DEBT AND ITS SOLUTIONS: A COMPARATIVE STUDY OF THE BIBLICAL JUBILEE YEAR AND THE EDICT OF AMMISADUQA.

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ABSTRACT

The Edict of Ammisaduqa and the Jubilee Year legislation in Leviticus 25 provide the most extensive evidence for the debt relief tradition throughout the ancient Near East. A comparative analysis of these texts points to an indirect relationship between them based upon a common theme, debt-slavery of the head of the household, and terminology, *andurārum* and *drr*. However, the substantial differences in content between the two texts suggest that there is no direct relationship between them.

In light of this analysis it is possible that the tradition of debt relief entered ancient Israel in some form at an early date and then was later re-emphasized during the late monarchic period under Neo-Assyrian influence. This possibility rests upon the debt relief tradition existing in Syro-Palestine under influence from Mari and the Hittites, as well as later under the Neo-Assyrian Empire. Internal evidence in Leviticus 25 also potentially points to an early rural situation for the origination of the Jubilee tradition.

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ABBREVIATIONS

LE   - The Laws of Eshnunna

LH   - The Laws of Hammurabi

Ed. A-s   - The Edict of Ammisaduqa

LU   - The Laws of Ur-Nammu

CHAPTER ONE: INTRODUCTION

For millennia, debt has created serious problems in societies for both states and households. For instance, loans were prevalent in ancient times and date back to the conflict between the city-states of Umma and Lagash during the Early-Dynastic period (Van De Mieroop 2002a:62-63). This war began over a dispute regarding agricultural land that both states claimed. Lagash believed that it had loaned the land to Umma in return for payments from the annual yields, which Umma had failed to pay over a forty-fifty year period (Van De Mieroop 2002a:63). In addition to state conflicts, the debts of individuals in the form of consumption loans were dangerous as default would cause the debtor to lose the collateral pledged, typically land, slaves, family members or their own freedom. The dangers of loans appear even in the satirical comments of the *Dialogue of Pessimism* when the slave says, "Making loans is like loving a woman; getting them back is like having children; they will eat your grain, curse you without ceasing, and deprive you of the interest on your grain" (Lambert 1960:149). These comments by the slave to his master hint at the social tension that arises when debtors fall into the danger of default and curse the creditor without ceasing. This tension is not surprising since individual debtors often fell into debt-slavery as a result of defaulting on their consumption debts.

Today is no exception to the prevalence and problem of debt. Coggan (2012:1) describes debt's prevalence as our need to "borrow for our education, for our consumer durables and for our houses. And as nations, we borrow money because the taxes we are willing to pay rarely match the public spending we wish to see." It is unsurprising then that in April of 2012, US government debt reached an unprecedented $15.7 trillion, which equates to over $50,000 per U.S. citizen (U.S. Treasury Department 2012). In that

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same month, US households owed over \$2.5 trillion of consumer debt (US Federal Reserve 2012). In Europe, concerns over the national debts of Spain and especially Greece have led to major political questions including Greece's inclusion in the Euro Zone and the use of austerity measures to combat their high debt levels.

But if we look back to the ancient Near East, a phenomenon appears that attempted to relieve the dangers of high levels of debt-slavery. The phenomenon of debt relief began early in Mesopotamian history in response to the social upheaval that widespread default on consumption loans would cause to a state. Enmetena, the ruler of Lagash, was the first to abolish personal debts. As the documentation and use of debt substantially grew during the Old Babylonian Period, especially personal debt in the form of consumption loans (Van de Mieroop 2002a:70), royal edicts remitting the consumption debts of the people and freeing those who had been enslaved due to default became more institutionalized. This phenomenon of debt relief formed a tradition of debt forgiveness that stretched throughout the ancient Near East, through ancient Israel and to the Neo-Assyrian period.

1.1 RESEARCH PROBLEM

Studies of this phenomenon of debt-relief often include a discussion of the comparison of both the Edict of Ammisaduqa (Ed. A-s) and the Jubilee Year in Lev 25. Thematically, these two texts both deal with debt relief for the head of the household who had fallen into debt-slavery. But is this comparison valid? Unfortunately many studies assume some form of connection and then move on to discuss their thematic correlation. Lemche (1979:11, 22) casts doubt on this connection and especially the view that the jubilee legislation was an early institution in ancient Israel. Lemche (1979:11,22) calls

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this thesis of a common institution as *circulus logicus vitiosus*, and concludes that "we can only stress the ideological resemblance between" them as "common characteristics of the ancient Near Eastern views on the duties of the kings."

On the other hand, a number of scholars such as Fager (1993:27), Chirichigno (1993:55, 85), Sweet (1986:579), and Weinfeld (1995:12) all view this tradition as having a heavy influence upon the biblical texts. Bergsma (2007:20) explicitly describes the *andurārum* and *mēšarum* proclamations as antecedents to the biblical jubilee. In actuality, the debate regarding this tradition revolves around the nature and strength of the connection. Lemche views the connection to be minimal while Bergsma sees a stronger connection. Furthermore, it would be naïve to dive into an analysis of the differences between Ed. A-s and the biblical Jubilee Year without first understanding the nature and strength of this connection. This connection reveals the essential character of how each phenomenon reacted to the broader tradition of debt relief. Understanding whether the biblical authors wrote polemically against the broader tradition, or consciously or subconsciously imitated it allows us to gain a better glimpse of the intentions, thoughts, beliefs and values of these ancient people (Walton 2006:27).

1.2 AIMS

The primary aim of this study is to improve our understanding of whether any historical connection exists between Ed. A-s and the biblical Jubilee Year and then if applicable, the nature and type of that historical connection. Finally, we will try to briefly understand how these two different societies sought to resolve the problem of debt slavery, in order to apply ancient ideas and insights to modern debt problems.

Malul (1990:2) describes the natural inclination of people to compare phenomena and objects, "in daily life, man creates and forms his concepts about reality by means of endless comparisons between phenomena, noting their similarities and their differences, often defining one by means of the other." This process of comparison allows us to better understand both texts in light of each other, as well as to gain insight into the seemingly universal problem of debt and its accompanying burdens. Yet if we do not first establish the possibility and nature of a historical connection any insights gained from a comparative study might not lend any more validity than a comparison of Egyptian and Mayan pyramids.

I hope to illustrate that an indirect historical connection exists between the two texts through a common tradition of ancient Near Eastern debt relief edicts. There is some possibility that this tradition was present in Palestine during the formation of ancient Israel. If so, it was possible that any early tradition of Israelite debt-relief was re-applied shortly before or during the exile under Neo-Assyrian influence as the economic situation changed leading to a rise in Israelite debt-slaves.

In light of this indirect connection the emphasis of Ed. A-s and Lev 25 can be compared and seem to have very different directions. On the one hand, Ed. A-s focuses on rectifying a specific social ill, namely burdens from consumption debt. To rectify this situation the palace intervenes, which reveals its emphasis. According to Olivier (1997:19) Ed. A-s was designed "to create upon the public sector the notion of royal favour and the prospects of a far better life than before." While the Edict directs the people towards the palace institution and the king, Leviticus directs the people toward their God, YHWH, and his rule over the land. Bergsma (2007:104-105) notes that the

proclamation of the jubilee on the Day of Purgation re-affirms and renews the rule of YHWH over Israel through this expression of his justice and righteousness.

1.3 METHOD AND HYPOTHESIS

The method to be followed is the comparative method, based on Malul (1990), to analyze the parallel phenomena of debt relief in the Old Babylonian period (Ed. A-s) and ancient Israel (Jubilee Year in Lev 25). Ed. A-s as translated by Olivier (1997) from the revised edition of Kraus (1958) will be compared with my translation of Lev 25. In addition, secondary sources will be utilized for the analysis along with information on the religious, political, economic and social institutions of the relevant periods and regions. Special emphasis will be paid to the economic institutions of the period and their function in relation to credit and debt. Further insights will be gleaned from developmental economics (Ray 1998), namely informal credit markets, which appear to reflect agrarian situations mirrored in the ancient Near East.

The hypothesis of this study is that within the tradition of debt-relief, there is no direct historical link between the two phenomena; rather any indirect connection follows a path from Mesopotamia to Israel either early through Mari and Syria or later through Neo-Assyrian practices or through both means. However, regardless of the path, the jubilee legislation in Lev 25 appears to have early tribal roots even if the terminology of *deror* was incorporated later in the Israelite tradition. Furthermore, I hope to illustrate that ideologically, ancient Israel sought to restructure society along theocratic lines, thereby relating the people directly to the divine; while, the Old Babylonian kings sought to alleviate a particular problem in order to legitimize and strengthen the royal palace.

1.4 CONTENTS

Chapter two discusses the comparative methodology in detail following Malul's method. The first part of the method searches for corroboration, or "looking for the existence of the right conditions for the creation of a historical connection between the two cultures under comparison" (Malul 1990:99). The second part seeks to test the two phenomena as to whether their similarities and differences are unique or coincidental. According to Malul (1990:93), the coincidence versus uniqueness test looks to identify if the phenomena are independent and parallel developments from the broader tradition and thus coincidental or if they are unique to their specific situations. The third part summarizes the findings and determines the nature of the historical connection.

Chapter three discusses the economic background of the ancient Near East. Special attention is given to the history of debt and collateral.

Chapter four begins the analysis of the background issues of the two cultures, which begins with the Old Babylonian economy and institutions: palace and temple. Special attention is given here to the use of loans and debt-slavery.

Chapter five discusses Old Babylonian jurisprudence, particularly law codes and royal edicts.

Chapter six is devoted to ancient Israel and its history, society and economy including its institutions and debt-slavery.

Chapter seven begins the section on the comparative analysis, which starts with texts, translated by Olivier and myself, with introductory notes.

Chapter eight performs the comparative analysis: the corroboration and the coincidence and uniqueness test.

Chapter nine summarizes the conclusions of this analysis and discusses what insights these ancient texts offer to our current situation.

CHAPTER TWO: THE NATURE OF THE COMPARATIVE APPROACH

The typological approach and the historical approach form the two general comparative methods. The historical approach views comparisons through "the assumption of a historical connection or a common tradition between the compared societies" (Malul 1990:13). The typological approach views comparisons through the "assumption of a universally underlying spiritual unity of man…wherever he may be" (Malul 1990:14). While Malul (1990:18) finds some heuristic value in the typological, Talmon (1991:383) concludes that this method conflates phenomena across different periods and regions in order to "provide the axiomatic basic likeness of men and their societies which serves as a philosophical launching pad" and "it completely loses sight of what makes cultures, societies and men ready objects for comparison." For the purpose of this study, we will follow the historical comparative approach.

The historical comparative approach developed as cuneiform began to be deciphered, particularly through the work of Rawlinson. Holloway (2002:17) describes Rawlinson's approach as using the Bible as the "chronological and historical benchmark for interpreting the historical texts from Mesopotamia" and after having done so "he would hammer away on the Bible/Assyria connection remorselessly." This early comparative approach placed ancient Near Eastern Studies in a position of subordination or subservience to Old Testament studies and set the tone for a hostile and contentious debate that would erupt in the early twentieth century.

2.1 COMPARATIVE STUDIES AND THE BABEL-BIBLE DEBATE

The contentious relationship between biblical studies, particularly Old Testament studies, and ancient Near Eastern studies began in 1902 at the German Oriental Society's annual meeting during the lecture of Delitzsch called 'Babel and Bible' where he reviewed the Hebrew Bible in relation to Mesopotamian literature (Larsen 1995:95-96). According to Larsen (1995:97), Delitzsch argued that "the newly discovered evidence from the Mesopotamian ruins provided a new, and in some respects a radically different background for an understanding of the Bible, and especially the Old Testament." Even though cuneiform had been deciphered one hundred years earlier and excavations of Mesopotamia had been going on for sixty years, ancient Near Eastern studies was still in its infancy and thus was often seen as 'auxiliary' to Old Testament studies but this lecture sparked a debate that split the two fields (Larsen 1995:96).

Delitzsch gave a series of three lectures, which became increasingly extreme (Larsen 1995:105). In his first lecture he argued that the Old Testament must be seen in its ancient Near Eastern context and he emphasized this context as the origin to the Old Testament's customs and ideas, which would allow scholars to remove the purely human conceptions from modern religion (Larsen 1995:99). According to Larsen (1995:100), Delitzsch's second lecture was organized around three themes: "the rejection of the 'inspired' nature of the Old Testament; a comparative discussion of the ethical systems of Israel and Babylonia; and a critique of the type of monotheism represented by Hebrew scripture." First, Delitzsch had moved from removing the human elements to now attacking "even the Hebrew prophets and claimed that they were irrelevant for Christianity" (Larsen 1995:101). Second, he view the Mesopotamian texts as having a

"purer system of ideas" and social life than that of the Old Testament (Larsen 1995:101). Third, he separated the view of God in Christianity as universal, but national in the Old Testament (Larsen 1995:101). According to Larsen (1995:103), Delitzsch was attacking Gunkel's view that the biblical text was morally and ethically superior to the Mesopotamian ones. Finkelstein (1991:360) describes this debate as "a sort of ethics contest, in which each side sought to prove the higher ethical content of its favorite." The debate sought to prove the moral worth of ethical polytheism versus ethical monotheism. In his third lecture, Delitzsch defended the Babylonian high moral standards but in this defense he bordered on anti-Semitism, which he vehemently denied (Larsen 1995:103).

Larsen (1995:105) places this debate firmly in the social and ideological controversy affecting German society at the turn of the 20th century. This is clearly seen when Larsen (1995:105) compares Delitzsch's desire to drive the Jewish influence out of Christianity to the scientific revolutions that removed faith out of geology, biology and archaeology. Assyriology continued to study the civilizations of the ancient Near East through the cuneiform and archaeological records but separated itself from the ideological fervor that culminated in the Nazi party (Larsen 1995:106).

In short, the Babel-Bible controversy highlights a number of important questions and distinctions for comparative research. First, what is the role of Assyriology and Old Testament studies? Second, what is the goal and proper method of a comparative analysis? Third, what are the dangers or pitfalls that can entrap scholars?

It should be plainly clear that while Assyriology and Old Testament studies are academic siblings, one should not be subservient to the other. Bottéro (1995:15,25) defends Assyriology based upon the idea that knowledge has worth, regardless of how

arcane or useless it might be because knowledge is what drives humanity. But he also takes a step further in that Assyriology is the study of human history and especially western thought, which can be traced through the Greeks back to Mesopotamian thought (Bottéro 1995:29).

In addition, Assyriology and Old Testament studies may also mutually enlighten each other. This mutual enlightenment is the goal of comparative studies. The Old Testament emerged out of an ancient Near Eastern cultural milieu and thus excluding it from the field would be to remove a major source from the historical record. Similarly, this comparative study must entail a method that remains faithful to its goal while seeking to understand the nature of this connection between the Hebrew Bible and its context.

Finally, this method must avoid the ideological irrationality that surrounded the Babel-Bible debate. While one cannot remove oneself from one's cultural milieu and its prevailing thought, understanding that bias should bring some humility and caution to the research process. This would include the biases of both faith and science as well as the anti-Semitism of Delitzsch's Germany. Similarly, the desire to prove the moral worth of the Mesopotamian polytheism versus the Hebrew monotheism or vice versa offers little to the knowledge of either field.

Talmon (1991:395) begins his discussion of the comparative study, showing the Babel-Bible debate in order to show how it derived from a fundament lack of methodological rigor. He states that "the crux of the matter lies in the method applied." Throughout the entire article, Talmon (1991:415) stresses the need for comparative scholars to develop "a set of rules which should serve biblical scholars as guidelines in their pursuit of comparative studies." Thus the Babel-Bible debate clearly shows that an

organized, consistent and measured approach is needed in order to effectively utilize the comparative method.

2.2 THE QUESTION OF HISTORICAL CONNECTION

According to Walton (2006:18), one of the early pioneers of a balanced, consistent and measured approach was Hallo. Hallo pioneered the contextual approach which sought to "silhouette the biblical text against its wider literary and cultural environment" (Walton 2006:18). According to Hallo (1977:2), the two sources could "fruitfully illuminate each other." The basics of his approach looked for the relationship between the two texts, such that:

> If A is the biblical text, or phenomenon, and B the Babylonian one, I am quite prepared to test the evidence for a whole spectrum of relationships, expressed "mathematically" not only by A = B but also by A ~ B or A < B or A > B and even A ≠ B. (Hallo 1977:2)

In Hallo's view both positive and negative comparisons are insightful and illuminating (Hallo 1977:2).

In this contextual approach the goal focuses on identifying the historical relation from parallel to distinctive. It avoids many of the pitfalls of "parallelomania or parallelophobia" (Chavalas 2002:43). This approach is followed by Walton (2006:18) as he lays out his principles of comparative study. However, Malul (1990:29) counters that this approach "is based on the pre-assumption of an historical connection between the Old Testament and the ancient Near East." This assumption needs to be analyzed as well. Thus while Hallo's and Walton's approach is helpful and informative in identifying the historical distinctiveness and similarities, it is not a complete method.

Comparative analysis must then begin in determining whether there is a possibility of a connection between two textual phenomena. Malul (1990) lays out his

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method in three steps: the corroboration, the test for coincidence versus uniqueness and then the nature and type of connection. It should be noted that Malul's second and third steps align with Hallo's contextual approach.

2.2.1 The Corroboration

The first step in determining what type of historical connection exists between two textual phenomena is identifying the possibility of a connection or corroboration. According to Malul (1990:99) corroboration is the possibility of proving the existence of the right conditions for the creation of a historical connection between the two cultures under comparison. Malul (1990:100) notes that the possibility of a connection between the Old Testament and the ancient Near East is stronger in the first millennium than in earlier periods. But he notes that this is based on "cumulative evidence" and not on specific cases and thus insufficient corroboration when actually studying two texts.

The determination of the possibility rests upon two obstacles that must be overcome: the time gap and the place gap. Malul (1990:100) points out that the time gap between the biblical text and extra-biblical evidence "constitutes for many an insurmountable obstacle blocking the acceptance of the assumption of connection." Smith (1969:34) particularly voices the difficulty of the time and place gap, since you are trying to compare evidence from the Iron Age with evidence from the Bronze Age.[1] Malul (1990:103-104) agrees that there needs to be some form of certainty that the later author was familiar with the earlier phenomenon in order to be influenced by it.

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[1] In Smith's view, when the Israelites entered and conquered the land they "assimilated some elements of the culture they had overrun, but reshaped these by their own standards and interests and combined them with new elements from the new world around" (Smith 1969:34-35). This assimilation views the internal biblical evidence of its early tribal roots as "dim outlines of bronze age legends." Malul (1990:105) views this evidence of early tribal roots as "supporting circumstantial evidence" but not "appropriate corroboration."

The time gap and the place gap questions whether phenomena can be linked across two different planes: one spatial the other temporal. For instance, Leemans (1960) questioned if Egypt and Babylonia had trade relations during the Old Babylonian period—a spatial question. Significant evidence exists for trade within Mesopotamia but Leemans (1960:36) argues that,

> There is no indication pointing to direct trade of Babylonia in the Old Babylonian period extending beyond Tilmun in the south and Syria in the north-west, and there is also no indication that any Egyptian articles came to Babylonia by means of transit trade or that Babylonian articles went to Egypt.

Thus in this case, there would be no corroboration between phenomena in Egypt or Babylonia during this period due to the lack of trade and political contact.

The time and place gap would be easily overcome if there were extant copies of the Mesopotamian texts in question found in ancient Israel alongside Israelite archaeological artifacts from the same period. According to Malul (1990:108, 110) this type of evidence is not "what one may reasonably expect from the cultural remains of the ancient world," rather the best evidence would be "to find clear external evidence attesting to the actual cultural contacts between the ancient Near East and Canaan already in the Bronze Age." One example of this type of evidence is the "Lawsuit of Hazor" which reveals Akkadian influence from the Old Babylonian period (Hallo & Tadmor 1977:10). Another example would be in the Amarna period, where the rulers of the great powers of the period, Babylonia, Egypt, Hatti, Mitanni and Assyria, used certain cultural conventions to send political messages, such as demanding a certain bride price or in negotiating for Egyptian gold (Westbrook 2000:378, 382).

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But we must also make a distinction between general and specific evidence. Malul (1990:109) agrees that "generally speaking, there is enough evidence for the possibility of actual cultural contacts between Canaan and the surrounding world of the Bronze Age." This includes the internal Biblical evidence. However, Malul (1990:110) views that specific evidence such as that of the Lawsuit of Hazor, "which points to the existence in Canaan of a legal tradition similar to the Babylonian model," is needed to prove the appropriate corroboration for the comparative method.

There is one more distinction to make for the appropriate use of the comparative method. Malul (1990:111) cautions "not to confuse corroboration for the possibility of connection with the proof of the existence of connection." Corroboration then sets the groundwork in which to begin the comparative analysis as it gauges the possibility of bridging the time and space gap.

2.2.2 The Coincidence Versus Uniqueness Test

Once the corroboration of the possibility of connection has been determined, the texts can be analyzed as to whether they are dependent or independent of each other. Malul (1990:93) states this next step as asking,

> Are the similarities and/or differences discovered between the sources/phenomena the result of parallel developments, independent of each other and, therefore, coincidental, or do they point to an original phenomenon unique to the sources under comparison?

If the data points in the direction that they are parallel and independent they are coincidental and thus not historically connected. However, if the data points to a unique phenomenon then they are historically connected. Malul (1990:94-96) illustrates this through Tigay's analysis of the flood stories of the world. The coincidental parts are those similarities that are "an essential element in any story about a flood" (Malul

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1990:95). But it is those elements unique to the Babylonian and Hebrew texts, which are "unexpected" and "not attested in other flood stories," that show the historical connection (Malul 1990:95).[2]

The coincidence versus uniqueness tests includes a number of essential features and determinations that must be made for a comparative study. These features including determining a) the genre of the texts, b) common principles used, c) any deviations from the common principles, d) terminology and formulation, e) idealistic or practical solutions, and f) textual patterns including grammar, form, rationale, differences and adaptations. Malul (1990:139) points out that the first three points have analyzed the content of the texts while the remaining three focus on their formal aspects. While there is some debate regarding the primacy of a text's formal aspects versus its content (Malul 1990:139), a thorough analysis of these features should paint an accurate picture of the existence or non-existence of any historical connection.

2.2.2.1 Genre

The first step in comparing texts is the issue of genre; in other words, are you comparing incomparables? Parker (1997:6) explains a general axiom in comparative studies that "the less like the things being compared, the less valuable the comparison." Similarly, Walton (2006:27) states that different genres minimize the significance between the texts. Thus genre theory lies at the heart of comparative analysis.

Traditional form criticism, as defined by Gunkel, looked to isolate and define forms and genres. Buss (1974:1) describes form criticism "as the study of patterns of speech in relation to their roles in human life." For Buss (1974:2) a form is meant in a

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[2] Malul (1990:97) points out that it is only after the corroboration of the possibility of connection has been determined that the coincidence versus uniqueness test is fruitful.

broad sense as a pattern including normal cause and effect. Out of these patterns and forms genres are identified based on specific criteria. According to Longman (1985:49) form criticism has four beliefs regarding genres: first, that genres were pure; second, that they could be identified through mood and thought, linguistic forms and *Sitz im Leben* (social setting); third, that form criticism was applied to literature that originally was oral; and finally, that each genre had only one social setting. Basic to form criticism is the belief that conventions exist, convey meaning and are "not completely irrational" (Buss 1974:2). According to Buss (1974:3) these conventions or genres form subconsciously based on human experience; thus "a major part of form criticism is then the elucidation of genres and thus the clarification of different aspects of human life."

However, traditional form criticism's view of genre is incomplete. Sparks (2005:6) classifies Gunkel's view as generic realism, with inflexible genres. On the other hand, generic nominalism views genre as basically taxonomic, with flexible and partially arbitrary literary genres (Sparks 2005:6). According to Sparks (2005:7) "generic nominalism reminds us that there are many other criteria that may be useful for classifying texts," and thus "it also invites us to consider several different genres with respect to a single text." So are they fixed or are they flexible? Longman (1985:57) proposes that;

> Genre exists at all levels of generality and that the make-up and nature of a particular genre depends on the viewpoint which the research adopts. In other words, it is possible to speak of a broad genre of many texts which have few traits in common, or of a narrow genre of as few as two texts which are identical in many ways.

This is a fluid theory of genre, where genres are flexible and not fixed or rigid.

In order to classify texts, three major approaches can be used: historical, deductive, and inductive. The historical approach looks at how the texts were originally grouped and labeled by its authors (Longman 1985:58). According to Longman (1985:59) the deductive approach formulates a "complex modal grid which is then imposed on the text." The inductive approach looks at the interaction of the texts themselves. Longman (1985:59) describes this approach as:

> In brief, the whole (genre) can only be understood through the whole. This is a version of the hermeneutical circle, which states that the meaning of a text can only be comprehended from the individual words, phrases and sentences which constitute it; conversely, however, the individual elements of the text can only be grasped through a knowledge of the whole. In short, genres can be elucidated only from the texts themselves.

The fluid classification that utilizes the inductive method allows a variety of texts to inform each other giving the broadest picture available which can then be narrowed for a better comparison.

As mentioned earlier, Gunkel classified genres based on: a) thoughts and moods, b) linguistic form, and c) connection with life (Buss 1974:1). But Longman (1985:59-60) points out that there are "other traditions of literary typing" such as motif and theme, and historical associations. The generic approach utilizes every similarity between the texts as evidence for classification (Longman 1985:60). Sparks (2005:12ff) summarizes these criteria as: a) content and theme, b) language, c) context (*Sitz im Leben*), d) function, e) form and structure, f) the material attributes of texts, g) mode of composition and reception, and h) genre and tradition. Content and theme looks first at the content of the texts to compare, such as genealogy and king lists (Sparks 2005:13). Language looks at the linguistic and stylistic features evident in the texts (Sparks 2005:13). Context views verbal discourse as meaningful "only with reference to a context that makes it

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intelligible" but it also deviates from Gunkel's view of only one setting as "different settings could produce similar generic forms" (Sparks 2005:14). Function looks at how the texts function in their setting since "different texts can serve quite similar functions" just as "very similar texts can serve profoundly different functions" (Sparks 2005:15). Form and structure, referring to a text's structure and format, looks at the formal layout of a text to view generic conventions; these include: meter, versification, spacing, column arrangement, separating lines, and discourse patterns and order (Sparks 2005:16). The material attributes of texts looks at the archaeological objects on which the texts are inscribed such as the Stele of Hammurabi or clay tablets (Sparks 2005:17). The mode of composition and reception analyzes "modality, the controlling thoughts, purposes, and processes that regulate the text's composition by the author and its reception by readers or hearers" (Sparks 2005:17). Genre and tradition analyzes the modifications the writers made in reference to a text's tradition (Sparks 2005:19). Unfortunately, "it is not always easy to identify revisions because revisers tended to follow the generic patterns of the edited work" (Sparks 2005:20). In utilizing these criteria the genre of a text should become in focus. But a broad spectrum of texts may be compared based upon any of the criteria of generic theory due to the fluidity of genre.

2.2.2.2 Common Principles

After analyzing the genre and determining if the phenomena are comparable, an analysis should be performed on the common principles, topics and themes within the texts. Features that are common might be evidence of a "historic stream" or tradition that would prove insightful for determining historical connection. For instance, Malul (1990:130) notes that the Laws of Hammurabi, and the biblical laws both viewed the

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owner of the ox that gored free of liability unless the ox was a habitual gorer. According to Malul (1990:131) the question surrounding a common principle is "whether this principle has been hit upon independently by each law system." Malul (1990:131) concludes that "if the principle is unique to our 'historic stream' then the conclusion would be that there is some historical connection between the sources sharing the same principle." For the case of the ox that gored, the similarity is unique to these particular instances and thus provides evidence of a historical connection.

2.2.2.3 Deviations

How and where deviations occur in the texts offer important insights for comparative research. But it should be noted that deviations may indicate either coincidence or uniqueness depending upon the particulars. First, deviations could indicate coincidence and independent tradition. But deviations could also indicate a type of polemic, rejection of view, caricature, or a rival view (Walton 2006:27). Walton (2006:27) also recognizes that borrowed elements "may in turn be transformed into something quite different by those who borrowed them." Yet according to Malul (1990:133) deviations can also fit within the broader ancient Near Eastern picture, thus being parallel views and historically connected. Thus deviations must be carefully analyzed to determine the nature of the difference whether it is based on influence or not.

2.2.2.4 Terminology and Formulation

In addition to content, terminology and formulation must be analyzed for similarities and differences. Major terms that prove to be cognates might provide evidence of either direct borrowing or mutual influence and specific evidence of the broader tradition. Analyzing the development in meaning and function of major

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terminology can give the broadest evidence in adaptation of the wider tradition. Similarly, structural elements such as chiasm or other poetic features could also indicate connection.

2.2.2.5 Idealistic or Practical Solutions

Whether the content provides solutions that are idealistic or practical adds further depth into any historical connection. According to Malul (1990:138) idealistic and impractical solutions "not attested in any other place and having no significance in reality, but only on the literary level, clearly proves that the similarity between the two sources harboring this unique solution is not a matter of coincidence." On the other hand, two practical solutions may have developed independent of each other.

2.2.2.6 Grammatical Patterns[3]

Malul (1990:140) looked at grammatical patterns in the text to determine if they were formal or etymological patterns. According to Malul (1990:140),

> The suggested test is the following: if it is possible to explain this difference (or any other difference) in the light of the general trend in the immediate or wider context, it would then be possible to argue that the difference is intentional, thus eliminating the factor of change and, of course, substantiating the assumption of connection.

Using this type of analysis can provide specific knowledge of borrowing and influence.

These six criteria encompass analyzing the content and formal aspects of the texts and they should provide ample information in which to make a designation of the nature and type of connection, if applicable.

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[3] The use of grammatical patterns requires knowledge of the original languages used in the texts. The Edict of Ammisaduqa and Leviticus 25 were written in Akkadian and Hebrew, respectively. Due to the fact that I have only studied Hebrew and not Akkadian, I will not be able to perform an analysis based upon this criterion in my thesis.

2.2.3 The Nature and Types of Connection

The comparative approach culminates in the determination of the nature and type of historical connection between two texts. The nature of connection looks at whether one party borrowed directly from a written source or if the similarities emerged from common experience of life at that time and place. According to Malul (1990:87), "the question would be whether the author borrowed the said phenomenon from some literary source or any other written social, legal or religious tradition with which he was familiar, or whether he was immersed in the life of the ancient Near Eastern culture, was influenced by it, and incorporated part of his experience into his work—the Old Testament." However, Malul (1990:88) also concedes that there is a lack of information regarding the distinction between the written and reality levels since our knowledge of the reality level is partly derived from the written record and partly from the archaeological record.

Malul (1990:89-91) distinguishes the types of connection in four ways: direct, mediated, common source or common tradition. A direct connection derives from a direct dependence and borrowing from one source to another. A mediated connection derives from one source to another through a third source. Malul (1990:90) describes this mathematically as: source B borrows from source C that borrowed directly from source A.[4] A common source differs from a mediated connection in that sources B and C both borrowed from A which is unavailable. A common tradition takes a common source one step further to a common tradition (such as literary, religious, legal historiographic, etc.). Unfortunately, Malul (1990:91) notes that "in most cases one can determine only the existence of a connection, without being able to determine its direction, nature or type."

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[4] Malul (1990:90-91) notes that source C could be multiple texts.

Walton (2006:27) expands this list of connections, incorporating both the nature and type into one spectrum from differences to similarities:

1. Totally ignores and presents different view
2. Hazy familiarity leading to caricature and ridicule
3. Accurate knowledge resulting in rejection
4. Disagreement resulting in polemics, debate or contention
5. Awareness leading to adaptation or transformation
6. Conscious imitation or borrowing
7. Subconscious shared heritage

This spectrum describes the possible historical connections available with reference to authorial intent.

2.4 THE QUESTION OF HISTORICAL DISTINCTIVENESS

The historical comparative method, described above, does not necessarily end with a proposal of the nature and type of historical connection but can be taken a step further to the look into the historical distinctiveness of each culture. During the Babel-Bible debate the discussion of distinctiveness, particularly that of Israel and the Old Testament, focused on its superior moral worth against Mesopotamian ideals. However, that particular aim does little to value either cultural heritage. On the other hand, our aim is to view the distinctiveness of both cultures, without prejudice.

The distinctiveness of a society's culture could refer to how the culture testified about itself against neighboring cultures - as a form of "counter identity" (Machinist 1991:434). In a sense, this is a type of polemical response to the wider cultural context in which a society exists.[5] However, every culture will formulate a uniqueness or distinctive

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[5] Machinist (1991:426-427) notes that the question of historical distinctiveness in relation to Israel and the Old Testament, "is not the actual uniqueness of Israel's questioning. It is instead: how can the ways in which the question was framed and answered in the Bible help us, as outsiders, to understand the shape of Israelite culture as a whole." The aim thus is "not to seek out the differences as to understand, whether different or not, what the culture of Israel was" (Machinist 1991:427). Unfortunately, gaining this insight into Israel's society and culture is more complicated than one would initially hope. According to Machinist (1991:427), the Old Testament was written over a long period of history by "socially important individuals

character about themselves (Machinist 1991:425). Our aim here is to look at the distinctive character that the both the Old Babylonians and the ancient Israelites took to dealing with the problem of debt and debt-slavery, in order to gain insights into how to deal with modern debt problems.

2.5 MODERN INSIGHTS

The end goal of our study centers on connecting the past with the present in order to understand where humanity has been and where humanity is going. Once we gain an understanding of the past and how societies dealt with problems, we should be able to understand our modern problem better - even if it is to avoid past mistakes.

One objection to bringing past events and solutions into the present is that their views usually do not coincide with our views on politics and justice. This objection points to the fact that liberal political theory focuses on removing moral and religious controversies from politics and justice (Sandel 2009:243). Both the Old Babylonian and Old Testament constructions of debt relief focus on cultivating virtue; specifically, devotion and allegiance to king or deity; which is antithetical to the liberal political theory. But according to Sandel (2009:243), the ambition of removing virtue arguments from political discourse cannot succeed. In fact this is evident in Graeber's (2011:390) appeal to the use of "some kind of Biblical-style Jubilee" against economic utilitarianism. Second, it is perhaps these insights that our modern societies need most, in order to critique and analyze our problems as they would be those most divergent and different

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and groups" and "behind them stood oral traditions and written texts representing a range of different social, chronological, and geographical groups in ancient Israel." Thus "the canonical organizers' views of what should be normative in Israelite society" is most recoverable from the biblical text (Machinist 1991:427).

from our own. Thus using history's insights into debt problems would be most helpful to frame and to critique our own thoughts and views.

2.6 SUMMARY OF METHOD AND APPROACH

The historical comparative method begins with analyzing the possibility of a historical connection, called corroboration, between the Ed. A-s and the Jubilee Year in Lev 25. Once establishing this possibility, testing for either uniqueness or coincidence will provide insights into the nature and type of any historical connection, including the lack of any historical connection. Once this determination has been made, we will briefly analyze the cultural distinctiveness of both formulations of debt-relief, in order to critique and evaluate the modern problem with debt.

CHAPTER THREE: HISTORICAL AND ECONOMIC BACKGROUND OF THE ANCIENT NEAR EAST

3.1 ECONOMIC BACKGROUND

In order to understand the economic structure of the ancient Near East and thus the context of debt-slavery, the major issues in the economic study of Mesopotamia must be identified. These issues include a discussion of the economic approaches, the household formula and the function of informal credit markets. These issues lay the groundwork for concepts utilized throughout this thesis!.

3.1.1 Economic Approaches

Two opposing models exist to study the economic history of the ancient Near East: the substantivist and the formalist. North and Silver proposed that the cost of doing business, called transaction cost, "provides a useful framework for comparing ancient and modern economies (Silver 1983:795). According to Silver (1995:xxvi),

> Relatively high costs of communication would have operated to reduce one's control over trading partners, agents and employees while increasing the danger of monopolistic exploitation (reducing production to raise prices and profits). Similarly, the technological level of ancient society probably operated to raise the relative cost of defining and enforcing claims to property ownership. Clearly these costs discourage division of labor and encouraged self-sufficiency and storage.

