G. Buccellati, Cities and Nations of Ancient Syria, 1967, 20-21, 31, 84; J. Dayton, Money in the Near East before Coinage, BERYTUS 23(1974), 41-52.

over, by granting limited tax-remissions only to certain groups of rent-payers and the remittance of the arrears of others, the edict reveals the character of the *mēšarum*'s intended effectiveness. This points to a thorough assessment of the country's economic situation. The different provisions of the edict were based upon these economic "facts". It can also be assumed that the effects of these provisions upon the economy as a whole were calculated beforehand and were regarded as sufficient for an improvement in the economic situation. Furthermore, as we have seen from the discussion of the different sections, these provisions were designed to give only limited and temporary relief. As such the *mēšarum* can in no way be regarded as a reform which would radically change the existing economic system. It was not aimed at the overall improvement of the financial position of these specified groups; it only provided temporary relief and in the words of Kraus, acted like a "compression valve".<sup>1)</sup>

This measure, then, did not necessarily attempt to improve permanently the general standard of living for the great majority of the people. From the palace's point of view the edict only had to remove those obstacles in the way of higher production. It would not be at all beneficial to the palace to create prosperity by means of radical reforms among the very cheap and efficient labour force. Moreover, as long as these people were contented with these small concessions which were only destined to put them in a better position to meet the demands of the palace, nothing would compel the king to make substantial changes regarding e.g. landownership.

The *mēšarum*, therefore, only removed the disadvantageous results of the economic system, but did not touch the system as such. The traditional socio-economic system was not regarded as unjust; it only caused some unfair practices and these practices had to be suppressed to ensure order and prosperity. In fact, general discontent with or rebellion against this socio-economic sys-

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<sup>1)</sup> Kraus, Genava 8(1960), 294.

tem is nowhere recorded in the documents of Ancient Mesopotamia. The people seemed to have fatalistically accepted their circumstances as the will of the gods.<sup>1)</sup> Individuals might have criticized it, they might even have complained about their conditions, but they never attempted to revolutionize the system as a whole.

The edict further shows that the drastic intervention in the economy was forced upon the king. Unless he took action, the current untenable state of affairs would cause serious economic disorder,<sup>2)</sup> or even the total collapse of the economy under too great a weight of private debts.<sup>3)</sup>

This situation of severe indebtedness was caused by overburdening taxes, excessive rents and accumulating arrears. The tenant-farmers and other fief-holding groups could, under the best of circumstances, hardly meet the demands of the palace and those of their creditors. Any crop-failure caused by droughts, floods, pestilences, fire, war, etc., would have compelled them to contract yet more loans of necessity at exorbitant interest rates in order to pay their taxes, rents, etc., to provide for their families and to obtain seed-corn.<sup>4)</sup>

The accumulated effect of these debts would inevitably lead to debt servitude since there was no way out by means of bankruptcy. In such depressing circumstances and without the necessary motivation, the production of the staple commodities would be reduced. This would naturally lead to price-increases, especially when the creditors were in the position to control a large part of

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<sup>1)</sup> Cf. Oppenheim, JESHO 10(1967), 3; Bottéro, JESHO 4(1961), 161-163.

<sup>2)</sup> Bottéro, JESHO 4(1961), 152-154 states that these concessions were granted only to those people and areas where the situation had become totally unbearable and showed no signs of possible recovery. See also, Klengel, WGAU (1976), 254.

<sup>3)</sup> Wiseman, Vox Evangelica 8(1973), 11.

<sup>4)</sup> See K. Deller, RA 66(1972), 94 for a text which shows the very high interest rates on a short term basis.

the productively active labour force as well as to monopolize the trade in consumer goods. Moreover, as these poor labourers who formed the mainstay of economic production became totally dependant on the small number of economically unproductive "capitalists", serious social disruptions could occur, especially when the gap between the poor and rich became gradually larger.<sup>1)</sup>

This excessive accumulation of wealth in too few hands on the one, and the tax-ridden, poor and overindebted population on the other hand, could eventually endanger the stability of government. Thus we can conclude that the enactment of the *mēšarum* was necessitated by socio-economic conditions.

#### The *Mēšarum* and Price Regulations

We have seen that the *mēšarum*-act was used to regulate the economy. This would in part explain the close association of tariffs fixing the prices of staple commodities or services with the promulgation of laws; e.g. the Laws of Eshnunna begin with such a price tariff.<sup>2)</sup> The purpose of this fixing of prices was also to improve the economic situation of the majority of the poor people and to prevent them from being exploited by the "great organizations". Its objective seems similar to that of the *mēšarum*-edict. And yet it seems from the majority of the texts mentioned elsewhere that the prices of commodities are exceptionally low compared to the contemporary prices

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1) The absence in the edict of any reference to special classes of craftsmen, or others engaged in 'private' industry shows that their financial position could not possibly have created the serious economic conditions envisaged by the edict. It is therefore to be assumed that only a small number of persons were engaged in private industry. See Oppenheim, A Bird's eye view of Mesopotamian Economic History in K. Polanyi *et al.*, Trade and Market in the Early Empires, 1957, 26-37; *idem*, Ancient Mesopotamia, 83f; Morris Copeland, Concerning the origin of a Money Economy, The American Journal of Economics and Sociology 33(1974); 1f; Gadd, CAH 1/2(1971), 620-623; and CAH 2/1(1973), 190-196; Kramer, The Sumerians, 64, 84; G. Roux, Ancient Iraq, 150, 198-199.

2) JCS 15(1961), 100-104. See also Yaron, RIDA 9(1962), 139, 148 who argues that the list of prices contained in the laws originated in the actual life of the market.

mentioned in contracts. It is therefore to be assumed that some of these "idealistic" prices were mere royal propaganda.<sup>1)</sup>

Hence the purpose of the edict can be described as an attempt

- (a) to prevent the collapse of the economy under too great a weight of private debts, and
- (b) to prevent the excessive accumulation of private wealth in too few hands.

Moreover, these measures were ultimately destined to stimulate and encourage higher production which would benefit to a certain extent, not only the entire population, but would eventually also increase the income of the palace.

Higher production would result in surpluses which would lead to a decline in prices for the country's city-dwellers.

#### The Periodicity of the *mēšarum*-edicts

From our discussion of the individual sections it is clear that although some people would attempt to circumvent the effect of such a royal intervention in the existing economic situation, nobody actually knew the precise contents of the intended measures. The edict also anticipated this, and therefore measures to counter-act these actions were incorporated. Even if the *mēšarum* was expected to follow the same lines as previous ones (compare the Edict of Samsuiluna (Si. 507) where the same groups of persons were allowed remissions) no creditor or debtor would be in the position to ascertain beforehand which particular area was going to profit most by the remissions.

While the *mēšarum* did not envisage any basic alteration in the socio-economic circumstances but was rather intended to reduce the extreme imbalances that were the inevitable consequences of a basically inequitable social system,

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<sup>1)</sup> Edzard, WGA, 153-4.



hence measures against symptoms rather than against the disease, there was necessity for its reapplication every few years.<sup>1)</sup> Its limited degree of effectiveness, namely, only temporary relief from taxes and obligations, would also necessitate its periodic appearance.

Finkelstein argues that the references to *mēšarum*-acts in private documents, year formulae, contracts, etc., indicate that a number of *mēšarum*-decrees were enacted during the reign of one particular king; the *mēšarum* was therefore not confined to the beginning of a king's reign. He also shows that for Rimsin of Larsa there is a record of at least three such enactments in his 26th, 35th and 41st years respectively; for Hammurapi four *mēšarum* enactments might be postulated, namely in years 1, 12-13, 20-21, 30+ respectively; for Samsuiluna two or even three in years 1, 8(=VAB VI no. 207)<sup>2)</sup>; for Abiesuh two in years 1 and "S" respectively; for Ammiditana two in years 1 or 2, and 20 or 21 respectively and for Ammišaduqa two in years 1 and 10 respectively.<sup>3)</sup>

Although it is not possible to establish any fixed interval of the *mēšarum*'s recurrence, the inner logic of the situation requires the presupposition that it had to recur at fairly regular or predictable intervals. Landsberger and Finkelstein suggest that such *mēšarum*-edicts were enacted every seven years.<sup>4)</sup>

This would be analogous of the provision for the biblical Jubilee (Lev. 25, 8f) and Sabbatical Year (Deut. 15). Kraus, on the contrary, is strongly opposed

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1) Finkelstein, AS 16(1965), 242 n. 38.

2) Cf. Kraus, SD V, 227.

3) Finkelstein, op.cit., 243-246. See, however, Kraus AS 16(1965), 229-231.

4) Finkelstein, op.cit., 245 n. 55; Landsberger, JNES 14(1955), 145, contra Kraus, op.cit., 229.

to this interpretation, for the material available is totally insufficient to prove the recurrence of edicts on the seven-year cycle pattern. In fact it seems that two such edicts could have been enacted within the span of thirteen months. Moreover, we do not have any further information as to the contents and scope of the other *mēšarum*-edicts. Some, such as BM 80318, concerned only one city (Sippar), hence not all acts were destined to have general applicability, nor did they necessarily have covered the same types of obligations and that same extent of territory.

On the other hand, Kraus's assumption that the edicts utilized a fixed set of formulae and that their character could be ascertained as "institutionalized" is based on his comparison of Si. 507 with the Edict of Ammišaduqa. Had this been the case, then the edict's effectiveness can equally be ruled out, for everyone would know its precise content and would be in the position to circumvent its effects.

It can therefore be assumed that there was a certain amount of surprise<sup>1)</sup> as to the contents of the edicts' individual provisions and that these royal edicts had to recur rather frequently and at fairly predictable intervals, otherwise there would have occurred "a drying-up of the sources of credit and a virtual paralysis of economic activity every few years - after a reasonable lapse of time from previous enactments".<sup>2)</sup>

#### Effectiveness of the *mēšarum*

We have seen that the *mēšarum* is a collection of socio-economic measures destined to alleviate insuperable economic difficulties and abuses in order

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<sup>1)</sup> Cf. Hentschke, 122; Kraus, SD V, 186-193.

<sup>2)</sup> Finkelstein, op.cit., 245.

to restore the economic equilibrium. By means of the remission of certain public taxes and arrears, as well as the cancellation of private loans of necessity, the king intervened in the existing economic order in order to prevent the collapse of the economy under too great a weight of private debts. Thus he demonstrated his intention to comply with the traditional image of a *šar mēšarim*. We have further seen that these measures were never intended to accomplish any permanent changes in the economic system, but only provided a temporary relief for certain groups of people. While only two verbatim copies of such a *mēšarum*-enactment are known, there are many references to it in letters, contracts, year formulae, etc., but these are literary formularizations and do not necessarily point to the fact that the *mēšarum* was a regular and periodically recurrent institution.<sup>1)</sup> The *mēšarum* was also confined to the Old Babylonian period only.<sup>2)</sup> Finally, nowhere in the vast number of literary, economic, administrative, omen and religious texts or letters, hymns, prayers is mention ever made of a request from the populace for such an enactment of a *mēšarum*,<sup>3)</sup> as one would have expected, had it been a regular institution. Therefore the question as to its effectiveness does arise. Are these *mēšarum*-acts real or are they merely propaganda material or a literary topos?<sup>4)</sup> Knowing that it is difficult to ascertain whether an "ideal" was put into practice, there are several indications which

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1) It is therefore necessary to distinguish between the *mēšarum*, as proclaimed and the literary evidence giving detailed provisions of such an act as we have done in the different chapters. However, the mere fact that so many references to *mēšarum*-acts do occur, shows at least that it constitutes a characteristic feature of Old Babylonian public life (Kraus, SD V, 239).

2) V. Korošec, Growth of Legislation in Ancient Mesopotamia, Grosso Festschrift IV, 271; J. Klíma, Au sujet de nouveaux textes législatifs de la Babylonie ancienne, ArOr 35(1967), 126; H. Petschow, Neufunde zu keilschriftlichen Rechtsammlungen, ZS 85(1968), 26-29.

3) E. Neufeld, The Emergence of a royal-urban society in Ancient Israel, HUCA 31 (1960), 47.

4) Edzard, WGAV, 156.

show that the *mēšarum* did have some real force in practice.

- (i) The inner logic of the economic situation requires such an enactment, for otherwise the overburdening debts, the ever-accumulating arrears and debt servitude would have ruined the economy and eventually the stability and peace. The relationship between debtors and creditors would have become unbearable, affecting the social stability and order.<sup>1)</sup>
- (ii) VAB 5 no. 273 clearly shows that the *mēšarum* did affect the normal procedure of drafting contracts.<sup>2)</sup> Creditors attempted to circumvent the effects of a possible and impending *mēšarum*, because they knew it would affect their "business".
- (iii) Certain deeds of sale and other types of contracts relating to real estate, all of which include references to *mēšarum*-acts, show that these royal *mēšarum*-acts directly affected the retention of title to purchased immovable property. In fact, the insertion of a special clause or postscript in certain contracts noting that the sale was concluded after a *mēšarum*, was obviously designed to protect the new title-holder against potential litigation based on the *mēšarum*.<sup>3)</sup> BM 80318 indicates that at the promulgation of the *mēšarum* formal commissions were established to review real estate transactions. Thus we have here a petition, protesting a decision by an official, which hinged on the question of the relevance of a *mēšarum* to a particular instance. The *mēšarum*, then, did attain some measure of effective force in the eco-

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1) Bottéro, JESHO 4(1961), 143-159.

2) See *infra* p. 178f.

3) Finkelstein, AS 16(1965), 242.

conomic life of the times. Finkelstein argues that it was precisely this mixture of success with ineffectiveness in its measures over the longer range that recommended it to the rulers and helped to institutionalize" the *mēšarum* in its regular, recurrent form.<sup>1)</sup> In the light of BM 80318 at least, a limited but fair degree of effectiveness must be conceded to the *mēšarum*-institution.

### The *mēšarum* and Social Concern for the under-privileged

In several texts discussed, we repeatedly find references to the hopeless position of the debtors, strangers,<sup>2)</sup> the widow and the orphan. The *mēšarum* and other "reform"-measures are said to attempt the alleviation of their financial position temporarily. It is, however, at present impossible to ascertain whether any "social consciousness" existed on the part of the public or state (palace) which would take care of these people in times of extreme distress, famine, drought, war, floods, etc. There are a few indications that the temple in the Old Babylonian period occasionally gave loans without interest.<sup>3)</sup> LH section 32 states that the temple had to ransom a *rēdūm* or *bā'irum* who was taken captive when no private money was available.

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1) Finkelstein, op.cit., 242 n. 38 contra Bottéro who dismisses the *mēšarum*-institution as a pious but futile gesture in so far as it was concerned with purely economic matters. Finkelstein thinks that its periodic re-appearance must be rooted in grounds other than any inherent futility of the measure itself. As for the present state of our knowledge, it seems impossible to detect these grounds in which the *mēšarum* as institution was rooted. Except for the royal ideology the only known analogy is the Biblical *yôbêl* and *šemiṭṭâ*.

2) H. Limet, *L'étranger dans la Société Sumerienne*, CRRA 18(1972), 123-138.

3) Cf. Goetze, JCS 11(1957), 17. We do not, however, know who the persons were who enjoyed this prerogative. If this was a general practice, then it seems impossible to explain the existence of so many private loan-contracts. Moreover, it might have been an isolated case, or even a case of corruption (see Edzard, WGAU, 155).

The *arua*-institution <sup>1)</sup>

From several *g e m e - d u m u* texts it appears that women and children were taken care of in the temples in exchange for their labour. The great majority of these women and children were widows (*almattum*) and orphans (*ekûm*) respectively. Old people (*šîbum/šibtum*) were also included in these lists. Several men also served in an auxiliary capacity to support the principal economic activity of women and children in certain specialized temple households, such as mills and weaving establishments. It seems, however, that the majority of these people were without a family, a male provider or any visible means of support.

Gelb also shows that old people, unwanted children, as well as rejected women for whom their families could not provide, were cast off as "gifts" to the temple.<sup>2)</sup> The temple as a full socio-economic unit, utilized the women and children as personnel as the palace utilized serf peasants, craftsmen and prisoners of war. The temple labour-force consisted of widows, orphans, old people, especially old women, blind and deaf persons, beggars and vagabonds, prostitutes, foundlings and the ex-voto (*arua*) personnel. The temple therefore served as a collecting centre for these people, who could join it out of their own free will or could be offered by persons on whom they were dependent. For the lower impoverished classes this was a relief from economic distress. The temple thus fulfilled the duty of taking care of the widow, the orphan and the unwanted; in return the temple obtained cheap labour.

The question now remains whether this may be regarded as a kind of charity

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<sup>1)</sup> See I.J. Gelb, *The arua Institution*, RA 66(1972), 1-32.

<sup>2)</sup> Gelb, op.cit., 9-10; see R. Harris, Ancient Sippar, 188-199, 302-332 and idem, JESHO 6(1963), 121-157 on the subject of "cloisters".

or welfare service; in other words, social concern in practice? From several texts quoted by Gelb it seems that life for these *arua* people was very difficult indeed. A barley list from Lagaš<sup>1)</sup> (= BM 14332) (Ur III period) shows that in one year only one out of seventeen people survived; four died and twelve became fugitives. Several other texts also show that these unfortunate people were obviously not the object of charity and welfare, but had to earn their food and housing by hard work. Apparently no other kind of organized help to people in economic distress was given by the temple.

How then did the ordinary people behave in a situation of emergency? Oppenheim has shown that the Akkadian verb *bullutu* means to keep a person alive by providing him with food in an emergency.<sup>2)</sup> 2 NT 293 and 297 show that the poor people sold their children as slaves or gave them to the temple in order that they might survive. In periods of catastrophic famine (*darnatum*) food was given on credit.<sup>3)</sup> This cannot be regarded as motivated by a social concern for the poor. It was the particular situation that forced people to act accordingly.

Words such as *zanānum*, *zāninum*<sup>4)</sup> refer to the sustenance provided by the king to the sanctuaries or the distribution of food by a king to the populace of a city. There is no indication that this was motivated by a royal social

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<sup>1)</sup>For the *arua*-institution at Larsa, see Jean, Babyloniaca 10(1927-8), 218.

<sup>2)</sup>Oppenheim, Siege-documents from Nippur, IRAQ 17(1955), 1ff. Cf. CAD B, s.v. *balātu* 3, 4, 6. See also the attempt of Ibši-Suen of Ur to 'feed' his people in an emergency (Edzard, WGAV, 155).

<sup>3)</sup>Yaron, On Section II 57 (= 172) of the Hittite Laws, RIDA 10(1963), 137f.

<sup>4)</sup>CAD Z, s.v. *zanānu* (p. 42f); cf. W. Eilers, Akkadisch *zanānum*, Böhl Festschrift, 129.

responsibility and/or care such as the royal inscriptions boast of. Even the word *rēmum* ("to have compassion") is hardly ever used in connection with kings or individual persons.<sup>1)</sup>

Is it then possible to regard the *mēšarum*-acts as "Gnadenakten", i.e. acts motivated by the grace and compassion of a king towards his people? Ideologically this would fit into the pattern of the image of the ideal king. We know, however, that in practice these measures were destined to forestall economic chaos, and ultimately anarchy. The *mēšarum*-act's intention was to benefit the palace in order to get popular support and to encourage people to higher productivity. This would ultimately create stability and prosperity and the king would be in a position to report this as his own accomplishment as a wise (*emqum*) and just (*šar mēšarim*) king.

(B) THE ROYAL IDEOLOGY AS MOTIVE FOR THE *MĒŠARUM*<sup>2)</sup>

Our analysis of the different texts in which the word *mēšarum* occurs, has shown that it is used almost exclusively in connection with gods and kings. As the representative of the god(s) the king was no absolute monarch, but was answerable to powers outside himself.<sup>3)</sup> His god(s) expected him to "shepherd" the people by means of *mēšarum* and see that justice was done (*šutēšuru*) to the less-privileged.<sup>4)</sup> The gods granted him a "sceptre of justice" or revealed to him the "way of justice" whereby he exercised his

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1) AHw, s.v. *rēmu(m)* (p. 970).

2) Most important here are the lectures given at the Rencontre Assyriologie 1971, published by Garelli, Le Palais et la Royauté (CRR 19), 1974.

3) See T. Jacobsen, Primitive Democracy in Ancient Mesopotamia, JNES 2(1943), 160; Kraus, Das altbabylonische Königtum, CRR 19(1974), 235-261. His heavy responsibility prevented the king from oppressing, and acting in an unjust way towards, his people.

4) Fensham, JNES 21(1962), 130-132.



duty as a *šar mēšarim*.<sup>1)</sup> To be a "just king" was regarded as the highest virtue and prime duty of the "ideal" king.<sup>2)</sup> Moreover, a king's reign was evaluated in terms of whether it was "just" or not. Such a "just reign" was characterized by stability, peace and prosperity. Everyone in his kingdom would have had legal protection, for the king had to love, guard, proclaim and uphold justice. Justice, then, was expected from a king by his gods and his people.<sup>3)</sup>

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1) Van Proosdij, Symbolae Van Oven, 29-35.

2) Cf. Sjöberg, ZA 54(1961), 51-70. On a cylinder seal from the time of Tukulti-Ninurta I, the king professed his intention to walk in justice (*mēšarītu lullik*), because he enjoyed the "spirit of justice" (*napšat mēšaru lūkil*); see P. Amiet and G. Dossin, Un Sceau-Cylindre Assyrien, RA 62(1968), 27. Kramer (CRRRA 19 (1974), 163-176) discusses this concept of the "ideal king" as conceived by the Sumerian poets who glorified their rulers in the royal hymns in hyperbolic imagery. The king was the perfect, ideal man, "physically powerful and distinguished-looking; intellectually without peer; spiritually a paragon of piety and probity". The ideal king was a conqueror, a temple-builder, a farmer who filled the granaries, a shepherd who enriched the stalls and sheepfolds, a father, etc. "Social justice, equity, and law were, according to the hymns, a prime concern of the ruler, since Sumerian society was polarized into rich and poor, strong and weak, powerful and impotent, oppressor and oppressed. All the kings claim to love justice and truth and to hate evil and iniquity" (175-6). These acts of justice towards the widow, the orphan and the poor were, according to the ancient poets intended to make the people happy. The king's motive was the obsessive, ambitious drive for fame. These statements help to depict the attributes and qualities, the deeds and achievements of the ruler that should have been. Schmid (Gerechtigkeit als Weltordnung, 24f) has shown that justice was the expected function of the king in all the important spheres of life such as nature, cult, war, wisdom, law. From several hymns, such as the ones of Lipit-Ištar (SAHG no. 28; Römer, Königshymnen, 29-38), Iddin-Dāgān of Isin (SAHG no. 26), Šulgi (SAHG no. 24; Hallo, HUCA 33(1962), 1-43; Wilke, CRRRA 19(1974), 177-232), Enlilbāni (Kapp, ZA NF 17(1955), 76-87), etc. it is clear that the 'ideal' image of the king was that of a wise shepherd, guarantor of justice, maintainer of fertility and the cult and the protector against enemies. The same can be said of the royal ideology at Ugarit, Phoenicia and in the Hittite kingdom.

3) This expectation of justice from the king is not confined to Mesopotamian rulers alone. For Egypt see ANET, 378 (Accession of Merneptah), Asia Minor (Goetze, Kleinasien, HdAW 1933, 84; Forrer, MAOG IV(1928), 31f) and Solomon in the Old Testament; cf. Schmidt, Königtum Gottes in Ugarit und Israel (BZAW 80), 1961.

We have also seen that Mesopotamian kings expressed their desire to adhere to this expectation in prayers and historical reports; and even in the way they were depicted on their statues.<sup>1)</sup> Finkelstein has shown that the Laws of Hammurapi were compiled late in his reign as a royal apologia or witness to the king's conduct of affairs as a *šar mēšarim*.<sup>2)</sup> They were inscribed upon a stone stele addressed to the god Marduk who had called him to reign "and make justice appear in the land" by judging the causes of the fatherless and the widow. Accordingly the laws were set up in the temple before the god in Babylon. The epilogue made it clear that it was also meant for the successors.<sup>3)</sup> Hammurapi's concern with the dispensation of justice in his realm is further clearly illustrated by his correspondence.<sup>4)</sup> This same royal concern with justice is evidenced by a text dated more than a thousand years later in which Nebuchadrezzar is said to burn the midnight oil in writing down true and just judgements for the betterment (*ana dummuq*) of his people and to please Marduk, his god.<sup>5)</sup>

This very strong connection between "royal ideology" and justice is a subject deserving a special study.<sup>6)</sup> Surprisingly little has been done in this

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1) See Barrelet, CRRA 19(1974), 116-117: "La plus typique étant celle qui décrit l'image en la nommant 'roi de justice'".

2) Finkelstein, JCS 15(1961), 103.

3) Wiseman, Vox Evangelica 8(1973), 9. See also J. Klíma, Die juristischen Gegebenheiten in den Prologen und Epilogen der mesopotamischen Gesetzeswerke, in: Travels in the World of the Old Testament. Studies presented to Prof. M.A. Beek on the occasion of his 65th Birthday, edited by M.S.H.G. Heerma van Voss et al., Assen, 1974, 159f.

4) Leemans, King Hammurabi as Judge, Symbolae M. David (1968), 108f.

5) Lambert, IRAQ 27(1965), 1-11 (BM 45690). Cf. A.K. Grayson, Babylonian Historical-Literary Texts, 1975, 78ff.

6) See Cazelles, De l'idéologie royale, JANES 5(1973), 59-73; Coppens, L'idéologie royale ougaritique, Böhl Festschrift, 81-89; Oppenheim, Ancient Mesopotamia, 102; idem, JESHO 10(1967), 9, 13-14; Kramer, Kingship in Sumer and Akkad: The Ideal King, CRRA 19(1974), 163-176; Kraus, CRRA 19(1974), 235-261, esp. 250-257; Saggs, Greatness, 372; Meissner, BuA I, 56-59, 67; Loewenstamm, Biblica 56(1975), 117; Schmid, op.cit., 22-69.

respect, for the attention of scholars was focussed on the religious and ritual aspects of kingship rather than on his social responsibilities.<sup>1)</sup> Yet it seems that the maintenance of proper legal procedures and legal protection for the less-privileged, the promulgation of laws and price-regulations to correct abuses, and above all, to change existing practices according to the needs of those adversely effected by them, were indeed the outcome of this ideal image of the king; hence the strong connection between royal ideology and justice.<sup>2)</sup>

The attempts to promote the general welfare by the remission of certain debts and by regulating the rate of interest, the wages and fees for essential services and the prices of staple commodities were called royal acts of *mēšarum*. These measures were seen as a clear demonstration of the king's attitude toward justice, for he was regarded as the guarantor of justice.<sup>3)</sup> The *mēšarum*-edicts were therefore an expression of the king's social concern - ideologically at least - whereby he attempted to improve the economic situation of his subjects.

This would also have another important side-effect: the king would enjoy un-

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1) R. Labat, Le caractère religieux de la royauté Assyro-Babylonienne, 1939; J. de Fraine, L'aspect religieux de la royauté israelite, 1954; Gadd, Ideas of Divine Rule, 33-62; H. Frankfort, et al., Kingship and the Gods, 1948; I. Engnell, Studies in Divine Kingship in the Ancient Near East, 1967, 16-51; J.A. Soggin, Das Konigtum in Israel (BZAW 104), 1967, 136-148; I. Seibert, Hirt-Herde-König, 1969; S.H. Hooke (ed.), Myth, Ritual and Kingship, 1958, 22-73; K. Bernhardt, Das Problem der altorientalischen Königs-Ideologie im Alten Testament, 1961, 67-90 (for an extensive bibliography). See also Buccellati, Cities and Nations, 1967, 56-63, 82-88, 99-103; H. Ringgren, Religions of the Ancient Near East, 43-45; 99-107.

2) O. Loretz, Die prophetische Kritik des Rentenkapitalismus. Grundlagen-Probleme der Prophetenforschung, UF 7(1975), 273-4.

3) Saggs, Greatness, 372.

usual popular support. His position would be sufficiently secure soon after his accession to the throne; he would be in the position to count on the loyalty of his subjects, for he would have demonstrated his intention to comply with the traditionally expected functions of a *šar mēšarim*.

Oppenheim has argued for a marked difference between the urbanized population and that of the rural areas.<sup>1)</sup> The political and military base of power of the king was in the small towns rather than in the city in which he had his palace. This clarifies the fact that the provisions of the edict were mainly directed to and largely benefited the rural population, for the king needed their support in order to maintain law and order in his realm.<sup>2)</sup>

It is also significant that certain concessions were made only to the lower military personnel, thereby ensuring their support. The king, however, also included certain provisions in the edict in order to come to terms with the "moneyed city-dwellers", because it was the cities and temples that yielded him tax-income in silver while the rural regions delivered, at best, payments in kind. He needed the market-associations to dispose of the surplusses, but he needed the rural population even more, for waging wars to obtain additional power by conquest and booty.

It has been shown that it was customary for a king to proclaim a *mēšarum* in the first full year of his reign. The *mēšarum*-act was primarily an essential element in the procedure by which the king established his authority and supremacy over the land on accession. By upholding this ideal of "justice" the king safeguarded his own position against possible rebellion and, in addition, obtained the popular support of his people. By this act he also

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<sup>1)</sup> Oppenheim, *JESHO* 10(1967), 8-13; *Ancient Mesopotamia*, 125-142. Cf. J. Renger, *Flucht als soziales Problem in der altbabylonischen Gesellschaft*, *CRR* 18(1972), 167-182, esp. 168.

<sup>2)</sup> Ebeling, *Ein Beschwerde einer assyrischen Handwerker Gilde über gesetzwidrige Behandlung*, *Or* 19(1950), 9f, has shown that an appeal was made to the king to prevent higher officials from exploiting the labourers. Compare section 22 of the Edict.

demonstrated his position with regard to the existing and, therefore, earlier traditional laws.<sup>1)</sup> Finkelstein has argued that the *mēšarum*-act was no "reform", and that it would seem to have been directed towards upholding an ideal legal position, if necessary by royal decrees directed against specific abuses. From the "Advice to a Prince" it is clear that future kings were instructed to heed this "ideal" of justice by upholding the laws.<sup>2)</sup>

Justice seems therefore to belong to the very essence of "ideal" kingship. His responsibility towards gods, the "tradition"<sup>3)</sup> and posterity<sup>4)</sup> made it essential for the king to comply with this ideal of justice. The best way to do it was to enact a *mēšarum* at the time of his accession to the throne. Then he was in the best position to evaluate his predecessor's reign and to attempt circumventing the latter's errors by "clearing the tablets", and starting a "new deal" without any impedimenta.<sup>5)</sup> This would immediately emphasize his ideal image as *šar mēšarim*, a king who shepherds and feeds his people and would lead to unusual popular support, for his reign would have been regarded as one founded on law and justice.<sup>6)</sup> Such a reign would create peace, prosperity and stability, for the *mēšarum* was intended, ideologically at least, to alleviate the economic circumstances of the under-

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1) Wiseman, *JSS* 7(1962), 163. See the term *šarrūti darrū* ("lasting kingship") discussed by Lambert, 'The Seed of Kingship', *CRRA* 19(1974), 427-440. A tablet (BM 80328) published by Finkelstein (*JCS* 20(1966), 95f) and discussed by Lambert (*JCS* 22(1968-69), 1f) shows that Amnišaduqa had listed the names of the kings of Babylon up to his time in order to illustrate his legitimate claim to the throne by belonging to the right family.

2) *BWL*, 112: 1f; cf. Kramer, *CRRA* 19(1974), 174 and Kraus, *CRRA* 19(1974), 248.

3) One would expect that the ordinary people were well aware of the "reforms" of kings such as Urukagina, Gudea, etc.

4) Cf. *LH* xxvb 59-74; Haase, *Einführung*, 1965, 28.

5) Bottéro, *JESHO* 4(1961), 159. See also *KRT* C VI 39f (cf. Coppens, *op.cit.*, 84f) for Jassib's judgement of his father's reign.

6) Cazelles, *JANES* 5(1973), 59; Edzard, *WGAV*, 156. See *infra* p. 256f.

privileged and to facilitate the life of the subjects.<sup>1)</sup>

Thus it seems only reasonable to surmise that a second motive for Ammišaduqa's enactment of his *mēšarum* lies with the traditional royal ideology. The *mēšarum*-act is proof of his official "policy" and therefore his attitude towards the gods and his subjects. For him, such an act was in compliance with his expected duty as king and in accordance with the fact that he was the representative of his god.

(C) "WELTORDNUNG" AS A MOTIVE FOR THE *MĒŠARUM*

To the Mesopotamian the centre and meaning of existence always lay beyond man and his achievements, in intangible powers ruling the universe. Man saw the cosmos as order, but, then, the cosmic order appears as something to be achieved through a continual integration of the many individual cosmic wills.<sup>2)</sup> His effort to control the forces of nature is shown, e.g. in the digging of canals and dredging of marshes, the taming of animals, the grouping of certain trees together in one orchard, etc. This effort to order elements of chaos is also to be seen in other spheres of life, such as the state (law), religion (cult), economy. Jacobsen has shown that the myths provide sufficient evidence for the assumption that the world order is a mere reflection or outcome of the ideal cosmic order in which the powers

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1) This great contrast between the ideal situation as professed in royal hymns and other literary texts, and the practice as attested in legal texts, letters, etc., is always to be kept in mind when dealing with the royal ideology. It would have been bad propaganda to write down the true and realistic facts about a king. The ancient authors, the scribes, would never have done such a thing. The Mesopotamian society professed such ideals as justice, equity, and compassion, but abounded in injustice, inequality, and oppression. See Kramer, *Modern Social Problems in Ancient Sumer*, CRRA 18 (1972), 113f.

2) Jacobsen, Before Philosophy, 137.

of the universe are integrated. 1) It is the king's responsibility to re-establish and to uphold this order and to protect his people against elements of disorder or chaos. 2)

This idea of "Weltordnung" as Schmid<sup>3)</sup> calls it, is prevalent from the most ancient times. Among the Sumerians the word *me* denotes the rules and laws given by the gods to the king whereby the effective functioning of this world order is guaranteed. The myth "Ianna and Enki: the transfer of the arts of civilization from Eridu to Erech", shows that civilization is to be divided into over one hundred elements, each of which required a *me* to originate it and keep it going. Among these, "kingship", "the throne of kingship", "the exalted sceptre", "the royal insignia", "shepherdship", etc., are all clearly attested. 4) In a hymn to Anu, containing a prayer for Lipit-Ištar, it is also said that the king unifies all the *me* in his person. 5) These are bestowed upon him by Anu. It seems therefore that the king was regarded as the earthly guarantor of the cosmic order. The *me* is best to be understood as "Ordnungen", 6) hence the king is obliged and responsible to ensure order in all spheres of life. The king continually had to "create"

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1) Op.cit., 148-184. See also Kramer, The Sumerians, 174-183 for the Sumerian myth "Enki and the World Order: the Organization and Its Cultural Processes," which provides a detailed account of the activities of Enki in organizing the earth and in establishing what might be termed law and order on it.

2) Engnell, op.cit., 32.

3) Schmid, ibid.

4) See Krämer, The Sumerians, 82, 115-17; K. Oberhuber, Der numinose Begriff ME im Sumerischen, Innsbrücker Beiträge zur Kulturwissenschaft, Sonderheft 17, 1963, 160-62 (not available to me); Gadd, Divine Rule, 12f; Speiser, Idea of History, 37f; Ringgren, op.cit., 43f, 51f.

5) SAHG no. 20.

6) Schmid, op.cit., 62-64.



order out of chaos like the gods. This is evidenced by the annual new year's festival whereby not only the order in nature but also the order of the state is upheld. The maintenance of law is also to be related to the creation order, for any offense against the law has its consequences in the spheres of nature (drought, famine) and politics (enemies). "Recht, Natur und Politik sind nur Aspekte der einen, umfassenden Schöpfungsordnung".<sup>1)</sup> The king, as son or representative of the (creation) gods, is guarantor of this creation order. The fertility of the land (prosperity) as well as the social and political order of the state (justice, peace) is dependent on him. Therefore the attempts of a king to ensure peace, prosperity and justice are only the result of his endeavour to abide by this eternal cosmic order. If the king acts in conformity with this "creation order", he is blessed; if not, he will have to bear the consequences. It seems, therefore, that royal ideology and world order are intimately related. Schmid has also shown that wisdom,<sup>2)</sup> peace, and justice in a comprehensive sense, form the essence of the universal world order. Basically "Weltordnung" expresses "die Auffassung, dass die Welt im Grunde ein in sich geschlossenes, geordnetes, von Frieden, Gerechtigkeit und Heil durchwaltetes Ganzes sei".<sup>3)</sup>

This idea of "Weltordnung" is not confined to Mesopotamia alone, but is in-

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1) Schmid, Altorientalische Welt in der alttestamentlichen Theologie, 1974, 12; "Das Recht statuiert die Durchsetzung der Schöpfungsordnung nach ihrer juristischen Seite hin".

2) Schmid, op.cit., 26-30. He defines wisdom as "die sich (mundlich oder schriftlich) äussernde Bemühung des Menschen, bestimmte Erfahrungen und Erlebnisse zu formulieren, zu sammeln und zu ordnen um so ein Stück weit die Regeln und Ordnungen der Welt zu erkennen, um sich nach Möglichkeit ihnen entsprechend zu verhalten und so die Ordnung der Welt zu erhalten, bzw. immer wieder neu zu konstituieren" (op.cit., 137).

3) Schmid, op.cit., 105.



herent to the Egyptian concept of Ma'at.<sup>1)</sup> The creation god Atum (and later Re) has bestowed Ma'at upon the king. The king had to put Ma'at in the place of *'isft* (injustice, chaos). Ma'at is related to law, wisdom, order in nature, cult, etc. It is significant that the situation of anarchy and social injustice during the first intermediate period led to the growing consciousness of the belief in the "tribunal of the dead" with Osiris as judge and the nome gods as assessors. The deceased was called before the court and had his heart placed upon one side of a balance, the other bearing a feather, symbol of Ma'at, the goddess of truth, justice and cosmic order. If the scales balanced, the deceased was declared "justified", if not, he was handed over to "the Great Devourer". This belief in an after-life called for "just" actions; hence the affirmations repeated on the stelae: "I gave bread to him who was hungry, water to him who was thirsty, clothing to him who was naked. I protected the widow and orphan".<sup>2)</sup> From several wisdom compositions such as the "Instruction for Merikare" this same attitude towards justice is clearly evident. The king as guarantor of Ma'at is par excellence the one who maintains order and justice.

It seems therefore that the king's primary duty is to guarantee this world order in the different spheres of life. He is guided by eternal cosmic truths (*kittum* and *mēšarum*, or Ma'at) to fulfil his duty as son or represen-

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1) S. Morenz, Ägyptische Religion, 1960, 117-143; C.J. Bleeker, De Betekenis van de Egyptische Godin Ma-a-t, 1929; Schmid, Gerechtigkeit als Weltordnung, 46-61. See also V. Poláček, Zur Frage des altaegyptischen Rechts- und Gerechtigkeitsgedankens, JJP 13(1961), 243-268 (esp. 250f); H.W. Wolff, Kulturgeschichte des alten Ägypten, 1962, 170f; H. Brunner, Das rechtliche Fortleben des Toten bei den Ägyptern, AfO 18(1957-58), 52-61.

2) J. Vercoutter, The Near East. The Early Civilizations, 345; S. Morenz, op.cit., 120f; idem, Gott und Mensch, 1962, 125f; J.A. Wilson, Before Philosophy, 116-121.

tative of the creation god. By doing justice he ensures peace, prosperity and order in his kingdom.<sup>1)</sup> This, then, can be related to the *mēšarum*-edict which was designed to forestall economic and social disorder. The proclamation of a *mēšarum* was an act whereby the king attempted to create order out of (economic) chaos in compliance with his function as representative of the creation god, Marduk. By enacting a *mēšarum* he restored the socio-economic order<sup>2)</sup> at the beginning of his reign. Its promulgation most probably coincided with the New Year Festival which represented the triumph of order over chaos.

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1) Urukagina's "reform" measures were motivated by an ideological justification for the new order and the abolishment of the status quo. See B. Hruska, CRRA 19(1974), 153-54.

2) Bottéro, JESHO 4(1961), 159.

CHAPTER III REFERENCES TO MĒŠARUM-DECREES IN AKKADIAN DOCUMENTS

The expression *mēšarum šakānum* is used in a highly technical meaning designating a redress. This redress can be defined as a legislative act to remedy certain economic malfunctions.<sup>1)</sup> This specific meaning is applicable in its strict sense to the Old Babylonian period only. There are, however, related terms and expressions showing that this idea of a socio-economic "reform" was prevalent much earlier. A discussion of these terms has been given by Landsberger<sup>2)</sup> and Kraus,<sup>3)</sup> viz.

- (a) *mēšaram šakānum*
- (b) *šimdat šarrim*
- (c) *andurāram šakānum*

Other related terms such as *tuppam hepūm*, *l ā l . ḫ i . a*, *wuššurum*, are terms describing the same act. These various expressions, then, indicate the existence of a *mēšarum*-act although they nowhere provide the contents of such an act in the way in which the Edict of Ammišaduqa illuminates it.

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<sup>1)</sup> Cf. CAD M, s.v. *mēšaru* A (p. 1276).

<sup>2)</sup> Landsberger, *Die babylonischen Termini für Gesetz und Recht*, Symbolae Koschaker (SD II), 1939, 219-233.

<sup>3)</sup> Kraus, SD V, 195. Cf. also Walther, LSS VI 4-6, 83-99; Lautner, Personenmiete, 177-190; Weidner, ZA 43(1936), 120-123; Driver-Miles, BL I, 21f.

In the present chapter I have arranged the references to the royal 'reform' acts in a chronological order.

#### 1. Entemena

M. Lambert's recent publication of AO 24414 shows that Entemena (ca. 2430), e n s i of Lagaš, was the first king who mentioned his royal act of granting "freedom" to the people of Lagaš, Uruk, Larsa, Bad-tibira.

The phrase used, a m a . g i<sub>4</sub> l a g a š . k i e . g a r is paralleled in Col. iv 1-5 by a m a d u m u . n i ï . g i<sub>4</sub> d u m u a m a . n i ï . g i<sub>4</sub> a m a . g i<sub>4</sub> š e . h a r . k a e . g a r, "he restored to the mother her child, he restored to the child his mother, he instituted the freedom from interest."<sup>1)</sup>

It seems therefore that Entemena remitted the arrears on debts in his city. The disinherited and the poor who had fallen into debt servitude were set free again. This he did to please his gods, Ningirsu and Nanše. Lambert has also shown that these cities were conquered by Entemena to expand his empire. By the alleviation of debts and remission of exorbitant interest rates he caused prosperity in these areas, thereby also creating new alliances against Umma which he later conquered.<sup>2)</sup> Powell recently showed that both Entemena and Urukagina were forced to undertake such measures to

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<sup>1)</sup> Cf. M. Lambert, *L'Expansion de Lagash au Temps D'Entéména*, RSO 47(1972), 1-22. Cf. also M. Lambert, *Une Inscription nouvelle D'Entéména - prince de Lagash*, La Revue du Louvre 21(1971), 231-236. See now D.C. Edzard, 'Soziale Reformen' im Zweistromland bis ca. 1600 v. Chr.: Realität oder literarischer Topos? in WGAV 145-156, esp. 146 who came to the same conclusion independently. Edzard shows the importance of the connection between a m a . g i<sub>4</sub> and interest-bearing loans on barley.

<sup>2)</sup> Cf. Sollberger, IRSA, 66-75 for other inscriptions of Entemena and CAH 1/2(1971), 119-121 for the historical background.

rectify social inequities arising from (market) economic processes.<sup>1)</sup> This, then, can be regarded as the first of what later would become *mēšarum*-edicts.

2. Urukagina<sup>2)</sup> (ca. 2355)

The "reform" measures of Urukagina have been much discussed recently, especially in the light of a heightened interest in social questions and theories of government.<sup>3)</sup> Therefore I refrain from taking part in the discussions regarding the scope and character of these reforms. A few aspects, however, need to be pointed out.

(i) The changes introduced by Urukagina seem a genuine attempt to alleviate the burdens imposed upon the general population by governors and priests.<sup>4)</sup> These existing practices and abuses are exposed bluntly over against the new measures.

(ii) The "reforms" were stated to be reversions to "the good old ways" which the god Ningirsu had ordained from the beginning. This newly

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<sup>1)</sup> Marvin A. Powell, *Sumerian Merchants and the Problem of Profit*, *IRAQ* 39 (1977), 23-29, esp. 28-29. See also Daniel C. Snell, *The Activities of Some Merchants of Umma*, *IRAQ* 39(1977), 45-50.

<sup>2)</sup> Lambert (*Or* 39(1970), 419) reads <sup>d</sup>L u g a l . i n i m . g i . n a instead.

<sup>3)</sup> Text: *VAB* 1, 44-59, especially 48 5: 9-18; 50 7: 21-28; A. Deimel, *Die Reformtexte Urukaginas*, *Or* 2(1920), 3f; idem, *Sumerische Tempelwirtschaft zur Zeit Urukaginas und seiner Vorgänger*, (*An.Or.* 2), Rome, 1931, 75f. Other discussions and translations are: M. Lambert, *Les "Reformes" d'Urukagina*, *RA* 50(1956), 169-184; I.M. Diakonoff, *Some Remarks on the "Reforms" of Urukagina*, *RA* 52(1958), Iff. See also J. Klíma, *Urukagina der grosse Reformator in der mesopotamischen Frühgeschichte*, *Das Altertum* 3(1957), 67-78; Kramer, *Sumerians*, 317-321; Edzard, *Fischer Weltgeschichte* II, *Die Altorientalischen Reiche I*, 57-90= *The Near East: The Early Civilization* (1967), 76ff; Gadd, *CAH* 1/2 (1971), 140f; Korošec, *Keilschriftrecht*, *HdO* III, 64; Falkenstein, *CHM* I, 1954, 800f; Saggs, *Greatness*, 47-48, 196-199; Klíma, *RLA* III, 246f; B. Hruška, *Die Reformtexte Urukaginas*, *CRR* 19(1974), 156-161; idem, *Die innere Struktur der Reformtexte Urukaginas von Lagaš*, *ArOr* 41(1973), 4-13; 104-132; I. Golgher, *La Structure Economique et Sociale de Sumer Présargonique*, diss. Paris, 1959, 107-179; Edzard, *WGAU*, 147-49; Sollberger, *Corpus*, 48-55.

<sup>4)</sup> For the decline of the economic situation during Urukagina's reign, see F.X. Kugler, *ZA* 25(1911), 275, where it is said that the wages of an official were reduced from 160 qā in Urukagina's second year to 60 qā in his sixth year.

created situation, then, reflects the ideal reign.

- (iii) The "reforms" were proclaimed on divine demand. Urukagina only acted as agent of Ningirsu whose will it was to bring about changes in the existing legal order. Urukagina proclaims in a striking phrase that he had "joined this covenant with Ningirsu that he would not deliver up the weak and the widow to the powerful man."<sup>1)</sup>
- (iv) The classes who benefited from these measures were boatmen, fishers, farmers and herdsmen. These were the most affected classes among his subjects because they were liable to render military service.<sup>2)</sup> They may also be regarded as the poorer layer of the population who suffered most from the interference and exaction of dues by the officialdom and 'clergy'.
- (v) The 'reforms' concern not only the illegal invasions of property and appropriation of crops of the poorer classes, but imply also the drastic limitation of the exorbitant fees by more than a half. Certain other fees and taxes levied by the priests were also remitted. Moreover, it was decreed that if a "great" man desired to purchase the ass or the house of a humble neighbour, the latter could require him to pay a

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<sup>1)</sup> Cf. T. Jacobsen, Primitive Democracy in Ancient Mesopotamia, JNES 2(1943), 160 n. 4. Cf. The hymn to Nanše: Kramer and Bernhardt, Sumerische literarische Texte aus Nippur I. (TuM NF3), Berlin, 1961, nos. 20, 21. Here she is praised as the upholder of mercy, justice and wisdom. She protects widows and orphans, punishes oppressors, judges, malefactors and maintains correct measures. Cf. Kramer, Aspects of Mesopotamian Society, in Klengel, Beiträge, 3 no. 10; Fensham, Widow, Orphan and the Poor ..., JNES, 21(1962), 130. Whether this expression has to be interpreted in the sense of divine agreement to the reform (Lambert, RA 50(1956), 183) or as a covenant with Ningirsu (Sollberger, Système Verbal., § 177), one thing is clear: the stipulations of the 'reform' had been put under the authority of the god (Weinfeld, Deuteronomy, 149 n. 5).

<sup>2)</sup> Cf. Diakonoff, RA 52(1958), 13-15 and J. Klíma, Das Altertum 3(1957), 78 for a summary of these measures.

'just price' in sound money, and the 'big' man was forbidden to force disadvantageous sales upon his inferior.

- (vi) Among these measures the 'reform' also included freedom for the inhabitants of Lagaš: The text in fact concludes with this remarkable summary: "He (Urukagina) amnestied the 'citizens' (literally, 'the sons') of Lagash who (were imprisoned because of) the debts (which they) had incurred, (or because of) the amounts (of grain claimed by the palace as its) due, (or because of) the barley (claimed by the palace for its) stores, (or because of) theft (or) murder, and set them free. (Finally) Urukagina made a covenant with Ningirsu that a man of power must not commit an (injustice) against an orphan or widow."<sup>1)</sup>

Thus the expression *a m a . g i<sub>4</sub> e . g a r* is used of the reform by Urukagina to declare that, before his own seizure of power, duties were laid upon the citizens of Lagaš as if they were slaves. By in-

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<sup>1)</sup> Cone B+C 12: 20-28 (cf. also Cone A 7: 9-15). Translation: Kramer, *Sumerians*, 319. Cf. Lambert's translation: "Il fit laver les domiciles des habitants de Lagash de l'usure, de l'accaparement de la famine, du vol, des attaques, (et) il fit instituer leur liberté. Urukagina fit sceller par Ningirsu cette déclaration qu'il ne livrerait pas au riche la veuve et l'orphelin."

M. Lambert says that *a m a . g i<sub>4</sub> e . g a r* here only implies the annulment of duties. One is, however, inclined to think that this expression includes the whole reform in the same way as it is mentioned in Cone A 7: 9-15 which Lambert himself translates: "[Lorsque Urukagina] ent reçu [la roya] uté de Girsu; il fit instituer la liberté", *op.cit.*, 183.

roducing this reform, he gave them freedom.<sup>1)</sup> In the context it means freedom from debt servitude, remission of taxes and fees, abolition of certain abuses, etc.

(vii) The fact that Urukagina restored estates to the temples and remitted the taxes, shows that he desired to give a real and positive relief to the ordinary population. Temporarily he and his higher officials as well as the priests would suffer some curtailment of their income. On the other hand they may nevertheless be considered the chief gainers, for the main trend of these changes was in the direction of reinstating the original theocracy, which could only be to their advantage.<sup>2)</sup> The effect of the reforms was then only temporarily advantageous to the lower classes.

(viii) Urukagina was most probably elected by the assembly of citizens while his predecessor was still alive.<sup>3)</sup> He came to power as result of a

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1) *a m a . g i<sub>4</sub>* literally means "to return (or allow to return) to one's mother (*a m a*)". It may originally have referred to the liberation from debt slavery to enable a person to live amid his family, contrary to the slaves who worked and lived in a stranger's house. The sale of children is not attested until the Agade period, and as such freedom here means freedom for foreign slaves. See especially Edzard, *The Near East ...*, 78.

In the Neo-Sumerian period (Ur III) *a m a . a r . g i<sub>4</sub>* is used as a technical term for the separate manumissions of individuals from slavery. Both manumissions effectuated by private persons and by the palace administration are designated by this term. (A. Falkenstein, *NSG I*, 92-95). Falkenstein has concluded from the various contracts that the judges were the persons who declared these persons' freedom, whereby the slave sold by his parents or taken away as security was allowed to return to his family. (Falkenstein, *NSG III*, 91; A. Deimel *SL II* (1930), no. 237;52. Moreover, the term *a m a . g i<sub>4</sub>* is used here in connection with *h a r . r a* similarly as in the Entemena-inscription. Thus the 'freedom' from interest-bearing loans at least coincides with the subsequent *mēšarum*-edicts. (Cf. Edzard, *WGAU*, 149).

2) Gadd, *CAH* 1/2 (1971), 142.