The essence of this formalist position takes modern neo-classical economic theory and applies it directly to the ancient Near Eastern data. For instance, Silver (1995:7) interprets the gods as means of economic growth. He states, "the magical/holy component associated with new technologies served (like modern patent laws) to reserve them and their economic gains for the innovator and, thereby, encouraged profit-seeking individuals to invest in intellectual capital and consequently to benefit society at large"

(Silver 1995:7). Thus the formalist position assumes individuals in ancient societies engaged in profit-seeking commercial activities.

Contrary to the formalist position, Polanyi (1977:9) rejects the view that "the marketing mind" and "economistic thinking" existed throughout all of human history.[6] For Polanyi this idea is an error and illusion. He states, "The fallacy itself is patent: the physical aspect of man's needs is part of the human condition; no society can exist that does not possess some kind of substantive economy" (Polanyi 1977:10). Polanyi and other substantivists view "the market" as a "new phenomenon, never witnessed before" (Polanyi 1977:10). Goddeeris (2002:312) explains that in the substantivist view "commercial and related motives are strictly not allowed." According to Goddeeris (2002:312), in the place of profit-seeking, substantivists reduce any private enterprise as substance production while the large institutions, palace and temple, engaged in activities to redistribute to their dependents and to increase their prestige.

The basic question in this debate is whether modern economic theories can explain ancient economic activities and motives. But the major problem with the formalist position revolves around their failure to understand the society and culture of the ancient Near East. Robertson (1993:437) describes Silver's approach as "frequently much too unsystematic" and "at times verging on the naïve." Robertson (1993:439) concludes that "much of what Silver has attempted in his analysis revolves around his overweening need to translate the apparent realities of ancient Near Eastern economic systems into terms and concepts amenable to modern, formal economic theory and, particularly, to market orientations and profit motives." But Robertson (1993:439) also

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[6] "The marketing mind" and "the economistic thinking" refer to the supply-demand-price mechanism as a means to determine justice - referred to as utilitarianism or libertarianism.

critiques Silver as being "essentially ahistorical and acultural; questions of mentality, ideology and the like have no bearing on the study of economy, ancient or modern." Thus the formalist method appears to apply economic theory with ancient data without first understanding the cultures and societies.[7]

While the substantivists accurately critique the formalist position for being ahistorical and acultural, their position might not be as sound as they claim. According to Goddeeris (2002:313), since the concepts of economic growth and investment changed during the industrial revolution, a full rejection of commercial motives in pre-industrial societies, including Mesopotamian societies, goes too far. Van De Mieroop (1999:12) agrees; he states:

> An entire set of 'modern' economic values and motivations can be demonstrated to have been present in ancient Mesopotamia: a desire for profit, the maximal use of economic resources, and a price-setting market economy including a labour market. There are many empirical data that points to the existence of these economic factors; loan documents, bills of sale, hiring contracts, etc.

Goddeeris (2002:313) uses the loan archives to show "an accumulation of wealth in the hands of the creditor, who reinvests this stock for the further growth of his capital (e.g. the archive of Šumšunu-watar, son of Gubbani.du and the archive of Sîn-iddinam, son of Salia)." Thus a type of middle-ground approach is needed to fully understand the economic systems of the ancient Near East.

This middle-ground approach seeks to first understand the cultures of the ancient Near East including environmental and social factors, including religion and ideology.

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[7] It appears that economists such as Silver reacted against the substantivist position that no profit-seeking existed in the ancient world. Silver's 1984 article directly challenges Polanyi's position of the economistic fallacy and the lack of profit-seeking-price mechanism in the ancient world. It is possible that to a neo-classical economist, the existence of a state controlled economy without any market mechanism in ancient history would be inconceivable.

Since the cultures are in flux throughout their history, information across periods and regions must be accounted separately rather than conflated into one historical snapshot. Once, these cultures have been understood on their own terms, insights from economics can be used to gain a deeper understanding.

The major question regarding this middle-ground approach is whether these "capitalistic" features played a peripheral or major role in the ancient Mesopotamian economy (Van De Mieroop 1999:14). Unfortunately, Van De Mieroop (1999:14-15) concedes that we are unable to determine the relative importance of the capitalistic features and that our theoretical stance governs our position on how to best use the data available. Therefore, it seems prudent to use all the available tools and to limit discounting any data, which is so rare when studying ancient periods.

3.1.2 Informal Credit Markets

One of the problems with the formalist position is that they took an *a priori* position assuming that the ancient economies functioned like modern formal economies. However, it is possible that the study of development economics can offer insights into the issues and situations of the ancient economies. Development economics "studies the economic transformation of developing countries" (Ray 1998:xv). While there are many aspects of this field that are not applicable to ancient Near Eastern studies, the study of informal rural credit markets has a number of similarities with the Old Babylonian credit system.

Credit markets can be formal or informal. The formal credit market does not typically maintain personal relationships with its borrowers, rather banks use official information from government agencies and commercial institutions, such as credit

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agencies, to determine whether to lend to a client.[8] Default by the borrower incurs

reposition of the asset, loss of collateral and the cutting off of access to future credit; all

which form the banks' major tool in prompting repayment of the debt. However, the poor

do not have access to acceptable forms of collateral and they are often unable to provide

to the institutions the information required to borrow in the formal sector. The largest

hurdle is that the enforcement mechanism often has little power over the poor. The

collateral that the poor can offer, such as labor or a small plot of land, are often

unacceptable to institutions (Ray 1998:534). There is nothing stopping one from taking a

loan and then using the money on consumption such as basic necessities or wedding

expenses. According to Ray (1998:533), this creates a situation where "banks

discriminate against poor borrowers."

However, informal lenders may be willing to accept the collateral that the poor

have to offer, may have the information on the credit worthiness of the borrower, and

may have enforcement mechanisms that affect their behavior. For instance, a large land

owner may accept a farmer's small plot of land that is adjacent to his own or a portion of

the farmer's harvest as collateral (Ray 1998:536). Similarly, the same land owner may be

willing to accept labor as collateral for a medical consumption loan. It is also possible

that the informal lender is seeking to gain the collateral, namely the small field or labor,

cheaply through a default (Ray 1998:536). In addition to these exotic forms of collateral,

the informal lender may have information on the borrower's activities and characteristics

that a formal institution may not (Ray 1998:537). In a traditional village community the

informal lender, typically wealthy and influential, will be able to apply social and

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[8] Personal relationships may play a role in some settings, however, in all situations the credit-worthiness and viability of the loan determines the success of the prospective borrower.

economic pressure on the borrower to repay the loan. Similarly they may be able to insist that borrowers use them exclusively as lenders (Ray 1998:543).[9]

Informal lending often occurs between parties who have other business dealings—called interlinked transactions (Ray 1998:561). These transactions center on a typical business arrangement, such as tenant-landlord or farmer-trader (Ray 1998:561). For instance, a landlord may lend to his tenant using his tenancy as collateral or a trader may lend to a farmer on the basis of the purchase of the next harvest (Ray 1998:561). To the lender, these transactions provide the two essential aspects of the credit agreement: information and enforcement. The landlord would have access to the character and activities of the tenant as well as holding enforcement options unique to their arrangement and thus prevent voluntary or strategic default (Ray 1998:564). Ray (1998:565) describes these relationships as "a single carrot used as two sticks" since they often can ensure the appropriate amount of effort as well as a means to ensure repayment. For instance, a landlord can rent to a tenant so that the tenancy will be revoked if either the loan is not repaid or the defined minimum output is not met (Ray 1998:565). Similarly, a large farmer, who hires seasonal workers, may be willing to lend to a seasonal laborer who needs to borrow in order to survive in the off-season. According to Ray (1998:568), this large farmer could then lower the wages paid during the harvest season, receive the same amount of interest and receive more value from his loan.

Similar to the informal credit sector, the ancient Near Eastern credit systems used exotic forms of collateral: small plots of land and labor but also individuals. A default in

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[9] Exclusivity in the informal market stems from two factors. First, the borrower's ability to repay a loan would decrease significantly with the ability to take on additional debt from other lenders - a form of involuntary default. Second, there would be little stopping a poor family from borrowing as much as possible from different lenders and then simply leave the area - also known as voluntary default. (Ray 1998:543)

the ancient Near East could mean slavery for a child, spouse or the head of the household or the transfer of the ownership of a slave. Loans could arise as either labor-based or output-based interlinked transactions between officials and merchants with the independent farmer/shepherd, and the large landowner with the tenant/laborer. It appears that interlinked transactions emerged organically out of the natural relationships of the ancient Near Eastern society, just as they arise organically in a rural agrarian society today.

While caution must be used in making these connections, overall I find that the terminology and basic concepts are helpful in identifying the activities and relationships in the ancient Near East. More analysis and research needs to be done, most importantly a strong and balanced methodology. But unfortunately, space and time do not allow for such a study at this point.

3.1.3 Household Formula

Snell (1997:154) offers a basic model on the institutions of production in any society: the household and the market. The household is a group of persons who function as a social and sometimes as a producing unit, and who have a nonmonetary and noneconomic relation to each other (Snell 1997:155). While the household does not function as a series of transactions of goods and services, the market does function in this manner (Snell 1997:155).

According to Snell (1997:155) the interaction between the market and the household has varied throughout history. This interaction depends upon how the household functions in the market. For instance, full integration of the household and the market exists where the members of the household enter the workforce (labor market) to

receive an income in order to buy the goods and services they need and want from the market. On the other hand, the household could produce all of its necessities without any interaction with a market, a situation which Snell (1997:155) describes as "relative self-sufficiency." With minimal interaction, the household produces only the basic necessities for survival. Snell (1997:158) notes that there are no pure situations, where households completely abandoned markets or where they used them for everything. In addition, the level of interactions can fluctuate as they can breakdown or be built up depending on social, political and environmental factors. With this framework in mind, Snell (1997:157) proposes that,

> Economies are best understood as collections of individual households in which members are sustained socially and economically with little regard to their abilities to produce. The ways those households interact are markets, networks of knowledge about what is available and at what cost. Both the household and the market have existed as far back as we can see, but the household was more stable, and the ways in which households interacted changed constantly.

In summary, the need for households to interact creates the markets in which they participate. Social, political and environmental factors provide the impetus for change within household interaction. This model provides a helpful framework in which to analyze the economic life of a particular society and culture.

3.1.4 Summary and a Picture of the Economic Order in the Ancient Near East

What is an economy? How does it function? How do individuals acquire what they need to live? These are some of the basic questions in understanding a culture's economic life. Van De Mieroop (1999:7) notes that "the basic economic structure of Mesopotamia remained the same throughout history: it was a pre-industrial society based on an agricultural economy." Yet this economic structure was not static but transformed

based upon social, political, religious and environmental factors (Van De Meiroop 1999:8).

3.1.4.1 Agriculture

The economic order developed around agriculture and society, particularly the city. This interaction developed organically and set the basic form of ancient Near Eastern economy, society and culture. First, the ancient Near East first developed agriculture with the domestication of plants and animals (Postgate 1992:157). Second, the rise of cities produced an urban-rural divide where agriculture moved away from the subsistence pattern to support the needs and demands of the urban centers (Postgate 1992:157). Third, the urban needs pushed the agricultural community to maximize production through intensification, "maximizing existing agronomic regime," and expansion, "expanding the amount of cultivated land" (Postgate 1992:157). Fourth, we see the development and use of different forms of money with which households and institutions utilized to acquire goods and services.

The basics of sedentary agriculture appear to have been developed in north Mesopotamia and then moved south into the marshes of southern Iraq (Postgate 1992:158). The land in south Mesopotamia receives little and sporadic rainfall, making agriculture near impossible without a developed irrigation strategy (Postgate 1992:14). According to Postgate (1992:14) "whenever south Mesopotamia has fostered a flourishing society this has been centred round an efficient agricultural regime, dependent on the controlled exploitation of the rivers." This irrigation system allowed the southern farmers to cultivate cereal crops, along with legumes - such as lentils and flax (Postgate

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1992:158). Vegetables were grown in separate plots, typically under date palms and fruit trees (Postgate 1992:158).

Animal husbandry, typically sheep, goats, pigs and cattle, was utilized for function as well as food stuff (Postgate 1992:158). Most important were sheep, utilized for their wool and milk production, but less so as a supply of meat (Postgate 1992:158). Goats were often herded with sheep and provided milk and hair for textiles. Sheep and goats could also graze on the outer fringes of the cultivated land, in the fallow fields, and also in the fields themselves where they could fertilize the fields as they grazed (Postgate 1992:159). Cattle provided a supply of labor, such as ploughing and seeding, but were also utilized for milk production and making leather (Postgate 1992:158,163). Families only kept a few, due to the larger grazing requirements of cattle herds over sheep (Postgate 1992:164). Donkeys were also kept as draught animals used for pulling ploughs and carts (Postgate 1992:166). Pigs were kept as a source of fat but we do not know the particular reason (Postgate 1992:158,166). One of the draws and benefits of husbandry was the opportunity to acquire and grow wealth and social standing in the community. According to Postgate (1992:158-159) "animal husbandry often represented the farmer's best opportunity to build up capital, and the size of the individual herds may well have varied widely between members of the same community."

Agriculture and husbandry provided the basis of life in ancient Mesopotamia. They provided necessities of life: food, textiles, labor and transportation as well as a means of gaining wealth and social status. The households formed the basis of the economic unit and dominated early village life. However, with the rise of cities the self-sufficiency of the individual household changed to a greater need for interdependence.

3.1.4.2 The City

The first city, Uruk, appeared during the late fourth millennium and dominated the entire region to become a regional center (Van De Mieroop 2007:23). The agriculture was irrigation based and dependent on the waters of the Euphrates, which provided reliable water to cultivate cereals and orchards as well as watered grazing lands (Van De Mieroop 2007:23). Situated near the marshes, Uruk's location provided fish, fowl and water buffalo herds (Van De Mieroop 2007:23). The sheer variety of agricultural areas, along with technological developments such as the seed-plow, encouraged labor specialization such as fishermen, farmers, gardeners, hunters and herdsmen (Van De Mieroop 2007:23). However, accompanying labor specialization was the development of a social and political structure that encouraged and facilitated this trend. Yet eighty percent of the population still consisted of peasants who lived in the countryside and thus worked in agriculture and animal husbandry (Liverani 1996:2). A small minority developed non-agricultural skills becoming craftsmen or administrators in the city's political structure. The craftsmen led to new works of art and building structures, while the administrators dealt with organizing the exchange of goods between households no longer self-sufficient (Van De Mieroop 2007:24). The administrators developed a writing system, cuneiform[10], to record and manage the city's economic resources. According to Kuhrt (1995:25) "the appearance of writing, the elaborate buildings, the use of imported materials, sophisticated art-works and the population increase reflected in the size of

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[10] Cuneiform started as a pictographic script that initially represented the object and later developed into a writing system and later the Akkadian language. Bottéro (1992:90, 97) notes that the ideograph became so intertwined with the object that to confer a name was to exist. According to Bottéro (1992:99) "pictography was not a script of words, because it did not recognize any phonetism, but a script of things."

settlements, all signal the emergence of substantial urban communities with developed socio-economic structures."

At the center of this new city was the temple that functioned to knit the households together. According to Postgate (1995:396) "the temple was the ideological focus of the city-state, and participation in the worship of the god was a statement of membership of that community." As the center, the community systematically gave food and drink daily to the temple, which supported the temple's staff and activities (Postgate 1995:396). The excess of the goods collected by the temple administrators were redistributed back to the people (Van De Mieroop 2007:24, 26). Laborers dependent on the temple received food rations of barley, oil and cloth (Van De Mieroop 2007:27). The heavy use of the beveled-rim bowl during this period possibly reflects its use as a means of standardizing daily rations to these dependent households (Snell 1997:19).

At the top of the temple hierarchy was the priest-king. The relationship between the people and the priest-king was complex. The ruler had to be accepted by the people and his rule could end through a revolt (Postgate 1995:397). But the rulers often sought legitimization through claims of primogeniture, seen later in the Sumerian Kinglist[11] (Postgate 1995:397). The ruler also acted as a representative of the god for the people and thus took responsibility to care for the people and the temple - the house of the god (Postgate 1995:397).[12] In fulfilling his obligations to care for the temple, the ruler gained the favor of the gods and ensured the community's prosperity without which the

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[11] The Sumerian Kinglist deals with the Early Dynastic period not the Ubaid period. However it does reflect the importance of primogeniture to the legitimization of a particular ruler. Central to its view was that only one divinely legitimate ruler exists at a time, which rotated between specific cities: Ur, Uruk, Kish, Awan, Hamazi and Mari (Van De Mieroop 2007:43). The text presents itself as the tradition of Mesopotamian kingship from the first king to Isin and may reflect a tradition that was in some form active during the Ubaid period.

[12] Postgate (1995:397) notes that "there may well lie a divinatory procedure that confirms (rather than proposes) an individual as ruler."

community could face famine and war along with their devastating consequences (Postgate 1995:397-398). According to Van De Mieroop (1999:42), "when a city and its god were in harmony; its inhabitants prospered and were happy."

Thus at the center of the city was the temple with its religious ideology knitting the community together and providing for their needs: sometimes physical but always religious. But this early ideology became the first iteration of a pattern that would echo throughout Mesopotamian history. According to Charpin (1995:808) "this ideology of a golden age, totally alien to the notion of progress, pervades the Mesopotamian mentality: everything must tend to restore an ideal, primitive order that has deteriorated."

This early city began to influence regions outside of southern Mesopotamia, in a process called the Uruk expansion. The Uruk people moved into new regions, setting up enclaves in these existing communities and introducing new innovations such as monumental architecture (Van De Mieroop 2007:37). The use of the beveled-rim bowl also expanded to the north Syrian coast (Van De Mieroop 2007:38), possibly indicating the emergence of an administrative structure there. But this expansion did not last. The communities that had adopted Uruk practices reverted to their native ones and at Uruk itself the entire area was leveled including the monumental buildings (Van De Mieroop 2007:39).

While the Uruk phenomenon ended, the role of cities in Mesopotamia endured. The Early Dynastic period became a time of city-states competing for supremacy. These city-states utilized the system that developed in the Uruk period with the temple at the center of social, political and economic life. Each city built its own temple and worshipped its own god: Nanna at Ur, Inanna at Uruk and Enlil at Nippur (Van De

Mieroop 2007:45). The ruler of the city managed the temple administration, which collected and distributed the agricultural goods throughout the community. As these city-states grew, their territories began to approach each other sparking military conflict (Van De Mieroop 2007:46). Part of the new military class was the royal house and its residence, which placed further demands upon the populace (Van De Mieroop 2007:47). These demands included both agricultural support, which occurred through the consolidation of land estates to support the palace, and labor required to build the great house (Van De Mieroop 2007:47). Labor was also needed to maintain and expand the irrigation system needed to support the growing city. The downside of increased irrigation was salinization of the fields leading to decreased crop yields, which can be mitigated, but not eliminated, by fallowing and proper drainage (Van De Mieroop 1999:164).

The consolidation of economic and political power reached a particularly new height in the Third Dynasty of Ur. The major difference in its political structure over the preceding dynasties was not its size but the level of centralization and institutional control over economic life. The territories and cities were organized into provinces that were governed by an *ensi*, most likely part of the local elite (Kuhrt 1995:61). According to Van De Mieroop (2007:78),

> The central administration established a system of taxation that collected a substantial part of the provinces' resources. This system was given the Sumerian name *bala*, which basically meant "exchange." It was a massive fund to which all provinces had to contribute and from which they could withdraw goods, enabling the state to use resources from all over its territory. The amount and composition of each province's contributions depended on its economic potential and the nature of its productive sector.

The amount of agricultural goods needed to support this system was tremendous. For instance, up to 200 sheep and goats along with 15 cattle could be gathered in a single day at Puzrish-Dagan near Nippur in Babylonia (Van De Mieroop 2007:79). This *bala* system issued rations to its laborers, but they were not forcibly compelled to work in the state system (Van De Mieroop 2007:79). While the role of private households is difficult to ascertain, commercial transactions took place by independent merchants who used a money system with which to transact (Kuhrt 1995:61). While the role of the independent merchant and the private household is unclear, the state system under Ur III controlled massive tracts of agricultural land to support its administrative system (Kuhrt 1995:62).[13]

The money system utilized in ancient Mesopotamia by the merchants, households and institutions, both the temple and palace, functioned in a similar manner as modern forms of money. Modern money can come in the form of coinage, paper, precious metals, and even electronic entries in a bank's computer system.[14] Yet of these forms only precious metals, often silver, existed in the ancient Near East before coinage emerged in the early sixth century (Powell 1996:225). Money can function as a media of exchange, unit of account or store of value (Coggan 2012:24-25). However, the ancient Near

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[13] Kuhrt (1995:62) notes that there was a certain degree of social mobility available between the laborers and the administrators in the Ur III system. Laborers, along with their families, held plots and farmed them, when not working on state projects.

[14] The fundamental aspect of modern money is that it is created by banks and governments and thus abstract rather than a tangible good or item. A bank receives a deposit, holds a percentage of that deposit in reserve and lends out the remainder for a particular fee or interest rate. This loan enters the economy and once deposited in a bank can be loaned out by the bank again less the reserve requirement. This process works on an aggregate level across the banking industry and leads to the creation of money - called inflation. Governments also "create" money typically by buying government bonds in the bond market, or by printing more money - also causing inflation. In the ancient Near East, money was based upon tangible goods, at least until Croesus of Lydia minted the first coins. Even these coins of Croesus could be devalued by shaving off the precious metals they were minted on. Modern money is a fiat money so that it has value because a government says it has value and because people believe it has value so that without this confidence in the currency, the currency becomes worthless. In ancient Mesopotamia, the currency had value based upon the intrinsic use of the good, and thus money had a more stable value; although prices could fluctuate as seen at the end of Ur III, and before and after the harvest (Charpin 1995:812).

Eastern forms of money functioned as a media of exchange, a unit of account and a store of value. According to Powell (1996:227) Mesopotamian monies (barley, lead, copper, bronze, tin, silver, and gold) were used for exchange and as a store of value. The Ur III state used rations as a means to acquire labor in which to fulfill its manpower needs including fields, fishing grounds, and manufacturing workshops (Van De Mieroop 2007:78-79). These monies functioned as a unit of account based upon their intrinsic use as commodities, which is seen in loan documents. For instance, the Old Babylonian R35 document in the archive of Kiš by Dulluqum states,

> Dulluqum lends 10 šekels of silver, its interest being 5 kor of barley, to Sakirum, the son of Kunnum. Illiul is the guarantor. He will pay 1 šekel of silver. []. He will measure the barley []. Sealed by Sakirum. (Goddeeris 2002:263)

As a *šekel* or *kor* refers to the amount of the object given in payment or lent, the 10 šekels of silver yields interest of 5 kors of barley. The fact that one commodity can yield another shows that when in the measure amounts these forms of money function as units of account.[15]

In conclusion, this pre-industrial agricultural society functioned on the basis of the household. The household varied in size from a nuclear family headed by a patriarch to a multiple families and slaves dependent upon an institution such as a temple or palace (Van De Mieroop 1999:15). Thus, at the heart of all ancient Mesopotamian production both institutional and individual was the household. The temple arose as the major

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[15] In modern monetary systems, all goods and services are compared to one standard currency such as dollar, euro or rand. The price of goods and services is given in this measure. In barter systems, the price of one good would have to be set against many different products each such as a computer being worth –a horse, two cows, four sheep etc. (Coggan 2012:25). The ancient Near East system appears to take a middle ground, as goods and services could be valued against any number of money forms as so many šekels of silver or kors of barley for the same good--land etc. The intrinsic value or worth of the commodity exchanged determines its unit, while the measure is the full value of that unit, similar to 100 cents equals one dollar.

facilitator of social organization around which formed the city. Out of the temple hierarchy emerged the royal house and the king who ruled over the people at the behest of the city's patron deity. The associated ideology of the king organically grew out of this experience and each subsequent Mesopotamian ruler attempted to restore the golden age of civilization. One of the prime ways that the Mesopotamian kings restored the ideal of primitive order was through debt-relief and slave manumission.

3.2 HISTORICAL BACKGROUND: HISTORY OF DEBT AND COLLATERAL

The history of debt and credit in the ancient Near East suffers from a lack of data in many periods and abundance in others. For instance, for ancient Israel no extant loan documents have been recovered while the Hebrew Bible discusses debt and interest issues (Deut 15:1-18 and Lev 25). On the other extreme, the wider Mesopotamian context contains tens of thousands of cuneiform documents recording loans, obligations and other forms of credit (Van De Mieroop 2002a:62). Overall, the documentation of credit is plentiful and covers a broad range of periods.

The Early-Dynastic period provides the first evidence of the existence of loans through a royal inscription. The historical tradition from Lagash describes how the Umma-Lagash conflict began over land, the Gu'edena, which was to have been divided between the two nations (Cooper 1983:36). According to Eanutum's account in the Stela of the Vultures, the conflict erupted over Umma's defiance in paying their obligations seen as an interest-bearing loan and grain-rent imposed on the land that Umma was using (Cooper 1983:22,36). According to Van De Mieroop (2002a:63), Umma was farming land that Lagash considered its own and in return Umma would pay Lagash from the annual yields. According to Van De Mieroop (2002a:63), Lagash considered the amount

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owed from rents and interest to be 8,640,000 *guru*. But in a later document by Enmetena, Umma had failed to pay Lagash the full amount and paid only 3600 *guru* of barley (Cooper 1983:32). Lagash sent envoys to Umma and called them a field-thief indicating that Lagash considered this an affront. Although the amount owed is an astronomical number that could be hyperbole, the important fact is that it reflects the knowledge and existence of the concept of loans and interest (Van De Mieroop 2002a:63).

Other texts from twenty-fifth-century Lagash also show a number of the features of credit. First, Van De Mieroop (2002a:63) notes that arrears on payments owed to institutions were considered to be loans with interest charged until the debt was paid. Second, interest was seen as a payment or fee to use rented land and that one could not be expected to pay more than the amount originally loaned (Van De Mieroop 2002a:64). Third, Enmetena provides the first instance of debt-relief both institutional and personal (Van De Mieroop 2002a:63). Thus the Early-Dynastic period shows evidence of extensive use of loans, interest and debt-relief.

The Old Akkadian period presents, although rare, the first instance of loan documents. According to Van De Mieroop (2002a:65) the majority of the texts deal with barley owed. In this period we also see the first instance of the term *ana ur$_5$-kam* where *ur$_5$* equates to the later Old Babylonian term, *ḫubullum* meaning interest-bearing loan— although it should be noted that its meaning most likely changed throughout its history (Van De Mieroop 2002a:65).

During the Ur III period a number of changes began to take place regarding the nature and function of credit. First, during this period *máš* began to take on the meaning of interest, seen in the rise of *máš gi-na* loans as "an adoption of a new term for an old

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convention" (Garfinkle 2004:16). According to Steinkeller (1981:140) this meaning developed from the idea that "the Pre-Sargonic tenant farmer delivered a tax in silver for the yearly increase in the number of his goats and sheep, which actually represented a fee for the right to utilize the rented field for grazing." By the Old Babylonian times, the term no longer indicated a tax but only interest (Steinkeller 1981:140). Second, the consolidation of large tracts of arable land in southern Mesopotamia by the temple system crowded out independent activity (Van De Mieroop 2002a:67). However, even without this independent activity, the institution made interest-free loans, called the *še-ur₅-ra* loan or barley loan, to its dependents to cover their needs until they recovered (Steinkeller 2002:116). In northern Mesopotamia, credit played a larger role in obtaining either additional land or labor. However, in both regions, credit, both private and institutional, played a large role in trade, since merchants often needed loans to secure access to goods and resources for trade expeditions (Van De Mieroop 2002a:68). Regardless of the specific role of private activity, the Ur III period provides a picture of the developing use of credit in economic activity.

The use of loans grew substantially in the Old Babylonian period. According to Skaist (1994:11) loan documents are the most prevalent contracts of the Old Babylonian period. Van De Mieroop (2002a:69) states that, "this documentation is perhaps the richest in extent and variety for the entire span of Mesopotamian history." This growth in number also accompanies a change in use and function in the overall economic structure of Mesopotamia. Yoffee (1977:148) views these changes from the Ur III period as a sign of weakening in the crown, which ultimately lead to dynastic collapse. Renger (1994:172-173) and Van De Mieroop (2002a:69) describe this change as the

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development of the "Palastgeschäft," where the large institutional household divested itself from certain economic production and activities so that private individuals acted as intermediaries between the institution and the populace. According to Van De Mieroop (2002a:69), these intermediaries used credit extensively "to collect dues, issue payments and organize the collection and distribution of resources."

These contracts were used in two major ways as consumption loans or investment loans. Consumption loans provided the needy with resources to assist them until the harvest, whereas investment loans are transactions relating to trading ventures (Renger 1994:203). According to Renger (1994:203) another type of consumption loan was the advance, which was a type of fictitious loan contract that was "used to expedite economic operations within institutional households and in dealing with third parities outside the household."

Yet the consumption loan was not a perfect solution for the independent farmer. In the Old Babylonian Palastgeschaft system, this independent farmer was often in danger of falling into economic hardship and eventually debt-slavery. In response, the Babylonian kings issued royal edicts freeing these debt-slaves and returning land lost through default.[16]

After the Old Babylonian period, loan documents do not re-emerge until the Kassite Period in Babylonia. Van De Mieroop (2002a:72) notes that while there is substantial documentation from the period the material has been poorly studied leaving us with an unclear picture of the economic and political structure of the state. There is evidence of loans for agricultural purposes as well as private transactions (Van De

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[16] Chapter 4 covers a more thorough analysis of the Old Babylonian credit system.

Mieroop 2002a:73). In addition, pledges on loans appear to have been given to acquire labor and debt-bondage may also have been a problem (Van De Mieroop 2002a:73).

During the Neo-Babylonian period, Babylonia re-emerges as a major economic power sustained by urban development and an agricultural resurgence, all of which continued through the Achaemenid period (Van De Mieroop 2002a:73). Credit transactions are common during this period, and could be issued by temples or private persons (Van De Mieroop 2002a:74). The Murashu family became a major economic power during this period and often acted on behalf of the palace economy (Van De Mieroop 2002a:74). Default appears to be a common problem, especially during wars when large numbers of farmers would default on their loans after being drafted into the army (Van De Mieroop 2002a:74). However, it appears that debt-slavery became less of a problem due to the fact that an insolvent debtor could no longer be sold to another, that a wife could no longer be used as security and that children were rarely used for this purpose as well (Van De Mieroop 2002a:74-75). Overall, credit played a crucial role in the transport and sale of agriculture as well as in the investment of trading activities (Van De Mieroop 2002a:75).

Ecological factors in northern Mesopotamia greatly affected the economic and political structure of the region compared to the southern regions. Consistent and reliable rainfall meant that the region did not need large scale irrigation systems as southern Mesopotamia required, thus households could survive independently in smaller communities (Van De Mieroop 2002a:75). This factor changed the importance of institutions such as the temple, which played a lesser role in the economic and political structure of the region (Van De Mieroop 2002a:75).

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The Old Assyrian trading colony, or *karum*, in Kanesh provides us the best access to the Old Assyrian period. This textual material provides twenty thousand documents mostly relating trading activities between Anatolia and Assyria and they highlight the function of commercial credit transaction (Van De Mieroop 2002a:75). In addition, these texts provide an important insight into the economic activity and structure of the Old Assyrian period, since they reflect the Old Assyrian legal structure (Veenhof 2001:94). According to Van De Mieroop (2002a:76), Assyrian merchants acquired capital for tin, textiles and expenses to trade in Kanesh for silver and gold. This capital was the *naruqqu*, which consisted of an investment from multiple people and could extend for ten or twelve years and multiple trading ventures, after which the 'profits' and initial capital were divided between the investors and the merchant (Van De Mieroop 2002a:76). Other means of financing included the *qīptum*, commercial trusts, and the *ebuttu*, long-term loans, which could be borrowed from business relations or a merchant's house (Veenhof 2001:95). Tyically, merchants purchased goods in Assur with silver either borrowed from new sources or as the revenue from previous trading ventures, and then left for Kanesh (Veenhof 2001:95). Upon arrival in Kanesh, the merchants sold the goods to other merchants on credit, who took them further into Anatolia (Van De Mieroop 2002:76). While the palace refrained, temples often participated in these ventures although they received a smaller interest rate (fifteen percent) on silver they lent out (Van De Mieroop 2002:77).

The merchants of the Old Assyrian period took on significant risk by using credit to finance the venture and then extending credit in Anatolia. According to Veenhof (2001:97) security guarantees and collateral were used to help mitigate the risk. The Old

Assyrians appeared to require collateral and gave harsher default terms to Anatolians than to other Assyrians (Veenhof 2001:97). Collateral could include guarantors and personal and impersonal property, but also included the ability for creditors to take out a loan from a money-lender at the expense of the debtor because of an unpaid debt (Veenhof 2001:96-97). Other than these forms of consensual collateral, the practice of distraint could be used to force debtors to pay their outstanding debts whereby a creditor would seize any property or dependent persons belonging to the debtor without their consent and hold them until payment (Veenhof 2001:97, 154 and Westbrook 2001:84).

Mari, Alalakh and Shehna all provide evidence of the prevalence of loans in northern Syria during the early second Millennium. At Mari and Alalakh loan documents were used primarily on a consumption basis for people in need (Van De Mieroop 2002a:77). According to Van De Mieroop (2002a:78), at all three cities, loans appear to have been a means of acquiring labor through pledges and it is possible that the palace acquired labor in this manner.

The Late Bronze age kingdoms (Mitanni, the Hittites and the Assyrians) continued the credit practices of seventeenth century northern Syria (Van De Mieroop 2002a:79). Collateral was used extensively, which the creditor obtained while the loan was outstanding, but if the debtor defaulted the pledge became the creditors' (Van De Mieroop 2002a:79). According to Van De Mieroop (2002a:79) loans were a principle means of obtaining labor since the collateral, the individual pledged, remained with the creditor until the loan was repaid. Using loans to acquire labor created situations where individuals and sometimes entire villages would flee the palace and other creditors to escape from this burden (Van De Mieroop 2002a:79). However, debt was not the sole

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reason of impoverishment and servitude during this period as famine and losing land tenure also played a role (Abraham 2001:194). The Edict of Tudhaliya IV offers evidence, in column II:3-8, of a debt-relief program late in the Hittite empire (Westbrook and Woodard 1990:641,654).

At Ugarit, evidence of sea loans exists but there is very little evidence for commercial credit (Van De Mieroop 2002a:80). While there is some discussion over the exact function of Ugaritic text 2106:10-18; it is clear that the kings of Byblos and Ugarit entered into some form of credit transaction. Ziskind (1974:134,137) describes this transaction as a bottomry loan. This type of credit transaction functions more like an insurance contract; where the loan for leasing and outfitting ships for a trading venture was forgiven if the ships and cargo became lost and any collateral secured to the loan was hypothecated (Ziskind 1974:134).[17] According to Pardee (1975:618) the text represents a loan of ships by the king of Byblos to the king of Ugarit with a specific amount of silver guaranteeing the loan. As a guarantee, the five hundred and forty shekels of silver would have been returned to the Ugaritic king less a certain portion as a leasing fee (Pardee 1975:619).

In the Neo-Assyrian period, loan documents again functioned heavily in the economic sphere after a period of silence that began in the twelfth-century. Debts appear to concern households rather than individuals since wives, children or slaves could be pledged and the head of the household was responsible for his dependents' debts (Radner 2001:266). Depending upon what the creditor wanted to achieve, debts typically required either collateral, *bēl qātāte*, or a pledge, *šapartu* (Radner 2001:267,269). Loans were a

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[17] A hypothecated loan is where the creditor is given rights to the collateral but it remains in the custody of the debtor. A possessory loan is where the creditor receives and takes possession of the collateral pledged.

major way for creditors to acquire labor, so that some contracts required the debtor to provide harvesters or persons to work in the creditor's house while the loan was outstanding (Van De Mieroop 2002a:82). In addition to acquire labor, loan documents were used to finance business ventures and trade expeditions (Van De Mieroop 2002a:83). The issue of debt relief also re-emerges in the Neo-Assyrian archives in two texts from the eighth-century Kalhu and another from seventh-century Nineveh (Radner 2001:284). These texts reflect a clause that allows the creditor to maintain his claim over the debtor even in the case of a royal manumission edict, which appear to be more regionally focused (Radner 2001:285-286).

While the particular use of credit throughout Mesopotamian history varies depending upon the specific social and cultural period a few trends are visible. First, credit was typically used for either investment or consumption purposes. Individuals and institutions would borrow and loan silver and other goods in order to engage in trade ventures and expeditions or to expand their business opportunities. On the other hand, those facing either mild or severe need would borrow to cover shortfall until the harvest. Second, credit would be used to gain labor or land, either temporarily or permanently, as well as a means to acquire and trade goods. Third, credit could also involve a safety-net as in Ur III or kings could issue manumission edicts relieving subjects in debt-bondage. Overall, credit was so pervasively used throughout Mesopotamia, that without it the economic structure would have been tremendously altered.

CHAPTER FOUR: THE OLD BABYLONIAN PERIOD: HISTORY, SOCIETY AND ECONOMY

4.1 THE NATURE OF THE OLD BABYLONIAN ECONOMY

The Old Babylonian economy developed out of the remnants of the Ur III state administration, yet it also transformed itself into a unique socio-political landscape. The major institutions of the palace and the temple maintained a primary role in the social fabric of life during the period. However, the changes in the palace system, specifically a divesting of many administrative functions to the private entrepreneur, created a complex system with unclear boundaries and roles. This increased the danger to the individual and led to the increased loans.

4.1.1 The Shift from Ur III to the Babylonian Period

The nature of the Old Babylonian economy can only be fully understood in the light of its origins in the Ur III economic system. While there are significant differences between the economic mechanisms and institutions between these periods, the Ur III system provides a context for the development and function of the Old Babylonian economic order. These changes and developments occurred due to the palace divesting itself of the heavy administrative duties and structure that existed in the Ur III period. However, remnants of the Ur III system still remained in southern Mesopotamia during the Old Babylonian period.

4.1.1.1 The Ur III State and the Development of the Old Babylonian System

There are two major questions regarding the development of the Old Babylonian system. First, what was nature of the political and economic structure of its precursor, the Ur III state? Second, how did these institutions transform in the early Old Babylonian period?

4.1.1.1.1 The Ur III State

The Ur III state exercised great control over the economic power of their territory. They organized their economy so that the central administration collected a substantial part of each province's resources and then distributed them back to the people, called the *bala* system (Van De Mieroop 2007:78). The king reigned over the state, but each province, typically a formerly independent city-state, was ruled by both a governor and a military general (Van De Mieroop 2007:77, 79).

The *bala* system consisted of large tracts of arable land consolidated into large temple estates. The local provincial governors were responsible for the care of both the local sanctuaries and these large estates (van Driel 1995:397). The temples were not isolated or independent entities but rather completely integrated into the central administration (van Driel 1995:402). Each temple maintained detailed accounts of their resources and expenditures of the temple's economy; so that a particular temple could maintain multiple accounts, possibly parallel or supplemental to each other, (van Driel 1995:398). The temple economy was comprised of agriculture, animal husbandry and textile production (van Driel 1995:399). The records of the temple estates reveal that workers would be moved from one particularly activity to another and would even be lent out from one temple to another temple (van Driel 1995:402).

In addition to the large temple estates, the *bala* system consisted of *šuku* or subsistence land allotted to the higher and middle ranks of the society for their work-duty obligations to the state (Steinkeller 2002:114-115).[18] This subsistence land included the

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[18] During the Ur III period, it appears that a) all *šuku* land is temple land but it does not necessarily follow that all temple land is *šuku* land. Similarly, there is very little distinction between royal land and temple land during this period as all, or at least most, of the Ur III population were royal dependents under one central administration (Steinkeller 2002:114).

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land held by the royal sector as well as members of the military organization (Steinkeller 2002:115, 117). In areas of strong institutional control, the *šuku* plots were cultivated *en masse* by the temple institution through its own workers and then the proceeds were divided to the individual *šuku* holders based on their allotment size and the average yield less deductions for seed-grain, draft animals, labor and irrigation taxes (Steinkeller 2002:115-116). In addition, all land-holders in the *šuku* system were required to pay the *máš*, the payment to the central agency for irrigation work done on the fields at the start of the agricultural cycle (Steinkeller 1981:127).

While the higher levels of society received *šuku* allotments, the lower levels received rations of staples in lieu of land (Steinkeller 2002:115).[19] The temple accounts extensively detail the ration lists to these lower levels of society. These ration lists include dependent workers but also those on the temple payroll but not dependents, which could include female millers (van Driel 1995:400-401). The monthly rations consisted of any combination of barley, dates and other food stuffs equaling their expected allotment (Van Driel 1995:401).

The Ur III economy appears to consist of two levels: the major *bala* system and a household exchange market. In the major *bala* system, the estates produced goods, which was collected and deposited into the institution's accounts. Some of these resources were used for the temple functions, others were given out as rations and some were sent through the central administration to be used by the state. These resources were recorded in terms of silver as standard of value, although this standard was not fixed (Widell 2005:391, 394). It should be noted that the rations the temple dependents would receive

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[19] According to Steinkeller (2002:115) "this model necessarily assumes that, during Ur III times, all arable land belonged to the state, meaning, consequently, that there was no outright individual ownership of such holdings."

did not provide all the necessities needed for a household (Widell 2005:396). Steinkeller (2004:95-96) concludes that alongside of the *bala* system another type of exchange system must have existed for the households to acquire these additional needs. Widell (2005:397) notes that the barley rations exceeded the amount a worker needed and thus the state rations included extra grain in which the dependent could exchange for other necessities not provided. The extra barley rationed then functioned as a commodity currency for the household to exchange for other goods (Widell 2005:397). Barley was advantageous over silver partly because its value was easily exchanged to other staples while silver, a rare commodity, was worth significantly more and more difficult to exchange for household needs. According to Widell (2005:391) the notional value of 1 shekel of silver was one kor of barley and one liter of barley was worth 0.028 grams of silver, an un-tradable amount. Thus the *bala* system recorded and made transactions in silver values, while the individual households used barley to transact in the market-place.

However, the *bala* system did not maintain the same level of control over every region of the Ur III state. In southern Babylonia the large estates dominated the economic order and left little room for independent activity, but in the central and northern regions the temple estates were weaker and more room for independent activity existed (Van De Mieroop 2002a:67). This variation is seen in the use of credit transactions in the two regions.

In southern Mesopotamia, the *še-ur₅-ra* loan or barley loan made by the institution to its dependents as an interest-free advance was "meant to serve as a safety-net, protecting the dependents of a given institution from economic hardship" (Steinkeller 2002:116). These barley loans would have reduced the demand for private credit and

since the temple cultivated the *šuku* plots there would have been little need to enter into labor tenancy contracts or any other interlinked credit transactions (Steinkeller 2002:116). However, in the northern regions, there is no evidence of this type of barley loan even though the *šuku* system also operated there (Steinkeller 2002:116-117).

However, Garfinkle (2004:15) disagrees and notes that the *še-ur$_5$-ra* barley loan terminology was prevalent in the northern areas and was "not confined to institutional endeavors." He compares the terms *še-ur$_5$-ra* with *kù-ur$_5$-ra* and concludes that the *ur$_5$-ra* loans were interest bearing and that they most likely originated outside the institutional system (Garfinkle 2004:15). Garfinkle's conclusion appears to point toward regional variations in how the *ur$_5$-ra* loans were used so that in the south the loans functioned in an institutional setting but independent of that system in the northern regions.

This regional variation is more acute when one accounts for the plentiful evidence of private loan contracts that exist in northern Mesopotamia but not southern Mesopotamia. The *šuku* plots were not farmed by the temple administration in the northern areas, nor did the temple directly manage those allotments for members of the royal sector or the military organization (Steinkeller 2002:116). This absence of institutional management on these fields meant that the 'landowners' needed to either cultivate the land themselves, lease it to other persons or hire laborers to cultivate the land for them. It was through the use of loan documents that these landowners managed their *šuku* allotments.[20]

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[20] There is some debate as to the economic motives of these particular loans. Steinkeller (2001:48 and 2002:117) concludes that these loan contracts were used solely to gain labor or additional land, but Garfinkle (2004:26) counters that these contracts were also 'investments' in their own right and not just means of gaining additional labor and land. The question of the economic motive of the creditor in making these loans falls outside of the purview of our discussion in regards to the regional variation of institutional control during the Ur III period. The main objective here is to understand how these loans functioned under situations of weak institutional control.

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A major issue during the Ur III period was the scarcity of labor that existed during the peak agricultural seasons such as harvest (Steinkeller 2002:117). According to Steinkeller (2002:117) a high ranking official with a large allotment would need additional labor to cultivate his *šuku* plot and would loan money to a lower official with a smaller allotment with the hopes of gaining labor during the harvest. This is seen when *SI.A-a*, a chief shepherd in the royal sector, made three loans to members of the military organization and the interest was to be repaid as labor at the harvest (Steinkeller 2002:118-119). Also, interest could be repaid in labor not only at harvest, but also in carpentry and shearing (Steinkeller 2002:119-120). The scarcity could be so acute in some areas that even the temple estates had to lend workers to each other to cover their labor needs (Steinkeller 2002:119).

Similar to gaining additional labor, wealthy landowners also sought to gain additional land. Steinkeller (2002:117) notes that land could be obtained through three means: 1) by leasing *šuku* plots; 2) by contracting with *šuku* land holders an antichretic pledge where interest on a loan (barley or silver) was repaid through labor; or 3) by having a debtor default on a loan. In the activities of the moneylender Ur-Bau, we see how loans can be used to acquire land. In a series of texts, Ur-Bau issued a 5 shekel silver loan to Ammamu with his *šuku* as collateral, two months later he borrowed 120 liters of barley; followed by another 300 liters three months later (Steinkeller 2002:120-121). After the last 300 liter loan, Ur-Bau receives the plot for cultivation and possibly ownership of it (Steinkeller 2002:120).

The picture of the Ur III economy is a strong centralized institution organized around temple estates, royal and military allotments. This state institution collected the

resources and production of the provinces in order to utilize the resources for itself and distribute it back to its dependents as rations. In lieu of rations, higher ranking officials in this institution received land allotments, which were cultivated and managed either by the temple estates *en masse* or by their own activities depending upon the region and position of the official. For the lower institutional dependents who received rations, they received barley with which they could exchange for other goods that they needed. In the northern areas, the temple estates were weaker leaving more room for independent activity - although the existence of any private land outside of the central institution is inconclusive.

4.1.1.1.2 The Development of the Old Babylonian State

While the Ur III state exercised great control over the economic power of their territory, its dynasty did not endure. First, Ur III's power began to weaken internally, possibly due to the Amorites gaining political power, the weight of the institutional structure and rising prices (Van De Mieroop 2007:83 and Charpin 1995:812). Then an invasion by Shimashki of Elam finally ended its reign (Van De Mieroop 2007:83). The sacking of Ur and the deportation of its king, Ibbi-Sin, to Susa created a power vacuum that allowed the formerly independent city-states to begin to reassert themselves (Van De Mieroop 2007:84). According to Van De Mieroop (2007:90) "the decentralizing forces were strong, and an increasing number of local dynasties arose in the twentieth and nineteenth centuries." These independent city-states fought over political power and sought to emulate Agade and Ur III (Kuhrt 1995:75). In the region of Babylonia, the city-states began to form a common political system under the king of Sumer and Akkad (Van De Mieroop 2007:90). However, consolidation of power continued as Isin and Larsa, the

major powers in Babylonia, fought over hegemony in the area until Larsa finally prevailed when Rim-Sin captured Isin in 1793 leaving Babylon as their only rival (Van De Mieroop 2007:92).

Hammurabi rose to the throne of Babylon the following year, and consolidated his power by issuing a *mēšarum* and by refurbishing, building and furnishing temples throughout Babylon (Sasson 1995:905). After consolidating his power, Hammurabi turned to expand his borders and conquered Isin and Uruk, followed by an attack on Malgium near Eshnunna (Sasson 1995:906). Hammurabi then embarked on building cultic areas, irrigation works, and fortifications, before he re-engaged in conquests (Sasson 1995:906). After a series of conquests, including Mari, Eshnunna and Larsa, Hammurabi rebuilt the areas devastated by war and floods, resettled deported peoples and allowed the priestly refuges to build temples for the gods of their ancestors in their new cities (Sasson 1995:907). This expansion and consolidation of power in Babylonia under Hammurabi established the First Dynasty of Babylon known as the Old Babylonian period.

Strong levels of continuity mark the transition from the Ur III period to the Old Babylonian period. First, it appears that in the midst of the political fragmentation after the fall of Ur III, the newly independent city-states maintained much of the Ur III institutional organization albeit more on the local level (Van De Mieroop 2007:93). For instance, a workshop at Isin was supervised by the royal administration; however, it appears that the craftsmen also worked for others and that institutions contracted for labor rather than maintaining their own (Van De Mieroop 2007:93). Similarly, institutions appear to hire labor giving them wages rather than maintaining workers as dependents

and with continual rations (Van De Mieroop 2007:93). This 'partial privatization' allowed workers more flexibility in when and where they worked, but the palace system still controlled substantial resources of which the workers were required to produce (Van De Mieroop 2007:93). According to Robertson (1984:155), the city of Nippur in the early Old Babylonian period appears to have maintained a central redistributive authority that "supervised the cultivation of large areas of farmland and then to have used the fruits of that cultivation to finance various projects, including building construction and intercity commerce and to support various dependents."[21]

Second, ideologically the rulers of these city-states sought to prove themselves as heirs to the Ur III rulers (Kuhrt 1995:76). For instance, the Isin dynasty emulated the Ur III imperial style and also promulgated law-codes as the standard of the just ruler (Kuhrt 1995:76). Similarly, the kings of Larsa continued the tradition of installing a royal daughter as high priestess of Sin (Charpin 1995:813). This desire to continue the tradition and culture of Ur partly stems from the great influence that Ur III enjoyed during its supremacy. Ur III existed as a great cultural and ideological center in the late third millennium, "probably seen as the place where royal ideologies were created" (Pinnock 2006:94). In addition, the Old Babylonian period continued the use of Sumerian writing and literature producing a wide variety of texts and genres (Michalowski 1995:2282). Third, according to Charpin (1995:813) the city of Ur itself maintained an important role since its merchants continued the lucrative maritime commerce with Dilmun and it continued as the religious center of the Sumerian religious traditions.

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[21] According to Robertson (1984:167) Old Babylonian Nippur, appears to have had an atypical political structure that did not possess the same political figures and institutions that other cities had at the same time. Yet the political structure that did exist at that time was able to unify the various factions (pro-Isin and pro-Larsa) within its government and incorporate and administer the city's assets and resources.

Yet in the midst of this heavy continuity between the two periods, significant discontinuity developed. As previously mentioned, while the institutional sector continued through royal estates, it appears that the workers were not as tied to these estates. Second, while the Ur III fields show evidence of central planning, as being regular elongated strips of arable land to maximize the access to irrigation and minimize the number of turns during plowing, during the Old Babylonian period the fields appear to become increasingly narrower and, in the north, more variegated due to family inheritance and field rents and sales (Liverani 1996:10, 20). Third, the fall of the Ur III dynasty marks the beginning of the "emergence of a new cultural koine" (Charpin 1995:812). This new koine developed with the transition to the Amorite dynasties of the early second millennium. The Ur III period was a type of high point in Sumerian literature and culture that harkened back to the Agade dynasty and before (Kuhrt 1995:59). While the culture was still heavily influenced by Sumerian tradition and literature, this new cultural koine was based on Amorite heritage and the Akkadian the international language of the period (Charpin 1995:812).

These factors pushed and pulled the culture in different directions maintaining a strong level of continuity with its past but also adapting those traditions. But this transition was not uniform. The southern regions retained more continuity due to ecological factors than the northern cities.

4.1.1.2 The Remnant of the Ur III System in Southern Babylonia

Since agriculture is dependent upon reliable rainfall, ecological factors play an important role in how societies cultivate their land. In areas without consistent and dependable rainfall farming becomes more difficult and relies on irrigation from other

sources such as rivers or lakes. As large scale irrigation takes considerable labor to erect and maintain these systems a high level of organization is required. This is the case in southern Babylonia. Liverani (1996:12) provides evidence of central planning in the organization of fields next to irrigation canals one millennium before Ur III. On the other hand, in areas with reliable rainfall, family property prevailed with variegated shaped fields that did not require access to irrigation canals (Liverani 1996:14). These ecological factors helped to shape the nature of the socio-economic structure of the region.

In the Old Babylonian period, these ecological factors continued to influence Babylonian society. In the southern area such as in Lagash, the administration of large institutional estates continued in the same manner as they had under the Ur III state using the same technology and organization (Liverani 1996:21). Large scale irrigation systems were essential to the sustainability of the southern urban areas. It is possible that the depopulation of Ur and Nippur after the reign of Hammurabi resulted from a destruction of the agricultural infrastructure during their rebellions (Van De Mieroop 2007:115). An irreparable devastation of the irrigation systems would have left these cities uninhabitable (Van De Mieroop 2007:115). Another possibility for this depopulation could have been a weakening of the institutions organizing the production in the south. After Hammurabi's conquest of Larsa, he left Rim-Sin's organization in place, which then administered the region and became the foundation of Hammurabi's centralized state (Van De Mieroop 2007:93). If the southern regions became totally interdependent then a weakening of that organization could have caused the entire system to collapse leaving the urban centers without the resources they needed to survive (Van De Mieroop 207:115). The depopulation of these cities reveals the level of organization required to support large

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urban centers in the region. Individual households could not remain independent and produce what they needed by themselves but required extensive infrastructure and political systems in place.

The absorption of the Ur III system into the "Palastgeschäft" occurred through Hammurabi's conquests. The estates of the defeated kings became Hammurabi's property, which he then expanded through land-reclamation and irrigation projects (Kuhrt 1995:109-110). Hammurabi bypassed the traditional local authorities of his conquered territories and installed his own royal administrators over them (Yoffee 1977:148). These administrators controlled the agricultural, fishing and water resources and collected taxes from them to support the dynasty (Yoffee 1977:148). The paucity of field sale contracts in the south compared to the northern areas evidences the continuation of strict institutional control over the south (Renger 1994:188). Of the few field records available, they deal with small plots that are marginal or wasteland (Renger 1994:186). Similarly, it appears that the *šuku* allotment continued into the Old Babylonian period; so that the palace assigned land to 'dependents' for their service (Goddeeris 2002:339).[22]

Through the continuation of *šuku* allotments, the lack of sale documents in southern Babylonia and the importance of irrigation for agriculture in the south, remnants of the Ur III system can be seen in the Old Babylonian period. The northern areas adapted differently under the First dynasty of Babylonia.

4.1.1.3 The Differences between Southern and Northern Babylonia

The first major difference between the northern and southern regions of Babylonia revolves around the ownership of fields. The northern areas fields could be freely sold and transferred in northern and central Babylonia but not in southern

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[22] These dependents included *rēdûm*, or soldiers, *bā'irum*, or fishermen, and *nāši biltim*.

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Babylonia (Goddeeris 2002:356-357). The *šuku* land could be inherited but not sold (Goddeeris 2002:353). The Code of Hammurabi (LH) §36-39 prohibits these sales and §35 prohibits the sale of livestock given by the king to soldiers (Roth 1997:88). For instance, §36-39 prescribes that the state dependents with allotments cannot sell, or pledge as collateral those assets that the crown has provided, although they may pledge other land that they purchased (Roth 1997:88). The paucity of field sale contracts in the south provides some confirmation. Yet in the north it was allowable to purchase, sell and use fields as collateral. Even though it was permissible, households would have resorted to parting with land only as a last resort, such as under economic duress (Postgate 1992:184). It appears that many purchases, such as those of the Sîn-rēmēni and the Dilbat families, were between family members and deal with re-arranging and combining fields after the death of the head of the household (Goddeeris 2002:354).

Second, while the fields in southern Babylonia remained elongated and adjacent to irrigation canals on the small side, in the northern areas, the fields maintained their variegated shape without reference to irrigation canals. Yet in both areas the fields show evidence of partition through generations as the fields were divided through family inheritance (Liverani 1996:21). Similarly, in both areas the yearly temple prebends became increasingly shorter and the fields became increasingly narrower (Liverani 1996:21).[23]

Third, after the death of Hammurabi, the dynasty could not maintain its control over the south. A series of rebellions in the south, led to loss of Larsa and eventually the loss of control over the Gulf trade routes (Kuhrt 1995:115-116). Northern Babylonia,

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[23] Prebend land was temple land that was allocated to members of the temple staff in return for their service (Postgate 1992:186-187).

however, flourished for another 155 years under the first dynasty (Van De Mieroop 2007:115).

4.1.1.4 The Role of Land-lease in the Old Babylonian Period

The cultivation of fields in the Old Babylonian period occurred in three basic ways. First, the institutions, both the temple and Palastgeschäft estates, employed workers to farm the lands, often through different allotments. Second, private individual households owned their own fields and cultivated them. Third, both the institutions and private households leased their land to others for a fee - a portion of the crop. The use of land-lease appears to have become common in the nineteenth century and was used in a variety of ways depending upon the social context.

The existence of private land-owners increased during the Old Babylonian period but it depended upon where the land-owners lived and if they used lease agreements or not. It is possible that the *kapru* settlements, such as those in the Larsa region, developed around a farm (Leemans 1975:140). The businessman Balmunamḫe lived in one of these settlements during the reign of Rim-Sim. Balmunam e bought and owned fields and animals, rented boats, made loans, owned slaves and cultivated palm-gardens (Leemans 1975:140). Yet no rental contracts exist for Balmunam e, possibly indicating that he did not rent any of his fields and rather cultivated them himself using slaves (Leemans 1975:140). To cultivate his fields, Balmunam e utilized his slave labor and even released his slaves, including back to the slaves' parent's custody, during the agricultural slack period with guarantees that they would return (Westbrook 2001:78). Similarly to Balmunam e, Iltani, who was a *nadîtu* of the god Šamaš and daughter of the king, owned

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substantial areas of land but did not lease her holdings (Leemans 1975:140).[24] According

to Leemans (1975:140-141) Balmunamḫe and Iltani appear to be exceptions since most

nadîtu, officials and merchants lived in the city, they typically leased out their fields. In

Sippar, the texts indicate that the farmlands around the city were cultivated by workers

from the city and its suburbs (Leemans 1975:144). However, similar to Balmunam e and

Iltani, the farmland around the smaller towns and villages appears to not have been leased

out (Leemans 1975:145).

A variety of private lease agreements existed depending upon the size, type and

purpose of the field. Lease agreements could be used to cultivate existing fields or to

bring waste land into use (Leemans 1975:141). The field size leased also varied

depending upon the crop cultivated. For instance vegetables took more labor and were

smaller fields but the rents were high (Leemans 1975:143). The normal lease field size

was one *bur* (6.48 hectares) and most likely required multiple workers to cultivate and

harvest the crops (Leemans 1975:143-144). Rents could be paid as a share of the crop, a

specified amount, or as similar to neighboring fields (Postgate 1992:185). Lease rents

also appear to have decreased during the First dynasty from 18 *kur* per 1 bur during the

reigns of Hammurabi and Samsuiluna to 8-6 *kur* per 1 *bur* under Ammiditana and

Ammisaduqa (Leemans 1975:142). These declining rents possibly indicate declining

productivity over this period (Leemans 1975:141).

Of the institutional land, from the palace and temples, specific rules were in place

as to ownership, sale and inheritence. The palace allotments to *rēdûm*, or soldiers,

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[24] *Nadîtu* were a religious class of unmarried women who lived and served a particular temple and its deity
(Goddeeris 2002:339).

bā'irum, or fishermen, and *nāši biltim* were inalienable, but the allotments to *tamkārum*, merchants, *nadîtum*, such as Iltani, and *ilkum aḫûm*, another type of *ilkum* field that was given by the crown in return for military service, all were alienable (Goddeeris 2002:339).[25] Most of the land given by the palace for service could be transferred through adoption and inheritance, but not all types could be sold. It also appears likely that much of this institutional land was able to be rented out to others, such as excess temple lands (Postgate 1992:186). The *ilkum* fields were also rented out by the household especially while the individual was out on a campaign (Postgate 1992:187).

Thus during the Old Babylonian period a significant number of fields were rented out by institutions and private individuals. These contracts were a major way that labor was acquired to ensure cultivation of the arable land. Thus land-lease agreements formed part of the essential fabric of Old Babylonian economic order.

4.1.2 The Palace: Its History and Function

The palace was the major political institution of the Old Babylonian period, yet it was not the first political institution to develop in Mesopotamia. The development of the palace began in the Early Dynastic period and changed in both function and importance throughout Mesopotamian history. By the Old Babylonian period the original pattern of kingship had become the premier political institution, which controlled most of Mesopotamian life. Yet throughout all of ancient Near Eastern history the institutions of the temple and the palace were deeply intertwined.

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[25] *Ilkum* fields were state-owned fields given to men in return for a tithe of the produce, military service and corvée work, particularly on canals (Dalley 1995:415). If a soldier was too old to perform the service or died, one of three things would occur: a) his son, if also a soldier, would inherit the land and if not, the state would recover it; b) if two or more children, then the male heirs would inherit the land if they were in the service of the state otherwise the state would recover it; c) since females could not inherit the land, the state would recover the land if no male heir existed (De Graef 2002:173)

4.1.2.1 The History of the Palace

The discussion of the development of the palace structure follows two views. On the one hand, Jacobsen (1943:159-160) views that the institution of the palace grew out of a form of 'primitive democracy' with a loose power structure that was later concentrated into the hands of a ruler. On the other hand, Postgate (1992:137) counters that it is just as likely that the palace was a more intrusive element due to the strength of the communal ethos of southern Mesopotamia. Part of Postgate's critique is that Jacobsen's views derive from much later sources that are more idealized and thus not as reliable (1992:137).[26] Regardless of the specific means of the development, a form of progression exists from the Early Dynastic period through Mesopotamian history, of which we will briefly discuss here.

Early Mesopotamian society was not politically organized around a king but a deity. According to Postgate (1995:396) the texts reveal that the cult of the deity expressed the communal solidarity making the temple the focal point of the city-state and worship the means of membership in the community. The community supported the temple through daily offerings for the deity and the staff (Postgate 1995:396). However, the early political structure also included a ruler (Postgate 1995:397).

The ruler had different titles and functions in different cities. According to Postgate (1995:396) at Uruk the *en* had a direct role in the temple cult of Inanna, but at

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[26] Jacobsen's (1957:99-100) argument derives from the texts of the "original myth-makers" which reflected their society at the time of their composition. Jacobsen (1957:100) states that "since the myths of a people usually constitute the oldest layer of its tradition, one must assume that a political setting such as occurs in these tales once existed in Mesopotamia and was later replaced by more developed political forms." However, one does have to question whether this assumption is valid. Jacobsen claims that the ancient myths accurately reflect earlier traditions because those authors and their audience could not have conceived of a society different from their own. While this assumption may be true it is just as likely that mythology can be 'imported' from another source. Thus these ancient myths could reflect views and traditions of the Akkadians, or any other group, who came to settle with the Sumerians and not necessarily the early views of the Sumerians themselves.

Lagash the *ensi* was "not associated with the temple as such but with the city-state of which the main temple is the ideological core." According to Jacobsen (1957:103) this ruler, called the *lugal*, arose during periods of "internal administrative crises" such as "the need for organization of large communal undertaking or for checking banditry and lawlessness." He was a type of strong man, war-leader or king who was chosen for skill in warfare and physical endurance, and came from a noble-family who had servants and retainers (Jacobsen 1957:103). In order to maintain power, legitimacy would be needed, often based on family lines and the consent of the populace (Postgate 1995:397). This consent revolved around the ruler fulfilling his obligations as the representative of the god to the people (Postgate 1995:397).[27] The ruler is seen as being invested with authority from the god to rule the state on the god's behalf (Postgate 1995:397). Part of the ruler's responsibility was the maintenance of the temple and for propitiating the deities thereby ensuring the city's survival and prosperity (Postgate 1995:397-398). It is also possible that the ruler was a form of high-priest, but regardless the ruler exercised an important function in festivals—especially fertility rights (Postgate 1995:398). This interconnected nature of the religious and political is reflected in the relationships between cities. According to Postgate (1995:399) "the political alliances between states are mirrored in the marital relations between their chief deities." This early political structure intertwined the function of the temple with the political mechanisms of the early dynastic city-states.

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[27] Jacobsen (1957:110) explains that the *lugal*, having been appointed by the assembly, would have been disinclined to relinquish his power after the emergency had been dealt with and would have looked for ways to perpetuate it. However, it is also possible that the role of ruler needed a more perpetual existence in order to fulfill the city's need of representation before the god and vice versa.

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The rise of Sargon and the Dynasty of Akkad brought a major change in the royal ideology of Mesopotamia and a modification in the existing political structure. First, Sargon replaced the local rulers, *ensi*, with citizens of Agade and placed military garrisons in the cities. This consolidated political power under one ruler over multiple cities. But Sargon also adopted the older tradition and title of "King of Kish," participated in ritual duties and maintained the importance of Nippur as an ideological and religious center (Postgate 1995:401).

Similarly, during the Ur III dynasty, Ur-Nammu reconsolidated the divided city-states under his rule. He organized the region into provinces and established an *ensi* as a civilian governor over each province (Kuhrt 1995:61). These governors fulfilled the symbolic and religious roles in the local communities but military governors were also organized as a parallel system throughout the empire to further control and manage it (Postgate 1995:402).

With the rise of the Amorite dynasties during the Old Babylonian period a major change developed in the royal ideology of the period. According to Postgate (1995:402) the *ensi* had been a ruler over a specific city and its territory but under the Amorite dynasties the rulers now ruled over a people, as a population group, based upon patrilineal descent. Hammurabi used the traditional Mesopotamian royal ideology to present himself as king over the land based upon divine consent and authority (Postgate 1995:403). In his prologue Hammurabi (LH:i 1-49) states,

> When the august god Anu, king of Anunnaku deities, and the god Enlil,
> lord of heaven and earth, who determines the destinies of the land, allotted
> supreme power over all peoples to the god Marduk, the firstborn son of the
> god Ea, exalted him among the Igigu deities, named the city Babylon with
> its august name and made it supreme within the regions of the world and

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established for him within it eternal kingship whose foundations are as fixed as heaven and earth,

at that time, the gods Anu and Enlil, for the enhancement of the well-being of the people, named me by my name: Hammurabi, the pious prince, who venerates the gods, to make justice prevail in the land, to abolish the wicked and the evil, to prevent the strong from oppressing the weak, to rise like the sun-god Shamah over all humankind, to illuminate the land. (Roth 1997:76-77)

Hammurabi parallels his kingship of the land with Marduk's, the patron deity of Babylon, ruler over the land. This prologue attaches the early royal traditions of legitimacy, that of ruling by divine consent as the gods rule, to a new city - Babylon—over the traditional city - Nippur.

After the Old Babylonian period, royal ideology continues to strengthen around the position of the king as a supreme ruler. The kings now began to own the territories rather than ruling by popular consent (Postgate 1995:405). According to Postgate (1995:405) the Assyrians adapted the new palace structure that kings owned the territory to control and manage a self-conscious and self-governing city-state. Under this new system, the city of Assur became the capital city of the Neo-Assyrian Empire, known as the Land of Assur, with the conquered territories were incorporated into the empire as provinces (Postgate 1995:406). This new pattern continued through the successive empire after the fall of the Neo-Assyrian Empire.

4.1.2.2 Royal Responsibility

Throughout the development of the Mesopotamian kingship, the king acquired a number of responsibilities and obligations to the gods and the people. Of primary importance was the king's role in religious and cultic affairs, leadership in war, maintaining and supporting royal estates, and building projects.

The ruler's intimate relationship with the temple was one of their most basic roles and responsibilities. Since the ruler acted as a mediator between the people and the gods to ensure prosperity at home and victory abroad, the ruler could not neglect these obligations. As a mediator, the king was responsible for building and maintaining the temple sanctuary as well as specific cultic rites (Postgate 1995:397-398). The royal hymns were often composed to increase the bond between the cult and the king. For example, one set of temple-hymns attributed to Enheduanna, the daughter of Sargon, helped install her as the cultic bride of Nanna at Ur, where she would pray for her father the king (Kuhrt 1995:50). This relationship became the norm for the next five hundred years as the leading king of Mesopotamia would install his daughter there (Kuhrt 1995:50). In another example, the high priest of Inanna, typically the king, would perform the sacred marriage rite with the high-priestess, which supposedly represented the union between the god and the king (Postgate 1992:123 and 1995:398). Since the temple was the center of the community, these festivals and building projects helped to solidify the king's power and legitimacy.

In addition to building temples, Mesopotamian kings also built palaces, fortifications and other monumental structures. The palace was called the big house or *é-gal*, which was often built in a new open area of the city.[28] The palace building functioned as a residence for the king, his family and his servants; for a place of storage for daily needs and the palace treasure; as a workshop for palace craftsmen; and as the center of government and administration (Postgate 1992:141). These structures were so important that after Hammurabi's conquests he repeatedly announces, commemorates

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[28] The temple was the earliest monumental structure dating back to the Ubaid and Uruk periods; palaces on the other hand emerged later to the middle Early Dynastic period (Roaf 1995:432).

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and commissions building projects and inscriptions to show his greatness (Sasson 1995:907). The commemoration of his triumphs would detail back to primordial history where the gods chose him to rule (Sasson 1995:907). One great stele that he erected was LH, which details his essential function as a bringer of justice over the land.

Royal ideology held up that the king had the responsibility to establish and maintain justice in the land. In the prologue (i:27-49), LH begins with the divine charge to Hammurabi "to make justice prevail in the land, to abolish the wicked and the evil, to prevent the strong from oppressing the weak" (Roth 2002:76). The Old Babylonian kings often established justice by proclaiming an *andurārum* or a *mēšarum* edict that would remove the arrears of debts from both state and private contracts; however, this did not extend to investment loans (Sasson 1995:907). In addition to erecting law codes and proclaiming edicts, the kings also functioned as the ultimate judicial authority by hearing the appeals from the people (Postgate 1992:150).

As the head of government the king often played an essential role in the administration of government. For instance, many letters of Hammurabi survive recording the level of control and oversight that he had over his administration (Postgate 1992:150). The king also had the responsibility to travel throughout the kingdom, sometimes as part of a military enterprise but also to remind the territories that they still had a king (Postgate 1992:150).

Thus the Mesopotamian king had a variety of duties and responsibilities. These roles ranged from military leader, builder, judge and law giver, high-priest, and chief-administrator. These roles put a great deal of pressure on the king, but if the king could do them well, such as Hammurabi, he would be known throughout all time.

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4.1.2.3 The Palace as an Economic Entity during the Old Babylonian Period

After the Ur III period, the remnants of the institutional estates were consolidated and controlled by the king under the Palastgeschäft or palace system.[29] In contrast to the Ur III system where the records barely attest private enterprise; extensive records of private enterprise exist in the Old Babylonian period alongside the palace system. However, rather than two parallel sectors, the palace and the private household were deeply intertwined and overlapping. Yet even as overlapping systems, the Palastgeschäft, as an economic entity, played a fundamental and primary role in the economic order of the Old Babylonian period.