3) Diakonoff, *RA* 52(1958), 10.



struggle of the priests and aristocracy against Lugalanda who sought to strengthen his economic and political position by the annexation of the temple estates. Supported by the priests and other officials Urukagina gained the title of *l u g a l* in his second year.<sup>1)</sup> An economic text (DP 519) published by Lambert<sup>2)</sup> and discussed by Stephens<sup>3)</sup>, has an interesting bearing on the economic life of this time: Two officials decided to take over the responsibility for certain payments which some shepherds were unable to make at the specific time for the settlement of debts and payments.<sup>4)</sup> The official then paid the overdue debt on behalf of the peasant, thereby establishing a legal claim against him. Knowing that the peasant was unable to pay him, he obtained the chattels of the peasant at very low cost and then sold it at a good profit. This text is to be dated at the end of Lugalanda's reign. It was this kind of abuse which Urukagina claimed to have corrected by his reform.

Stephens argues that the reform was enacted very near the end of Urukagina's reign (op.cit., 134-136). His arguments are, however, not convincing and one tends to follow Deimel who is in favour of dating the reforms in the year when Urukagina became *l u g a l*, i.e. his second year (which was his first full regnal year). If DP 519 is to be dated at the end of Lugalanda's

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1) See B. Hruška, CRRA 19(1974), 160-161 who argues that this 'reform' was enacted in order to consolidate the temple states in Lower Mesopotamia, but that it unfortunately came too late. For the title *l u g a l*, see D.O. Edzard, *La Royauté dans la période présargonique*, CRRA 19(1974), 141-149.

2) M. Lambert, RA 47(1953), 109.

3) Ferris J. Stephens, *Notes on some Economic Texts of the Time of Urukagina*, RA 49(1955), 129-136.

4) Cf. the sign KA-s i (g) discussed by Stephens, 131.

reign, then one can understand why the reforms were made when Urukagina assumed power.

From the discussion above it seems reasonable to think of Urukagina's reforms as the paradigm of later *mēšarum*-acts. All the major features of Ammišaduqa's edict are prevalent here. Moreover, the concluding phrase *a m a . g i<sub>4</sub> e . g a r* which designates the whole of this reform is the exact equivalent of *andurāran šakānum* which is one of the terms describing a *mēšarum*-act.

Finally, in the reform text of Urukagina "we meet, for the first time, with a theme that will recur constantly in the legal enactments of subsequent Mesopotamian kings: the ruler as protector of the widow and orphan. Urukagina's measures, his grants of tax relief and abolition of debts, head a long list of royal edicts issued in later ages; these, by permanent or palliative measures of a similar kind, sought to stem the tide of impoverishment and indebtedness that periodically recurred in times of speculation or economic disturbance."<sup>1)</sup>

### 3. Gudea (ca. 2144-2124)<sup>2)</sup>

The extraordinarily high moral conduct of the citizens of Lagaš is depicted in one of Gudea's cylinder-inscriptions dealing with the dedication of a newly built temple for Ningirsu.<sup>3)</sup>

<sup>1)</sup> Cf. Edzard, The Near East ..., 82, 87f. Gudea and Ur-Nammu must have been well acquainted with this text for they took it over and used the same structure (See B. Hruška, CRRA 19(1974), 153).

<sup>2)</sup> Edzard, op.cit., 95, 122f; Gadd, CAH 1/2(1971), 459-461; Von Soden, Herrscher, 15f; Saggs, Greatness, 54. For the texts see Thureau-Dangin, SAK 1 (= VAB 1), 66-146; A. Falkenstein, Die Inschriften Gudeas von Lagaš, Rome, 1966; SAHG, 180. See also Korošec, HdO III, 70f.

<sup>3)</sup> Cylinder B xvii 18- xviii: 9. Translation by Kramer, Aspects of Mesopotamian Society, in Klengel, Beiträge, 3; M. Lambert and J.R. Tournay, La Statue B de Gudea, RA 45(1951), 49-66 and M. Lambert, Sur un passage de Gudea, RA 48(1954), 148-149; see also J. Klíma, RLA III, 246f.

"When his (Gudea's) king (Ningirsu) had entered the house, for seven days the slave-girl was the equal of her mistress, the slave walked by the side of his master. In the city the strong and the weak slept side by side. From evil speech the word was altered; wickedness was turned back into its house; the just laws of Nanshe and Ningirsu were strictly adhered, etc. The orphan was not given over to the rich, the widow was not given over to the powerful; in the house where there was no male heir, the daughter was the heir."

Thereby, a classless, egalitarian society is described in which there was a trusting harmony between the weak and the strong, the slave and the master; where there was no injustice and oppression. Unfortunately this idyllic state of affairs lasted only seven days, during this special occasion, and then life went back to "normal". And "normal" life consisted of the strong oppressing the weak; the orphan and widow were at the mercy of the rich and the powerful, etc.<sup>1)</sup>

Strictly speaking one cannot describe this text as belonging to the category of "reforms". However, Klíma, Kramer and Szlechter are of the opinion that it spells out the background of such a reform. After all, all the elements are present.<sup>2)</sup>

<sup>1)</sup> Kramer, *op.cit.*, 4, see now idem, Commerce and Trade: Gleanings from Sumerian Literature, *IRAQ* 39(1977), 59-66 and H. Sauren, Der Handel zur Zeit Gudea's von Lagasch. Idealbild oder Realität, *IRAQ* 39(1977), 71-2 and *Le Muséon* 91(1978).

<sup>2)</sup> Cf. Kramer, Aspects of Mesopotamian Society, in Klengel, *Beiträge*, 6; J. Klíma, Zu den neuentdeckten Gesetzesfragmenten von Ur-Nammu, *ArOr* 21(1953), 445; E. Szlechter, A propos du Code d'Ur-Nammu, *RA* 47(1953), 2. See also Korošec, *HdO* III, 70.

Urukagina: Cone B+C  
 xii 23 n u . s í g n u . m a . s u  
 24 l ú . a . t u g  
 25 n u . n a . g á . g á . a

Gudea Statue B  
 42 n u s í g l ú . n í g . t u g  
 n u . m a . n a . g a r  
 43 n a . m a . s u l ú . á . t u g  
 n u . n a . g a r

4. Ur-Nammu (2111-2094)<sup>1)</sup>

Ur-Nammu's laws constitute the beginning of a long tradition of legal formulation. The king's concern for the rule of law is expressed by the phrase "to establish justice in the land."<sup>2)</sup> The prologue contains a reference to justice and truth (n í g . s i . s á = *mēšarum* and n í g . g i . n a = *kittum*) as the attributes of the god Nanna (lines 41-42). A series of economic abuses is then listed (87-96). At each of the enumerated activities there was present a semi-official agent who exacted excessive or unwarranted revenues from the persons engaged in each such activity, viz. seafarers, herdsmen, etc.

"Then did Ur-Nammu ... by the might of Nanna, lord of the city (of Ur) and in accordance with the true word of Utu establish equity in the land (114-116), (and) he banished malediction, violence and strife. (117-122). By granting immunity in Akkad to the maritime trade from the seafarer's overseer, to the herdsman from the 'oxentaker', the 'sheeptaker' and the 'donkey-taker', he (123-124) set Sumer and Akkad free."<sup>3)</sup>

Ur-Nammu standardized weights and measures (143-149) and revealed a compassion for the less-privileged: "the orphan was not delivered up to the rich man;

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<sup>1)</sup> Cf. Edzard, The Near East ..., 135f. and WGAV, 149-50. For the text see Kramer, Ur-Nammu Law Code (with Appendix by Falkenstein), Or. NS 23(1954), 40-51; E. Szlechter, Le Code d'Ur-Nammu, RA 49(1955), 167-177; idem, A propos du Code d'Ur-Nammu, RA 47(1953), 1-10; J. Klíma, Zu den neuentdeckten Gesetzesfragmenten von Ur-Nammu, ArOr 21(1953), 442-447. Translation by Finkelstein, ANETS, 523. See also Gadd, CAH 1/2(1971), 595-600 and Finkelstein, JCS 22(1968-9), 66f.

<sup>2)</sup> Cf. Szlechter, RA 49(1955), 172 n. 2, 3.

<sup>3)</sup> Cf. Finkelstein, ANETS, 523, n. 7. He restores the line to read š u . b a . a b . b a r ; š u . b a r = Akk. (*w*)*uššurum* "release, remit". This is the exact word used in the Edict of Ammisaduqa for the remission of debts and obligations. See also the Ur-Nammu hymn, TCL XV 12 38 (cf. Castellino, ZA NF 18, 119) and the inscription of Cone B (SAK I, 188, 151). Finkelstein (JCS 15(1961), 101 n. 18) and Sollberger (AFO 17/1, 13) show that the *mēšarum*-act of Ur-Nammu may be considered as documented by this hymn.

the widow was not delivered up to the mighty man; the man of one shekel was not delivered up to the man of one mina" (162-168).

Thus we learn that Ur-Nammu did away with the abuses of a predatory bureaucracy, that he standardized weights and measures and that he concerned himself with the welfare of the orphan, widow and poor.<sup>1)</sup> Unfortunately the text is too fragmentary to make any definite conclusions with regard to his social reform. However, the following might be brought forward in support of such an assumption.

- (i) Klíma<sup>2)</sup> has pointed out that Ur-Nammu must have been acquainted with the earlier 'reforms' of Urukagina and Gudea. He therefore must be regarded as the important link between these earlier Sumerian rulers and the later Lipit-Istar and Hammurapi.<sup>3)</sup>
- (ii) His laws are preceded by an elaborate historical prologue which seems to combine the reform measures with the laws.
- (iii) The remission of duties levied upon the poorer classes also points in this direction. The standardization of weights and measures may be related to the price-tariff for commodity goods as is evidenced in the Laws of Ešnunna.<sup>4)</sup>
- (iv) The concern for the widow, orphan and poor also points in the direction of a social reform.

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<sup>1)</sup> Cf. Fensham, JNES 21(1962), 129f; Korošec, HdO III, 69f and Kramer, IRAQ 39(1977), 64.

<sup>2)</sup> J. Klíma, op.cit., 445-446; Cf. also E. Szlechter, RA 47(1953), 6.

<sup>3)</sup> Szlechter, op.cit., 5.

<sup>4)</sup> Šulgi, his successor, too, set up a bureau of standards and issued accurate weights. Cf. L. Legrain, Business Documents of the Third Dynasty of Ur (UET III), 1947, no. 179.

5. Nidnuša of Dēr

From YOS IX 62 it is clear that Nidnuša the *šakkanakkum* of Dēr has enacted a reform reminiscent of a *mēšarum*-act.

Nidnuša is called the righteous judge (*dajān kinātim*) who does not oppress anyone. Instead he sees to it that justice is done to the oppressed, male and female (*muštēšir ḫablim u ḫabiltim*). This is directly followed by *šākin mēšarim*, "who establishes justice" and *muḫalliḳ raggim*, "destroys evil".<sup>1)</sup> At this point the text breaks off.

The following aspects may be pointed out:

- (i) He regards himself as the righteous judge. He hereby demonstrates his position with regard to the traditional law and his willingness to act accordingly.<sup>2)</sup>
- (ii) His concern for the oppressed can be related to other kings' concern for the widow, the orphan and the poor.
- (iii) The mere fact that the term *mēšarim šākin* is used, also points in the direction of some reform measures he has taken.

6. Iddin-Dagan of Isin (1974-1954)

The "reform" measures taken by Iddin-Dagan is only vaguely referred to in a votive inscription (RIU 293, 9-11) and a hymn.

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<sup>1)</sup> For the text and translation see Edzard, ZZB, 68-69.

<sup>2)</sup> Cf. W.F. Leemans, King Hammurapi as Judge, Symbolae M. David (1968), 107-129.

TCL XVI 88 iii 1-4.

h a r . r a . a n k a s k a l . l a s i b f . s á  
 s u . k a l a m . m a m u . e . d u<sub>10</sub>  
 n ï . s i . s á  
 k a . k a m u . e . n i . g a r

"Weg und Steg hast du sicher gemacht, es dem Lande wohl ergehen lassen, Gerechtigkeit in aller Mund gelegt".<sup>1)</sup>

This text and others<sup>2)</sup> seem to indicate that Iddin-Dagan caused prosperity by encouraging commercial enterprises and by the opening up of new arable lands. It may be connected with a possible 'reform' and/or 'codification' of law.

7. Išmē-Dagan of Isin (1953-1935)<sup>3)</sup>

In several literary compositions Išmē-Dagan is exposed as a king who had established justice and equity by means of his reforms.<sup>4)</sup> His remission of obligations for the inhabitants of Nippur,<sup>5)</sup> the introduction of correct weights<sup>6)</sup> and the recurrent phrase k e . e n . g e . r a n ï . s i . s á

<sup>1)</sup> Edzard, ZZB, 75. Cf. SAHG no. 17.

<sup>2)</sup> Cf. Edzard for TCL XII 88 iii 6-7; vi 6-13.

<sup>3)</sup> Edzard, The Near East..., 152.

<sup>4)</sup> Edzard, ZZB, 80 n. 391 and Römer, Königshymnen, 25f; Cf. J. Klíma, RLA III, 246f.

<sup>5)</sup> TCL XV 9 iv 44-v 4. See also Kramer, CRRA 18(1972), 116 and CRRA 19(1974), 176f or the Išmē-Dagan hymn, cf. Römer, op.cit., 35-55.

<sup>6)</sup> Cf. Edzard, ZZB, 81 n. 398, (PBS V, 66 ii 1-10).

h ē . n i . i n . g a r<sup>1)</sup> seem to indicate a kind of *mēšarum*-act.<sup>2)</sup> The granting of privileges to Nippur must be seen as an improvement of social and economic conditions in Nippur and may be regarded as a reform.<sup>3)</sup>

8. Ilušuma, king of Assyria (ca. 1950)

Weidner has argued convincingly that the expression *a-du-ra-ar a-ga-ti ú ma-ri-šu-nu aš-ku-un*, "the freedom of the Akkadians and their children I have established", designates "einen durch königlichen Gnadenerlass geschaffenen Zustand der Lastenbefreiung."<sup>4)</sup> It does not, however, seem likely that "freedom for the Akkadians" here means a 'political' liberation, for in that case Ilušuma should have conquered Babylonia. Incidentally this phrase is followed by an expression denoting the washing of copper.<sup>5)</sup> Moreover, the "freedom" is said to extend "from the face of the Lagoon(?) and

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1) Cf. TCL XV 9 iv 45 - TCL XV 9 v 4, where the word *n i . g i . n a* is used for justice instead.

2) Cf. F.R. Kraus, *Nippur and Isin nach altbabylonischen Rechtsurkunden*, JCS 3(1951), 29-35; Edzard, ZZB, 80-83; also Kraus, SD V, 196-198. In PBS V 74 v 11 - vi 12 which contains a fragment of a hymn to an unknown king of Isin, it is said that the king "established justice and equity in Isin". He caused the people to prosper and reduced the rate of taxes on barley from one fifth to one tenth. Moreover, the *muškēnum* had to perform their services only on four days in a month instead of on six. See Edzard, ZZB, 83 and WGAU, 151.

3) Cf. Edzard, ZZB, 83, n. 411. See also Gadd, CAH 1/2 (1971), 634-635.

4) Text AOB 1, 7-8 no. 2: 49-65. See Schwenger, AfO 7(1931-2), 248; Weidner, *Ilušumas Zug nach Babylonien*, ZA 43(1936), 120-123; and Kraus, SD V, 233 no. 58. Weidner has collected twenty-one instances where the expression *andurārum šakānum* occurs. For the historical background, see Lewy, CAH 1/2 (1971), 757-758 and M.T. Larsen, The Old Assyrian City States and Its Colonies (Mesopotamia 4), 1976, 64-80.

5) Cf. also the decree of Irišum I (ca. 1900) concerning the *andurārum* for silver, gold, copper, tin, etc. (Kraus, SD V, p. 233, no. 59). Cf. CAD E, 321, "I abolished debts payable in silver ...".



Ur and Nippur, Awal and Kismar, Dēr, the city of Ištaran, up to the city (of Assur)" (55-65).<sup>1)</sup>

It seems, therefore, more likely that the king granted "Akkadians" freedom of movement for commercial purposes within this area.<sup>2)</sup> This text, however, is very difficult to interpret and as Edzard (ZZB, 91) has pointed out, the liberation of these people might have served Ilušuma's attempt to gain control over Babylon by means of appeasing the people of the East Tigris area. The idea of social 'reform' is not very likely here, although this expression may indicate an improvement in the standard of living of the people (cf. Grayson, ARI, 7).

#### 9. Lipit-Ištar of Isin (1934-1924)

In the prologue of Laws of Lipit-Istar<sup>3)</sup> he referred to the carrying out of a *mēšarum*-act. "When An(and) Enlil had called Lipit-Ishtar, Lipit-Ishtar, the wise shepherd, ... to the princship of the land in order to establish

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<sup>1)</sup> K.R. Veenhof, Aspects of Old Assyrian Trade (SD X), 1972, 100. Cf. also Edzard, ZZB, 90-93; A.K. Grayson, Assyrian Royal Inscriptions I, 1972, 10f, no. 33; Larsen, op.cit., 63f. and J. van Dijk, Une insurrection générale au pays de Larsa avant l'avènement des Nūr-Adad, JCS 19(1965), 1-25.

<sup>2)</sup> Veenhof, op.cit., 100 n. 169. He disagrees with J. Lewy (Some aspects of Commercial Life in Assyria and Asia Minor in the Nineteenth Pre-Christian Century, JAOS 78(1958), 89-101) and the CAD who take *andurārum* here as denoting freedom in the sense of exemption from labour service, remission of debt and taxes, and he himself translates *erūšum amsī* with "I cleared (lit. washed) them of their (obligation to pay) copper (as tax)" (cf. CAD E, 321). See also Larsen's discussion (op.cit., 63-80) of the different opinions among scholars.

<sup>3)</sup> For a history of the text of LL cf. Korošec, HdO III, 75-76, n. 3, 4 and discussion, 76 n. 2. The text was first published by F.R. Steele, The Code of Lipit-Ishtar, AJA 52(1948), 425-450. Reference is made to the translations by A. Falkenstein - M. San Nicolò, Das Gesetzbuch Lipit-Ištars von Isin, Or. 19(1950), 103-118; Kramer, ANET, 159-161; J.P. Lettinga, JEOL 12, 249-263; E. Szlechter, Le Code de Lipit-Ištar, I, RA 51(1957), 57-82. See his commentary in RA 51(1957), 171-196 and RA 52(1958), 74-90. See also J. Klíma, RLA III, 248f.; R. Haase, Die keilschriftliche Rechtssammlungen, 1963, 17f. and H.A. Brongers, Oud-Oosters en Bijbels Recht, 1960, 15f.; J. Miles - O. Gurney, ArOr 17, 174-188.

justice (n í g . s i . s á) in the land, to banish complaints, to turn back enmity (and) rebellion by the force of arms, (and) to bring well-being to the Sumerians and Akkadians, then I, Lipit-Ishtar, the humble shepherd of Nippur ... established justice in Sumer and Akkad in accordance with the word of Enlil".<sup>1)</sup> The manumission of slaves is subsequently dealt with:

"Verily in those days I procured ... the freedom<sup>2)</sup> of the sons and daughters of Nippur, the sons and daughters of Ur, the sons and daughters of Isin, the sons and daughters of Sumer and Akkad upon whom ... slaveship ... had been imposed..."<sup>3)</sup>

The epilogue also contains references to Lipit-Ištar's attempts to cause "righteousness and truth" to exist, whereby well-being and prosperity were established for Sumer and Akkad. This he did in accordance with the true word of Utu and with the pronouncements of Enlil. This *mēšarum*-act was commemorated in year formulae.<sup>4)</sup> Although little is said about the essence of a *mēšarum*-act<sup>5)</sup> we find almost all its elements in his laws and other

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1) Translation by Kramer, *Sumerians*, 336-340. Cf. Szlechter, *RA* 51(1957), 61 ii 25-36 and iii 53-55; Klíma, *ArOr* 35(1957), 121-125.

2) [a m] a . a r . g i<sub>4</sub> . b i h é . b í . d í b

3) n a m . a r a d [h u . m] u n i . í b . a k a (col. iii 56-70). Note the direct connection between the use of a m a . a r . g i<sub>4</sub> and the mention of slavery (n a m . a r a d). According to Szlechter (*RA* 51 (1957), 178) the word slavery is used literally. This means that this prologue represents a stage between the particular use of a m a . a r . g i<sub>4</sub> as a designation for manumission of slaves and the general sense of a decree promulgated to help the poorer classes. See N.P. Lemche, *Andurārum* and *Māšarum*. Comments on the Problem of Social Edicts and their Application in the Ancient Near East (unpublished), 7.

4) Cf. Kraus, *SD* V, 198-200, nos. 4 and 5; Edzard, *ZZB*, 82.

5) Cf. also the allusions to either a reform or a fragment of the *LL* in G. Buccellati - R. Biggs, *Cuneiform Texts from Nippur* (*AS* 17), 1969, no. 49, (re. 9 N 215).

inscriptions, namely the manumission of slaves,<sup>1)</sup> the prohibition of exploiting the poorer classes by the powerful,<sup>2)</sup> the 'causing' of prosperity, the establishing of justice, etc.

Moreover, the phrase *a m a . a r . g i<sub>4</sub> b i ... h e . b i . d í b* is to be connected with the alleviation of burdens imposed upon the poor, widow and orphan as it is more explicitly stated in the Urukagina inscriptions, Cones B and C xii 23-25; Gudea, Statue B vii 42-43; LU 4: 162-168; LH § 37-39.<sup>3)</sup> It is also clear that the main purpose of a king was to establish prosperity and justice in his dominion. If economic pressure has resulted in debt servitude, the king saw it as his task to 'liberate' these people. It could only have been effectuated by measures which cancelled the debts of these persons. All these measures were taken by order of his gods. Lipit-Ištar's laws are additional proof of the intimate relation between law and the idea of justice and equity.<sup>4)</sup>

The year formulae "c" and "e" of Lipit-Ištar were named after a *mēšarum*-act,<sup>5)</sup> viz. "year in which king Lipit-Ištar has established justice (*n í g . s i . s á*) in Sumer and Akkad." It is clear that we are dealing here with a social 'reform' which is to be connected with the promulgation of a collection of

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1) Cf. Kraus, SD V, 199. It designates the release from debt servitude of the children of the free citizens of Nippur, Ur and Isin.

2) Cf. The Lipit-Ištar hymn TCL XVI (1930) 87 iii 28 - iv 4 translated in SAHG, no. 27(123-126).

3) Cf. Szlechter, RA 51(1957), 178-9. See also the Entemena-inscription discussed above.

4) J.P. Lettinga, *Het Sumerische Wetboek van Lipit-Ishtar, koning van Isin*, JEOL 12(1952), 252 n. 32.

5) Ungnad, RLA II, 148, nos. 87 and 89. Cf. Kraus, SD V, 198-200. Other kings of Isin using a similar year formula are Išmē-Dagan (1953-1935); Irra-Imitti(?) and Enlil-Bani (1860-1837), Ur-Ninurta (1923-1896). Cf. Kraus, SD V, 200f., nos. 6-9.

laws whereby justice and equity would have been established in his country.<sup>1)</sup>

10. Rīm-Sīn king of Larsa

Kraus (SD V, 201) has pointed out that despite the many references to *mēšarum*-edicts ("königliche Erlässe") in year formulae at Isin, there is not a single contract or document from that period referring to it. The opposite situation exists regarding the documents from Larsa where mention is made of royal edicts in contracts, but nowhere are they attested in year formulae.

Kraus has collected a number of these contracts dating from Rīm-Sīn's reign<sup>2)</sup> (1822-1763). He discusses the various terms and expressions implying a *mēšarum*-edict, such as *pūtam ullulum* (no. 10), *šimdat šarrim* (no. 11, 12), *awat šarrim* (15, 16), *ana pūhat* (no. 14, 19).

Moreover, there is evidence of at least three successive *mēšarum*-edicts of Rīm-Sīn,<sup>3)</sup> as Kraus has pointed out in the light of his discussion of various contracts.<sup>4)</sup>

The concern for justice in economic affairs has been clearly demonstrated by Walters.<sup>5)</sup> Neglect of responsibilities and fraud could be brought

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<sup>1)</sup> Edzard, ZZB, 95-96. See also Korošec, HdO III, 81; Steele, op.cit., 162 and Gadd, CAH 1/2 (1971), 634-635.

<sup>2)</sup> SD V, 202ff. nos. 10-18, 20-25. Nos. 19 and 26/26a are uncertain.

<sup>3)</sup> Kraus, SD V, 204-209, especially 207 no. 23.

<sup>4)</sup> SD V, 210-223.

<sup>5)</sup> S.D. Walters, Water for Larsa: An Old Babylonian Archive Dealing with Irrigation (YNER 4), 1970, 58-60; 158-159.

to a certain Irra-bani: text 42(=BIN 7, 51) states: "If he is wronged (*ḥa-bil*), Irra-bani is here hearing cases (*wāšib* ("sitting")). Let him come here, and we will set things right." This tablet deals with economic controversies: certain people were distrained; others were not. Then these economic controversies were settled. It is of some importance for the understanding of a *mēšarum* to know that 'economic' justice was practiced in Larsa hundred years before Hammurapi. It marks the king as an enlightened monarch as having concerned himself with economic justice, especially when an expanding economy would have made innovation and experimentation a necessity.

## 11. Royal Edicts by Old Babylonian Kings

### 11.1 Sumula'el (1880-1845)

Kraus has collected five different contracts (nos. 27-31) containing references to a *mēšarum*-edict of Sumula'el. Expressions such as *warki RN mīšaram iškunu*,<sup>1)</sup> *ištu RN mīšaram iškunu*, *warkat šimdāti ša RN iškunu* and *ištu RN kunukkati iḥpū*, clearly point to the promulgation of *mēšarum*-acts during Sumula'el's reign.<sup>2)</sup> Unfortunately *mēšarum*-acts are not referred to in year formulae in Babylon until Hammurapi's<sup>3)</sup> time.

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<sup>1)</sup> Cf. Schorr, VAB 5 No. 274, who has remarked upon this expression: "Kann vielleicht hier 'Gnade üben' übersetzt werden im Sinne der Nachsicht der früher erwähnten Strafe."

<sup>2)</sup> Cf. Landsberger, Symbolae Koschaker (SD II), 230 h.

<sup>3)</sup> Cf. Landsberger, The Date list of Šamšu-ditana, JNES 14(1955), 146.

11.2 Sin-muballit (1812-1793)

See Kraus, SD V, no. 32 for the reference to his *mēšarum*-act.

11.3 Hammurapi (1792-1750)

In several texts references are made to Hammurapi's promulgation on *mēšarum*-edicts:

- (a) His second year was named *n í g . s i . s á m a . d a . n a i . n . i n . g a r . r a*, "year ... in which he established justice in the land".<sup>1)</sup>
- (b) An undated sales contract; KU 3 427 also refers to a *mēšarum*-act.<sup>2)</sup>
- (c) BM 29622 is a letter from Hammurapi to Sin-iddinam. It contains a decree of the king<sup>3)</sup> whereby it is stated that higher officers (*u g u l a m a r . t u* and *PA.PA*) are to pay tax arrears, but lower military personal (*laputtû* and *rēdû*) are exempted.<sup>4)</sup> This decree, then, includes a *mēšarum*-act of the king with regard to a limited group, viz. the lower military personnel. As this letter is addressed to Sin-iddinam, the governor of Larsa, it must date after Hammurapi's 30th year. "The

<sup>1)</sup> Cf. Ungnad, RLA II, 178; Landsberger, JNES 14(1955), 146. See also Driver-Miles, BL I, 20ff, 37ff.

<sup>2)</sup> Cf. Kraus, SD V no. 34; Landsberger, SD II, 231 (h). A legal suit (see VAB 5, no. 307) dated in Hammurapi's twelfth year concerning some real estate also points to a *mēšarum*-enactment. Though Landsberger, SD II, 231 (j), rejected this possibility, Finkelstein (AS 16(1965), 243) has proved that the most reasonable ground for the suit is the assumption of a *mēšarum* in the background, to which the phrase *ina šimdat šarrim* may well allude. This interpretation is supported by a loan contract from Sippar (= BM 82064) dated to Hammurapi's thirteenth year.

<sup>3)</sup> Cf. AbB, 1 no. 1 (=BM 29622). See the discussion by Leemans, Old Babylonian Letters and Economic History. A Review Article with a Digression on Foreign Trade, JESHO 11(1968), 177.

<sup>4)</sup> For military hierarchy, see Landsberger, Remarks on the Archive of the Soldier Ubarum, JCS 9(1955), 122-128. Cf. CAD L, s.v. *laputtû* for VAS 16, 165: 9 (letter of Samsuiluna) and also J.M. Sasson, The Military Establishments at Mari, 15.

relief from taxes in this instance resembles those in the decree of Ammišaduqa. It is remarkable that in that decree, among the military personnel, only the *rēdû* and the *bā'irû* are mentioned, consequently only the lower military personnel."<sup>1)</sup> The social character of the *mēšarum*-edict is stressed hereby, for only the lower personnel profited from it.

(d) The Laws (after Hammurapi's 38th year).

In both the prologue and epilogue the main purpose of the laws is outlined in terms of justice (*mēšarum*). They are described as "just laws" whereby Hammurapi made justice "to appear in the land, to destroy the evil and wicked that the strong might not oppress the weak" (col. i: 31-39; v: 14-19) and "to give justice to the orphan and widow" (col. xxiv b: 59-62; 70-73). Hereby the king ordained "justice for the land" (*mēšaram šakānu*) and showed himself to be a ruler according to law (*šar mēšarim*).<sup>2)</sup> He therefore followed the traditional terminology of earlier kings who promulgated 'reform' measures. While LH does not contain a formal list of prices as in the Ešnunna laws, sections 268-77 presuppose a known and current tariff for services. A schedule of prices for staple commodities in the reign of Hammurapi is extant elsewhere.<sup>3)</sup> This is important in the light of the fact that the *mēšarum*-act was promulgated to regulate the economy.<sup>4)</sup> This, then, would explain the close association of tariffs fixing the prices of staple commodities or services

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<sup>1)</sup> Leemans, JESHO 11(1968), 177.

<sup>2)</sup> D.J. Wiseman, The Laws of Hammurabi Again, JSS 7(1962), 163.

<sup>3)</sup> Wiseman, op.cit., 166 n. 2.

<sup>4)</sup> Finkelstein, JCS 15(1961), 100 and Gadd, CAH 2/1 (1973), 190.

between the promulgation of a reform (Urukagina) and a law (LE). Mention is also made of the *andurārum* for the people in debt servitude. These people ought to be set free (sections 117, 171, 280). This is, of course, a general provision of law and yet it accords well with the provision of the Edict of Ammišaduqa.<sup>1)</sup>

The character of the LH has been discussed in depth by Kraus.<sup>2)</sup> He follows Driver<sup>3)</sup> who has argued that the LH is a collection of judgements on the facts of a number of cases which have been the subject of dispute. Kraus regards the laws as "Rechtssprüche" mainly because Hammurapi does not call himself a law-giver and the collection of judgements follows as a matter of course from the king's judicial function. Moreover, "Sein Königsamt heischt von ihm Eingriffe in das herrschende Recht zur Aufrechterhaltung und Wiederherstellung eines wirtschaftlich und sozial tragbaren allgemeinen Zustands." Terms such as *mēšarum šakārum*, and *šimdatam šakārum* denote these "Eingriffe des Königs in das Recht", because *mēšarum* means "sowohl die typische Berufsethik des Richters als auch das Idealziel babylonischen Richtens".<sup>4)</sup>

Thus, the LH is to be considered a collection of royal judgements.

Furthermore, the main part of LH must be considered an example of Babylonian academic literature couched in the phraseology typical of the

1) As Finkelstein (JCS 15(1961), 103) has shown that the laws were composed late in the reign as royal *apologia*, a witness to the king's conduct of affairs as a *šar mēšarim*, one must assume that the laws presuppose an activity closely connected with the practice of a *mēšarum*-act. Release from debt servitude constitutes a major part of such 'reform'.

2) F.R. Kraus, Ein zentrales Problem des altmesopotamischen Rechtes: Was ist der Codex Hammurabi?, Genava 8(1960), 283-296.

3) Cf. BL I, 20-3, 38f.

4) Kraus, op.cit., 287.



hypothetical propositions created by the scribes. Wiseman, commenting on the so-called academic nature of the laws, emphasizes the fact that the laws were addressed to the deity and not to the people.<sup>1)</sup> They were a report on the exercise of the royal wisdom (*emqum*) recorded also for the benefit of successors with a plea to continue the same legal practices (col xxvb, 59-74).

"In the present state of knowledge it would, therefore, seem wise not to consider the laws of Hammurabi as a merely academic collection of decisions but as part of the means whereby the Babylonians sought to preserve law and order as a living and continuing tradition. It will still remain to decide how far Hammurabi's royal judgements ... include measures intended as actual reforms. Only the discovery of additional evidence and the continuing study of the abundant contracts ... can elucidate this."<sup>2)</sup>

Another central concern regarding the LH, viz. the question whether it concerns a codification or a 'reform', has been dealt with by Kraus. He believes that the LH contains mainly codification, the formularization of unwritten laws.<sup>3)</sup> This implies that the written rules would now prevail for the whole of the country, even where different laws prevailed, so that one could best speak of *Rechtsangleichung*.

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1) This does not rule out the picture given by the epilogue of a litigant going up to the temple of his city and reading the articles governing his rights, inscribed upon a public monument. Cf. Gadd, CAH 2/1(1973), 188.

2) Wiseman, op.cit., 166.

3) Kraus, op.cit., 292.

Leemans<sup>1)</sup>, commenting on this, argues that the king could give his judgements according to the customary law; in that case the law has a character of codification; but the king could also give his judgement according to his own insight in justice; then the law has the character of a 'reform'. To a certain extent, then, it would be possible to speak of 'reform' measures of Hammurapi when referring to his laws.<sup>2)</sup>

#### 11.4 Samsuiluna (1749-1712)

Samsuiluna's second year is called "Year in which he established the freedom for Sumer and Akkad."<sup>3)</sup> The word *a m a . a r . g i*<sub>4</sub> indicates the manumission of slaves.

A very important letter, TCL 17 no. 76 refers to this edict.<sup>4)</sup> The letter is addressed to Etel-pi-Marduk. Samsuiluna states that he has taken his seat on the throne of his dynasty (literally, father's house (*é a-bi-ja*)) since his father became ill (restored to *ma-ri-is*<sup>1</sup>, lines 1-7). The text continues:

1) Symbolae M. David, 107-108. Cf. Klíma, RLA III, 256-269; Korošec, HdO III, 94-118; Haase, Einführung, 24f; Driver-Miles, BL I, 17-23; F.M. Th. de Liagre Böhl, King Hammurabi of Babylon in the Setting of his Time (about 1700 B.C.), 1946; H.A. Brongers, Hammurabi, Koning van Babylon, 1949, 45f, 66ff; and Gadd, CAH 2/1 (1973), 176-277, esp. 187-188.

2) Cf. D. Arnaud, Le Proche-Orient Ancien de l'invention de l'écriture à l'hellénisation, 1970, 60-62.

3) Cf. Ungnad, RLA II, 182 no. 147; Landsberger, JNES 14(1955), 146 and Kraus, SD V, no. 36.

4) F.M. Th. de Liagre Böhl, Ein Brief des Königs Samsuiluna von Babylon (+ 1685-1648 B.C.), BO 8(1951), 50-56, esp. 51-52; Kraus, SD V, no. 35 with a collation by Nougayrol and reference to earlier literature. A recent translation is that of Moran, ANETS, 627.

- 8 *ù aš-šum na-š [i g ú . u n]*  
 9 *du-un-[nu-nim]*  
 10 *ri-ib-ba-a [t .....]*  
 11 *e n<sub>5</sub> . s i . m e š x x x* (Probably *s i p a d . m e š*)  
 12 *[ù]-ta-še-er*  
 13 *[d u]b ḥ[u-bu]-ul-li*
- Rev 1 (=14) *ša` a g a . u š š u . ḥ a ù mu-uš-ke-ni*  
 2 (=15) *e-eḥ-te-pi mi-ša-ra-am i-na ma-ti*  
 3 (=16) *aš-ta-ka-an*  
 4 (=17) *i-na ma-ti š[a] x x*  
 5 (=18) *a-na é a g a . u š š u . ḥ a ù mu-[uš-ke-ni]*  
 6 (=19) *ma-am-ma-an la i-š[a]-as-si*

The rest of the text (lines 20-24) contains directions to the addressee.

### Translation

"Moreover, in order to streng[then] the ten[ant](s) [I ha]ve remitted the arrears of the ..., the tenant-farmers and the *shepherds*. [The deb]t-tablets of the *rēdû*, the *bā'iru* and the *muškēnu* I have broken, (because) I have established justice in the land. In the land of ... no one may call for payment from the house of the *rēdû*, *bā'iru* and *muškēnu*."<sup>1)</sup>

In this decree, then, we have in essence the *mēšarum*-act.

- (a) On the positive side the king wished to help the persons owing dues to the palace by remitting their arrears at the expense of the palace. Note that the remittance of the arrears concerns only the tenant-farmers and most probably also the shepherds. Hereby they

<sup>1)</sup> For a discussion of the terminology I refer to the respective sections of the Edict of Ammišaduqa in the next chapter.

were encouraged towards higher productivity and consequently the whole of the agriculture-based economy would have benefited.

- (b) The persons mentioned are lower-class officials. The king is dependent upon their support, especially at the beginning of his reign.<sup>1)</sup> Moreover, by showing his responsibility towards the poor and less-privileged he could claim to have acted like a *šar mēšarim*.
- (c) The breaking of tablets refers to the annulment of debts, ostensibly only those of non-commercial character.
- (d) The prohibition against suing these people is a measure which frequently occurs in Edict of Ammišaduqa.
- (e) These remissions most probably only refer to a certain area of the province where economic aid was needed most. Unfortunately rev. 4 (= 17) is illegible.

Thus, this letter may be put forward as another explicitly formulated royal decree of *mēšarum*, or a reference to one, such as Si. 507. Its contents are almost an exact equivalent of certain provisions in the Edict of Ammišaduqa.

Moreover, the publication of Si. 507 provides another text of an Edict of Samsuiluna.<sup>2)</sup> Although this text is very fragmentary, Kraus postulates that it originally consisted of more than 255 lines. Several aspects are of immense importance for our study:

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<sup>1)</sup> Cf. Gadd, *CAH* 2/1(1973), 220 for circumstances under which Samsuiluna took over office.

<sup>2)</sup> F.R. Kraus, Ein Edikt des Königs Samsu-iluna von Babylon, *AS* 16(1965), 225-231. See the discussions by Petschow, *RLA* III(1966), 275-6 and *ZS* 85(1968), 27-9. Cf. also Klíma, *ArOr* 35(1967), 126f.

- (a) The year formula (lines 2-10) has been collated by Landsberger to be the eighth of Samsuiluna.<sup>1)</sup>
- (b) Lines 11-17 contain a specific *mēšarum* stipulation. See especially Kraus's restoration of the text.

11 l á l + u p a . t e . s i s i p a d [ x x ]  
 12 na-we ù na-aš [ g ú . u n ]  
 13 aš-šum l u g a l mi-[ša-ra-am]  
 14 iš-ku-nu uš-š [u-ur-ra]  
 15 <sup>lū</sup>mu-ša-ad-[di-nu-um]  
 16 a-na é na-aš [ g ú . u n ]  
 17 ú-u [l]i-[ša-as-si]

#### Translation

"The arrears of the tenant-farmers, the shepherds [the inn-keeper (Kraus)/ *šusikku*-officials] of the districts and (others) owin[g dues] (to the palace) are remitted because the king has promulgated a *mē* [šarum]. The coll[ector] may not call for payment from the house of anyone owing dues to the palace."

#### Commentary

Kraus's consistent neglect of providing handcopies of the original texts makes

<sup>1)</sup> Cf. B. Morgan, MCS III(1953), 60 and especially Kraus, op.cit., 226-7. This coincides well with Finkelstein's hypothesis that the king could have promulgated more than one *mēšarum* during his reign, perhaps at seven-year intervals (cf. JCS 15(1961), 100f).

it difficult to differ from him. One would have liked to compare lines 11-17 with lines 5-11 of the Edict of Ammišaduqa. On the face of it, it seems that both edicts contain almost similar provisions, provided

- (i) that we read *e n s í* instead of *p a . t e . s i* (Akkadian=*iššakku*),
- (ii) this would allow enough space to read *š u . s i . i g* in the lacuna.

Kraus's suggestion to read *f . l ú . d i n . n a* is untenable, because *mē-šarum*-provisions regarding the inn-keeper are listed separately in Ammišaduqa's Edict and not as this provision which must be regarded as one of the general provisions of the decree. One would expect it to be worked out in full, subsequently (cf. Finkelstein, RA 63 (1969), 54.)

- (c) The final section of Si. 507 (rev. 1-7) is an almost exact equivalent to lines 200-205 of Ammišaduqa's Edict.

- 1 *a-na k ũ . b a b b a r i[n]-na-[d]i-[in]*
- 2 *ú-lu a-na ki-iš-ša-t[im]*
- 3 *ik-ka-ši-i[š]*
- 4 *ú-lu-ma a-na ma-za-za-ni[m]*
- 5 *in-ne-zi-ib*
- 6 *an-du-ra-ar-šu*
- 7 *ú-ul iš-ša-ka-a[n]*

### Translation

"... has been sold for silver, or was giv[en] over for debt servitude or was left as a pledg[e], his freedom shall not be restore[d]." The object of this provision is according to the Edict of Ammišaduqa section 21 (196-199): "a house-born slavewoman or male slave of a man of Numhia, a

man of Emut-balum, a man of Idamaraz, a man of Uruk, a man of Isin, a man of Kisurra or a man of Malgûm."<sup>1)</sup>

The following conclusions are to be made:

- (a) Ammišaduqa's Edict seems to follow the formulation and contents of Samsuiluna's Edict, almost a hundred years earlier.
- (b) The people who profited from the Edict seem to be the same group of palace dependant tenants who usually got into financial trouble as a result of bad crops, war, etc. The king's responsibility towards the poor is clearly demonstrated by his remission of their arrears. This remission of the arrears on their public obligations was done at the expense of the palace.
- (c) The prohibition against suing (calling upon) the house of the 'crown' tenants rules out any deceitful commercial transactions.
- (d) The provisions for the release of slaves are similar to sections 20 and 21 of the Edict of Ammišaduqa.
- (e) As such one may describe the Edict of Samsuiluna also as "eine Sammlung von Vorschriften sozialen Charakters ... dazu bestimmt, gewisse vorwiegend wirtschaftliche Misstände ... vorübergehend zu beseitigen oder zu lindern."<sup>2)</sup>

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<sup>1)</sup> Cf. Commentary, Edict of Ammišaduqa, Section 21.

<sup>2)</sup> Cf. Kraus, *op.cit.*, 228. His comments as to the structure of a *mēšarum* edict were proved correct when Finkelstein published BM 80289.

Kraus's no. 37<sup>1)</sup> is a letter (TCL 1, no. 15) which contains also a reference to the "breaking of debt-tablets" (*šarrum kunukkātīm ša hubullim uḥeppe*), which is an indication of a remission of debts and as such, a *mēšarum*-act.

Finally, the practical effects of a *mēšarum* and its implications for real estate transactions have come to light from a document, BM 80318, published by Finkelstein.<sup>2)</sup> Part of a year formula shows that it refers either to Sinmuballit 15 or Samsuiluna 24. This is, however, not necessarily the date of the text itself.

#### 11.5 Abiešuh (1711-1684)<sup>3)</sup>

Kraus has collected three references to *mēšarum*-acts of king Abiešuh, viz. years 2 and 5 as well as a reference in a contract (BE VI/I 78).<sup>4)</sup>

#### 11.6 Ammiditana (1683-1647)

The year formulae for his second and twenty-first years contain indications of *mēšarum*-acts. Of particular interest is the reference in the Edict of Ammišaduqa to the year date 21 of Ammiditana (cf. line 15f): "year in which king Ammiditana remitted the debts which the land had contracted."<sup>5)</sup>

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<sup>1)</sup> Cf. Kraus, SD V, 227-228.

<sup>2)</sup> For a transliteration, translation and discussion see J.J. Finkelstein, Some New *Mišarum* Material and its Implications, AS 16(1965), 233-246. Cf. also H. Petschow, ZS 85(1968), 29. According to Petschow this text shows for the first time "die praktische Durchsetzung dieser königlichen Anordnungen und das in diesem Falle von Amtswegen durchgeführte Verfahren, in dem festgestellt wurde, ob zurückliegende Grundstücksveräußerungen durch den königlichen *mēšarum*-Akt rückgängig oder aufhebbar gemacht wurden".

<sup>3)</sup> Cf. Gadd, CAH 2/1(1973), 223.

<sup>4)</sup> Cf. nos. 38, 39 and 40 and Landsberger, JNES 14(1955), 146.

<sup>5)</sup> Cf. Kraus, nos. 41 and 42.



11.7 Ammišaduqa (1646-1626)

- (a) Year formulae 2 and 17+ c are called: "Year in which king Ammišaduqa, Enlil having magnified his noble lordship, rose forth steadfastly like Šamaš over his country and instituted justice for the whole of his people."<sup>1)</sup>
- (b) The Edict of Ammišaduqa (separate chapter).
- (c) VAB 5 no. 273 (BE VI/I no. 103 = KU III no. 745) contains a reference to the *mēšarum*-act. This is the only contract found so far which shows the effects of a *mēšarum*-act. It is a very difficult text to understand and several<sup>2)</sup> scholars have attempted to illuminate its contents.

Transliteration

- 1 aš-šum 60 š e . g u r
- 2 ša gi-mil-lum šú-ḥa-rum ša<sup>d</sup> a m a r . u d -mu-ša-lim
- 3 d u m u ú-túl-iš<sub>g</sub>-tár
- 4 a-na qá-bi-e i-lu-ni d u m u si-iz-za-tum
- 5 <sup>I</sup>a r a d e n . z u d u m u e-ṭi-rum
- 6 a-na qí-ip-tim il-qú-ú
- 7 ù šar-<sup>r</sup>um<sup>l</sup> mi-ša-ra-am iš-ku-nu-ma
- 8 <sup>I</sup>gi-mil-lum šú-ḥa-rum ša<sup>d</sup> a m a r . u d -mu-ša-lim
- 9 ù i-lu-ni d u m u si-iz-za-tum
- 10 il-li-ku-nim-ma
- 11 a-na a r a d<sup>d</sup> e n . z u d u m u e-ṭi-rum ki-a-am ia-bu-ú

<sup>1)</sup> Cf. Edict of Ammišaduqa Section 3; Ungnad, RLA II, no. 250; Landsberger, JNES 14(1955), 147. Cf. also Kraus, SD V, 106-111 and no.43.

<sup>2)</sup> P. Koschaker, Babylonisch-assyrisches Bürgerrechtsrecht, 1911, 7-15; Schorr, VAB 5, 376-380; Cuq, RA 7, 94f; Walther, LSS VI/4-6, 83f.

- 12 *um-ma šu-nu-ma*  
 13 *še-um ša ni-id-di-na-ak-kum*  
 14 *ri-ša-am li-ki-il*  
 15 *an-ni-tam iq-bu-ú-ma*  
 16 *um-ma a r a d <sup>d</sup> e n . z u -ma še-am ta-ad-di-na*  
 17 *ú-ul a-ku-ul a-na qí-ip-tim ad-di-in-ma*  
 18 *šar-rum mi-ša-ra-am iš-ta-ka-an*  
 19 *a-na e-mu-qi-im u-te-ir-ru-ma*  
 20 *še-am ša mu-uš-ki-ne-tim*  
 21 *ša i-na ē a r a d . <sup>d</sup> e n . z u*  
 22 *ša-ap-ku im-šu-u<sub>5</sub>*  
 23 *I a r a d . <sup>d</sup> e n . z u a-na k ā . d i n g i r . r a . k i*  
 24 *ᵀi-il<sup>1</sup>-li-ik-ma*  
 25 *ᵀtup-pt<sup>1</sup> [d i . k u d] . m e š k ā . d i n g i r . r a . k i*  
 26 *a-na d i . k u d . m e š u d . k i b . n u n . (z i m b i r) k i*  
*il-qi-a-am-ma*
  
 27 *um-ma i-lu-ni-ma še-am ú-ul a-na-ku*  
 28 *[am]-šu-u<sup>1</sup> I gi-mil-lum šú-ḥa-rum*  
 29 *[ša] <sup>d</sup> a m a r . u d -mu-ša-lim im-šu-u<sup>3</sup>*  
 30 *ᵀd i . k u d . m e š a-wa-ti-šu-nu i-mu-ru-ma*  
 31 *I i-lu-ni šu-a-ti i-na šu-hu-zi*  
 32 *[še]-e ma-ša-i-im ana<sup>!?</sup> <sup>d</sup> s u<sup>!</sup> n i r<sup>!</sup> ša <sup>d</sup> u t u*  
 33 *[a-na] g ā . g i . a u r -du-ma ú-ki-in-šu*  
 34 *ᵀi-na<sup>1</sup> mi-it-gu-ur-tim*  
 35 *16<sup>?</sup> <sup>v</sup> e . g u r i-lu-ni a-na a r a d <sup>d</sup> e n . z u*  
 36 *ma-da-da-am ú-ki-in*  
 37 *i-na-an-na um-ma šu-ma 30 <sup>v</sup> e . g u r*  
 38 *a-na <sup>d</sup> a m a r . u d -mu-ša-lim d u m u ú-túl-iš<sub>8</sub>-tár*  
 39 *am-ta-da-ad še-am ú-ul a-na-ad-di-na-šum*

40 ka-ni-[ik] 60 š e . ř u r š a a r a d <sup>d</sup> e n . z u d u m u e-ři-rum  
 41 i-na g i . p i s a n <sup>d</sup> [a m a r . u d ] -m u -š a -l i m  
 42 d u m u ú-túl-iš<sub>g</sub>-tár i-[li-a]-am ři-pi  
 43 a-ta-ap-pu-lu š a i-lu-ni d u m u si-iz-za-tum

44-48 witnesses. 45-46: date: i t i . a b . è u d 3 k a m m u am-mi-  
 řa-du-qá l u g a l . e .

### Translation

- (1-6) "Concerning the 60 *gur* barley of Gimillum, agent<sup>1)</sup> of Marduk-mušalim, son of Utul-Ištar, on the instructions of Iluni, son of Sizzatum, Waradsin, son of Eřirum received (it) on credit.
- (7-12) When the king had established justice, Gimillum, agent of Marduk-musalim and Iluni, son of Sizzatum came (together) and thus they spoke to Warad-Sin. Thus they (said):
- (13-15) 'The barley which we gave to you (on credit) may it hold the head.'<sup>2)</sup>  
 This is what they said.
- (16-18) Thus Warad-Sin (spoke):  
 'The barley you gave to me, I did not eat (use it). I gave it on credit. (Now) the king has established a *mēšarum*.'

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<sup>1)</sup>Read *řú-ha-rum* as parallel to *řehērum*, boy, servant; here possibly agent. Cf. CAD S, s.v. *řehērum*, *řuřāru* (= l ú . t u r), servant, employee.

<sup>2)</sup>This is an idiomatic expression *reša kullu* = 'to hold in readiness/at the disposal', cf. CAD K, 516. See also Koschaker, *op.cit.*, 11-12.

(19-22) They turned to force and the barley of the *muš<sup>š</sup>kēnu*-woman which was stored in the house of Warad-Sin, they took away by force.  
(*moš<sup>š</sup>ū'u*).

(23-26) Warad-Sin (then) went to Babylon and brought the tablet of the judges of Babylon to the judges of Sippar.

(27-29) Thus Iluni (spoke):

'It is not I who took the barley (by force). Gimillum, agent of Marduk-*muš<sup>š</sup>alim*, took it away by force.'

(30) The judges examined their statements.

(31-33) 'When the symbol of *Šamaš* went down to the cloister, it convicted that Iluni of inciting Gimillum to take the barley by force.'

(34-36) By agreement he <sup>1)</sup> convicted Iluni to the measuring out of 16/26 <sup>2)</sup> *gur* of barley for Warad-Sin.

(37-39) However, thus he (Iluni) (spoke):

'30 *gur* of barley I weighed out for Marduk-*muš<sup>š</sup>alim*, son of Utul-Ištar. I will not give barley to him.'<sup>3)</sup>

(40-42) The receipt for the 60 *gur* of barley of Warad-Sin, son of Eṭirum, came up (appeared) from the box <sup>4)</sup> of Marduk-*muš<sup>š</sup>alim*, son of

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1) "the symbol?"

2) Enough space to read 26.

3) i.e. Warad-Sin.

4) *p i s a n* is a wooden box in which contracts were kept.

Utul-Istar and it was broken (i.e. cancelled).

(43) Iluni, son of Sizzatum, has the responsibility to repay (it)."

Witnesses.