The consolidation of power through military conquest under Hammurabi brought substantial holdings under his royal control. However, not all institutional estates were subsumed under the royal house as the temples often maintained and controlled substantial estates independent from the king. The palace managed its arable land in three ways: a) those estates where the produce went directly to satisfy the needs of the king and the royal house; b) the *šuku* land given directly to dependents in return for a tithe of the produce and their service; and c) land cultivated by dependents who received rations instead of a percentage of the yield (Kozyreva 1984:84). Through all of these uses of the land the palace received the resources that it needed and desired, while providing for its dependents.

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[29] The Akkadian term *ekallum* refers to the crown as an economic and political unit bringing both its function as a state and as an administrative unit into view (Kozyreva 1984:87). According to Renger (1979:252) *ekallum* refers to the units or entities integrated or coordinated under the ruler. Although Kozyreva (1984:87) prefers the term "state economy" to reflect *ekallum* rather than crown, royal house or palace; the term can also be misleading as it minimizes the ideological nature and history of the role of the king. I prefer the term "palace system" or "Palastgeschäft." According to Goddeeris (2002:339) the palace system grew in scope and use during the reign of Hammurabi, it was fully integrated in the society in northern Babylonia in the early Old Babylonian period.

After the conquest of a new territory, the king would add the royal lands of the defeated king to his holdings. These lands included land administered directly to the palace but also included land given to dependents. However, the increase in holdings was limited since the conquering king did not absorb the entire territory into his holdings (De Graef 2002:146).

The crown land cultivated directly by palace dependents and staff was controlled by an agricultural bureau and called *biltu* land. The *biltu* land consisted of the fields under the authority of the agricultural bureau rather than land assigned to individuals (De J. Ellis 1976:26). The *abi sābim* was the chief official who managed the agricultural land and resources; these duties included overseeing the stewards responsible for the daily irrigation and cultivation of the land, the collection of tax payments and tax arrears, and the disbursement of rations to the laborers (Yoffee 1977:38, 43-44). The *iššaku* had the responsibility to farm the *biltu* land but could also act as an agent and cultivate *šuku* land for others (DeJ. Ellis 1976:27-28). It appears that the arable land was not always cultivated in the same manner, such as either directly by the crown or given as an allotment, but cultivation could change depending upon the circumstances. For instance, in the letter TCL 7 18 Hammurabi ordered the official Šamaš-hāzir to give a plot of crown reserve land to Nannatum because Nannatum's *biltu* plot was unable to be irrigated (Yoffee 1977:29-30). If Šamaš-hāzir failed to do so, then he would be responsible for Nannatum's *biltu* tax obligations (Yoffee 1977:30).

The *šuku* land allotments were of particular importance since they dealt with officials that would help govern and control these new territories. For instance, the *ilkum*, the land given to soldiers, remained in the soldier's possession as long as he was assigned

to the territory and fulfilled his obligations but it would be allotted to another if the soldier was transferred out of the area or died without a male heir in military service (De Graef 2002:146). Since this transfer of possession did not typically occur smoothly, as soldiers did not enter service or die at the same moment, a backlog of soldiers waiting for land emerged causing a gradual increase of the subdivision of the land (De Graef 2002:174). Thus the plots could be redistributed and subdivided based on need and demographics.

In addition to the *ilkum* and other dependent allotments functioning to provide for the needs of the palace dependents; these plots were also taxed by the palace, but the palace did not directly collect these resources. Rather the palace used intermediary individuals to organize and administer the collection of the palace resources. Kolinski (2010:81) describes this system as tributary since it "was organized along lines allowing the central institution to transfer a large part of the burden of organization and administration of production itself, as well as storage, on the dependent people of various professions." The palace system received: a) wool from its palace herds; b) fish and reeds from personnel exploiting the natural resources in return for rations; and c) grain, dates silver and work from its *šuku* tenants (Kolinski 2010:83). Yet from the lands given to dependents, the palace was mainly interested in barley and silver, the two major forms of Mesopotamian currency (Stol 1982:141).

The palace used its intermediaries to convert these natural resources into silver in order to increase its royal wealth and treasure (Renger 1979:255). This royal treasure was then used to enhance its status and prestige through ostentatious consumption, sumptuous feasts and splendid ceremonies, and through building temples, monuments and palaces

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(Renger 1979:255). According to Stol (1982:141) these intermediaries were organized into *karums* and would take the resources the crown charged them with receiving and converting them into silver often at a later date. For instance, in Larsa the businessman Ŝēp-Sîn was charged with this office during the reign of Hammurabi (Stol 1982:141). Ŝēp-Sîn was the overseer of merchants, the *wākil tamkarī*, took the 'document of the king' and gave it to a collector of dates who then gathered the dates from the gardeners (Stol 1982:146).[30] The collector of dates would then pay Ŝēp-Sîn in silver, to be transferred to the king (Stol 1982:147). Loans functioned as the mechanism for these transactions and allowed officials like Ŝēp-Sîn to take advantage of these relationships making profits for themselves.

Through intermediaries such as Ŝēp-Sîn, the palace system received the desired silver and other resources without an extensive administrative organization. Yet it also left many households vulnerable when they could not meet their obligations to the crown. In order to survive many of these borrowed to carry them over until the next harvest, often from these intermediaries, further weakening their independent survivability. While there is some discussion of the long-term viability of this palace system, especially after the loss of the southern most regions of Hammurabi's empire; the system did function extremely well during his reign and brought in tremendous wealth from the provinces (Yoffee 1977:149). As the political power of the later Old Babylonian kings waned, this palace system began to break down and more officials appear to have emphasized loyalties to groups other than the crown further weakening the palace's power (Yoffee 1977:148-149). It was in this context that debt relief and manumission edicts became

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[30] It should be noted that there were multiple Ŝēp-Sîn's from this time such as the Ŝēp-Sîn a private businessman in Larsa that owned a field next to Ŝēp-Sîn the overseer of merchants (Tyborowski 2003:73).

important for the king, possibly as a means to re-align the people towards the crown and earn their favor.

4.1.3 The Temple during the Old Babylonian Period

The other major institution in Mesopotamian history was the temple. The temple maintained three major roles in society. First, a temple consisted of a sanctuary and supporting estates. Second, the temple functioned as the religious and cultic center of the community. Third, the temple had a practical role in the community other than as a religious center.

4.1.3.1 The Temple as an Institution: the Building and Economic Activity

During the Ur III period the temple and the royal estates were managed through one central organization. However, this changed and the temple estates became independent after Ur III collapsed, while still retaining much of their character and function.

The temple building occupied the central location of the ancient city, often elevated and adorned with the best the community had to offer (Postgate 1992:109). The first temple on record existed at Eridu as a small hut with niched decoration, an altar and the remains of the offerings (Postgate 1992:110). With the development of sun-dried bricks monumental structures began to take shape throughout the third millennium forming the ziggurat, where the deity would be received both in heaven (in the tower) and on earth (the lower buildings) (Oppenheim 1944:54 and Postgate 1992:110). The first type of temple structure was the oval temple of the Early Dynastic period that consisted of large curving walls (Roaf 1995:428-429). During the Ubaid period, the temple was elevated and built on platforms (Roaf 1995:429). The platform temple was adapted to

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form several stages creating the ziggurat as the third major temple type (Roaf 1995:429). Ziggurats were the common temple type during the Old Babylonian period being built at Larsa, Borsippa, Babylon, Kish, Sippar, Assur, Qatara, and Shubat-Enlil (Roaf 1995:430-431).

Just as the king would later live in the palace, the deity was seen to live in the sanctuary (Oppenheim 1944:58). The construction of one of these great sanctuaries to the gods would be commemorated by a royal inscription as a record of the *ensi*'s piety and devotion (Postgate 1992:114). These temples were so important that they were often rebuilt even after the city had been abandoned such as at Eridu which continued to be rebuilt until the first millennium BCE (Roaf 1995:428). Similarly, the Kassites rebuilt the Lower Temple at Nippur following exactly the plan of the Isin-Larsa temple (Roaf 1995:428).

In addition to housing the deity, temples owned extensive economic resources. These economic activities consisted of estates producing cereals, vegetables and fruits along with irrigation works, herds of sheep, goats, cows and equids, fishing lands, and workshops producing textiles, leather, wooden items, metalwork and stone (Postgate 1995:115). In order to manage these resources, temples maintained storerooms and granaries often within the temple enclosure; however, they could also be in multiple villages and the temple would issue orders from the central sanctuary (Postgate 1992:115). In addition to the temple estates, the temple also received royal gifts from the spoils of war and offerings from the people. With all of this revenue the temples also employed merchants to acquire goods not available locally and thus further enhance the

temple's prestige (Oppenheim 1944:62). For instance, temples in Babylonia sought precious metals, stones and timber from foreign lands (Oppenheim 1944:62).

4.1.3.2 The Religious Activity of the Temple

One of the major avenues for which temples utilized their resources was for religious activity directed towards the local deities. As a house of the god, the sanctuary consisted of two major rooms: the larger residence with a raised block to house the statue of the god, and a subsidiary room called the *paphum* (Postgate 1992:117). While none of the divine statues remain extant, they most likely were inlaid with precious metals such as gold, silver and lapis lazuli over a wooden core (Postgate 1992:118). These statues would most likely have been manufactured and repaired in the temple workshops and installed in the sanctuary with a ritual (Postgate 1992:118). The gods and goddesses were anthropomorphic, dressed and adorned with the best that the community had to offer (Postgate 1992:118). The installation rituals and incantations would have 'transformed' the material into flesh and bone giving it life (Wiggermann 1995:1862). These items would have been the prized spoils of a conquering army and a reason for lament if lost (Postgate 1992:119).

The gods were erected to be worshiped, and thus the community offered regular meals of food and drink to the gods for their sustenance (Postgate 1992:119). For instance, the Warka Vase depicts worshippers offering the produce of the temple's estates including food, clothing and jewelry to the goddess (Postgate 1992:110, 119). There is a distinction between the offerings of the people to the gods and the food placed before the gods by the temple staff (Postgate 1992:120). The regular deliveries by the temple staff at

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Ninurta's Temple were known as *sá-dug* and included bread, lardy cake, *emmer*-flour, beer, fish cakes and wine (Postgate 1992:120).

The religious life also included festivals on special calendar days when additional offerings were made (Postgate 1992:123). These festivals were commonly associated with certain days of the month (7th, 15th and the crescent moon or the beginning of the month), along with special days for the individual god (Postgate 1992:123). Many of the royal hymns were composed for these special rituals and included the sacred marriage rite. Some of these rituals, such as the *akītum*, included large gatherings, feasts, processions, music, dance and markets (Postgate 1992:123). At the *akītum* New Year festival, the god and his congregation left the temple sanctuary and went to the countryside (Postgate 1992:123-124). These rituals were designed to serve the gods and to secure the prosperity of the people (Wiggermann 1995:1863).

Religious art played an important role in the religious life of the community. First, along with statues of the deities, the temples would have been adorned with religious art and symbols of gods and their mythology. According to Green (1995:1837) the symbols of the gods, such as sky, tools, animals, animal hybrids or animal-headed, were used as direct substitutes for individual gods and goddesses. A one-to-one correlation existed between the symbol and the god such as lightening representing the storm-god Ishkur in Sumer (Green 1995:1837-1838). These symbols typically remained unchanged throughout history, indicating what Green (1995:1842) describes as a life and integrity of their own within Mesopotamian culture. Second, religious art was extensively used in cylinder seals—called glyptic art (Green 1995:1842). Glyptic art could depict pastoral scenes but also scenes involving gods and monsters (Green 1995:1842). However, not

every god or goddess was depicted, such as Ereshkigal, the queen of the underworld, who might have been perceived to be too dangerous to depict (Green 1995:1844). In addition to cylinder seals, special presents, such as thrones, beds, chariots, boats, weapons and vessels, were given to the gods by rulers, families or high officials often with hymns and inscriptions detailing the giver and their expected return (Wiggermann 1995:1861).

Overall, religious life was centered in the temple. It was the residence of the gods, who were to be worshiped and served and thus secure the divine blessings and future prosperity for the community. It was the obligation of first the ruler and then the people to provide their service to their god.

4.1.3.3 Mesopotamian Religion and the Temple's Role in the Community

The practices and rituals at the temple reveal the basic dogma of Mesopotamian theology and religion. These practices revolved around the symbiotic relationship between the gods and humanity. At the heart of this relationship was the belief that the gods created the world for their benefit and made humanity to serve them (Wiggermann 1995:1859). According to Bottéro (1992:105-106) Mesopotamian theology centered on,

> The belief that the world depended entirely on supreme forces that had created it and that governed it primarily for their own advantage. The images of these gods were based on a human model; they were greatly superior, however, by their endless life, by their intelligence, and by their power that was infinitely above our own. Everything on ear, all objects and events, came forth from the gods' actions and their will, and fitted into some kind of general plan that they had in mind.

In this relationship, humanity was created after the lesser gods rebelled because of the heavy burden of servitude placed upon them by the greater gods (Wiggermann 1995:1859). Thus humanity's role was to service the gods so that these greater gods could have their leisured lifestyle (Wiggermann 1995:1860). The gods in return rewarded

acceptable service with prosperity and long life, while unacceptable service was met with adversity, disease and untimely death (Wiggermann 1995:1860).

Similar to the rewards of acceptable service, the gods would reveal to humanity the future and allow them the opportunity to change the divine will. According to Bottéro (1992:106) the past, present and future were known by the gods and "they could report on it to mankind at their pleasure: this was the entire meaning of divination." Through divination rulers and individuals could discover the future through either direct or indirect divine revelation (Bottéro 1992:106). If an evil fate was predicted by a dream, an incantation and prayer along with certain rituals would be "addressed to the gods in order to obtain from them the dispelling of a threat, of bad luck, or of an evil" (Bottéro 1992:122). For instance, one oracle (A obv. Ii: x+7) states that, "if he dreams that he eats the meat of a fox: skin rash; but for him who is (already) ill, it is a good omen" (Bottéro 1992:118). Divination was also used to predict and ensure favorable outcomes before actions, such as going to war. For instance, the ritual of the substitute king looked to transfer from the king to the substitute king any evil that might befall the king or crown prince (Bottéro 1992:144).

It is thus easy to see the importance of rulers maintaining a right relationship with the gods by performing their specific rites and service obligations. Without divine favor disaster would ensue and suffering would encompass the land. But in addition to protecting the state and population through religious activity the temple also played a more practical role, one of wealthy neighbor.

The extensive resources of the temple allowed the institution to give back to the community when it was in need. For instance, the LH §32 states that the temple should

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help redeem a soldier captured on royal campaigns if he or his family does not have the resources needed (Postgate 1992:135). The large storage facilities at the temple allowed it to make loans to merchants and the community, such as the Tilmun traders in Ur III and the Old Babylonian period (Postgate 1992:135). But not all the temple loans were made for profit as the temple also made interest-free barley loans to individuals in need, possibly during a famine (Postgate 1992:135-136). The temple also would buy children possibly from poor families unable to support them (Postgate 1992:136). Finally, the temple with its large meeting place would have also hosted judicial proceedings such as taking solemn oaths and settling boundary disputes (Postgate 1992:136).

Thus the temple was central to life in ancient Mesopotamia and it provided a great number of functions. As the center of the community, it reached to the heavens in order to bring the divine blessings down to earth for the prosperity of the people. In addition, the intersection of the roles of the king and palace structure with the role of the temple must be fully appreciated. The king maintained the responsibility to ensure this divine blessing. The major way was by royal support of the temple through gifts, building projects and ritual acts. But this responsibility also extended into the realm of justice and maintaining the divine order of society.

4.1.4 The Independent Activity of the Farmer and the Merchant

Independent activity was an important part of the Old Babylonian economy, especially as the palace divested itself from many administrative functions. This push towards privatization created more opportunities for individuals to cultivate and manage their own land and transact their own business. Yet this increased level of opportunity

also carried with it increased danger and a greater likelihood of households sliding into poverty and eventually debt-slavery.

The independent farmer existed in northern Babylonia, as is attested to by the large number of extant sale documents there, while southern Babylonia appears to have continued the Ur III system that controlled most of the arable land (Renger 1994:188). But according to Renger (1994:188-189) the documentation of the land sales indicates that a minimal amount was sold compared to the total amount cultivated, most likely due to the fact that in an agrarian society the loss of land meant impoverishment. According to Goddeeris (2002:354) farmers did not voluntarily sell all of their arable land. Thus voluntary sales probably included the rearranging of fields between extended family after the death of the head of the household or the exchange of plots that are more conveniently located for the parties involved (Goddeeris 2002:354). Private land could be accumulated through unpaid debts, which will be discussed in more detail later (Goddeeris 2002:354). Households that controlled excess land, both private or *šuku* allotments, often leased it out, for a certain percentage of the harvest, typically one-half to one-third (Goddeeris 2002:353). According to Goddeeris (2002:353) many of these lessees were insolvent debtors who owned no agricultural land themselves. Thus for the independent farmer maintaining their household agricultural land was essential for their survival and the loss of their land placed them in a precarious situation.

The merchant, called *tamkārum*, also played an important role in the Old Babylonian economy. However, there is some debate over the primary function of the *tamkārum* and their relationship with the palace. Leemans (1950: 125) focused on the *tamkārum* as a money lender and trader, who could carry on trade for the government.

Tyborowski (2003:70) notes that the Rencontre espoused the view that the *tamkārum* were primarily "state functionaries engaged in the tax administration of the palace." Stol (1982:148) also views their role as primarily state officials who also engaged in private transactions. Part of the problem with determining the appropriate place of the *tamkārum* is that these merchants did not have one specific role in the economy but could function in one or both spheres. Thus a *tamkārum* could function purely as an official for the state, solely as a private person or they could engage in interlinked transactions merging private activity with their official capacities within the palace economic structure. This dual function of the *tamkārum* appears to be common in the ancient Near East as it also existed in Nuzi, where they were a subordinate in the palace structure but the elite of the city also employed them for their own business enterprise (Zaccagnini 1977:173).

Within the palace system the overseer of merchants, *wākil tamkari*, functioned to manage the business transaction of the state in order to convert the natural resources into silver (Stol 1982:147). One way in which the dual function was realized was expectation of when the palace expected to be repaid. For instance, the palace was very lenient on receiving the silver, which gave the *wākil tamkari* the opportunity to borrow from the state over a longer term and privately lend those resources out in the shorter term and make a profit (Stol 1982:148).

The transactions of Šep-šin, the businessman who was different from Šep-šin the *wākil tamkari*, attest to the possible activities of the independent merchant. First, Šep-šin appears to have been involved in business ventures with others, probably his relatives, and they were able to transact on behalf of one another (Tyborowski 2003:75-76). Of his business dealings over twenty-five years, Šep-šin engaged in thirty credit transactions

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regarding trading ventures (Tyborowski 2003:76). Some of these loans were connected to one another, such as those of Ibnatum who borrowed twice from Šep-šin; the first loan was a large sum of over eight minas for a partnership (Tyborowski 2003:76). He was also concerned with trading in Elam, attested by his silver loans to his partners for a trading venture to Susa to buy precious metals (Tyborowski 2003:78). This venture to Susa also reveals that Šep-šin instructed his agents to remain in Susa and conduct further trading operations there until the trade routes become safe again (Tyboroski 2003:79). According to Tyborowski (2003:79) these instructions by Šep-šin attest to the fact that merchants maintained control over their trading ventures even while their agents and partners were in distant places.

In summary, the shift from a state-economy to a divestment of the administrative structure through a use of intermediates increased the number and importance of independent merchants and farmers. The emergence of these independent merchants and farmers accompanied an increase in both opportunity and risk. Yet through this shift the basic institutions remained: the temple and the palace.

4.2 THE USE OF LOANS IN THE OLD BABYLONIAN ECONOMY

The changes in the palace system to reduce the administrative burden by privatizing specific activities accompanied an increase in the use of loans during this period. But this change also shifted the economic burden to the individual household. Thus the function of loans in the Old Babylonian economy is essential to understanding the economy and the social ramifications that existed which prompted the need for debt-relief.

4.2.1 The Nature and Purpose of Loans

Three basic features identify loan contracts of the Old Babylonian period: 1) commodity and amount, 2) contrahents and verb *šu ba-an-ti*, and 3) repayment clause (Skaist 1994:22). The verb *šu ba-an-ti* was used when silver or goods were transferred for future payment while for other contracts a different verb was used to describe the transaction (Skaist 1994:24). Other elements may be included in the contract, such as the type of loan, interest, pledge and security or joint responsibility of debtors, but generally these three elements form the basics of the loan contract (Skaist 1994:26-27).

Loans in the Old Babylonian period were used for two basic purposes: investment or consumption. Consumption loans, also called harvest loans, were used in agricultural societies to provide resources for households between harvests (Renger 1994:196). Consumption loans typically result from unfortunate events where the household runs out of food before the next harvest (Goddeeris 2002:387). It is possible that ur_5-*ra* was a specific type of grain loan used for consumptive purposes (Goddeeris 2002:387). These loans carried an interest of 33 percent for barley and 20 percent for silver, possibly due to the drop in barley values during harvest (Goddeeris 2002:287). One main source of these loans was the local inn-keeper, called *sābītum*, who functioned as a rural money-lender (Renger 1994:198). Instead of repaying with barley or silver, consumption loans could also be repaid with labor during the harvest time to large landowners or institutions but this would hinder the debtors' ability to harvest any fields he owns himself further weakening his economic viability (Postgate 1992:169). Overall, the cumulative affect of recurring consumption loans would continually push the household into poverty.

While consumption loans were used for survival, investment loans functioned on a very different level. Investment loans consisted of silver loans being used to finance

business or trading ventures, credit sales, entrepreneurial activity or votive gifts promised to a temple (Renger 1994:196). These transactions financed economic activity and generally created opportunity for the individuals involved. Most importantly, investment loans facilitated the exchange and conversion of the palace resources into silver.

4.2.2 The Palace and the Use of Loans

We have already seen that agricultural resources owned by the palace (such as arable land, herds and other natural resources) during the Old Babylonian period were utilized through a system of allotment (*šuku*-land) or through direct management of the palace and their agents (*biltu*-land). These resources yielded produce of which a contracted amount or a set share had to be given to the palace and any remaining amount went to support the households working these resources (Van De Mieroop 2002b:164). For instance, the palace herds had to increase by a specific number and produce a set amount of cheese, ghee and wool, and anything above this amount went to the households (Van De Mieroop 2002b:164). Their herds were co-mingled and any shortfall was deducted from the household's portion of the herd (Van De Mieroop 2002b:164). Van De Mieroop (2002b:164) notes that the palace received an over abundance agricultural goods (cereals, dairy products, wool, animals and fish) from these resources and thus had to convert them into silver for storage.[31]

The process of converting the agricultural goods into silver occurred through a series of steps involving officials and intermediaries.[32] According to Van De Mieroop

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[31] The silver desired by the palace was more than generic silver or loose silver but sealed silver or official silver. The difference between these was a matter of quality with sealed silver being of higher quality and thus more valuable (Stol 1982:150-151).

[32] Van De Mieroop (2002b:165-167) utilized Charpin's (1982) article "Marchands du palais et marchands due temple á la fin de la Ire dynastie de Babylone" reconstruction regarding wool transactions to determine the structure of this system. Unfortunately, I was unable to obtain a copy of Charpin's article in *Journal Asiatique* and thus only had secondary access to it.

(2002b:165) the conversion of perishable agricultural goods to silver took five basic steps. The first step involved the palace collecting the goods in a storehouse during the harvest and shearing season (Van De Mieroop 2002b:165). Second, after collecting the goods the palace sold its abundance for either silver or other goods it needed but did not produce (Van De Mieroop 2002b:165). Through credit sales by the overseer of merchants to the intermediaries, the palace loaned the agricultural goods out for a future payment of silver (Van De Mieroop 2002b:165-166). Third, the overseer of merchants transferred the agricultural goods to merchants and other recipients for sale or production (Van De Mieroop 2002b:166). These recipients were now indebted to the palace and were required to repay the loan in silver in the future (Van De Mieroop 2002b:166). These merchants could then transfer these loans, often interest free, on to other merchants or entrepreneurs in order to sell the agricultural goods for silver (Van De Mieroop 2002b:166).[33] Van De Mieroop (2002b:166) observes that without these transactions the palace would have needed to sell their agricultural goods themselves which would have required a substantial increase in the size of the palace staff. Fourth, the recipients then repaid the interest free loan with silver to the intermediaries sometimes years after the original credit transaction (Van De Mieroop 2002b:166). Fifth, the intermediaries then repaid their loan with the palace and delivered the silver (Van De Mieroop 2002b:167). This process of converting agricultural goods into silver was the essential mechanism through which the palace and temples gained wealth without maintaining and supporting additional agents for the sale and transfer of these goods. Without loans this process of exchange could not have occurred.

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[33] These credit sales to the private individual involved the seller paying one-third upfront, then another one-third at a future date with the final one-third forgiven (Postgate 1992:198-199, Stol 1982:148-150, and Van De Mieroop 2002b:168).

However, in practice this system was more complicated. For instance, this system of credit transactions could also be used by the palace to receive silver even when the agricultural assets from a particular tenant are in arrears. According to Postgate (1992:197) if a tenant fails to deliver the required agricultural taxes and dues to the palace, he is in arrears; the palace would then sell the tax obligation of the tenant as a credit document to a merchant who now owns the taxes in arrears. The tenant is now a debtor to the merchant over the amount of the taxes owed (Postgate 1992:198).

Similarly, the role of collecting the taxes of the tenants by the palace also occurred through intermediaries. This collection of goods by the entrepreneurs allowed the palace to avoid the actual collection, storage and distribution of any goods further easing their administrative burden. For instance, in Larsa the overseer of merchants, such as Šēp-Sin, oversaw a group of merchants and entrepreneurs who collected the produce of the tenant farmers (Stol 1982:141). The transaction was recorded as a silver loan to Šēp-Sin, with a promise to repay silver at a future date (Stol 1982:147). The overseer of merchants would issue the right to collect the produce for a specific amount of silver to the merchants who would collect the produce directly from the farmers and deliver silver back to the overseer of merchants (Stol 1982:147).

This particular relationship allowed for a number of interlinked transactions to occur. The overseer of merchants could then lend out the silver owed to the palace for other ventures, such as private loans, before the palace actually requested it (Stol 1982:147). These transactions allowed for a dual-use of the commodities in both the private and institutional areas (Stol 1982:148). This silver could be lent to other merchants and entrepreneurs for business ventures, but they could also be used to lend

money to the tenant farmers as well. As the purchasers/collectors of the agricultural goods, they had a natural relationship with their tenant already and could extend to them credit in return for additional agricultural goods. These types of loans were consumption loans.

4.2.3 Loans and Debt Relief

Households found themselves in financial danger through a number of circumstances. Poor harvests caused by droughts, disease or pestilence could ravage the crops and herds the household relied upon. While the use of consumption loans such as *ur₅-ra* loans could alleviate the short-term need, the household was still required to repay the shortfall with interest. By letting the household fall into arrears to the palace and the intermediaries collecting the taxes, they fell into a similar position as if they had borrowed a consumption loan. Both of these situations left members of the household susceptible to debt-slavery; and if they defaulted on the loan, any collateral, including persons they pledged, becomes the property of the creditor.

To rectify this situation, the Old Babylonian kings proclaimed royal edicts both freeing the debt-slaves and forgiving any outstanding consumption debts. These edicts called *mēšarum* or *andurārum*, usually proclaimed during the first regal year of a king, forgave only the debts due to consumption purposes and not investment purposes. The exception to the investment debt was the merchant who purchased the tax arrears of a tenant and was now liable for the appropriate amount of silver to the palace (Van De Mieroop 2002b:169). The *mēšarum* edict disrupted the merchant's claim to the tax arrears of the tenant so that he was no longer able to collect it, yet he was still required to pay the palace (Van De Mieroop 2002b:169). If the merchant swore that he did not

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receive anything from the tenant, his obligation was also forgiven by the palace (Van De Mieroop 2002b:169). However, all other investment loans remained valid and unaffected by the *mēšarum* pronouncements.

Outside of the Old Babylonian period, the *andurārum* pronouncements were not as effective. For instance in Mari, *andurārum* did not affect all consumption loans as some creditors could exclude their loans from being forgiven by royal edicts (Charpin 1990:270). At Nuzi, contracting parties could state the exclusion of the loan from royal edicts (Zaccagnini 1977:177). The ability to exclude credit contracts from being forgiven does not appear in the Old Babylonian records.

4.2.4 Loans in the Private Sphere

Loans appear to have functioned similarly in the private sphere as they did in the institutional sphere. One type of loan called *ana šám* was the purchase of a commodity such as silver for repayment at a future date with something else (Van De Mieroop 2002b:170). According to Skaist (1990:67) the *ana šám* loans were "the transfer of silver to an agent to acquire goods on behalf of the transferee." The *ana šám* was different from the credit sale, or *šám* loan, which was regularly used in institutional transactions as providing a good for a future payment of silver in the future. Although, Van De Mieroop (2002b:170) concludes that these *ana šám* loans were possibly used in private transactions as well. It is also possible that individuals used loan contracts to commission work from a craftsman. In this case the craftsman was paid before the work began, and a finished product was to be delivered at a future date (Van De Mieroop 2002b:171). In all of these cases, these loans were used to facilitate exchange between parties and parallel the use in the institutional areas (Van De Mieroop 2002b:170).

4.2.5 Temple Loans

Temples also played a heavy role in the distribution of credit, where the gods appear as creditor (Harris 1960:126). In light of the extensive economic resources of the temples from estates, offerings and gifts, the temples had substantial economic resources with which to lend. Temple loans typically place the god as the creditor and the god Šamaš was seen as the god of justice and the major lender to the people (Harris 1960:128). But gods also functioned as witnesses, although never as both creditor and witness (Harris 1960:128). In addition to the gods as creditor, merchants and temple officials acted as joint creditors with the temple and could act as a liaison between the temple and the debtor (Harris 1960:128-129).

Temples typically loaned silver and barley. Barley was typically loaned in small amounts such as five GUR or less while silver was loaned at larger amounts (Harris 1960:130). The differences in size coincide with barley being used for consumption purposes and silver being loaned for business opportunities (Harris 1960:130-131). In addition to consumption and investment purposes, temple loans were used for redeeming war captives or even pledges (Harris 1960:131).

There were a few deviations in temple loans that did not occur in private or palace loans. First, while the temples also took pledges for loans, they generally had reduced interest rates on barley loans - twenty percent versus the normal third (Harris 1960:132). Second, in lieu of interest payments, food offerings could be made to the gods (Harris 1960:132). Third, the time table for repayment could be absent in temple loans, allowing some of the loans to be repaid whenever possible (Harris 1960:132-133). Fourth, it was possible for the son of a deceased debtor to assume the debt of his father (Harris

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1960:133). For instance, Ibbi-Šamaš owed Šamaš one and third shekels of silver that he assumed as "the money of his father's estate" (Harris 1960:133). Finally, vows given to the gods could also be thought of in terms of loans. In this instance, in *šalmu balṭu* texts the person who offers the vow is seen as a debtor to the god (Harris 1960:133). The promised vow could include objects and ornaments of precious metals that had religious significance rather than silver or barley (Harris 1960:135).

4.2.6 Summary of the Use of Loans in the Old Babylonian Period

Loans had many uses in the Old Babylonian economy. They provided an efficient means for the state to manage its agricultural resources and to convert its surplus goods into high quality silver. Loans were used by individuals to invest in business opportunities and trading ventures but also to provide resources to households in need until the harvest. These consumption loans could be borrowed from individuals, the state or the temple yet regardless of the source they often led the household down a path towards greater poverty and destitution.

4.3 DEBT-SLAVERY IN THE OLD BABYLONIAN PERIOD

In ancient Mesopotamia two types of households existed: the institutional household and the familial household (Gelb 1979:4). The main focus here is the identification of the various family types, how members of a household fell into debt-slavery and how debt-slavery affected these households.

4.3.1 Family Unit

Of the two types of households, the institutional or public household is more widely documented as these institutions maintained archives to manage and organize itself (Gelb 1979:11). The public household consisted of the large institutions of ancient

Mesopotamia, the temples and the palace system, comprised of "owners and/or managers, labor force, domestic animals, residential buildings, shelters for the labor force, storage bins, animal pens, fields, orchards, pastures and forests" (Gelb 1979:3). These public households contained a variety of personnel who worked and managed the resources of the institution, such as officials and supervisors, craftsmen and persons with various occupations, soldiers and workers, and women and children without family (Gelb 1979:23-24). The institutions functioned under a hierarchical structure without much upward social mobility over which a master or head of the household managed the dependents and lesser officials (Gelb 1979:24).

According to Gelb (1979:11) although it remains limited, much of the information on private familial households comes from the ancient *kudurrus*.[34] These familial households could be comprised of various groupings of related individuals. The basic grouping was the nuclear family, which was a two-generational unit of man, wife (or wives), and unmarried children (Gelb 1979:56). Another grouping was the stem family, where a married son remains with his nuclear family, his unmarried siblings and aging parents (Gelb 1979:57). Similar to a stem family, a fraternal family consisted of multiple married sons and their children remaining with their nuclear family (Gelb 1979:58). The fourth basic grouping was the extended family that comprised a multi-generational unit with a pater-familias as the head of the household, his unmarried siblings, his wife or wives, their unmarried and married children, any grand-children and attached relatives

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[34] A *kudurru* was a rectangular or phallic boundary stone decorated with religious symbols and an inscription that discussed land disputes, or land gifts with the recipients privileges and obligations associated with it (Kuhrt 1995:337).

(Gelb 1979:58).[35] An extended family was organized as a single household, however, multiple extended families made up of clans and multiple clans made up tribes, all of which believed to have common descent (Gelb 1979:59).

These simple or basic family groupings could also be enlarged with unrelated persons and although not 'family' they were part of the household (Postgate 1992:88). These non-family residents of the household included female and male slaves who were considered as property along with their "house-born" children (Postgate 1992:106-107).

In Old Babylonian times, private households were patrilinear and patrilocal so that having sons was extremely important (Postgate 1992:92). The eldest son was the heir and would support the parents in their old age and appease their spirits in death since he inherited a share of the land along with the family shrine (Postgate 1992:92, 99). If a wife was barren a slave girl could be given to provide offspring for the wife, or adoption could be used to provide an heir (Postgate 1992:92-93). While slave girls could become concubines; a man normally had only one legal wife at a time but there were a few exceptions such as if the wife was incapacitated or if she was a priestess who did not live with the family (Postgate 1992:106). Since patrilinear descent was important, the virginity of unmarried daughters was protected in order to ensure the paternity of the children upon being married (Postgate 1992:103-104).

Upon death of the head of the household, the property of the deceased was divided equally among the heirs (Goddeeris 2002:376). This property included slaves, land and houses. Daughters who had already received their dowry did not receive an additional share, but daughters who had not were expected to receive one from the estate

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[35] The difference between the stem and fraternal families and extended families is that the stem and fraternal families are both two-generational while extended families are multi-generational (Gelb 1979:58).

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(Postgate 1992:97). The eldest son also might have received a double share of the inheritance, and his brothers might leave the household to establish their own at this time (Postgate 1992:98). Ownership of the land could become quite complex, especially when large, extended families were involved. Since these groups might cultivate the land communally rather than as independent households in order to keep the land from becoming too fragmented (Postgate 1992:95).

4.3.2 Pledges and Collateral

When households needed additional resources above what they produced or cultivated from themselves or when individuals needed additional resources with which to engage in some business venture, they borrowed from others. In order to ensure repayment of the debt, creditors would often ask for collateral or some other form of guarantee. These forms of collateral included pledge, suretyship and joint liability of co-debtors (Westbrook 2001:63). However, creditors could also use distraint as a means of encouraging the debtor to repay the loan (Westbrook 2001:63).

A pledge consisted of land or persons, including wives, children both sons and daughters, slaves and even the debtor, and functioned as either possessory or hypothecary collateral (Westbrook 2001:63). Possessory collateral was held by the creditor until repayment or as a substitute for a debt, while hypothecary collateral was assigned but not handed over to the creditor and thus not intended as a substitute payment (Westbrook 2001:77).