Dated Month Tebîtum, third day, year of King

Ammišaduqa when Enlil his lord made him great.

### Commentary

The contents are very intriguing, but basically they amount to the following: Warad-Sin obtained a loan of 60 *gur* of barley from Gimillum (the agent of Marduk-mušalim) on command of Iluni. Since the king had promulgated a *mēšarum*, Gimillum and Iluni concurred and then demanded the repayment of the loan. This seems to be an illegitimate demand, for non-commercial loans were cancelled by the *mēšarum*. Presumably Warad-Sin was not aware of this, because he stated that he had not used the barley but had lent it (as a commercial loan). In other words, he was going to lose the barley which he still had to return to his creditor. His creditors (Gimillum and Iluni) then resorted to force and took the barley of the *muškēnu*-ladies which was stored in Warad-Sin's house. Warad-Sin, however, seemed to be prepared to prove that his loan from Gimillum and Iluni was in fact a commercial loan and that he wished to repay them. Nevertheless, Gimillum and Iluni had spoiled their case by their illegal seizure of the barley of the *muškēnu*-ladies at Warad-Sin's house. Iluni was thereupon convicted, and sentenced to pay 16/26 *gur* of barley to Warad-Sin. He refused because he had presumably given 30 *gur* of barley to Marduk-mušalim, the employer of the agent of Gimillum. The other 30 *gur* he (Marduk-mušalim) lost through the stupid action of his agent. Warad-Sin's debt was then cancelled and Iluni had to bear the responsibility of repaying it to Gimillum who had forfeited his claim to Warad-Sin.

Warad-Sin remained without any obligation and in addition received 16/26 *gur* of barley to compensate the *muškēnu*-ladies for their losses.

If anything is clear from this judicial contract it seems that:

- (a) The *mēšarum* did cause trouble in normal business dealings;
- (b) The *mēšarum* profited the lender at the expense of the creditor;
- (c) This tablet is very definite proof of the effects of Ammišaduqa's Edict.
- (d) Year date 10 also refers to a remittance of the debts of his country by Ammišaduqa.<sup>1)</sup>

#### 11.8 Unknown kings

Kraus mentions the letter TCL 17 no. 14 in which the following occurs:<sup>2)</sup>

*an-du-ra-ar z ú . l u m i-na k a . k a . s i . k i-ma ša-ki-in*

*i-na k ā . d i n g i r . r a . k i ú-ul ša-ki-in*

"The freedom for the dates is established in Kakasi, but in Babylon it is not established." Although Kraus did not comment on this, it seems likely that it does fall outside the use hitherto mentioned of *andurārum*. This letter seems to be a local introduction

<sup>1)</sup> Cf. Kraus, SD V, no. 46; Landsberger, JNES 14(1955), 146. Ungnad, RLA II, no. 258. MAH 16376 from Sippar dated Ammišaduqa 14, also contains a possible reference to yet another edict (*warkī mēšarum iššaknu*). Cf. Matouš, BO 16 (1959), 95 n. 16. The reading is, however, uncertain.

<sup>2)</sup> Kraus, SD V, no. 47. Text G. Dossin, Lettres de la première dynastie babylonienne, I, 1933, TCL XVII no. 14. Cf. Ebeling's translation, Altbabylonische Briefe der Louvre-Sammlung aus Larsa (MAOG XV 1/2), 1942, 16 (AO 6322).

of exemptions from duties laid upon dates, thereby encouraging free commercial dealings with dates in a specific (and perhaps more remote) area. This is also to be related to the so-called *andurārum* of Ilušuma as a favour to the Akkadians, and the decree of Irišum concerning an *andurārum* for silver, gold, copper, tin, etc.<sup>1)</sup> As such it does not indicate a 'reform'. Another letter mentioning the 'remittance of debts', is discussed by Kraus (SD V, no. 48).

## 12. Decrees from the kingdom of Ešnunna

12.1 Kraus has shown that kings Abi-madar, Naram-Sin and Dadusa?/Ibal-pi-El promulgated *mēšarum*-decrees.<sup>2)</sup>

12.2 Famous, however, are the laws of Ešnunna<sup>3)</sup>, dated a few decades before the LH.<sup>4)</sup>

The reason for our interest in LE lies in the fact that it begins

1) A text from Mari shows that a loan is not annulled in case an *andurārum* is promulgated. Cf. ARM VIII 33: 13f: k ũ . b a b b a r šu-ū an-da-ru-um li-ša-ki[n] -ma ũ-ūt id-da-ra-ar, "This money shall not be released if an *andurāru* should take place" (ca. reign of Zimrilim).

2) Cf. SD V nos. 49 and 50 for Abi-madar (cf. also R. Harris, The Archive of the Sin Temple in Khafajah, JCS 9(1955), 44, 52) and no. 51 for Naram-Sin and no. 52 for Ibal-pi-el or Daduša.

3) Editio princeps by A. Goetze, The Laws of Eshnunna, Sumer IV(1948) and AASOR 31 (1956). Cf. M. David, Ein Nieuw-ontdekte babylonische Wet uit de tijd vóór Hammurabi, 1949; F.M. Th. de Liagre Böhl, Het Akkadische Wetboek van Bilalama, koning van Esjnunna, JEOL 11(1949/50), 95-105; M. San Nicolò, Rechtsgeschichtliches zum Gesetz des Bilalama von Ešnunna, Orientalia 18(1949), 258-62; V. Korošec, Über die Bedeutung der Gesetzbücher von Ešnunna und von Isin für die Rechtentwicklung in Mesopotamien und Kleinasien, Proceedings of the 22nd Congress of Orientalist, Istanbul, 1951; E. Szlechter, Les Lois d'Ešnunna, 1954, and recently R. Yaron, The Laws of Eshnunna, Jerusalem, 1969. See also ANET, 161-3.

4) V. Korošec, The Growth of Legislation in Ancient Mesopotamia, Studi in onore Guiseppe Grosso IV, 1970, 269-283; Haase, Einführung, (1965), 22; Korošec, HdO III, 86f; Gadd, CAH 2/1 (1973), 187.

with a list of tariffs where prices are given for various commodities in terms of the quantity purchaseable for one shekel. This was the usual method of quoting prices.<sup>1)</sup> In section two the price is given in barley, considerably higher than the corresponding price in silver. Then follows a list of tariffs for the hiring of wagons, boats and donkeys as well as the wages for certain hirelings, calculated in terms of barley and/or silver.<sup>2)</sup>

The fixing of prices for staple commodities has as its aim the improvement of the living conditions of the lower classes of the population.<sup>3)</sup> Simultaneously the fixing of wages safeguards the same people from being exploited by the great economic organizations. Therefore it must be regarded as an attempt to secure justice for the people of the land. It is to be regarded as a parallel to the *mēšarum*-edicts which had the same objective. This leads us to the hypothesis that the LE was originally intended as a decree whereby certain abuses were annulled and the general economic position of the lower classes was improved. The fixing of the prices for staple commodities may also indicate an alleviation of burdens imposed by the economically powerful. If this holds true for the LE it might be valid for the other law collections and 'reform'-measures of kings.<sup>4)</sup>

There are several other indications of price control reminiscent of the LE's

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1) Cf. Allotte de la Fuye, Le sense du mot kar dans les comptes rendus de Larsa, RA 25(1928), 23-30.

2) Cf. J. Miles and O.R. Gurney, The Laws of Eshnunna, ArOr 17/2(1949), 174-188. Cf. also W. von Soden, ArOr 17/2(1949), 359-373.

3) Cf. Boyer, Melanges, 54-72; Gadd, Ideas of Divine Rule, 66-68; Oppenheim, Ancient Mesopotamia, 358, n. 31 and 360 n. 56; idem, JESHO 10(1967), 9 n. 2. The term *bīt āli* in the Middle Assyrian expression *aban bīt āli*, "stone weight of the city house" would seem to suppose an institution in Aššur where standards for weights were kept for public control. The local weight (*aban mā-tim*) is sometimes set over against the "weight of the king/palace" or "temple".

4) Wiseman, JSS 7(1962), 163; Korošec, HdO III, 81-82.



provisions:

Urukagina's reforms included a compulsory revision of wages and fees.<sup>1)</sup>

The Stele of Adda-Pakšu of Elam contains the following inscription:

(ca. 1800)<sup>2)</sup>: "Adda-Pakšu shepherd of Sušinak, son of the lady of Sil-  
haha, a stele of justice (*ki-i-tum*) he erected in the market (*ma-ḫi-ri-im*).  
He who does not keep the just price, Šamaš will seize him".<sup>3)</sup> This  
"stele of justice" (a l a m *kittum*) was erected in the market of the  
capital, "evidently surmounted by an image of the sun-god, under which  
was inscribed a (possibly adjustable) list of 'fair' prices for the gui-  
dance of all who resorted there to buy and sell."<sup>4)</sup> Gadd connects this  
issuing of 'fair' prices with the *mēšarum*-edict of Ammišaduqa.

Sinkašid, king of Uruk (ca. 1865/60-1833)<sup>5)</sup> also proclaimed very low pri-  
ces during his reign: "während der Regierung seines Königtums sollen  
je 3 gur Korn oder 12 Minen Wolle oder 10 Minen Kupfer oder 30 ka Öl nach  
dem Kaufpreis (k i . l a m) des Landes für 1 Sekel Silbers gekauft wer-

1) For comparative prices of silver and copper during the times of Maništušu, see Matouš, Zu den Ausdrücken für "Zugaben", ArOr 22(1954), 436-7, n. 26.

2) Cf. Gadd, CAH 2/1 (1973), 188, 262, reads Attakhushu.

3) V. Scheil, Mélanges Epigraphiques (MDP 28), 1939, no. 3. See also MDP 24, 348 rev. 16: m u RN \*ū RN<sub>2</sub> *mēšarum uszizuma*, "year in which RN and RN<sub>2</sub> erected (a stele promulgating) justice and redress" (CAD M, s.v. *mīšaru* 1). Important is K.R. Veenhof, Aspects of Old Assyrian Trade, 1972, 389-400 for an interpretation of *mahirum*, "market" and "rate of exchange".

4) Cf. Gadd, CAH 2/1 (1973), 188, 190-1 and W. Hinz, CAH 2/1 (1973), 262, 274. Cf. Korošec, HdO III, 82; Oppenheim, Ancient Mesopotamia, 360, n. 56 and also J. Klíma, "Le droit commercial dans le périphérie de la sphère mésopotamienne", RIDA 16(1969), 21f.

5) Cf. Edzard, The Near East ..., 152.

den. Seine Jahre seien Jahre des Überflusses." <sup>1)</sup> These prices seem to be very idealistic, especially in the light of the contemporary economic contracts and the LE. <sup>2)</sup>

The same can be said of Šamši-Adad I (1815-1782), who also fixed such cheap prices for his city. <sup>3)</sup>

UET III no. 1207 contains a list of staple commodities during the Ur III period. Prices are given in the equivalence of silver to barley (1 silver shekel = 10 *sila* barley), dates (1 silver shekel = 20 *sila* dates), oil (1 silver shekel = 2½ *sila* of oil). Thus one could buy oxen, sheep, etc. in terms of these 'currencies'. This list of tariffs is "signed" by the inspector (l ú i g i . t i) of the prices.

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- <sup>1)</sup> Thureau-Dangin, SAK I, 222 Ic: 15-22; Oppenheim, op.cit., 358 n. 31 and H.J. Lenzen, xxii. vorläufiger Bericht ... Uruk-Warka, Berlin, 1966, 28-30 for a discussion, transliteration and translation. Cf. I. Kárki, Die Sumerische Königsinschriften der frühaltbabylonische Zeit, 1968, 97f and A.K. Grayson, ARI I(1972), 20, n. 64.
- <sup>2)</sup> Cf. Edzard, ZZB, 154 n. 818. Compare B. Meissner, Warenpreise in Babylonien (Abhandlungen der Preussischen Akademie der Wissenschaften 4), 1936, 23; N. Schwenger, Zum altbabylonischen Wirtschaftsleben (MVAG 19/3), 1914, 6f. For Egypt, see J. Cerný, Fluctuations in Grain Prices during the Twentieth Egyptian Dynasty, ArOr 6(1934), 173-178 and now J.J. Jansen, Commodity Prices from the Ramessid Period, Leiden, 1975. A similar detailed study is needed for the Akkadian material! See, however, J.B. Curtis - W.W. Hallo, Money and Merchants in Ur III, HUCA 30(1959), 103-139 for the Ur III period and H. Limet, Les Schemas du Commerce Neo-Sumerien, IRAQ 39(1977), 51-58.
- <sup>3)</sup> Cf. B. Meissner, Inschriften der altassyrischen Könige, 1926, 24 obv. 3: 13-23; rev. 4: 1-3: "als Kaufpreis ... für 1 sekel Silber 2 Kur Getreide, ... 15 Minen Wolle ... 2 Sea Öl nach dem Tarife meiner Stadt Assur ... festgesetzt". Gadd, CAH 2/1(1973), 191 thinks that the dismissal of his cheap rates as false propaganda, must now be taken seriously and otherwise explained. However, the tendency of including 'utopian' prices in royal inscriptions as royal propaganda is attested for too many kings to be ruled out (Grayson, ARI 1, 21). Cf. Sin-kašid, Sin-iddinam (Sollberger, UET 8, no. 72, 61-68), Sin-iqišam (Sollberger, UET 8, 15), Šamši-Adad I, Aššurbanipal (Weidner, AfO 13 (1939-41), 210-213), Nabonidus (BBSt 37). See also Röllig, ZA 56(1964), 248. Compare the more realistic prices in the LE and LH as well as the Chronicle of Market Prices in A.K. Grayson, Assyrian and Babylonian Chronicles no. 23 (pp. 178-179).

LH (sections 268-77) also contains fixed tariffs for the hiring of animals boats, (268-272; 275-277) and for the wages of seasonal workers (273) and craftsmen (274).<sup>1)</sup>

In a historical inscription of Aššurbanipal, he stated: "In my reign there was prosperity aplenty, [in my years there was full]ness [to overflowing]. Twelve (ten D) homers of edible barley (for) two (one D) [homers of wine], twelve *sila* of oil (for) one [talent] of wool - thus the market [-prices went] throughout my land. Year after year [in prosperity righteously I shepherd]ed the dom[ains of Enlil]".<sup>2)</sup>

From the above-mentioned texts it is clear that price-control was a means whereby a king sought to regulate the economy and to gain the support of his people, especially the poorer classes who were engaged in agriculture.<sup>3)</sup> It would also serve to prevent their exploitation by the merchants. This would lead to higher productivity which would consequently stimulate the economy. Excess goods would have to be 'exported' and in this way the palace and the merchants would have profited. In turn, it would benefit the king, for he would be regarded as a king who brought about prosperity and took care of the less-privileged. In addition, he would gain by a higher income in

<sup>1)</sup> Cf. Driver-Miles, BL I, 469-478; W. Eilers, Die Gesetzesstele Chammurabis, Der Alte Orient 31 3/4 (1932), 32f. See Wiseman, JSS 7(1962), 163-166 and also Studia Mariana, 57 no. 20. Note the expression *šimdat šarrim* in section 50 of LH which indicates a separate list of fixed prices which was decreed by the king in order to prevent excessive price fluctuation (section 49).

<sup>2)</sup> A.C. Piepkorn, Historical Prism Inscriptions of Ashurbanipal I (AS 5), 1933, 28-30 lines 35-40. Note the word *māhiru* (38) and *mi-ša-ri-iš* (line 39). In a prayer (KAR II no. 55) of Aššurbanipal excessively low prices for basic commodities are mentioned. Again it is followed by a reference to *kittu* and *mēšaru* that were granted to the king. These very low prices must be seen as the signs of a blessed and prosperous reign of the ideal king who adheres to the principles of justice (cf. Weidner, Aššurbānīpal in Aššur, AFO 13(1939-41), 211-212 for a comparison between prices during the respective reigns of Sinkašid, Šamši-Adad I, Šamaš-šum-ukīn and Aššurbanipal). See also W.H. Dubberstein, Comparative Prices in Later Babylonia, AJSL 56(1939), 20-43 and King, BBS 37.

<sup>3)</sup> Cf. H. Limet, IRAQ 39(1977), 58 and K.R. Veenhof, Some Social Effects of Old Assyrian Trade, IRAQ 39(1977), 109-118.

terms of taxes, rentals and other dues levied upon larger amounts of goods caused by increased productivity.<sup>1)</sup>

Knowing that the fixing of prices of certain commodities and services can be considered as royal propaganda,<sup>2)</sup> especially in the light of some of the unrealistically low prices quoted above, it would nevertheless seem that it might have had some effect at certain periods.<sup>3)</sup> It is only reasonable to surmise, then, that its purpose was to ease the unfavourable economic situation of the majority of the economically productive people. As such it seems to have the same objective as the *mēšarum*-act, the purpose of which was to alleviate the burden of debt of the same people.<sup>4)</sup> Both the price-control and the

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1) The palace levied taxes on staple commodities such as wool, dates and vegetables, apart from its monopoly in fishing and foreign trade. Its income was supplemented by the produce of the royal domains, the proportion of the date-harvest, and the livestock which was considered the property of the 'state'. The shepherds enjoyed only a share of the increase in the livestock. Cf. Gadd, CAH 2/1(1973), 193.

2) Gadd (CAH 2/1(1973), 191) argues that the prices in the inscription of Šamši-Adad I are so very low to give a favourable impression of abundance, but not inconceivably so. The intention was to indicate a high level of prosperity, and "this would not reign in the presence of ruinous cheapness, for the merchantile class was numerous and influential, and to these men there was no question of higher importance than price-level." Cf. also Gadd, Ideas of Divine Rule, 67. For taxation on commodities for the first millennium, see J.N. Postgate, Taxation and Conscription in the Assyrian Empire, 1974, p. 84f, 186ff.

3) The level of prices shows great variations, e.g. UET 1207 which dates from the time when Ur was besieged and famine caused the value of oxen, sheep, barley, dates and oil to multiply abnormally for that period. (See Gadd, CAH 1/2(1971), 616. (Compare the prices during famine, JCS 7(1953), 38-47 and HUCA 30(1959), 130. Cf. 2 Ki. 6, 25 for a parallel). Thus the value of one shekel of silver could range from 10 *šila* in besieged Ur to 2 gur (60 times as much) under Šamši-Adad. At Ešnunna its value was 1 gur and during Hammurapi's reign  $\frac{2}{3}$  gur. For actual prices during the Ur III period, see Schollmeyer's review of G.G. Hackman, Temple Documents of the Third Dynasty of Ur from Umma (BIN 5), 1939, in Afo 13(1939-41), 242 and Kramer, IRAQ 39(1977), 64.

4) Cf. Arnaud, op.cit., 58-62.

*mēšarum*-act have the same objective; they only differ in the way such objective is to be attained: the first by a fixing of prices and the second by the remittance of taxes and obligations. Gadd also showed that legislation, i.e. the issuing of 'code' of law, may have been the gradual outcome of this price fixing policy of the kings.<sup>1)</sup> A similar point of view has been taken by Finkelstein and Wiseman, viz. that the collections of law seem to have been inspired by the ideal of extending to wider fields the 'reform' of taxation and private debt which they undertook at the beginning of their reign when promulgating a *mēšarum*.<sup>2)</sup> The fact that the *mēšarum* was used to regulate the economy explains the close association of the tariffs fixing the prices of staple commodities and services with the promulgation of the Ešnunna laws.

### 13. The Iščâlî-documents

During the reign of Daduša or perhaps his successor, Ibalpi'el, a *mēšarum* was effectuated in Dūr-Rīmuš.<sup>3)</sup> In several of the contracts reference is made to a *mēšarum*-act. Many loan contracts of the same year were interest-

<sup>1)</sup> Gadd, CAH 2/1 (1973), 190-91. "From the posting in a market of an official schedule of prices there developed both disputes about the application of these and demands for valuation of goods and services not included in the lists, as well as questions of a more general kind, until the subject who had first approached the just god to learn from him the due price of his sales and purchases, came more and more frequently to ascertain his rights in all the perplexities of life -'let the injured citizen who falls into a lawsuit come before my figure (as) king of justice: and then let him have read out to him the writing on my monument, let him hear my precious words, and let my monument expound to him the article governing his rights'" (LH col. xxvb 3-19).

<sup>2)</sup> Cf. Wiseman, op.cit., 165-66; Finkelstein, AS 16(1965), 241.

<sup>3)</sup> Cf. H.F. Lutz, Legal and Economic Documents from Ashjaly (UCP X/1) (76ff.), nos. 1:5; 9:10; 17:5; 18:13; 34:5; 104:6 and for n ī g . s i . s ā (92ff): 16:5; 20:4; 55:5. Cf. Kraus, SD V, no. 52, and also M. Seif, Über die altbabylonischen Rechts- und Wirtschaftsurkunden aus Iščâlî, diss. Berlin, 1958.

free and Koschaker concluded that one has to think in terms of a decree whereby "das Zinsnehmen bei Naturaldarlehen verboten wurde."<sup>1)</sup> It seems therefore that after a *mēšarum* was invoked (*warki mīšar Dūr-Rīmūš iššaknu*), loans of a non-commercial character (Naturaldarlehen) were exempted from interest.<sup>2)</sup>

#### 14. Tutub (Khafajah)

R. Harris has made a thorough study of the tablets found in the archive of the Sin Temple.<sup>3)</sup> A tablet which contains a sale of barley is dated *mu mi-ša-ra-am a-bi-ma-dar iš-ku-nu*.<sup>4)</sup> The expression *mu e gir ni g . s i . s ā* also occurs in No. 27: 16. Presumably these references to *mēšarum*-acts did not have any specific bearing on the loans. Moreover, Harris thinks that Abi-Madar might have been a usurper who had decreed a *mēšarum* in order to appease the people and win their favour.<sup>5)</sup>

#### 15. The kingdom of Hana

The year formulae of Kaštiliaš, Ammi-Rabiḥ and Šunuh-Rammu contain references to a *mēšarum*-edict. The terms used are discussed by Kraus (SD V nos. 54, 55, 56, 57).<sup>6)</sup> Moreover, there occur four references to *andurārum* in con-

<sup>1)</sup> Cf. P. Koschaker, *Randnotizen zu neueren keilschriftlichen Rechtsurkunden*, ZA 43(1936), 196-232, especially 219-220.

<sup>2)</sup> Cf. Korošec, HdO III, 90-91 and Edzard, ZZB, 165-6. Cf. also E. Szlechter, Tablettes juridiques de la Ire Dynastie de Babylone ..., 32f.

<sup>3)</sup> Cf. Harris, JCS 9(1955), 31-58, 59-88, 91-120.

<sup>4)</sup> JCS 9, 66 no. 32, rev. 3.

<sup>5)</sup> JCS 9, 52-53.

<sup>6)</sup> Cf. Thureau-Dangin and Dhorme, *Cinq jours de Fouilles à 'Ashârah*, Syria 5 (1924), 268-280; Korošec, HdO III, 141-144.

nection with land property. A fixed formula is included which promises the purchaser of the land/house that no claim or 'release' has been imposed on the house or the field. It is not subject to a release. The expression used is *ē na-az-bu-um ša la-a ba-aq-ri-im ù la an-du-ra-ri-im*, (VAB 5, 302 obv. 14f), "The house is a possession not subject to claims nor (subject) to release." Lewy concludes: "Hence there remains no doubt that the idea of preventing the permanent alienation of immovable property by means of a redemption or 'release', comparable to the biblical *dêrôr* was familiar to the people of Hana."<sup>1)</sup>

#### 16. Nuzi

In the Nuzi documents the term *šūdūtum* is used as an equivalent to *andurārum*, and it also designates the carrying out of a royal judicial act which regulated possessions of real estate.<sup>2)</sup> One tablet reads *ṭup-pu ina e gir . ki šu-du-ti i-na e gir . ki an-du-ra-ri i-na u ru Nuzi ša<sub>10</sub>-ti-ir*.

"The tablet is written after the *šūdūtum*, after the *andurārum*, at Nuzi."<sup>3)</sup>

The so-called *ṭuppum ... šatir* agreements explicitly state that they were drafted after the *šūdūtum*-act, i.e. after the royal proclamation. In one text *šūdūtum* is replaced by *andurārum*.<sup>4)</sup> According to Müller (op.cit., 58) the *šūdūtum* is to be related to the Old Babylonian *mēšarum*-acts. Lemche,

1) J. Lewy, The Biblical Institution of *Dêrôr* in the Light of Akkadian Documents, Eretz-Israel 5 (1958), 23<sup>x</sup> - 26<sup>x</sup>, esp. p. 25<sup>x</sup>. Cf. also J.R. Kupper, CAH 2/1 (1973), 29f.

2) Lemche, op.cit. 10; M. Müller, Sozial- und wirtschaftspolitische Rechterslässe im Lande Arrapha, in H. Klengel, Beiträge (1971), 53-60; E.R. Lacheman, The word *šūdūtu* in the Nuzi Tablets, Trudy dvadzat' p'jatogo Meždunarodnogo Kongressa Vostokovedov I (1962), 233-238 (unavailable to me); Gordon, RB 44 (1935), 38ff.

3) See R.H. Pfeiffer, The Archives of Shilwateshub, Son of the King. Excavations at Nuzi, II (HSS IX), 1932, no. 102: 30f.

4) E. Chiera, Texts of Varied Contents. Excavations at Nuzi (HSS V), 1929, no. 25: 33.



however, claims that nothing can be found which definitely proves that the *šūdūtum* and *andurārum* acts at Nuzi had the same extensive social implications as the Old Babylonian *mēšarum*-decrees. He argues that

- a) all *tuppum* ... *šatir* stipulations are found in documents which deal with transactions of real estate;
- b) despite the reference to a royal decree<sup>1)</sup>, the three 'official' documents on which Müller based his assumption are to be related to decrees concerning the court and harem (thus affecting only the slaves of the palace) and to isolated cases of manumission of slaves, thus not necessarily a general release of people from debt servitude.<sup>2)</sup>

According to Lemche it is not certain that the manumission of slaves at Nuzi (and Alalah) can be related to the royal decrees of general nature as we find it in Ammišaduqa's Edict. He prefers to regard these manumissions as separate instances of releasing slaves.<sup>3)</sup>

## 17. Alalah

The expression *kaspum ú-ul uš-ša-ap ú-ul it-ta-ra-ar* occurs in some of the Alalah tablets, viz. <sup>+</sup>29: 9-11; <sup>+</sup>30: 7-9; <sup>+</sup>31: 8-9; <sup>+</sup>38: 9-10 and <sup>+</sup>42: 5-6.<sup>4)</sup> According to Speiser the root *ntrr* or *ndrr* is to be presupposed, which in turn would imply a denominative from *andurārum* "fiscal".

1) Cf. SMN 2684:47f *tup-pi arki<sup>ki</sup> šu-du-ti eš-ši ki-i-me qi-bi-i-ti ša šarri ... i-na āli Nu-zi ša-ṭe-er(!)* "The tablet is written after the new *šūdūtum*, according to royal command ... at Nuzi", cf. Lemche, *op.cit.*, 10 n. 48.

2) Lemche, *ibid.* Cf. A. Saaristo, New Kirkuk Documents Relating to Slaves (St.Or. Fennica V/3), 1934, 49.

3) Lemche, *op.cit.*, 11. Cf. LH §117 and P. Koschaker and A. Ungnad, Hammurabi's Gesetz VI, 1923, no. 1428.

4) D.J. Wiseman, The Alalakh Tablets, 1953, *loc.cit.*



release".<sup>1)</sup> He finds the denominative verb in +65:6-7: *i-na an-da-ra-ri-im ú-ul i-na-an-da-ar*, "she shall not be granted remittance from her financial obligations". Speiser's rendering of this expression, viz. "the money shall bear no interest,<sup>2)</sup> neither shall it be remitted", means that the money involved shall (a) not be liable for interest, and (b) it shall not be remitted. In other words: the conditions of the loan remain intact until the money has been fully repaid.

The first part of the formula seems to be favourable to the debtor and the second to the creditor. Thus, in order to obtain the 'costless' services of the debtor, the creditor had to give an interest-free loan, only on condition that he would not lose his money in the case of an *andurārum*, thus retaining the services of the debtor. According to AT 18 we know that it was often the local ruler who invested in such loans (in effect, bought up the loans of debtors from previous creditors). Why? Klengel suggests that this practice can be understood in the light of the *andurārum*-practice.<sup>3)</sup> The local ruler knew a *mēšarum* was on hand and therefore sought to secure the services of some people whom he knew would certainly be released from

1) Speiser, *The Alalakh Tablets*, JAOS 74(1954), 22. See also M. Tsevat, *Alalakhiana*, HUCA 29(1958), 115-116 who relates this expression to the Talmudic term *dr̄r' d̄mm̄w̄n'*, "money of disputed ownership". Cf. also Lewy, Eretz Israel 5(1958), +29-+31.

2) Cf. AT 47: 10-11; 49:12-14; 50:4-5 for the expression *kaspu si-ip-ta la i-šu-[ū] ù* (debtor) *iq-ra la i-šu*, "the money is not subject to interest and the [debtor] is not subject to hire". Speiser, *ibid.*; CAD I and J, s.v. *igru* (p. 44) and § s.v. *šibtu* (p. 161). According to H. Klengel, *Zur Sklaverei in Alalah*, Acta Antiqua Academiae Scientiarum Hungaricae, XI/I(1962), 8, the expression *igra la išu* is to be rendered as "erhält keinen Lohn". "An der Stelle der Zinsen steht hier die Arbeit des Schuldners, die nicht entlohnt wird". See also Von Soden, AHW, 376, and Mendelsohn, IEJ 5(1955), 66.

3) Klengel, *op.cit.*, 9-10. "Das *andurārum šakārum* bedeutet hinsichtlich der Sklaven nicht die Wiederherstellung des *status libertatis*, sondern lediglich die Befreiung von ihren Verpflichtungen gegenüber ihrem jeweiligen Dienstherrn - Ansprüche Dritter blieben unangetastet." It is, however, also possible that *andurārum* here refers to an occasional and separate manumission of slaves, and not necessarily to a general release. The expression *u t u mēšari* in AT 33:27 which denotes a month-name, is perhaps a reference to the promulgation of a *mēšarum*-act.

their obligations and dues when such a general release was promulgated.

18. Uncertain

Kraus gives a discussion of two sales contracts which may allude to a *mēšarum*-act, but due to their fragmentary nature it is very difficult to draw any definite conclusions.<sup>2)</sup>

19. Neriglissar (569-555)

An inscription of Neriglissar, the fourth king of the Chaldean dynasty, contains a rather exceptional usage of *mēšarum*: *mi-ša-ri i-na ma-a-tim aš-ta-ak-ka-an ni-ši-ja ra-ap-ša-a-tim i-na šu-ul-mi ar-ta-né-e'-e*, "I established equity for the land, (and) I let graze in peace my far extended people."<sup>3)</sup>

This unique reference to a *mēšarum*-act in the Neo-Babylonian period may be explained as a literary cliché taken over from earlier official royal inscriptions (as is the case with the major part of this document), and is "hardly more than an expression of the repristination tendencies which played a prominent part at that time in the whole Near East."<sup>4)</sup>

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1) Note the term *manzazanūtu* AT<sup>+</sup> 18, +20.

2) Cf. Kraus, SD V nos. 60-61.

3) Cf. VAB 4, 216 ii 2-3.

4) Cf. Lemche, op.cit., 6.

## Conclusion

1. We have seen that the two termini technici for such a redress are *andurārum* and *mēšarum*. The other relevant terms, such as *awāt šarrim* (Larsa) *kunukkāti/tuppātīm hēpūm*, *wuššurum* and especially *šimdat šarrim*<sup>1)</sup> have been discussed by Kraus (SD V, 45f, 196f, 235-236) and may be left out in this study.<sup>2)</sup>

It has been shown that this particular usage of *mēšarum* (i.e. designating a redress) dates from the Ur III period where the Sumerian equivalent *n ĩ g . s i . s ā* is found in sources concerning Ur-Nammu. Lipit-Ištar and other rulers of the Isin dynasty also employed it in this particular sense. Afterwards the Amorite kings of Babylon, viz. Sumulael, Hammurapi, Samsuiluna and Ammišaduqa, made use of *mēšarum* to designate their royal decrees. The term was applied in this particular sense also at Ešnunna in the 18th century (Kraus, SD V, 230f) and at Hana (Kraus, SD V, 232) during the closing days of the Old Babylonian period. Hereafter we nowhere find *mēšarum* used in this particular sense, but only as a general term

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1) Note that the expression *šimdat šarrim* is also used to designate such a royal decree of *mēšarum*, but such usage is limited to the Old Babylonian period and the latest evidence dates from Hammurapi's reign (Kings Rim-Sin of Larsa and Sumulael, Sin-muballiṭ and Hammurapi of Babylon, Kraus, SD V, 196f. See also Landsberger, SD II(1939), 230f and CAD §, s.v. *šimdatu*, 194f.) It seems that the term *mēšarum* replaced *šimdat šarrim* during the first Babylonian Dynasty as the designation of these royal decrees of "justice". To Sumulael and to Hammurapi both *šimdat šarrim* and *mēšarum* were acceptable terms, but thereafter only *mēšarum*. The term *šimdat šarrim* was, however, still used to express individual royal decisions (cf. Edict of Ammišaduqa, section 5). Cf. Lemche, *op.cit.*, 5 and M. De J. Ellis, *šimdatu* in the Old Babylonian Sources, JCS 24(1972), 74-82.

2) For the term *zakūtum*, see Kraus, Symbolae M. David (1968), 9-40

designating 'justice' or 'equity'.<sup>1)</sup>

The term *andurārum* and its Sumerian equivalent *a m a . a r . g i<sub>4</sub>* meaning 'freedom, release, manumission' is to be found from the time of Entemena of Lagaš (24th century) to the time of king Esarhaddon (7th century). We have discussed its usage in the inscriptions of Urukagina, in the contracts of the Ur III period, in the Laws of Lipit-Ištar and Hammurapi and in the edicts of Samsuiluna and Ammišaduqa. From Mari there is a text which states that a loan is not cancelled in case an *andurārum* should be promulgated.<sup>2)</sup> The four documents of Hana also contain references to *andurārum* in relation to land and property.<sup>3)</sup> A formula is inserted which promises the purchaser that no claim (*la-a ba-aq-ri-im*) or release (*an-du-ra-ri-im*) has been imposed upon the land or house.<sup>4)</sup> A year formula of king Ammirabiḥ of Hana (ca 1650) shows that the expression *andurāram šakānum* can be regarded as the equivalent of *mēšarām šakānum*.<sup>5)</sup>

We have seen that the term *andurārum* is used (a) for the manumission of slaves; (b) for the cancellation of debts in order to declare real estate transactions null and void, and (c) to designate a general redress (which

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1) Lemche, ibid.

2) ARM VIII, 33:13f: *k ú . b a b b a r šu-u an-da-ra-ru-um li-ša-ki-i[n]-ma ú-ul id-da-ra-ar*, "This money shall not be released if an *andurārum* should take place."

3) VAB 5, 302f., obv. 14f. Note that the expression *ú-ul it-ta-ra-ar* in AT 29 30 expresses the same idea.

4) Lewy, Eretz Israel 5(1958), 23f.

5) Kraus, SD V no. 56.

would include (a) and (b)).

Lemche has studied the development of this concept and concludes that *andurārum* originally only referred to actual annulments of duties on goods and the cancellation of debt including the enforced sales of land properties owing to debt.<sup>1)</sup> Its usage to indicate the manumission of slaves is most probably connected with the fact that the people in question became slaves because they could not meet the demand for repayment of their debts. The use of the designation *andurārum* as a general redress developed secondarily from the time of Samsuiluna onwards, but originated in the Sumerian *a m a . a r . g i<sub>4</sub>*.<sup>2)</sup>

Lemche attaches great importance to the fact that in the period that followed the Old Babylonian period, until the Neo-Assyrian *andurārum* was used as a term for royal grants of favour.<sup>3)</sup> The Kassite king Kurigalzu II (1324) boasted that he was the one "who established *andurārum* for the inhabitants of Babylon".<sup>4)</sup> Sargon II<sup>5)</sup> and Esarhaddon<sup>6)</sup> claimed to have effected

1) For the other studies re *andurārum*, see Weidner, ZA 43(1936), 120f; Ebeling, art. "Freilassung", RLA III, 111-12; J.B. Alexander, A Babylonian Year of Jubilee?, JBL 57(1938), 75ff; I. Mendelsohn, Slavery, 81; Yaron, Redemption of Persons in the Ancient Near East, RIDA 6(1969), 155-176; Kraus, SD V, 196f. See also M.T. Larsen, The Old Assyrian City State and its Colonies (Mesopotamia 4), 1976, 63-80, for a recent discussion of current opinions.

2) Lemche, op.cit., 9.

3) Lemche, op.cit., 12; Cf. Weidner, ZA 43(1936), 120f and Lewy, Eretz Israel 5(1958), +30f.

4) A. Boissier, Document cassite, RA 29(1932), 93-104, esp. 97 obv. 13 *ša-ki-in an-du-ra-ar ni-ši k á . d i n g i r . r a . k i*.

5) Cf. Luckenbill, ARAB II, 1927, 35 § 69: *aš-ku-na an-du-ra-ar-šu-un*, "I established 'freedom' (for Ur, Uruk, Eridu, Larsa) ..." Cf. Lemche, op.cit., 12 n. 58.

6) Borger, Esarh. 3 ii 42ff. "I wrote afresh their tablet of exemption and increased and magnified it higher than it had been before; I exempted them from corn-taxes and straw-taxes, (and) from dues on quay and crossing. I established their *andurāru*, and I erected the *kidinnu*", cf. Postgate, TCAE, 132.

*andurārum* provisions in favour of some parts of their empire. In a report (perhaps Aššurbanipal) a high official states: "the city (Babylon) be in ruins ... I got in order and its *andurārum* I established".<sup>1)</sup> There are also several references to *andurārum* provisions in Neo-Assyrian contracts stating that the money paid will have to be returned if the item bought (estate or slave) must be given up because of an *andurārum*: "If ... people goes free because of a *durāru*, PN shall return the money to its owners"<sup>2)</sup> and "If a *durāru* is established, Silimaššur (the creditor) shall see his money."<sup>3)</sup>

It therefore seems that *andurārum* was used as a term designating a royal social edict for more than a millennium, dating at least from the reign of Samsuiluna ca 1700 B.C. until the reign of Aššurbanipal ca 650 B.C.. Moreover, it seems to have replaced *mēšarum* in this technical sense already during the Old Babylonian period.

Since the Hebrew terms, *mēšārīm* and *dērōr* are evidently loan-words from Akkadian, it seems more likely to bring the subject of general decrees in the Old Testament in connection with *andurārum*.<sup>4)</sup>

2. The royal *mēšarum*-act seems to be a very old practice and some of its features date back at least to the time of Entemena of Lagaš. During the Old Babylonian period it became a regular practice to invoke such a general

1) R.F. Harper, ABL VII, 1902, no. 702 obv. 9f. *u r u ḥe-pu-ú [...]*  
*a-na-ku ul-te-šib ū du-ra-ār-šū al-ta-kan.*

2) Cf. D.J. Wiseman and J.V. Kinnier Wilson, *The Nimrud Tablets, 1950, IRAQ* 13(1951), 116 no. 487, now discussed by Postgate, *The Governor's Palace Archive (CTN II)* no. 248 rev. 13-16: *šum-mu u[n]. 'm e š ša-tu-nu'*  
*ina du-ra-ri ū-gu-ū PN kās-pu a-na e n . m e š-šū ū-ta-a-ru.* Cf. also Postgate, *op.cit.*, no. 10.

3) Cf. Johns, *ADD 1*(1898) no. 629, rev. 13f. *šum-ma du-ra-ru ša-kin*  
*m<sub>3</sub>[i-lim-Aššur] k ū . b a b b a r-šū i-da-gal.* Reference quoted from Lemche, *op.cit.*, 13.

4) Lemche, *ibid.*

remission at the beginning of a king's reign. This seems to have been a legislative act destined to remedy certain economic abuses. There is sufficient evidence to prove that it did affect the socio-economic situation and that it is not to be disregarded as a mere literary topos. Moreover, its occurrence was not confined to Southern Babylonia only; it was practised also in the western (Amorite) areas as is attested by documents from there.

The *mēšarum* is also an essential element in the procedure whereby a king established his authority over the land on accession. By setting the economy in good order, he prevented its collapse under too great a weight of private debts and simultaneously took positive steps to prevent the excessive accumulation of wealth in too few hands. If we assume that the Old Babylonian economy was of 'capitalistic'-urban character but totally lacking the essential corrective element of such a system viz. bankruptcy, then it seems necessary that the authority (i.e. the king) had to intervene from time to time, otherwise the economically productive people (i.e. the tenant-farmers and various other groups engaged in the agriculture-based economy) would have become totally dependent upon their creditors (in terms of debt servitude). This would inevitably have led to lower production and as a result the palace (state) would suffer severe losses in terms of rentals, taxes and other dues. Lower production would also have led to a sharp increase in prices of staple commodities and consequently the 'industrious' urban population would suffer. This could have caused economic and political instability which ultimately would have resulted in anarchy and chaos. The *mēšarum* as a redress intended to alleviate the economic burden of the economically productive labour force by means of tax-remissions, the abolition of certain obligations and dues for a limited period only in order to restore the economic 'equilibrium'. Price-control of staple commodities also seems to be a way of attaining this objective in certain periods.

The *mēšarum* was also a means whereby the newly appointed king would gain the

support of the greater majority of his people. By such a decree he would show himself as the traditional 'ideal' king, the *šar mēšarim* who took care of the less-privileged and protected the rights of the poor. As such the *mēšarum* fits in well with the tenor of the royal ideology, because it was expected from a king as the representative of his god(s) that he should see that justice was done to his subjects. He would have been hailed as 'liberator' of those people who had fallen into debt servitude. Note the close connection between the terms *andurāram šakānum* and *mēšaram šakānum*, which evidently refers to aspects of the same practice. Finkelstein also showed that the 'codification' of laws had been motivated by the *mēšarum*-acts (or price-control in case of LE).<sup>1)</sup> The references to the liberation (*andurārum*) from oppression and the protection of the widow, orphan and poor etc., in the 'historic' pro-epilogues of the laws, serve as a demonstration of the king's ability to act as a *šar mēšarim* in accordance with the eternal truths, viz. *kittum* and *mēšarum*.

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<sup>1)</sup>Finkelstein, JCS 15(1961), 101.



## CHAPTER IV

THE OLD BABYLONIAN *mēšarum*-EDICTS AND THE 'REFORM'-ACTIONS OF ISRAELITE KINGS

We have seen that it was customary for the Old Babylonian kings to make a proclamation of the law by which they intended to rule, and also of any proposed changes in the *status quo*, in their first full regnal year. Such *mēšarum*-edicts were intended "to establish justice in the land".

This ideal was achieved in practice by an ordering of the economy. Measures were taken to prevent the collapse of the economy under too great a weight of private debts. It also served to prevent the excessive accumulation of private wealth in too few hands. The edict therefore contains measures which

- (a) remit private debts originating in actual interest-bearing loans;
- (b) remit and/or alleviate the enormous public tax obligations and dues owed to the palace, and
- (c) release persons (or members of their families) held as pledges in debt servitude.

The people who profited most from these measures were the poorer tenant-farmers and low-ranking officials who formed the productive labour-force of the agriculture-based economy on the one hand and the militia of the rural areas upon whom the ruler relied especially for active support, on the other.

Moreover, it has been shown that the ultimate purpose of these measures was to restore the socio-economic 'equilibrium', hence the 'ideal' and traditional order contra socio-economic disorder and anarchy. This royal edict of justice was regarded as the practical demonstration of the king's intention to uphold the traditional rule of law, and as such he would have acted as the traditional *šar mēšarim*.

We have also seen that the *mēšarum* procedure and its associated regulations can be traced back to the reforms of Urukagina (even earlier), who by a public statement set in motion a return to law and order so "no one would steal a

poor man's fish", etc. The *mēšarum*-edict, then, seems to be an essential element in the procedure whereby a king established his authority over the land on accession and demonstrated his position with regard to existing and traditional laws.<sup>1)</sup> The reference to these *mēšarum*-edicts in the pro/epilogues of the law collections which were composed late in the kings' reigns, is to be taken as a declaration by the king that he had kept his word to rule according to the accepted standards of justice, just as he had said he would, by invoking a *mēšarum* at the beginning of his reign. The written stele of the LH was placed in the temple of Marduk as a witness or apologia that the king had acted as a *šar mēšarim*, thus reporting that he had adequately fulfilled the legal contents of the law. Note also that each of these law collections contains a request to future kings to continue the practice of ruling according to the same principles of *kittum u mēšarum* ('law and order'), hence to guard and serve the law. This would explain why it was necessary for a king to proclaim a *mēšarum*-edict on accession by which he declared that he would uphold the godgiven standards of justice.<sup>2)</sup>

The question now arises whether this *mēšarum*-practice or any of its features can be attested in the Old Testament. We shall attempt to show some evidence supporting such an hypothesis.

## I. Lexicography

1. Excuse III shows that the Hebrew words *mēšarim/mišôr* can be related to

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<sup>1)</sup> Wiseman, Vox Evangelica 8(1973), 12.

<sup>2)</sup> Cf. also Raymond R. Rickards, What is Right?, The Bible Translator 27(1976), 220-224, esp. 221.

the Akkadian *mēšarum*. They are also derived from the common Semitic root *y/š/r* and embody the meaning "justice, equity". *Mēšārîm* occurs 19 times in the Old Testament with God/Yahweh in His capacity as eschatological judge of the cosmos as subject, and in connection with His divine kingship, especially His protection of the poor, the needy, the oppressed, the widow and the orphan. It is also used in connection with the king, especially to characterize his conduct during his reign, and the *yēšārîm* (upright men) who keep loyally to the covenant-stipulations.

It is, however, also clear that *mēšārîm* in the Old Testament does not cover the whole semantic sphere of the Akkadian *mēšarum*. Nowhere in the Old Testament is *mēšārîm* used as a characterization of laws (cf. Akk. *dīnāt mēšarim*), king (*šar mēšarim*), reign/years, throne, gates/city, etc.. *Š:d:q/šēdāqā* are the terms which clearly are used instead. Moreover, the specific meaning of *mēšarum* viz., a redress (as a legislative act designed to remedy certain socio-economic malfunctions), is nowhere explicitly connected with the Hebrew *mēšārîm*. The Hebrew *mēšārîm* just does not occur in an 'economic' context. Thus it would seem wrong to speak of Hebrew *mēšārîm*-edicts, because the word simply does not express such a semantic value.<sup>1)</sup>

2. The expression "to do *hayyāšār* in the eyes of Yahweh": Wiseman argues that the expression can be related to the specific usage of *mēšarum*, designating a redress.<sup>2)</sup> His arguments are based, in short, on the following considerations:

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<sup>1)</sup> Lemche, *The Manumission of Slaves - The Fallow Year - The Sabbatical Year - The Jubel Year*, VI 26(1976), 39-41.

<sup>2)</sup> *JSS* 7(1962), 160f; *Vox Evangelica* 8(1973), 7f.

- (a) This expression is used almost exclusively to describe and evaluate a king's reign.<sup>1)</sup> These kings were assessed by the biblical writers according to whether they did *yāsār* in the eyes of Yahweh, just as the kings of Babylon were assessed according to whether they had done what they had promised in their *mēšarum*-edicts at the beginning of their reigns. The king was responsible for the continuation of the tradition of the law of God laid down by Moses at Sinai (1 Ki. 11, 11; 2 Ki. 21, 8). On accession he had to make a public proclamation of the policy by which he would rule.<sup>2)</sup> During his first full regnal year<sup>3)</sup> he then would demonstrate his position as to the existing law, i.e. the *tôrâ*, by promulgating a decree which intended to uphold this ideal legal position.

This is shown by the king taking 'reformatory' action to ensure that the people also kept the *tôrâ*. By taking positive steps to destroy the high-places and other specific abuses, the king clearly showed his ability to uphold the law. These kings who ruled according to the requirements of the *tôrâ*, are the only ones of whom it is said that they did *hayyāsār* in the eyes of the Lord. Hence the 'reforms' can be regarded as decrees which were directed towards

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- 1) Note that it constitutes an important element in the formal (evaluation) notices in Kings and Chronicles. See Excuse III. Von Rad, *TAT I*, 349-59 has also shown that this expression presupposes a very old theocratic order dating from the period of the Judges. The Deuteronomist used this order as norm when he evaluated the reigns of individual kings. See also Wolff, *Das Kerygma des dtr Geschichtswerkes*, *ZAW* 73(1961), 171f. The kings who did not remain faithful (i.e. did *hāra*) brought Yahweh's judgement and curse, which the Deuteronomist had experienced in the Exile, upon Israel.
- 2) See now the important monograph of Mettinger, *King and Messiah, The Civil and Sacral Legitimation of the Israelite kings* (CB OTS 8), 1977.
- 3) Cf. 2 Chr. 14, 1-5; 17, 3-5; 24, 2; 25, 3-4; 29, 3. Cf. also 2 Ki. 11, 4, 17 where Jehoiada's 'reforms' were initiated in Joash's first effective regnal year.

upholding an ideal law.<sup>1)</sup> Since the ideal legal position provides for justice and equity in the court, the care of the widow, the orphan and the poor, etc., it would seem highly likely that these decrees might have included remissions of dues, deliverance from oppressive legislation and the release from debt servitude.

In the light of the *mēšarum* analogy, the expression 'to do *hayyāšār*' therefore seems to designate a royal decree which intends to bring a present situation in order according to the principle of the traditional law incorporated in the covenant.<sup>2)</sup> As such it seems that (*hay*)*yāšār* is used in the Old Testament to express this special usage of the Akkadian *mēšarum*.

- (b) Wiseman also shows that a similar conception of law and order existed among the Mesopotamians and Israelites. This is understandable if we keep in mind that which Oppenheim characterized as "the stream of tradition".<sup>3)</sup> Wiseman claims that for the Hebrews the principle of law was that of Divine instruction (*tôrâ*), expressed in decisions made by Yahweh's representative (the appointed king) who administered justice by decree of (*hōq*) and (*mišpāt*)<sup>4)</sup>

1) Note that even when a king was said to have done *hayyāšār* any major omission in his endorsement of the whole of the law is carefully noted. Of the 'ideal' king, David (TAT I, 352) it had to be recorded that he had done what was right in the eyes of Yahweh except in the matter of Uriah, the Hittite (1 Ki. 15, 2). Special mention is also made of these kings who maintained legislation effected by their predecessors, e.g. Asa and Josiah did *hayyāšār* as did David (1 Ki. 15, 11; 2 Ki. 22, 2), Jehoshaphat as did Asa (2 Chr. 20, 32), Azariah as did Amaziah (2 Ki. 15, 3) and Amaziah as did Joash (2 Ki. 14, 3).

2) Wiseman, JSS 7(1962), 167.

3) Ancient Mesopotamia, 13.

4) Vox Evangelica 8(1973), 7f. Other words for law was 'emet which, when implemented, produced *šedeq* and *mēšarim*, and *mišpāt*, customary law, i.e. the legal decision which became a precedent or law applicable to a given situation as e.g. the *mišpāt* of the king (1 Sam. 8,9). Cf. also Kitchen, Ancient Orient and Old Testament, 1966, 90-102.

Thus, the king is never the source of law, but its servant. It follows that no king had the right to change or depart from the law. His duty was to administer it faithfully for the well-being of the people Yahweh had put in his care. In Babylonia, too, 'law' was epitomised as truth (*kittum*) and always associated with its object which was to produce justice or order (*kittum u mēšarum*)<sup>1)</sup>. Ur-Nammu claimed to have established "equity in the land and banished malediction, violence and strife" in accordance with these principles of *kittum* and *mēšarum*, revealed to him by his god Nanna. Hammurapi stated that Šamaš gave him, the *šar mēšarim*, the eternal truths, i.e. law (*kinātim*).

It is to be surmised, then, that law was the gift of the god and the king was but a temporary trustee responsible to the gods for maintaining the divine order. The authority of the king was thus limited to maintaining order by the administration of *mēšarum* according to the timeless, impersonal and supramundane laws. At the same time the king was answerable to a "higher" authority for his conduct of affairs and as such his subjects were protected against autocracy for they would have certain inalienable rights.<sup>2)</sup>

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<sup>1)</sup> See E.A. Speiser, *Cuneiform Law and the History of Civilization*, PAPS 107 (1963), 537; *Authority and Law in Mesopotamia*, *JAOS* Suppl. 17(1954), 8-15; *Early Law and Civilization*, *Canadian Bar Review*, 1953, 863-877, esp. 874-876. Cf. also Ringgren, *op.cit.*, 113.