Possessory pledges performed a role of providing income for the creditor during the loan period often as interest on the loan, called antichretic pledges (Westbrook 2001:66). Any yield a plot of land may have had went to the creditor and any work

performed by a person went to the creditor (Westbrook 2001:66). However, since pledges were meant to ensure repayment, creditors were often limited in how much they could extract from these pledges and any value extracted would be deducted from the interest the debtor owed (Westbrook 2001:66).[36] Possessory pledge contracts ended when the loan was repaid and the pledge was reclaimed.

According to Westbrook (2001:79) suretyship was used 1) "to secure the appearance of a person at a given date or venue or to insure against the flight of a person, an antichretic pledge or a hired worker" or "to secure payment of a debt should the principal debtor default." The surety would be liable for both the interest and principal of the loan if the debtor defaulted (Westbrook 2001:81). However, after the surety paid the creditor, the debtor now owed the debt to the surety (Westbrook 2001:82). The letter AbB 9 27 reveals that the surety's duty was to get the debtor to repay the loan and it was in the best interest of the surety to do it preemptively (Westbrook 2001:82). The surety appears to be effectively used to secure commercial loans and to expedite the credit transaction (Westbrook 2001:82-83). Similar to surety, the joint liability functioned in commercial transactions and enabled the creditor to receive payment from any of the debtors involved (Westbrook 2001:84).

Distraint occurred when a creditor seized a member of the debtor's household in order to force them to repay the debt (Westbrook 2001:84). The detained individual was the *nipûtum* and they could be detained for default on loans or tax arrears, dues on crown lands, to enforce corvée, and for borrowed property to be returned (Westbrook 2001:84). The difference between a pledge and distraint was that in distraint the consent of the

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[36] It should be noted that antichretic loans without pledged collateral also existed and functioned as a lease agreement on a field (Westbrook 2001:67).

debtor was not required and usually occurred to initiate legislation (Westbrook 2001:84). A *nipûtum* could be a wife, child, slave or a daughter-in-law or sister-in-law living in the debtor's household (Westbrook 2001:84). It appears that a *nipûtum* was often a female and could involve multiple people who were detained at the creditor's house (Westbrook 2001:84-85). Distraint was not used to satisfy the debt but to enforce its repayment (Westbrook 2001:85). The *nipûtum* could be put to work but it was not applied to the loan to either its interest or principle (Westbrook 2001:85). Distraint was often used during disputes over the transfer of grain or silver but the creditor could not act without reasonable cause otherwise they would be penalized (Westbrook 2001:87). Even though LH §115 punishes the creditor if the *nipûtum* dies from harsh mistreatment, maltreatment appears to be somewhat common including the creditor taking sexual advantage of a female (Westbrook 2001:88-89).

4.3.2 Default

The use of pledges, suretyship and joint-liability, and distraint were means that the creditor had either to enforce payment or to gain financially from a defaulting loan. For the weaker households who turned to consumption loans for survival until the next harvest, the effects of debt would be increasingly burdensome. According to Renger (1994:197):

> The effects of indebtedness stemming from such harvest loans and an increasing inability to repay loans if adverse natural conditions continued for more than one year ultimately led to the loss of the usufruct of one's land, because the land may have been given as an antichretic pledge to one's creditor; it may have led to the necessity to sell one's land and finally to bondage for debt.

Creditors would be less willing to lend barley or silver to a poor household without some way to ensure repayment. If the next harvest did not produce enough resources to cover

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the loan with interest, any taxes and dues owed to the palace or temple, and the household's needs to the following harvest, then the household could face default. The family could sell its property, any land and slaves it owned, to repay the loan or they could lose the pledge. If a person was pledged, default on the loan would force them into debt-slavery.

Default on loans typically meant the loss of land and even *mēšarum* proclamations did not correct this situation. It appears that impoverished debtors often sold the land pledged in the contracts to the creditor, which covered the interest and principal owed (Goddeeris 2002:328). For instance, TCL X 40 shows the sale of a date-palm garden that occurred after the cancellation of debts indicating a relationship between the loan and a sale (Goddeeris 2002:328). This sale most likely occurred as a forced sale due to default, where the debtor received payment for the land less the amount owed. Furthermore, LE §39 shows that the debtor retained a right of redemption over the land whenever he was capable and willing (Goddeeris 2002:328; Roth 1997:65). After the forced sale all claims over the debtor and his household were absolved (Goddeeris 2002:329). When a *mēšarum* was proclaimed, the debtor did not receive back his land but received only the portion of the purchase price that was withheld to cover the debt (Goddeeris 2002:329-330). Thus even through debt-relief edicts an impoverish household did not truly receive back their lost land.

In short, impoverished households or households without a sufficient surplus to carry them over during periods of famine and poor harvests were susceptible to economic disaster. The loss of land meant the loss of survivability. The question remains if forced sale of slaves occurred similar to forced sales of land. But the loss of members of the

household slaves, children or spouses to default meant the dissolution of the household and a loss of productive capacity. The consolidation of land by creditors could create a situation that alters and gradually weakens the social fabric of the dynasty. Household members that were formally free were now dependent upon their wealthy creditors rather than having allegiance towards the dynasty.

CHAPTER FIVE: THE OLD BABYLONIAN JURISPRUDENCE: EDICTS AND LAW CODES

The Old Babylonian legal structure generally functioned on four institutional levels: the head of the family, the local council of elders, judges and the courts, and the king. Family law was driven by the patriarchal authority of the head of the household and his authority dealt with family issues: inheritance, adoption, marriage of children, divorce and ancestral cultic duties (Greengus 1995:478-479). In the urban centers, the local council of elders dealt with the basic legal issues that arose, such as investigating the conduct and chastity of a woman, investigating and prosecuting theft, regulating commerce, and protecting the community against unfamiliar people (Greengus 1995:469). The urban centers also maintain two levels of a court system. Claims regarding movable and immovable property and merchant disputes were dealt with by the local council, as the leading members of the community who knew its traditions and standards of justice (Greengus 1995:473). The royal courts handled more severe issues, dealing with homicide, treason and adultery (Greengus 1995:473).

5.1 OLD BABLYONIAN TRANSACTION DOCUMENTS[37]

The Old Babylonian transaction documents record transactions between two or more parties in the presence of a witness. Private transactions, such as loans, proliferated during the Old Babylonian period and had an evidentiary function in the legal system (Goddeeris 2002:15). Witnesses were necessary in order to validate the contract should any dispute arise (Goddeeirs 2002:15). The document itself was evidence of a transaction

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[37] Transaction documents are more generally known as legal documents; however, with regards to genre legal documents can be used in a strict sense referring to transaction documents or in a broad sense referring to any document that deals practically or ideologically with the legal system of the Old Babylonian society. Therefore going forward, transaction documents will refer to the strict sense of the term and legal documents will be used more broadly.

not "the essence of the transaction" where without the document the transaction would be invalid (Postgate 1992:282 and Goddeeris 2002:15).[38] These documents could have either a retrospective or prospective view (Postgate 1992:282). Retrospective documents recorded sales and other transactions that were completed, while prospective documents recorded the agreement of obligations between two parties (Postgate 1992:282).

Transaction documents typically followed specific formulas. Required aspects included the object, parties, verb, specific stipulations, witnesses and date (Goddeeris 2002:15). Optional aspects included oaths and any *verba solemnia* and symbolic actions (Goddeeris 2002:15). *Verba solemnia* also involved marriage, divorce and adoption vows and statements which were not verbal contractual agreements and did not have limited time periods (Postgate 1992:284). However, marriage, divorce and adoption contracts did exist but they specified the rights of possession only without performing an essential function in making the marriage valid (Goddeeris 2002:16-17). Transaction documents were limited in time and were destroyed after they expired, such as after a loan was repaid (Goddeeris 2002:16). While witnesses often observed the transaction, since they could die, they proved less reliable for long-term transactions than clay tablets evidencing the transaction (Goddeeris 2002:17). Transaction documents typically included purchase, lease, adoption, inheritance and loans contracts (Goddeeris 2002:20). These important documents were housed in family archives and provided important information regarding the activities of the household (Goddeeris 2002:18).

In contrast to transaction documents, administrative documents and letters, while providing valuable information on the household and society in general, they contain now

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[38] Generally, modern legal documents function both as evidence and as the essence of a transaction so that without a signature of all parities the contract or transaction is not valid. Although verbal agreements may at times be enforceable without a written and signed document.

evidentiary or legal character. Royal inscriptions and edicts also did not provide evidentiary character; however they did function within the legal structure of Babylonian society. Royal inscriptions and edicts were written for public consumption by the king (Goddeeris 2002:23).

5.2 LAW CODES

Mesopotamian kings erected monuments in their honor presenting themselves as upholders of justice and fairness (Greengus 1995:471). The most famous of these monuments is LH but considerable debate exists regarding its function in society. Did LH function as a code of law, was it purely a work of literary propaganda or was it some combination of the two (Postgate 1992:288-289)? While the question of the function of Mesopotamian law codes cannot be fully dealt with here, we can use it to help us understand Mesopotamian society better.

One aspect of these laws is clear—they are not comprehensive and methodical codes of law (Postgate 1992:289). It is partly for this reason that Bottéro (1992:168-169) views LH as a scientific work and "a treatise on the exercise of judiciary power which was addressed to everyone—to those seeking justice and even more so to judges par excellence, i.e. kings." According to Bottéro (1992:169) this treatise was meant to exist for posterity and emulation of Hammurabi's glories and merits as a just ruler. The laws then put into practical reach the knowledge of justice exemplified in Hammurabi's decisions of justice (Bottéro 1992:177,179). Bottéro (1992:181) concludes that these laws and decisions of the king were unformulated and point to unwritten laws of justice in Mesopotamian society.[39] Similarly, for Postgate (1992:289) the codes were not

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[39] Bottero (1992:181) states, "unwritten does not mean nonexistent or unknown, but potential: because it was constantly presented to the people in the form of positive or prohibitive customs, transmitted together

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collections of individual case law but prescriptive as derived from general principles. Postgate (1992:289) concludes that through these law codes the kings intended "to lay down a set of laws universally applicable throughout the realm in [the] future."

In this light, law codes provide us insight into how rulers viewed their role in relation to justice and equity. Hammurabi finishes his prologue (LH v.14-24) with

> When the god Marduk commanded me to provide just ways for the people of the land (in order to attain) appropriate behavior, I established truth and justice as the declaration of the land, I enhanced the well-being of the people (Roth 1997:81).

The publication of this monument of laws signaled to the all of Mesopotamia Hammurabi's commitment to justice (Greengus 1995:472). By providing just ways for the people to live, Hammurabi and other law givers exemplified those who fulfilled their obligations to their god. In Hammurabi's declaration he cared for the people and gods, by revitalizing temples and cities, sheltering the people and providing food for the gods and cities, by proclaiming rites for the gods and protecting the land from danger (Roth 1997:76-81).

5.3 ROYAL EDICTS

The basis for a king's commemoration of his success as a just ruler was his role in directly administering justice. First, the king adjudicated over lawsuits and complaints of his people. For instance, Hammurabi presided over complaints against the inequity of the tax system by traditional, local authorities who had been stripped from power and often ruled against the royal administrators (Yoffee 1977:148). The hierarchy of the court system involved the local council and elders for communal matters, the *ensi*, now the

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with education, or even in the form of traditional solutions to particular problems." For Bottero (1992:181), LH presents in written form the cultural customs and laws that comprised Mesopotamian justice that existed as a "mass of traditions that generations automatically transmit to each other in any given cultural group." One could say that it reflects the law behind the law.

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provincial governor in the Old Babylonian system adjudicated over issues that the local council referred or to direct appeal (Postgate 1992:277-278). The highest legal authority was the king himself, but he was not an appeals court. The issues that appear to have reached the king deal primarily with land tenure and revenues (Finkelstein 1970:255; Greengus 1995:473). The king could resort to rendering his own judgment, determine the point of law applicable and have the local authorities render judgment, or have the local authorities render the case entirely (Finkelstein 1970:255).

In addition to adjudicating over lawsuits and complaints, the king issued edicts to establish justice throughout the land. Royal decrees, called *ṣimdat šarrim*, established justice (*mēšarum šakānum*) and was possibly accompanied or symbolized by an act of the king, such as raising a golden torch (Renger 2002:152). These *mēšarum* declarations freed those debt-slaves and relieved debtors (Greengus 1995:471) and thus upon declaration of the edict, the sealed tablets were destroyed (Renger 2002:152). These edicts releasing debtors and debt-slaves from their burdens increased in frequency during the Old Babylonian period possibly due to the shift in economic structure from the Ur III period (Renger 2002:144).[40] According to Renger (2002:155-156) the shift from the Ur III period and its household oriented economy to the Old Babylonian period with its tributary economy created a situation where farmers increasingly accrued debt due to bad harvests. While the edicts were intended to rectify this debt problem, but the repeated need to issue *mēšarum* proclamations reveals that they did not solve the debt problem. In effect, as a retrospective document, these decrees invalidated the transaction documents

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[40] Ur-Nammu decreed justice throughout the land, that appears to have freed indentured Akkadians and foreigners living in Sumer and Akkad, along with other measures to rectify injustice (Renger 2002:144).

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throughout the land, thereby changing the legal situation of all of those involved, especially free-born debt-slaves.

CHAPTER SIX: ANCIENT ISRAEL: HISTORY, SOCIETY AND ECONOMICS

6.1 THE HISTORY OF ANCIENT ISRAEL

The history of ancient Israel cannot be easily reconstructed. The Biblical tradition testifies to the history of the interaction of God with his people, the Israelites (Kessler 2008:1). However, the Hebrew Bible narrates these events from a distance, and in some places centuries, using oral and written sources, all of which are lost to us. The fact of this distance and the internal evidence of redaction in the text give many scholars doubts about its accuracy and reliability. In this environment, scholars form a variegated spectrum of opinions ranging from the minimalist position or revisionist approach, where the Hebrew Bible has little historical accuracy, to the maximalist views or traditional approach, where the Hebrew Bible has full and complete historical accuracy (Miller & Hayes 2006:79-80). However, if we pause to step out of this debate over the reliability of the Hebrew Bible it becomes clear that the Bible testifies to a tradition of Israelite history through which we can begin to understand the history of ancient Israel.

6.1.1 The Biblical Tradition

The Biblical tradition relays Israelite history through a number of periods or epochs. These periods can be divided into six major periods 1) the patriarchal period, 2) the period of slavery in Egypt, 3) the exodus, conquest and tribal period, 4) the monarchical period including both the united and divided monarchies, 5) the exilic period for both Israel and Judah, and 6) the post-exilic period or return to the land. For the purposes of this paper, we are looking at a general contour of Israelite history through these periods.

The patriarchal period describes the origin of the Israelites through narratives of Abraham, Isaac and Jacob. These generations of men formed the theological and ideological identity of what it means to be the children of Israel (Provan, Long & Longman 2003:109). Central to Israelite identity was the patriarchs' response to the divine promises and they formed the paradigmatic examples for right behavior of the nation (Provan, Long & Longman 2003:109). According to Gen 12, Abram was called out of Ur to go and settle in the Land of Canaan where God, YHWH, would make him into a great nation. Abram was renamed Abraham when YHWH made a covenant with him and promised again to make him into a great nation (Gen 17:5-8). The lineage of Abraham continued through Isaac and then Jacob, who had twelve sons.

At the end of Jacob's life, he and his whole household moved to Egypt, where one of his sons, Joseph, was a high ranking official (Gen 47). According to Ex 1, the Israelites prospered greatly in Egypt and grew into a strong nation. However, the Egyptians enslaved them in order to keep them from becoming too powerful. Under the duress and burden of their slavery YHWH heard the cries of the Israelites (Ex 2:23-25) and rose up for them a deliverer, Moses, to bring them out of the land of Egypt (Ex 3:9-10). This great act of deliverance formed an essential element of the Israelite identity and theological tradition.

After their deliverance from Egypt, the Israelites were led out of the desert into the Land of Canaan by Joshua through a series of conquests. The Israelites settled in the hill country and lived in tribal and clan settlements ruled and governed by a number of judges. Most of the events portrayed throughout the book of Judges form a localized picture involving one or two tribes and testify to the general situation of the period

(Provan, Long and Longman 2003:161-162). During this tribal period, the tribes of Israel were generally weak and poor and experienced difficulty in keeping the Canaanites and Philistines who lived around them at bay.

These struggles against the neighboring peoples pushed the Israelites to elect a king to govern and rule over them (1 Sam 8:5). According to 1 Sam 9 Saul was the first king of Israel, but his failure to follow the commands of YHWH caused him to be rejected (1 Sam 15) and YHWH anointed David as king over Israel (1 Sam 16). David did not become king until after Saul's death, which resulted in a civil war between the tribe of Judah and the other eleven tribes of Israel (2 Sam 2).

After a long civil war between the house of David and the house of Saul (2 Sam 3:1), David was victorious and became king over all of Israel (2 Sam 5:3-5). David then began to strengthen Israel and fight against the Canaanites and Philistines (2 Sam 8). In 2 Sam 8:15, David is ascribed in typical Mesopotamian kingship terms as administering justice and equity to all his people. This included making preparations for building a temple for YHWH, which was constructed under David's son, Solomon. Under the reign of Solomon Israel reached the zenith of its wealth and power; however, 1 Kgs 11 describes Solomon's turn from following YHWH, who in response tore the nation in two. Under the reign of Rehoboam, the northern tribes revolted over their heavy tax load, although the two nations Israel and Judah maintained various degrees of friendly relations they would remain irreparably separate (1 Kgs 12).

In theological terms, the period of the divided monarchy was marked by kings who did evil in the eyes of YHWH by following other gods. As a result, YHWH sent Assyria to destroy Israel commencing a period of exile (2 Kgs 17:6). The kingdom of

Judah continued to exist until Nebuchadnezzar captured Jerusalem and sent them into exile (2 Kgs 25). The exilic period continued through a period of Babylonian captivity until the Persians under the reign of Cyrus conquered the Neo-Babylonian Empire and began to allow exiled peoples to return home including the Israelites (Ezra 1:2-4). The narratives of Ezra and Nehemiah recount the struggles and joys of the returning exiles while they rebuilt the city of Jerusalem and its temple to YHWH.

6.1.2 Scholarly Dissent

The issue that scholars have with the traditional approach is the number of inconsistencies and difficulties of the Biblical text itself. However, these inconsistencies have not been just problematic for the modern reader but also for the ancient ones, for Augustine and medieval Jewish commentators felt the need to handle them (Barton 2007:12). According to Barton (2007:25) the traditional approach lends itself to the belief that the Hebrew Bible is a repository of potential facts and thus not critical enough of the Biblical text and other sources, such as archaeology. Miller & Hayes (2007:81-82) approach the historical data (epigraphy, archaeology and the Hebrew Bible) on its own terms and with appropriate procedures for each type in order to determine what can be learned from each before synthesizing the information. In this context, Miller & Hayes (2007:69) caution that "there are ample grounds for skepticism regarding the usefulness of the Hebrew Bible for historical research, and compelling reasons that the Genesis-Judges narrative … cannot be taken at face value." While Miller & Hayes are not extreme in their views against the historical value of the Hebrew Bible as a whole, they do present a strong case for historical skepticism and efficiently capture the scholarly dissent regarding the traditional approach.

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6.1.3. Tribal Roots and the Shift to an Ancient Class Society

A common observation of the Biblical material is that it reflects older traditions then those contemporary with the narratives' composition and redaction period. Miller and Hayes (2007:74-76) views this embedded material as folk material consisting of genealogies, ancestor stories, tribal sayings and boundaries, early hero stories, and early tribal conflict stories. However, according to Miller and Hayes (2007:78) the themes and characterizations of this material could indicate either fictional elements or authentic historical memory, but there is precise method of distinguishing the two. Another view that has some overlap with Miller and Hayes is that of Kessler, although his view is not a historical undertaking but a social history.[41] Kessler (2008:108) views the Biblical material as "narratives in legendary form about prophets, stories that look back to the prophets' activities" and that "these narratives presume a certain milieu." For Kessler (2008:108) this material points to a society that is developing a social division and a kind of stratification called an ancient class society.

Seeing the history of ancient Israel as a transition to an ancient class society is helpful in understanding the inclusion of the Biblical jubilee in Lev 25. According to Kessler (2008:113) the Biblical material shows a development from a kinship based society to ancient class society, with social differentiation between an elite class and a poorer common class. Early Israelite culture was centered on kinship groups in a tribal society (Kessler 2008:112). However, the development of the monarchy began the

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[41] Part of the overlap stems from social history being a sub-discipline of historical studies (Kessler 2008:1). But there are differences. According to Kessler (2008:2) the difference between a social history and an historical approach is that the subject of social history is the form of a society not the actual events. For the social historian the Biblical text includes material that deals with the social change with Israelite society. Thus Miller and Hayes are focusing on the events of history, while Kessler is looking at the form of Israelite society.

inequality between two groups (Kessler 2008:112). During this period the population expanded, wars and tribute weakened the poorer social groups, the existence of the state restricted movement, and natural disasters severely weakened the lower class (Kessler 2008:112-113). In order to survive many of the poor class turned to consumption loans, secured by land or members of the household so that default forced many households into debt-slavery (Kessler 2008:112). According to Kessler (2008:114) this new social order with the elite class and the monarchy encouraging and supporting this transition, united the state into a fully developed institution. The prophets then emerged to accuse the monarchy and the elite to change the situation and bring justice and righteousness to the land (Kessler 2008:114-115). Thus the ancient class society provides a helpful context in which to understand the need for and reasoning of the Biblical Jubilee and other manumission acts.

6.2 LEGAL AND POLITICAL FRAMEWORK

The shift from the tribal state to an ancient class society coincided with changes in the legal and political institutions of Israelite society. The principles of consanguinity and assumed common descent through tribes, clans and families under-girded these two systems (Isserlin 1998:93). According to Isserlin (1998:93) the ideas of common descent "survived governmental pressures involving the rise of a bureaucracy, wars and social processes such as the replacement of small independent landholders by the owners of large estates, and the rise of an urban middle and upper class." However, one of the fundamental aspects of the Hebrew Bible is that it presents both the legal structure and political structure in idealized terms, yet in the historical and prophetic narratives of these social structures are far more complicated than those idealized forms.

6.2.1. Law

The basis of law or torah in the Hebrew Bible is its divine source. In the Biblical account, during the exodus from Egypt YHWH led the people of Israel to Mount Sinai, where YHWH gave the law to them as the Ten Commandments (Exodus 19-20). These laws formed the basic element of the Mosaic Law that was founded upon YHWH's act of redemption by bringing the people of Israel out of slavery in Egypt (Ex 19:4). In response, they were to follow these commands and keep the law so that they would be a kingdom of priests and a holy nation (Ex 19:5-6). The redemption by YHWH and the obligation of the people established the principle of covenant as the ideological basis for divine law in Ancient Israel.

However in addition to divine law, royal edicts and laws appear to be as authoritative as the Mosaic laws (Avalos 1995:617). Like the LH and other Mesopotamian law codes, the Mosaic laws are not comprehensive and thus other edicts and laws would have had to come into play for society and the kingdom to function. Avalos (1995:617) states that, "We must presume that kings and other authorities promulgated many laws because a kingdom cannot be administered on the basis of Mosaic laws alone." Since Biblical law, including the Covenant Code, the Deuteronomic Code, the Priestly Code and the Holiness Code, is not comprehensive additional legal instruction would have been needed. Some of these additional rules came from the king but legal rules also came from other sources, such as social custom. Avalos (1995:618) notes that customs played an important justification for many acts in the Biblical narratives, such as in Ruth 4:10, which also provided legal boundaries for society. Thus

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the picture of legal jurisprudence in ancient Israel shows that divine and human ordinances instructed the people how to live.

Within Israelite society, the Biblical record accounts three major parties that acted in the administration of the law. First, the legal system was not one specific system but multiple parallel and overlapping systems administered by those with the rights of judges (Avalos 1995:621). The judges were those who had the authority to arbitrate disputes and at the highest level was the king (Avalos 1995:621). The king judged disputes and heard appeals but also established judges who ruled on the king's behalf, such as scribes, military commanders and other officials (Avalos 1995:621). Priests also played an important role in administering and enforcing cultic laws within the temple and its precincts (Avalos 1995:622). For decisions involving divine consultation, the parties, including the king, went to the temple to make oaths and to ratify transactions and legal decisions (Avalos 1995:622). It was in the context of the priestly laws that Jeremiah's prophesies against the city of Jerusalem and the other priests during the Babylonian siege of Jerusalem function (Jer 26 and 29:24-32). For instance, Jeremiah's pronouncement of judgment against the nation due to their failure to follow divine laws functioned as a divine lawsuit against the people and the rulers (Jer 26). In addition to the priests and the royal judges, the assembly of the elders heard disputes or transactions on the local level as well as disputes between different towns and villages (Avalos 1995:622).

The Biblical account also references instances of competing laws and views of jurisprudence in ancient Israel. While the divine origin of the Biblical laws provided their legitimacy as establishing justice and righteousness in the land (Avalos 1995:617), some texts reference decrees that certain groups criticized. Avalos (1995:617) notes two

examples of these disagreements in Jer 8:8 and Isa 10:1-2 where the two prophets voice their dissent against the legal establishment. It is clear that in these texts the royal house exercised power to decree laws that may or may not have been well received by other groups in the kingdom. The differences between groups also brought about the re-interpretation and modification of the divine laws that were seen as immutable (Avalos 1995:619). For instance, in 1 Sam 8:14-28 the people are warned that the election of the king would bring about a change in the laws of land tenure and new taxes and conscription (Avalos 1995:619). Similarly, in Jer 31:29-30 the old covenant is invalidated based upon Israel's covenantal unfaithfulness (Avalos 1995:619).

Thus while the Biblical record presents a particularly idealized view of jurisprudence, particularly its divine source, the picture quickly becomes more complicated. First, the law was administered and practiced through parallel institutions: the king, the priests and the local assembly of elders. Second, different factions within these institutions present competing visions of social reform and structure and these views modified and re-interpreted the immutable divine laws of YHWH. Third, the Biblical laws presented in the Hebrew Bible were not the entirety of Israelite jurisprudence, which also included royal decrees and edicts along with local customs and rulings. The development of these parallel legal systems most likely occurred as Israel shifted to the ancient class society and the development of the monarchy, which also brought with it the associated dissentions and prophetic condemnations and accusations.

6.2.2. Monarchy

The political structure of Israelite society appears to have undergone a significant development and adaptation in the Biblical narrative, which can be seen as the

development from a tribal society to an ancient class society with its urban elite supporting a royal court and its king. Yet under both systems was an idealized form of tribal society and kingship centered on a household idea, the house of the father (King & Stager 2001:4-5). According to King & Stager (2001:5) the monarchy was founded upon the same household structure, as a type of nested households from family, to clan, to tribe to leader whether judge or king. At the top of the three-tiered patrimonial structure is YHWH as Lord, the supreme patrimonial lord and ultimate authority due to his covenant with them (King & Stager 2001:5). Thus it is the nature of the relationship with YHWH that forms the idealized political system.

In premonarchic Israel, the idealized form of governance was Israel maintaining faithfulness to YHWH, where the tribes are governed by the local assembly of tribal leaders and the priests. Under this system, during periods of crises YHWH would raise up judges or leaders to unite a number of tribes together to lead them out of the crisis and back to covenant faithfulness to the Lord.[42]

The transition from tribal state to kingdom state was not a clean process but resulted from a number of factors and occurred during the reigns for Saul, David and Solomon. Matthews & Benjamin (1993:160-161) describe this transition occurring due to the massacre at Gilboa of Saul and his warriors, and putting the Hebrews in danger of being annihilated, which thus started the transition to a state system. While the reign of Saul over Israel does not show a high level of state bureaucracy such as having official

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[42] For instance, Judg 3:7-11 reflects one judge cycle, where Israel is unfaithful to the covenant, usually by following other gods, and the Lord sends an oppressor, such as Cushan-Rishathaim to punish Israel. After a period of punishment, YHWH rose up a judge to deliver them, such as Othniel who then raises an army and defeats the oppressor nation. While the judge lives, and most likely governs the groups, there is peace in the land, but after the judge dies Israel falls back into worshiping other gods and the cycle repeats itself. Similarly, the roles of judge and priest were combined in Samuel possibly indicating a common role of leadership for priests (1 Sam 7:3-17).

titles rather than familial names, or a standing army (Matthews and Benjamin 1993:161), Saul does function as more than a judge, such as ruling over all the tribes of Israel as a king of Israel (1 Sam 10:1 and 1 Sam 11:15).[43] However, during the reigns of David and Solomon, Israel began to function increasingly more like a kingdom rather than a tribal state. For instance, during the reigns of David and Solomon the creation of Jerusalem as the royal city and the imposition of corvée and taxes upon the people show an increasing level of state administration (Isserlin 1998:106). It is more likely that the reign of Saul was the first step in the direction of kingship and kingdom in ancient Israel, which was not fully completed until the reign of Solomon.

The tradition of the transition from tribal rule to kingship includes a number of idealistic elements in Israelite governance (1 Sam 8). First, the duty of the ruler and judge over Israel to uphold justice is perverted in Samuel's sons, who had become judges over Israel (1 Sam 8:1-4). The ideal of the just ruler is given as the justification for the request of a king. Second the text reflects the tradition of the elders of Israel requesting that the priests anoint a king over them, which shows the importance of the elders and the priests in the political structure (1 Sam 8:4). Third, it appears that in Samuel's appointment of his sons as judges a tradition of primogeniture had arisen in choosing the next judges, a move toward the permanent institution of kingship (1 Sam 8:1). Fourth, Samuel's objection to the request for a king points to a possible change in the land tenure system of Israel from a communal and household ownership to a tributary system (1 Sam 9:10-18). Fifth, the process of selecting the first king reflects the tradition of divine selection and legitimacy. Ahlström (1995:591) notes that "to be chosen by the deity was an expression

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[43] Further evidence would be the continuing loyalty of Israelite tribes to the house of Saul under Ish-bosheth against David's rise as King over Judah in 2 Sam 2:8.

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of legitimacy," which was a common principle in Canaanite and ancient Near Eastern kingship.

The most essential aspect of kingship in Israelite ideology was the king's obligation to maintain the covenant with YHWH. The representation of the failure of Israel to maintain faithfulness to YHWH in the period of the judges was given as: "In those days there was no king in Israel; everyone did what was right in his own eyes" (Judg 21:25). Similarly, Saul's rejection as king was due to his failure to follow YHWH's commands (1 Sam 8:11), which became a common refrain throughout the divided monarchy where the kings did evil in the eyes of the YHWH as the reason for the military and political failures of both the kingdoms of Israel and Judah.

In addition to the king, the monarchy consisted of the crown prince and the queen mother who played roles in governing the kingdom. The crown prince or *nāgîd* was proclaimed as the successor to the king and later given divine confirmation (Ahlstrom 1995:593). The crown prince could have been selected by his father and then co-reigned with him, inherited it after the king's death, or been a rebellious prince or officer who seized the throne (Ahlström 1995:592). Regardless of the method with which the crown prince came into power, divine confirmation was needed for legitimacy to occur. The queen mother appears to have also played an important role, seen in the role that Zeruah and Jezebel played in politics (Ahlström 1995:597). It appears that she may have had cultic responsibilities, most likely regarding the worship of Asherah, and overseeing the harem and female servants of the palace (Ahlström 1995:597).

In addition to the crown prince and the queen mother, other governmental positions existed to govern the kingdom. The kingdom was divided into provinces and

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administered by governors to control and organize corvée and tax collection (Ahlström 1995:599). "The King's Men" also played an important role in supporting the state. These men included slaves, sons, palace officials, military personnel and priests, governors and other officials (Ahlström 1995:599). For instance, at the end of David's reign, his son Adonijah attempted to establish himself as king over the eventual successor Solomon (1 Kgs 1:5ff). When Adonijah moved to gain divine legitimacy and sacrificed by the Serpent's Stone he invited a large number of these mighty men (his brothers and all the royal officials of Judah), but he excluded those loyal to Solomon (Nathan and Benaiah, or his mighty men). The inclusion and exclusion of certain groups with different loyalties shows that their support was a necessity for governance.

6.3 ECONOMIC FRAMEWORK

In order to understand the effects of the shift to an ancient class society, we must understand the economic order of ancient Israel, which consisted of two basic areas of life: rural and urban life. Rural life centered on agricultural activities to ensure the survival of the household while urban life transitioned from self-sufficient agriculture to trade and commerce to support the growing needs of state administration.

6.3.1 Rural Life

Rural life consisted of households and groups of households living in a village and producing the necessary goods for survival. The village was family centered and focused on ensuring its survival (Borowski 2003:25). The household owned the means of production for both land and herds and exploited them to survive (Borowski 2003:25-26). Ideologically, the land belonged to YHWH but was stewarded by the people and later their kings (Borowski 2003:26, King & Stager 2001:85). The right to farm and live on the

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land was viewed as allocated by YHWH, which was generally not transferable as the 'inheritance of my fathers' seen in the Naboth's response to Ahab to sell his vineyard (1 Kings 21:2).

According to King & Stager (2001:85), "Agriculture, the basis of the economy in ancient Israel, influenced practically every facet of daily life, especially the religious, economic, legal and social spheres." The Israelite calendar centered on the seasonal agricultural activities, such as planting, late planting, weeding, harvesting, gathering other fruits and olives along with periods for processing and producing agricultural by-products (Borowski 2003:28 and King & Stager 2001:88). Many of these agricultural periods accompanied religious feasts and activities. For instance, the Passover festival celebrated the barley harvest and signaled the ingathering of fruits (Borowski 2003:28). Similarly, the celebration of weeks or Pentecost ended the wheat harvest and the festival of the tabernacles celebrated the ingathering season and the olive harvest (Borowski 2003:28). Agriculture provided the Israelites with their rhythms of life of harvests and their celebrations.

Herding was also important to Israelite life. Being semi-nomadic or transhumant, they led their herds on seasonal grazing expeditions to follow the grazing areas (Borowski 2003:29). The Israelites herded sheep and goats, both for their milk and meat but also for their wool and hair to make textiles goods while animal dung was a good source of fertilizer and fuel (Borowski 2003:30 and King & Stager 2001:113). In addition to sheep and goats, donkeys, bulls, camels, mules and horses could be kept as draft animals, for transport or military purposes (Borowski 2003:30).

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Agriculture and animal husbandry formed the basis of rural life. However, other activities were needed to provide for the household. Pottery making, weaving, tanning, carpentry, masonry and metallurgy were all necessary crafts to provide for the village and the household. These activities provided clothes, tools, furniture, weapons and vessels for storage that every household needs, but they were also used for crafting the religious items of their life, such as the Tabernacle and later the Temple (Borowski 2003:35).

6.3.2 Urban Life

The rise of cities in ancient Israel coincided with the rise of the monarchy and the elite who supported it (Borowski 2003:43). While the rural villages were dependent upon self-sustaining agriculture, the cities depended upon commerce and taxation to provide for its needs to support the administration, priesthood and military (Borowski 2003:43). Cities also provided religious centers, public buildings and fortifications for defense against its enemies including city walls, water system and storage facilities (Borowski 2003:43).

Cities were governed by a council of elders and they had liaisons with the central government (Borowski 2003:53). These officials collected taxes and imposed corvée upon its residence but they also paid certain officials and functionaries for their service (Borowski 2003:53). These officials formed an essential part of the new social elite made up of royalty, mobility and priests who lived in significantly more luxury then the rest of the population (Borowski 2003:53-54). Yet within the elite was dissent over these rising inequalities and social injustices (Borowski 2003:54).