<sup>2)</sup> Wiseman shows that to interpret these laws, professional judges were required who would have access to precedents. These were embodied in written documents, i.e. law collections, guaranteeing the rights of the individual in society and of harmony within the society. He therefore rejects Kraus's view that the Laws of Hammurapi are to be considered as a merely academic collection of decisions (*Genava* 8(1960), 290). Rather, it is part of the means whereby the Babylonians sought to preserve law and order as a continuing tradition. The continuous copying of these laws for more than a millennium was probably motivated by a desire to study the legal precedents and its bearing on practice rather than a mere academic interest (cf. *JSS* 7(1962), 166).

In Israel, too, the law guaranteed the protection of the inalienable rights of the individual, for the king was answerable to God for his implementation of the traditional law in his day to day decisions. The call to rule laid upon him the obligation to maintain the tradition of the law, and this was reinforced by a promise of necessary wisdom to enable him to carry out this fundamental part of his royal functions. This call to rule also implies the deliverance of the people from a state of oppression, whether externally or internally, caused by political, socio-economic or religious factors. Having achieved this and therefore having brought the situation of the people in conformity with the traditional law again, usually by renewal of the covenant between king and god, and king and people, it was claimed that the king did *hayyāšār* in the eyes of Yahweh. Thus, any measures taken to uphold the 'ideal' situation in the form of royal decrees were designated as acts of *hayyāšār*, i.e. 'reform' measures.<sup>1)</sup>

## 2. The Reforms

The leaders who organized the civil and religious life of Israelite society in times of great transition are said to have "issued the law". The terminology used, *šym mišpāt* is the exact equivalent of Akkadian *mēšaram šakānum*,<sup>2)</sup> an equation supported by the Mari letters, in which *siptam šakānum/nadānum* is employed in connection with introducing a social-economic change.<sup>3)</sup> This term is ascribed to Moses (Ex. 15,25;

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<sup>1)</sup> Wiseman, Vox Evangelica 8(1973), 9-11 gives a survey of all possible ways in which a king would render account of his stewardship, such as law reports, historical and letter reports, etc.

<sup>2)</sup> Weinfeld, Deuteronomy and the Deuteronomic School, 1972, 152.

<sup>3)</sup> Malamat, The Ban in Mari and in the Bible, Biblical Essays, Proceedings of the Ninth Meeting of Die Ou-Testamentiese Werkgemeenskap in Suid-Afrika. 1966, 45.

21,1), Joshua<sup>1)</sup> (Jos. 24,25), David (1 Sam. 30,25) (2 Sam. 8,15-18)<sup>2)</sup> and to Yahweh's Chosen King (Is. 28, 17; 42,4; cf. Hab. 1, 12).

In each case this legislative act marks an effective turning point between the 'bad' situation of the preceding era and the newly introduced one.

### Moses

Weinfeld compares Moses' legislative act with the *mēšarum*-acts which actually underlie the Old Babylonian law collection, because the new relationship which he established between Yahweh and the people is a covenant made with respect to the laws and commandments of the God whose sovereignty was already recognized (Ex. 24,8; cf. 34,27). Moses therefore promulgated these just laws (*ḥuqqîm ûmišpātîm šaddîqîm*) in the same way as Hammurapi had established his *dīnāt mēšarim*.

According to Weinfeld Deuteronomy should be related to these ancient collections of laws rather than to the treaties of which the object is to ensure the partner's loyalty and not to impose upon him a system of laws, as does the Book of Deuteronomy. Moreover, Urukagina's reform was sanctified by a covenant with the god Ningirsu. While the laws demanded the observance of manifold precepts concerned with every area of life and the treaty simply commanded loyalty to the sovereign, Moses's role as lawgiver can

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1)

Joshua made a pronouncement of the decree (*ḥōq*) and law (*mišpāt*) to be enforced immediately after he had made a covenant with the people. This decree was issued to bring contemporary practice in line with the *tōrā*. Note Weinfeld's distinction between the covenant of law made by Moses at Sinai and the covenant of vassalship made by Joshua at Shechem. The first is basically social and internal or national. Its purpose was not the acceptance of a new sovereign, but the acknowledgement of a new system of laws. The Shechem covenant, political and external or international in character, aimed at reaffirming loyalty to God, which was so strongly at stake as a result of Canaanite-Israelite amalgamation. (op.cit., 156).

2) Note that the parallel expression *ēš mišpāt ûšēdāqā* is used here.



be compared with the reforms introduced by Urukagina. Moses also made a covenant with God stressing the observance of the laws.

Moses's real achievement was the crystallization of Israel's tribal society by means of a "reform" (Weinfeld, 152). The exact nature of this reform remains unclear. However, in the light of the *mēšarum* analogy, it would seem to have included among other elements, the manumission of Hebrew slaves (Ex. 21, 2f), a special code of conduct towards the less-privileged, i.e. the widow, the orphan and the stranger (Ex. 22, 21-22); special regulations concerning interest-free loans towards poor compatriots (Ex. 22, 25-27) and regulations concerning the year of release (Ex. 23:10-11).<sup>1)</sup>

There are some indications for assuming an analogy between Moses's legislative action and the *mēšarum*-edicts.

- a) This legislative act of Moses marks an important turning point between the 'bad' old days of oppression, want and need, and the newly introduced era of settlement in the promised land. It has already been shown that the *mēšarum*-edict was promulgated in the first full regnal year of a new king. The earlier 'reform' texts of Urukagina, Gudea, etc., also stress the changes which were brought about by these measures turning the 'bad' old days into a new era of prosperity and renewed devotion to the gods. Moreover, in all the earlier collections of law, similar stress is laid upon the provisions made towards the widow, the orphan and the poor.
- b) The regulation concerning interest-free loans to the poor recalls the remittance of private (i.e. non-commercial) interest-bearing

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<sup>1)</sup> Cf. Fensham, Exodus (POT), 144-180.

loans of certain specified groups in the Edict of Ammišaduqa.

- c) The distinction between credit-slaves and permanent slaves is equally apparent in the Edict of Ammišaduqa. Both Moses's 'reform' and the Edict of Ammišaduqa contain regulations concerning the manumission of persons in debt servitude.
- d) Both also incorporate permanent laws.

It is to be surmised, then, that some analogy does exist between Moses's legislative action and the Edict of Ammišaduqa. According to Weinfeld (p. 153) this legal reform of Moses is especially emphasized in the ancient poem of the Blessing of Moses (Dt. 33). There we read that Moses the lawmaker (מחוקק) performed God's *צדקה ומשפט* with Israel in the presence of the leaders of the people (v. 21; note the LXX rendering), for Moses is said to have done *śh mišpāt*, a term which likewise refers to the introduction of social reforms (cf. vv. 3-4) as may be deduced from 2 Sam. 8,15-18.

According to Weinfeld, the Deuteronomist regards Moses's legislative act as a social reform analogous to the Old Babylonian *mēšarum*-edicts.

A few points of difference ought, however, to be pointed out.

- a) Moses, although accepted as leader of his people, was never enthroned as a king.
- b) His regulations concerning interest-free loans for the poor were decidedly not aimed at a temporary relief for those who formed the mainstay of an agriculture-based economy. Moreover, it was in fact only interest-bearing private loans that were cancelled by the *mēšarum*-edict.
- c) Moses' legislation does not give the impression of a well-planned "budget" destined to stimulate an economic "upswing" in terms of higher production, general commerce, etc. as does the Edict of Ammišaduqa.
- d) The regulations concerning the manumission of persons in debt servitude also differ. Moses fixed a universal law, i.e. that all the

persons in debt servitude were to be released in the seventh year. The *andurārum* of Ammišaduqa concerns only credit slaves from certain areas. Moreover, their release usually coincided with and was dependent upon the accession of a new king, and did not occur at a fixed regular interval.

- e) Moses' reform does not contain any reference to the alleviation and/or remittance of taxes and dues, which, incidentally, forms the essential element of the *mēšarum*-edict. Even if it did, we would have been faced with severe difficulties interpreting them in the light of the absence of economic texts from Palestine. Moreover, one could rightly ask whether this culture would have utilized socio-economic measures of a much earlier and apparently different Babylonian culture, whereas it is more likely that Moses was acquainted with the reform of Haremhab (ca 1333-1306).<sup>1)</sup>

- f) Moreover, the Mesopotamian kings claimed to have established a *mēšarum* by themselves (note the first person). This is nowhere said of Moses. He only carried out Yahweh's decision to invoke justice for the people.

While one may agree with Wiseman and Weinfeld that there are some indications of an analogy between the 'reforms' of Moses and that of the *mēšarum*-edicts, it still remains to be seen whether Moses was influenced by them. The general idea of such a 'reform' apparently existed, but the subject material obviously did not influence Moses' legislative action. Moreover, the motives for such a reform also seem to differ; the only one which might have had an influence was probably the generally accepted concept of royal ideology. As such Moses would have utilized the idea of a *mēšarum*, but simultaneously would have provided it with his own subject material.

### David

1. The expression *šym mišpāt* is used of David's (1 Sam. 30, 25) new law concerning the just distribution of booty. This law profited those subjects who were physically unable to acquire the spoils during the Amelekite war. This law is motivated by David's decision to do justice to them ("they shall share alike" v. 24). It is also interesting to

<sup>1)</sup> See K. Pflüger, *The Edict of King Haremhab*, JNES 5(1946), 260-276, esp.268. This edict involves a judicial reform and regulations concerning taxes, slaves, etc. Cf. also Joachim Spiegel, Soziale und Weltanschauliche Reformbewegungen im Alten Ägypten, 1959, 7-79.

note that David sent part of the booty to the elders of Judah, (of whom the various cities were even mentioned), who would shortly make him king over Judah (1 Sam. 30, 26f and 2 Sam. 2,4). Apparently this can be related to the royal grants whereby a king secured his position on accession.<sup>1)</sup>

2. The state document from the Davidic period (2 Sam. 8, 15-18), which informs us of David's enthronement, states that David afterwards established justice and righteousness for all his people. According to Weinfeld the expression used, *wayēhî dāwid cōsê mišpāt ušēdāqâ lēkol-<sup>c</sup>ammô*,<sup>2)</sup> is to be understood as an analogy to the Babylonian *mēšarum*-edicts because

- (a) the terms *mišpāt* and *šēdāqâ* seem to be the equivalent of Akkadian *kittum û mēšarum*.
- (b) David issued his law shortly after his accession just as the Old Babylonian kings promulgated their *mēšarum*-edicts during their first full regnal year.<sup>3)</sup>

"David apparently proclaimed a *mēšarum* act just after securing his position on the throne. As he thereby fulfilled the king's economic responsibilities to the populace, he acquired the reputation of a righteous and just king, and he thus established the pattern that the kings of Judah were expected to follow" (Weinfeld, 154). Mettinger, also, claims that David had made concessions to the elders of Israel (King and Messiah, 129).<sup>4)</sup>

<sup>1)</sup> Herrmann, History, 152; Bright, History, 190ff; Malamat, op.cit., 45.

<sup>2)</sup> Weinfeld, op.cit., 153 translates it "And David was enthroned over all Israel and David became the establisher of justice for all his people". *wayēhî* with the participle "expresses at once origination and continuance".

<sup>3)</sup> Weinfeld, 154, n. 1 shows that the year formula of Ammišaduqa (cf. Kraus, SD V, 229) as well as LH col. v a, 4ff, referring to the light and sunshine rising over the country when the king invoked his *mēšarum*, can be related to the Biblical association of social justice with light and sunshine in connection with the implementation of *mišpāt* and *šēdāqâ* in 2 Sam. 23, 3-5; cf. Ps. 72, 1-5).

<sup>4)</sup> Herrmann, History, 146f, 168 n. 4 differs with E. Kutsch, Verheissung und Gesetz (BZAW 131), 1973, 55f, that David accepted an obligation (*bērit*) towards the Israelites. Cf. also Fohrer, Der Vertrag zwischen König und Volk in Israel (BZAW 115), 1969, 332;

This personal covenant between the king and the people would probably have incorporated socio-economic measures which benefited the northern tribes (2 Sam. 5,3), especially in the light of the Rehoboam-episode.

There are, however, no explicit indications that David promulgated an edict containing measures to regulate the economy, such as tax remissions to certain specified groups or tribes, the cancellation of private debts, the release of credit slaves, etc. In fact, David's political unification of Israel seems to have had far greater priority than the economic situation of the land at the time of his enthronement. The subsequent expansion of his territory, the control of the trade routes, the enormous quantities of booty and tribute, the increasing commercial activities (see e.g. his treaty with Hiram), the availability of large numbers of prisoners of war and non-Israelites performing corvée service (cf. 2 Sam. 12, 31) etc., would certainly have caused unknown prosperity.<sup>1)</sup> It is only reasonable to surmise that under such circumstances David would not have imposed large-scale taxation, at least not upon the tribes of Judah. The newly conquered territories would yield more than sufficient income to the "crown".

It is equally clear, however, that this vast improvement in the economic situation of Israel did occur a considerable period after his accession. It could be argued that this was a result of David's military and political policy rather than that of a decree promulgated on his accession. On the other hand, there is no reason not to assume that his socio-economic decree went hand in hand with his military and political policy. In fact, there is sufficient evidence to prove that the economy (and political stability) of Israel was in a serious state of disorder when David came to power and that he was forced to take measures which were intended

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<sup>1)</sup> Cf. Bright, History, 190-206; Buccellati, Cities and Nations, 86f.

to alleviate these circumstances. The later prosperity can thus be seen as the outcome of these measures. Moreover, it is also reasonable to assume that he made certain economic concessions<sup>1)</sup> (presumably consisting of tax-remissions) to the northern tribes to ensure their political support which eventually would benefit the economy.

It is to be surmised, then, that the analogy of the *mēšarum*-edict does elucidate the expression in 2 Sam. 8, 15. This does not imply that David enacted a socio-economic 'reform' with the same scope, character and contents as that of the *mēšarum*. The idea of the 'royal reform' could have found its way to Israel by means of the widely accepted ancient Near Eastern royal ideology which would convey the idea of a *mēšarum* without indicating its contents. We should, however, be careful to refrain from comparing it too easily to the *mēšarum*, because nothing is as yet clear of the precise nature of the economic system of the Davidic empire. Moreover, David's covenant with his people was destined to uphold the traditional law given to Moses, and as such it does not necessarily contain socio-economic measures.

### The Rehoboam-insident

Recent studies have shown that the king had to make a public statement that he was to follow Yahweh and would loyally keep his commands, covenant stipulations and statutes (2 Ki. 23, 1-3), hence a public recognition of the prin-

<sup>1)</sup> His concessions or 'grants' to some officials are decidedly not an indication of a *mēšarum*. For his officials see, R. de Vaux, *Titres et fonctionnaires égyptiens à la cour de David et de Solomon*, RB 48(1939), 394-405; Buccellati, *Cities and Nations*, 125-135; 146-168; Mettinger, *Solomonic State Officials*, 1971, 7-14 with an extensive bibliography. See also A. Alt, *Israels Gauen unter Salomo*, KS 2(1953), 76ff; *idem*, *Die Staatentbildung der Israeliten in Palestina*, KS 2(1953), 1 ff; H. Donner, *Die soziale Botschaft der Propheten im Lichte der Gesellschaftsordnung in Israel*, *Oriens Antiquus* 2(1963), 229-245, esp. 231-3.

principle of the law.<sup>1)</sup> According to Wiseman the expression "to do *hayyāšār* in the eyes of Yahweh" included the cooperation between the king and his people and implied that the king would take practical steps to enable the individual to keep the law in every sphere of life.<sup>2)</sup> The terms of such an agreement between king and people were negotiated with a representative body of the people, i.e. the elders in David's case and the assembly in Rehoboam's.<sup>3)</sup> This participation of the elders and the assembly at the royal investitures has been discussed in detail by Mettinger.<sup>4)</sup> He also shows that the *ḥam*

1) See especially Mettinger, King and Messiah, The Civil and Sacral Legitimation of the Israelite Kings, CB OTS 8, 1977, with an extensive bibliography, omitting however, the important study of Zafira Ben-Barak, "The Manner of the King" and the "Manner of the Kingdom". Basic factors in the Establishment of the Israelite Monarchy in the light of Canaanite Worship. D. Phil diss. Jerusalem, 1972, 200-232.

2) Vox Evangelica 8(1973), 13f.

3) Abner promised to bring all Israel to David if he made a covenant with him (2 Sam 3, 12), and acted as intermediary to urge the elders to do this. (verse 17). "Then all the elders of Israel came to David in Hebron and he made a covenant with them before Yahweh, and they anointed him king over Israel" (2 Sam. 5, 3). Cf. also 1 Ki. 12 and 20; 2 Chr. 25. See also H-J. Kraus, Die Prophetische Verkündigung des Rechts in Israel (Theologische Studien 51), 1958, 26f; Fohrer, Der Vertrag zwischen König und Volk in Israel, ZAW 71(1959), 1-22; Widengren, King and Covenant, JSS 2(1957), 1-32. Note also the close connection between a king and a particular city, especially where he was enthroned, e.g. Saul in Gilgal; David in Hebron; Jehoahaz in Jerusalem; Ahaziah in Samaria and Elah in Tirsa. Cf. Buccellati, The Enthronement of the King and the Capital City, Studies Oppenheim, 1964, 54-61. The covenant renewal was required only with the advent of a new dynasty or when the royal succession was interrupted.

4) Mettinger, op.cit., 111-150. Several other studies are of great importance here such as Malamet, Organs of State Craft in the Israelite Monarchy. 'Ez Ha ayin 41(1964), 5-54 (=The Biblical Archaeologist Reader 3(1970), 171f; and idem, Mari and the Bible: Some patterns of Tribal Organization and Institutions, JAOS 82(1962), 143-150; (=Biblical Archaeologist 28(1965), 34-65; idem, Kingship and Council in Israel and Sumer, A Parallel, JNES 22(1963), 247-53. He was criticized by Evans, Rehoboam's Advisers at Shechem and political institutions in Israel and Sumer, JNES 25(1966), 273-279. Other studies by Evans in this respect are 'Gates' and 'Streets': Urban Institutions in Old Testament Times, JRH 2(1962), 1-12; Ancient Mesopotamian Assemblies, JAOS 78(1958), 1-11. See also Gordis, Democratic Origins in Ancient Israel - The Biblical *ḥam*, Alexander Marx Jubilee Volume (1950), 369-388; Jacobsen, Primitive Democracy in Ancient Mesopotamia, JNES 2(1943), 159-172; idem, Early Political Development in Mesopotamia, ZA 52(1957), 91-140; Wolf, Traces of Primitive Democracy in Ancient Israel, JNES 6(1947), 98-108; Falkenstein, CHM I, 800f. Buccellati, Cities and Nations, 115-124, 159 argues that the Northern Kingdom must at this time have enjoyed a considerable degree of independence and national self-consciousness. Cf. Noth, Könige, BK 9, 265-87 (with further literature); Herrmann, History, 190.



*hā'āreš*'s participation in the royal investiture can be regarded as that of the popular assembly, especially during the period after Solomon's death (cf. 2 Ki. 11, 21, 23-24; 23, 30). Mettinger argues that the <sup>c</sup>*am hā'āreš* is to be taken as those members of society who enjoyed legal status. Outside this group we find women, children, slaves and sojourners. Moreover, they (i.e. the <sup>c</sup>*am hā'āreš*) enjoyed a certain economic status, were laid under tribute (2 Ki. 23, 35), owned debt-slaves (Jer. 34, 19), were accused of oppressing the poor (Ez. 22, 29). "As attested by 2R 23, 30 and Jer. Ch. 34 the power of the *a.h.* was a constitutional check on governmental authority in Judah" (op.cit., 129). Mettinger also shows that the popular acclamation of the king served as the constitutional ratification of the new king. Moreover, the reciprocal relation of the royal covenant where the king granted the elders his *bērît*, whereupon they anointed him, clarifies these negotiations between king and elders; e.g. between Rehoboam and the assembly at Shechem.<sup>1)</sup> Already appointed king of Judah (1 Ki. 11, 43), Rehoboam went to Shechem where the assembly of the northern tribes had gathered to make him king (1 Ki. 12, 1). There are several indications that these negotiations dealt with the question of a covenant between the king and these tribes.<sup>2)</sup> The assembly put forward certain conditions which Rehoboam had to accept before being made king over Northern Israel: "Your father made our yoke heavy. Now therefore lighten the hard service of your father and his heavy yoke upon us, and we will serve you" (1 Ki. 12, 4, RSV). The term <sup>c</sup>*ôl* 'yoke' designates the oppressive measures laid upon the people by a (foreign) ruler (cf. Jer. 27, 8; 28, 2, 4; 30, 8). Isaiah utilized this term when he announced the era of the new King; he would take their <sup>c</sup>*ôl* away, (9, 3; 10, 27; 14, 25; 47, 6) and would release their land from oppression. Except for Is. 47, 6, the expression <sup>c</sup>*ôl + k b d* occurs only in 1 Ki. 12 and 2 Chr. 10. It is used in connection with <sup>c</sup>*ābōdat 'ābīkā haqqāsā*

<sup>1)</sup> This is the only example which Wiseman uses in order to illustrate his view of the connection between OB *mēšarum*-edicts and the expression "doing *hayyāšār* in the eyes of the Lord" (Vox Evangelica 8(1973), 14).

<sup>2)</sup> Fohrer, ZAW 71(1959), 8; Malamat, BA 28(1965), 39.



which evidently refers to the *mas*, i.e., corvée.<sup>1)</sup>

The term *hā<sup>c</sup>ôl hakkābēd* can be regarded as the Hebrew equivalent of Akkadian *nīru kabtu*,<sup>2)</sup> which clearly indicates "to impose a yoke" (cf. CAD E, s.v. *emēdu* 3(p. 142)): *kabtu nīr bēlūtija emidsunūti*, "I imposed the heavy yoke of my lordship upon them".<sup>3)</sup> The verb *emēdu* also occurs with *dullu* (to impose labour) *kudurru* (forced labour) and *tupšikku* (servitude). However, *zabālu* is the verb more commonly used in connection with these terms. It is interesting to note that Hebrew *sebel* is related to the institution of corvée (*mas*) in Ex. 1, 11 and Gen. 49, 15 and to *ôl* in Is. 9, 3 all describing an unbearable

1) Mettinger, Solomonic State Officials, 1971, 119 shows that Solomon's reasons for breaking with the tribal system were based upon economic and political considerations directed against the house of Joseph which was the political core of the northern tribes. These measures were taken by Solomon to counteract the dualistic structure of the state, for the house of Joseph was the centre of a considerable aggregation of political power during David's reign and the first part of that of Solomon. The Canaanite territories, e.g. were divided into "independent" districts under their own prefects and linked to the state, not to a tribe. This political control over former Canaanite territories provided the man-power required for Solomon's extensive building operations. Cf. also Donner, Herrschergestalten in Israel (Verständliche Wissenschaft Bd 103), 1970, 48f. We know that the Canaanite population was compelled to do labour service, but the question is whether the fiscal burden of forced labour was extended to the Israelites as well (cf. De Vaux, Ancient Israel, 142 and Soggin, Das Königtum in Israel (BZAW 104), 1967. Mettinger discusses the terms *mas* and *mas<sup>c/b/d</sup>* in 1 Ki. 5, 27-32 and 9, 15-22, 23 and concludes that they designate the "simple" levy and the permanent levy respectively (op.cit., 128-137). David levied (part of) the foreign population for a special form of service which became institutional, i.e. permanent corvée. Solomon even levied his native subjects in the north for the *mas*, but this was a temporary measure probably connected with the building of the temple and perhaps also of the palace. Temporary conscription would probably have concerned the Israelites themselves. The northern opposition voiced at Shechem was most probably directed against this kind of temporary conscription (except against taxes) for the superintendent of the forced levy was stoned at Shechem (1 Ki. 12, 4-18). Mettinger (op.cit., 80-109) also shows that in the light of the royal land-owning system practiced in the Fertile Crescent, the royal accumulation of landed property during the early monarchy led to the birth of an urban proletariat, hence a socio-economic distinction between the poorer petty farmers and the rich upper class whom the king endowed with grants. Cf. also Alt, Der Anteil des Königtums an der sozialen Entwicklung in den Reichen Israel und Juda, KS 3(1959), 348-372, esp. 366f.

2) Weinfeld, *est hzqnym lrb<sup>c</sup>m*, Leshonenu 36(1971/2), 3-13 esp. 6 n. 16-20.

3) Cf. Borger, Esarh. 51 iii 55. Cf. VAB 4, 68: 18: *ina nīrišu kabti ušazziqū nīšim māti*, ... "who harmed the people of the land with his heavy yoke".

situation of oppression of a (former) reign. This term is also to be related to Akkadian *sablu*,<sup>1)</sup> which occurs at Mari (ARM 3 no. 38, 5-7) and in an Amarna letter (RA 19(1922), 97-98: 10-14) designating 'corvée workers'. The Akkadian fixed expressions *zābil tupšikki/zābil kudurri* denote "(imposed) corvée-work". In Ex. 6, 6 *sib(ē)lōt* is used as a synonym for *ēbōdā*.

The terms *hā<sup>c</sup>ōl hakkābēd*, *mas* and *sebel* all seem to indicate 'corvée'. The request to lighten the "heavy yoke" therefore implies a request for an alleviation of corvée. Thus this request obviously implies an alleviation of their dues in taxes and corvée service which Solomon had exacted, as had been predicted in Samuel's description of the "way of kingship".<sup>2)</sup> They demanded this

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1) M. Held, The root *zbl/sbl* in Akkadian, Ugaritic and Biblical Hebrew, JAOS 88(1968), 90-96, esp. 93f. Cf. also M. Wagner, Beiträge zur Aramaismenfragen im alttestamentlichen Hebräisch, VT Suppl. 16(1967), 362-364; Mettinger, Solomonic State Officials, 137-139.

2) Zafrira Ben-Barak, op.cit., 69-168 shows that Samuel's description of the rights of the king (1 Sam. 8,11-17) was based upon his knowledge of Canaanite kingship. It reflects the permanent and recognized customs and habits of the king who had absolute authority over the lives and property of the individual. This is shown by the king's authority to conscribe people into the army, the royal agricultural economy ("to plow his ground and to reap his harvest") and to the 'industrial' sector under royal control ("to make his instruments of war and the instruments of his chariots"). In addition to his right to order human resources for his works, the king also had the right to expropriate properties belonging to the people and to give them as 'grants' to his servants in order to consolidate their power and extend their influence. The system of land grants was a political means for creating an élite class at once efficient and dependent on the king. The king also had the right to levy taxes from the citizen's income. Ben-Barak shows that Samuel had effected a merger of this "manner of the king" with the ancient tradition of the tribal confederacy (which would later become the assembly), for the assembly remained effective throughout the monarchical period. The Mizpah Covenant defines the complex of relationships and forces between the people and the king. Only certain aspects of Canaanite kingship were adopted, such as conscription for military and agricultural purposes. The Canaanite principle of royal control over personal property was rejected and the principle of taxation in kind was adopted instead. It would seem that Samuel stressed the responsibility of the king to protect the lives and property of his subjects in analogy to the Hittite vassal treaties. The Mizpah Covenant served as the prototype of all monarchical covenants in Israel, for 2 Ki. 11, 12, 17 can only be explained on the assumption that this original covenant was known in later periods.

as the basis for renewed loyalty to the throne and perhaps for a new covenant. The fact that Rehoboam did not give this requested relief caused the nullification of the existing covenant between David and the elders of Israel (2 Sam. 5, 3). Mettinger, King and Messiah, 149, repeatedly hints at the fact that concessions had to be made by the king to the people "as can be seen from the promise (*bērît*) that David made to the elders of Israel" (p. 228)<sup>1)</sup> but he does not spell these out. It is, however, clear that the ratification of the king by the assembly (or the *am hā'ārēṣ*) depended upon his willingness to make certain concessions to the people. Their request for the alleviation of the "heavy yoke" was for a return to the Davidic legislation (1 Ki. 12, 16), which contained such concessions.<sup>2)</sup>

These concessions, then, would have included deliverance from oppressive legislation and dues. Malamat has shown that the people of Israel could by rights expected such an alleviation of their economic burden in return for their loyal support.<sup>3)</sup> Weinfeld also relates the request for an alleviation of the

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1) Mettinger, op.cit., 185-232. He provides a discussion of all relevant material and various interpretations as to the significance of the anointing of the king. Note especially his criticism of Kutsch, Salbung als Rechtsakt, 1963. The absence of the popular assembly at the anointing of Solomon shows that "the investiture of Solomon denotes the point of intersection between old semi-democratic institutions and new ones in which cooptation, heredity and dynasty deprive the people of a good deal of their prerogatives in connection with the installation of the king" (Mettinger, op.cit., 201-2).

2) Weinfeld, Leshonenu 36(1971/2), 12; idem, JAOS 90(1970), 184-203 and Mettinger, op.cit., 147, n. 33 for a discussion of the term *šh tōbā* "treaty of friendship" in 2 Sam. 2, 6; 7, 28 which seems to involve a royal promise of protection and leadership, hence acting within the Covenant. See also Buccellati, op.cit., 159 who argues that the break with Judah, brought about by Jeroboam, was relatively easy for the Northern Kingdom which did enjoy (even during the reigns of David and Solomon) a considerable degree of independence. They only changed one ruler for another.

3) Malamat, Organs of State Craft, 4: "Visualization of actual royal decrees of the Ancient Mesopotamian kings ... lends greater clarification and concreteness to the concept behind the 'heavy yoke' and the alleviation of which the people demanded of Rehoboam".

"heavy yoke" to the Old Babylonian *mēšarum*-decrees.<sup>1)</sup> Wiseman states: "The attempt to persuade Rehoboam on his accession to issue an edict to alleviate the legal and economic position of oppressed persons is in keeping with *hayyāšār* which includes deliverance from oppressive legislation and dues".<sup>2)</sup> Buccellati also shows that social and economic factors were at work behind Jeroboam's revolt. If these socio-economic requirements had been met, the Israelites would have been willing to continue as subjects of the Davidic dynasty. There were, however, also political factors, personal rivalry and personal ambition at stake, the exact nature of which is difficult to ascertain.<sup>3)</sup>

But is this request for an alleviation of taxes and corvée to be related to the Old Babylonian *mēšarum*-edicts as these scholars have suggested?

There are several indications that this request for an alleviation presupposes a situation that can only be understood in the light of the *mēšarum*-practice such as the fact that the newly-appointed king was expected to relieve taxes and obligations due to the 'crown', that such a remittance would stimulate the economy by forestalling further indebtedness incurred to meet the demands of the 'palace', that it would provide the necessary support for the king from the rural population in order to create socio-economic and political stability in the kingdom, etc.

It is equally clear, however, that there are no indications of any direct relationship with the *mēšarum*-edict. This request does not necessarily reflect a practice which would have occurred regularly at the enthronement ceremonies

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1) Cf. Leshonenu 36(1971/2), 6f. See also idem, Deuteronomy and the Deuteronomistic School, 1972, 146-155.

2) Wiseman, JSS 7(1962), 168.

3) Cities and Nations, 203-204.

of Israelite kings. It could be regarded as an isolated episode motivated by political rather than socio-economic factors, for Jeroboam was at this stage already accepted as leader by a large number of the northern tribes (1 Ki. 11, 26-40). Such political motives are nowhere attested in connection with the *mēšarum*-enactments in Mesopotamia.

Moreover, the promulgation of a *mēšarum* was never requested from the king nor were its terms negotiated by a representative body. It was merely economic factors that forced the king to take such steps. The *mēšarum* also does not contain any reference to the abolition of corvée service, which was the main issue in the request of the elders, as is evident from the fact that they killed the superintendent of the corvée afterwards.

It has also been shown that the different provisions of the *mēšarum* reflect a carefully worked-out budget destined to benefit only certain groups of people of certain areas - an element which is totally absent in the case of the elders' request. In addition to the fact that the motives and procedure differ widely, it would seem that the social and economic institutions of these two different cultures should not be compared too uncritically unless more information can be attained. The subject matter of these remissive acts is also couched in two different literary genres. Further, while the *mēšarum* is a contemporary document, the account of the Rehoboam episode dates from a much later period, describing the reason for the schism between the northern and southern tribes of Israel.

It can therefore be surmised that there is no evidence for assuming any direct relationship between the Old Babylonian *mēšarum*-edicts and the elders' request for an alleviation of the "heavy yoke". The points of similarity can be explained by the common concept of kingship in the Ancient Near East.

Subsequent Kings

It has been argued that the expression 'to do *hayyāšār* in the eyes of Yahweh', used by the Deuteronomist to characterize the reigns of certain Judaeen monarchs, is linked with obedience to the *Tôrâ* given directly to Moses by Yahweh. Moreover, they are said to have done *hayyāšār* "as their father David". Thus, it would appear that they also "did justice and righteousness" as did their ancestor David; in other words, they issued decrees which resemble the *mēšarum*-edicts in their first full regnal year.

Such a decree was the demonstration of the king's intention to rule according to the *Tôrâ*, thus showing his position towards the covenant between Yahweh and his people. The kings who are referred to as having done *hayyāšār* in the eyes of Yahweh are Asa (1 Ki. 15,11 = 2 Chr. 14,1); Jehoshaphat (1 Ki. 22, 43 = 2 Chr. 20, 32); Joash (2 Ki. 12, 3 = 2 Chr. 24, 2); Amaziah (2 Ki. 14, 3 = 2 Chr. 25, 2); Azariah/Uzziah (2 Ki. 15, 3 = 2 Chr. 26, 4); Jotham (2 Ki. 15, 34 = 2 Chr. 27, 2); Hezekiah (2 Ki. 18, 3 = 2 Chr. 29, 2) and Josiah (2 Ki. 22, 2 = 2 Chr. 34, 2). Special mention is made of these kings who did *hayyāšār* as did their predecessors, e.g. Asa, Hezekiah and Josiah (1 Ki. 15,11; 2 Ki. 18, 3; 22, 2) as did David; Jehoshaphat as did Asa (1 Ki. 22, 43; 2 Chr. 20, 32); Azariah as did Amaziah (2 Ki. 15, 3); Jotham as did Uzziah (2 Ki. 15, 34) and Amaziah as did Joash (2 Ki. 14, 3). It would seem that David had established the pattern that the Judaeen kings were expected to follow

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<sup>1)</sup> Wiseman, JSS 7(1962), 167-8; idem, Vox Evangelica 8(1973), 11-14. Weinfeld, op.cit., 154f; Rickards, Bible Translator, 27(1976), 211.



viz. to have issued decrees reminiscent of the *mēšārūm*.<sup>1)</sup>

ASA (913-873)

King Asa's *yāšār* involved the enactment of a reform as soon as he had deposed Maacah (1 Ki. 15, 11-15). This reform was intended to purge Judah from pagan cults. It must, however, have had serious political consequences, for Maacah's officials were also disposed of. Moreover, king Asa is said to have brought about peace (2 Chron. 14, 6) in Judah, as well as prosperity by enlarging her territory (1 Ki. 15, 22) and controlling the trade routes towards the south. Note also his temporary conscription of the entire population to build fortifications. The Chronicler's evaluation of king Asa is less favourable, for it is stated that he had inflicted cruelties upon of the people (2 Chr. 16, 10). Asa's covenant with the people of Judah and Benjamin, and also those from Ephraim, Manasseh, and Simeon "who were sojourning with them, for great numbers had deserted to him from Israel" (2 Chr. 15, 9-12), most probably involved political asylum as well as socio-economic measures. Bright shows

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<sup>1)</sup> Weinfeld rejects the idea that the righteousness of these reformer-kings lay in the fact that they all eliminated the high places and established the divine worship exclusively in the chosen place, for two reasons:  
 (a) The law of cult centralization came into effect only after the temple had been built in Solomon's days. The people were still offering sacrifices at the high places in David's time; therefore the Davidic period could not serve as a model period with respect to the observance of the law of centralized worship - a matter which incidentally is of central interest to the Deuteronomist.  
 (b) Some kings, such as Asa and Jehosaphat, who like David did *hayyāšār*, nevertheless did not abolish the cult of the high places. "The righteousness of these kings moreover did not find expression in their steadfast loyalty to the God of Israel because Solomon, whose wives led him to worship other gods (1 Kgs 11:4) is none the less said to have 'loved the lord' 'walking in the statutes of David his father' (3: 3)".  
 Yet Jehoash and Amaziah, on the other hand, who purified the cult of syncretistic elements, were not said to have attained the same degree of righteousness as had their ancestor David (2 Ki. 12, 3; 14, 3). "It seems therefore that David's righteousness is to be seen in his performance of social justice which is linked, according to the Deuteronomist, to the Torah. The way of crystallization of the law-codes in Mesopotamia ... allows us to suppose that some of the proclamations of these reformer-kings have been incorporated in the Holiness Code and in the Deuteronomic Code", Weinfeld, *op.cit.*, 154, n. 3.

that serious tensions had existed between the aristocracy of Jerusalem and the rural population during the preceding period. "The former born to the luxury of Solomon's court and including many of non-Israelite background, tended to be international in outlook, with little feeling for the essential nature of Yahwism. The latter, mostly small farmers and shepherds whose life was exceedingly simple, clung tenaciously to ancestral social and religious traditions".<sup>1)</sup> Asa made this covenant at Jerusalem in "his fifteenth year" (2 Chr. 15,19) of co-regency, hence his first full regnal year.

It would seem that his covenant included socio-economic measures to gain the support of the rural population. It is not unlikely that it could have involved an alleviation of taxes in kind, especially to the rural farmers. As a result of this *bērît* the later period of his reign was characterized by peace and prosperity. Moreover, it seems that he made these concessions at the expense of the 'urban-capitalistic' and 'international' society of Jerusalem, which he ousted from political participation. The fact that he purged the country from pagan cults and therefore sided with the more 'conservative' party, won him such favour and loyalty that he could conscribe all his people to *corvée* during an emergency. The statement that Asa did *hayyāšār* seems, therefore, to involve more than a mere religious reformatory action.

#### JEHOSHAPHAT (873-849)

Jehoshaphat's *yāšār* involves mainly his judicial reform (2 Chr. 19,4-11) whereby he superimposed upon the time-honored administration of customary law by village elders a system of royally appointed judges, installed in key-cities - the judges probably at first being selected from among the local elders them-

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<sup>1)</sup>Bright, History, 235. Cf. Herrmann, History, 201.



selves. "Its purpose was clearly to normalize judicial procedure, to root out injustice and also to provide ... adequate machinery for the appeal of disputed cases".<sup>1)</sup>

These judicial bodies had to interpret the decrees, ordinances and laws and execute justice with honesty and impartiality without ever accepting bribes.<sup>2)</sup>

Jehoshaphat's judicial reform has been discussed in detail by Albright.<sup>3)</sup>

He related this judicial reform to the edict of Haremhab (ca. 1333-1306) the purpose of which was to protect the king against peculations of corrupt tax-gatherers and soldiers and the people against the exactions of officials.<sup>4)</sup> The same ethical principles not to accept bribes, but to judge with impartiality and justice, are evident here.<sup>5)</sup> Haremhab's judicial reform is accompanied by a remission of taxes paid by the *qnbṯ* (civil courts). It would further seem that Jehoshaphat's reign was characterized by prosperity<sup>6)</sup> resulting from trade (1 Ki. 22, 49f), the pact with Ahaziah (2 Chr. 20, 35), levy from Moab (2 Ki. 3), booty (2 Chr. 20,25) and peace (2 Chr. 20, 29-30). Bright argues that if the list of cities (Josh. 15,21-62; 18,21-28) reflects the conditions of this period "it would appear that he also regularized fiscal affairs by a reorganization of the administrative districts" (History, 248).

It would seem that it was the poorer people, especially those of the rural areas, who benefited most by this judicial reforms. The powerful rich were no longer in the position to exploit the rights of the poor by bribing the

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1) Bright, History, 248.

2) Cf. also Ex. 18, 21f; 23,1-8; Is. 5,23; 33,15; Miçah 3,11; Dt. 16, 19; 27, 25; Ez. 22, 12; 1 Sam. 8, 3 for the terms *bēṣa* and *šōḥad*.

3) Albright, The Judicial Reform of Jehoshaphat, Alexander Marx Jubilee Volume, 1950, 61-82.

4) Cf. Pflüger, JNES 5(1946), 260-276.

5) See the older civil code in Dt. 19, 12; 21, 2f; 22, 15f; 25, 7f and Ex. 18, 21f; 23,1-8 which defines the judicial function of the elders.

6) Herrmann, History, 216f.

judges. The general state of peace and prosperity during the later period of Jehoshaphat's reign, as well as his conservative (Yahwistic) religious policy, gained him the loyal support of his people. In the light of the Egyptian parallel it is also probable that his judicial reform included some measures involving tax remissions. The prosperity and internal peace indicate that at least he did not overburden his people with taxes. The rural population safeguarded against corruption, would be in the position to sell their products at higher prices in an expanding 'export' market. It can be surmised, then, that his *yāšār* also involved more than a mere judicial reform.

#### JOASH OF JUDAH (837-800)

Joash's reform consists of the reparation and purification of the temple in Jerusalem, a step undoubtedly necessary after Athaliah's abominations. Both the Books of Kings (2 Ki. 12, 2) and Chronicles (2 Chr. 24, 2) declare that his *yāšār* lasted only during the lifetime of Jehoiada, who acted as regent during the king's minority. Religious laxity, military failures, etc., later made him bitterly disliked by certain of his subjects, and he was assassinated. Joash instituted this religious reform on his accession after he had made a covenant with his people (2 Ki. 11, 17; 2 Chr. 23, 16). It would seem that under the influence of Jehoiada certain concessions were made to the priests (2 Ki 12, 4) and the rural population. Herrmann (History, 224f) shows that this special covenant, made to bind 'the people' to the new ruler, is in keeping with the pattern of Deuteronomic thought, viz. that after mention of the treaty with the 'people' we hear of their actions; they did away with the cult of Baal, introduced by Athaliah. "Thus the 'ideal harmony' so to speak is restored in Jerusalem. Yahweh, king and people form an inseparable unity on the basis of the covenant ..."

Note that 2 Ki. 11, 20 concludes the account with the observation that 'the people of the land' rejoiced after the king had been enthroned. According

to Herrmann 'the people of the land' is the agricultural population of Judah. He also shows that stress is laid on the distinction between city and 'people of the land'. While Herrmann argues that the reason for their delight lies in the fact that the dynastic idea was deeply rooted there, it could also be argued that king Joash invoked socio-economic measures which were destined to benefit the rural population.<sup>1)</sup> It may therefore be assumed that Joash's reform also contained more than a religious purge.

#### AMAZIAH (800-783)

Amaziah is said to have done *hayyāšār*, "yet not like David his father, he did in all things as Joash his father had done" (2 Ki. 14, 3). This statement probably refers to the fact that during his first years in office, he sided with the conservative Yahwistic party and successfully projected the reconquest of Edom, whereby he secured the southern trade routes, which brought prosperity to Judah.<sup>2)</sup> There are, however, no indications of a 'reform' which he had instituted.

#### UZZIAH (783-742) (Azariah)

Uzziah's *yāšār* is described in 2 Chr. 26, 5: "He set himself to seek God in the days of Zechariah, who instructed him in the fear of God; and as long as he sought the Lord, God made him prosper." The list of his achievements is impressive: reorganizing and refitting the army, fortification of key

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<sup>1)</sup> According to E. Würthwein, Der <sup>c</sup>amm ha'arez im Alten Testament, BWANT 4 Folge 17, 1936, 33-34, 'the people of the land' was the nationalistic rural population which stood under direct control of the king in contradistinction to the urban population. Buccellati, op.cit., 170-171, however, argues that the foreigners and internationalists in Jerusalem did not dictate or represent city state politics as opposed to national politics. See E.W. Nicholson, The meaning of the expression <sup>c</sup>m h'rs in the Old Testament, JSS 10(1965), 59-66 for a recent discussion of this term.

<sup>2)</sup> Note the sparseness of Old Testament sources for conditions during this period, Herrmann, History, 227.

cities all along the trade routes, territorial expansion of Judah, etc.. A prosperity, such as had been unknown since Solomon, ensued, for Israel and Judah were at peace with each other and both gained immensely by tolls from caravans passing through the enlarged territory, together with the free interchange of goods. During his reign the 'international' trade flourished via Aqabah and Tyre. According to Bright (History, 255) the population in both countries probably reached its greatest density. 2 Chr. 26, 10 describes Uzziah's efforts to develop the economic and agricultural resources of his country<sup>1)</sup> in order to encourage higher productivity.

Despite this prosperity it would seem that during Uzziah's reign the serious social, moral and religious decay of the kingdom of Israel did not take place in Judah, at least not on such a large scale, as Amos and Hosea had pointed out.<sup>2)</sup> Uzziah's *yāsār* probably consists of his ability to maintain the traditional *status quo*, socially and religiously, despite the newly-acquired prosperity. In fact, if he had enacted a socio-economic reform, it would explain why the social injustice such as oppression and deprivation of rights, of corruption and indebtedness, of social disorder, etc., all practices which Amos, Hosea, Isaiah and Micah had denounced, did not take place in the kingdom of Judah.<sup>3)</sup> This ever-widening gap between the rich and the poor,

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<sup>1)</sup> See N. Gleuck, Rivers in the Desert, 2nd ed., 1968, Chapter vi.

<sup>2)</sup> Herrmann, History, 235f.

<sup>3)</sup> For a discussion of the prophets' criticism, see K. Koch, Die Entstehung der sozialen Kritik bei den Propheten, Von Rad Festschrift, 1971, 236-57 who regards its origin in the ideal of the freedom of the farmer-families (esp. 256) contra M. Fendler, Zur Sozialkritik des Amos, Evangelischer Theologie 33(1973), 32-53, who follows H.H. Schmid, Gerechtigkeit als Weltordnung, 1968, 112. Contra A. Causse (Les 'Pauvres' d'Israel, 1922, esp. 50-66), Hempel (Das Ethos des Alten Testaments (BZAW 67), 1963, 121, 143f) and Brongers (Rijkdom en armoede in Israel, NTT 29(1975), 20-35, esp. 34f) see the origin of the prophetic criticism in the reformation of kings to bring about the 'ideal' law as reflected in Deuteronomy. See also A. Gélin, Les Pauvres de Yahwé, 1955, 19f; J. van der Ploeg, Les Pauvres d'Israel et leur pïeté, OTS 7(1950), 236-70; A. Kuschke, Arm und Reich im Alten Testament, ZAW 57(1939), 31-57 and Fensham, JNES 21(1962), 129-139; idem, Ge-rechtigheid in die boek Miga en Parallele uit die Ou Nabye Ooste, Tydskrif vir Geesteswetenskappe, 7(1967), 416-425; Loretz, UF 7(1975), 271-278 and Donner, Oriens Antiquus 2(1963), 229-245.

debt-servitude, the unlawful exaction of pledges and staples, corrupt jurisprudence, etc., would be the natural outcome of an economic system which does not allow for bankruptcy, provided that the authorities (i.e. the king) did not intervene to set the socio-economic situation in order from time to time. If the king did take steps to attain the restoration of the 'economic equilibrium', viz. to order the economy according to the order of *mišpāt* and *šēdāqā*, these effects could largely have been circumvented. It is to be surmised, then, that Uzziah did create prosperity, but that he also prevented the large-scale negative side-effects of such an economic 'upswing' by taking positive steps for an effective control. Such socio-economic measures are, in fact, embedded in the *mēšarum*-edict.

#### JOTHAM (742-735)

Jotham, of whom we know virtually nothing, is said to have continued the policy of his father. Extensive building operations and a successful war against the Amonites show that Judah temporarily enjoyed the same degree of prosperity (2 Ki. 15,35; 2 Chr. 27, 3-6). His *yāšār* most probably involved the upholding of the traditional law "because he ordered his way before the Lord, his God".

#### HEZEKIAH (715-687/6)

In 2 Ki. 18, 1-8 we have a brief account of the reign of Hezekiah which tells us of the religious reforms he carried through, closing down the 'high places' and destroying the Brazen Serpent, and then briefly adding that he rebelled against the king of Assyria, and finally that he smote the Philistines.<sup>1)</sup>

Much of this narrative also appears in Isaiah 36-37 and is generally believed

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<sup>1)</sup> Donner, Herrschergestalten, 84.

that it was taken by the compiler of the book of Isaiah from the accounts in Kings. Here, however, there is no mention of his reform. In the account of 2 Chr. 29, 3f we read that Hezekiah began his reform in the very first month of his reign. There is a long and detailed account of his reform, yet without mentioning the Brazen Serpent, and the reform here is carried to the northern kingdom whose 'high places' were also destroyed.

Rowley has linked this reform with Hezekiah's rebellion for "it was out of the question to revolt against Assyria without purging the religion of Assyrian elements; on the other hand, it was equally out of the question to do away with those Assyrian elements without revolting against Assyria".<sup>1)</sup>

McKay, on the contrary, claims that this reform consisted of the removal of the *bāmôt*, *maššēbôt* and *'āšērîm* as the marks of apostasy from the days of Rehoboam. "Thus it would seem that the evidence of the Chronicler, like that of the Deuteronomist, lends no support to the thesis that Hezekiah's reformation was motivated by a political desire to rid the land of regnant Assyrian deities" (op.cit., 17). The reformation was a manifestation of the spirit that led to rebellion, not a declaration of rebellion.

In addition to the religious aspect of the reform it would seem that Hezekiah's reform also included measures to set the socio-economic situation in order again, for Hezekiah reversed his father's policy at every point. The policy of Ahaz produced a situation in many respects intolerable to loyal Yahwists.<sup>2)</sup> Isaiah and Micah showed us that during Ahaz's reign the great landholders callously dispossessed the poor, often by dishonest means (Is. 3, 13-15; 5, 1-8; Micah 2, 1f, 9). "The rich lived in luxury, without integrity or concern for the plight of their less fortunate brethren" (Is. 3, 16-4, 1;

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<sup>1)</sup> H.H. Rowley, *Hezekiah's Reform and Rebellion*, BJRL 44(1962), 395-431. See, however, J. McKay, Religion in Judah under the Assyrians, SBT 26, 1973, 13-20.

<sup>2)</sup> H.W.F. Saggs, Assyriology and the study of the Old Testament, 1969, 15-22 describes the economic reasons for his policy.

5, 11f, 20-23).<sup>1)</sup> The judges were corrupt, the poor had no recourse (Is. 1, 21-23; 5, 23; 10, 1-4; Micah 3, 1-4, 9-11). Such tension existed between smallholders and villagers on the one hand, and the aristocracy of Jerusalem on the other.

The pagan reaction under Ahaz led to a disregard of covenant law and thus threatened Israel's society at its foundations. The clergy, as Micah pictures them, were corrupt and did not rebuke these socio-economic injustices (Micah 3, 5-8; 9-11). The socio-economic situation was aggravated by Assyrian taxes and there grew an intense longing for the coming of a better king, an ideal 'David' who, endowed with the charisma, would victoriously establish his reign of justice and peace - hence the Messianic oracles of the period (Is. 9, 2-7; 1, 1-9; Micah 5, 2-6).

This reform would therefore also involve an attempt to remove the existing economic abuses. "The appearance at approximately this time of vessels bearing the king's stamp probably indicates some sort of fiscal or administrative reform, perhaps an attempt on the part of the state to regularize the collection of taxes and to curb dishonesty by the introduction of a standard measure" (Bright, op.cit., 282). He argues that the introduction of a system of guilds during this period was designed to protect craftsmen from exploitation.

It is to be surmised, then, that Hezekiah's *yās'ār* embodied not only a religious reform, but that it also contained measures destined to alleviate the socio-economic situation of the poor, and hence to make it conform with the traditional law again. This reform was preached by Isaiah and Micah who showed that the Sinaitic covenant with its strict moral obligations and sanctions

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<sup>1)</sup> Bright, History, 276; Herrmann, History, 258ff.

had been supplanted in popular thinking by the Davidic Covenant with its unconditional promises.<sup>1)</sup>

Both Beyerlin and Fensham show that Micah's condemnation of the socio-economic abuses such as the *gāzal* (Micah 2, 1-2; 3, 3) of the poor man's property by the rich landowners, the use of false weights and measures (6, 10-12), the taking of bribes (7, 3), etc., is based upon the stipulations of the Sinaitic Covenant, and upon underlying principles of the Davidic Covenant. Fensham also draws attention to the fact that it involves the breaking of the ancient customary laws on social justice. It is clear from Fensham's study that the "covenant-idea pervades all the prophecies of Micah. The breaking of the stipulations of this covenant is the starting point of the prophecies of Micah. The next step is judgment of the transgressors and the resultant punishment. New hope is created by a restored covenant under a new king who will lead the remnant on the way of righteousness." Isaiah regarded Hezekiah as the true successor of David who would establish *mišpāt* and *šēdāqā* (Is. 9,6; 16, 15 cf. Prov. 16, 12; 20, 28; 25, 5). Isaiah also envisaged the advent of the ideal ruler of the house of David who would judge the poor with *šēdēq* and the meek with *māšōr* (9, 4). "This reference would allude to the king's amelioration of the destitute socio-economic lot of the populace by a royal proclamation which in Mesopotamia was termed a *māšarum* (act) or an *andurārum*".<sup>2)</sup>

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1) W. Beyerlin, Die Kulttraditionen Israels in der Verkündigung des Propheten Micha, FRLANT NF 54, 1959, 63-81; Fensham, Tydskrif vir Geesteswetenskap-pe 7(1967), 416-425.

2) Weinfeld, 155. According to Weinfeld this passage in Isaiah refers to Hezekiah himself. This is untenable for obvious reasons. However, Isaiah's concept of royal ideology could have served as the model by which Hezekiah's reform was judged by the Deuteronomist. The socio-economic aspects of the reform of Hezekiah would then lie in the royal ideology.



JOSIAH (640-609)

Manasseh's policy (687/6-642) represented a total break with that of Hezekiah and constituted a thorough-going repudiation of his reform. It would seem that his reign saw the general resurgence of the Old Canaanite cults. Local sanctuaries were restored throughout the country and the popular superstition, star-worship, soothsaying, augury, necromancy and wizardry became common in both city and land<sup>1)</sup> (Zeph. 1, 4-5). Moreover, the syncretism between these cults and Yahwism brought with it contempt of Yahweh's law and new incidents of violence and injustice occurred (Zeph. 1, 9; 3, 1-7; 2 Ki. 21, 1-18; 2 Chron. 33, 1-20).

Josiah's reform, by far the most thorough-going in Judah's history, is described in 2 Ki. 22, 2-23, 25 and in 2 Chron. 34, 1-35, 19. His reform<sup>2)</sup> was accompanied by the renewal of the covenant with the elders of the people before Yahweh at the temple when the book of the law was found (2 Ki. 22, 3f).<sup>3)</sup>

This covenant recalls the sacral covenants at Sinai (Ex. 24) and Sechem

1) McKay, op.cit., 20-27. See also Donner, Herrschergestalten, 88-93.

2) The reform consists mainly of a consistent purge of foreign cults and practices: hence the purge of the temple and its precincts, the destruction of the *bāmôt* in Jerusalem and Judah, and the desecration of the sanctuaries of the old Northern Kingdom.

3) Bright, History, 317. Cf. also Herrmann, History, 265-272.

(Jos. 24).<sup>3)</sup> From this perspective, "Josiah's actions emerge as an act of restoration, in which the earliest traditions of Israel are reprinted and given new life" (Herrmann, op.cit., 267). The basic demands of Deuteronomy, which preserves the earliest traditions of Israel and was brought to Jerusalem by the Northern Deuteronomists who worked among the "people of the land" making converts among its more influential figures (McKay, op.cit., 107, n. 110), served Josiah's purpose of establishing his claim over the whole of Israel, whereby the king of Jerusalem became the protector of the traditions of the former northern state of Israel. "Jerusalem and the house of David bind themselves without qualifications to the law of Israel; in short, there is a move back through David to Moses" (Herrmann, op.cit., 268).

Jeremiah also refers to Josiah as a king who did (<sup>c</sup>*śh*) *mišpāt* and *ṣēdāqā* and judged the cause of the poor and needy (Jer. 22, 15-16), i.e. "pronounced legal edicts on behalf of the indigent population".<sup>1)</sup> Like Isaiah (11, 1-5) he foresaw the enthronement of a crown-prince<sup>2)</sup> of the house of David who would

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1) Cf. Weinfeld, op.cit., 155 n. 5 for a discussion of the expression *dan dān*.

2) According to Donner and Röllig, KAI 43: 10-11, this expression means crown-prince.

3) According to Herrmann (op.cit., 269f) Josiah did not accord Deuteronomy the status of an official constitution: "the concentration of the event on a single act of a reform for programmatic reasons cannot have happened in this way. If one does not insist on the idea of a sudden reform of an obligatory and official character, then all sorts of question simply disappear". I can, however, see no sound reason why he should adopt such a hypothesis, for the Deuteronomistic editions of Kings stressed this reform as a special action whereby the king sanctioned the Book of the law (cf. Jeremiah 22, 15-16). Moreover, it would seem that when Josiah took over the kingship it was required that he himself read or had read 'all the words of the book of the covenant' to make clear what was the law he was to maintain (2 Ki. 23, 1-3). On this basis the king made a personal covenant 'to walk after the Lord and loyally keep his commands and covenant stipulations and statutes'. Thus he had to make a practical demonstration of his (re)newed position by 'doing the words of this covenant'. This implies a public recognition of the principle of the law. Josiah then made immediate decrees to bring contemporary practice in line with the *Tôrâ* as Joshua had done at Shechem (Jos. 24, 21ff). Cf. Wiseman, Vox Evangelica 8(1973), 12; Donner, Herrscher-gestalten, 93 and D.W.B. Robinson, Josiah's Reform and the Book of the Law, Tyndale Press, 1951, 3-40.

execute justice and righteousness in the land.<sup>1)</sup> Josiah's reform coincided with the territorial expansion of Judah. The acquisition of control over the fertile plains, the trade routes, and some cities (as centres for the production of secondary commodities) would inevitably lead to greater prosperity for the people of Judah. It is also to be surmised that the customary taxes and obligations which the poorer classes (especially the rural population engaged in the production of staple commodities) owed to the palace, were alleviated or even remitted, for these would largely have been compensated for by tolls and taxes exacted from other sources.

Moreover, it was in fact these people (the *ʿam hā'ārēṣ*) who supported Josiah's reform which they regarded as a manifestation of their nationalism.<sup>2)</sup> It is equally important to note that the reform included regulations to relieve the socio-economic position of the poor and needy (Jer. 22, 16) who fell easy prey to exploitation by the rich.

The essential humanitarian and to a certain extent secular character of the Book of Deuteronomy<sup>3)</sup> seems to fit in well with the view that Josiah's reform was basically motivated by socio-economic considerations. His act of *yāšār* would have been motivated by the desire to bring about national unity, peace and prosperity out of the chaotic socio-economic position caused by their former subservient position towards Assyria as well as Manasseh's doing *hāra*<sup>c</sup>.

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1) Cf. Jer. 23, 5-6. "Behold, the days are coming, says the Lord, when I will raise up for David a righteous Branch (*ṣmḥ ṣdq*) and he shall reign as king and deal wisely, and shall execute justice and righteousness in the land. In his days Judah will be saved, and Israel will dwell securely. And this is the name by which he will be called: 'The Lord of our righteousness'".

2) Wurthwein, op.cit., 33-34; cf. Buccellati, op.cit., 170-176.

3) Weinfeld, op.cit., 188, 211f, 216-224, 233-243.

CONCLUSION

(1) We have seen that the 'reforms' of the kings of whom it is said that they did "*hayyāšār* in the eyes of Yahweh" contain, at least, something more than a religious purge. Their reigns were characterized by a certain degree of prosperity which was the result of the acquisition of new and more fertile territories, increased commercial activities, and as is to be expected, the higher production of staple commodities. Moreover, there are allusions to the amelioration of the destitute socio-economic position of the rural population, not only by means of a judicial reform but also by the intervention of the king in the existing 'bad' socio-economic situation. This intervention was necessitated by the king's decision to rule according to the Law of God by means of decrees whereby he would practically demonstrate his (re)newed position towards the covenant between God and his people. As such the king prevented not only the distortion of the religious and ethical principles embodied in the stipulations of the covenant but also the socio-economic disorder caused by such a distortion of the principle of the law embodied in the Covenant. The fact that king Uzziah, e.g., did *hayyāšār* would most probably explain the absence of the contemporary prophetic condemnation of practices such as the unscrupulous exploitation of the poor (usually the rural population engaged in agricultural production) by the rich ('landlords' and city-dwellers), corruption, debts, credit-slavery and other forms of oppression - simply because these practices were temporarily not allowed to continue in Judah as was the case in the kingdom of Israel. They seem only to be the 'natural' outcome of an economic system which does not allow for bankruptcy. It is only by the direct intervention of the king in the economy that this situation of serious socio-economic disorder could be terminated. It is equally clear that when the king upholds the Torah which forms, among other things, the basis of the socio-economic order as is envisaged in the stipulations of the covenant between king and people, then such practices would not

occur. While the act of *yāšār* primarily involves a return to this law, it would simultaneously have had the effect of a return to the 'ideal' socio-economic order. Thus, the decree of the king on his accession would have affected the socio-economic situation in the land. Only in this way could he prevent the accumulation of wealth in too few hands as well as the eventual collapse of the economy under too great a weight of private debts. By ensuring that the poor also shared in the prosperity achieved, the king was thought to have done "justice" in the land.

(2) While this interpretation of the 'reform' of the Israelite king is based upon the analogy with the Old Babylonian *mēšarum*-decrees, one has to ask whether it was possible that such Old Babylonian practice could have influenced a practice in Israel several centuries later? Since we are fully aware of the dangerous pitfalls of comparing two different cultures at different places and times, we have tried to delineate the differences between the *mēšarum*-practice and the 'Israelite reforms'. It has been shown e.g. that the *mēšarum* involved the remittance of taxes and arrears of certain specified groups of specified areas, certain concessions to persons engaged in commercial activities; the cancellation of private (but then only non-commercial) loans; the *andurārum* of persons in debt servitude from certain cities, etc. These measures were carefully estimated to give temporary relief only. In fact, the alleviation of the economic burdens of the productive labour force was forced upon the king who had no other alternative should he wish to prevent the total collapse of the economy, and anarchy. By invoking his *mēšarum* he would stimulate higher production from which he eventually would profit in the form of taxes, obligations and dues, and at the same time he would obtain the support of the majority of his people for he would have acted as the traditional *šar mēšarim*.

Except for the release of credit-slaves<sup>1)</sup> none of these features of the *mēšarum* is to be found in the Old Testament,<sup>2)</sup> and for that matter in connection with kings said to have done *hayyāšār*. There is an almost total absence of source material of this kind in the Old Testament. A major difficulty in the study of the relevant Old Testament material lies in the nature and purpose of both the Deuteronomist and Chronicler's description of the reigns of these kings. Turning to the Prophets, we detect some Sozialkritik which shows Rentenkapitalismus as the primary cause of the social grievances.<sup>3)</sup>

The prevailing economic system which we would like to characterize as 'urban-capitalistic' seems, however, to be similar to that of Babylonia. The prophets did not attack the system as such, they only urged the authorities, i.e. the king, to remedy the abuses originating from the system, such as credit-slavery and excessive interest rates.<sup>4)</sup> It is to be surmised, e.g. that the

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1) The only example of such a release invoked by a king, is that of Zedekiah (Jer. 34).

2) The regulation concerning interest-free loans in Ex. 22, 25-27 would in fact rule out the regulations concerning the cancellation of interest-bearing loans of the *mēšarum*-edict, when strictly adhered to. Cf. E. Neufeld, *The Prohibitions against Loans at Interest in Ancient Hebrew Laws*, *HUCA* 26(1955), 355-412; J. Hejcl, *Das Alttestamentliche Zinsverbot (Biblische Studien 124)*, 1907, esp. 93-98.

3) Loretz, *UF* 7(1975), 274. See also his discussion of Bobek, *Die Hauptstufen der Gesellschafts- und Wirtschaftsentfaltung in geographischer Sicht*, in: *Wirtschaftsgeographie*, E. Wirth (ed.), Darmstadt, 1969, 458f (unavailable to me). See also G. Wanke, *Zu Grundlagen und Absicht prophetischer Sozialkritik*, *Kerygma und Dogma* 18(1972), 2-17; Donner, *Oriens Antiquus* 2(1963), 229-245; H.W. Wolff, *Amos the Prophet*, 1973, 56-76 who argues that Amos's concern with justice is to be related to ancient Israelite clan wisdom; F. Stolz, *Der Streit um die Wirklichkeit in der Südreichsprophetie des 8. Jahrhunderts*, *Wort und Dienst* 12(1973), 9-30.

4) Loretz shows that the law which prohibited the taking of interest was circumvented in several ways, e.g. to advance urgently needed barley before the harvest at an excessively high price and to calculate its value on repayment at an excessively low price. Thus they had to give twice as much in terms of quantity. Another way is the "Scheinkauf eines Gegenstandes durch den Gläubiger mit der Vereinbarung, dass der Schuldner ihn zu einem höheren Preis zurückkaufen muss". See also Neufeld, *HUCA* 26(1955), 355ff for a discussion of terms such as *nesek* (interest on money invested) and *tarbît* (additional sum paid by the debtor to the creditor for the redemption of property given in pledge), and for a discussion of the difference between the Book of the Covenant, (Ex. 22, 24), the Deuteronomic laws (Dt. 25, 13-16) and the Holiness Code (Lev. 25, 36-37) in regard to this matter. Compare other terms such as *nōsê* (moneylender) *malwēh* (borrower). Cf. also F. Stolz, *Aspekte religiöser und sozialer Ordnung im alten Israel*, *ZEE* 17(1973), 145-159.

farmers suffered the same grievances such as poverty and crop failure as their Babylonian counterparts and these eventually would lead to the alienation of their ancestral property.<sup>1)</sup>

This preliminary comparison of the *mēšarum*-edicts and the *yāšār*-acts of the Israelite kings clearly indicates that a fresh investigation of the economic system of Old Israel is needed.<sup>2)</sup> The different aspects, such as the relationship between moneylender and debtor, the system of taxation and conscription, unemployment, poverty, corruption, the influence of a money economy upon the small farmers, the relationship between city and rural areas, etc., are to be studied from an economic point of view.<sup>3)</sup> It must inevitably take into account the economic systems of the 'Umwelt' where large numbers of

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1) "Die landwirtschaftliche und gewerbliche Produktion bleibt in der Hand von Kleinbetrieben, da diese Betriebsform dem Rentenkapitalisten grössere Sicherheit und Ausnutzung des Bodens bietet und der Kapitalist kein Risiko zu tragen hat". The supremacy of the city as opposed to the productive rural population is one of the reasons for the parasitic character of the "Rentenkaptalismus" economic system (Loretz, op.cit., 275-6).

2) Compare the latest studies listed by Loretz (UF 7(1975), 271). E. Neufeld outlines the factors responsible for the growing economic tension and social cleavages in Israel in his important article: Socio-Economic Background of Yōbēl and Sēmiṭṭā, RSQ 33(1958), 53-124, esp. 89f: the wealthier people inhabited the fertile lowlands while the stony highlands and plateau were occupied by the masses of poor peasants, most of whom had to seek employment during the winter months; the transition from a nomadic existence to a sedentary agricultural life which already produces during the days of Abimelech and Jephthah a landless element; the growth of urbanization which undermined the old ideas of kingship and joint social responsibility; the transformation and in particular, the expansion from a barter into a money economy which destroyed small landowners. This economic and social differentiation and cleavage between the nouveaux riches and the poor were greatly increased by the domestic policy of the monarchy centralizing life in the cities. It caused detribalization, unemployment, and extreme poverty. A money economy which was based upon foreign trade came into existence during the middle of the ninth century.

3) Cf. Buccellati's (Cities and Nations) interesting results when he investigated the different aspects of government from a political point of view.



texts are available.<sup>1)</sup> Incidentally the *mēšarum*-edict would also come into scope.

(3) The analogy to the *mēšarum*-edict shows that the 'reforms' of the Israelite kings are to be approached from a socio-economic point of view apart from the religious one. However, this does not imply that the Israelite kings practiced a similar kind of remissive act, or was influenced by it. It is more likely that they were totally unaware of the Old Babylonian practice. Even in Babylonia herself the practice of *mēšarum*-edicts was discontinued after the Old Babylonian period.

On the other hand, one must bear in mind that nearly all the kings who had enacted *mēšarum*-decrees are Semitic by descent. Moreover, the references to *mēšarum*-decrees in the documents from the kingdoms of Ḫana and Alalah might suggest a western origin of the custom.<sup>2)</sup>

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<sup>1)</sup> Compare e.g. the study of H.T. Wright, The Administration of Rural Production in an Early Mesopotamian Town (Anthropological Papers 38, Michigan), 1969, and E. Wirth, Die orientalische Stadt. Ein Überblick auf grund jungerer Forschungen zur materiellen Kultur, Saeculum 26(1975), 45-88; E. Neufeld, The Emergence of a Royal-Urban Society in Ancient Israel, HUCA 31(1960), 31-53; R.M. Adams, The Evolution of Urban Society, 1967. City Invincible. A symposium on Urbanization and cultural Development in the Ancient Near East, (Edd.) C.H. Kraeling and R.M. Adams, Oriental Institute, Chicago, 1960. See also A.L. Oppenheim, Ancient Mesopotamia, 83-142 and idem, Letters from Mesopotamia, 1-16, 39-41.

<sup>2)</sup> The recently discovered texts from Tell-Mardikh-Ebla show that royal edicts were issued already in the third millennium B.C. in North Syria. It is probable that these remissive acts originated here (Cf. G. Pettinato, The Royal Archives of Tell Mardikh-Ebla, Biblical Archaeologist 39(1976), 44-52) and that it formed the basis for the later "common heritage" of royal reforms which would each have their own indigenous accents in the different cultures. Lewy (Eretz Israel 5(1958), 21-31) and Van Selms (The Year of the Jubilee in and outside the Pentateuch, OTWSA-meeting held at Johannesburg, 1975) strongly support the idea that the *mēšarum* practice was an innovation of Amorite origin. Finkelstein, however, correctly argues that while the origin of this custom is unknown it must be stressed that it was already an accepted custom in Sumer by the middle of the third millennium B.C., and that it was rooted in Mesopotamian cosmology (JCS 15(1961), 104 n. 19).



Several studies devoted to the comparison of West-Semitic  $\text{ṣ} \text{d} \text{ḫ} \text{q} / \text{m} / \text{y} / \text{š} \text{r}$  with Akkadian *kittum/mēšarum* show that these terms are to be related to the conception of royal ideology, i.e. that kingship is founded upon law and justice.<sup>1)</sup> Not only in the literature of Mesopotamia and Egypt<sup>2)</sup> but also in that of the Canaanites, mention is made of the social responsibility of the king towards the (less-privileged) people the gods entrusted to him.

(4) This social responsibility of the king is especially revealed in his protection of the widow, the orphan and the poor.<sup>3)</sup> Such protection was seen as the highest virtue of gods and kings.<sup>4)</sup> From the earliest times the

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1) M. Liverani, 'Suduk e Misôr' Studi in Onore di Eduardo Volterra (Rome 1969) Vol. VI, 55-74; H. Cazelles, De l'ideologie royale, JANES V(1973) = Gaster Festschrift, 59-73. See also H.H. Schmid, Gerechtigkeit als Weltordnung, 1968, 23f, 78-103; K.H. Bernhardt, Das Problem der altorientalischen Königsideologie, VTS 8(1961); J. Coppens, L'ideologie Royale Ougaritique, Bohl Festschrift, 1973, 81-89, esp. 84f; R. du Mesnil du Buisson, Novelles études sur les Dieux et les Mythes de Canaan, 1973, 73-75.

2) Schmid, op.cit., 46-60.

3) Cf. Fensham, Widow, Orphan and the Poor in Ancient Near Eastern Legal and Wisdom Literature, JNES 21(1962), 129-139; R.D. Patterson, The Widow, the Orphan and the Poor in the Old Testament and the Extra-Biblical Literature, Bibliotheca Sacra 130 (1973), 223-234; J. Klíma, Untersuchungen zum altbabylonischen Erbrecht (Monographien des Archiv Orientalni 8), Prag., 1940, 52-60; E. Szlechter, Le Statut Juridique de la Veuve dans la Mésopotamie ancienne (ZDMG Suppl. II, W. Voigt (ed.), Wiesbaden), 1974, 45-61. See also CAD A/I, s.v. *almattu*; CAD E, s.v. *ekûm/ekûtu*; P.H. de V Uys, Reg en Geregtigheid aan die Minderbevooregtes in die boek Spreuke, Unpublished D-Litt, dissertation. University of Stellenbosch, 1967; J. von den Driesch, Geschichte der Wohltätigkeit I (1959), 138-146 (concerning Egypt), N. Peters, Die soziale Fürsorge im Alten Testament, 1936, 10-14; H. Bolkenstein, Wohltätigkeit und Armenpflege im vorchristlichen Altertum, 1967; H.A. Brongers, Rijkdom en armoede in Israel, NTT 29(1975), 20-35. De Vaux, Hoe Het oude Israel Leefde I, 82-83, 133-139; W. von Soden, Zur Herkunft von hebr. 'ebjôn "arm", MIO 15(1969), 322-326.

4) F.M.T. de Liagre Böhl, De Zonnegod als de Beschermmer der Nooddurftigen, Opera Minora, 1953, 188-206, esp. 193. See also infra s.v. *šamaš*. The possibility that an Israelite institution corresponding to the Babylonian *mēšarum* and *andurārum* was the background of the hopes attached to the new king, which finds expression e.g. in Ps. 72:1f; Is. 11, 1f, cannot be done away without further explanation (Lemche, VT 26(1976), 41).

protection of the less-privileged was an essential element in the documents which recall the 'reform' measures of kings who had changed the existing disorderly and 'bad' situation of socio-economic oppression by a decree of 'justice'.<sup>1)</sup> In fact, the purpose of the laws is given as being to ensure that "justice may appear in the land", that "the strong are not allowed to oppress the weak" and that "justice might be done to the widow and orphan", (cf. LH ia:32-39; xxivb 59-62). This obligation laid upon the king is equally apparent in the Wisdom compositions of Babylonia and Egypt, as Uys and Fensham have shown.

In the Krt-epic the king who has fallen seriously ill was reproached by his son because he did not protect the cause of the widow, the orphan and the poor.<sup>2)</sup> In the Old Testament the protection of the less-privileged is equally regarded as a virtue of kings. Those who had failed to accomplish this demand were severely reproached by the prophets.<sup>3)</sup>

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1) See infra s.v. Urukagina, Ur-Nammu, Hammurapi, etc.

2) Gordon, UT, 194; Text 127: 45-49.

*ltān dn 'almnt*  
*lttpt tpt qsr npš*  
*ltdy tām 'l dl*  
*lpnk ltšlhm ytm*  
*b<sup>c</sup>d kšlk 'almnt*

"You did not judge the cause of the widow,  
 you did not adjudicate the case of the wretched  
 you did not drive out them that preyed upon the poor;  
 you did not feed the orphan before you,  
 or the widow behind you"

See also 2 Aqht V 4-8. (UT, 248). For a further discussion, see Coppens, op.cit., 81-84.

3) From Old Testament material it is evident that the protection of this group is narrowed down to one God while all the others are excluded (Ps. 82; 1 Sam. 2,7-8) in contradistinction to Egypt and Mesopotamia (Fensham, op.cit., 134-5). Yahweh's protection of the widow, orphan, poor and stranger forms the basis of his demand for their protection by the king as his representative and by his covenant people (Dt. 10, 17-18). In the Covenant Code it is forbidden that the Israelites should afflict (*ʿnh Pi*) the widow or orphan (Ex. 22, 22-24) and a curse is invoked upon those who did so (cf. Dt. 27, 19). Similarly, they are forbidden to wrong (*ynh*) or oppress (*lḥš*) a stranger (Ex. 22, 21; Cf. Lev. 19, 33-34; Dt. 27, 25). In Ex. 23, 6 the

command is given not to abuse the rights of the poor. There are even laws which protect "the brother" who has become poor (Lev. 25, 25-43). These laws also contain stipulations regarding food provisions for the widow and the poor (Dt. 14, 28-29; 26, 12-13; cf. Lev. 19, 9-10 and Dt. 24, 17-22). Those who abused the rights of the stranger, widow or orphan are cursed (Dt. 27, 19) but then the warning is also given not to favour the poor in spite of their guilt (Ex. 23, 3; Lev. 19, 15). Protective measures against the abuse of credit-slavery; i.e. that they are to be released after six years, are also stipulated in the Covenant Code (cf. Ex. 23, 10-11). Cf. Fensham, *A Few Aspects of Legal Practices in Samuel in Comparison with Legal Material from the Ancient Near East, Studies in the Book of Samuel (OTWSA, 1960)*, 20f. . . Yahweh's protection of this group is a common theme in the Psalms and Wisdom Literature. As king, Yahweh sees that justice is done (*šp̄t*) to the orphan and the oppressed (Ps. 10, 18); he is father of the orphan and judge of the widows (Ps. 68, 6-7); he defends the cause of the poor and gives deliverance to the needy, but crushes the oppressor (Ps. 72, 1 cf. 14).

In Ps. 146, 5-9 it is stated that Yahweh is the "One who executes justice for the oppressed; who gives food for the hungry, who sets the prisoners free, who watches over the sojourners and upholds the widow and the fatherless. Cf. also Ps. 9, 18; 103, 6; 140, 13. The man who gives bread to the poor (Prov. 22, 9) who has compassion with the weak (Prov. 19, 17) is blessed by God. A curse on the wicked involves a short life as is indicated by the fact that his wife will become a widow, his children orphans, that nobody will take care of them, and that his creditor will take over his possessions (cf. Ps. 109, 5-13). Similarly it is claimed that "he who oppresses the poor to increase his own wealth" or "he who augments his wealth by interest and increase, gathers it for him who is kind to the poor" (Prov. 28, 8). Eliphaz's judgement of the causes for Job's catastrophe is set in similar terms: Job has exacted pledges of his brothers for nothing and stripped the naked of their clothing. He has given no water to the weary to drink and withheld bread from the hungry; he has sent widows away empty and the arms of the fatherless were crushed" (Job 22, 6-9). See also Job 24, 3-12 for a description of the wicked's attitude and deeds towards the less-privileged.

The prophets claim that for not having done justice to the less-privileged, i.e. the widow, orphan and poor, a catastrophe will come over Israel (Is. 1, 17, 21-23; see also the promise of the future king who would take care of the poor (Is. 11, 3-4; 25, 4; 66, 2)). Similarly Jeremiah judged the wicked men whose houses were full of treachery, who have become great and rich, for they did not judge with justice the cause of the fatherless (*yātôm*) nor defend the rights of the needy (*'ēbyôn*). His temple sermon is a classical example of what was expected from an obedient and law-abiding people who remain loyal to their covenant with Yahweh: "do not oppress the alien, fatherless or the widow" (7, 5-6).

The curse he pronounced on the wicked resembles that of Dt. 27, 19; cf. Jer. 18, 21, "let their wives become childless and widowed". In his evaluation of Shallum's reign Jeremiah claims that Shallum did not judge the cause of the poor and needy as his father had done (Jer. 22, 13). Ezekiel compares the people of Yahweh with the people of Sodom who did not help the poor and needy (16, 49). The leaders of Israel are also said to oppress the alien, widow and orphan. The prophets Amos, Micah, Zechariah and Malachi all condemned the oppression of the poor and needy (Amos 2, 6-7; 5, 11; Micah 2, 2), the widow and orphan (Zech. 7, 9-10; Malachi 2, 6-17; 3, 15), especially during times when the principle of protecting the weak was abandoned by the kings. It can be surmised, then, that the protection of the less-privileged must be regarded as one of the major functions of the king as Yahweh's representative (cf. 2 Sam. 14). The protection of the weak is the will of Yahweh and it is the duty of the king to execute it in practical life and to see to it that his subject adhere to this principle.

It would seem that this royal protection involves more than a mere safeguarding from oppressive actions such as credit slavery and injustice in judicial matters, because the laws concerning the less-privileged also contain, among other things, regulations regarding food provisions for these people (cf. Dt. 14, 28-29; 26, 12-13; Lev. 19, 9-10 etc.).

Moreover, the practice of the *yôbēl*, the regulations concerning standard weights and measures, the prohibition against interest, the inalienability of ancestral land, etc., would also safeguard their economic position. A king who upheld the whole of the traditional law by doing *yāšār*, would necessarily have improved the destitute economic position of the less-privileged who were economically exploited by the rich 'capitalists', during the reigns of those kings said to have done *hāra*<sup>c</sup>.

The common conception of ancient Near Eastern royal ideology<sup>1)</sup> which from the earliest times combines the "reforms" of kings with the acts of justice towards the less-privileged, seems to be the source of the idea of a *mēšarum* in Israel.

(5) We have seen that an economic system which does not provide for bankruptcy would have necessitated the direct intervention of the king in the existing economic order. This royal intervention also coincides with his role as protector of the less-privileged. Both of these are common elements in the 'reform' measures of Israelite and Old Babylonian kings. They constitute, in fact, the primary motives for a *mēšarum*-edict. A third common motive is contained in what Schmid calls the "Weltordnung". Schmid shows that the king as the guarantor of the cosmic order established by the gods, had to re-

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<sup>1)</sup> See Schmid, op.cit., 24-77.

establish this order. This is done by his act of *yāšār*.<sup>1)</sup> This religious-philosophical approach of Schmid deserves some attention. However, it does not outline the 'hard' economic factors which might have had far greater priority than such ancient Near Eastern common philosophy. These economic factors were in fact the major issues of the only two instances mentioned in the Old Testament which hint at a remissive act by a king, viz. the request of an alleviation of their burdens by the elders to Rehoboam, and Nehemiah's 'reform'.

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<sup>1)</sup> Schmid, *op.cit.*, 83-89. See exegesis of Ps. 58, 2; 82, 5; 72, 1-3; 45, 6-7; 2 Sam, 8, 15; Jer. 22, 3f; 23, 5f; Is. 9, 6; 11, 4-5; 32, 1.

CHAPTER V THE  $\bar{m}\bar{e}\bar{s}\bar{a}r\bar{u}m$  AND THE OLD TESTAMENT INSTITUTIONS OF THE SABBATICAL YEAR AND THE  $\bar{y}\bar{o}\bar{b}\bar{e}\bar{l}$

1. We have seen that the Old Babylonian  $\bar{m}\bar{e}\bar{s}\bar{a}r\bar{u}m$ -edict involves the remission of taxes and obligations due to the palace, the cancellation of private interest-bearing loans of a non-commercial character as well as the release of persons in debt servitude. These various provisions concern only specified groups of certain areas, while others are excluded, hence it was no general and universally applicable measure. Moreover, its purpose was to prevent the total collapse of the economy under too great a weight of private debts, thereby restoring the socio-economic order. The release of persons held in bondage ( $\bar{a}n\bar{d}u\bar{r}\bar{a}r\bar{u}m$ ) was likewise confined to certain areas - most probably those which were affected most seriously during a period of economic distress by outside factors such as war, drought, pestilence, etc. The  $\bar{m}\bar{e}\bar{s}\bar{a}r\bar{u}m$  was invoked by the king on accession, but also sometimes during his reign. It was therefore attached to the investiture of the king and did not depend upon any fixed recurrent institution.<sup>1)</sup> It also has been pointed out that the term  $\bar{a}n\bar{d}u\bar{r}\bar{a}r\bar{u}m$  was used as an alternative for  $\bar{m}\bar{e}\bar{s}\bar{a}r\bar{u}m$  in the same technical sense designating a royal social edict from the time of Samuiluna to the Neo-Assyrian period.

The question now arises whether any traces of the  $\bar{m}\bar{e}\bar{s}\bar{a}r\bar{u}m$ -edict had survived in the Old Testament laws concerning the manumission of slaves (Ex. 21, 23), the Sabbatical Year (Dt. 15) and the Year of the Jubilee (Lev. 25).

2. As early as 1915 Schorr attempted to relate BM 78259 which was published

<sup>1)</sup> The provision made for the regular manumission of slaves in LH 117f would not necessarily contradict the provisions of the Edict especially if the LH is taken as academic literature, Kraus, Genava 8(1960), 287f. See, however, Driver-Miles, BL I, 221ff.

the previous year by Langdon,<sup>1)</sup> (our ms. B of the Edict of Ammišaduqa) to the biblical institution of *šēmitṭā*.<sup>2)</sup> Twenty years later the words *šūdūtu* and *andurārum* occurring in the Nuzi tablets in connection with the transfer of ownership of property, were compared to the Old Testament practices of the Sabbatical Year and the *yōbēl* respectively, by Gordon.<sup>3)</sup> Alexander, also, has shown that the Old Testament provisions concerning the release of slaves and the annulment of debts are to be compared with the Akkadian expressions such as *ṭuppan hepû*, *kuwukkam hepû*, etc., attested in LH and several other Old Babylonian contracts and letters, and concluded that "a custom, corresponding very nearly in purpose and effect to the Hebrew year of the jubilee, whereby the king upon certain occasions, caused all tablets to be broken, thereby cancelling all debts and freeing all slaves", existed among the Babylonians.<sup>4)</sup>

Other scholars such as Mendelsohn,<sup>5)</sup> Horst,<sup>6)</sup> North,<sup>7)</sup> Lewy<sup>8)</sup> and Neufeld<sup>9)</sup>

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1) S. Langdon, A Fragment of the Hammurapi-Code, PSBA 36(1914), 100-106.

2) M. Schorr, Eine babylonische Seisachthie aus dem Anfang der Kassitenzeit. SHAW Phil-Hist. Kl. 1915/4, 18 n. 1.

3) C.H. Gordon, Parallèles nouziens aux lois et coutumes de l'Ancient Testament, RB 44(1935), 5ff. See also North's discussion (Sociology, 65) who states that "even if *andurāru* and *šūdūtu* do not correspond to jubilee and *šēmitṭāh*, they are none the less a form of transfer of ownership, publicly proclaimed, relating to farmland and slaves and involving to some extent the notion of release". Still later (op.cit., 197), however, he states that "the efforts of Gordon and Alexander to identify it (= *Yōbēl*) with Ugaritic and Akkadian practices are no more than interesting conjectures".

4) J.B. Alexander, A Babylonian Year of Jubilee? JBL 57(1938), 75ff.

5) I. Mendelsohn, Slavery in the Ancient Near East, 1949, 74-91.

6) F. Horst, Das Eigentum nach dem Alten Testament, Kirche im Volk II (1949)=F. Horst, Gottes Recht, 1961, 203-221, esp. 215-217. Note that in his earlier "Das Privilegerecht Jahwes, FRLANT 45(1930) = Gottes Recht, 17-150, esp. 79-103 this notion is completely absent.

7) R. Noth, Sociology of the Biblical Jubilee. Analecta Biblica 4, 1954, esp. 63ff.

8) J. Lewy, The Biblical Institution of Dērôr in the light of Akkadian Documents, Eretz-Israel 5(1958),<sup>+</sup>21-<sup>+</sup>31.

9) E. Neufeld, Socio-Economic Background of *Yōbēl* and *Šēmitṭā*, RSO 33(1958), 53-124.



attempted to elucidate the practice of the releasing of Hebrew slaves (*dērôr*) in the light of the Akkadian *andurārum*. It was especially Lewy's suggestion, namely that the biblical institutions of *yôbēl* and *dērôr*, and the Old Babylonian *mēšarum*-decrees must have had a mutual origin in an ancient custom of the Amorites, which was followed.<sup>1)</sup> Several Old Testament scholars also attempted to clarify the laws of *šēmittâ* and *yôbēl* and other Old Testament passages referring to them (e.g. Jer. 34) from different points of view, viz. the theological interpretation of Wallis,<sup>2)</sup> Zimmerli,<sup>3)</sup> Kessler<sup>4)</sup> and Stolz;<sup>5)</sup> the sociological approach (North, Neufeld, De Vaux<sup>6)</sup> and Maarsingh<sup>7)</sup>; the

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- 1) Cf. also A. Jirku, Das israelitische Jubeljahr, Reinhold Seeberg-Festschrift 1929, 169-179 (= A. Jirku, Von Jerusalem nach Ugarit, 1966, 319-329) who regards it as very old.
- 2) G. Wallis, Das Jubeljahr-Gesetz, eine Novelle zum Sabbatjahr Gesetz, MIO 15(1965), 337-345. He states that it originates from the later exilic times and should open to the people returning from the exile the possibility of regaining in the homeland the rights of land-owning, which probably had been lost during the years of their absence.
- 3) W. Zimmerli, Das "Gnadenjahr des Herrn", Archäologie und Altes Testament, Festschrift für Kurt Galling, 1970, 321-332. Discussing Is. 61: 1f and Ez. 46, 17 he shows that *dērôr* here designates the *yôbēl* (Lev. 25, 10), when everyone may return to his property.
- 4) M. Kessler, The Law of Manumission in Jer. 34, BZ 15(1971), 105-108.
- 5) F. Stolz, Aspekte religiöser und sozialer Ordnung im alten Testament, ZEE 17(1973), 154-156 who argues that during the exile the problems of society were transformed into a new utopian idea of a future social and religious order.
- 6) R. de Vaux, Hoe het Oude Israel leefde (= Institutions) I, 307-314 who follows the interpretation of David. Cf. M. David, The Manumission of Slaves under Zedekiah, Oudtestamentische Studien 5(1948), 63-79 who regards the law of the Jubilee (Lev. 25) as belonging to a period later than Nehemiah.
- 7) B. Maarsingh, Maatschappijcritiek in het Oude Testament, Het Jubeljaar, 1977, 21-25.



juridical approach (Horst) and the historical approach (Sarna,<sup>1)</sup> Van Selms,<sup>2)</sup> Weinfeld<sup>3)</sup> and others.<sup>4)</sup> It would therefore seem that as result of Kraus's publication of the Edict of Ammişaduqa some scholars have attempted to prove the existence of a social institution outside Israel, with the same character and importance as the Year of the *Yôbēl* and the Sabbatical year while others have used the Assyriological evidence to prove that the years of Sabbath and *Yôbēl* are more than a theory, and that they go back to a very old institution in Palestine and Western Asia.<sup>5)</sup> It is significant that the two major autho-

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1) N. Sarna, *Zedekiah's Emancipation of Slaves and the Sabbatical Year*, in: *Orient and Occident*. *Festschrift C.H. Gordon*, (AOAT 22) 1973, 143-149.

2) A. van Selms, *The Year of Jubilee, in an outside the Pentateuch*. Unpublished lecture given at the Meeting of *Die Ou-Testamentiese Werkgemeenskap in Suid-Afrika*, Johannesburg, 1975. He argues that the *yôbēl* was a regular institution and not an invention of some utopist at a fairly late stage, because the passing remarks in Lev. 27, 18; Num. 36, 4 and Ez. 46, 17 prove its factual existence. Both Sarna and Van Selms argue that a *yôbēl* was enacted in 588 (cf. Jer. 34). Van Selms, taking the *yôbēl* as a period of 49 years, argues that by means of subtracting and adding one might argue that a *yôbēl* was pronounced in years 539, 490, 441. Some expression in Is. 40, 2; 42, 7; 45, 13 and 61, 1-4 as well as Neh. 2, 1-13 allude to such respective enactments. The mention of the expression *qeryen hayyôbēl* and *sôfêrôt yôbēlîm* in the book of Joshua also suggests that the Israelites entered Canaan during the year of the Jubilee, in the opinion of the author. The second part of the book of Joshua has also been written with the idea of jubilee as background, because Num. 36, 4 shows "that the restoration of the fields to their original owners also implied the maintenance of the boundaries between tribes. So every act of *yôbēl* had to go back to the delimitation as described in Jos. 15-21".

3) Weinfeld, *op.cit.*, 152-155.

4) Some scholars attempted to relate the Old Testament practice of the manumission of slaves with that of Greece and Rome, e.g. R. Yaron, *Alienation and Manumission*, *RIDA* 2(1955), 281, but see his *Redemption of Persons in the Ancient Near East*, *RIDA* 6(1959), 155-176 where he uses Akkadian material. H. Gevaryahu, *The Announcement of Freedom in Jerusalem by Nehemiah in comparison with Mesharum and Social Reform in the Ancient World*, *Festschrift Abraham Katz*, 1969, 354-387 (Hebrew), compares Nehemiah's reform with that of Solon in Athens, who eased the burden of the poor and the manumitted slaves; *idem*, *Bet Miqra* 36(1969), 28-29; *idem*, 43(1970), 372. See also the discussion of the so-called "Seisachthie" by Kraus, *SD* V, 192-3 and Driver-Miles, *BL* I, 221-230.

5) Bottéro, *JESHO* 4(1961), 164.

rities on the subject of *mēšarum*-decrees, Kraus<sup>1)</sup> and Finkelstein,<sup>2)</sup> are rather unwilling to accept that the Babylonian institution could be a parallel to the Israelite one. Kraus argues that the regular occurrence of royal decrees at a fixed seven-year cycle was unknown in the Old Babylonian period. There are, however, some indications of a seven-year period between the enactment of *mēšarum*-decrees, but these are mere chance, for in one instance only thirteen months mark the period between two *mēšarum*-edicts. Moreover, while the contents of only two edicts are known, it would be highly hypothetical to deduce that all edicts referred to in year formulae, contracts, letters, etc., would have contained similar provisions. The *mēšarum*-edicts, laws or contracts also do not provide for estimating the value of real estate in terms of the years since the last decree, as does the Old Testament legislation concerning the *Yôbēl*. Such a regular recurrent practice at fixed intervals would have affected the economic activities negatively: "Betraf ein Erlass, wie unsere Belege anzudeuten scheinen, in der Regel private Schulden und Schuldknechtschaft sowie Rückstände an öffentlichen Abgaben, so könnte ich mir vorstellen, dass ein Erlasszyklus zunächst gewisse Sektoren des wirtschaftlichen und öffentlichen Lebens störend beeinflusst und über kurz oder lang Handel und Wandel gelähmt, die sozialen Verhältnisse vergiftet, die Obrigkeit beim Volke diskreditiert und die Staatsfinanzen zerrüttet hätte" (Kraus, op.cit., 231).

The *mēšarum* occurring only in the Old Babylonian period, had only limited effectiveness. Its provisions were carefully calculated beforehand and were destined to give temporary relief to those who suffered most under the cur-

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1) Kraus, Ein Edikt des Königs Samsu-Iluna von Babylon, AS 16(1965), 225-231, esp. 230f.

2) Finkelstein, AS 16(1965), 245; JCS 15(1961), 101f.

rent economic burden. Hence it served as a "compression valve", to alleviate the most serious effects of a 'capitalistic' economic system which did not provide for a 'natural' outcome by means of bankruptcy. It was neither the result of legislation nor of the desire to create an equitable society: it was "economic facts" which forced the king to take the necessary steps in order to prevent the total collapse of the economy, and anarchy.

Finkelstein on the other hand was more willing to accept a relationship between the *mēšarum*-practice and the Old Testament institutions of *Yōbēl* and the Sabbatical Year. His publication of BM 80318 shows that the current titleholder of a particular possession had to revert this possession to the original owner as a result of a *mēšarum*, just as the Jubilee provided for the 'return' of credit-slaves to the patrimonial land. The fact that real estate was to return to the original owner shows the resistance in principle to the alienation of patrimonial land,<sup>1)</sup> even among the Babylonians.

According to Finkelstein, Lev. 25, 25 also provides for redemption of patrimonial land sold out of dire necessity, either by the seller or by his close relative, at any time after the sale, but stipulates in addition that in any case the land in question is to revert unconditionally to the seller at the beginning of the jubilee year (AS 16(1965), 241). Moreover, certain contracts, e.g. VAB 5 273, explicitly state that a sale was concluded after a *mēšarum* had been proclaimed. This shows that the *mēšarum* had some effectiveness in relation to the retention of the title to purchased immovable

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<sup>1)</sup> F.R. Steele, *Nuzi Real Estate Transactions* (AOS 25), 1943, 14f. LE (cf. Goetze, AASOR 31(1956), 105) also provides that a person constrained to sell his house, retains a redemptory right when the buyer offers it for resale.

property. It was designated to protect the new titleholder against potential litigation based on the *mēšarum*.<sup>1)</sup>

Finkelstein also argued that the *mēšarum* had to recur at fairly regular and predictable intervals, most probably every seven years in analogy to the Sabbatical Year (AS 16, 245).<sup>2)</sup>

In a recent article Lemche has treated the current opinion among a few scholars in regard to the relationship between the *mēšarum*-edict and the Israelite institution of the Sabbatical Year and the *Yōbēl*.<sup>3)</sup> Although Lemche disagrees with Weinfeld's arguments, he nevertheless concedes that his theory of an Israelite institution corresponding to the Babylonian *mēšarum*-edicts may be valid. "The possibility that a similar institution was the background of the hopes attached to the new king (or his designated successor) ... cannot be done away without further explanation."

According to Lemche the possibility of such a relationship lies in the usage of Hebrew *dērōr*, corresponding to Neo-Assyrian *darāru/andurāru* both of which designate a social edict.<sup>4)</sup>

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1) See also Van Selms who relates the expression 'aḥar hayyōbēl (Lev. 27, 18) to the Akkadian *warkat adurārim* (Kraus, SD V no 53). In Lev. 27, 18 the interest of the author is not focussed on the jubilee as such, but on the dedication and eventual redemption of a field to and from the sanctuary. Here the value of the field is dependent on the years passed since the preceding *yōbēl*. Similarly, Num. 36,4 does not refer to a promulgated law, but to an institution and custom which was a well-known reality.

2) For a discussion of the periodicity of the *mēšarum* see infra p. 129f

3) N.P. Lemche, *The Manumission of Slaves - The Fallow Year - The Sabbatical Year - The Jubel Year*, VT 26(1976), 38-59.

4) op.cit., 41. See also most recently T. Willi, *Die Freiheit Israels, Beiträge zur alttestamentlichen Theologie. Festschrift Walther Zimmerli* by H. Donner, R. Hanhart, R. Smend (edd.) 1977, 531-546, esp. 544.

3. While it does not lie within the scope of this study to analyse the relevant Old Testament laws concerning the Sabbatical Year and the *Yôbēl*, it seems, however, necessary to take into account the different tradition-historical aspects which has been pointed out by Lemche.<sup>1)</sup> He distinguishes between two kinds of regulations, viz. the law concerning the fallow year (Ex. 23, 10-11) and the law of the *ḥabiru*-slaves (Ex. 21, 2-6). None of these passages from the Book of the Covenant can be compared directly with the Deuteronomic legislation regarding the Sabbatical Year (Dt. 15) or the *Yôbēl* in the Holiness Code (Lev. 25), because (a) the originally strictly limited slave law in Ex. 21, 2-6 was secondarily expanded to all indebted slaves of Israelite birth,<sup>2)</sup> (b) Lev. 25 involved the cancellation of any sale of land that had been enforced because of debt, (c) the whole complex of problems around the contraction of debts, as expressed in both Dt. 15 and Lev. 25 represents a completely new element in relation to the regulations of the Book of the Covenant.

The idea that the Sabbatical and *Yôbēl* years represented dates according to which the ownership of land was regulated, is completely overruled by the fact that the Sabbatical Year was a secondary institution invented by the Deuteronomists. Lemche argues that the Deuteronomists simply transformed the Neo-Assyrian royal privilege of issuing *durāru/dērôr*-edicts into a settled practice blessed by God. "The period of seven years they took from the Book of the Covenant, and there they also found a good deal of the substance of the Sabbatical Year. Quite apart from its being dependent on the Deuteronomic constructions the Jubel Year of Lv xxv can be traced tight back to the royal reform as evident from the name of it" (*dērôr*).

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<sup>1)</sup> Lemche, op.cit., 38-59.

<sup>2)</sup> See also Kessler, op.cit., 106.

4. These laws, then, contain measures which were destined to alleviate the socio-economic position of the people. They include the cancellation of debts and the manumission of persons in debt servitude, just like the *mēšarum*-edict. Lemche argues that these laws were invented by the Deuteronomists who were well-acquainted with the Neo-Assyrian practice of *(an)durāru*; in other words, they took over a Neo-Assyrian practice and adapted it to meet the demands of their own circumstances.

Two objections are, however, to be made to this hypothesis.

(a) In spite of the fact that Judah was politically dominated by the Assyrian empire, it would seem that she was hardly influenced by the Assyrian culture and other practices. It is more likely that the traditional Canaanite culture and practices regained their former influential position when they were no longer suppressed.<sup>1)</sup>

(b) While there are some indications that the *(an)durāru* measures of Neo-Assyrian kings expressed the Old Babylonian *mēšarum*-practice<sup>2)</sup> it is equally clear that the majority of the Neo-Assyrian texts in which the word occurs, concerns royal grants which are decidedly different in objective and intention from the *mēšarum*-edict.<sup>3)</sup>

It would seem that the laws concerning the manumission of credit-slaves and those stipulating the cancellation of private loans had not necessarily ori-

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1) See especially John McKay, Religion in Judah under the Assyrians, SB 1 26. 1973.

2) CAD, A/2 s.v. *andurāru* (115-117); Weidner, ZA 43(1936), 120ff; Lewy, Eretz-Israel 5(1958), +30.

3) Cf. J.N. Postgate, Neo-Assyrian Royal Grants and Decrees, 1969, 2-6, The beneficiaries were exempted from various taxes and obligations in return for loyalty and faithful service.

ginated from the Neo-Assyrian practice. They could just as well have developed from the socio-economic circumstances within the kingdoms of Israel and Judah, as Neufeld has shown.<sup>1)</sup> If we assume that the kings who are said to have done *hayyāšār* had issued decrees which were intended to alleviate the socio-economic burden of people in conformity with the *Tôrâ*, and the underlying principles of Ancient Near Eastern royal ideology, this would account for the fact that the only two practical examples of the manumission of credit-slaves (Jer. 34) and the abolition of debts (Neh. 5) occurred in fact when the monarchy had already ceased to exist. This would also explain the 'idealistic' character of the *Yôbēl*-legislation, and also the promises by the prophet of a new king who would bring about a new era of justice and equity (Is. 11), as well as *děror* for those who were oppressed (Is. 61,1).

The general idea of a *mēšarum* is in fact to be found in the Old Testament law, but the details differ so widely that we cannot think in terms of a parallel institution. While the *mēšarum* had only limited effectiveness, the objectives of the *šēmittâ* and *Yôbēl* which operated with regularity at repeated and fixed intervals of time, regardless of the investiture of a king, seem wider than a mere immediate relief of insolvent debtors and landless peasants in order to restore the economy. Moreover, the traditio-historical problems concerning these laws are not sufficiently clarified. In fact, they are so interwoven and merge so indistinguishably into one another that it is almost impossible to draw a line between them. Only a thorough analysis of the socio-economic system of Old Israel will show what motives lay behind the attempts to revive the Sabbatical Year, the *Sēmittâ* and the *Yôbēl*.

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<sup>1)</sup> E. Neufeld, RSO 33(1958), 53-124.

EXCURSE ITHE WORD *MĒŠARUM* USED IN CONNECTION WITH GODS1. Šamaš

The god Šamaš is the well-known patron of justice,<sup>1)</sup> who is customarily associated with the law and execution of justice. He is commonly represented with the rod and ring, denoting straightness and completeness, i.e. justice and equity.<sup>2)</sup> He is the only god to whom is referred as *bēl kitti ū mēšari*, "the lord of truth and justice".<sup>3)</sup> Very often he is addressed as: "Šamaš king of heaven and earth, lord of truth and justice, who provides justice (*šutēšur*) above and below".<sup>4)</sup> He is the god who "provides justice for the weak, the poor and the orphan girl; who enriches the poor and makes heroes of the weak."<sup>5)</sup> He knows everyone's circumstances and sees to it that justice is done to the less-privileged by kings and

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1) Tallqvist, Akkadische Götterepitheta, 1938, 104-106, 454-460; Römer, The Religion of Ancient Mesopotamia, in Historia Religionum I, C.J. Bleeker and G. Widengren (edd.), 1969, 130f; Ringgren, Religions of the Ancient Near East, 1973, 58f.; Gamper, Gott als Richter in Mesopotamien und im Alten Testament, 1966, 45-55.

2) E. Douglas van Buren, The Rod and Ring, ArOr 17(1949), 434-450; Gadd, Ideas of Divine Rule; 90-91.

3) Cf. LKA 114: 15; 4R 60: 31; PBS 1/1 15: 8; Lambert, Afo 18(1957-58), 293: 52. See also LKA 38: 2.

4) Note the connection of *kittu* with *šamē* and *ellāti*, and *mēšarum* with *iršitim* and *šaplāti*. Cf. Schollmeyer no. 9: 1-2 (= VAT 5 = Kunstmann, LSS NF 2, 166-107; SAHG, no. 55) and no. 22 (= OECT VI, 55): 35. Cf. Babyloniaca 3, 25: 31 for a restoration. It seems as if both terms together reflect the ideal (above) and the practice (below) of justice.