Religious activities were also focused on the cities. While home shrines probably maintained important cultic purposes for the household, cities and towns also erected

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local shrines, although not all of the religious establishment, such as in Jeremiah 7:17-18, viewed these shrines favorably (Borowski 2003:54). Under the reign of Solomon, the Jerusalem temple was constructed and became a national shrine (Borowski 2003:54). While the Jerusalem temple is represented as YHWH's temple, other foreign elements and modes of worship were introduced there (Borowski 2003:54-55). The Jerusalem temple formed a major unifying element within Israelite social structure. So powerful was the temple that after the kingdom divided into Israel and Judah, Jeroboam erected competing shrines at Bethel and Dan to counteract the pull from the Jerusalem temple (1 Kgs 12:25-33).

Trade and commerce grew in importance as ancient Israel transitioned into a kingdom. Two major types of trade existed: overland trade and maritime commerce (Borowski 2003:56). Most long-distance trade existed under a royal monopoly or by special royal permits, which helped fund the needs of the kingdom (Borowski 2003:56). But most overland commerce was short-distance trade between villages and cities carried over small paths by donkeys (Borowski 2003:56). These goods were then traded at the marketplace, typically the city gate which served as a bazaar (King & Stager 2001:191). Maritime commerce was dominated by the Phoenicians and the Israelites entered into partnerships with them, such as Solomon's joint ventures in 1 Kgs 9:26-28; 10:11-12; 2 Chr 1:16-17; 8:17-18, which yielded gold, silver, precious stones and exotic trees and animals (Borowski 2003:58). King Jehoshaphat also attempted maritime commerce but his ships were wrecked (Borowski 2003:58-59). Israel's main exports consisted of agricultural products and goods. For instance, Solomon traded King Hiram of Tyre wheat and oil, and possibly wine and barley for cedar and fir trees (Isserlin 1998:181 and 1 Kgs

5:8-11). Other exports consisted of rice, honey, balm, pistachio nuts, almonds and myrrh (Isserlin 1998:181). It is also possible that Philistine cities imported Israelite produce and then processed them into finished goods for sale in international markets (Isserlin 1998:182). Philistine merchants appear to have been active in Israel but their activity ceased during the monarchic period even though Philistia continued to import agricultural goods from Judah (Isserlin 1998:187).

The urbanization and transition to the monarchy dramatically changed the socio-economic framework of ancient Israel. The development of a royal administration with officials, military officers, scribes and priests all functioned to create an elite class of Israelites who accumulated substantial wealth and estates. This elite class became lenders when the common Israelite household needed to borrow money to survive, which lead to debt-slavery. While debt-slavery was not a new phenomenon in the ancient Near East, its growth under the monarchy created a new situation in ancient Israel for which some members of the elite condemned the royal administration for perpetuating.

6.4 DEBT-SLAVERY IN ANCIENT ISRAEL

Debt-slavery had devastating effects upon the family household structure in ancient Israel. The loss of land to default meant the loss of a household's income and means of support. The loss of family members meant the reduction of the means of production. Most importantly however, ideologically, the loss of land and the debt-slavery meant alienation from what it meant to be slaves to YHWH who brought the Israelites out of Egypt—a loss of identity both individually and corporately.

6.4.1 The Family Household Structure

The family-household formed the basic unit of Israelite society, but was more than just a family. According to Meyers (1997:14) the family household included a set of related people as well as the residential buildings, outbuildings, tools, equipment, fields, livestock and orchards; it sometimes also included household members who were not kin, such as 'sojourners,' war captives and servants." The house consisted of a four-room house, which were small rectilinear structures with multiple levels that housed both daytime and nighttime family activities and work (Meyers 1997:14-15). In early Israel, this household unit was basically self-sufficient with a relatively small range of objects and pottery types and almost no imported goods (Meyers 1997:15). These four-room houses were clustered together with a common wall that opened into a courtyard, which comprised a hamlet or small village in which dwelt related families forming a larger kin group—typically a clan (Meyers 1997:16-17). Since the family household was self-sufficient, it fostered a corporate family identity with corporate goals and values (Meyers 1997:21).

In order to survive, in a self-sufficient agrarian society the family had a particularly unique economic role (Meyers 1997:23). Life was task-oriented in order to overcome the ecological constraints: limited water, periodic drought, paucity of bottomlands, erodible soils, circumscribed planting seasons (Meyers 1997:23). In addition to planting, harvesting and herding, the family had to process these goods into storable forms for consumption in the off-seasons (Meyers 1997:23). In addition, the family also had to maintain, repair and build: tools, facilities, textiles, wells, terraces and other necessities (Meyers 1997:23). This workload encompassed every family household

member for almost every waking hour (Meyers 1997:23-24). While some tasks required more skill and expertise than others all family members played an essential role in their survival (Meyers 1997:26). The loss of one or more family members to debt-slavery and especially the land would be especially devastating to the family maintaining a self-sufficient status.

During the monarchic period, the demographics of the cities and the countryside began to change. The monarchy provided relative stability and tranquility in the countryside allowing the village population to grow (Borowski 2003:13). But the urban centers also became increasingly centered on governmental affairs so that many of the cities' buildings were governmental structures and most of its residents were members of the administration and the elite, while many former residents migrated into the villages and settlements (Borowski 2003:13). Thus due to the residential migration and the population growth in the rural areas most of the population of ancient Israel, about sixty-six percent, lived in the rural areas (Borowski 2003:13). Thus even under the monarchy the rural family household predominated ancient Israelite society.

However, the impact of the political, economic and military centralization that occurred under the developing monarchy had a profoundly negative effect on these growing rural households (Blenkinsopp 1997:86). This new state system encroached upon and weakened the kinship ties that had existed before monarchy and placed considerable burdens upon the people (Blenkinsopp 1997:48, 86). This burden included the taxes imposed upon the people to pay for the state administration but also to pay tribute to other nations such as Assyria, as well as military service and corvée labor (Blenkinsopp 1997:86). The state also had a vested interest in encroaching upon the

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inherited family plots to reward royal retainers and for revenue (Blenkinsopp 1997:87). These estates could be seized during wars and rebellions but also through devious designs such as Ahab's seizure of Naboth's vineyard in 1 Kgs 21:1-16 (Blenkinsopp 1997:87-88). Overall, the state was a heavy burden on the people and pushed many households into landless migration as day laborers or brigands (Blenkinsopp 1997:88, 90).

Since these rural agrarian households were already hard-pressed due to a heavy frost, irregular rainfalls or multiple dry years, this additional burden placed on them by the state could push many families into poverty, destitution and eventual disintegration due to insolvency and debt-slavery (Blenkinsopp 1997:87). Yet the social impact of debt-slavery on the strength of the state is unclear. The accumulation of land into large wealthy estates made it easier to be taxed by the state and made them more stable (Blenkinsopp 1997:91). Similarly, the independent agrarian family household was not an extremely productive economic unit since its goal was self-sufficiency but larger estates and urban craftsmen with their relatively specialized labor produced more goods with higher quality (Blenkinsopp 1997:91). Thus the disintegration of the family households due to debt-slavery would have caused massive disruptions within Israelite society making many landless or outlaws, breaking down its social structure. But the consolidation of land into estates strengthened the royal administration economic base and pushed some into careers in specialized crafts in the urban centers.

6.4.2 Debt-Slavery in Ancient Israel

Two types of slavery existed in ancient Israel. First, slaves were taken as prisoners of war during the monarchic period and belonged to the state to work on public projects, such as palaces, temples, estates and other work projects (Matthews & Benjamin

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1993:201).[44] During the premonarchic period, slaves do not appear to be taken as prisoners of war rather they were executed to fulfill the *ḥerem* or divine warfare (Matthews & Benjamin 1993:200). The second means of acquiring slaves was through debt-slavery.

Debt-slavery functioned similarly in ancient Israel as it did throughout the ancient Near East. In order to pay their taxes to the king or to provide for their household after a drought, famine, war or poor harvest, the rural poor household would borrow from the rich household, which was typically from the elite members of society (Matthews & Benjamin 1993:202). In order to secure the loan, the household's land and family members were placed as collateral. Default on the loan, meant that the land would be lost and the pledged family members would be sold into slavery, as in 2 Kgs 4:1 when Elisha gave the widow oil to pay her husband's debts (Matthews and Benjamin 1993:202). According to Matthews and Benjamin (1993:202) the land could not be sold but was held as collateral by the creditor who received its yield until the debt was repaid, a form of possessory collateral. Regardless of the legal customs involved, insolvency forced the household off of their land and broke the family apart (Blenkinsopp 1997:90). Those not pledged as debt-slaves, could either migrate to the cities to work as day-laborers or they could become brigands, a more lucrative but riskier option (Blenkinsopp 1997:90).

For those who became debt-slaves, there was a tremendous amount of shame. Racially identical to their owners, debt-slaves were viewed as strangers in the land and could be tattooed or have pierced ears to identify them as such (Matthews and Benjamin 1993:202). Biblical tradition reflects the practice of forgiving these loans every seven

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[44] According to North (2000:59) the term "slave" is never used in the Old Testament as a war-captive or a captive from another foreign people. Rather the slave is legitimately bought, sold either by his own choosing or by his father's decision (North 2000:60).

years as part of the Sabbatical Year (Deut 15) although it is possible that this was infrequently practiced.

6.4.3 Peasant Poverty and the Prophetic Rage

The prophets and their writings that have survived in the Hebrew Bible often reveal a prophetic rage against this practice of debt-slavery among other forms of injustice and covenantal unfaithfulness. Lang (1983:114) points to the prophet Amos as an Israelite figure who spoke out against debt-bondage and the elite's crimes against the people. According to Lang (1983:116) ancient Israel had progressed away from its egalitarian past toward an economic system that exploited the people in favor of the elite and the royal administration.

This progression from an egalitarian to an exploitative system is described by Lang (1983:116) as a peasant society which can function in three ways. First, a peasant could maintain his own household with the fruits of his efforts. Second, a peasant class could exist alongside an elite class of educated, propertied individuals who worked as merchants and officials that controlled the state and its affairs. Third, the ruling class determines and controls agricultural production along with taxation through a patrimonial, prebend or independent merchant system - such as the Old Babylonian system. The Israelite system appears to have begun as an egalitarian system out of which an elite class emerged who ruled society during the monarchy. The royal administration then began to exact taxes out of the population to support itself (1 Sam 8:10-18), placing a burden over the people.[45]

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[45] While Lang (1983:117) describes the monarchic Israelite system as rent capitalism, I find his argument unconvincing. First, rent capitalism is a profoundly modern term with a specific historical and philosophical tradition that does not apply to ancient Near Eastern ideology and motives. Second, the paucity of extra-biblical sources indicating the presence of a mercantile system similar to that of even the

The difference in wealth is noted in a comparison of the city palaces and villas against the ordinary houses of the time. The elites furnished their villas and palaces with ashlar masonry and ivory carved furniture (Dever 1995:607), while the typical four-room house was made of mud-bricks and stone furnished with basic and functional furniture (Borowski 2003:20). According to Dever (1995:613) this vast difference "indicates a highly stratified society in which a very few elites controlled most of the access to goods and services."

The relationship between the elite and the poor family households could occur in three ways. According to Lang (1983:118) this relationship could be characterized as patronage, partnership or exploitation. Patronage involves a mutual relationship of a wealthy individual who protects and supports a poorer client in return for a portion of their crop (Lang 1983:118). A partnership involves one party working with or trading with another party for mutual gain, such as a merchant trading with a farmer for raw materials or finished goods in return for money or other needs (Lang 1983:119). By definition, exploitation does not work for the benefit of both parties but involves the elite extracting wealth and resources from the poor at the poor's expense and detriment (Lang 1983:119). Within Israelite history both patronage and exploitation appear to have been characteristics of this relationship.

Deut 15 follows the ideals of patronage in relation to lending to the poor. The main part of this ideal is that credit should not be a permanent burden to those in need, thus they are to be released from it every seven years (Deut 15:1-2). Underlying this ideal

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Old Babylonian system with independent merchants functioning as intermediaries does not support concluding that rent capitalism existed in ancient Israel. However, we can conclude that economic exploitation of the lower classes of Israelite society through taxation and debts existed during the monarchic period. This exploitation also included debt-bondage and slavery for which the prophets condemned the political and religious establishment.

was the belief that Israelites should not oppress their neighbor, namely other Israelites (Deut 15:2-3). The second aspect of patronage in lending is that it should involve concern for the poor as a means of helping him. Rather than hardening your heart or closing your hand, they were to open their heart and their hands to give to the poor (Deut 15:7-8, 11). Third, the Israelites were to treat those who fell into slavery as servants who would be released in the Sabbath year and with a liberal payment for their work (Deut 15:12-13). Fourth, if the slave decides to stay in bondage to the owner they are also free to do so (Deut 15:16-17). Exploitation on the other hand exacts a permanent burden upon anyone, Hebrew or not, to oppress them. Lending becomes a means of extracting wealth out of another and not a means of assistance. The slave could expect little from the creditor if they were able to secure their freedom.

The exploitation of the poor was particularly odious in the eyes of the prophet. The prophet Amos, a shepherd and herdsman from Tekoa, focused on the exploitation of the people. Lang (1983:121) states that "the prophet accuses Israel, or, more precisely, its upper classes, of exploitation and oppression of the peasant population." Amos threatens the establishment with punishment, exile and destruction (Am 2:6-8). According to Lang (1983:121-122) the elite of Israel live in extravagant wealth by living at ease and lying on beds of ivory, eating fine food and wine to the music of minstrels (Amos 6:1, 4-7). The elite extract this wealth from the poor taking even their garments in pledge, seized after they defaulted on the loan (Amos 2:8). Although these garments might not have been pledged specifically as collateral, they were seized as collateral upon default as distraint (Smith & Page 1995:64; Paul 1991:83). Regardless, the elite trample over the poor extracting their grain and any other possible assets of worth (Amos 2:7; 5:11). For

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instance, the poor under the heavy yoke of the taxes and debts are sold for silver or a pair of sandals (Amos 2:6; 8:6; Lang 1983:125). The poor were sold by merchants and had their property confiscated and they even viewed people as commodities equal to cereals (Smith & Page 1995:146).[46]

Nehemiah, while not a prophet, had a similar prophetic concern for the poor against the exploitation of the people by other Israelites (Neh 5:1-13). His outrage was directed against the nobles and officials who were exacting interest from the poor who were mortgaging their vineyards, fields and houses to feed their family and to pay their taxes (Neh 5:3-6). As a result, the people were being sold into debt-slavery. In response to these practices, Nehemiah orders that the poor be returned to their fields, vineyards, orchards and homes along with the money, grain, wine and oil that had been exacted from them (Neh 5:11).

If any refused to free the slaves, Nehemiah symbolically cursed them to be shaken out and emptied as dust (Neh 5:13). Similarly, Amos' response was to prophesy the destruction of Israel, for them to go into exile and to be killed by the sword where none could flee nor escape (Amos 9:1, 4). The prophetic rage against the injustices of the wealthy that oppressed and did violence against the poor sought to rectify and reform Israel. But it was not a new type of social reform, rather the prophets sought to bring the actions of the people back in line with the will of YHWH known in the legal traditions and social customs of the past, its ancient tribal past (von Waldow 1979:204). And while our picture of the exact social situation is unclear, the prophets rose up to champion the cause of YHWH to protect the poor and renew the covenant faithfulness of the nation.

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[46] While selling the poor for a sandal is most likely hyperbole, it points to how little they were valued by the wealthy.

CHAPTER SEVEN: THE TEXTS

7.1 THE EDICT OF AMMISADUQA

7.1.1 The Text[47]

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. (lines 5-11) The arrears of the tenant-farmers, the shepherds, the *šusikku*-officials of the districts and (others) owing dues to the palace in order to make the taxpayers strong (solvent), 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 *ra'ibanum* who in the [sealed?] tablet [to?]…and the allotted collector(s)? – their arrears dating from the „year (=year 21) 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 Ammisaduqa, 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 table 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.
5. (lines 37-45) Furthermore, if from the second day of the month Addar of the „year in which Ammiditana (=year 37) destroyed the wall of Udinim, constructed by Damqi-ilisu", 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 shall produce his witnesses and they shall con[vict] him 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 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 and they shall speak (an oath) before the god. Because he has altered his tablet fraudulently and denied the wording, he 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 stipulated in writing, „Should its stipulated term have expired, the silver shall bear interest", or (if) he included additional terms, he 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?], the market of Borsippa, [the market of Nippur?], the market of Isin, the market of…the market of Larsa [the market of Idamar]az, the market of Malgûm, [the market of Mankisu]m, the market of Situllum [and the ships]…half (their) working capital shall be given to them by the palace as merchandise and the (other) 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

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[47] Ed. A-s Translated by Olivier (Olivier 1997:14-18)

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 documents 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 herdsmen, shepherds and goatherds which belong to the palace under divine oath […], and who gives to the palace: for every cow-carcass one [quantity of barley] together with the skin; for every sheep-carcass, 1/6 …barley? together with the skin, plus 1.3/4 minas of wool; for every goat-carcass, 1/6 of …plus 2/3 of a mi[na of goat woo]l. Because the king has promulgated a *mēšarum* for the land, [their arrears] shall not be collected. The [income? of] the *šusikku*-official of the land …shall not be made up.

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 Suhum –(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 of Suhum.

15. (lines 153-161) The z a g . h a who assess the rent of the field (planted with) barley and sesame or small crops, belonging to the rent-payer, the big …, the *muškēnum*, the *rēdûm* 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 innkeeper of the rural areas who (normally) pays the silver and/or barley of the innkeeper 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 innkeeper who has given beer or barley on credit may not collect anything that she has given on credit.

18. (lines 171-173) The female innkeeper or merchant who, … dishonest [weight?], shall die.

19. (lines 174-181) [The *rēdûm* or] the *bā'irum* who has leased [a „ waste “ 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 Numhia, 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 mē]*šarum* 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]mhia, a man of Emut-balum, [a mand 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'ibanum* 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.

7.1.2 Contents of the Edict

Ammisaduqa, king of Babylon, reigned from 1646-1626 BC and sometime during his first year, as was customary with Old Babylonian kings, he pronounced a royal edict, a *mēšarum* for the land. The purpose this edict was to rectify the problem of debt-slavery that plagued Old Babylonian society, but by issuing the decree Ammisaduqa sought to bestow royal favor upon the public and to improve their prospects in life by removing

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their debts (Olivier 1997:19). According to Weinfeld (1995:89) and Olivier (1997:19) a *mēšarum* dealt with five issues:

1. cancellation of tax debts owed to the king by tax collectors
2. cancellation of personal debts and accumulated interest
3. manumission of enslaved debtors
4. cancellation of certain royal taxes
5. exemption from military service

Of these five issues in *mēšarum* decrees, Ed. A-s only deals with the cancellation of tax debts, personal debts, certain royal taxes and the manumission of enslaved debtors. The focus was to make taxpayers strong, to bolster them up and to make them solvent (Olivier 1997:14, Sweet 1986:596 and Ed. A-s §2:5-11). For many households being solvent meant a position of economic strength (Sweet 1986:596) and thus providing the crown with their taxes and dues. This correlation should not be missed; an economically strong population meant an economically strong state.

First, in order to strengthen the agrarian households, Ed. A-s remitted the obligations in arrears of the tenant-farmers, shepherds, *šusikku*-officials and others who owed dues to the palace (Ed. A-s §2:5-11). Any delayed payment to the palace placed the farmer, herder or official into arrears, but the king could grant universal forgiveness of those arrears for rent and tenant farmers (Bottéro 1961:123) However, there were specific restrictions that limited one set of remissions to the greater Babylon vicinity, mainly the arrears that have been accrued from the twenty-first year of king Ammiditana until the month of Nisan of the year when king Ammisaduqa issued his decree (Ed. A-s §3:12-26). This section of the edict allowed those rent-payers in this area to be free to keep the one-third to one-half of the crop yield that was typically due to the palace and thus improving their economic situation (Olivier 1997:20).

A second measure to strengthen the population was the cancellation of consumption debts. According to Bottéro (1961:124) two radically distinct forms of debts were dealt with in Ed. A-s: loans of necessity and loans of profit. Ed. A-s remitted the debts of anyone who has received silver or barley interest-bearing loans or *melqētum* loans (Ed. A-s §4:27-36), and also enacts punishment for individuals who act fraudulently and try to collect on these annulled debts and for those who do not make restitution to those who they collected from by force (Ed. A-s §5:37-§7:76). However, Ed. A-s is specific in its purpose to remit only consumption debts and not silver or barley loans for commercial journeys, co-operative enterprises, for the production of profit or for purchases (Ed. A-s §8:77-82 and §9:83-96). While Ed. A-s remitted the consumption debts it stopped short of returning property lost due to default. Weinfeld (1995:90-91) concludes that the property of the original owner was returned by the creditor; however, this was most likely not the case. First, the texts do not mention the return of land to its original owner. Second, it appears that default led to a forced sale of the land and the debtor received the value less his debt and the later *mēšarum* edict did not return the land only the value of the debt that was kept upon the sale (Goddeeris 2002:336).

A third means of strengthening the populace was to compensate for losses that Ed. A-s caused. Section 10 alters the prices of the merchandise that the palace had engaged with the merchants to convert into silver in favor of the merchant (Olivier 1997:21). Section 11 remits the merchants' loans to the palace for the collection of arrears of the tenants who have also just been remitted (Ed. A-s §11:108-128). In this case, if the merchant had not received anything from the tenant in arrears, he could only collect from the tenant the amount he paid to the palace for the obligation to the collect the arrears.

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Similarly, the *šusikku*-officials could not collect from the arrears of the cattle herdsmen, shepherds and goatherds (Ed. A-s §12:129-142). Other forms of concessions were given to the innkeeper for the consumption debts owed to them and the soldiers and fisherman who suffered under the provincial governors (Olivier 1997:21).

The edict also enacted a number of permanent provisions to strengthen the economic position of certain classes of people (Olivier 1997:21). For instance, Ed. A-s §22:206-215 forbids the use of superior military officers from forcibly hiring out their soldiers for harvest and other labor work. Similarly their tax obligations were reduced by a half or third during the proclamation year to improve their economic position (Olivier 1997:21 and Ed. A-s §19:174-181). Other provisions were included to prevent and punish fraud by the innkeeper or merchants who used false weights and measures (Olivier 1997:21 and Ed. A-s §18:171-173). Lastly, Ed. A-s forbids the forcible collection of debts and fraudulent drafting of contracts (Olivier 1997:21 and Ed. A-s §5:37-6:58).

In summary, Ed. A-s sought to improve the economic position of those at the base of the Old Babylonian economic order. The crown sought to protect them from fraud and injustice, thereby strengthening the state and establishing a measure of favor toward the new king. Although these measures did not correct the underlying problems that forced many into heavy indebtedness and debt-slavery, they did improve the lot of many and were thus successful. In short the phenomena of the debt-relief in the Edict of Ammisaduqa dealt mainly with the cancellation of debts and economic improvement.

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7.2 LEVITICUS 25: THE JUBILEE YEAR

7.2.1 The Text[48]

The Sabbatical Year:

[1]The Lord spoke to Moses on Mount Sinai, saying, [2]Speak to the Israelites and say to them: When you enter the land which I am giving to you, the land shall keep a Sabbath to the Lord. [3]Six year you shall sow your field and six years you shall prune your vineyard and gather its produce. [4]But in the seventh year the land shall have a Sabbath of holy rest[49], a Sabbath to the Lord. Your field you shall not sow and your vineyard you shall not prune. [5]You shall not reap your harvest's aftergrowth, nor shall you gather your grapes of unpruned vines. It shall be a holy Sabbath for the land. [6]The Sabbath of the land shall produce food for you, for yourself and for your male and female slaves, and for your hired servant and for the sojourner who lives with you; [7]and for your cattle and for the animals that are in your land. All its produce shall be to eat.

The Jubilee Year:

[8]You shall count seven weeks of years, seven times seven years so that the time of seven weeks of years will be to you forty nine years. [9]Then you shall sound the loud trumpet on the tenth day of the seventh month, on the Day of Atonement you sound the trumpet through all your land. [10]And you shall consecrate the fiftieth year, and proclaim liberty in the land to all its inhabitants. It shall be a jubilee for you, and each one of you shall return to his property and each to his own clan. [11]That fiftieth year shall be a jubilee for you. You shall not sow nor shall you gather the aftergrowth or gather the grapes from the unpruned vine. [12]Since[50] it is a jubilee, it shall be holy to you. You may eat the produce from the field. [13]In this year of jubilee each of you shall return to his property. [14]When you make a sale to your neighbor or buy from your neighbor you shall not oppress one another. [15]You shall pay your neighbor according to the number of years after the jubilee and he shall sell to you according to the number of years of produce remaining. [16]If the years are many, you shall increase its price and if the years are few, you shall decrease its price for it is the number of harvests he is selling to you. [17]You shall not oppress one another but you shall fear your God, for I am the Lord your God. [18]Therefore, you shall observe my statutes and keep my judgments and do them and then you shall dwell in the land securely. [19]The land shall give its fruit and you shall eat your fill and you shall dwell securely in it. [20]But if you say, "What shall we eat in the seventh year if we do not sow or do not gather our crops?" [21]I will command my blessing upon you in the sixth year so that the land will yield produce for three years. [22]When you sow in the eighth year, you will be eating from the old produce; you shall eat the old until the ninth when the produce comes in. [23]But the land shall not be sold in perpetuity, for the land is mine; for you are sojourners and aliens with me. [24]And in all the land you possess, you shall permit the right of redemption of the land.

The Three Stages of Poverty and their Redemption:
Stage One: Loss of Property and Houses

[25]If your brother becomes poor and sells from his property then his nearest redeemer shall come and redeem what his brother has sold. [26]If a man has no redeemer but by himself becomes prosperous and finds enough to redeem it, [27]then he shall calculate the year of his sale and payback what is left over to the man who he sold it and he shall return to his property. [28]But if he has not sufficient means to recover it; then what he has sold shall remain in the hand of the buyer until the year of the jubilee. In the jubilee, it will be released and he will return to his property. [29]If a man sells a dwelling house in a walled city; he may redeem it until a year from its sale. His right of redemption will last one year. [30]But if it is not redeemed within the full year, then the house in a walled city shall belong completely to the buyer throughout his generations; not to be released in the jubilee. [31]But the houses of the settlements that have no surrounding wall shall be classified as open field of the land. They have the right of redemption and are to be returned in the jubilee. [32]As for the cities of the Levites, the houses in the cities they possess will be forever redeemable to the Levites. [33]Whoever of the Levites redeems,[51] the house sold in the city they possess shall be released in the jubilee, for the houses of the cities of the Levites are their possession among the Israelites. [34]But the fields of the pasture land belonging to their cities may not be sold for that is their property forever.

Stage Two: Loss of Independence

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[48] My Translation

[49] *Šabbat Sabbātôn* (שבת שבתון): A Sabbath of complete, holy, solemn rest. It is a great occasion, holy and important to the cult and the people of Israel, greater than the weekly Sabbaths (Gerstenberger 1996:375).

[50] The particle כִּי is interpreted here in a causal sense, meaning; "For/since it is the jubilee it is holy to you." It is introducing an interpretation and functions as a true conjunction.

[51] This is a difficult passage that focuses on the preposition *min* (מִן) either translated from, which makes the Levites the object, or of, which makes the Levites the subject (Milgrom 2001:2202). I have followed Milgrom and translated the *min* as "of."

[35]If your brother becomes poor and cannot maintain himself with you, then you shall support him as a sojourner and foreigner, so that he may live with you. [36]Do not take from him interest or profit, but fear your God, so that your brother might live with you. [37]You shall not give your money at interest nor shall you give him your food at interest. [38]I am the Lord your God, who brought you out of the land of Egypt to give you the land of Canaan and to be your God.

Stage Three: Loss of Freedom (Slavery)
[39]If your brother becomes poor beside you and sells himself to you, then you shall not make him serve as a slave. [40]He shall be with you as a hired servant, as a sojourner, until the year of jubilee he shall serve with you. [41]Then he shall go out from you, he and his children with him, and return to his clan so that he may return to the property of his fathers. [42]For they are my servants, whom I brought out of the land of Egypt, they shall not be sold as slaves. [43]You shall not rule over him with violence but you shall fear your God. [44]As for your male and female slaves whom you may have, you may buy male and female slaves from among the nations around you. [45]Also you may buy from among the foreigners who sojourn with you and their clans that are with you, who have been born in your land; and they may be your property. [46]You may bequeath them to your children after you, to inherit as a possession forever. You may make slaves of them but your Israelite brothers you shall not rule over them with violence.

Slavery to Foreigners
[47]And if a foreigner or sojourner with you becomes rich and your brother beside him becomes poor, and he sells himself to the foreigner or sojourner with you or to a member of the sojourners clan, [48]then after he is sold, he may be redeemed. One of his brothers may redeem him, [49]Or his uncle or cousin may redeem him or a close relative from his clan may redeem him, or if he grows rich he may redeem himself. [50]He shall calculate with his buyer from the year he was sold to the year of the jubilee: the price of his sale shall be as the number of years. The time he was with him will be as hired labor. [51]If there are many years still left; then he shall pay proportionately some of his sale price for his redemption. [52]If few years remain until the year of jubilee; then he shall calculate and pay for his redemption in proportion to his years of service. [53]He shall be as a hired servant year by year. He shall not rule violently over him in your sight. [54]If he is not redeemed by these means, he and his children with him shall be released in the year of the jubilee. [55]For to me the Israelites are servants. They are my servants whom I brought out from the land of Egypt. I am the Lord your God.

7.2.2 Contents of the Leviticus 25

The jubilee law forms part of the holiness code within the Biblical book of Leviticus in the Hebrew Bible. Leviticus 25 is structured into three major sections. The chapter begins with the Sabbatical year (vv. 1-7), followed by the basic Jubilee Year law (vv. 8-24), ending with three stages of destitution that give more detail and instructions (vv. 25-55).[52] Underlying all of these sections is the principle behind the Jubilee legislation found in vv. 23-24:

> [23]But the land shall not be sold in perpetuity, for the land is mine; for you are sojourners and aliens with me. [24]And in all the land you possess, you shall permit the right of redemption of the land.

The basis of this principle harkens back to the exodus from slavery in Egypt and YHWH's work of redemption in bringing them into the land (vv. 38, 42, and 55).

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[52] It is equally possible to view Lev 25 as two major sections: section one includes the Sabbath year and the Jubilee Year and section two presents the three successive stages of economic and social decline of the small independent farmer (Lefebvre 2003:19).

Furthermore, this legislation is intimately attached to the Day of Atonement upon which the Jubilee Year is proclaimed throughout all the land (v. 9). On the fiftieth year during the Day of Atonement when all of the sins of Israel are covered and atoned for by the blood of the sacrifices, the liberty for the people is also proclaimed.

The Jubilee laws consist of three major themes: fallow cycles, land tenure and the right of redemption, and slavery of Israelites. The Jubilee legislation does not focus on reforming all of Israelite society (North 2000:17). According to North (2000:17) "the jubilee chapter is interested in the small independent farmer and in helping him to remain such." Thus all of the themes throughout the chapter focus on maintaining the independent farmer as the basic unit within Israelite society.

7.2.2.1 Fallow Cycles

The structure of the Jubilee legislation begins with the seven-year fallow cycle, called the Sabbath year, and after seven of these Sabbath cycles the Jubilee Year occurs as another fallow year.[53] This aspect of the legislation requires the land to remain fallow every seventh year where the farmer and his household cannot reap, gather, sow or prune their land and vineyards (vv. 4-5). Unfortunately, a number of questions exist regarding the practicality and universality of the law. The questions can be reduced down to this: if the land is not cultivated how did the Israelites provide for themselves? One answer centers on whether the fallow year was universal in its scope, meaning the entirety of the land is uncultivated or if the two different plots could be rotated in and out of cultivation. According to Gerstenberger (1996:375) the Sabbath year follows a universal standardization of the practice throughout the entire land rather than a successive

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[53] Although the Jubilee Year could also be concurrent with the last Sabbath year depending upon how one interprets the cycles.

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fallowing rotation between multiple plots. Hopkins (1985:200-201) proposes a biennially rotated system that could have included the fallow year. According to Bergsma (2007:87) Josephus' record of the Sabbath cycle resulting in hardship in besieged cities possibly indicates that the Sabbath cycle did not cause hardship during peacetime. The other answer centers on what was allowable to eat during this time. Bergsma (2007:86) notes that while they cannot cultivate the lands in an organized fashion they may scavenge for food for immediate consumption. Gerstenberger (1996:376) concludes that there are two interpretations: the first follows Bergsma and the other is that the sixth year's harvest was to be divinely enhanced so as to provide enough food through the following fallow year.

Even with Josephus' testimony of the fallow year being practiced in the Second Temple period, there is so little data regarding fallow year cycles, both the Sabbath and the Jubilee Year, leaving us to speculate on its practicality and universality. The problem is compounded with successive fallow years with the back-to-back Sabbath year and Jubilee Year. In light of this some scholars argue that the fallow laws were really theoretical regulations of eschatological or utopian ideals or even a means of forcing the restoration of farm land after the exile (North 2000:31, Gerstenberger 1996:377, Fager 1993:119-120).

7.2.2.2 Land Tenure and the Right of Redemption

The land tenure structure of the Jubilee laws derives from the belief that the land is YHWH's and that the people are but residents of it and tenants of YHWH, as seen in vv. 23-24 (North 2000:33). According to Lefebvre (2003:185) vv. 23-24 emphasize the land, אֶרֶץ, which forms a chiasm beginning and ending the verses, which connect verses 1-22 with the casuistic laws in verses 25-55. Furthermore, the use of אֶרֶץ four times in

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these two verses emphasizes the land as YHWH's as the foundational principle in the casuistic laws that follow (Lefebvre 2003:185). Stemming from this foundational principle, the Jubilee Year means that the family's inherited lands are not permanently alienable, because they are owned by YHWH and he has given them to all Israelites as an inheritance.

The second half of the major Jubilee legislation is that sales of family lands are not permanent sales but must be returned in the Jubilee Year (v. 13). To accommodate this fact of Israelite land tenure, the sale price of the land is prorated to the time until the next Jubilee Year (vv. 15-16). Concurrently, these sales must not be made to oppress, do violence or exploit the seller (vv. 14, 17). The repetition of this command to not oppress or do violence frames the Jubilee law of the temporary usufruct of the land by the buyer to protect the poor and the weak (Gerstenberger 1996:381). This is especially evident since in an agrarian society a strong and stable family would not sell its land, its source of income and household livelihood.[54]

Deeply intertwined through these casuistic laws with the temporary usufruct of the land is the right of redemption of property and persons by their nearest kinsman and the debtor himself. The kinsman redeemer, גֹּאֵל (gōʾēl) is an extensive idea throughout the Hebrew Bible. According to Hubbard (2000:717) the redeemer was a close male relative who was obligated to assist distressed family members by purchasing land or persons (Lev 25 and Jer 32:7-8) as well as redeeming the life of a relative by avenging their

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[54] According to North (2000:39), "the chief alternative to divine land-ownership is latifundia, numerous properties bought up to form a single giant estate of one wealthy owner" due to the fact that small farming is risky and not necessarily efficient due to unforeseeable factors such as weather, natural disasters (drought, earthquake, cyclone) and war. These unforeseeable factors add pressure to the formation of estates and large scale farming. Thus part of the mechanism for the formation of farmland into estates would have been seizure of lands from poor households who could not support themselves.

murder (Num 35:19 and 2 Sam14:11) and the levirate marriage where the redeemer begets a child for a deceased family member in order to preserve the decease's name and inheritance (Ruth 3:9, 12-13, Gen 38 and King & Stager 2001:39).