5) Cf. LKA 49 (= VAT 13635 and AGH, 50): 15-16.



judges.<sup>1)</sup> As shepherd of everything above and below, he punishes those who cause grief and oppression.<sup>2)</sup> He also takes up the causes of the weak and the oppressed (*hablu*).<sup>3)</sup> People pray to him to make them act justly/fairly (lit. walk in justice).<sup>4)</sup> Of special interest is OECT VI, 52: 28-29: *terit kiššat nīsi šutēšir[mi]/i-ša-ru ina šamī kajamānu atta*, "[Šamaš] direct thou the laws of all mankind [god of justice] thou art steadfast in heaven". From CT 20 49:37 (=K. 3987) it is clear that Šamaš reveals his justice by giving a right and just judgement (<sup>d</sup>u t u mīšaru g i . n a . m e š dīn *kitti u mīšari*). He also sees to it that the unfair judge (*dajānu šalpu*) who accepts a bribe is punished.<sup>5)</sup> Šamaš destroys all forms of social injustice and punishes the persons responsible for them.<sup>6)</sup> He upholds all those who act justly for the benefit of their fellowmen. Therefore "the

- 1) Cf. Schollmeyer no. 1 col. i: 30; Ebeling, Quellen I, 35 (= KAR 1 no. 32 = VAT 8264): 20. Cf. also F.M. Th. de Liagre Bohler, De Zonnegod als de Beschermmer der Nooddruftigen, Opera Minora, 1953, 188-206.
- 2) Cf. KB VI/2 no. xviii (= K. 13794) col. ii: 41-46.
- 3) Cf. Ebeling, Quellen I, 44 (= KAR 184 = VAT 8242): 19, 27. In the Namburbi incantation text, Šamaš is called *dajjān kitti ū mēš[ā] ri* who sees to it that justice is done to the oppressed and wronged (*muštēšir hablim ū šaq[šī]*). See the discussion by Ebeling, RA 48(1954), 178 of this text, LKA 119: 12-14 and especially, Castellino, Incantation to Utu, OrAnt 8(1969), 1-57.
- 4) The expression "to walk in justice" occurs in Schollmeyer no. 22 (= K. 6034 + K. 3214): 10 (*mēšarūtu lullik*) and KAR 355 (= VAT 9965): 3. In most other instances *išarūtu* is used: Cf. Schollmeyer no. 22:8 (*ina dinika išarūtu lullik* which parallels *mēšarūtu lullik* (10); Schollmeyer no. 131 (= KAR 267) rev. 4; Schollmeyer no. 6 (= Kunstmann, LSS NF 2, 106): 22; PBS 1/2 129:12.
- 5) KB VI/2 no. xviii col. ii 41-47 = BWL, 132: 97-102. For a bibliography of the Šamaš-Hymn see BWL, 124 and Castellino, The Šamaš Hymn. A note on its structure, Kramer Anniversary Volume (AOAT 25), 1976, 71-74. See also Edelkoort, Het Zondebesef in de Babylonische Boetepsalmen, 1918, 86.
- 6) Ringgren, op.cit., 43-45.

honest and prudent judge, the disinterested sustainer of the poor, the one who invests money in foreign trade and gives high dividends<sup>?</sup>, who is sincere and truthful with everybody", are set against the "plotter of villainy, the dishonest and corrupt judge, the usurer, the unmerciful in exacting payment, the cheater and whoever acts fraudulent in business transactions".<sup>1)</sup> Thus, Šamaš is described as the one who judges, on the personal level, everyone's behaviour and actions in terms of his deeds of justice. In K. 3641 (Cf. BWL, 200) i 17 Šamaš is called upon not to let the persecutor (*murtudû*) escape his judgement (*dīnu*), because he "has forsaken the commandment of right and wrong" (line 131 *ša ragga u mēšari qibīssu ēzi[b]*). Šamaš is the *dajjān kitti u mēšari* (LKA 119: 12, cf. RA 48(1954), 178). He is also praised as the one without whom the king cannot hold his sceptre or staff (i.e. 'reign justly').<sup>2)</sup> Reliable oracular decisions are therefore asked from Šamaš.<sup>3)</sup>

Šamaš's nature is described in terms of *mēšarum* in an inscription of Jaḥdunlim: *ana Šamaš ... ša mēšerum isikšuma kinātim ana šeriktim šarkāšum*, "To Šamaš ... whose allotment is *mēšarum* and to whom *kinātum* are given as a gift."<sup>4)</sup>

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1) Castellino, op.cit., 73; BWL, 130-134 (lines 75-129 of the Šamaš-hymn) and LH section 5.

2) Cf. Ebeling, Quellen I, 37(= KAR I no. 7 = VAT 9439): 8. Šamaš is called *mukīn kitti u mēšari*, Ebeling, RA 49(1955), 38-39. Cf. Weidner AFO 17, 1-3 where Nebuchadrezzar is called by the same title.

3) Cf. BBR 97: 5 *ina ketti u mēšari lidīnu d[īna]*, "May they (Šamaš et. al.) give a right and just (oracular) decision". Cf. CAD M, s.v. *mēšaru*, 2.

4) Cf. Syria 32(1955), 12: 4-5: "dont le lot est l'équité et à qui les lois ont été offertes en don". Cf. also CAD I and J, s.v. *isqu* A 4 (p. 202) and CAD M, s.v. *mēšaru*; "whose office is the (dispensation of) justice".

In the same text he is praised as the *šāpīṭum* of gods and man, i.e. the governor (whose role includes the exercise of justice).<sup>1)</sup> Gods, kings and people are therefore responsible to Šamaš for acting according to justice and equity.

## 2. Šamaš and other gods jointly

- (a) Sin and Šamaš are called *dēn kitte ù mīšari an [a māti] u nišē šāraḳu*, "who grant the land and people a right and just judgement". This expression is paralleled by *ḥarran kitte ù mīšari*.<sup>2)</sup>
- (b) Šamaš and Ramman<sup>?</sup> are invoked not to give the violator of a *kudurru* a right and just judgement (*dīn kitti u mīšari ai idinūšu*).<sup>3)</sup> This was regarded as a very serious curse.
- (c) Šamaš and Adad are subjects of a similar phrase *dīnim kette ù mīšari idinū*.<sup>4)</sup>

## 3. Marduk

The word *dajānu* occurs only once in connection with another god, viz. Marduk. He is called *dajān kitti ù mīšari*, "the righteous and equitable judge" who

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1) Cf. Wiseman, Abraham the Prince, Bibliotheca Sacra, 1977, who compares the function of Abraham with a provincial governor. See also Marzal, The Provincial Governor at Mari, His Title and Appointment, JNES 30(1971), 186-217; Kupper, Un Gouvernement Provincial dans le Royaume de Mari, RA 41(1947), 149-183, esp. 161.

2) Cf. Borger, Esarh., 2: 32-34.

3) Hincke, A New Boundary Stone of Nebuchadrezzar I, 1907, 150 iv 17-18. Cf. also the curse VTE 422-423: "May Šamaš not judge you rightly" *dīn k[it] ti mīšari*; Fensham, Common Trends in Curses of the Near Eastern Treaties and *Kudurru*-Inscriptions compared with Maledictions of Amos and Isaiah, ZAW 75 (1963), 155-175; Steinmetzer, Die babylonische Kudurru (Grenzsteine) als Urkundenform, 1922, 237ff.

4) BBR 82: 20.

judges gods and goddesses.<sup>1)</sup> Normally one expects rather *kinātim* in connection with *dajānu*.<sup>2)</sup>

A recent restoration of BMS 12: 36-44 by Von Soden<sup>3)</sup> shows that Marduk was also appraised as the god who dispenses justice to the disinherited and cheated.

35 *at-ta-ma kīma* <sup>d</sup>*šamaš ek-let-si-na tuš-nan-mar*  
 36 *ḥab-la u šag-šá mi-šar-ši-na ta-da-an ud-da-kám*  
 37 *tuš-te-eš-šer e-ku-tú al-mat-tum na-as-su dal-pu*

"You brighten their darkness like Šamaš, everyday you dispense justice to the disinherited and mistreated, you see that justice is done to the unprotected girl, the widow, the wretched and harrassed."<sup>4)</sup>

Marduk is also praised as the shepherd (*rē'û*) who guides them. All countries and people far away prosper (*ešēru*) on his command. As a god full of love and compassion (*rēmēnû*, line 40), Marduk delivers the weak from confinement (*p a p . ḥ a l*) and distress (*k i . k a l*). He also sets free prisoners, helps the wounded and determines the destinies of men, etc. As such he acts like Šamaš, the god of justice, who dispenses justice to the weak, orphan girl, etc.

<sup>1)</sup>Ebeling, Quellen I, 14 (= KAR 25) ii 13. Cf. AGH, 14: 13-14.

<sup>2)</sup>Cf. CAD D, s.v. *dajānu* 4; cf. also ZA 43(1936), 306: 12.

<sup>3)</sup>Von Soden, Die Wiederherstellung der Marduk-Gebete EMS 11 und 12, IRAQ 31(1969), 82-89. Cf. also AGH, 74f; SAHG, no. 46; Mullo-Weir, LAP (1934), 212; Hehn, Hymnen und Gebeten an Marduk (BA V/3), 350.

<sup>2)</sup>Cf. CAD D, s.v. *dalpu* 2, "weary-eyed with sleeplessness".

<sup>3)</sup>Cf. LKA 49 (= VAT 13635): 15-16. It appears that a certain degree of syncretism between Marduk and Šamaš occurred. Cf. Jacobsen, Toward the Image of Tammuz ..., 1970, 36f.

4. Other gods

In a prayer it is said of Ištar that she gives right and just decisions for all mankind and assures that justice is done every day to him who has been wronged and illtreated (*dīn baḥulāti ina kitti u mēšari tadinni atti tappallasi ḥablu u šaqšu tuštēšeri uddakam*).<sup>1)</sup> Stephens, (ANET, 383) translates:

"The judgement of the people in truth and righteousness thou indeed dost decide, thou regardest the oppressed and mistreated, daily thou causest them to prosper." The close connection between justice and social care is very noticeable here.

In a hymn Ninurta<sup>2)</sup> is praised as the one who gives just decisions for people, who sees that justice is done to the mesled (*la šūšuru*), the orphan boy and girl; who takes the hand of the weak, and delivers mankind from sin. Although this section does not contain any reference to *mēšarum* as such, it clearly resembles the idea embodied in the other hymns and prayers of similar character.

In BMS 2:20 and 3:16 the same phrase is used of the god Ninib: *tadān dīn tēnišēti tuštēšir la šūšuru ikā ekūti*, "You pronounce judgement for all mankind, you see that justice is done to the unhappy, to the weak and to the unprotected girl." In a hymn to Nabu a man in distress called upon the god to help him, for Nabu is the one who protects the weak, who prevents the rich from accomplishing his (evil) wishes. He also takes care of the one in need, the

<sup>1)</sup> King, STC II Pl. LXXV 24-26. Cf. AGH, 130; KB VI/2, 124f, Zimmern, Der Alte Orient, VII/3, 19f; Ungnad, Die Religion der Babylonier und Assyrer, Jena 1924, 217; Ebeling, Quellen II, 4:15. For a similar expression see RA 38(1941), 87 r. 6f. Cf. also Ebeling, Quellen II, 25: 25 for the expression *ana dīn kitti u mēšari* said of Ištar, when the supplicant prayed for his recovery from illness.

<sup>2)</sup> King, BMS 2:11 f; KB VI/2, 140; AGH, 24; Ungnad, op.cit., 176. Cf. Kunstmann, LSS NF 2, 13-14 (*tuš-te-šir la šu-šu-ru i-ka-a e-ku-ti*).

poor and the oppressed. Thus the god Nabu provides justice to the poor and oppressed, thereby making their way good and straight.<sup>1)</sup> It is also said in a hymn to Nanše who had been assigned the role of guardian of social justice and ethical behaviour, that she "knows the orphan, knows the widow, knows the oppression of a man over a man, is mother to the orphan. Nanše cares for the widow, finds council for the wretched,<sup>2)</sup> the queen brings the refuge to (her) lap, looks after the weak". Nanše holds court every New Year's day for the purpose of judging mankind. She searches the heart of man for such vices as boastfulness, greed, violation of contracts, falsification of weights and measures, acts of oppression by the mighty and powerful.<sup>2)</sup>

The god Madānu is called *dā' in dīn mīšari*, "the one who pronounces a just verdict". Then follows a description of the god's attitude towards the weak, the fallen, the cheated and the orphan girl:<sup>3)</sup> *mu-šat-bi en-ši ga-mil ma-aq-ti na-as-si mu-še-zib šaq-ši mu-še-zib damqâti muš-te-še-ru e-ka-a-ti* (lines 6-10). Also, Enlil, is said to act fiercely against those who pervert justice (cf. ANET, 576; SAHG no. 11). In a hymn to Sin<sup>4)</sup> the god is said to give a right and just decision (*dīn kitti u [mīšari tadār]*). Again, it is supplemented by a description of Sin's attitude to the fallen, the childless, the weak and the sinner. In a prayer to the Moongod Nannar (= Sin) her ability to create prosperity is praised. Then the text continues to explain that the hidden and heavenly word of Nannar "causes truth and justice

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1) Pinckert, Hymnen und Gebeten an Nebo (LSS III/4), 1920, no. 1 (= BMS 22 = AGH, 106), rev. 2-16. Cf. SAHG no. 49 and Ungnad, op.cit., 179f.

2) See Kramer, CRRA 18(1972), 117. Madānu may be another name of Marduk, cf. AFO 11, 194 n. 15.

3) LKA 43:3; AGH, 32:3-10 (= BMS no. 5).

4) Cf. Perry, Sin no. 10:6f, Combe, Sin no. 7: 127f; BMS 6: 45f; AGH, 44: 45f.

to exist in order that the people may speak the truth": *amatka kittam u mīšari ušabša nišī itamu kittum*. The source of truth and justice is extramundane; only by a revelation of the spoken word of Sin, people are enabled to speak justice.<sup>1)</sup> Another prayer (cf. Perry, Sin, VI 24; AGH, 128) to Sin contains a request for reconciliation: *ina kitti u mī[šari lislīmu ittija] urhi lišir [padani lidmêq]*, "May they (the gods) become reconciled with me in truth and justice. May my way be straight, my path be good." Truth and justice, then, is the correct way by which a person becomes reconciled with his gods.

From these hymns and prayers it is clear that "the righteous and just decisions" of the gods are to be linked with their protection of and care for the less-privileged, such as the widow, the orphan, the poor, the childless, the distressed, the misled, the ill-treated, the cheated, the oppressed, the fallen and the sinner. The fact that this expression is a fairly common element in the prayers of the afflicted to the various gods mentioned, shows the concern of Mesopotamia's people for "justice". In the religious sphere of life *mēšarum* seems to be the way by which the gods show their ability to help in a particular situation, whether it is remittance of sin or the social care for the less-privileged or the protection against evil enemies, etc. Thus it would seem that justice can be regarded as the norm for any social action

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<sup>1)</sup> OECT VI, 9f rev. 6. Cf. KB VI/2, 90f; ANET, 386; Ebeling, AOT(1926), 241-242.

to be taken.<sup>1)</sup> From this action expected from the gods there is derived the king's action and his expected attitude towards his people, especially the less-privileged. It also constitutes the basic motive for a righteous and upright conduct of life as is evident from the Wisdom Literature.

##### 5. Mēšarum as Divine Name

The Divine Name <sup>d</sup>*mī-ša-ru-um* occurs in the Old Assyrian Irišum-inscription and is listed among the seven judges of the *mušlalu*.<sup>2)</sup> <sup>d</sup>*Mēšarum* is the personification of justice, especially where it occurs in conjunction with <sup>d</sup>*Kittum*.<sup>3)</sup> Together they are called the divine judges,<sup>4)</sup> the sons and/or

1) Cf. the term *mubbib kitte ū mēšari* which occurs in hymns to Nabu (KAR 25 ii 33 = AGH, 16:7) and Nusku. (Cf. Bauer, Das Inschriftenwerk Assurbanipals. (AB NF 1), Leipzig 1933, 38: 11 and Craig ABRT I 35: 11). The meaning of the purification ceremony (*tēbibtum*) as related to military 'conscription' at Mari has been discussed by Lambert (AFO 17, 313); Kupper (Studia Mariana, 99f) and Von Soden (WO 1, 196). The *ubbubu*-act involves a rarely performed royal act which was done for the people concerned, without favouritism. Taxes were paid on this occasion, fields redistributed, and military rolls brought up to date (cf. CAD E, s.v. ebēbu 2 c 2). As such it embodies the meaning 'to clear' persons, social groups and entire populations from claims against them. It can be related to Hebrew *nāqā* (exempt), Dt. 24, 5, 1 Ki. 15,22. (Cf. Speiser, Census and Ritual Expiation in Mari and Israel, BASOR 149, 17-22 and Gordon, Šamši Adad's Military Texts from Mari, ArOr. 18/1-2 (1950), 205 and Sasson, The Military Establishments at Mari, 1969, 9. The religious connotation, however, is very rarely attested. In the texts mentioned above Nabu and Nusku are praised as gods who "purify justice and righteousness". In the case of Nusku it is stated that he is the god who purifies gods and people, who promulgates law (*kinātu*) and who judges in justice (*kitti*). Then follows the expression *mubbib kitti ū mēšari*. It implies that the gods Nabu and Nusku are responsible for the correct and just way in which law and justice are enforced. The social action is dependent on the divine sanction and rectification.

2) Cf. Landsberger-Balkan, Bulletin 14, 226: 26. For the commentary see p. 261. Cf. Tallqvist, Götterepitheta, 374.

3) See the Old Babylonian list of gods: <sup>d</sup>*mī-ša-ru-um* (AfK 2 76 vi 1a); Landsberger, MSL IV: Emesal Voc. I 75 [<sup>d</sup>*ē m*]. *s i . s ā* = [<sup>d</sup>*n ī g : s i*]. *s a* = <sup>d</sup>*mē-ša-ru* [*m*].

4) VAS 6 213:15 (list of offerings); Cf. Frankena, Tākultu, 104, 145-6; BiOr 18, 206.



attendants of Šamaš.<sup>1)</sup> In one text <sup>d</sup>*Mišarum* is called the patron divinity of the city of *Ha-ra-ra-ti*.<sup>2)</sup> In a penitential prayer to Aya, consort of Šamaš, from Sippar it is requested that Šamaš should address a petition to Aya and "may the gods Justice and Righteousness pray to thee" (<sup>d</sup>*kittum* <sup>d</sup>*mīšaru ikribi*).<sup>3)</sup>

Rather interesting is the identification of <sup>d</sup>*Kittum* and <sup>d</sup>*Mēšarum* with right and left respectively. In a *šiptu*-text Šamaš<sup>4)</sup> is praised as the god who leads aright (99) who gives justice (*tašakan dīnu*, 110) and therefore the supplicant requests that Šamaš should make his way good (*alāku + dunqu*, 113).

122: <sup>d</sup>[*kitti = n í g . g i . n a*] *lizziz ina immija* <sup>d</sup>*Mi[šaru]* *lizziz ina šumēlija*

123: *littallak ilu mišallimu ina idija*

"Justice steps on my right; equity on my left, a saviour god walks beside me."

In a prayer to Ištar<sup>5)</sup> her protection is described as (17) *innuk mišari šumēlukki dunqu*, "on your right justice; on your left well-being." The supplicant

1) Ranke, *Early Babylonian Personal Names*, 1905, 201-202; Deimel, *Pantheon Babylonicum* no. 2234; 2394. Cf. also Zimmern, *Šurpu VIII*, 24; Craig, *ABRT I* 57: 22; 58 rev. 24; Streck, *Asb.*, 523; *OECT VI*, 30 rev. 12f; *UCP X*, 59. Thus one may surmise that it covers almost the whole span of Mesopotamian history. As children of Šamaš their expected function was similar to his. Cf. Virolleaud, *A.Ch. Suppl. III*: 15 and *Suppl. IV*: 6; *CT 24* 31: 74; *CT 25* 26: 9. The terms used are *āšib mahri Šamaš*, and *sukkallu ša imitti*.

2) Cf. Clay, *BRM 4* no. 255: 45.

3) *OECT VI*, 29 rev. 11-12. *Mēšaru* is always portrayed as a masculine deity while *Kittu* is sometimes invoked as the daughter and at other times as the son of Šamaš. (Cf. Tallqvist, *Götterepitheta*, 342, 374, 455; *SAHG*, 320, 398f; Driver-Miles, *BL I*, 21 n. 3).

4) Cf. Schollmeyer no. 14; *BMS 6* rev. 97f; *AGH*, 48f; *OECT VI*, 84: 24. *KAR II* no. 59 (= VAT 8235): 16-17 (to Marduk) contains almost exactly the same phraseology except for "my god" and "my goddess" instead of the Divine Names.

5) Cf. *BMS 8*: 17ff; *AGH*, 60; Von Soden, *ZA NF 8*(1935), 221f.

requests (32): *ša immukki meš-ra-a*<sup>1)</sup> *lūššip dumqa lukšuda ša šumēlukki*,  
 "may I attain justice/richness from your right, and well-being from your  
 left."

It is to be surmised, then, that the words *kittum* and *mēšarum* also denote  
 divine names. They were regarded as children or attendants (*āšib mahri*)  
 of Šamaš. Several scholars have shown that the West Semitic gods *šdq*  
 and *myšwr* can be identified with them.<sup>2)</sup>

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<sup>1)</sup> The reading *meš-ra-a* could be a scribal error for *mi-ša-ri*, since the whole  
 of line 32 is parallel to line 17.

<sup>2)</sup> Rosenberg, The God Šedeq, HUCA 36(1965), 161-177; Liverani 'Suduk e Misôr'  
Studi in Onore di Eduardo Volterra VI(1969), 55-74; Cazelles, De l'idéologie  
 royale, JANES V(1973) (Gaster Festschrift), 59-73; Du Mesnil du Buisson,  
Nouvelles études sur les Dieux et les Mythes de Canaan, 1973, 73-75.

EXCURSE IITHE WORD *MĒŠARUM* USED IN CONNECTION WITH KINGSHIPA. THE ROYAL EPITHET (*ŠAR MĒŠARIM*)

An analysis of some of the texts in which the term *šar mēšarim* occurs, indicates that it must be regarded as a royal epithet designating the function of the king in his capacity as legislator.<sup>1)</sup> The frequent usage of the term in royal inscriptions demonstrate the king's desire to adhere to his expected function, namely to be a fair and just king to his people on behalf of his lord Šamaš.<sup>2)</sup> This title implies that the king suppresses iniquities, and other offences, (*hablu*) (cf. LH xxiv b 73ff.) whereby justice will be done to the weak, the oppressed and the wronged. It also involves the adaptation of socio-economic circumstances to the norms of *kittu* and *mēšaru*.

Hammurapi's 22nd year<sup>3)</sup> is called a l a m *harrurapi l u g a l n i g . s i . s á*, "the statue of Hammurapi, king of justice". It is also as *šar mēšarim* that he is depicted receiving the laws. The laws were inscribed on his statue, called l u g a l *mēšarim* (cf. LH xxiv b 77; xxv b 7).<sup>4)</sup> In his laws there are also other references to Hammurapi as l u g a l *mēšarim* (cf. LH xxv b 96;

1) Van Proosdij, *šar mēšarim*, Symbolae Van Oven, 1946, 29-35. Cf. Edelkoort, op.cit., 82-83 n. 3.

2) Speiser, JAOS Suppl. 17(1954), 8-15.

3) Ungnad, RLA II, 179 no. 124; cf. King, Chron. II, 181-191 for text 80037; Driver-Miles, BL I, 34-36. This does not mean, however, that his laws were promulgated in his 22 nd year.

4) Cf. Seux, ERAS, 316-317, 395, 402, 418, 443. See also Hallo, Royal Titles, 131-2, who argues that this expression cannot be considered an epithet, for it is "of a purely occasional nature, referring to specific acts of the king". If this is the case, then its rather frequent usage over such a long period remains to be explained.

xxvi b 13). No other statue of Hammurapi is mentioned elsewhere.<sup>1)</sup> It seems therefore that the only way in which Hammurapi wished himself to be regarded by the gods and future kings was as a king of justice.<sup>2)</sup> In fact, a hymn of self-appraisal in which Hammurapi extolled all his virtues as hero, conqueror, builder, etc., ends with "Hammurapi king of justice, I am".<sup>3)</sup> To be a just king can, therefore, be regarded as the highest virtue of the ideal king. An ideal king must be a just king.<sup>4)</sup>

Other kings called by the same epithet, viz. *šar mēšarim*, are Nebuchadrezzar I,<sup>5)</sup> Eriba-Marduk or perhaps Marduk-aplu-iddina II,<sup>6)</sup> Simbaršipak (Simbaršihu)<sup>7)</sup>,

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1) The term *al m n í g . s i . s á* "statue of justice" also occurs in Abiešuh's year formula, cf. Ungnad, *RLA* II, 186 no. 205 (*BE* V 1/2 93). See Marie-Thérèse Barrelet, La "Figure du Roi" dans L'iconographie et dans les textes depuis Ur-Nanše jusqu'à la fin de la 1<sup>re</sup> dynastie de Babylone, *CRRA* 19 (1974), 27-138, esp. 51, 116-117.

2) Barrelet has shown that the kings were portrayed in different positions (standing, sitting, etc.) on their statues. This alludes to their various functions, e.g. conqueror, hero, supplicant, judge, etc.. The image of a king in a sitting position does not signify humility but rather expresses the king in his official capacity exercising his authority: "Cette indications nous inciterait à imaginer le roi de justice, le *šar mēšarim*, sous la forme d'une statue assise" (p. 51). The majority of inscriptions on the statues also refer to the king as a *šar mēšarim* (116-117).

3) Sjöberg, Ein Selbstpreis des Königs Hammurabi von Babylon, *ZA* 54(1961), 51-70, for *UET* I no. 14: *l u g a l n ĩ . s i . s á m e . e n*. Cf. Driver-Miles, *BL* I, 20-23, 31-39.

4) Cf. Jacobsen, *Toward the Image of Tammuz ...*, 1970, 193-196.

5) Hinke, *New Boundary Stone*, 146: 22; Böhl, *BiOr* 7(1950), 42-46. See also Lambert, 'The Seed of Kingship', *CRRA* 19(1974), 454f. for a discussion of a bilingual text (K. 2211) published by himself, *JCS* 21(1967), 126ff. where this expression is used of Nebuchadrezzar I.

6) *BBSt.* 35: 16.

7) Goetze, *JCS* 19(1965), 121 f. "king of legal order".

Nabopolassar,<sup>1)</sup> and Nebuchadrezzar II,<sup>2)</sup> and others.<sup>3)</sup> Note that Marduk is also called *šar mišari* in a *kudurru*-inscription of Nabû-našir-napšati of whom it is said that he is the "establisher of freedom" (*mukīn andurāru*).<sup>4)</sup>

B. VERBS IN CONNECTION WITH *MĒŠARUM* EXPRESSING THE ATTITUDE OF THE KING

1. *rāmu* (to love)

Nebuchadrezzar II is called the *šar mēšarim* "who loves right and justice" (*rā'im kittu ū mišaru*) thereby causing the fear of the gods among his people and bringing in order (*šutēšuru*) the temple of his god.<sup>5)</sup> It follows that a god-fearing king is also one who loves justice. A similar expression is used to describe Nabonidus's attitude towards justice, viz. *rā'im mišari mukīn kitti*, "he who loves justice and upholds the truth".<sup>6)</sup> Sennacherib is praised as *nāšir kitti rā'im mišari ēpiš ušāti ālik tapput akī saḥīru damqāti*, "the one who guards truth and who loves justice, who gives help, who comes to the aid of the weak and is preoccupied with good deeds".<sup>7)</sup> Aššurbanipal, also, is called *šar mēšarim rā'im kitti*, "the king of justice who loves the truth" (Seux, ERAS, 237). The prayer of Aššurnaširpal contains the only known instance in which it is said that a god, here the goddess Ištar, loves justice: *ana ilti remnēti ša mišara irāmmu*, "to the merciful goddess who loves justice".<sup>8)</sup>

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1) VAB 4, 66 no. 4:1.

2) VAB 4, 88 no. 9:1; 100 no. 12: 1-2; 172 viii 26.

3) ADD 646: 3. Cf. Lambert, JCS 21(1967), 128: 11.

4) ADD 647: 3.

5) VAB 4, 100 i 5-6; see also VAB 4, 192 i 9.

6) VAB 4, 252 i 5.

7) Cf. OIP II, 23:4-5; cf. OIP II, 163 i 5 (*rā'im mišari*). For *saḥāru*, 'to be preoccupied with', see JCS 20(1966), 45 and AHW, s.v. *saḥāru(m)* (p. 1005f.).

8) Brünnow, *Assyrian Hymns* III, ZA 5(1890), 67: 10.

Sennacherib and Aššurbanipal are also said to love justice (*rā'im kināti*).<sup>1)</sup>  
 The Sumerian equivalent *n i . g i . n a k i . á g a* is used for Warad-Sin.  
 Išme-Dagan is called in a hymn *s i p a n i . s i . s á [e] ? k i . á g a .*  
*m e . e n*, "the shepherd who loves justice, I am".<sup>2)</sup>

The double opposition "to love justice" - "to hate evil" is found several times in the blessings and curses of *kudurru*-inscriptions, e.g. *šumma anēlu šu kitta irtāmma qullulta izzēr*, "if that man loves justice and hates iniquity",<sup>3)</sup> or, *šumma anēlu šu kitta izzērma qullulta irtām*, "if that man hates justice and loves iniquity."<sup>4)</sup> This part of the *kudurru* of Melišihu (ca. 1180 B.C.) deals with the behaviour of a future king with regard to the stipulations of the *kudurru* (cf. col iii 55-60: "He whom ever in future in the far-off days the great gods will call and will elevate to the shepherd-ship of the land ..."). Thus, if that man 'loves justice and hates iniquity' the great gods of heaven and earth will look upon him favourably and they will establish as his share of life for many days, years of abundance (col v 15-19). 'To love justice and to hate iniquity' is the programme for the future king. "It is a kind of summary for keeping the stipulations and thus maintaining the grant of kingship. It is held as the correct way of acting for a king and it brings about the favour from the gods: good and everlasting reign".<sup>5)</sup>

1) Seux, *ERAS*, 236. For the word *kinātu*, meaning 'correct behaviour', 'stability' (*CAD K*, s.v. *kīnātu*), the meaning of 'justice' is also well attested.

2) Römer, *Königshymnen*, 49: 199. Cf. the Šulgi hymn (= *ANET*, 584). *ZA* 50(1952), 64: 23 also contains a similar expression, viz. *n i . s i . s á (e) k i h a . b a . á g . g á . a m*, "I love justice". It is paralleled by: "I do not love evil". (Seux, *ERAS*, 418 n. 297). See also Ringgren, *op.cit.*, 34.

3) *MDP* 2 pl. 22 col iv 52-54. Quoted from Mulder, *Studies on Psalm 45*, 1972, 119-120. For *qll* see Van Selms, *De babylonische Termini voor Zonde*, 1933, 44f.

4) *MDP* 2 pl. 22 col v 20f. Cf. also *MDP* 10 pl. 11 iii 9-12: *šumma kettam izzēr mēšaram la ihtašihma rugmū irtām*, "if he hates justice, has no liking for justice/ fairness but loves to make complaints".

5) Mulder, *op.cit.*, 120.

2. našāru (to guard)

Sargon is ordered *ana našār kitti u mīšari šutēšur la lē'i la ḥabal enši*, "to guard law and justice, to see that justice is done to the powerless, not to wrong the weak".<sup>1)</sup> It follows that the king's attitude towards justice will determine whether he will provide the weak with legal protection. Sennacherib, also, is called *nāšir kitti* and this is followed immediately by "lover of justice".<sup>2)</sup>

3. dabābu/qabû (to speak)

In a prayer to Šamaš, Nabonidus stated:<sup>3)</sup> *kitti mīšari laqbā*, "let me speak truth and justice". This is connected with a request for a long life, prosperity and good rule. Justice seems to be regarded as the prerequisite of a happy, prosperous and long reign. The king's attitude towards justice determines whether he will experience happiness, prosperity and a long life. Sinšariškun is referred to as the reliable judge who speaks truth and justice

1) Lyon, Sar 8: 50: Cf. AHw, s.v. *našāru(m)* (p. 756); CAD E, s.v. *ešēru* 12 (p. 362); CAD K, s.v. *kittu* (p. 470); ADD 809: 5. Note that *našāru* has also the connotation 'to be loyal to' VTE 50, 99; cf. PRU IV 18: 5, 'to keep faith'. Postgate, CRRA 19(1974), 417f, discusses the reasons for the absence of any reference to the exercising of justice by earlier Assyrian kings.

2) OIP II, 163 i 4 and other references quoted by Seux, ERAS, 202.

3) VAB 4, 248 iii 40. (Cf. the descriptions of a happy reign ABL 2 and ABL 716).

(*dābib kitti u mēšari*)<sup>1)</sup>. It seems, therefore, that the king is expected to 'speak' justice and equity. The expression *dabābu išariš* means among other things, "the making of a treaty on fair terms" when it is used in a political context. (Cf. Römer, AOAT 12 no. 177: 9).

#### 4. kīnu (to uphold)

In a case of treason before Nebuchadrezzar II, Baba-aḥu-iddina was convicted and sentenced to death after the king had investigated his evil deed (*limmētu*).<sup>2)</sup> Like Šamaš<sup>3)</sup> the king overlooks all the countries and destroys the evildoer and villain (*raggu ū zamaru*), because he is *mukīn kittim u mēšaru*, "the upholder/maintainer of right and justice". By exercising his authority and punishing the evildoer he demonstrates his responsibility and wisdom as a king who maintains law and order.<sup>4)</sup>

1) Böhl, Chrestomathy 25: 9; KAH II 128: 7-8. Marduk-aplu-idinna II (BBSt 35 rev. 11) is also called *dābibi kinātu*, "the one who speaks justice". A god can also be the subject. CT 46 44 (= BM 95431) ii 9-13 contains the following:

*ib-ru-a-šu i-ip-pa-al*  
*pi-a-šu i-pu-ša-am-ma iz-za-qar?*  
*ru?-e-x-in-šu la-pi-du i-li-šu*

12 *da-bi-ib mi-ša-ri-im\** (not *mi* as CAD M, s.v. *mēšaru*)

*[m]u-ki-il ki-na-tim\** (not *ti* as CAD M, s.v. *mēšaru*)

*[r]a-ag-gi lu-ša-ki-in*

"Friend? answers friend, making a statement saying ... seizing his god who speaks of justice who enjoys? (maintains) loyalty. Wrong will establish ..."  
 Cf. also En.El. VII 39: *mušēšir kitti nāsiḥ itguru dabāba*, "who brings justice eradicates corrupt speech".

2) Weidner, Hochverrat gegen Nebukadnezar II ..., Afo 17(1954-56), 1-3.

3) Note that Šamaš is called the king of heaven and earth who "upholds truth and justice", *[mukīn] kitti ū mēšari*. cf. Ebeling, RA 49(1955), 38-39.

4) Cf. Speiser, JAOS Suppl. 17(1954), 8-15; idem, PAPS 107(1963), 537.



5. šušû (to obtain)

Col i 1-12 of fragment BM 38299 describes the injustice of Nabonidus' rule shortly after his accession.<sup>1)</sup> Of him it is said: [*kittu u*] *māšari ul uštēšu ittišu*, "truth and justice were not 'obtainable' from him". Though fragmentary, the subsequent lines clearly describe what this means: viz., the oppressing and killing of the weak, the blocking of commercial routes, the deprivation of plough-land of (farmers<sup>?</sup>); debtors<sup>?</sup> were imprisoned; there was no joy; and nobody cried "hurray". Thus we have all the qualities of a good king in the opposite. He did not act as the traditional *šar mēšarim* and is therefore rejected by his council, his people and the gods.

6. (w)āpû (to proclaim)

In the prologue of LH it is said that the gods Anu and Ellil called Hammurapi *māšaram ina mātīm šūpim*, "to proclaim justice in the land".<sup>2)</sup> The expression is followed by an additional phrase: "to destroy the evil and the wicked that the strong shall not oppress the weak". The purpose of his call to make justice prevail in the land is to promote prosperity (*ana šir nišī ṭubbim*) for the people. It would seem that justice is the means by which the prosperity of the people is brought about. Moreover, 'to make justice appear in the land' is the result of the call of the gods and is regarded as the most important task of the king.

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<sup>1)</sup> Smith, BHT, 27, 83-87.

<sup>2)</sup> LH i 32-34. Cf. CAD A/2 s.v. *apû* (p. 202f.). The expression *māšari ina mātīm lištēpi* also occurs in the epilogue (cf. LH xxiv b 87-88), "May my justice appear in the land". Here it follows the same and somewhat more extended form of the expression "that the strong may not oppress the weak and to see that justice is done to the orphan and widow" (LH xxiv b 59-78). The same verb is used in connection with *kinātim*: *mušēpi kinātim mušūšir ammi*, "(the king) who proclaims justice, governs the people justly" (LH iv 53). See also Castellino, *Urnammu Three Religious Texts*, ZA 53(1959), 121f and Römer, *Königshymnen*, 25f, 36, 39, 45, 49 for this expression used in connection with Išme-Dagan.

7. la iggi (not to neglect)<sup>1)</sup>

BM 45690 is a text in which Nebuchadnezzar II is described as a king devoted to justice.<sup>2)</sup> The first 21 lines describe the bad old days when people "used to devour one another like dogs. (3) The strong used to plunder the weak, who was not equal to a lawsuit. (4) The rich used to take the property of the poor. (5) Regent and prince would not take the part of the cripple and widow before the judge, (6) and if they came before the judge, he would not preside over their case." Then follows a description of the malfunctioning of the judiciary system (bribery, retaining of sales-contracts), the exorbitant rates of interest which lead to debt servitude and the hopeless position of the poor. The text then comes to an abrupt end and from Col ii: 22-27 a description is given of the king's desire to restore justice: *ana dini kittu u mišari la iggi*, "he was not negligent in the matter of true and righteous judgement". In fact, "he did not rest night or day, but with council and deliberation he persisted in writing down judgements and decisions arranged to be pleasing to the great lord, Marduk and for the betterment (*ana dummuq*) of all the peoples and the settling of the land of Akkad. He drew up improved regulations for his city, he built anew the law court. He drew up regulations. His kingship for ever ..." <sup>3)</sup>

Thus are extolled the virtues of the king as lawgiver and judge. As a second Hammurapi, a collection of laws is ascribed to him, as well as new regulations for his city and own royal office. The remainder of the text (Cols iii-iv) gives picturesque examples of how justice was enforced. By the description of this endeavour the king demonstrates his sincerity towards justice.

<sup>1)</sup> CAD E, s.v. *egû* 'to be careless, neglectful (of duty)'. Cf. also San Nicolò, Beiträge zur Rechtsgeschichte im Bereiche der keilschriftlichen Rechtsquellen, 1931, 184ff.

<sup>2)</sup> Cf. CT 46 45; Lambert, Nebuchadnezzar king of Justice, IRAQ 27(1965), 1-11.

<sup>3)</sup> Lambert, op.cit., 8.

## Conclusion

The king's expected attitude towards justice is clearly outlined by phrases such as "to love justice", "to guard justice", "to speak justice", "to uphold or maintain justice", "to obtain justice", "to proclaim justice", and "not to be negligent in the matter of justice".<sup>1)</sup> These expressions do not occur very frequently. It is surprising to see that their usage is more confined to the Neo-Babylonian period than to the Old Babylonian period when *mēšarum*-acts were a common feature of the king's reign. These expressions are almost exclusively used in connection with kings; sometimes, however, also with gods. They all presume that the ideal king ought to be a *šar mēšarim* who, as a god-fearing representative of his god, seeks only betterment for his people. The 'social care' towards the less-privileged is linked with the king's conduct as to justice. Only a just king will see to it that justice is done to the widow, the orphan, the poor, etc.. This implies the annulment of evil abuses, oppression, the blocking of commercial routes, etc. Finally, they show that a king is not an absolute monarch over and above the law; he has to adhere to the principles of justice and equity if he wishes to have a prosperous, happy and long reign.<sup>2)</sup>

### C. TERMS IN CONNECTION WITH *MĒŠARUM* DESIGNATING A 'JUST REIGN'

#### 1. *šarrūtu mīšari* (kingship of justice)

A Neo-Babylonian clay cylinder bearing a royal inscription of Neriglissar

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1) The term *mēšarum šakānum* is to be dealt with later.

2) Cf. Ringgren, op.cit., 103-104.

(559-556 B.C.), contains a reference to "kingship of justice" (*šarrūti mēšari*). Lines 13-18: "When Nabu ... who speaks favourably (on my behalf), who has (bestowed) my good fortune, raised me to kingship, he looked upon me with benevolent countenance and granted (*šarāku*) me a kingship of justice".<sup>1)</sup>

Another clay cylinder inscription of Antiochus I (dated 28th March 268 B.C.) also contains the same expression: *šarrūti mēšari*.<sup>2)</sup> It is paralleled by terms such as "dynasty of the strong" (*pa-li-e bu-a-ri*) and years "of the goodness of the heart" (*tu-ub lib-bi*). Here, too, Nabū is requested to look favourably (*hadiš*) upon the king.

These two rather isolated and late inscriptions indicate that the concept of "just kingship" was a fairly late innovation.

## 2. *ḥaṭṭu mēšari(m)* (sceptre of justice)

The qualification of the royal sceptre as 'right, just' or 'of justice' is most common in all Akkadian literature.<sup>3)</sup> The sceptre is the symbol of the regnal power which the gods bestowed upon the ruler. It ensures longevity to its possessor.<sup>4)</sup> Seux distinguishes twelve different royal titles composed with *ḥaṭṭu*.<sup>5)</sup> In ten instances the sceptre is directly linked with *mēšarum* or *išartu*; in the remaining the sceptre is called *elletu*, "sacred". The six Sumerian epithets with *g i d r i* contain, however, no reference to

<sup>1)</sup> Cf. Brinkman, *Cuneiform Texts in the St. Louis Public Library, Kramer Anniversary Volume* (AOAT 25), 1976, 48-50.

<sup>2)</sup> VAB 3, 132 i 28.

<sup>3)</sup> Cf. Mulder, *op.cit.*, 116-117.

<sup>4)</sup> E. Douglas van Buren, *The Sceptre: its Origin and Significance*, RA 50(1956), 101-103; *idem*, *The Rod and Ring*, ArOr 17/2(1949), 434-450. See also Barrelet, CRRA 19(1974), 38-39.

<sup>5)</sup> ERAS, s.v. *ḥaṭṭu* (p. 103) and s.v. *g i d r i* (p. 406).

justice. The combination of 'sceptre' and 'just' or 'justice' is also to be found in several other texts.<sup>1)</sup>

The barrel-cylinder (VA 5950) of Warad-Sîn contains a reference to the sceptre by which the king practises "his justice".<sup>2)</sup> The gods Anu and Enlil called him to "guide like a shepherd the living". Therefore the gods who know that he loves justice (n ì . g i . n a k i . ā g a m e . e n, line 43) gave him the sceptre by which he could exercise justice (n a m . s i . s ā . g ā g i d r i, line 46). His reign is further described as happy, and one of abundance (lines 47, 109-111).

The bilingual inscription of Samsuiluna (B) which commemorates the building of the wall of Sippar contains a list of the king's major achievements. A description of all the favours Šamaš has granted him follows: among them, (111-114), *šarrūtam ša šarīnam la išu haṭṭi mišarim mukiṇāt mātīm*, "a kingdom that has no rival, a sceptre of justice that sets the country in order".<sup>3)</sup> The term "sceptre of justice", then, denotes the mandate and god-given authority by which the king reigns. This also allows for changes to bring the country in order again.

Hammurapi calls himself a shepherd "whose sceptre is just" (g i š . p a-šu *išarat*) and indicates thereby the peace, prosperity and legal protection which his reign has brought about (cf. LH xxiv b 44).

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<sup>1)</sup> CAD H, s.v. *haṭṭu* (p. 153f.); CAD I and J, s.v. *išartu* (p. 225); AHw, s.v. *haṭṭu* II (p. 337).

<sup>2)</sup> A. Falkenstein, Eine Inschrift Waradsîns aus Babylon, Baghdader Mitteilungen 3 (1964), 25-40.

<sup>3)</sup> Cf. Langdon, Bilingual Inscription of Samsuiluna B, RA 21(1924), 119-125; Thureau-Dangin, L'inscription bilingue B de Samsu-iluna, RA 39(1942-44), 5-17. See also Sollberger, Samsu-iluna's Bilingual Inscription B ..., RA 61(1967), 39-44.

The expression *ḥaṭṭu išartu* is used in connection with the verbs, (a) *re'û* ('to shepherd') and (b) *rapāšu* ('to enlarge'):

(a) *g i š . p a išarta re'ût nišī epēši*, (the god Marduk) is "to undertake (with) the sceptre of justice the rule of the people...."<sup>1)</sup> Tukulti-Ninurta I calls himself the true shepherd (line 12) *ša ina mēšir giš ḥaṭṭišu ultēšeru nišē û dadmē*, "who through the justice of his sceptre brings/keeps people and communities in order".<sup>2)</sup>

(b) KAR 135 ii 12 contains the expression: *ina ešarte g i š . p a-ka mātkā rappiš*, "enlarge your land with your just sceptre". The Bull-inscription of Sennacherib (OIP II, 117) contains a reference to the god Aššur "who gave me a sceptre of justice which enlarges my land" (*ḥaṭṭu išartu murappišat māti*, lines 5-6). A similar expression occurs in an inscription of Aššurbanipal (Bauer, Asb, 43 rev. 4-10) where he asks Sin, Ningal, etc., to grant (*šarāku*) among other things *kuṁni išid kussi šarrūtija*, "the stability of the foundation of my royal throne" and "to decree (*šāmu*) *ḥaṭṭu iširtu murappišat matāti u nišē*, a just sceptre that enlarges countries and people". It would seem therefore that the 'just sceptre' designates the stability and destiny of kingship (cf. ABL 1285).

Nebuchadrezzar is asked to hold "the just sceptre" in his hand when Nabu calls him to rule over the people.<sup>3)</sup> Samsi-Adad V is called the *nāši giš ḥaṭṭu ešrete*, "the one who holds the sceptre of justice" (Seux, ERAS, 204).

In several letters to Neo-Assyrian kings there occurs the fixed introductory formula, viz. *Nabû û Marduk umē arkūti šanāti darāti ḥaṭṭu išartu kussu dāru ana šar matāti bēlija liddinū*, "may Nabu and Marduk give long days, everlasting

<sup>1)</sup> BBSt 36 iii 8 (Nabû-apla-iddina I).

<sup>2)</sup> Weidner, Tn 16: 15. He regards *mēšir* as "Ordnungskraft".

<sup>3)</sup> VAB 4, 128 iv 19.

throne to the king my lord".<sup>1)</sup> As a fixed hyperbolic formula ("Hofstil") used when addressing a king it describes the close connection between 'long rule' and 'just sceptre'.

The royal sceptre of justice is symbolic of the long and prosperous rule of a *šar mēšarim*. Cf. LH xxvi b 13-14; "May Šamaš lengthen his rule (g i š . p a-šu) like me the just king" (*kima yati šar mēšarim*). It is the gods who give the sceptre of justice to the kings (cf. YOS IX, 71 = AfO 6(1930-1931), 13: 5-8) and who make the sceptre of kingship good. ABL 737: 1-6 has been restored by Parpola<sup>2)</sup> to read [ana] šarri bēlija [arduka] Tabnī [lu šulmu ana] šarri bēlija [Nabū u Marduk] ana šarri bēlija [likrubū Aššur] Šamaš giš<sup>š</sup>hattu šarrūtika ... [L]uṭibū, "to the king my lord, your servant Tabni. May it be well with the king my lord, may Aššur and Šamaš make the sceptre of your kingship good ..."

It is to be surmised that the term 'sceptre of justice' is a metaphoric designation of 'just rule'. It is used in connection with a *šar mēšarim* who brings peace, prosperity and legal protection to his people. It is also a symbol of regnal power bestowed by the gods upon the ruler thereby giving him the authority to enlarge his country and to set his country in order. It further describes the close connection between a durable and stable reign on the one hand, and a just reign on the other. A kingship of justice is a kingship of longevity, stability and prosperity. Therefore, the ideal destiny of kingship is for it to be a kingship of justice.

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<sup>1)</sup> Cf. ABL 260: 3-6 (= Pfeiffer 91); 262: 3-6; 350: 3-7 (Pfeiffer 24); 811: 3-6; 1117: 2-5; 1128: 3-7. All these letters have the same consignor Nabūsumlišir from Babylonia. Cf. also ABL 797: 1-11.

<sup>2)</sup> Parpola, LAS, 84 no. 180. See the discussion by Mulder, op.cit., 117-118.

3. āl mēšari(m) (city of justice)

BM 33428 contains an inscription of the city commander of Babylon, Nabû-šum-imbi, during the Neo-Assyrian period.<sup>1)</sup> He addressed his god, Muduggasa who is endowed with wisdom and counsel, controls ordinances, directs everything, provides the sceptre, throne, mace, etc. and who as judge of the gods is the one "who establishes abundance, prosperity and wealth for ..." (*šākinu nuḫši* (h é . n u n) *tuḫda u mešrê*, col Ia 16). Col Ib is very fragmentary at the beginning. One gets the impression, nevertheless, that it is applicable to Nabû-šum-imbi of whom it is said that he directs the people aright (*šutēsur niši*). It is stated that the troubles (*ešātu*), disturbances (*dalḫātu*), revolt (*siḫu*) and acts of violence (*saḫmašāti*) came upon him in Borsippa, the city of truth and justice, *āl kitti û mēšari* (col Ib 16). Then follows a description of the hostilities towards him and a prayer for deliverance in order to shepherd his people and to bring abundance, wealth and peace to Borsippa again. This description of a troubled rule is reminiscent of the various texts mentioning the chaotic 'bad' old days, viz. troubles, disturbance, revolt, etc. The description of Borsippa as city of truth and justice is unique. Evidently it points to the reign of the ruler.

In the hymn to Enlil, a description is given of what the city of Nippur (where Enlil has erected his dwelling) is not likely to be: (lines 18-40)

"It grants not long days to the braggart,

Allows no evil word to be uttered against (the divine) judgement.

*Hypocrisy*, distortion

Abuse, malice, unseemliness,

*Insolence*, enmity, oppression,

<sup>1)</sup> Cf. Lambert, *Literary Style in First Millennium Mesopotamia*, *JAOS* 88(1968), 123-132.



*Envy*, (brute) force, libelous speech,

Arrogance, violation of agreement, breach of contract,

*abuse* of (a court) *verdict*

(All these) evils the city does not tolerate.

Nippur ... whose 'hand' the wicked and evil cannot escape.

The city endowed with truth,

Where righteousness (and) justice are perpetuated

Where clean garments are *worn* (even) at the quay,

Where the older brother honors the younger brother, acts humanely (towards him)

Where the word of the elders is heeded, where it is repeated *in fear* ...

Enlil set up (his) dwelling".<sup>1)</sup>

This text sheds considerable light on the moral values of Mesopotamian society; the abomination of vicious character traits, and a yearning for equitable relationships.<sup>2)</sup> It seems therefore that the ideal city is a city of justice, where no evil exists, but where prosperity, peace, and law and order prevail.

#### 4. šarāti mēšari (years of justice)

A king who loves justice and who acts accordingly is granted a long and prosperous reign by the gods. In a prayer for Samsuiluna to Nanā there occurs a request:

37 šī-bi-ir ne-ši-im a-k[a-pa-a]r-ri-im

38 ša-na-tim ša mi-š[a-ri-im] ù ki-na-tim

39 šu-úr-šu-ud [kussim] šu-ul-mi

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<sup>1)</sup> UET VI/1 65. Translation by Kramer, ANET, 573f.

<sup>2)</sup> Kramer, Aspects of Mesopotamian Society, in Klengel, Beiträge ..., 1971, 6.

"A sceptre of the life of the shepherd<sup>?</sup>

Years of justice and equity

a firm throne ... peace<sup>?</sup>".<sup>1)</sup>

Although the text is very fragmentary one may deduce that the term 'years of justice and equity' is used to describe the king's reign.

A Neo-Babylonian *kudurru* contains the expression *ūm labāri u šanāti mēšari ana širiktu lišrukaššu*, "(may the gods) grant him old age and years of justice". This refers to a future king or prince who will obey the gods.<sup>2)</sup> In some late Babylonian astrological texts there are also references to the term *šanāt n ī g . s i . s ā*, "year(s) of justice".<sup>3)</sup>

It seems, therefore, that the expression 'years of justice' denotes a long and stable reign for a king who acts according to the principles of *kittum* and *mēšarum*. A just and long reign is characteristic of a *šar mēšarim*. This idea is also prevalent in a Neo-Assyrian letter written by Adad-šumu-ušur to king Aššurbanipal.<sup>4)</sup> His description of Assurbanipal's reign resembles that of Aššurbanipal's own description in his annals:

9-10 "Šamaš and Adad have established for the king, my lord, for his kingship over the lands a happy reign" (*pa-lu-ú s i g<sub>5</sub> (dumqū)*):

<sup>1)</sup> Von Soden, *Altbabylonische Dialektgedichte*, ZA 44(1938), 34.

<sup>2)</sup> Cf. BE I 83 rev. 19 (= KB IV, 66: 19) from the time of Bil-nadin-aplu.

<sup>3)</sup> Cf. Thompson, Rep. II 209: 4 dealing with omens from stars. See also ACh. Shamash 20: 7; ACh. Ishtar II: 20, 23, 25. Note the expression *m u . n ī g . s i . s ā ina māti ibašši*, "year(s) of justice will exist in the land".

<sup>4)</sup> Cf. ABL 2: 10; RCAE I, 2-5; Böhl, Chrestomathy 94 (with conjured restorations not indicated as such); Pfeiffer 160; Parpola, LAS 121. For other translations see Ebeling, AOT, 328; Moran, ANET, 190-91 and Oppenheim, Letters, 149.

*umē kēnūti šanāti ša mēšari* "days of justice, years of equity", or as Parpola translates: "the reign is good, the days (of it) are truthful (and) the years mere justice".

The subsequent lines then describe how heavy rains, abundant flooding of the rivers, favourable exchange rates, a thriving commerce, as well as reconciliation with the gods, piety and fear of the gods, together with good provisions, are characteristics of a happy rule in which law and order prevail (cf. Oppenheim, Letters, 149). The effects of such a 'just' reign are described in highly poetic terms : (16-29) "old men dance, young men sing, women and maidens are happy and joyful. Women get married adorned with earrings, boys and girls are brought forth, the births thrive. The king my lord has revived the one who was guilty (and) condemned to death. The one who was imprisoned for many years is released (*up-ta-ṭar*). Those who were sick for many days have got well, the hungry have been sated, the parched have been anointed,<sup>1)</sup> the naked have been covered with clothes."

It would seem that the term 'years of justice' designates a durable and stable government in which law and order prevail. It is also characterized by prosperity<sup>2)</sup> in terms of agricultural production and commerce. The effects of such a prosperous and just reign are among other things a happy family life, the pardoning of criminals and the care of the poor, the hungry, naked and sick.<sup>3)</sup>

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1) For anointing as a means for removing lice, see Jacobsen, PAPS 107(1963), 477 n. 1

2) Cf. LP va 20-23: Hammurapi claims that he has caused justice and equity to be professed in his country. This is paralleled by a subsequent phrase: *šir nišī ūtib*, "I have made good the flesh", which means, "I let the people prosper". This illustrates again the strong relationship between a prosperous reign and a just reign. Justice leads to prosperity. Cf. also Šurpu II 132 for the phrase: *ina qibītika liššakin kitta māssu lištēšir ina mahrika*, "let justice be established upon your (Šamaš's) command so that his (the king's) country can prosper before you".

3) Cf. the description of Messiah's reign (Is. 61, 1f; Joel 2, 21f); Ringgren, op.cit., 104f.

Very remarkable is the absence of any references to military activities. The ideal and just reign for the Mesopotamians was thought to be one of peace, prosperity and stability in which the fear of the gods among the people prevailed.

D. TERMS DESCRIBING THE KING'S ACTIONS ACCORDING TO THE NORM OF *MĒŠARUM*

1. The king acting in the 'way of justice'

In order to have a long, peaceful and prosperous reign the king should have a very special relationship with the gods. The king depends upon the gods to reveal to him "the way of justice" in order to exercise his duty as a *šar mēšarim*. The Cruciform Monument<sup>1)</sup> of Maništusu dating from the Old Babylonian period describes Maništusu's achievements in war, his building-operations, offerings, etc.. The point at issue seems that the king wished to obtain a field from the priestess of Šamaš the god to whom this monument happened to be dedicated. After having been offered her a field twice as large as hers, as well as silver and servants, she still did not accept. Since he did not want to deprive her of her field illegally, he prayed and Šamaš opened to him "the way of justice", *pa-da-an mi-šar-im* (lines 113-114). On that very day he returned the field to her. Only by means of this revelation could the king act according to the norm of justice. The return of fields together with the release of cities (lines 121-138) and the fact that people were not summoned for corvée, indicate the meaning of the "way of justice". Some of these aspects also resemble a *mēšarum*-act.

The expression *harran kitte u mēšari* occurs as a parallel to *dēn kitti u mēšari* which the gods Sin and Šamaš have granted to Esarhaddon in order to reconcile

<sup>1)</sup> Cf. CT 32 pls. I-IV. A full bibliography of this much discussed text is provided by Sollberger, The Cruciform Monument, JEOL 20(1967), 50-70.

his country with the gods. Thus the expression "a way of justice and equity" is used to express the divine will for "a right and just law" by which the king should reign over his land and people.<sup>1)</sup>

The expression *ṭūdāt mišari*:<sup>2)</sup> In the "Advice to a Prince" the king is cautioned against the divine retribution which will overtake him should he oppress his subjects. The style of omens is employed as literary form for these warnings to the king. The purpose of this text is to protect the rights of the citizens of Sippar, Nippur and Babylon from taxation, forced labour and misappropriation of their property. The text begins:

1. "If a king does not heed justice (*di-ni*), his people will be thrown into chaos (*inneššā*), and his land will be devastated.
2. If he does not heed the justice (*di-ni*) of his land, Ea, king of
3. destinies, will alter his destiny and will not cease from hostilely pursuing him.
4. If he does not heed his nobles, his life will be cut short.
5. If he does not heed his adviser, his land will rebel against him.
6. If he heeds a rogue, the status quo in his land will change.
7. If he heeds a trick of Ea, the great gods
8. in unison and in their just ways (*ina ši-tul-ti ù ṭū-da-at mi-šá-ri*) will not cease from prosecuting him.

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<sup>1)</sup> Cf. Borger, Esarh., 2 i 35-36. Cf. also Thureau-Dangin, RA 21(1924), 131: 17-18 for a similar expression, viz. *ḥarran kitti u mišari ana rubi šuati inandi-numa*, "(The gods) give a way of justice and equity to those princes". The text is a ritual for an expedition dating from the Seleucid period. Moreover, the expression *ḥarran šulmē u mēšari*, "a way of peace and justice" occurs in a very fragmentary context describing how Nineveh is to be seen (cf. Von Soden, *Die Unterweltsvision eines assyrischen Kronprinzen*, ZA 43(1936), 14: 11).

<sup>2)</sup> Cf. Lambert, BWL, 110-111, 113. This text was originally published by Böhl, MAOG XI/3, 1-51, esp. 15.

9. If he improperly convicts a citizen of Sippar, but acquits a foreigner, Šamaš, judge of heaven and earth
10. will set up a foreign justice (*di-na a-ḥa-am*) in his land where princes and judges will not heed justice".

The subsequent part of the text describes the privileges of the cities mentioned.<sup>1)</sup> It also denounces any attempted fraud, bribery, etc.

This text gives a clear idea of the expected attitude of a king with regard to his country and people. The word for justice is *dīnu* and not *mēšaru*, *kittu/kinātu* as one would expect. The word *mēšari* is used, however, in the expression *tūdāt mēšari* which describes the divine attitude and action.

The gods act according to their 'just ways' when punishing a king who does not heed justice. The same expression is used in connection with the verb *pētū* where it is said that the gods Šamaš and Ai have "opened the way of justice" for Nabonidus.<sup>2)</sup> From the context it is clear that the way of justice is to be connected with the "eternal crown" which the gods have bestowed upon the king. It seems that the reign of a king is meant to be just. In a prayer Nabonidus asks the gods *Kittu* and *Mēšaru* to prepare "a path of peace and prosperity, a way of justice and righteousness for his feet" (*uruḥ kittu u mēšari*). Then he will have a long rule and the people will enjoy prosperity and peace.<sup>3)</sup>

The term "way of justice" reflects the relationship between the god(s) and the king in matters of true and just government. It clearly demonstrates the

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<sup>1)</sup> For privileges of cities, see Leemans, *Kidinnu*, Un symbole de Droit Divin Babylonien, Symbolae Van Oven, 36-61; CAD K, s.v. *kidinnu*, *kidinnūtu*.

<sup>2)</sup> Cf. VAB 4, 234: 24.

<sup>3)</sup> VAB 4, 260 ii 31.

accountability of a king to powers outside himself. It also stresses the responsibility of a king towards his people. Thus, a good reign is characterized by a king who adheres to "the way of justice" by which the gods enable him to reign justly.

## 2. The king as shepherd of justice

The title *rē'û kīnu/kēnu* is used very often, designating metaphorically the king's reign over his people.<sup>1)</sup> The title *rē'û mēšari*, however, is not attested in Akkadian but in Sumerian.<sup>2)</sup> Warad-Sin<sup>3)</sup> is called *s i p a . n i . s i . s ā* and Išme-Dagan<sup>4)</sup> is said to be *s i p a . n i . s i . s ā -[e] k i . ā g a . m e . e n*, "the shepherd who loves justice, I am". The title *šar mēšarim* occurs parallel to *rē'û kēnu*<sup>5)</sup> and *rē'û šaḫti*,<sup>6)</sup> "humble shepherd".

In a few instances the verb *re'û* is used in connection with a king's reign. Hammurapi refers to a future king who will be blessed if he will act like Hammurapi the *šar mēšarim* and if he heeds the words (*awāt*, LH xxv b 64-65) or laws (*dīnāt*, LH xxiv b 1-2) of justice written on his statue of justice

1) Cf. Seux, ERAS, 243-250; 441-446, esp. 443. For shepherd as metaphor, see RLA IV(1975), s.v. Hirte, 424; I. Seibert, Hirt-Herde-König, 1968. Cf. Kraus, CRRA 19(1974), 253 who states that the king and his people form an "existentielle Einheit, wie Hirte und Herde".

2) CT 35 14 obv. 12 (re Aššurbanipal) contains, however, the expression *rē'ûti mīsari ba'ulāt Enlil*, "true shepherdhip of the subjects of Enlil". Cf. CAD B, s.v. *ba'ulatu*.

3) UET I 128: 12. Cf. Seux, ERAS, 443.

4) Römer, Königshymnen, 49: 199. Cf. Kramer, CRRA 19(1974), 176.

5) Cf. Böhl, BiOr 7(1950), 42-46; VAB 4, 100 no. 12: 2.

6) Goetze, JCS 19(1965), 121-135, esp. 127; AHW, s.v. *šaḫtu* (p. 1132).

(LH xxv b 6-7). Then follows: *nišišu ina mēšarim lirī*, "may he shepherd his people in justice" (LH xxvi b 16-17). In other words, if the future king adheres to the just laws by shepherding his people accordingly, he will be blessed; if not, he will incur all the curses of the gods upon him. By keeping the law, Šamaš will enlarge his empire (lit. "lengthen his sceptre") and he will reign over his people in justice. Otherwise disorder, despair, a reign of sighs, days of scarcity, years of famine, thick darkness, death, the ruin of his city, the scattering of his people, the overthrowing of his kingdom and the extinction of his name, will follow (LH xxvi b 18-80).<sup>1)</sup> It is to be surmised, then, that the 'ideal' reign is one characterized by "the shepherding in justice of the people".

In a prayer of Esarhaddon to Marduk and Šarpanītu he asks: *ina kitte u mīšari lurte'a baḥulātišun*, "may I shepherd their (the gods') subjects in justice and equity".<sup>2)</sup> The prayer also contains requests for good (*ṭūb*, 35) and favourable (*damīqtu*, 36) government; a long (37) and happy reign (29-33); a sceptre that enlarges his country (rev 1-2), triumph in war (rev 4-12), abundant rains and floods (rev 14) and successful crops (rev 15-17).

Such phrases are reminiscent of various other texts describing a happy and good reign. This is only to be acquired when the king shepherds his people in justice. The king also regards his people as the subjects of the gods to whom he is responsible. Only by means of justice can he fulfil this demand, thereby attaining a happy reign.

In a hymn to Šamaš the expression "to shepherd in justice" is used to characterize Aššurbanipal's reign: *lirtê baḥulātika ša tašrukušu ina mēšari*, "may

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1) These terms are precisely the opposites of the ones used to describe a happy and succesful reign.

2) Borger, Esarh., 26: 14.



he shepherd your subjects whom you have given him in justice". Other aspects such as correct judgements and joyful reign are incorporated in this text. Moreover, curses are invoked on a future king who will not sing this hymn and call out the name of Aššurbanipal. He who does so, will incur the blessing: *ina tuhdi u mēsari līrte'a baḫulāt* <sup>d</sup>Enlil, "may he shepherd the subjects of Enlil in fullness and justice".<sup>1)</sup> Also Cyrus is said to have "shepherded the people in a just and equitable way".<sup>2)</sup>

The expected function of a king to reign justly is expressed by the metaphor of shepherding people in justice. The people are said to be the gods' subjects for whom the king is responsible. In each instance the expression refers to the future king of whom it is expected to adhere to this 'ideal' of justice.

### 3. The king as legislator of just laws

On the stela of Puzur-Inšušinak of Susa all the king's major achievements are listed, among them: *dīn(d i . k u<sub>5</sub>) mīšarim in ālišu idin*, "he established an equitable law in his city". A curse is invoked on anyone who shall distort these laws.<sup>3)</sup> The only other instance referring to a king as legislator of just laws, occurs in the epilogue of LH: *dināt mīšarim ša Hammurapi ... ukinnūma*, "(these are) the just laws which Hammurapi ... has established".<sup>4)</sup>

1) KAR III 105 rev 8 (= VAT 9666). Cf. Ebeling, Quellen I, 25 rev 3.

2) SR 35: 14. Cf. CAD K, s.v. *kittu* (p. 470) for the phrase: *ina kittim u mīšaru išten'ēšināti* (= *irtene'ēšināti*).

3) Cf. MDP 4 pl. 2 iv 6; Thureau-Dangin, SAK, 178 d iv 6; RA 5(1907), 76. He reads the name BA-ŠA-Šušinak. Cf. CAD D, s.v. *dīnu* 2 (p. 153); CAH I/2 (1971), 454-455 refers to him as Kutuk-In-Shushinak, the governor-general of Elam during Šar-kalli-šarri's reign (2254-2130 B.C.).

4) Cf. LH xxiv b 1-5; Driver-Miles, BL I, 21f; BL II, 95 and Meek, ANET, 177 for the translation.

The expression refers to the preceding laws by means of which the king has enabled his land to enjoy stable government and good rule. The reference to the establishment of just laws heads the list of all the other major achievements of the king. Again curses are invoked should anyone distort these laws. These are the only known examples in which laws are characterized as 'just laws'.<sup>1)</sup> By means of these laws the king endeavours to reign justly as *šar mēšarim*. References to just 'laws' occur only on dedicatory inscriptions usually set up in a temple before the god.<sup>2)</sup>

Only kings could pronounce 'just laws'. Its pronouncement which probably refers to an original *mēšarum*-act was reckoned among the most importance achievements of a king and is as such commemorated in year formulae. Just laws are an explicit example of a good reign. The purpose of the laws is to establish good order, stable government, prosperity and peace. Curses are invoked on anyone attempting to distort the laws and, by implication, the good order.

#### 4. The king as judge

The *kudurru*-inscription of Nebuchadrezzar I contains a historical introduction describing the achievements of the king by which he caused his land to prosper. He is called the *šar kināti ša dīn mīšari idinnu*, "the king of

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1) The term *awāt mēšarim* refers to the "just words" of Hammurapi (LH xxv b 64-65) which are to be rendered as his laws, because a future king is urged not to change this *dīn mātim*. For the only other known occurrence of just words (*atmā ša mīšari*), see Thureau-Dangin, Une Relation de la Huitième Campagne de Sargon (TCL 3), 1913, line 125: "Ashur my lord listened to my just(ified) speech and it pleased him. He paid attention to my true prayer (*taspitija kitti*) and agreed to my supplication". Cf. CAD A/2, s.v. *amatu* A for "well-justified words" and also OECT VI, 9.

2) Cf. Sheriffs, Empire and the Gods, Mesopotamian Treaty Theology and the Sword in the First Millenium, Diss. Stellenbosch, 1976, 1-10.

justice who pronounces a judgement of justice".<sup>1)</sup>

King Nidnuša of Dēr<sup>2)</sup> is called the *dajjān kinātim*, "the righteous judge" who did not oppress (*la ḫābil*) anyone. On the contrary, he saw that justice was done to the oppressed (*muštēšir ḫablim*)<sup>3)</sup> by establishing justice (*šākin mēšarim*) and destroying evil (*raggum*). Edzard argues convincingly that this text refers to a *mēšarum*-act. The fact that the king is referred to as a "righteous judge" shows clearly how important his attitude towards justice was rated.

The responsibility of the king for law and justice towards the less-privileged is clearly set out in LH xxiv b 59-78: "In order that the strong (*dammum*) shall not oppress (*ḫabālu*) the weak (*enšam*), (and) so to give justice (*šutēšurum*) to the orphan (and) the weak, Hammurapi inscribed his precious words on his monument." He claims to have been called by Enlil to judge the judgement of the land (*dīn mātīm*), to pronounce legal decision for the land (*ana di-a-nim purušt mātīm*) and to provide justice to the oppressed (*ḫablim šutēšurim*). Cf. LU iv 162-165.

The building inscription (Cylinder B) of Sin-šar-iškun also contains a reference to the king who pronounces just decisions (*da-in dēn mēšari*) after he has received the sceptre of justice (*giš<sup>h</sup>hattu išartu*) in order to shepherd his people.<sup>4)</sup> Of Sin-šar-iškun it is elsewhere said that he is the *dajjānu*

<sup>1)</sup> Cf. BBSt 6 i 6. King translates "a righteous judgement". It is, however, possible to regard it as referring to "just laws" since the expression occurs in a similar context as those mentioned above. For *kinātu* see CAD K, s.v. *kinātu* (p. 383f), LH iv 53 and BWL, 128: 63. See also Postgate, CRRA 19(1974), 417f and Deller, *Die Rolle des Richters im neuassyrischen Prozessrecht*, Studi in Onore di Edoardo Volterra VI, 1971, 639-653 for the Neo-Assyrian period.

<sup>2)</sup> Cf. YOS IX 62: 6-12; Edzard, ZZB, 68-69; Seux, ERAS, 66, 70 n. 30.

<sup>3)</sup> For the phrase *muštēšir ḫablim* see Šurpu VIII 4 and other references in CAD H, s.v. *ḫablu/ḫabālu* and CAD E, s.v. *ešēru* 12.

<sup>4)</sup> Cf. Borger, *Der Aufstieg des neubabylonischen Reiches*, JCS 19(1965), 76-78 (K. 1663).

*kēnu dābīb kitti u mēšari*, "the reliable judge who speaks truth and justice".<sup>1)</sup>

The king's responsibility as ultimate judge to whom unjustly treated persons might appeal<sup>2)</sup> has been clearly demonstrated by Leemans.<sup>3)</sup> As king of justice (*šar mēšarim*) it was his expected function to establish "just laws" (*dīnāt mēšarim*) for the well-being of his country (LH xxiv b 1-2). Although he was an absolute ruler the king was never the source of law, only its agent. He maintained justice on behalf of Šamaš. Contrary to Lautner's<sup>4)</sup> view that the king only examined the documents of the litigant, and then remitted the case to a judge or a court - thus never himself actually making judicial decisions - Leemans has pointed out that when the king had special interest in a certain case,<sup>5)</sup> he tried it himself and gave the final judgement; or he gave a decision on the point of law and remitted it for a decision on questions of fact to local judges, or finally, he remitted the entire case to local judges. As such the Laws of Hammurapi must be considered as a collection of judgements (Rechtssprüche) which followed from the king's judicial function.<sup>6)</sup>

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1) Cf. Böhl, Chrestomathy 25:9.

2) AbB. II, 111 (= BM 80282) contains an appeal to the king to intervene on his behalf since the elders of the city had illegally confiscated half of his field: Then he continues (line 34): "Marduk who loves you has created you in justice (*ina kittim*) to see that justice is done (*šutēšuru*) to him".

3) Leemans, King Hammurapi as Judge, Symbolae M. David (1963), 107-129.

4) Lautner, Die richterliche Entscheidung und die Streitbeendigung im altbabylonischen Prozessrechte (LSS III), 1922, 74f; cf. also Walther, Das altbabylonische Gerichtswesen (LSS VI/4-6), 1917, 80-104; Gamper, op.cit., 55f.

5) In Grant, Smith College 296: 20 it is said that the responsible overseers will compensate the king for an unjustly treated person (*hablu*) who appeals to the king.

6) F.R. Kraus, Ein zentrales Problem des altmesopotamischen Rechtes: Was ist der Codex Hammu-rabi?, Genava 8(1960), 287, 292.

In Neo-Assyrian times it seems that a king could appoint a 'chief judge' or *sartēnu*-official to make legal decisions. K. 31 (ABL 716 = Pfeiffer 199) contains a complaint of a certain Nabu-ballassu-iqbi about his unjust treatment and imprisonment<sup>?</sup> for an alleged crime. The king had appointed a chief judge in charge of the country telling him: *dīnu kitti [ù] mišaru ina mātija dīna tuppi ana tuppi*, "render true and just judgement in my country, judge according to definite facts". He appeals to the king for a revision of his sentence by the newly-appointed *sartēnu* who made the favourable judgement of his predecessor invalid. From this letter it is clear that the king himself appointed the judges. He also laid down norms (*kittu ù mēšaru*) for equitable legal decisions, which can only be attained by a judgement according to the true facts.

Except for gods and kings the only other known references to 'just legal decisions' occur in the Šamaš Hymn where the expression *dīn mēšari* is used in connection with a judge.<sup>1)</sup> Secondly, BBR 1-20: 123: Here the expression *dīn ketti ù mišari idāni* refers to the *baru*-priest who will sit on the "chair of judgement" in the presence of Šamaš and Adad "giving a right and just judgement" when certain things will happen. Finally, the governor Siniddinam is urged by Marduk-mušalim to grant with justice (*išariš*) a hearing according to the rescript (*šimdāt*) of the king to Šamaš-rē'ūti-idīn who disobeyed the orders of the king and did entirely what he wished.<sup>2)</sup> This clearly states the

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<sup>1)</sup> Cf. Lambert, BWL, 132: 101: "A circumspect judge who pronounces just verdicts, controls the palace and lives among the princes".

<sup>2)</sup> OECT III 6: 10-11. For the expression *dīnam šūhūzum* see OECT III 25:8; AbB I 14:22; AbB II 19: 9-12; AbB III 21:9.

importance of justice in Old Babylonian legal procedure.<sup>1)</sup> The sole purpose of a lawsuit was to obtain justice.<sup>2)</sup> If the judges did not render justice, the wronged would have appealed to the king, on whom rested the responsibility of seeing that justice was done.

#### 5. Mēšarum granted to the king by the gods

To reign efficiently the king needs more than a mere revelation of the "way of justice". The gods grant (*šarāku*) *kittu ū mēšaru* to the king in order to sustain and execute the terms of his agreements. This is evident from a "Gottesbrief" in which the king says: "In order to execute (the terms of) the *adē*-agreement, the great gods granted me justice and righteousness (*kittu ū mēšari išrukuinni*). Therefore, I painstakingly investigated these people and did not retain or leave behind one single Urartean refugee but returned them to their own country".<sup>3)</sup> Thus the righteousness of Esarhaddon is underlined by recounting his fidelity to the terms of the oath.<sup>4)</sup> This god-given righteousness, then, enables the king to keep his agreements.

<sup>1)</sup> The expression "gates of justice" occurs in the Labartu text (cf. Myhrman, *Die Labartu-Texte*, ZA 16(1902), 141-200, esp. 172: 49: k á . g a l (*abullu*) *mēšari rēbit*, "great gates of justice". Cf. LKU 33 rev 2, 6) and in a building-inscription of Tiglath-Pileser III (cf. Rost, *Tigl. III*, 76 rev 35f (=K. 3571): *babāni mēšari muštēšer dīn malki mušanḫirat bilat šadi u tamāti*, "gates for (giving) just legal decisions where the law of the country is correctly applied and the tributes of sea and mountain countries received". It is possible, however, to read *mu-lab-[bi]-ru* in stead of *mušanḫirat*, "gates of justice through which goes out the right decision (of the four quarters) and through which is brought the income of hill and sea". From Old Assyrian times the gate was the seat of the tribunal where juridical actions took place (cf. Garelli, *RA* 59(1965), 168 n. 38; *CAD* B, s.v. *bābu*). The gate was the centre of commercial and business activities as well as the seat of the judges (cf. Evans, "Gates" and "Streets": *Urban Institutions in Old Testament Times*, *JRH* 2(1962), 1-12; Oppenheim, *AFO* 12(1937-39), 343 n. 1).

<sup>2)</sup> Cf. *AbB* I 18: 31 and Leemans's translation (*JESHO* 11(1968), 110): "My chief may open a lawsuit so as to obtain justice for me".

<sup>3)</sup> Cf. Borger, *Esarh.*, 106 iii 32-35. Cf. *CAD* A/1, s.v. *adū* A d. In a hymn the god Marduk is praised as the one who gave justice and righteousness (Craig, *ABRT* I 29: 22).

<sup>4)</sup> *Sheriffs*, *op.cit.*, 49-58.

K. 4447<sup>1)</sup> is a letter which king Aššurbanipal wrote to the Babylonians telling them to be of good cheer (line 5) because the gods had granted him justice and equity: (line 14) *išrukūnni kittu mīša[ru]*. This is paralleled by *riktu ṭabtu išīmū* ("they fixed a good destiny") and by a description of his reign, viz. "abundance" (*nuḫšu*), "years of ...". The rest is broken. It would seem that a good, prosperous and stable reign (cf. line 19) is one which is characterized by *kittu* and *mēšaru*, which are granted to the king by the gods.

Although it is not explicitly stated, one may regard the supplicant of a prayer to Sin as an unnamed king, for mention is made of 'my palace' (*ekalliija*) and 'my land' (*matātiija*) (line 13). After a lengthy invocation of hymnic character, the supplicant prays for his general well-being as well as for the pardon of his sins: 22. *eggirî dumqi u mēšari šukun elija*

24. *ina kitti u mēšari lislimu ittija: urḫi lidmēq padāni lišir*<sup>2)</sup>

"Think<sup>3)</sup> of the well-being; grant me justice. (May my gods) in truth and justice become reconciled with me; may my way be good; my path be straight".<sup>4)</sup>

Here it seems that the benevolent god is requested to grant justice for recon-

1) ABL 926; cf. RCAE 926.

2) BMS 1; AGH, 8; Perry, Sin 2; Combe, Sin 6; Künstmann, LSS NF 2, 103; Zimmern, Der alte Orient XIII/1 (1911/12), 4-5. See SAHG 52 and ANET, 386 for translations. See also Perry, Sin pl. IV: 24-25 and AGH, 128 for a similar phrase in another prayer to Sin: *ina kitti u mī[šari lislimu ittija] urḫi lišir [padāni lidmēq]*, "may they (the estranged gods) in truth and justice become reconciled with me; may my way be straight, my path be good".

3) Cf. CAD E, s.v. *egirrû* (p. 45); AHW, s.v. *egerrû* (p. 189); Albright, JAOS 39, 76 n. 19 derives it from Sumerian *e . g a r* 'thought'.

4) Stephens (ANET) translates: "In truth and justice be favorable to me; may my road be propitious; may my path be straight".



ciling the supplicant who had obviously left the 'good way'. Noteworthy is also the parallel of *damāqu* and *ešēru*, and also *āunqu* and *mēšaru*. Reconciliation means the granting of justice and thereby his way becomes 'good and just'.

It follows that a king can only be a just and good king if he is a god-fearing one. Consequently his reign is characterized by terms such as 'good' and 'justice'. It is also said that the great gods created Aššurbanipal in truth and justice, (*ibnūšu ina kitte u mēšari*). Thus the relationship between the king and his god clearly indicates that a king is meant to be a just king.<sup>1)</sup>

A 'just' king must constantly be alert, as is shown by VAB 4, 66 no. 4. It contains an inscription of Nabopolassar in which he calls himself the *šar mēšarim* and the shepherd whom Marduk has called to rule over his people. The king claims: (line 7): *ana kitti u mēšariam bašā uznāja*, "my ears are continuously directed towards truth and justice"; because he knows that Marduk always keeps watch over the people (*takalat nišim ibarrū kajjanim*, line 9).

It would seem, therefore, that the 'just king' is always conscious of the fact that his actions are judged by his god.<sup>2)</sup> He knows that to gain the favour of Marduk he has to pay attention to justice. Thus we have the situation that a king's deeds are judged by the gods in terms of his willingness and obedience to the principles of *kittu* and *mēšaru*, which designate "law and order".

#### E. EVALUATION OF A REIGN IN TERMS OF MĒŠARUM

Among the vast number of Mesopotamian omen texts there are a few of "prophetic" character which contain descriptions of the events and general conditions

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1) Cf. Streck, Asb., 30 iii 89.

2) See the expression [*sakkī* ?] *ša mēšari qaqdā suhur*, "ever seek the [correct standards] of justice", then the gods will show mercy, BWL, 72 iv 42.



during a particular reign. Usually the names of the kings are not mentioned. In each case the reign is described as either 'good' or 'bad'. One does not find, however, 'good' and 'bad' things happening in the same reign. Thus it is either prosperity, with plenty of cows and cattle, ample rains, peace and public happiness, or, on the contrary, foreign invasions, pestilences, famine, oppression, rebellion, etc.. These prophecies are considered to be of a post eventum character, for the accurate descriptions of the length of reign as well as the events that took place during the reign of the unnamed king, must go back to historical sources.<sup>1)</sup>

Such a "prophecy" text<sup>2)</sup> is CT 13 50 (K. 7861 + K. 1849) which contains descriptions of 'good' and 'bad' reigns, with some unique features included, such as the reference to a *mēšarum*-act.<sup>3)</sup> After a somewhat obscure beginning (1-6) a description is given of a 'good' reign (7-12). This will be followed by a 'bad' time in which the king will oppress his land, causing it to rebel against him. The king and his councils will be murdered and general confusion will again prevail (15-18).

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1) Gadd, Ideas of Divine Rule ..., 68-71; Weidner, Babylonische Prophezeihungen, AfO 13(1939-41), 234-237; Meissner, BuA II, 281f. Cf. also Kramer, Modern Social Problems in Ancient Sumer, CRRA 18(1972), 113-121 for a description of the Sumerians' longing for peace, prosperity and justice. See especially lines 289-298 of the "Lamentation over the Destruction of Nippur", ANET, 455 and CRRA 18(1972), 115 in which there is a longing for a day when there "will be no strife between the weak and the strong, when kindness prevails ...". See also Grayson, Babylonian Historical-Literary Texts, 1975, 13-27.

2) Cf. Grayson and Lambert, Akkadian Prophecies, JCS 18(1964), 7-30; Biggs, More Babylonian 'Prophecies', IRAQ 29(1967), 117-132.

3) Biggs, op.cit., 118.

Lines 7-12

- (7) [d] *A-num ana* <sup>d</sup>*En-líl mi-šá-ra ša-ka-na i[q-bi] mi-šá-ru iš-šak-kan [e-šá-a-tu]*
- (8) *uš-te-še-ra dal-ḥa-a-tum i-zak-ka-a sa-a[p-ḥu-tum i-paḥ-ḥu-ra]*
- (9) *na-as-ḥu-tum ki . min ki-na-a-tum uk-tan-na-ma [x x x x]-in-nu*
- (10) *l ú . n í g . n u . t u k u . m e š i-šár-ru-ú d u m u . l ú n í g .*  
*t u k u . m e [š i-lap-pi-n]u*
- (11) *l ú . š à mim-mu-šú i-šal-lim en . kin ana kin-šu gur-ár*  
*l[ú x x x x x]x ub-bar'*
- (12) *mu-ub-bir-šú-nu ina kar é en . nun ki . min ina kar é*  
*ši-bit-tum g a z . m e š - m a [x x x]*

- (7) "Anu (commanded) Enlil to establish justice.<sup>1)</sup> Justice will be established, (the confusion)
- (8) will be corrected, the disturbances cleared away, those who have been dis(persed will be gathered back)
- (9) those who have been removed DITTO, the righteous will be re-established and then ....
- (10) the poor will become rich, the rich (will become poor) ...
- (11) the possessions of the lowly will be safe, the office-holder will return to his office, the (...) will denounce<sup>?</sup> the (...s)
- (12) their denouncer will be executed in the ... of the guardhouse". Variant "in the ... of the prison, and then (...)"

This, then, designates "a general alleviation of all sorts of troubles when the displaced or homeless are gathered back, when the poor become better off (through remission of debts?), when the possessions of the poor are safe (from seizure for debt?), when officials are returned to office, when betrayers are executed" (Biggs, *op.cit.*, 118).

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<sup>1)</sup> Biggs, *op.cit.*, 121 "to promulgate a *mīšaru*-act".

It resembles almost every aspect of the *mēšarum*-act except for the fact that here it is initiated by the gods and not by a king. The economic, legal and moral implications originating from such an act are clearly shown. A strict demarcation in terms of terminology also shows the state of affairs under an extremely chaotic reign of which the gods do not approve, viz. unjust conduct, illegal action and economic disorder. Terms such as *ešātu* and *dalhātu* describe a situation of disorder in contrast to the 'ideal' state of a good reign.<sup>1)</sup>

During the 'bad' reign people are said to be dispersed, homeless, poor, taken into debt servitude, menaced by the rich for the confiscation of their possessions, etc. It would seem that a good reign is characterized by an act of justice which establishes a new and ideal situation. The disorder and confusion of a chaotic reign is brought into order. It also implies the well-being of the less-privileged. The main feature of such a reign is that it is brought about by an act of justice commanded by the gods.

Lambert's publication of "Enmeduranki and Related Matters" (JCS 21(1969), 126-138), contains a bilingual description of the rule which has been brought about by a native king after several centuries of rule by the foreign Cassites. In totally unexpected terms the king asserts his legitimacy by declaring that he is descendant of an antediluvian king of Sippar, Enmeduranki. The king calls himself "king of justice, reliable shepherd, who keeps the land's foundations secure" (*šar mīšari rē'û kēnu mukīn išdī māti*, line 8). The bad reign of the previous king is described in lines 16-24: Good (*damiqtu*)

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<sup>1)</sup> Cf. CAD E, s.v. *ešātu* and CAD D, s.v. *dalhu*, *dalihtu*. A few examples will suffice: *iklīti tušnammar ešāti dalhāti tuštēšir*, "the confusion will clear up, the troubles will be solved", Thompson, Rep. 186 rev 3; *ešātu dalhātu û la tábāti ina māti g á l . m e š-ma*, "there will be disorders, troubles and misfortunes in the land", KAR 421 ii 13; *ina ešāti u dalhāti ša Akkad*, "during the disorders and troubles in Akkad", BBSt 36 i 4; *ešāti dalhāti sīhi u saḫmasāti*, "disorders, troubles, revolts and disasters", JRAS (1892), 354: 15.

departed and evil (*lemuttu*)<sup>1)</sup> was regular; the gods became furious and abandoned the land; the people were incited to commit crime; the guardians of peace became furious and went up to the dome of heaven, and <sup>d</sup>k a l n í g . s i . s á k i . b a r . r a a l . g u b . b u = [*lamassi*] *mīšari ittaxiz aḫita*, "the spirit of justice stood aside". Then evil demons filled the cult-centres and the Elamites devastated the land.

A 'bad' reign is thus characterized by unrest, crime, no fear for the gods and no justice. Such a chaotic reign is such an abomination to the gods that they depart from the land. Again one can see the close connection between order, stability, prosperity, fear of the gods and justice.

#### Astrological reports in connection with just reign

Thompson, Rep. 49 rev 2-5 is an astrological report stating that when a halo surrounds the Moon and Aldebaran (Anna-mîr) stands within it, the result will be as follows: *šarru šalim kitti*<sup>2)</sup> *u mīšari ina māti ibašši*, "the king will fare well, there will be truth and justice in the land".

<sup>1)</sup> Evil (*lummu*) is regarded as the direct opposite of *mēšarum*. Only when evil is removed the gods will grant justice (cf. PBS I/1 17: 21 *lummu putur mēšarum šakna*). The more common opposite to evil is, however, *dumqu* (cf. BMS 19 rev 23: *lummi tabalma dumqa šurka*, "take away the evil; grant me favour"; KAR 298 rev 2 *ši lumma erba dumqu*, "go away evil; enter favour". Cf. also Lambert, A Part of the Ritual for the Substitute King, AFO 18(1957-58), 111: 19, 33).

<sup>2)</sup> The phrase *ina māti kitti ibašši* occurs in several other astrological reports (cf. 101: 7; 150: 3; 154 rev 1; 177: 5; 180: 2-3; 193 rev 9; 211 rev 5; 265 A 3). Very remarkable is the fact that when *kittu* occurs without the *mēšaru*-combination in astrological reports, there is no reference to the king and his (successful) reign.

The result of the Pleiades darkening over the moon is:<sup>1)</sup> *šarru ina līti izzaz išabma mātšu [urappas] ili mātišu iṭāb ... kittu u mīsa[ru] ina māti ibašši*, "the king will stand in his right, will dwell, and will enlarge his land; he will be good to his land ... there will be truth and justice in the land". Cf. Thompson, Rep. 246: "The king will be good over his land and truth and justice (*išarti*) will exist".

In both these instances a description of either a 'peaceful' (*šalim*) or 'good' (*tābu*) reign is given. In both instances it means a reign in which justice and equity will exist.<sup>2)</sup>

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1) Thompson, Rep. 244: 3-4. Note that the word *kakkabu* is used in connection with *kittu* and *mēšaru* in Thureau-Dangin, Rituel Accadiens, 1921, 138: 307, "star of justice and equity". Cf. also ACh. Suppl. Sin 3:15.

2) K. 1551: 4 (cf. Parpola, LAS 289) is an astrological report dealing with a 'bad' reign when the bright things will become dull, clear things confused; rains and floods will cease; the gods will not listen to prayers, etc. In this context *me-še-er* occurs together with the verb *bašū*. Obviously it does not refer to either 'riches' or 'justice' and remains illegible. A similar problem exists in a Cassite letter which deals with the reign of a newly appointed king whom the gods had presented with a kingship excelling in grace and justice. A remarkable poetic introduction (of which Radau's translation and interpretation differs widely from e.g. Oppenheim's (Letters no. 66) contains the expression *kibti dumqi ū mi-iš-ri-e išrukūšu*, "the gods granted a treasure of graces and justice?" Radau regards *mēšri* as the plural form of *mēšaru* according to parallels cited by Delitzsch, Gram. 105 (45). Moreover, *dumqu* which embodies the idea of grace is used as a parallel to justice and also frequently occurs in a political sphere. These words qualify *kīptu* which can be regarded as "kingship held in trust". Thus the gods bestow a good and righteous kingship to the king. The only problem that remains is that *mēšarum* nowhere else occurs in this plural form. It seems therefore that Oppenheim's interpretation is to be accepted. Cf. Radau, Letters to Cassite Kings from the Temple Archives of Nippur (BE XVII), 1908, no. 1.

## CONCLUSION

Our investigation of the general usage of *mēšarum* shows that it occurs almost exclusively in connection with a god or a king. Most of the nouns that it qualifies, stand in one or other relation to kingship. The king is referred to as a *šar mēšarim* when he strictly adheres to the norms of *kittum* and *mēšarum*, i.e. law and order.<sup>1)</sup> While *kittum* designates the sum of the eternal, cosmic and immutable truths,<sup>2)</sup> *mēšarum*'s usage is limited to the just and equitable implementation of these truths by the king.<sup>3)</sup> A reign according to these norms, then, was thought to be one of prosperity, happiness and peace. It would also seem that a king's reign was evaluated in terms of *mēšarum* similar to those of the Israelite kings. In fact, the Mesopotamian king liked himself to be depicted as one who endeavours to see to it that justice is done to his subjects, especially the less-privileged, in order to make a favourable impression on his gods and on future kings.

It is interesting to note, though it may be by chance, that most of the references to *mēšarum* occur in Neo-Assyrian and Neo-Babylonian documents. Except for a few instances, *mēšarum* in its general usage, is hardly ever found among the documents from the period when the *mēšarum*-practice existed in Mesopotamia.

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1) Speiser, *Early Law and Civilization*, The Canadian Bar Review, 1953, 863-877, esp. 874; *idem*, *Authority and Law in Mesopotamia*, JAOS Suppl. 17(1954), 8-15, esp. 12.

2) Speiser, *Cuneiform Law and the History of Civilization*, PAPS 107(1963), 536-541, esp. 537. Widengren, *Det sakrala kungadömet bland öst-och västsemiter*, Religion och Bibel 2(1943), 75, argues that *mēšarum* also had a cosmic side to it: the correct order of nature, which is expressed in the regular changes of the seasons, etc. ("vilket egentligen innebär ordningen i kosmos ...").

3) Cf. Koschaker, *Kettum und mišarum. Zum Rechtsbegriff der Babylonier*, Atti del XIX Congresso Internazionale degli Orientalisti, Roma 23-39 Settembre, 1935, Rome, 1938, 70; *idem*, ZA 43(1936), 211. This distinction was also followed by Landsberger, SD II(1939), 230f; Lettinga, JEOL 12(1952), 252 n. 32; Kraus, Genava 8(1960), 287; Wiseman, Vox Evangelica 8(1973), 7. According to Ringgren, *op.cit.*, 113 it would seem that *mēšarum* is "the process (or perhaps better the principle of the process) through which the laws are put into practice and made to function". Cf. also Bottéro, JESHO 4(1961), 150

This may allude to a secondary development of the meaning of *mēšarum*, hence from a special technical sense to a more general and perhaps more abstract sense, in which the earlier notion is completely absent. However, since *mēšarum*'s usage in the later periods is likewise confined to gods and kings it would seem that the Mesopotamian's view on the intimate relation between *mēšarum* and royal ideology has changed little, except for a perhaps more idealistic and philosophical view in exchange for the earlier more realistic and practical view. The connotation of economical benefits was replaced by the connotation of religious and ethical benefits.

EXCURSE III      THE ROOT Y/Š/R AND ITS DERIVATIVES

The root *y/š/r* is common Semitic<sup>1)</sup> and is used with its derivatives more than 200 times in the Old Testament.<sup>2)</sup> It is employed in at least three ways:

- (a) literally, meaning to be level or straight;
- (b) metaphorically, meaning to be (up)right, just, lawful;
- (c) and in a fixed idiomatic expression, "to do *hayyāšār* in the eyes of ..."

Its literal usage is clear from 1 Sam. 6, 12 where it is said that the cows (*pārôt*) went straight (Qal) in the direction of GN along the way (*drk*). This meaning occurs, however, more frequently in the Pi<sup>c</sup>el theme (Jenni, HP, 120f) meaning 'to make (a way) straight', i.e. direct and level and free from obstacles as when preparing to receive a royal visitor. This is the work of God for man (Prov. 3,6; Is. 45, 2, 13; Ps. 5, 9 Hi.) but also of man for God (Is. 40,3). It is 'to look straight ahead of you' (Prov. 4,25) to do something evenly (1 Ki. 6, 35 (Pu.)) as Solomon's work in overlaying the carvings of the cherubs with gold or Hezekiah's design of the aquaduct bringing the water straight to the west of Jerusalem (2 Chr. 32, 30).

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<sup>1)</sup> Akkadian *ešēru* (cf. AHW, 254-256; CAD E, 352-363); Ugaritic (WUS, 1252; UT, 1163); Phoenician (DISO, 112f).

<sup>2)</sup> See G. Lisowski, Konkordanz, 655-656; Liedke, THAT, 790-794; HAL, 428-430; 547-548; D.J. Wiseman, *yšr* in R. Laird Harris (ed.) Theological Word-Book of the Old Testament (1978); L.A-Schökel, *yšr* in TWAT (unpublished). Cf. HAL, 429, s.v. *yāšār*, 3-6. See J. Pedersen, Israel I/II, 329; S. Morenz, Ägyptische Religion, 1960, 120-1; Liedke, THAT, 792f. The substantives *yōšēr* (ms.) and *yīšrâ* (fem.) denoting uprightness, straightness, occur 14 times and *mīšōr* used in most cases in a geo-topographical sense 23 times. Finally, *mēšōr/mēšārîm* (plurale tantum, abstract plural) denoting uprightness, straightness (in government), justice occurs 19 times. Note the word *yēšūrîm* upright, law-keeping, as a poetic designation of Israel (Cf. Dt. 32,15; 33, 5, 6; Is. 44, 2; Sir. 37, 25).



Its metaphoric usage denotes an ethical quality, viz. uprightness as a manner of life. It is said of the reckless that his soul is not upright within him (Hab. 2, 4) and this leads to failure and pride. By keeping the precepts (*piqqûdîm*) the man of discernment directs his steps (RSV). The fact that God has made man upright <sup>c</sup>*šh yāšār* (Eccl. 7, 29) is probably to be interpreted as "granting him the ability to recognise the Divine Law rather than as of some inborn character as honest or straightforward."<sup>1)</sup> Hence the correct way of life by upholding the Divine laws is said to be characteristic of the blameless, and the wise (Prov. 11, 5; 15,21; Ps. 119, 128).

The adjective is similarly used to emphasize an attribute of

(a) Yahweh, describing his reign over his people (Dt. 32,4)<sup>2)</sup>, his ways (*darēkê yhw̄h*, Hos. 14,10),<sup>3)</sup> works (<sup>c</sup>*āšûyîm*, Ps. 111, 8),<sup>4)</sup> word (*dēbar yhw̄h*, Ps. 33, 4), his precepts (*piqqûdîm*, Ps. 19, 9) and judgments (*mišpātîm*, Ps. 119, 137 (Cf. Neh. 9, 13)). Moreover, Yahweh himself is described as *ṭôb wēyāšār* (Ps. 25,8); therefore he teaches sinners (parallel <sup>c</sup>*ānāwîm*) the way which contains *h̄εsεd wε'ēm̄εt* for all who keep his covenant and <sup>c</sup>*ēdôt*. (Cf. also Ps. 92,16).

(b) Specially qualified persons (viz. *yēšārîm*) as a parallel to the *ṣaddîqîm* (Ps. 33, 1; 64, 11; 97, 11; 140, 14) or the perfect *tām* (Job 1, 1, 8; 2, 3).<sup>5)</sup> *yēšārîm* is used as a specific technical term especially in the Psalms

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<sup>1)</sup>Cf. Wiseman, Vox Evangelica 8(1973), 5f.

<sup>2)</sup>*ēl 'ēm̄nâ wε'ēn c̄aw̄l ṣaddîq wēyāšār hū'*

<sup>3)</sup>For a discussion of this term and its relation to Dt. 31, 29; Ps. 18, 22 and wisdom, see Wolff, BK 14/1, 310-11.

<sup>4)</sup>Note the parallel *'ēm̄εt*. See Kraus, BK 15/2, 767-9.

<sup>5)</sup>Cf. G. von Rad, TAT I, 383 n. 6 and Liedke, THAT, 793.

and Wisdom literature to designate the 'upright man' who keeps loyally to Yahweh's covenant and who is morally and practically right.<sup>1)</sup> (Cf. Ps. 33, 1; 107, 42; 111, 1; 112, 24; 140, 14; Job 4, 7; 17, 8; 23, 7; Prov. 2, 7, 21; 3, 32; 11, 3, 6, 11; 12, 6; 14, 9, 11; 15, 8, 19; 16, 17; 21, 18, 29 etc.) as opposed to the *rěšā<sup>c</sup>îm*, *bōgědîm*, *'ewîlîm*, *<sup>c</sup>āšēl*. This quality of heart and mind<sup>2)</sup> is further expressed by the more elaborate term *yīsrê lēb* which is characteristic of the Psalms.<sup>3)</sup>

It is not always possible to ascertain whether the 'level path' (1 Sam. 12, 23; Jer. 31, 9; Hos. 14, 10; Ps. 107, 7; Prov. 12, 15; 14, 12; 16, 25; 21, 2) or the "straight foot" (Ez. 1, 7) is to be so taken as an ethical appraisal of the way of life or literally. (Compare Ezra 8, 21 and 1 Sam. 12, 23 for instance). In 2 Ki. 10, 15 the upright (*yāšār*) heart denotes loyalty to a leader and in Prov. 20, 11 the work of the *na<sup>c</sup>ar* is said to be *zak* and *yāšār* (Cf. Prov. 21, 8).

The noun *yōšer* (HAL, 'Redlichkeit') denotes uprightness, a moral quality of heart (Dt. 9, 5; paralleled by *šedāqā*, Ps. 119, 7; 1 Chr. 29, 17) by which the upright walks (1 Ki. 9, 4, paralleled by *tom*; Prov. 14, 2; Ps. 25, 21,<sup>4)</sup> and which results in right paths (Prov. 2, 13; 4, 11); i.e. right both morally and practically (Job 33, 3). This was a characteristic of David's life (1 Ki. 3, 6; cf. 1 Ki. 9, 4; 1 Chr. 29, 17). It is also used of both the spoken word (Job 6, 25) and the written word (Ecc. 12, 10).

<sup>1)</sup> Liedke, THAT, 792; According to HAL, 429 it is an honorary name for the congregation Cf. Ps. 111, 1 (*<sup>c</sup>ēdā*).

<sup>2)</sup> The best and most efficient person to take over the king's office is called *haṭṭōb wēhayyāšār* (2 Ki. 10, 3). Cf. H. Cazelles, *De l'ideologie royale JANES* 5(1973), 67f.

<sup>3)</sup> Ps. 7, 11; 11, 2; 32, 11; 36, 11; 64, 11; 94, 15; 97, 11. Cf. Ps. 125, 4 (P1) and 2 Chron 29, 34) (=Levites), etc.

<sup>4)</sup> Cf. Von Rad, Ges. Stud., 200f.

<sup>5)</sup> *hālak ... be'emet ubiṣēdāqā ubēyīsrat lēbāb* (*yēšārā* only here).

The "Book of *yāšār*" (Jos. 10, 13; 2 Sam. 1, 18) is considered by most scholars to be the title of a collection of ancient national poetry from the time of the settlement and early monarchy.<sup>1)</sup> It has been suggested that the /y/ and /š/ were reversed and that it is to be read *šīr* in stead of *yāšār* after the LXX's rendering of 1 Ki. 8, 53. The Book of *yāšār* is, however, given as a source of the Amorite defeat by Israel, and likewise, the defeat and death of Saul and Jonathan at the hands of the Philistines. Its purpose and content is perhaps given by 2 Sam. 1, 17, namely to teach the Judaeans the bow, hence information which could be quoted or taught. According to Wiseman it may well have been part of the state records which may have included agreements, or of the other publicly declaimed statements similar to the *mēšarum*-decrees.<sup>2)</sup>

The proper name *yēšurîn* is only used for Israel. The parallelism of Jacob and Israel with Jacob and *yēšurîn* (Dt. 32, 15; Is. 44, 2) makes it clear that the reference must be to Jacob under his name Israel (Dt. 33, 5; cf. also Sir. 37, 25). It is an honorary name, opposite to Jacob (= deceiver).<sup>3)</sup> Yahweh is God of *yēšurîn*. Thus it designates Israel as an ideal, upright people (So Gr. Vulg. *rectissimus, delectus*). Wiseman suggests the meaning of Rechtsvolk, i.e. the law-keeping people who possess and maintain the law.<sup>4)</sup> Personal names with *yāšār* do occur, cf. *'ābišār*, 1 Ki. 4,6 and Jēšer, the son of Caleb (1 Chr. 2, 18).<sup>5)</sup>

<sup>1)</sup> Eissfeldt, The Old Testament. An Introduction, 132-4; L. Rost, BHW, 273.

<sup>2)</sup> Wiseman, Vox Evangelica 8(1973), 14.

<sup>3)</sup> Liedke, THAT, 791; Wallis, BHW, 510; HAL 430; G. Mendenhall, BASOR 133(1954), 29, n. 14.

<sup>4)</sup> Wiseman, op.cit., 16f. He rejects the interpretation of 'good little people', for a diminutive *-în* is nowhere attested in the Old Testament.

<sup>5)</sup> Compare the Ugarit names *mišara* (Ugaritica V(1968), RS 17.325 and *bn mšrm* (Gordon, UT, Gloss, 1966). Cf. also F. Gröndahl, Die Personennamen der Texte aus Ugarit, 1967, 75, 146. The name *yšril* occurs in the texts from Ebla.

Y/S/R used in an idiomatic expression with 'eyes'

a. Verb *yāšar* (qal) + 'eyes of'.