The casuistic laws of verses 25-55 deal with households in three different stages of poverty and how the Jubilee laws of temporary usufruct and right of redemption are to be carried out in those situations.[55] According to Milgrom (2001:2191) the three basic stages of poverty consist of a) the loss of part of his property to cover a debt; b) the loss of land but works it as a tenant farmer; and c) the loss of the tenancy and becomes a slave in the creditors household. In the scenario constructed by Milgrom (2001:2191) in the first stage the farmer needed to cover his debt through a forced sale of part of his land. In the second stage, the farmer, now with reduced land holdings, is at a greater risk during times of poor harvests and must again turn to debt to cover any shortfall (Milgrom 2001:2191). Chirichigno (1993:327, 351) notes that the farmer now is reliant upon charitable interest-free loans to sustain him and his household. If the farmer defaults he loses the remainder of his land and becomes a tenant-farmer retaining the usufruct of it (Milgrom 2001:2191). In this relationship the tenant farmer repays his debt through his rent payments and verses 36-37 forbids the creditor from charging interest on the debt (Milgrom 2001:2191). Finally, if the farmer again fails to repay the debt through the tenancy and defaults then he loses the usufruct of the land and becomes a slave to the

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[55] According to Noth (1965:189) these casuistic laws have their origin as a separate and independent corpus of regulations that deal with the law of redemption even though they naturally deal with the Jubilee Year. Part of the reasoning for these laws being seen as independent and possibly older is due to the shift from the plural that occurs in verses 25-55 (Gerstenberger 1996:373). Gerstenberger (1996:373) explains that the shift from a plural construction to singular section with a direct address focuses the laws to an individualized context rather than the entire nation of Israel. This individual focus is evident through the use of "if your brother becomes poor." Yet regardless of their origin, whether it is independent from the jubilee law or not, these laws connect logically and naturally with the jubilee legislation in vv. 1-23 and therefore it seems most applicable to treat them as such.

creditor (Milgrom 2001:2191). However, the farmer must now be treated as a hired servant so that he receives wages that pay off his debt and eventually earn him and his household their freedom (Milgrom 2001:2191 and vv. 39-43). However, Chirichigno (1993:352) disagrees with the assumption that the head of the household sells himself into slavery in order to pay an antecedent debt; "rather it is a self-sale of an Israelite who has no means of production." Throughout all of these stages of increasing destitution redemption can either come from the farmer himself, through a kinsman redeemer, or at the Jubilee Year.

However, there is a question of the use of the land if a kinsman redeems it. According to Noth (1965:189) the near relation paid the purchase price to the buyer on his own account "not in order to retain it himself, but only to return it to the original owner." However, according to Milgrom (2001:2195) the redeemer acting on behalf of the kin group, purchases and controls the land until the Jubilee when it returns to the original owner. Milgrom (2001:2195) uses Jeremiah's purchase of the field from Hanamel, his first cousin, as an example of this in practice (Jer 32:7). Furthermore, Milgrom (2001:2195) views the redeemer as being entitled to receive his money back from the original owner and effectively leases the field until the Jubilee. Wenham (1979:320) interprets the role of the kinsman redeemer unclearly, saying that the kinsman redeemer "buys the land back for the family" but does not specify if that is for the part of the family who lost it or the family in general.

Both North (2000:48) and Bergsma (2007:96) are somewhat non-committal; however they do provide important insights into the nature and purpose of the kinsman redeemer. North (2000:48) is more non-committal and states, "it is not made clear (or

considered important) whether the *gô'el* keeps title to the land for himself or restores it to his relative; nor whether in any case the defaulting debtor continues as a tenant, though this rather seems to be the case in the modes of expression in the later parts of the chapter." Bergsma (2007:96) is slightly clearer and he states;

> Nothing is said about what happens to the land once the גֹּאֵל redeems it. It seems likely that it remains in his possession until the jubilee. The legislator is not concerned about such a situation, because (1) at least the land remains in the clan, and (2) one would assume that the גֹּאֵל would exercise some sort of familial charity toward his impoverished kinsman by at least providing him with subsistence.

What becomes clear after sorting through these various positions is that the practical details are not the emphasis, but what justice looks like in these circumstances is. Therefore, regardless of the use, the purpose of the kinsman redeemer was to improve the lot of the brother who became poor and thus some measure of benefit was gained by the defaulting farmer that was not present before, maybe at least some measure of better treatment—as was the case of levirate marriage, another aspect of the kinsman redeemer.

The repurchase and help through the kinsman redeemer can also be viewed as improbable. Gerstenberger (1996:383) notes that it seems to be insulting for a redeemer to only enter the picture when a distressed sale is imminent rather than at an earlier time especially within economically strong clans and family groups. Thus to Gerstenberger (1996:384) it seems more likely that in strong clans the kinsman redeemer entered the picture at a much earlier point. It seems more likely that in situations involving forced sales there was no family member able or willing, as it was in the story of Ruth, to improve the situation (Gerstenberger 1996:384). This is evident in the "if a man has no redeemer" clause (Lev 25:26). Gerstenberger (1996:384) points to the situation in Neh

5:1-5, where the population had to pledge their family to pay off the debts of the household.[56]

The debtor also maintained his right of redemption over his sold land, which he could exercise at any time he desired if he becomes prosperous and able to do so (vv. 26-27). However, there are stipulations regarding these sales. First, the right of redemption for a house sold in a walled city expires one year after its sale and does not revert to the seller at the Jubilee (vv. 29-30). However, houses sold in the smaller un-walled settlements are classified as open fields and were to be treated in the same matter; thus they had the full rights of redemption (v. 31). Second, the houses of the Levites in their cities maintain their full right of redemption as well (vv. 32-33). Third, the fields of the Levites attached to their cities were prohibited to be sold (v. 34). These rules show that different cities were treated in different ways (Gerstenberger 1996:385). The urban centers were the administrative and military centers of the nation and probably had a measure of turnover in its residents. On the other hand, the Levites and priests appear to have given some rights over the cities and possibly not physical possession but the right to collect the tithe of certain cities (Milgrom 2001:2201). However, as Milgom (2001:2202) has deftly noted, regardless of the rights they could exercise, neither the Levites nor the lay Israelites were owners of real estate. But YHWH who owned the land could rescind it based upon his covenant with them.

7.2.2.3 Slavery in Leviticus 25

Those Israelites who slid increasingly deeper into poverty faced debt-slavery. Leviticus 25:39-46 discusses two types of debt slaves: the Hebrew debt-slave and the

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[56] According to North (2000:63) the use of a pledge was as a hypothetical pledge of a family member not in the individual debtor himself. In this case the pledge, a son or daughter, was delivered upon the default of the debt (Neh 5:1-5 and North 2000:63).

foreign debt-slave. An Israelite became a slave either as his own choice or that of his father who sold him into this condition or gave him as a pledge (North 2000:60). But for the Israelite true slavery is prohibited; rather he is to be treated as a hired laborer and he must not be oppressed (vv. 39-41 and Bergsma 2007:99).

According to Chirichigno (1993:344) the Jubilee slave laws deal with a different form of slavery than those in Ex 21:2-11 and Deut 15:12-18. For Chirichigno (1993:345) in the manumission law of Exodus the terms (עברי(ם refers to Israelite debt-slaves and חפשי refers to released debt-slaves who now have their freedom. Similarly, the manumission law of Deuteronomy refers to debt-slaves that were sold as dependents (Chirichigno 1993:347, 336).[57] Both of these forms of debt-slavery reflect to the sale of dependents by their family and their capacity for work, not the person himself (Chirichigno 1993:330,353). According to Chirichigno (1993:353) the manumission laws of Lev 25 deal with a much harsher form of debt-slavery and does not use the term עברי that is found in Exodus and Deuteronomy indicating a different form of debt-slavery. The form of debt-slavery in Leviticus derives from the household's need to have adequate protection so the head of the household sells himself and the household as a debt-slave because he no longer has any means of production (Chirichigno 1993:330-332). This type of debt-slave differs from a hired worker, a שׂכיר, in that the hired worker was entitled to certain contractual rights; typically they were hired for specific tasks and duties (Chirichigno 1993:333). Thus the command to treat them as a hired worker indicates that they should perform certain tasks and work for a fixed period of time, but they should

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[57] According to Chirichigno (1993:347) the difference between the Exodus and Deuteronomic manumission laws is based not in the reforms and innovations during the reign of Josiah or Hezekiah but as differences in theological intentions of the author. For instance, in Exodus the point of view is from the slave but in Deuteronomy it is the point of view of the master (Chirichigno 1993:348).

also have the provision of food, clothing, and a home, which was not provided to day laborers (Chirichigno 1993:333-334).

In short, Lev 25 has a specific focus and concern regarding the type of debt-slavery in order to maintain the small independent farmer. According to Bergsma (2007:101) Lev 25 focuses on the land not being separated from its ancestral family and has a concern regarding a type of enslavement that deals with threatening the head of the household's possession of it. This focus on the alienation of the ancestral household from the land continues with the prohibition of Israelite enslavement to non-Israelites (Lev 25:47-55). Thus according to Chirichigno (1993:335) the main point of the Jubilee legislation is to rectify the situation in which the household is deprived of their patrimonial land and thus left without means of support and production by returning the household to its land in the Jubilee Year.

CHAPTER EIGHT: THE HISTORICAL CONNECTION

Some level of historical connection is generally assumed between Ed. A-s and Lev 25, largely based upon their thematic and some verbal similarities. Most studies of the Jubilee Year in Lev 25 begin with this assumption and then quickly move to an analysis of the contents. For instance, Fager (1993:25) begins his discussion of the historical background in an attempt to analyze the roots that led to the Jubilee legislation. Fager (1993:25) accurately notes that Lev 25 fits in the greater ancient Near Eastern context but he simply states that these ideas and institutions may have been known and adapted and then moves on in his discussion. But the problem with this assumption of a connection is that it does not seek to find if it is accurate nor does it seek to understand the nature and type of the connection between the texts. Therefore, this study seeks to understand the possibility of a connection and the nature and type of one if it exists.

Two basic avenues exist for the possibility of a connection. The first possibility is that a tradition of *mēšarum* and *andurārum* was present in Palestine early in the history of the Israelites which was incorporated into its culture and traditions. The second possibility is that this tradition was incorporated into Israelite culture later through Israel's interaction with the Neo-Assyrian Empire.

8.1 CORROBORATION: TIME AND PLACE GAP

The first step in this analysis is determining the possibility of a historical connection between these two texts, called corroboration. The fundamental question is this: were the writer(s) of Lev 25, even in its earliest form either oral or written, aware in any way of Old Babylonian *mēšarum* edicts, particularly Ed. A-s? In order to answer this question, two gaps must be bridged: the time gap and the place gap.

8.1.1 The Time Gap

The time gap is somewhat obvious, since the Israelites belong to the early Iron Age and the Old Babylonian period exists in the mid-2nd millennium in the Bronze Age. However, the situation is actually more complex since we cannot determine a precise length of the time gap. This difficulty arises since the date of Ed. A-s is known, but the dating of Lev 25 is elusive. There are three views on the authorship and dating of Lev 25: the traditional view, the standard critical view and a mediating position.

The traditional view places the authorship of Leviticus as part of the Pentateuch as being Mosaic in origin. Wenham (1979:8) posits four arguments that support this view. First, the book presupposes Mosaic authorship as being given to Moses while the Israelites are still worshiping in the Tabernacle, rather than in the temple precincts (Wenham 1979:8). Second, since elaborate rituals and sacrifices are present in the ancient Near East before the time of Moses, there are no inherently late elements that could not have been from that period (Wenham 1979:9). Third, the book appears to be unsuited to the needs of the post-exilic community, such as intermarriage with the Canaanites that Nehemiah and Ezra dealt with (Wenham 1979:9). Finally, since the book of Ezekiel quotes or alludes to Leviticus it should have an early date (Wenham 1979:9).

In contrast to the traditional view, the standard critical view derives from Wellhausen's view that the development of Israel's religious life and practice is evident throughout the Hebrew Bible (Wenham 1979:10). This development begins with Israel's religious praxis as simple, free and spontaneous, evident in Judges and Samuel, that became gradually and increasingly framed by law and custom until it reached a strict

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ritualistic legalism in the Priestly source (Wenham 1979:10-11).[58] For instance, Gerstenberger (1996:2) follows this critical view and describes the 'book' of Leviticus as "a fairly artificial excerpt from a larger narrative and legislative work, sewn together like a patchwork quilt from many different, individual pieces." According to Gerstenberger (1996:3) the book of Leviticus emerged over centuries through the liturgical use of sacred texts. He states (Gerstenberger 1996:3):

> The actual genesis of such a book takes place in ever new stages of composition, collection, and interpretation, in both oral and written transmission, alteration, and restructuring of the texts. Growth stages or 'rings' emerge which to a certain degree precise and exact study of the biblical books is able to distinguish.

Through this long process of redaction, the book of Leviticus took form as what was initially believed as being purely from the Priestly source. However, this has since been modified so that Leviticus is made up of two Priestly sources: P and the Holiness code (H), which consists of chapters 17-27 (Milgrom 1991:1).[59]

The mediating view finds Leviticus to be pre-exilic but not Mosaic (Wenham 1979:11). This position finds P to be earlier than the standard critical view maintains. In their view, the evolution of cult to legalistic ritual goes against the normal trend of increasing religious secularity over time and thus P needs to be pre-exilic (Wenham 1979:11-12). First, they argue that the language, laws and institutions do not fit the post-exilic age (Wenham 1979:12). Second, they note that Joshua and Deuteronomy quote P

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[58] The standard critical view following the development of Israelite religion from its Yahwistic (J), Elohistic (E), Deuteronomic (D) and Priestly (P) sources (Gerstenberger 1996:5).

[59] The dating of H and P is also problematic. According to Noth (1965:15) H belongs to the period at the end of the Jewish state and the beginning of the exile and thus preceded P. Other scholars, such as Knohl (1995:6), view H and P as distinct priestly schools, where P preceded H and H compiled, corrected, and redacted P (Hamilton 2005:281).

and Leviticus but not vice-versa (Wenham 1979:12). Third, its ideals on holiness and war, sacrifice and blood resembles Judges and Samuel (Wenham 1979:12).

As Wenham (1979:13) notes all of these positions have their shortcomings. The significant disagreements within critical scholarship over the subjectivity, number, delineation and date of the sources, casts significant doubt as to its scientific usefulness. Longman & Dillard (2006:50) conclude that the lack of consensus and the sheer number of the disagreements and views within historical criticism "casts doubt on the possibility of clearly distinguishing the sources within the final form of the text and encourage interpreters to concentrate on that level." While the text provides indications and evidence of sources, the text has been redacted into a logical and coherent whole making a scientific delineation and dating of each source impossible (Longman and Dillard 2006:51).

The inability to approximately date these texts and sources causes a significant problem with the comparative method particularly when trying to overcome the time gap. For instance, H and thus Lev 25 are typically viewed as either post-exilic (Fager 1993:63; Gerstenberger 1996:7) or pre-exilic (Bergsma 2007:77;Milgrom 2000:1361). But the problem is even more confounded when one considers that even these later sources may have incorporated elements from Israelite culture and society that had existed in its earliest tribal roots. According to von Waldow (1970:182) "the existence of a particular ordinance within one of these codes does not establish anything with regard to the actual age of the ordinance, for it is well known that the Deuteronomic law and even the Code of Holiness which is probably later contain very ancient materials." While von Waldow

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(1979:182) believes that these ordinances can be dated using form-critical and cultural-historical characteristics, I am more skeptical of its reliability and usefulness.

In short, Leviticus appears to have grown out of questions on what is flawless behavior. Gerstenberger (1996:6) states, "For after the dedication of the sanctuary, the question of necessity became urgent concerning the kind of cultically flawless behavior that was both pleasing and worthy of God." It is most likely that older material was adapted and interpreted in this light and formed the basis of Leviticus. At some point H and P were combined and worked into a coherent whole forming the last stage of its origin. While this last step of redaction is probably late, we have little knowledge of what the earlier forms and structures looked like or how they might have functioned in Israelite society. Thus it is clear that the attempt to date the text or its source material is unhelpful in any attempt to bridge the time gap.

Therefore in trying to bridge the time gap, we have to look for evidence of the *mēšarum* and *andurārum* traditions for both the early and late periods. Thus in order to determine the possibility of a connection, we have to look for the inverse: if there is a period in which we have no evidence for the possibility of a connection. Since the relevant sources also deal with the place gap they will be discussed there.

8.1.2 The Place Gap

The distance between Palestine and southern Mesopotamia does not necessarily lend itself to strong cultural interaction, through which Old Babylonian traditions and practices could be diffused to other cultures. The primary means of cultural interaction occurs through diplomatic contacts and trade relations. In this light trade is an important

indicator of social interaction between regions, peoples and states. According to Leemans (1960:36);

> Trade is the medium by which different peoples come into contact with each other. In this peaceful traffic a people readily adopt things in which another people are more advanced. We may point, for example, to the writing on clay-tablets of Babylonian model, adopted by the Mycenaeans from Syrian ports, with which they carried on trade.

Thus by tracing the trade relations of Old Babylonia, we can begin to determine what regions and peoples were influenced by Babylonian culture. Second, cultural interaction and adoption also occurs through diplomatic relationships between kings and states. For instance, the imposition of vassal status upon another state would naturally bring about significant cultural interaction. But peaceful means, such as the maritime joint ventures between Solomon and Hiram of Tyre and the Amarna correspondence would have brought about significant cultural interaction as well (Miller & Hayes 2006:208; Kuhrt 1995:343).

Geographically, the Levant sits as the land linking Egypt and Mesopotamia. Thus both Egyptian and Mesopotamian kings sought to control that region, which often gave rise to military conflicts between Assyrian expansion from the north and Egyptian expansion from the south. In addition to military conquest, trade flowed through the area as the gateway to Egypt and Mediterranean Sea for Mesopotamian goods. However, during the Old Babylonian period, trade relations did not exist between Babylonia and Egypt. According to Leemans (1960:22) there is no direct or indirect archaeological data that shows trade relations between them. However, during this same period Babylonia did trade substantially with Mari and Syria. According to Leemans (1960:32-33) Sippar traded with Syria and the neighboring regions of Anatolia for botanical products such as

cedar and pine wood, myrtle, and sweet reed; while wine transported through Mari from Carchemish and Aleppo. Mari also provided merchants with access to tin and copper for the manufacturing of bronze (Leemans 1960:33). According to Leemans (1960:36) the trade access of Old Babylonian merchants extending beyond Tilmun in the south and Syria in the north-west. It appears that Old Babylonian trade extended to the northern Levant with regularity but it did not flow south through Palestine to Egypt.

During the Amarna Period strong evidence exists for trade relations between Babylonia and Egypt. During this period in Palestine Egypt maintained considerable control over the region. One important means of control was bringing up and educating Canaanite princes in the Egyptian court, where they became knowledgeable with Egyptian customs and court etiquette (Kuhrt 1995:327). In addition, the daughters of Canaanite rulers were taken into the Egyptian court which further solidified their relationship and Egyptian influence over the area (Kuhrt 1995:327). While being at court, the Canaanite princes would have become knowledgeable and familiar with the diplomatic correspondence and cultural exchanges that occurred. This correspondence between the great powers such as Babylonia and Egypt flowed through the Levant between them and included merchants as well as royal envoys (Kuhrt 1995:343). These envoys carried goodwill messages, gifts and requests between the rulers as well as information on the status of the kings, the courts and the countries they visited (Kuhrt 1995:344). All of this correspondence occurred in Akkadian, including messages between the Canaanite dynasts and their Egyptian overlords (Kuhrt 1995:346-347). According to Westbrook (2000:377) the Amarna letters reveal that "the Babylonian rulers used the cultural conventions of the day to send hidden messages, the meaning of which would

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nonetheless be unmistakable to the recipient." For instance, the Babylonian kings often asked for gold from Egypt and would debase its value to gain a better bargaining position by stating that it was "as plentiful as dust" (Westbrook 2000:378-379). In addition to the correspondence in Akkadian, the scribal activity in Kassite Babylonia also points to the potential for cultural exchange. According to Kuhrt (1995:347), "in Kassite Babylonia there was intense scribal and literary activity. Many older texts were copied, some of them edited into enduring 'classical' form." The intensity of this scribal activity would have most likely come to the attention of visiting envoys as they gather information about the kingdom. Thus it would not be unthinkable to envisage the spread of Babylonian culture throughout Mesopotamia and Egypt region during this period.

While these diplomatic and trade relations ceased with the crises that occurred throughout the entire region after 1200 BC, as the small states emerged as heirs to the Canaanite culture of the preceding period they would have retained to varying degrees aspects of that culture and legacy (Kuhrt 1995:416). While each small state had its own language, script, religion and local historical traditions that could have modified their inherited culture and legacy (Kuhrt 1995:416). For instance, the northern states were influenced by Hittite imperial heritage and sometimes Aramaean influence as well; the Aramaeans influenced upper Mesopotamia and Syria; and in the Canaanite cities Phoenicia retained their dominance (Kuhrt 1995:416). It is within this time period that the state of Israel began to emerge.

The history of the nation of Israel can be divided into two major periods: as an autonomous state under the unified kingdom and then as a divided monarchy that is struggling to survive against encroaching foreign influence. The kingdom under Solomon

exhibited significant foreign diplomatic and trade relations. Solomon's ventures are intended to show the wealth and luxury of his court gained from tribute, trade and gifts and presents from various rulers (Miller and Hayes 2006:209). The importance of Israel stemmed mainly from its position on the trade routes from Egypt to the Transjordan and beyond (Miller and Hayes 2006:209-210). Trade was flowing again after the crisis at the end of the second millennium and Israel was specially located to benefit from it. Similarly, the texts show that Solomon engaged in commercial ventures with Phoenicians and provided access to the Red Sea along with laborers, sailors and supplies (Miller and Hayes 2006:211). These relationships would have provided Israel with some measure of cultural interaction with other traditions of the period.

After the kingdom split into the separate kingdoms of Israel and Judah the political situation began to change dramatically with the rise of the Assyrian Empire. According to Miller & Hayes (2006:224) "much of the history of the separate kingdoms of Israel and Judah is that of two provincial states struggling to survive under the shadow of the Assyrian and Babylonian empires." For instance the *limmu* lists and the Babylonian Chronicles portray this interaction between the states of Israel and Judah with Assyria (Miller & Hayes 2006:247). Beginning with Shalmaneser III the Assyrians repeatedly embarked on campaigns against the region and frequently collected tribute from the kings of Israel and Judah (Miller & Hayes 2006:247). Tribute was collected by Shalmaneser III from Jehu, Adad-nirari III from the land of Omri, and Joash of the land of Samaria. Tiglath-pileser III collected tribute from Menahem of Samaria and Jehoahaz of Judah, and Esarhaddon received tribute from Judah (Miller and Hayes 2006:247). Tiglath-pileser III claims to have entered into Samarian politics by confirming Hoshea as

king after the overthrow of King Pekah (Miller and Hayes 2006:247). Lastly, Sargon II conquered Samaria, exiled much of its population and resettled the city with exiles, all of which turned the northern kingdom of Israel into an Assyrian province while Judah remained simply a vassal state who paid annual tribute.

As an Assyrian vassal, Judah was required to pay an annual tribute, present gifts to the king of Assyria and support Assyrian military operations but the Assyrians did not interfere with the social, religious and administrative life of the kingdom (Miller and Hayes 2006:368). When the northern kingdom of Israel ceased to exist as a state and was ruled directly by Assyrian administrators, the exile of the elite of the population and the resettlement of other peoples would have massively disrupted the internal traditions, cultures and beliefs of the region, as was intended to reduce any nationalistic fervor for rebellion (Miller and Hayes 2006:368). While the kingdom of Judah survived the Assyrian onslaught it was not successful against the Neo-Babylonian empire under Nebuchadnezzar and became a Babylonian vassal some time after the fall of Ashkelon in 604-603 (Miller and Hayes 2006:466). After a number of rebellions, Judah suffered a similar fate to that of the northern kingdom and became a province of its overlord (Miller and Hayes 2006:486).

The struggle for the survival against the imperial powers of Assyria and Babylonia would have brought the Israelites into direct contact with these cultures. The pressure to conform and to assimilate Assyrian and Babylonian cultural elements would have been present within certain factions of Israelite government. In this environment, Israelite culture could have either assimilated to or fought against the cultural pressure.

In summary, the possibility for cultural interaction exists throughout ancient Israel's history. In addition, since we cannot accurately date Lev 25 with any certainty we have to determine if there are any early or late contacts between these two cultures. Since a general possibility exists for both the early and late contacts between Israel and greater Mesopotamia through trade and diplomatic relations, a general possibility exists for the Mesopotamian traditions of debt-relief to have some level of cultural contact with Palestine and the ancient Israelites. However, two points must be addressed. First, the probability of cultural contact is greater at later points in Israelite history, particularly during its time of struggle under Assyrian and Babylonian pressure and domination. But this higher probability for later influence does not mean that any early evidence that might exist should be discounted as irrelevant. Second, a general probability of cultural contact does not necessarily indicate corroboration of the phenomenon between the two cultures. In other words, more specific evidence must exist of the actual phenomenon to determine the possibility of a connection.

8.1.3 The Evidence of Corroboration

Specific evidence of cultural contact is hard to find, often limited or indirect, and many times non-existent. The phenomenon of debt-relief is no different. The type of specific evidence which is possible to find would be something like the legal document from Hazor that points to the existence of a legal system in Canaan similar to that of the Babylonian model (Malul 1990:110). This legal document points to cuneiform judicial proceedings conducted before the king, Old Babylonian grammar and orthography, and the juridical terminology has Akkadian affinities (Hallo & Tadmor 1977:9). This evidence begins to build a basis for understanding the possibility of a cultural contact and

assimilation of Old Babylonian ideas into the general milieu of the period, which included Canaan during the eighteenth-sixteenth centuries BC.[60]

With regards to the tradition of debt-relief in the ancient Near East, evidence in Syro-Palestine would be needed to affirm the possibility of a connection. The strongest early evidence of the tradition of debt-relief in Syria was found in the royal archives in Mari. A number of texts point to the existence of *andurārum* decrees being issued from the periods of Yahdun-lim (1809-1797 BC), Šamši-Addu (1827-1810) and Zimri-lim (1775-1768) (Weinfeld 1995:86). In these contract documents during the reign of Yahdun-lim, clauses are included that state, "They have received money after the *andurārum*" (Charpin 1990:256). According to Charpin (1990:256) in these contracts "after an *andurārum* the creditor would include a claim of making loans after the decree so the debtor could not say it was before." These clauses sought to protect the creditor against debtors fraudulently claiming the debts should be cancelled. The contract of Ištar-Lim (A.2654) states that the silver cannot be affected by an *andurārum* (Charpin 1990:260). The contracts during the period of Šamši-Addu deals with the freedom of several people, male and female, sold into slavery (Charpin 1990:264-266;Weinfeld 1995:87). In the period of Zimri-Lin, two letters (M5499 and M14033) from Samu-ila the governor of Terqa shows the procedure of the decrees: first oral proclamation and then written on a tablet (Charpin 1990:268). Based upon these letters and contracts the contents of these *andurārum* edicts were similar to the Edict of Ammisaduqa as they dealt with debt-relief, return of goods sold to their former owners and the liberation of slaves (Charpin 1990:270). The one major difference is the presence of clauses that

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[60] The Lawsuit of Hazor shows the possibility of a connection for legal proceedings and jurisprudence between the cultures; it does not prove the connection.

exclude these contracts from *andurārum* proclamations. According to Charpin (1990:270) "the terms by which the creditor or purchaser of land excludes the application of *andurārum* shows that it was either ineffective or not enforced." In light of these texts, Charpin (1990:270) concludes that "despite relatively less abundant documentation, the *andurārum* was something as common in Syria as in Mesopotamia and the split between them is artificial." Thus the texts from Mari point to the existence of the tradition of debt-relief existing in the region of northern Syro-Palestine and the possibility of a connection with Israel.

Since the Mari archive presents evidence concurrent with the Old Babylonian period one has to ask if the tradition continued in the region: a question of the time gap. The Edict of Tudhaliya IV provides a clue to this tradition continuing in Hittite Anatolia, but unfortunately at this time it is unknown how far south the Hittite culture influenced.

The Edict of Tudhaliya IV (1265-1240 BC) begins as a narrative of the reform of abuses and the motivation for this reform (Westbrook & Woodard 1990:641). Within this narrative the king mentions how evil people have destroyed the feudal holdings and the *šarikuwa* tenants (Westbrook and Woodard 1990:642). The text is broken at this point but when it continues it states (Westbrook & Woodard 1990:642-643), "he shall not release [it/them], but he shall give back to him just such a field [as] its substitute" and later it states "if he (i.e., the holder of the ransom) has taken those things along with his (i.e., the offender's) wives [and] sons, he will release him/it to him." What becomes clear is that the edict deals with land tenure issues and debt relief and manumission. According to Westbrook & Woodard (1990:654) this section "represents the meeting-point between two areas of law: release of debts and the revenge/ransom system of punishment for

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criminal offenses." Thus we can see the connection between the right of redemption and debt-forgiveness intersecting as it does in Lev 25.

But while the tradition continues, the Edict of Tudhaliya IV does not continue with the terminology of *mēšarum* and *andurārum*. Additionally, it is difficult to see how the place gap is bridged from Anatolia into Syro-Palestine. For instance, the Hebrew Bible mentions Hittites in the Patriarchal narratives, Kings and Chronicles but it is not clear if these are the same ethnic group (Hoffner 1969:28). In fact, according to Hoffner (1969:29, 37) when the Hebrew Bible mentions Hittites it is not referring to Hattians or Nesites but Syrians, "who spoke a Semitic language, bore Semitic names and were organized in clans." However, the Hittite Empire did exert significant force into Syro-Palestine to Damascus and brought Ugarit under its control as a vassal state (Kuhrt 1995:301). Even though Ugarit ceased to exist just after 1200 BC, it is a major source of our knowledge of Canaanite culture that prevailed during ancient Israel (Kuhrt 1995:304),[61] but Ugarit religion and culture was also influenced by Hurrian and Hittite religions (Schniedewind and Hunt 2007:18). Thus it is possible that while the Biblical text does not refer to Hittite peoples, some Hittite influence may have remained in Syro-Palestine and Canaan after the crisis of 1200 BC, when the ancient Israelites entered the region.

One would not expect to find evidence of an *andurārum* proclamation after 1200 BC due to the disintegration of the great powers and the emergence of small kingdom states in Syro-Palestine. Due to the construction and formation of these small weak kingdoms, which lacked extensive royal archives and powerful business families in

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[61] According to Kuhrt (1995:304) the texts from Ugarit reveal to us the religion and culture of the Levant and provide insights into the Canaanite culture that Israel interacted with.

which we typically find the documents pertaining to these decrees, it would be surprising to find records of debt-relief. In fact, it is not until another great empire - the Neo-Assyrian Empire - emerges that again we see evidence of debt-relief.

The strongest evidence for corroboration exists in the documentation during the Neo-Assyrian period. For instance, Sargon II received a letter from a governor informing him that some Babylonians were coming to him to complain about an *andurārum* proclamation that freed their debt-slaves (Lanfranchi 1997:86). The Neo-Assyrian tradition of debt-relief was connected with the *kidinnu/kidinnūtu*, or privileged people, who were under a sort of divine privilege by entering specific cities (Kuhrt 1995:614). Esarhaddon restored this privilege to the city of Babylon, which provided debt-relief (*andurārum*) of oppressed people, those sold into slavery, returned the lost land and property, and re-affirmed their tax-exemption (*zakûtu*) (Kuhrt 1995:615). Since, the Neo-Assyrian Empire exerted significant control and pressure directly upon ancient Israel the probability of a cultural contact is highest at this point.

If we take the entirety of the evidence for the possibility of a cultural connection, then it is possible to see corroboration for both an early connection in Israel's history and later connection. It is possible that a tradition of debt-relief was in existence early in Israel's tribal history possibly due to successive poor harvests and raids by the Philistines and other Canaanite groups. However, the rise of the monarchy which began under Saul produced a tax burden and subsequent debt-burden upon the people that reached a tipping point at the beginning of the reign of Rehoboam when the tribes came to him to ease their situation (1 Kings 12). After his refusal, the subsequent rebellion and the rise of the Neo-Assyrian Empire it is possible that the tradition of debt-relief became re-emphasized in

Israelite culture, which eventually gave rise to the Jubilee tradition that we have in Lev 25.

8.2 THE COINCIDENCE VERSUS UNIQUENESS TEST

After having established the possibility of connection between the Edict of Ammisaduqa and the Jubilee Year, we can now analyze these texts in order to determine or reject the nature and type of any historical connection. Amit (1992:51-52) notes that it is common practice to compare these texts and that the major difference is one of emphasis: the cyclical nature of the Jubilee to free men from any interest to the king against the royal amnesty that the Babylonian edict provided and its kingly emphasis. However, even a cursory reading of the two texts shows that even though they deal with the same phenomenon of debt-relief they are radically different texts. This large difference between them brings into question any direct historical connection between these texts. Through an analysis of five criteria (genre, common principles, deviations, terminology and formulation, and practical or ideal solutions), I hope to illustrate that there is only an indirect connection between them, which follows along a tradition of ancient Near Eastern debt-relief rather than an instance of direct borrowing or influence.

8.2.1 Genre

The first step in analyzing a historical connection is looking at genre. The importance of understanding the genre of both texts is to make sure you are comparing comparable texts. For instance, the importance of significant differences between texts of radically different genres is minimized based upon the genres' different form and function (Walton 2006:27). But according to Walton (2006:27) different genres can also

perform similar functions in different cultures. Thus it is important to understand the genres of each text and their function in society.

8.2.1.1 Genre and the Edict of Ammisaduqa

Ed. A-s is a royal edict functioning clearly in the Old Babylonian legal structure. Within this legal structure, legal documents of various kinds functioned to influence, control and authenticate legal transactions. If we think of it in terms of genre, legal documents form a broad genre of texts in which various sub-genres can be grouped. One means of classifying legal documents is its form, such as if they are retrospective or prospective. Purely retrospective documents, such as a transaction document detailing the sale of land or a slave, provide a record of a completed past event (Postgate 1992:282). Prospective documents record an obligation incumbent on one party, such as a loan document that provides a record of this agreement, that will be completed in the future (Postgate 1992:282). Another means of classifying the genre of a legal document is its function in society. For instance, while transaction documents and loan documents are both evidentiary records of transactions, law codes function very differently in society. In fact, law codes functioned so differently from legal transactions that we are not sure of their specific function.

This uncertainty poses a particular problem for understanding the legal sub-genres and classifying the law code genre compared to other legal texts. However, this uncertainty does not necessarily mean that they had no true function in society other than as propaganda.[62] The casuistic formula of the law codes points to their connection with other Mesopotamian cultural traditions, such as omens, myths and hymns, which were copied as part of scribal training (Greengus 1995:472). Greengus (1995:472) concludes

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[62] Chapter 5 deals with the basics of this discussion of the function of Mesopotamian law codes.

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that since many of these cultural traditions were deeply tied to actual practice, the law codes as well had a deep relationship with actual Mesopotamian jurisprudence. Postgate (1992:289,291) takes the position that law codes are best considered as reforms but they also include traditional verbatim elements present in other codes so that they formulated and standardized them into prescriptive/prospective laws. In this sense, law codes have a future orientation and are more prospective than retrospective since they are establishing, formulating and reforming laws. In dissent, Finkelstein (1961:101) views law codes as purely retrospective, since in Finkelstein's view LH deals mainly with establishing Hammurabi's legacy when it was compiled at the end of his reign. However, Bottéro (1992:164) agrees with this prescriptive function of the law codes but he also adds a retrospective outlook where he views the laws as verdicts given to a particular case as examples of the just judge. Bottéro (1992:165) states that "what Hammurabi wanted to collect in his 'Code,' as he tells us in so many words when he talks of verdicts, was a selection of the principal decisions of law, the most just decisions, the wisest, the most sagacious, the most worthy of an experienced ruler." Thus the Mesopotamian law codes included both a retrospective focus and a prescriptive/prospective future orientation as a sort of record of verdicts in the past for use in the future.