The idiomatic expression "to be right in the eyes of (a person)" means that one has his approval because his commands are obeyed. This expression is used of God (cf. Num. 23, 27; Jer. 27, 5 and Jer. 18, 4)<sup>1)</sup> and of rulers who considered their marriage as such, i.e. 'lawful' as in Ugaritic:<sup>2)</sup> Samson (Jud. 14, 3, 7), Saul (1 Sam. 18, 20) and David (1 Sam. 18, 26). The expression is also used for the assembly's ratification of a treaty (2 Sam. 17, 4; cf. 1 Ki. 9, 12) or religious action (1 Chr. 13,4 and 2 Chr. 30, 4; Hezekiah's reform).<sup>3)</sup> It is therefore to be surmised that the expression is used to declare the formal and legal approval by the assembly of any action taken by a leader, or God's approval of man's obedience to his commands.

b. The expression *šh hayyāšār bē'ēnē yhw̄h* is connected with obedience to Yahweh's commandments and his covenant, e.g.

Ex. 15:26 paralleled by *šm<sup>c</sup> lēqōl yhw̄h + 'zn (Hi.) lēmišwōtāw + šmr huqqāw<sup>4)</sup>*

<sup>1)</sup> In each instance the context shows that a disaster will come over the people of Israel if they continue to do as they wish, which is just the opposite of what is right in the eyes of the Lord. Hence a curse will be invoked upon those who do not act according to Yahweh's commands. Thus it implies that "to do the right in the eyes of Yahweh" is to obey and to adhere to the stipulations of his covenant, i.e. to act according to the law.

<sup>2)</sup> Cf. 1 KRT 13, *mtrḥt yšrh*, discussed by P.J. van Zijl, *AOAT* 10(1972), 83. See now the interesting remarks by Lerla Badre, Pierre Bordreuil, Jinan Mударres, Loy 'Ajjan, Raoul Vitale, *Notes Ougaritiques*. 1 Keret, *Syria* 53 (1976), 99.

<sup>3)</sup> All the occurrences of *yšr* Qal are connected with this expression except for 1 Sam. 6, 12.

<sup>4)</sup> Context of covenant at Mara accompanied by promise of withholding curses which came over Egypt.

- Dt. 6, 17-18 paralleled by *šh hayyāšār wēhaṭṭōb* and *šmr mišwōt ...*  
*ēdōtāw wēhuqqāw*<sup>1)</sup>
- Dt. 12, 28 paralleled by *šmr wšm<sup>c</sup> 'et kol-haddēbārīm hā'ēllē 'āšer*  
*'ānōkī mēšawwēkā*<sup>2)</sup>
- Dt. 13, 19 paralleled by *šm<sup>c</sup> bēqōl yhw h + šmr 'et-kol-mišwōtāw*  
*'āšer 'ānōkī mēšawwēkā*
- 1 Ki. 11, 38 paralleled by *šm<sup>c</sup> 'et-kol-'āšer 'ašawwēkā whlk bidrākay* and  
*šmr huqqōtay*<sup>3)</sup>  
*ūmišwōtay ka'āšer 'šh dāwid*
- 1 Ki. 14, 8 paralleled by *šmr mišwōtay wa'āšer-hlk 'ahāray bēkol-lēbābō*

In all these instances the doing of *hayyāšār* is accompanied by other parallel expressions and sets out the conditions on which prosperity, peace and longevity will be granted to the covenant people of Yahweh.<sup>4)</sup> It is therefore to

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1) Covenant of the Plain of Moab, accompanied by promise of prosperity and peace.

2) Note the promise of prosperity and longevity (*yṭb*). (Cf. 12, 25 and 21, 9 withholding of curses).

3) Promise of kingship to Jeroboam by Ahijah the prophet, in view of Solomon's apostacy by not doing *hayyāšār bē'ēnē yhw h* (1 Ki. 11, 33) i.e. (*huqqōtay ūmišpātay*). Cf. also 2 Ki. 10, 30 for Yahweh's approval of Jehu's obedience to him.

4) The expression to do *hayyāšār* in one's own eyes means to act according to one's own insight (Dt. 12, 8) and against Yahweh's commandments. It has a negative connotation. Cf. Prov. 12, 15 ("The way of the 'ewīl is *yāšār* in his own eyes and unlike the wise he will not listen to advice" (*ēdā*)) and Prov. 21, 2 ("Every way of a man is right in his own eyes but *yhw h tkn* (set in order) the heart which then will do *šēdāqā* and *mišpāt*"). When there was no king in Israel, everyone "did what was right in his own eyes". Hence it is used to describe the political instability of an orderless society without law and order. (Cf. Jud. 17, 6; 18, 1; 19, 1; 21, 25). However, a released prisoner (Jer. 40, 4, 5) is allowed to do what is *yāšār* in his own eyes, i.e. what pleases him. The accused in a court-case urged the tribunal to do *kaṭṭōb wēhayyāšār* in their own eyes for he is in their hands. (Cf. Jos. 9, 25, the Gibeonites, and Jer. 26, 14, Jeremiah). It seems highly probable that the tribunal is requested to decide the case in fairness and according to the stipulations laid down in the Tōrā. Finally the expression is used to designate the king's (2 Sam. 19,7) or the overlords' (1 Sam. 29, 6) approval of actions taken by a minor official. In all these instances *yāšār* is used in a fixed and stereotype idiomatic expression.

to be understood as the only correct and measurable realisation of Israel's faith in practice by obeying Yahweh's commands.

The expression "to do *hayyāšār* in the eyes of Yahweh" is also used to describe and evaluate a king's reign from a specific theological viewpoint. As such it constitutes the essential part in the summary framework whereby the Deuteronomist historian censured the reign of each king,<sup>1)</sup> i.e.

- (1) "In year ... of king ... of Israel ... became king in Judah."
- (2) He was ... years old when he began to reign.
- (3) ... years he reigned in Jerusalem.
- (4) His mother's name was ..., the daughter of ...
- (5) He did *hayyāšār/hāra<sup>c</sup>* in the eyes of Yahweh, as did his father ...
- (6) In most cases there follows a description of an outstanding achievement.
- (7) Then it is stated: "The rest of the history of king ... is written in the Book of the Chronicles of the kings of Judah."
- (8) Finally: "King ... slept with his fathers, and was buried with his fathers in the city of David and .., his son became king in his stead."

This expression is used to describe the reigns of such kings as Asa (1 Ki. 15, 11 = 2 Chr. 14, 1, with *hatṭōb*),<sup>2)</sup> Jehoshaphat (1 Ki. 22, 43 = 2 Chr. 20, 32), Joash (2 Ki. 12, 3 = 2 Chr. 24, 2), Amaziah (2 Ki. 14, 3 = 2 Chr. 25, 2), Uzziah/Azariah (2 Ki. 15, 3 = 2 Chr. 26, 4), Jotham (2 Ki. 15, 34 = 2 Chr. 27, 2), Hezekiah (2 Ki. 18, 3 = 2 Chr. 29, 2) and Josiah (2 Ki. 22, 2 = 2 Chr. 34, 2).<sup>3)</sup> In each case it is related to similar action taken by a predeces-

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<sup>1)</sup> Cf. Von Rad, TAT 1, 347; Liedke, THAT, 793.

<sup>2)</sup> Note the diversion of the formula in 2 Chr. 31, 20: he did *hatṭōb wəhayyāšār wəhā'emet lipnē ywh.*

<sup>3)</sup> Historically it covers the periods from 913-849, 837-735, 715-687 and 640-609 (see J. Bright, History. Chron. Tables V and VI), and is confined only to Judaeans kings.

sor. Thus both Asa and Josiah "did *hayyāšār bē<sup>c</sup>ēnē yhw*h as did David (1 Ki. 15, 11; 2 Ki. 22, 2); Jehoshaphat as did Asa (2 Chr. 20, 32); Azariah as did Amaziah (2 Ki. 15, 3, "yet not with a 'blameless' (*šālēm*) heart," cf. 2 Chr. 25, 2) and Amaziah as did Joash (2 Ki. 14, 3).

David is said to have followed Yahweh's commands (1 Ki. 15, 5)<sup>1)</sup> and the laws of Moses (1 Ki. 14, 8, *šmr mišwōt*) as did Solomon initially when he followed his father's statutes which were the same as those of Yahweh (1 Ki. 3, 3, 14 *hlk bēhuqqōt dāwid hlk bidrākay lišmōr huqqay ūmišwōtay ka'āš<sup>v</sup>er hlk dāwid*). Solomon in fact declared himself as walking in (that is ordering his life and conduct by) the statutes and commandments just as his father had specifically charged him to do 'as it is written in the law of Moses' (1 Ki. 2, 3 *kakkātūb bētōrat mōsē*.<sup>2)</sup> Similarly it is emphasized that Hezekiah who did *hayyāšār bē<sup>c</sup>ēnē yhw*h (2 Ki. 18, 3) kept the commandments which Yahweh had given Moses (*šmr mišwōtāw 'āš<sup>v</sup>er šiwwā yhw*h 'et-mōšē)(2 Ki. 18, 6). Thus it follows that (a) a king who did *hayyāšār bē<sup>c</sup>ēnē yhw*h is to be regarded as one who acknowledged, upheld and maintained the traditional law.<sup>3)</sup> He also reflected the traditional image of the 'ideal' king.

(b) The 'doing' of *hayyāšār* in the eyes of Yahweh seems to imply much more than a mere general statement that the king had the intention of ruling lawfully. In each case it refers to specific legal action taken by the king to ensure that the people also kept the law, i.e. the so-called 'reforms'. Kings such as Hezekiah and Josiah but also Asa, Jehoshaphat, Joash, Amaziah, Azariah and Jotham took positive steps to destroy the high-places and other

<sup>1)</sup> "David did what was right in the eyes of the Lord, and did not turn aside from anything he commanded (*šwh*) him all the days, except in the matter of Uriah the Hittite".

<sup>2)</sup> Wiseman, *Vox Evangelica* 8(1973), 6.

<sup>3)</sup> Wiseman, *ibid*, shows that the period from Moses to David and from David to the Exile was marked by a continuity in the tradition of the law. This period is comparable with that from Urukagina to the later Old Babylonian kings when the same practice is attested. Cf. Kraus, *AS* 16(1965), 225-231.

associated practices which maintained idolatry and caused apostasy from Yahweh, as well as those who served them and sacrificed there. Hence the act of doing *hayyāsār* indicates a 'reform' which intended to order the policy of the king on the principle of the law of Moses which formed the basis of the Covenant.<sup>1)</sup> This is underlined by the fact that kings "who failed to take such a public stance and who issued decrees which furthered practices which contravened the Law, were said to have done evil and their specific action is likewise noted."<sup>2)</sup>

### The Word *MĪŠŌR* in the Old Testament

The word *mġšŏr* occurs 23 times in the Old Testament (Jos. 5 times; Ps. 5 times; Is. 3 times; Jer. 3 times; Dt. 2 times; Ki. 2 times; Zech. 1 time; 2 Chr. 1 time). A contextual analysis has shown that it embodies various shades of meaning:

1. As *nomen territorii* for the fertile high plateau north of the river Arnon in Transjordan. It covers the southern half of the Belqa and was regarded

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<sup>1)</sup> Cf. Von Rad, TAT I, 346-359.

<sup>2)</sup> Wiseman, ibid. The expression *śh hāraś bēś ēnē yhw* also occurs in a similar historical framework and is used by the Deuteronomist to describe and evaluate the reigns of Rehoboam (1 Ki. 14, 22), Nadab (1 Ki. 15, 26), Baasha (1 Ki. 15, 34), Zimri, Omri, Ahab (2 Ki. 16, 19, 26, 30), Ahaziah (1 Ki. 22, 53), Jehoram (2 Chr. 21, 6), Ahaziah ben Jehoram (2 Chr. 22, 4), Jehoahaz (2 Ki. 13, 2), Jeroboam II (2 Ki. 14, 24), Zechariah, Menahem, Pekahiah, Pekah (2 Ki. 15, 9, 18, 24, 28), Hoshea (2 Ki. 17, 2), Manasseh (2 Ki. 21, 2 = 2 Chr. 33, 2), Amon (2 Ki. 22, 19 = 2 Chr. 33, 22), Jehoahaz ben Josiah (2 Ki. 23, 32), Jehoiakim (2 Ki. 23, 36 = 2 Chr. 36, 5), Jehoiachin (2 Ki. 24, 9 = 2 Chr. 36, 9) and Zedekiah (2 Chr. 36, 12). They are said to have followed the ways of Jeroboam, son of Nebat, who had decreed idolatry. The expression *lŏś śh hayyāsār* ... is used to describe the reigns of Solomon (1 Ki. 11, 33, "he has not walked in my ways, doing what is right in my sight and keeping my statutes and my ordinances as David his father did" RSV) Jeroboam (1 Ki. 14, 8), Jehu (2 Ki. 10, 30) and Ahaz (2 Ki. 16, 2). It has been omitted in the accounts of Abijah's (1 Ki. 15, 1-8), Elah's (1 Ki. 16, 8-14), Athaliah's (2 Ki. 11) and Shallum's (2 Ki. 15, 13-14) reigns.



as the Sharon<sup>1)</sup> of eastern Palestine.<sup>2)</sup> This area was captured by the Israelites (Dt. 3, 10) and later given to the Reubenites (Jos. 13, 9, 16, 17, 21). Although it is characterized as *midbār* (Dt. 4, 43) it seems to have been densely populated with cities (Dt. 3, 10) and a refuge city (*bēṣer*) was also located there (Dt. 4, 43; Jos. 20, 8).<sup>3)</sup> In Jeremiah's time it was regarded as Moabite territory (Jer. 48, 8, 21).<sup>4)</sup> In 2 Chr. 26, 10 *šēpēlâ* and *mšōr* are used to designate the western and Transjordanian areas in which Uzziah grazed his flocks. Looking from Jerusalem in an eastern direction, this territory indeed creates the impression of a table-land.

2. Denoting a *topographic* meaning, viz., 'plain' in contradistinction from mountains or hills (*hārîm*), 1 Ki. 20, 23, 25<sup>5)</sup> or *har gādōl* (Sa. 4, 7). It is a terrain suited to fighting with chariots (1 Ki. 20, 21), and is paralleled by *ēmeq* (cf. also Jer. 48, 8). In the prophetic announcement of Isaiah concerning the return of the exiles, *mšōr* occurs as an object parallel to *biq'â* (valley, plain) and in opposition to *âqōb* (cliff, ridge, Is. 40, 4)

1) Whether the territorial designation *šārōn* is derived from *yšr* (so KBL, 1011; Galling, RGV V, 1370f), or from *šrh* (so KBL Suppl. 191b; Rudolph, Kronikbücher, HAT 21, 48n. 2) is still a matter of diverse opinion (cf. Elliger, BHH, 1673 and Liedke THAT, 791).

2) G.A. Smith, The Historical Geography of the Holy Land, Fontana Library, 1966, 353; M. Noth, Die Welt des Alten Testaments, Berlin, 1966, 56f; A. Schwarzenbach, Die geographische Terminologie im Hebräischen des Alten Testaments, Leiden, 1954, 37; A. Kuschke, Historisch-topographische Beiträge zum Buche Joshua, in: Gottes Wort und Gottes Land, Festschrift H.W. Herzberg (ed. H. Graf Reventlow), 1965, 90-109, esp. 92.

3) Sf. M. Noth, Joshua, 51.

4) In Jeremiah 48, 21 the expression *'ereš hammšōr* is used to distinguish it from *mšōr*, equity/fairness, because the occurrence of *mšpāt* as subject could cause a misunderstanding. See also A. Kuschke, Jeremia 48, 1-8. Zugleich ein Beitrag zur historischen Topographie Moabs, in: Verbannung und Heimkehr, Festschrift W. Rudolph, 1961, 181-196; G.T. Manley, The Moabite Background of Deuteronomy, The Evangelical Quarterly, 1949, 88-89.

5) According to HAL s.v. *mšōr*, 3b it designates the Golan-plateau.

and *ma<sup>c</sup>ḏqaššîm*<sup>1)</sup> (uneven, rugged country, Is. 42, 16), and designates a direct and level way, free from obstacles, as when preparing to receive a royal visitor, or whereupon the blind can walk without the danger of falling.

The setting is Yahweh's eschatological rule over his covenant people. The expression *šûr hammîšôr* (Jer. 21, 13) most probably refers to the rocky plateau upon which Jerusalem stood,<sup>2)</sup> It is preceded by the expression *yôšēbet hā<sup>c</sup>ēmîq* which is to be taken (after the analogy of *yôšēb hakkērubîm*) as "enthroned over the vale" according to Bright.<sup>3)</sup> Van Selms argues that it denotes the plain of Refaim where the Judaeen kings had a fortification.<sup>4)</sup> It is to be surmised, then, that it has a topographic meaning.

3. Denoting "level or right path, firm ground" as metaphor for the confidence and certainty of the upright and innocent who believe that Yahweh will see that justice is done to them. (Ps. 26, 12 with *md<sup>c</sup>*<sup>5)</sup> and paralleled by *tôm*).<sup>6)</sup> See also Ps. 27, 11 (*ʾōrah m*) and Ps. 143, 10 (*ʾereš m.*)<sup>7)</sup> where *mî|ēšôr* characterizes the way on which Yahweh guides the innocently accused who maintains the correct (religious) conduct. It may therefore denote justice or the blessing which follows on keeping the law in view of the invocation of Yahweh as judge.

4. Denoting justice or equity. In the prophetic announcement of the

<sup>1)</sup> Derived from *cqš* according BL 558c. (Cf. HAL, 582, "unebenes Gelände"). Note the NEB's translation "I will straighten their twisted roads".

<sup>2)</sup> The Jerusalem Bible suggests the palace on Ophel.

<sup>3)</sup> Jeremiah, Anchor Bible, 140-141. Cf. Rudolph, Jeremia, 126.

<sup>4)</sup> Jeremia I, POT, 268-9. Cf. Y. Aharoni, Beth-Haccherem, in D. Winton Thomas (ed.), AOTS (1967), 171-184. Both Bright and Van Selms disagree with the emendations proposed to read *mišgāb* 'fortification'.

<sup>5)</sup> See also Sir 51, 15 for a similar expression.

<sup>6)</sup> For this metaphor of standing upon firm ground see Ps. 31, 9; 40,3; 56, 14; 66, 9; 121, 3. Cf. Kraus, BK 15/1, 218.

<sup>7)</sup> Cj. *ʾōrah* according to Kraus, BK 15/2, 936.

eschatological reign of the Messiah a new and ideal order is envisaged.<sup>1)</sup> Its main purpose is the establishment of equity and social justice<sup>2)</sup> and as such it would supersede the Davidic dynasty which has shown its apostacy and breach of covenant with Yahweh. "He shall judge (*špt*) the poor (*dallm*) with *šediq* and decide (Hi. *ykh*) with equity (*bēmšōr*) for the humble of the land (*ʿawwē ʿāreš*)" (Is. 11, 4). This passage clearly resembles one of the main characteristics of the Ancient Near Eastern royal ideology, viz. the responsibility for the less-privileged (cf. Ps. 72, 12-14).<sup>3)</sup>

The royal wedding song (Ps. 45) contains a reference to the 'sceptre of justice' *šebet mšōr* (v. 7). According to Kraus *mšōr* denotes "die schlichtende Kraft des Zepters".<sup>4)</sup> This term is, however, related to the Akkadian *ḫaṭṭu išartu/mēšarum* which is used to describe the power, stability and prosperity of a king's reign.<sup>5)</sup> In Mal. 2, 6 the word *mšōr* denotes the ethical integrity, hence the uprightness of the priests.<sup>6)</sup> It is opposed by *ʿawlā* and is connected with *šālōm* and paralleled by *ʿemet*. The priests of Levi were expected to walk with Yahweh in *mšōr* thereby upholding his covenant. In Ps. 67, 5 *mšōr* occurs with the verb *špt* and describes the way in which people (*lš'ummim*) should be judged.<sup>7)</sup> It is clear that *mšōr* means justice, equity or uprightness. Except for Mal. 2, 6 it occurs in the setting of an ideal reign.

1) S. Herrmann, Die prophetischen Heilserwartungen im Alten Testament, 1965, 126-144, esp. 138; H. Wildberger, Jesaja, BK 10, loc. cit..

2) O.H. Steck, Friedenvorstellungen im alten Jerusalem, 1972, 59-64. See also Von Rad, TAT II, 175-181, esp. 176.

3) Cf. Von Rad, TAT I, 387f. K. Bernhardt, Das Problem der altorientalischen Königsideologie im Alten Testament, 1961, 69-90; O. Eissfeldt, Jahwe als König, KS 1, 172-193, esp. 185; K.M. Beyse, Serubbabel und die Königserwartungen der Propheten Haggai und Sacharja, 1972, 69.

4) Kraus, BK 15/1, 331, 335.

5) Cf. J. Mulder, Studies on Ps. 45, 1972, 116-117.

6) P.A. Verhoef, Maleachi, COT, 151.

7) For a discussion of the textual problems, see Kraus, BK 15/1, 461f and infra s.v. *mēšārīm* 1a. One would rather expect *mēšārīm* here (cf. AV 'righteously', RSV 'with equity', NEB 'with justice').

## The word *MĒŠĀRĪM* in the Old Testament

The word *mēšārīm* occurs 19 times in the Old Testament: Ps. 7x (+ 1 Chr. 29, 17), Prov. 5x, Is. 3x, Ct. 2x and Dan. 1x. It is derived from the common Semitic root *y/š/r* which means "straightness, integrity, uprightness". Verbs used in connection with *mēšārīm* are *špṭ* (3x), *dyn* (2x), *kwn* (1x), *ngd* (1x) - all with Yahweh as subject; *ḏbr* (4x), *byn* (1x), *ḥzh* (1x), *rṣh* (1x), *hlk* (2x), *śh* (1x) and *'hb* (1x). Related terms used as parallels are *šedeq / šedāqā* (10x), *mišpāṭ* (4x), *'emet* (2x), *nōkah* (1x). Terms of opposition are *rēša<sup>c</sup>*, *rā<sup>c</sup>*, *'iqqēš*, and terms such as *beša<sup>c</sup>*, *ma<sup>c</sup>āšqōt*, *šōhad*.

### 1. *MĒŠĀRĪM* in connection with God

The word *mēšārīm* denotes the norm according to which Yahweh judges, cf. Ps. 75, 3; 98,9; 96,10. The setting of these psalms is the eschatological rule of Yahweh when he as the eternal king (Ps. 96; 98; 99) and supreme judge will render an absolutely impartial judgement to the nations (*'ammīn*, *lē'ummīm*), the 'world' (*tēbel*), and the *rēšā<sup>c</sup>īm*,<sup>1)</sup> all of which have overthrown "die feste Lebensordnung der Welt".<sup>2)</sup> In Ps. 58,2 the 'mythological' demonic powers *'ēlem* cj. *'ēlīm* are said to have disturbed the righteous judgement and to have corrupted the world order.

Moreover, it is Yahweh who has revealed (*ngd*, Is. 45: 19) and established

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<sup>1)</sup> See A. Gamper, Gott als Richter in Mesopotamien und im Alten Testament, 1966, 210-234.

<sup>2)</sup> Kraus, BK 15/1, 520.

(*kwn*, Ps. 99, 4) *mēšārîm* (i.e. order) to his own people.<sup>1)</sup> The combination of *šdqh* and *mšrm* most probably has as its background the royal ideology. Here Yahweh is portrayed as a king who loves *mišpāt* and executes (*šh*) *mišpāt* and *šēdāqā* when he establishes (*kwn*) *mēšārîm*. It is to be surmised, then, that *mēšārîm* denotes the impartiality of Yahweh's eschatological judgement over those (nations, cosmic powers, mankind) who have disturbed and denounced the world order. Secondly, it means the equity, "Billigkeit", whereby Yahweh as Covenant God rules over his own people - taking into account his protection of the less-privileged which forms the basis of the socio-political order.<sup>2)</sup> According to Schmid *mēšārîm* is a universal and cosmic norm which coincides with the creation-order<sup>3)</sup> and can therefore be rendered as "(judicial) justice". Thirdly, in Ps. 9, 9-10 Yahweh's judgement is related to his divine kingship (cf. Ps. 45, 5-8)<sup>4)</sup> and especially the sensitivity of his protection of the poor, the needy, the oppressed, the orphan, etc. (cf. Ps. 10: 18).<sup>5)</sup>

1) Kraus (BK XV/2, 685, cf 197f) makes a distinction between Pss. 96-98 which are concerned with the coming of Yahweh to the nations in an eschatological sense, and Ps. 99 which is concerned with his Gottesrecht and Covenant with Israel. Cf. also H. Schmid, Jahwe und die Kulturtraditionen von Jerusalem, ZAW 67(1955), 168-197, and F. Stolz, Strukturen und Figuren im Kult von Jerusalem (BZAW 118), 1970, 86-95.

2) See H.H. Schmid, Gerechtigkeit als Weltordnung, 1968.

3) H.H. Schmid, Altorientalische Welt in der alttestamentlichen Theologie, 1974, 9-30; Stolz, op.cit., 76.

4) For a comparison with the Akkadian expression "sceptre of justice" see J. Mulder, op.cit., 116f.

5) There is substantial evidence for taking Ps. 9 and 10 as a unity. See Kraus, BK 15/1 82-83. For the less-privileged as a social group, see A. Rahlfs, Ani und Anaw in den Psalmen, 1892; H. Birkeland, Ani und Anaw in den Psalmen, 1933; S. Mowinckel, Ps. Stud., I, 113f; H.A. Brongers and J.M. van der Ploeg, in: J.J. Stamm, Ein Vierteljahrhundert Psalmforschung, ThR NF 23(1955), 1-18; A. Causse, Les 'pauvres' d'Israel, 1922; A. Gelin, Les pauvres de Jahwé, 1953; Fensham, JNES 22(1961), F.H. de V. Uys, Justice and Righteousness towards the Less-privileged in the Books of Proverbs, NGTT 9 (1968), 183-5; H.A. Brongers, Rijkdom en armoede in Israel, NTT 29(1975), 20-35.

As such it gives the impression that an element of favour is incorporated in Yahweh's norm of judgement of the less-privileged (Ps. 9/10) and his covenant people (Ps. 99), hence "fairness, moderateness, equity".<sup>1)</sup> Thus we may conclude that the word *mēšārîm* in connection with Yahweh designates the universal norm of impartial and 'lawful' justice whereby Yahweh as supreme and eschatological judge will judge the nations, the world and *rēšā'îm*. Dealing with the less-privileged and his own covenant-people there seems to be an element of moderateness incorporated in this term.

## 2. MĒŠĀRĪM in Connection with man

### (a) The King

1 Chr. 29, 17 states that Yahweh is delighted (*ršh*) with *mēšārîm*. The setting is David's prayer on the occasion of the transfer of his royal authority to his son whom he invoked to follow suit. Here *mēšārîm* is regarded as a characterization of the king's conduct during his reign and it is extolled as the virtue *par excellence*.

<sup>1)</sup> Cf. also Ps. 17, 2 which is a prayer for deliverance from prosecution by an innocent God-fearing man. He calls upon Yahweh whose eyes are constantly fixed (*hzh*) upon *mēšārîm* and who would consequently intervene to see that justice is done to the innocent and upright supplicant. Again one gets the impression that *mēšārîm* here denotes the fixed and ordered norms whereby Yahweh judges. For the "eyes of the Lord" see A.L. Oppenheim, "The eyes of the Lord", *JAOS* 88(1968), 173-180, which denotes his constant omnipresence and hence, omniscience (cf. *Zech.* 4, 2-12; 2 Chron, 16, 9). The 'eyes of the Lord' seem to have a double function: they spot misdeeds and bring about punishment of the culprit; secondly, they are spoken of as if their purpose were rather to bring comfort to the pious. These Old Testament passages represent a transfer of a political institution to a theological level. Note the usage of term *mubbiru* in a description of a release of debts (*CT* 13, 50 K7861 published by A.K. Grayson, *JCS* 18(1964) 16:12) = *mēšarum*, where it denotes a person who has acted as an informer in times of economic distress. (Cf. Oppenheim, *JAOS* 88(1968), 177 n. 9). Therefore 'eyes' seem to inform the king/god of any (economic) disorder (Cf. *Prov.* 15,3).

(b) God-fearing man

(i) *mēšārîm* is used as an ethical concept denoting a characteristic virtue which expresses the attitude of the God-fearing and wise, for they understand (*byn*)  $\text{š} \epsilon \text{d} \epsilon \text{q} \text{ } \hat{\text{u}} \text{m} \text{i} \text{s} \text{p} \hat{\text{a}} \text{t} \text{ } \hat{\text{u}} \text{m} \text{ē} \text{s} \hat{\text{a}} \text{r} \hat{\text{i}} \text{m} \text{ } \text{k} \text{o} \text{l} \text{-} \text{m} \text{a}^{\text{c}} \text{g} \text{a} \text{l} \text{-} \text{t} \hat{\text{o}} \text{b}$ <sup>1)</sup> (Prov. 2,9 and 1,3) and speak (*dbr*) what is right (*mēšārîm*).<sup>2)</sup> Cf. Is. 33, 15: (RSV) "he who walks righteously (*šēdāqôt*) and speaks uprightly (*mēšārîm*), who despises the gain of oppressions (*bεša<sup>c</sup> ma<sup>c</sup>āšāqqôt*), who shakes his hands, lest they hold a bribe (*šōhad*), who stops his ears from hearing bloodshed (*dāmîm*) and shuts his eyes from looking upon evil (*rā<sup>c</sup>*)". It is wisdom personified whose lips speak *mēšārîm* (paralleled by *'emet* (Prov. 8,6). Kings are said to take their delight in 'righteous lips' (*šiptê šēdēq*) and love him who speaks *yēšārîm* c.j. *mēšārîm* (Prov. 16, 13 according to Dan. 11, 17, and Prov. 23: 16). Such a man lives in the fear of Yahweh, and loyalty and truth (*hεsēd wε'ēmet*). He prefers *šēdāqâ* to a great income without *mīšpāt* and utilizes correct weights and measures (Prov. 16, 11), thereby holding to the covenant stipulations (cf. Mal. 2,6). In the same context the 'wise' king is praised for giving 'righteous judgements' and for not doing evil (*rεšā<sup>c</sup>*), for his throne was established (*kwn*) by *šēdāqâ*. It would seem that *mēšārîm* denotes an ethical concept which designates the uprightness of the law-abiding man who regulates his way accordingly.

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<sup>1)</sup> The word *ma<sup>c</sup>gal* occurs in a similar context in Is. 26, 7 (cf. Prov. 4, 11), where it is stated that the less-privileged who put their trust in Yahweh will ultimately be blessed for the way (*'ōrah*) of the *šaddîq* is *mēšārîm* because Yahweh makes straight (*yāšar*) his *ma<sup>c</sup>gal*. Note the textual difficulties re. *yāšar*: it does not occur in the LXX and this is the only instance where *mēšārîm* occurs in a verbless sentence.

<sup>2)</sup> According to HAL it denotes truth or straightness.

<sup>3)</sup> *mēšārîm* is used in connection with the verb *'hb* to convey the idea that it is right/correct for lovers to love each other, cf. Ct. 1,4. The text contains, however, serious textual difficulties. See G. Gerleman, BK 18, 94.

(ii) *Mēšārîm* with <sup>e</sup>*šh* describes the making of a treaty on equal terms which is sealed by a marriage and is destined to bring about peaceful relations between two kingdoms. Thus it denotes a 'parity' treaty (cf. Dan. 11, 6, cj. 17) or 'equitable arrangement'.

(iii) Finally, *mēšārîm* is used metaphorically and denotes "smoothness", i.e. the way in which wine goes down (*hlk*) (Prov. 23, 31, Ct. 7, 10).

Thus it is clear that *mēšārîm* is an ethical term used in comparatively late material (consisting mainly of Wisdom literature and Psalms) which embodies the meanings of 'justice, equity, uprightness, smoothness, parity'.



## FINAL CONCLUSION

It seems unnecessary to repeat here all the results of our study, for a summary conclusion is given at the end of each chapter. On the basis of these results some brief concluding remarks need, however, to be made.

Our analysis of the Old Babylonian *mēšarum*-practice has shown that it was primarily an economic measure destined to forestall the collapse of the economy. The two other motives are of secondary importance, viz. the royal ideology and that of "Weltordnung". It is equally clear that the general usage of the word *mēšarum* is almost exclusively limited to gods and kings who were thought to be the servants of the eternal cosmic truths and powers.

The Mesopotamian's concept of justice (*mēšarum*) is to be related to his concern for law and order, (*kittum ū mēšarum*) tempered by equity and fairness towards the less-privileged to whom 'freedom' (*andurārum*) only means to be in an economically independent position. This 'ideal' of *mēšarum* was attained from time to time by the king's (*šar mēšarim*) direct intervention in the existing disorderly socio-economic situation. His enactment of a *mēšarum*, consisting of the remittance of arrears and taxes, the cancellation of debts and the *andurārum* for persons in debt servitude, gave a limited and temporary relief to those worst affected by the unbearable economic conditions. Thus it would seem that economic relief, social concern for the less-privileged, 'freedom' and law and order are all aspects embodied in the Akkadian term for justice. Justice only means a place in the sun for everyone.

Our second main objective was to investigate the possibility of a similar practice in Old Israel. The result is, however, not spectacular, for we have met with insuperable difficulties due to an almost complete absence of rele-

vant source material. It has been shown that Hebrew *mēšārîm* does not convey the same meaning as Akkadian *mēšarum*. Their semantic spheres coincide only when it comes to royal ideology. Even then the Hebrew word is used in connection with Yahweh (described in terms of the royal metaphor e.g. Ps. 99, 4) and with the Messiah as the future ideal king (Is. 11, 1-4). Weinfeld's equation of the Hebrew expression *šym mišpāt* with Akkadian *mēšaram šakānum* is untenable for reasons stated above (cf. also Lemche's criticism, VT 26(1976), 38-41).

Apart from the traditio-historical problems concerning the Old Testament laws of the Sabbatical Year and the Yôbel, there are several other indications which show that they have very little in common with the *mēšarum*-practice. Our analysis of the root *yšr* shows that the Old Testament conception of justice is primarily related to God's righteousness. Unlike the Akkadian usage of *mēšarum* Hebrew *mēšārîm* refers also to man's uprightness emanating from his adherence to the *Tôrâ*. In broad terms, however, the concept of justice in Israel (also expressed by *šedeq* and other related terms) would appear to be similar to that of Mesopotamia. Royal edicts did exist in Old Israel, but their contents still remain to be assessed. It is highly likely that the expression *šh hayyāšār bē'ênê yhwš* could refer to their promulgation by the king on accession (cf. the Rehoboam episode).

In the light of what we know about the Old Babylonian *mēšarum*-practice it is suggested that these royal decrees would have contained some economic measures destined to give a temporary relief to those in a destitute economic situation. Mere economic 'facts' would have forced the king to intervene in the economic situation in order to remedy socio-economic malfunctions, and to forestall the total collapse of the economy. The Israelite conception of royal ideology implies the protection of the poor people's lives and welfare. The king's obligation to uphold the *Tôrâ* laid upon him on his accession, also necessi-

tates that he adheres to the ideal order envisaged by Yahweh's covenant with his people. The prophetic message would serve as a constant reminder to this obligation. When the king had reacted favourably by instituting a reform or by promulgating a decree which was intended to uphold this ideal order, he was said to have done *hayyāšār* (cf. e.g. Hezekiah and Isaiah), and was blessed by the Lord.

While some of the motives for such an Israelite royal decree are similar to those of the Old Babylonian *mēšarum*-edict, this does not imply that its contents would be the same. In fact, there is no reason why we should not regard the Israelite decrees as an independent, indigenous development out of its own socio-economic situation, rather than as a direct borrowing from a much older Mesopotamian practice which had apparently fallen out of use centuries earlier.

It is mere chance that we have a copy of such an edict at our disposal today. This definitely does illuminate the background against which economic problems were solved in the Ancient Near East. Until a thorough investigation is made of the Israelite economy, the Edict of Ammišaduqa will remain the only source that will shed some light on the Old Israelite's economic position and situation.

SUMERIAN AND AKKADIAN TERMINOLOGYSumerian

a m a . a r . g i <sub>4</sub>	171, 197
g i d r i	276
g ú . u n	29, 120
e n s i	91
ḥ a r . r a	54, 39
k a s k a l	40, 54, 56
k i . k a l	260
k i . l a m	61
k ú . b a b b a r	106
k u r u n	91
l á l . ḥ i . a	24, 25, 120, 148
m á š	38, 39, 50, 54
n í g . g i . n a	158, 161
n í g . s i . s á	157, 163, 164, 191, 196
p a p . ḥ a l	260
s i p a d	71
š e	72
š u . s i . i g	26, 175
t a b . b a	56
u r u	27
z a g . ḥ a	81

Akkadian

<i>adonnu</i>	58
<i>adū</i>	294
<i>akkadū</i>	37

<i>alāku</i>	97, 265
<i>almattum</i>	135
<i>āl mēšari</i>	280, cf. 98
<i>amurrû</i>	37
<i>apālum</i>	28, 54
<i>arua</i>	135, 136
<i>ašûm</i>	97
<i>ašôru</i>	28
<i>atû</i>	68
<i>awātum</i>	53, 165, 196, 286, 290
<i>awēlum</i>	84, 85, 112
<i>bā<sup>3</sup> irum</i>	20, 21, 33, 83, 85, 86, 91, 96, 97, 98, 99, 100, 109, 110, 111, 119, 120, 123, 124, 134, 168, 172
<i>babbilum</i>	30, 74, 75, 89, 119, 121
<i>bābum</i>	294
<i>bamātum</i>	20, 78, 80, 81
<i>bāru</i>	49
<i>bašû</i>	300
<i>bēlum</i>	59, 256
<i>biltum</i>	65, 82, 83
<i>bīšum</i>	55
<i>bītum</i>	29
<i>bullutu</i>	136
<i>dabābu</i>	272, 293
<i>dajānu</i>	257, 258, 259, 260, 291,
<i>dalhātu</i>	280, 299
<i>dalpu</i>	260
<i>danānu</i>	28, 136, 291
<i>dēkûm</i>	33
<i>dīnu</i>	258, 285, 286, 290, 292, 293

<i>danāqu</i>	52, 139, 265, 274, 282, 288, 296, 299, 301
<i>e'ēlu</i>	101, 102
<i>ebēbum</i>	67, 264
<i>ebūrum</i>	42
<i>egirru</i>	295
<i>egū</i>	274
<i>ekallum</i>	295
<i>ekūm</i>	135
<i>ellātu</i>	256, 276
<i>emqum</i>	137, 168, 170
<i>enšum</i>	291
<i>eqlu kurummatu</i>	30
<i>ešēdum</i>	42, 108
<i>ešātu</i>	280, 299
<i>esēhu</i>	34
<i>ešēru</i>	27, 41, 137, 256, 260, 261, 269, 271, 280, 291, 292, 304
<i>ewūm</i>	47, 48
<i>ezēbu</i>	39, 51, 58, 99, 102
<i>ḥabālu</i>	166, 257, 267, 291
<i>ḥadanšu etēqu</i>	58
<i>ḥadiš</i>	276
<i>ḥaṭṭu</i>	276, 277, 278
<i>ḥarrānu</i>	56
<i>ḥubbulum</i>	37, 38
<i>tūdat mīšari</i>	285, 287
<i>tuppum</i>	22, 47, 95, 148, 196
<i>i'iltum</i>	101
<i>ilkum</i>	20, 21, 29, 75, 83, 86, 91, 97, 98, 100, 119, 120
<i>iršitum</i>	256

<i>išariš</i>	257, 277, 293, 301
<i>iššakkum</i>	25, 85, 91, 175
<i>išu (h)išu</i>	28
<i>kanīkum</i>	33, 47, 56, 196
<i>kārum</i>	32, 35, 60, 61, 62, 63, 68, 69, 117, 119, 125
<i>kašū</i>	87
<i>kidinnūtu</i>	64, 65, 66, 67, 82, 88, 89, 287
<i>kinātum</i>	258, 264, 270, 273, 287, 291
<i>kīsum</i>	61
<i>kiššātum</i>	102, 106
<i>kittum</i>	27, 95, 146, 186, 188, 256, 264, 267, 271, 282, 293, 294, 295, 296, 300, 302, 321
<i>kubussū</i>	65, 66, 67
<i>kuḍurru</i>	64, 65, 269, 270, 290
<i>kuṣukkum</i>	95
<i>kurummatu</i>	30
<i>labirtum</i>	88, 97
<i>laputtū</i>	167
<i>lemuttu</i>	272, 300
<i>maḥīrum</i>	61, 62, 186, 188
<i>mākisu(m) miksum</i>	77, 81, 82, 88, 98, 99, 100
<i>marzazānum</i>	102, 106, 195
<i>maššarūtum</i>	49
<i>melqētum</i>	16, 17, 38, 39, 43, 45, 54
<i>miqittum</i>	71
<i>mušaddinum</i>	29, 35, 80
<i>muškēnum</i>	20, 29, 84, 85, 86, 91, 119, 120, 161, 172, 181, 182, 183
<i>nādinānum</i>	53
<i>nasāḥu</i>	76, 77, 88
<i>nāši biltim</i>	29, 30, 31, 35, 36, 37, 39, 72, 83, 85, 89, 91, 92, 119, 120

<i>nawûm</i>	26, 27
<i>numḥia</i>	61
<i>patāru</i>	283
<i>pašāru</i>	67
<i>pīḥātu</i>	53, 165
<i>pētû</i>	96
<i>putru</i>	95
<i>qayapānum</i>	49, 51
<i>qiāpu</i>	40, 49, 93
<i>rā' ibānum</i>	16, 21, 32, 33, 35, 123
<i>raggum</i>	272, 291
<i>rāmu</i>	269
<i>rapāšu</i>	278
<i>rē' ûm</i>	71, 260, 278, 286
<i>rēdûm</i>	20, 21, 25, 33, 83, 86, 91, 96, 97, 98, 99, 100, 109, 110, 111, 119, 120, 123, 124, 134, 167, 168, 172
<i>rēmu</i>	137, 260
<i>ribbātum</i>	24, 25
<i>riksu</i>	56, 57, 60
<i>sabitum</i>	30, 91, 92, 93, 94, 96, 119, 121, 123, 175
<i>šimdatum</i>	22, 42, 43, 66, 67, 148, 165, 167, 169, 188, 196, 293
<i>šeḥērum</i>	81, 83, 180
<i>šibtum</i>	38, 194
<i>šadduttum</i>	41, 42, 44, 45, 192
<i>šaḥṭu</i>	286
<i>šakkanakkum</i>	32, 108, 159
<i>šāpitu</i>	259
<i>šar mēšarim</i>	115, 116, 132, 137, 138, 139, 141, 142, 168, 169, 173, 201, 267, 268, 273, 275, 279, 282, 284, 290, 292, 296, 302, 321
<i>šarrûtu</i>	142, 275



<i>šarāku</i>	276, 278
<i>še'u</i>	92
<i>šemum</i>	22
<i>šibšum</i>	20, 76, 77, 78, 80, 81
<i>šimūm</i>	40, 48, 56, 60, 61, 104
<i>šusikku</i>	16, 19, 26, 27, 30, 31, 64, 72, 73, 74, 119, 123, 174
<i>ta'itum</i>	47, 48
<i>tappū</i>	40, 54, 56
<i>tankārūm</i>	40, 59, 92, 96
<i>tēbibtum</i>	264
<i>tadmīqtim</i>	40, 52, 54, 56
<i>wilid bītim</i>	103
<i>wuššurum</i>	28, 148, 157, 196
<i>zakātu</i>	64, 88, 196
<i>zanānum</i>	136

ABBREVIATIONS

- AASOR : The Annual of the American School of Oriental Research
- AB : Assyriologische Bibliothek
- AbB : Altbabylonische Briefe in Umschrift und Übersetzung
- ABL : R.F. Harper, Assyrian and Babylonian Letters
- ABRT : Assyrian and Babylonian religious texts
- ACH : C. Virolleaud, L'Astrologie chaldéenne
- ADD : C.H.W. Johns, Assyrian Deeds and Documents
- AFO : Archiv für Orientforschung
- AGH : Die akkadische Gebetsserie "Handerhebung" von neuem gesammelt und herausgegeben
- AHDO : Archives d'histoire du droit oriental
- AHw : W. von Soden, Akkadisches Handwörterbuch
- AJSL : American Journal of Semitic Languages and Literatures
- ANET : J.B. Pritchard, Ancient Near Eastern texts relating to the Old Testament
- ANETS : Supplement to ANET
- AnOr : Analecta Orientalia
- AO : Der Alte Orient
- AOAT : Alter Orient und Altes Testament
- AOS : American Oriental Series
- AOT : Altorientalische Texte
- ARAB : D.D. Luckenbill, Ancient Records of Assyria and Babylonia
- ARM : Archives royales de Mari
- ArOr : Archiv Orientální
- ARI : A.K. Grayson, Assyrian Royal inscriptions
- AS : Assyriological Studies (Chicago)
- AT : D.J. Wiseman, The Alalakh tablets
- AV : Alphabetisches Verzeichniss der assyrischen und akkadischen Wörter der Cuneiform Inscriptions of Western Asia
- BBR : H. Zimmern, Beiträge zur Kenntnis der babylonischen Religion.

- BBSt : L.W. King, Babylonian Boundary Stones
- BE : Babylonian Expedition of the University of Pennsylvania, Series A: Cuneiform Texts
- BERYTUS : Archaeological studies published by the Museum of Archaeology of the American University of Beirut
- BHH : Bijbels-historisch-Handwoordeboek
- BHT : S. Smith, Babylonian Historical Texts
- BHW : Biblisch-historisch Wörterbuch
- BIN : Babylonian Inscriptions in the collection of J.B. Nies
- BiOr : Bibliotheca Orientalis (cited as BO)
- BJRL : Bulletin of the John Rylands Library
- BK : Biblischer Kommentar
- BL : Babylonian liturgies
- BM : British Museum
- BMS : Babylonian magic and sorcery
- BO : Bibliotheca Orientalis (cited as BiOr)
- BT : Bibliothèque de Théologie
- BuA : B. Meissner, Babylonien und Assyrien I & II
- BWANT : Beiträge zur Wissenschaft vom Alten und Neuen Testament
- BWL : W.G. Lambert, Babylonian Wisdom Literature
- BZ : Biblische Zeitschrift
- BZAW : Beiheft zur Zeitschrift für die alttestamentliche Wissenschaft
- CAD : The Assyrian Dictionary of the Oriental Institute of the University of Chicago
- CAH : The Cambridge Ancient History
- CB OTS : Coniectanea Biblica. Old Testament Series
- CHM : Cahiers d'Histoire Mondiale
- COT : Commentar op het Oude Testament
- CRRA : Compte(s) rendu(s) de la ... Rencontre Assyriologique
- CT : Cuneiform Texts from Babylonian Tablets
- DISO : Dictionnaire des inscriptions sémitiques de l'ouest
- DLZ : Deutsche Literaturzeitung
- ERAS : M.J. Seux, Éphithètes royales akkadiennes et sumériennes

- FRLANT : Forschungen zur Religion und Literatur des Alten und Neuen Testaments
- GAG : W. von Soden, Grundriss der akkadischen Grammatik
- HAL : W. Baumgartner, Hebräisches und Aramäisches Lexikon zum Alten Testament
- HdO : Handbuch der Orientalistik
- HSS : Harvard Semitic Series
- HUCA : Hebrew Union College Annual
- IEJ : Israel Exploration Journal
- IRAQ : Publication of The British School of Archaeology in Iraq
- IRSA : Inscriptions royales sumériennes et akkadiennes
- JANES : Journal of The Ancient Near Eastern Society of Columbia University
- JAOS : Journal of the American Oriental Society
- JBL : Journal of Biblical Literature
- JEOL : Jaarbericht van het Voor-Aziatisch-Egyptisch Gezelschap 'Ex Oriente Lux'
- JESHO : Journal of the Economic and Social History of the Orient
- JJP : Journal of Juristic Papyrology
- JNES : Journal of the Near Eastern Studies
- JRAS : Journal of the Royal Asiatic Society
- JSS : Journal of Semitic Studies
- KAI : H. Donner - W. Röllig, Kanaanäische und aramäische Inschriften
- KAR : Keilschrifttexte aus Assur religiösen Inhalts
- KB : Keilinschriftliche Bibliothek
- KBL : L. Koehler und W. Baumgartner, Lexikon in Veteris Testamentum Libros
- LAS : Parpolla, Letters from Assyrian scholars to Kings Esarhaddon and Assurbanipal
- LH : Laws of Hammurabi
- LKA : E. Ebeling, Literarische Keilschrifttexte aus Assur
- LKU : A. Falkenstein, Literarische Keilschrifttexte aus Uruk
- LL : The Laws of Lipit-Ištar
- LSS : Leipziger semitistische Studien

MAH	:	Museumssignatur Musée d'Art et d'Histoire
MOAG	:	Mitteilungen der Altorientalischen Gesellschaft
MCS	:	Manchester Cuneiform Studies
MDP	:	Mémoires de la Délégation en Perse
MIO	:	Mitteilungen des Instituts für Orientforschung
MKNAW	:	Mededelingen der Koninklijke Nederlandse Akademie van Wetenschappen, afd. letterkunde
MSL	:	Materialien zum sumerischen Lexikon
NGTT	:	Nederduitse Gereformeerde Teologiese Tydskrif
NSG	:	A. Falkenstein, Die neusumerischen Gerichtsurkunden
NTT	:	Nederlands Theologische tijdschrift
OECT	:	S. Langdon, Oxford Editions of cuneiform Texts
OIP	:	The University of Chicago Oriental Institute Publications
OLZ	:	Orientalistische Literaturzeitung
Or	:	Orientalia
OrAnt	:	Oriens Antiquus
OTWSA	:	Die Ou-Testamentiese Werkgemeenskap in Suid-Afrika
PAPS	:	Proceedings of The American Philosophical Society
PBS	:	Publications of the Babylonian Section, University Museum, University of Pennsylvania
POT	:	Prediking op het Oude Testament
PRU	:	C.F.A. Schaeffer, Le Palais Royal d'Ugarit
PSBA	:	Proceedings of the Society of Biblical Archaeology
RA	:	Revue d'assyriologie et d'archéologie orientale
RB	:	Revue Biblique
RCAE	:	Royal correspondence of The Assyrian Empire
RGD	:	N. Postgate, Neo-Assyrian Royal Grants and Decrees
RGG	:	Die Religion in Geschichte und Gegenwart
RIDA	:	Revue internationale des droits de l'Antiquité
RLA	:	Reallexikon der Assyriologie
RSO	:	Revista degli studi orientali
SAHG	:	A. Falkenstein-W. Von Soden, Sumerische und akkadische Hymnen und Gebete

- SAK : F. Thureau-Dangin, Die sumerischen und akkadischen Königsinschriften
- SB : La Sainte Bible
- SD : Studia et documenta ad iura Orientis Antiqui pertinentia
- SHAW Phil. hist. Kl.  
: Sitzungsberichte der Heidelberger Akademie der Wissenschaften
- SMN : Semitic Museum Nuzi
- TAT : G. von Rad, Theologie des Alten Testaments
- TB : Theologische Bücherei. Altes Testament
- TCAE : N. Postgate, Taxation and Conscription in the Assyrian Empire
- TCL : Textes Cuneiformes, Musée du Louvre
- THAT : E. Jenni und C. Westermann, Theologische Handwörterbuch zum Alten Testament
- ThR : Theologische Rundschau. Neue Folge
- UCP : University of California Publications
- UET : Ur Excavations, Texts
- UF : Ugarit-Forschungen
- UT : C.H. Gordon, Ugarit Textbook
- VAB : Vorderasiatische Bibliothek
- VAS : Vorderasiatische Schriftdenkmäler
- VAT : tablets in the collections of the Staatliche Museen, Berlin
- VT : Vetus Testamentum
- VTE : D.J. Wiseman, Vassal Texts of Esarhaddon
- WGAU : Wirtschaft und Gesellschaft im Alten Vorderasien, J. Harmatta und G. Komoróczy (edd.)
- WO : Die Welt des Orients
- WUS : J. Aistleitner, Wörterbuch der Ugaritischen Sprache
- WZKM : Wiener Zeitschrift für die Kunde des Morgenlandes
- YNER : Yale Near Eastern researches
- YOS : Yale Oriental Series, Babylonian Texts
- ZA : Zeitschrift für Assyriologie
- ZAW : Zeitschrift für die alttestamentliche Wissenschaft

- ZDMG : Zeitschrift der Deutschen Morgenländischen Gesellschaft
- ZEE : Zeitschrift für Evangelische Ethik
- ZS : Zeitschrift Savigny-Stiftung für Rechtsgeschichte (Rom. Abt.)
- ZZB : D.O. Edzard, Die "Zweite Zwischenzeit" Babyloniens

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