Edicts on the other hand, do not necessarily have this prescriptive future orientation. The *mēšarum* edicts record the proclamation of debt-forgiveness at the beginning of the ruler's reign (Postgate 1992:289). These edicts did not change the practice of debt-slavery nor does it appear that they altered the socio-economic institutions of the state. They simply alleviated situations of dire poverty due to debt in order to prevent the collapse of the economy and to re-establish social order (Olivier

1997:13). According to Finkelstein (1961:100) there are some prescriptive elements in the *mēšarum* edicts that are permanent reforms, such as §8, §15-16, and §20, while those sections with the *mēšarum* clause are not permanent reforms.[63] Regardless, Finkelstein (1961:102) notes that these edicts did not materially alter the socio-economic system. What is clear is that the *mēšarum* texts themselves are records of the earlier proclamation, and it is possible that not every *mēšarum* proclamation was actually recorded (Finkelstein 1961:102).

In summary, law codes and edicts are both part of the legal document genre in its broad sense. They each have distinct forms and function but there is also significant overlap between them. Both include casuistic laws and some reforms. Both have retrospective elements and are issued by the king for ideological purposes. However, the predominately retrospective nature of the *mēšarum* proclamation points to its specific function to alleviate a specific socio-economic situation while the law codes are predominately for prospective and ideological use.

8.2.1.2 Genre and the Year of Jubilee

The question of genre is much more difficult for Lev 25. The legal structure of ancient Israel dealt with who had the power to judge (Avalos 1995:621). The Israelite judge functioned as a type of ruler and applied to anyone who had the authority to settle disputes but it often was not a permanent position (Avalos 1995:621). Within this structure, four types of people functioned as judges: the king, the elders, priests, and the head of the family.

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[63] According to Finkelstein (1961:100) §8 deals with financial dealings between the palace and the *kārū* of different cities; §15 deals with the prohibition of the *sabītum* collecting on any credit given; and §16 and §20 prescribes the death penalty for those creditors using fraudulent scales and officials hiring out soldiers.

One of the unique facets of Israelite jurisprudence was the role of the priests. While the temple played an important role in Mesopotamian law where it was a place to swear oaths and a place to hold a court, temple officials presided over the local council of elders (Greengus 1995:474), and the priests in ancient Israel had a much greater role in Israelite law. Much of the jurisprudence that has been preserved in the Biblical texts consists of cultic law (Avalos 1995:622). The priests enforced the cultic law, which could affect an individual's participation in the community, such as the laws around cleansing lepers and the houses of lepers (Lev 14 and Avalos 1995:622). The importance of the priest as a judge provides an important distinction with regards to the genre of Lev 25 and the Jubilee legislation with Ed. A-s. On the one hand, is an edict proclaimed by the king, and on the other hand is priestly legislation as part of a law code.

Leviticus is best thought of as a law within a narrative. While the text of Leviticus is not uniform, it is mainly concerned with ritual worship, including religious festivals, and cultic requirements for priests and Israelites (Noth 1965:9). As cultic law, it stems from a cultic setting, which may derive from early or late traditions in Israelite history (Noth 1965:15). Wenham (1979:6) describes all of Leviticus as law, but the intermingling of narrative with law points to the fact that Leviticus is not simply a collection of laws or law code. Longman & Dillard (2006:83) describe Leviticus as narrative history, which "intends to inform the reader about what went on in the past, in this case providing a historical background to the law." Similarly Gerstenberger (1996:4) depicts Leviticus as "divine discourse, mediated to the community by Moses (and Aaron)." While the narrative and legal sections are distinguishable, as a coherent whole the narrative framework in which the laws rest are inseparable from the laws themselves. Thus the

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narrative and the laws are both interdependent and inseparable aspects in Leviticus that would be best described as narrative law. Therefore, the Jubilee legislation is a law within a larger narrative law, which expresses an economic and political law from a cultic perspective.

As a genre narrative law does have a number of features that overlap with traditional Mesopotamian law codes. First, both present legal jurisprudence from a fixed perspective. For instance, LH begins with a long prologue expressing the greatness of Hammurabi as the just king. Leviticus 25 presents legislation reflecting on the history of Israel and YHWH's act of redemption in bringing them out of slavery in Egypt. Second, there are similar laws in the biblical legislation with other Mesopotamian law codes. Both LE and LH include laws pertaining to certain types of debt-slavery and the right of redemption (LE §39 and LH §117-§119; Roth 1997:65, 103-104). Third, Leviticus is a collection of laws. Fourth, there are laws in the Biblical narrative law, such as the ox that gored (Exodus 21:28-36) that have a direct connection with Mesopotamian laws in both LE and LH (Malul 1990:151). Thus in spite of the many differences between them, narrative law and Mesopotamian law codes are comparable genres.

But the question remains, can you compare a narrative law with a Mesopotamian royal edict? The greatest difference between Lev 25 and Ed. A-s is that it is a comparison of an ideological versus a practical text. Since it is not known if the Jubilee Year was ever proscribed as actual legislation or not, the comparison is more difficult. But that is also the same question of comparing LH with royal edicts, since we are unsure of the function of Mesopotamian law codes. Another major problem with this comparison is that narrative literary texts give only indirect evidence of the culture especially in the socio-

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economic and political framework of the culture (Goddeeris 2002:23). This is one of the inherent difficulties with interpreting the biblical texts in general and looking for historical material. King & Stager (2001:3) describes the texts as "a highly stratified tell that gradually accumulated, layer upon layer, tradition upon tradition, through the ages." These traditions were then reshaped and re-interpreted in order to explain their lives (King & Stager 2001:3). But the material does have some basis on the cultic life of the ancient Israelites. Thus the best method forward is using caution and painting a more general picture of ancient Israelite history and culture (Isserlin 1998:19).

In short, there is a strong level of discontinuity between the two genres and texts. The Edict of Ammisaduqa is a practical phenomenon while Lev 25 is an ideological jurisprudence phenomenon. Both may be rooted in a particular situation, high instances of debt-slavery, and very similar at the base issue. The fact that one historically occurred and the other one's historical occurrence is debatable illustrates the strong level of discontinuity between them indicating that they are dissimilar enough so that a narrower genre could exclude one from the other. However, two factors present opportunities to compare them. First, the thematic material is comparable, since both texts provide evidence of the tradition of debt-relief in the ancient Near East. Even if the Jubilee Year was never instituted, Lev 25 provides a unique cultural interpretation of this phenomenon. Second, both texts are forms of legal documents. If we take genres to be fluid and more dynamic than traditional form criticism does, than we can look at all legal documents that pertain to debt-relief and slave manumission. Therefore in spite of the discontinuity, they can be compared from a genre perspective providing insightful and informative similarities and differences.

8.2.2 Common Principles

An analysis of the two texts reveals that there are essentially five common principles or commonalities between them. First, they revolve around a common theme of alleviating the burden of debt-slavery. Second, both texts emphasize the importance of the land and some type of land tenure system. Third, both texts have their roots in the idea of justice prevalent throughout the ancient Near East. Fourth, rights granted in these texts are not universally given to all of the land's inhabitants. Lastly, both texts restore the freedom to free-born debt-slaves. The fundamental question is whether these commonalities are coincidental or unique.

The parallels between Ed. A-s and the Jubilee Year all revolve around the common theme of alleviating the burden of debt-slavery in society. This common theme of the texts invites scholars to analyze them comparatively. However, a common theme does not necessarily indicate a historical connection between them, since heavy debt-burdens were a common problem throughout the ancient world. Yet even though the ability to repay debts was a major problem, the prevalence of debt-slavery was not consistent throughout Mesopotamian history. For instance, it was rare during the Neo and Late Babylonian periods (Dandamaev 1984:157-180;Baker 2001:20). Overall, the heavy debt burdens were a common feature of life throughout the ancient Near East and were not unique to the situation of the ancient Israelites and the Old Babylonians. Most likely is that these issues derive from a common economic problem in agrarian societies, especially those in highly stratified cultures, rather than a historical link between the two texts.

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The decrease of the role of debt-slavery from the Old Babylonian period debt-slavery to the Neo-Babylonian period reveals a shift in the labor force. According to van der Spek (1990:250) "every well-to-do Babylonian owned a number of slaves" but most of the artisan and agricultural work in Babylonia was performed by free, independent, hired labor or other dependent groups. But slavery was still common during the Neo-Babylonian period (van der Spek 1990:250). Slaves were characteristically born into the institution and whole families of slaves are attested in transactions and inheritance settlements (Baker 2001:20). The temples and the palace both owned slaves extensively but debt-slavery was not a prevalent source of slaves (Baker 2001:21). Instead of becoming debt-slaves, individuals were sent to workhouses to payoff their debts (Greengus 1995:477). According to Mendelsohn (1955:72) the preference for tenancy over slave labor existed in Alalakh as well as Babylonia and Assyria in the eighteenth-fifteenth centuries. Yet in spite of this preference and trend, debt-slavery is by no means unique to Old Babylonia and ancient Israel.

In both instances the type of debt-slavery focused on in these texts is slavery of the head of the household. In Ed. A-s, the head of the household would have been the borrower for the family and in Lev 25 the emphasis is on the head of the household and the family returning to the land. In contrast Exodus 21 and Deuteronomy 15 show other biblical manumission laws dealing with debt-slavery of dependents. This difference also aligns with LH, which focuses on dependents sold into slavery due to debt (LH §117-119 and Roth 1997:103). This parallel difference with the debt-relief edicts and the other manumission laws points to a possible historical connection of some type. However, this same focus on debt-slavery of the head of the household in both Ed. A-s and Lev 25 is no

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mere coincidence when compared to the manumission laws in LH and Exodus 21 that deal with debt-slavery of dependents. Yet the connection appears to be more likely through a common tradition, which does not necessarily indicate a case of unique borrowing directly between the two texts. A situation of direct borrowing would have more instances of unique correlation, which do not appear to be evident here. The historical connection most likely follows the common tradition of debt-relief edicts and thus points to an indirect connection between the two texts, which arose as part of that common tradition.

Both texts claim that these rights are instituted for the land. Ed. A-s states that it proclaims a *mēšarum* for the land nine times (Olivier 1997:14-17). Every time *mēšarum* is mentioned it is for the land, except in §3:12-26 where it is "a *mēšarum* for the whole of his people" (Olivier 1997:15). The use of *mēšarum* for the land is a stock phrase or formula that ties the land to the people. Thus by freeing the people from debt, the king is instituting justice for the land. Although, since heavy debt-burdens often led to forced land sales of the pledged property during the Old Babylonian period, these declarations did not institute a full land redistribution system. They did however, reduce the economic burden on the family and provide them with assets with which the household could improve their current economic situation. Similarly Lev 25 mentions the land twenty times (Bergsma 2007:85). The sheer emphasis on land tenure in Lev 25 shows its importance to the community in which the text originated. Since the land is YHWH's (Lev 25:23-24) land tenure should be a universal right for the Israelite. This is a full land redistribution system, where land is returned to the Israelite family who sold it due to economic hardship. Again the focus on the land in both texts does not necessarily

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indicate they come from the same source. Similar to the issue of heavy debt-burdens land tenure is an important issue in agricultural communities since the access to land is the basic source of income and production available to the household. Thus, this focus on the land could be a facet of agricultural communities where economic inequalities are increasing with large estates forming at the expense of the poor.

Both parallels of land redistribution and debt-relief fall under the common policy of ancient Near Eastern societies to protect the widow, the orphan and the poor. This common policy begins with Urukagina king of Lagash around 2400 BC and is even paralleled in Egypt (Fensham 1962:129-130,133). The common ancient Near Eastern belief that the king had a responsibility to establish and maintain justice throughout the land occurs in both wisdom literature and ancient legal codes (Fensham 1962:129). For instance, LH ends with Hammurabi declaring that these decisions that he established were "to provide just ways for the waif and the widow" (Roth 1997:133). This prevalence throughout Mesopotamia points to these themes as deriving not from a historical connection between Ed. A-s and Lev 25, but from the broader cultural milieu and the basic tradition of ancient Near Eastern debt-relief.

Similar to both texts, the rights instilled in the documents are not granted universally to all individuals. Rather, each text gives rights to only natives and not foreign peoples living in the same situation. For instance, in Ed. A-s the phrase "an Akkadian or an Amorite" indicates the person whose interest-bearing loans are forgiven. Bottéro (1961:121) notes that this includes all subjects under the king as the proper ethnic group of the Mesopotamians in the second millennium. Finkelstein (1969:52-53) agrees and states that it includes all citizens and permanent residents under the king, but

this also excludes persons identified as coming from territories under the king and seen as foreigners and aliens. Similarly, the Jubilee legislation includes only Israelites as enjoying these rights, excluding all foreigners. Leviticus 25 bans the institution of permanent slavery of Israelites to both other Israelites and foreigners alike, but it allows foreigners to be permanent slaves (Lev 25:44-46). Similarly, it was not uncommon for royal edicts to be directed directly at specific cities or people. For instance, in his law code Lipit-Ishtar declares that he liberated the sons and daughters of Nippur, Ur, Isin, and those of the lands of Sumer and Akkad (Roth 1997:26 and Renger 2002:145). This text also appears to note the restriction of the liberation similar to those found in both Lev 25 and Ed. A-s. Similarly, the Laws of Ur-Namma (LU) mention how the king established freedom for specific vocations: maritime traders and herdsmen (Roth 1997:15-16). Thus it was not uncommon for kings to restrict their edicts to specific cities, workers or lands.

The last commonality between these texts is that both include the restoration of freedom to free-born debt slaves. Sections 20-21 in Ed. A-s both deal with who should and should not be released by this proclamation. In Ed. A-s §20:182-192 a free man has his freedom restored, however this same man's house-born slave, male or female, who was sold or pledged remains in the same condition and their freedom is not restored (Olivier 1997:17-18, 20). The focus of Lev 25 is to maintain the social structure where the Israelite is free to worship YHWH and thus should be released at the appropriate time. However, the Jubilee legislation restricts the use of the Israelite who sold himself to be a hired servant until his release in the Jubilee Year (Lev 25:39-46). The rights of redemption are also included in the LH §117-119 and LE §39. The presence of these similar rights in LH points to the commonality of this practice in Mesopotamian law.

The question regarding these commonalities between the two texts revolves around the question of if these different societies face the same issue independently of each other. What supporting evidence do we need to prove one direction over another? But much of what we know about the tradition of debt-relief in the ancient Near East is actually through the supporting evidence. The Edict of Tudhaliya IV begins with a narrative of typical royal edicts, mentioning this tradition (Westbrook & Woodard 1990:641). The situation is the same for the Mari evidence, as these documents reflect practical situations involving *andurārum* proclamations. Similarly, we know of the Neo-Assyrian proclamation from a letter to Sargon II detailing the protests regarding its proclamation (Holloway 2002:301). Yet in all of these situations an actual copy of these edicts eludes us. Thus it appears to be more of a case of coincidence involving a common problem and tradition throughout ancient Mesopotamia than a direct historical connection.

8.2.3 Deviations

The two texts have a large number of deviations between them. But most of these can be grouped generally into two categories: a legal and economic focus in Ed. A-s and an ideological focus in the Jubilee legislation. While there are other minor differences than those listed here, these major differences show the dissimilarity of the two texts.

The first set of differences between the two texts show the legal and economic nature of Ed. A-s. These differences show a very practical focus of Ed. A-s. For instance, the text mentions the use of witnesses in sections six and seven, particularly relating the possibility of fraudulent documents and claims. Similarly, the provisions present in Ed. A-s regarding fraud and its punishment point to this practical element. The mention of

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officials and other document types (loan contracts) throughout Ed. A-s adds further evidence to this focus. All of these elements are absent in Lev 25. There is no mention of legal documents, officials, witnesses, fraudulent claims or even punishments in the Biblical text. Unlike Deut 15, the Jubilee legislation does not even mention loans, creditors or debts.

In contrast, the other set of differences deal with the ideological nature of the Jubilee legislation. First, the laws in Lev 25 are stacked into three layers. The bottom layer sets the basis of the Jubilee Year in the tradition of the seven year fallow field cycle as a Sabbath for the land (vv. 1-7), which derives directly from the uniquely Israelite weekly Sabbath cycle (Hallo 1977:16-17). The next layer involves the Jubilee Year after a period of seven, seven year Sabbath cycles or after forty-nine years the Jubilee year is proclaimed (vv. 8-24). This year includes a second consecutive fallow year and a return to their property that they had sold. These verses end with the basic principle that YHWH owns the land and that the Israelites should not be slaves to another people only to God. The top layer involves the successive stages of poverty that the Israelites could fall into due to poor harvests (vv. 25-55). While this layered presentation of laws does not necessarily negate the possibility of the Jubilee ever occurring in some form, it does point to an ideological structuring and framework that is completely missing in Ed. A-s. This ideological structure could derive from its genre as narrative law being compared to a royal edict. But Lev 25 also differs in its structure from Ex 21 that exhibits laws historically connected to Mesopotamian laws, such as the Ox that Gored (Ex 21:28-32). Exodus 21 lists a number of laws regarding slaves without expressing a theological

foundation with development. Thus Lev 25 was written expressing a theological idea upon which Israelite society could be reformed.

Second, the Jubilee legislation significantly deals with the structuring and ordering of Israelite society as a community. For instance, while Ed. A-s determines who could be released from debt-slavery, it does not deal with the right of redemption for land or persons nor does it have any type of individual redeemer. The idea of the kinsman redeemer is deeply embedded in the Biblical text and it holds an extremely important position in the Jubilee legislation to maintain this community. This community focus is also seen in the repeated prohibition of the Israelites to not oppress or do violence against one another. The underlying concern is for ancient Israel to be a community where your family and your neighbor seek to protect and support each other from hardship and trouble. According to Chirichigno (1993:352),

> The fact that an Israelite was able to sell his service (Arbeitskraft), but not his person, parallels the idea that land can only be 'leased' and not sold. This single basic religious concept unites both the laws of redemption of land and slaves into a single system of social welfare. Furthermore, the Jubilee release not only guaranteed the release of the head of the household but also the release of his family and most importantly the release of his land.

The author of Ed. A-s had no such ambitions and maintained a strict focus on alleviating the problems associated with debt. This difference is most clearly seen in the fact the debtor did not receive his lost land after the *mēšarum* proclamation but only the amount he owed to the creditor. The concern for the Old Babylonian kings was not land redistribution or the community but alleviating debt burdens.

Lastly, some of the laws in the Jubilee legislation are very different than those in Ed. A-s. Some of these differences include: a) certain homes that may or may not be

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redeemed or returned in the Jubilee Year; b) the restrictions on Israelite slaves; c) the inclusion of the prorated sale price; and d) the regular and automatic occurrence of the Jubilee Year, independent of an edict of the royal house. All of these differences show the Jubilee legislation's focus as a prospective text. Leviticus 25 is instituting legislation regarding how ancient Israelite society should be now organized. On the other hand, Ed. A-s has a retrospective focus that effectively severs the past debts for specific types of individuals. The only prospective aspects of Ed. A-s are the punishments to prevent fraud and section 22 that forbids the exploitation of the *rēdum* and *bā'irum* by their superior officers. But these prospective elements do not attempt to fundamentally alter any Babylonian institutions.

Cumulatively, there is a tremendous amount of dissimilarity between these two texts. But are these differences coincidental or unique? First, these differences do not appear to result from differences in the Biblical author(s)' tendency. For instance, in Ex 21 and the laws regarding the goring ox, the Biblical author(s) had a preference to describe the activities of authorities in the passive mood while the Old Babylonian scribes recorded these activities in the active mood (Malul 1990:143-144). Rather, these differences appear far more fundamental in their scope, pointing to a more independent or coincidental development.

8.2.4 Terminology

Other than the ideological resemblance of debt-relief, terminology represents the strongest evidence of a historical connection between these texts. In Ed. A-s a few important technical terms are present: a) *ṣimdat šarrim*, meaning "the king's decision"; b) *andurārum šakānum*, meaning "to establish freedom"; and c) *mēšarum šakānum*,

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meaning "to establish justice" (Lemche 1979:13; Olivier 1997:13). Of these three technical terms, *andurārum* and *mēšarum* are the most important. As the king's decision, the *ṣimdat šarrim* referred to an official proclamation of the king and had a wide legal application including law codes and edicts (Lemche 1979:13 and De J Ellis 1972:82).

The term *mēšarum* did transfer into Hebrew from Akkadian but its meaning appears to have been slightly altered. According to Lemche (1976:39) *mēšarum šakānum* was used in the Old Babylonian period to refer to royal decrees with a social tendency as acts declaring justice. These acts date back to the Amorite dynasty of Isin, however after the Old Babylonian period the only reference to the term *mēšarum* is during the reign of Neriglissar in the Neo-Babylonian period as a "literary cliché" (Lemche 1979:14). The Hebrew cognate, מישרים, appears in the enthronement Psalms and is paralleled in Ps 99:4; אַתָּה כּוֹנַנְתָּ מֵישָׁרִים ("you establish justice"), but it is referring to YHWH rather than the mortal king (Lemche 1976:39). Similarly, a cognate word pair משפט צדקה, meaning "justice and righteousness" such as in Ps 72:1-2, often parallels the Akkadian *kittum u mēšarum* as a sense of justice characterized by the gods (Weinfeld 1995:27). However, the Hebrew word pair refers to a concept of the social ideal (Weinfeld 1995:29) and it does not point to a royal proclamation that establishes that social balance (Lemche 1976:40). According to Lemche (1976:40) the Hebrew מישרים does not refer to royal edicts in ancient Israel. This change parallels the Mesopotamian usage after the Old Babylonian period when *mēšarum* no longer refers to social edicts (Lemche 1976:41). Thus while there is some connection with the concept of justice and righteousness, the terms as acts of the king do not function similarly in both contexts.

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While *mēšarum* ceased to function as a technical term for a type of royal edict, the term *andurārum* appears to have maintained a connection to royal acts from Entemena to Esarhaddon, a period of roughly seventeen hundred years (Lemche 1972:15). The base root of the word is *drr* and with its prefix *an* it often refers to manumission (Lemche 1972:15). However according to Lemche (1972:18), *andurārum* does not have a strict uniform usage throughout that time period: as it could a) often refer to slave manumission; b) cancel debts and void land transactions; and c) be used generally for different royal edicts to initiate social reform or void taxes. The Hebrew cognate דְּרוֹר is used in Lev 25 often translated as emancipation or liberty referring to slave manumission. The lack of a prefix in the Hebrew aligns with the Neo-Assyrian cognate of *durārum* pointing to a later adoption into Hebrew of the term (Lemche 1976:41). Yet throughout this entire seventeen hundred years *andurārum* refers to edicts enacting some form of slave manumission. The Hebrew usage conforms to this tradition of a proclamation of freedom (Lev 25:10, Jer 34:8 and Isa 61:1). For instance, in Lev 25:10, this manumission is to be proclaimed throughout the land so that every man returns to his property. Thus it appears that there is some form of historical connection in terminology between the texts in their use of *andurārum*.

8.2.5 Practical or Ideological

One major difficulty in analyzing these texts is the question of whether Lev 25 is a practical or purely ideological text. As we have already seen, Lev 25 is a deeply ideological text but that does not necessarily indicate that it was not used practically. But

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the ideological nature does bring the historicity of Lev 25 into question.[64] North

(2000:102-103) provides four questions regarding this problem:

> i.   Was the Jubilee legislation ever seriously decreed for observance?
> ii.   Was it ever decreed to be actually and regularly observed?
> iii.   Was it feasible and actually intended for observance at any single time?
> iv.   Was the Jubilee-organization of various ancient observed social-reform fragments only a visionary hope?

Initially, North (2000:102) viewed that these laws might have been issued early in

Israel's history for enactment in the distant future and then later reviewed and deemed

unworkable but maintained in the legal tradition. But North (2000:103, 114) also notes

that many scholars, including now himself, view the Jubilee legislation "as a device for

regaining the properties in Judah which had been lost by the Exile." Regardless, these

questions of historicity point to the fact it is not clear whether the legislation was for

practical or ideological purposes.

This lack of clarity on the practicality of the Jubilee legislation obfuscates any

possible historical connection with Ed. A-s, which is a practical text that deals with a

specific issue. If both texts were practical or ideological the test of coincidence or

uniqueness would be clearer. However what is clearer is that Lev 25 is prospective and

heavily ideological and Ed. A-s is retrospective and practical. In addition, these texts are

so dissimilar that it seems unlikely that Lev 25 is a later adaptation of Ed. A-s. Therefore,

these radical differences most likely indicate that the possibility of a direct historical

connection between these texts is doubtful.[65]

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[64] The workability or feasibility of jubilee legislation such as the fallow year is not our concern at this point. On the other hand, if the legislation was so outrageous that it was a pure impossibility of succeeding, then that could preclude it from being a practical text. However, as Hopkins (1985:201) shows, the fallow year could be possible based on a biennial year rotation.

[65] Also, these radical differences include the absence of any specific legislation between the two texts that have strong levels of similarity. The closest is the form of slavery, relating to the head of the household, but

8.3 SUMMARY: THE NATURE OF THE CONNECTION

The evidence regarding the historical connection between Ed. A-s and the Jubilee Year legislation points in two directions. First, these texts are radically different in specific details and their overall direction. Leviticus points toward the divine, YHWH, while the royal edict points to the king. In addition, Leviticus focuses on returning agricultural land and reforming the institution of slavery to solve the problem of debt-slavery while the royal edict forgives loans to achieve its aims.

Second, there are common thematic elements as well as important common terminology in both texts. For instance, according to Lemche (1976:56-57) the Jubilee legislation is dependent upon Zedekiah's reform as דְּרוֹר, which was dependent on the Neo-Assyrian edicts and thus the larger Mesopotamian debt-relief tradition. It is clear that the Jubilee legislation is directly connected to that common tradition. But Lev 25 also has many common elements or antecedents with other ancient Near Eastern traditions. According to Bergsma (2007:20) the ancient Near Eastern antecedents include: "(1) a freedom proclamation concerning (2) sacred slaves living in a sacred precinct, involving (3) a festival in the seventh month, (4) the fallowing of land, (5) and the redemption of inalienable property, based on a (6) cyclical calendar of pentecontads (units of 50)." It is possible that the Jubilee legislation was influenced by various ancient Near Eastern traditions one of which was debt-relief. If these other traditions influenced the formation of the Jubilee legislation, then it partly explains the radical difference between these texts. But it also partly points to the fact the Levitical authors adapted and transformed these antecedents into a text completely Israelite.

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this could also be due to the common tradition of debt-slavery. Any common principles are thematic and general rather than specific.

This adaptation could have occurred early or late in ancient Israel's history. But regardless of the date of that adaptation, a number of elements within Lev 25 point to an origination early in Israelite history. The sacredness and inalienability of the land, the prominence of the clan-structure, the simple economic conditions and the rural agricultural focus all point to this early origination (Bergsma 2007:63-69). According to Bergsma (2007:77-78) the Jubilee legislation fits best within the context of an early tribal Israel rather than a late post-exilic time.

In response to all of this evidence, it appears that the Jubilee legislation in Lev 25 has an indirect historical connection to Ed. A-s as they both are part of the tradition of debt-relief in the ancient Near East. It is possible that this connection entered ancient Israel at an early date in its history, during its tribal roots, but was later re-emphasized with Neo-Assyrian influence some time during the monarchy as debt-problems grew under the tax burden of the royal administration.

CHAPTER NINE: CONCLUSION

9.1 CONCLUSION

Debt had an integral role in the Old Babylonian economy as the means for the palace administration to function. The divestment of the administration duties and functions of the royal economy to intermediaries dramatically changed the Old Babylonian society. The increased use of consumption loans and the use of issuing tax arrears as loans for the intermediaries to collect were means by which people fell into poverty and debt-slavery. By annulling the consumption debts of the people, the Mesopotamian kings sought to establish their political power in order to rule effectively, as a type of political tool wielded by the king.

Life in ancient Israel was often precarious as it was based on agricultural subsistence and survival. Drought, raids, disease and pestilence could wreck havoc upon the economic well-being of villages and families. The shift to an ancient class society and the rise of the monarchy added the increased burdens of taxation, corvée and conscription upon the common Israelite. To overcome these dangers and burdens families could turn to wealthier individuals for assistance—namely consumption loans. It appears that some form of debt-relief could have been necessary throughout ancient Israelite history. Thus it is possible that the Jubilee legislation was formulated in early tribal Israel and was later re-emphasized and adapted during the monarchy as debt-problems increased due to increasingly heavy taxation from the emerging state institutions.

The Israelite formulation, similar to the ancient Near Eastern tradition of *andurārum* edicts, focused on freeing the head of the household from their debt-burdens. Yet the Israelites achieved this aim by returning the family's agricultural land after it had

been lost due to forced sales and poverty, rather than forgiving and annulling loan contracts. The underlying goal in Israelite ideology was the establishment of a society that was free to worship its God, YHWH, to whom they considered themselves as slaves that had been redeemed by him in the exodus experience.

Thus, the Jubilee legislation is an outlier in this ancient Near Eastern debt-relief tradition as it focuses solely on the cult and YHWH. Yet even as an outlier the Jubilee legislation is firmly part of this tradition. With regards to Ed. A-s, the Jubilee legislation is only related to it in that both are part of the same tradition of debt-relief edicts focused on debt-slavery of the head of the household. But since Ed. A-s is the only extant copy of a debt-relief edict (Finkelstein 1978:526), its function as a comparative tool to understanding both the tradition and the connection with Lev 25 is indispensable. However, due to the indirect historical connection one must be careful and measured in that comparison.

9.2 HISTORICAL DISTINCTIVENESS

So what does an indirect connection mean when interpreting the two sources? First, it means that the Jubilee legislation is not just a simple adaptation of a royal edict by the ancient Israelites, nor is it a simple compilation of a variety of Mesopotamian antecedents. Rather the Jubilee legislation has a tradition of its own that developed throughout and was influenced by Israelite history. This tradition is evident throughout much of the biblical text in various forms and references.[66] For instance, aspects of the

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[66] Exodus 21 and Deuteronomy 15 are also a part of this tradition although they are part of the common ancient Near Eastern tradition of slave manumission of dependent debt-slaves, a different form of debt-slavery than that of the head of the household dealt with in Leviticus 25. These texts are more closely related to LH and its manumission laws than Ed. A-s and the release of the head of the household from debt-slavery.

Jubilee legislation are paralleled in historical and prophetic references.[67] Jeremiah 34:8-20 records Zedekiah's proclamation of liberty to free their Hebrew slaves—debtors of Judaean birth (Lemche 1976:51-52). Unfortunately for the newly freed slaves, this edict was repealed as soon as the Babylonian threat was gone sending them back into slavery. In another instance, Nehemiah restored the freedom of the poor who had taken loans to pay their taxes and defaulted into debt-slavery (Nehemiah 5:1-13). Yet in both of these instances the reforms are instituted by the governing ruler, Zedekiah the king and Nehemiah the governor, a major deviation from the Jubilee legislation.[68]

Although there are strong relationships with ancient Near Eastern texts, the intention of the Jubilee legislation was strictly Israelite. The deviation from the historical instances of Jeremiah and Nehemiah, being both edicts by rulers, illustrate a major innovation in the Jubilee legislation away from the basic ancient Near Eastern tradition. According to Bergsma (2007:295) "the conceptual basis of the legislation is that the entire territory controlled by Israel was analogous to a temple estate, and the Israelites themselves were sacred slaves, having been dedicated to YHWH through the exodus experience." The Jubilee legislation is purely distinct in its emphasis on shifting the onus of social justice from the office of the king and ruler and placing it on YHWH the God of Israel. According to Amit (1992:52);

> The outstanding difference between the jubilee and the edict mentioned above [Ed. A-s] is that the jubilee became a sacred cyclical law, which

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[67] Other references to aspects of the jubilee legislation include: pledging of family members (2 Kings 4:1ff); family inheritance and the right of redemption (Jeremiah 32:1-15; 1 Kings 21; Numbers 36; Ezekiel 11:14-15); lending at interest (Ezekiel 18:8 and Amos 2:8); and Cyrus' proclamation of return (Ezra 1:1-4).

[68] While it is possible that the edicts of both Zedekiah and Nehemiah cast doubt on an early origin for the jubilee legislation, this could also be due to the practical impotence of the legislation actually being carried out. The slave laws of Exodus 21 and Deuteronomy 15 also would have alleviated much of the need for Nehemiah's and Zedekiah's edicts but these as well do not appear to have had much practical efficacy. In all likelihood, these edicts could have derived from an understanding of the jubilee legislation as royal edicts enacting this Israelite tradition, which was never carried out.

operated without any connection to the will or decree of the king. The force of the Babylonian edict lay wholly in its power of surprise. It acted like an amnesty, which could not be predicted in advance, since otherwise those wielding the economic power in society would have organized to lessen the expected economic damage. In contrast the jubilee law shows a desire to free men and property from the social interests of the any king, by presenting them as belonging to God. The law of the Torah therefore emphasizes that the source of power is God and not the king.

In a sense the Jubilee legislation is far more pervasive than the *andurārum* or *mēšarum* proclamations were throughout the ancient Near East. These edicts sought to redress an injustice and direct the people to the king, which could be repealed or annulled. The Jubilee legislation sought to reform society, change the nature of the institutions involved and redistribute the land by returning the poor to their land. In light of this major difference between the texts, one simply cannot superimpose Mesopotamian ideals and concepts directly onto biblical texts or vice versa.

9.3 MODERN OBSERVATIONS

If we think briefly about our debt problems today in light of the solution of debt-forgiveness in the ancient world one major question emerges. How should society be ordered?[69] The ancient Near Eastern cultures thought of how to order society so that justice may prevail, under the purview of the gods. The Jubilee legislation sought to order its society around YHWH, while Ed. A-s was a tool to be wielded by the king to establish his rule over the people in the name of gods for justice. Neither of these aims is practical in today's societies. But that does not mean we cannot learn from them in how they

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[69] The right ordering of society is part of the concept of social justice. Sandel (2009:19) describes social justice as the just distribution of "income and wealth, duties and rights, powers and opportunities, offices and honors." According to Sandel (2009:19) the three basic approaches to social justice seek to either "maximize welfare, respect freedom, or cultivate virtue." Libertarianism and utilitarianism seek to maximize welfare in order to promote economic prosperity to benefit individuals and society (Sandel 2009:19). The theories that promote and respect freedom, particularly individual freedom, seek to establish universal human rights (Sandel 2009:19-20). Sandel (2009:242) describes the approach of cultivating virtue as "the prospect of bringing conceptions of the good life into the public sphere." The ancient Near Eastern conception of social justice would generally fall into the cultivation of virtue category.

ordered their society. For instance, the Jubilee legislation can help us think about what it means to be a community that helps its neighbor rather than thinking of a neighbor as an object to be exploited. In a similar fashion Ed. A-s can help us ask the question of the appropriate use of political power: is it there to be used by those to maintain or gain a coveted position of power?

With regards to debt, the ancient Near Eastern tradition of debt-forgiveness should make us consider the role of debt in modern societies. First, the distinction between investment debt and consumption debt focuses on necessity. Consumption debt in the ancient Near East dealt with the basic necessities of life, which does not typically apply to modern consumption debt (credit cards, home equity loans, car loans, mortgage loans, etc.).[70] But what types of debts should be forgivable and how easily should they? Should debt-forgiveness apply to nations as well as persons? Is it just for wealthy nations to continue to force poor nations to pay their debts when they cannot afford to pay for basic needs of their own people? On the other hand, is it just for poorer nations to borrow from wealthy nations in order to pay for benefits for their people that they cannot afford and cannot repay?

In short, the ancient Near Eastern tradition of debt-relief does pose a number of insightful questions with regards to modern problems with debt. More research needs to be done on the questions above but they do pose two direct challenges to our modern culture. First, what does it mean to be a community and how should we interact? Second, if a debtor continually curses the creditor, as the slave contends in the Dialogue of

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[70] Although all of these forms of debt can be used to finance the basic necessities under times of economic hardship. However, the normal use of these debt-instruments is to fund discretionary consumables, which can become burden-some if not used wisely.

Pessimism, what social problems emerge in societies facing large debt burdens and do we want to be that type of society?

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