

THE MOTIVES FOR THE *MĒŠARUM* EDICT
OF KING AMMIŠADUQA
OF THE OLD BABYLONIAN PERIOD:
ETHICS, EGO OR ECONOMICS?

by

LORRAINE GAERTNER



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Supervisor: Prof. Dr. I. Cornelius

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DECLARATION

I, the undersigned, hereby declare that the work contained in this thesis is my own original work and that I have not previously in its entirety or in part, submitted it at any university for a degree.

Signature

Name in full

____/____/_____
Date

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Ammišaduqa, penultimate king of the Hammurabi dynasty in the Old Babylonian period, reigned from 1646-1626 BCE, and issued a *mēšarum* edict which Finkelstein described as “a single tablet, inscribed with a most unique text of an importance for the socio-economic life of Babylonia second to no other.”

It is essential to define ancient royal edicts within their cultural context. This thesis examines, within the broad legal, religious, political and social background of the Ancient Near East, the design of royal edicts, their aims, beneficiaries and legal implications.

The primary goal of this thesis is to improve our understanding of the motives for the promulgation of *mēšarum* decrees within the ancient cultures, and in particular, the motives for Ammišaduqa’s first edict. There is a strong scholarly tendency to seek the motives in the economic faction, even likening this decree to a “modern-day economic stimulus package,” a type of “RDP”.

Kraus noted that the first promulgation was designed and executed for ideological purposes, subsequent *mēšarum* edicts were economic emergency measures. Nel agreed that the proclamation of a *mēšarum* was part of the propaganda strategy to strengthen the royal administration and to legitimize its power. The *mēšarum* was not designed to bring prosperity, but to stimulate agricultural production and prevent uncontrolled urbanization. Olivier noted that the *mēšarum* was intended, not to reform the economic *system*, but to remedy the unbearable economic *situation*.

The economic motive is therefore of prime importance for all subsequent edicts, although an overlapping of all three motives – ethics, ego and economy – is highly likely. The base-line conclusion is that the motive and the occasion are inseparable. The aim of this thesis was to produce sufficient evidence that king Ammišaduqa was primarily inspired by ethics and ego, and not economics, when declaring his first *mēšarum* edict.

Ammiṣaduqa, voorlaaste koning van die Hammurabi-dinastie in die Ou Babiloniese tydperk (1646 – 1626 v.C.) het 'n *mēšarum*-edik uitgereik wat Finkelstein beskryf het as 'n "a single tablet, inscribed with a most unique text of an importance for the socio-economic life of Babylonia second to no other."

Dit is noodsaaklik om antieke koninklike edikte binne hulle kulturele konteks te omskryf. Hierdie tesis ondersoek die ontwerp, doel, bevoorreedes en implikasies van koninklike edikte binne die breë wetlike, godsdienstige, staatkundige en sosiale agtergrond van die Ou Naby Ooste.

Die hoofdoel is om ons verstaan van die motiewevir die uitvaardiging van *mēšarum*-edikte binne die Mesopotamiese beskawings, en by uitstek Ammiṣaduqa se eerste edik, te verbeter. Daar heers 'n sterk neiging om die beweegredes binne die ekonomie te soek, en selfs hierdie bepaling te vergelyk met 'n "hedendaagse ekonomiese aansporingspakket," 'n soort van "RDP."

Kraus was van mening dat die eerste uitvaardiging ontwerp en uitgevoer is vir ideologiese redes, en dat daaropvolgende *mēšarum*-bepalings bloot ekonomiese noodmaatreëls was. Nel het saamgestem dat die uitvaardiging van 'n *mēšarum* deel was van die propaganda-strategie om die koninklike administrasie te versterk en die koning se mag te legitimeer. Die *mēšarum* het nie ten doel gehad om welvaart te skep nie, maar eerder om landbouproduksie te bevorder asook om onbeheersde verstedeliking te stuit. Olivier het gemeen dat die *mēšarum* veronderstel was om die ondraaglike ekonomiese toestand te verbeter, pleks daarvan om die ekonomiese sisteem te hervorm.

Ekonomiese beweegredes is van uiterste belang vir alle daaropvolgende edikte, alhoewel 'n oorvleueling van al drie beweegredes, naamlik etiek, ego en die ekonomie, heel waarskynlik is. Die basiese gevolgtrekking is dat beweegrede en geleentheid onskeibaar is. Die doel van hierdie studie is om aan te toon dat koning Ammiṣaduqa hoofsaaklik geïnspireër is deur etiek en ego, eerder as ekonomiese oorwegings, toe hy sy eerste *mēšarum*-edik uitgevaardig het.

CONTENTS

CHAPTER ONE: INTRODUCTION	1
1.1 RESEARCH PROBLEM	3
1.2 AIMS	5
1.3 METHOD AND HYPOTHESIS	6
1.4 LAYOUT	8
CHAPTER TWO: HISTORICAL BACKGROUND	11
2.1 ANCIENT MESOPOTAMIA AND THE CULTURAL CONTINIUM	11
2.2 LAW	12
2.3 THE CONCEPT OF SOCIAL JUSTICE	15
2.4 ROYAL IDEOLOGY AND POWER	18
2.5 ROYAL IDEOLOGY, RELIGION AND JUSTICE	20
2.6 ROYAL IDEOLOGY AND POLITICS	22
2.6.1 THE BABYLONIAN SITUATION	24
2.6.2 THE ASSYRIAN SITUATION	26
2.6.3 THE EGYPTIAN SITUATION AND MA‘AT	28
2.6.4 THE SITUATION IN ANCIENT ISRAEL	29
2.7 MODERN ANALOGIES	30
CHAPTER THREE: THE STRATA OF SOCIETY	32
3.1 THE MESOPOTAMIAN MONARCHY	32
3.2 ROYAL RESPONSIBILITIES	35
i. Judicial	36
ii. Defence	36
iii. Civic duties	37
iv. Cultic representation	37
v. Trade	38
vi. Finance	39
vii. Military success	40
viii. Provisioning	42
ix. Royal Mediator	45
3.3 MESOPOTAMIAN SOCIETY	46
3.3.1 SOCIETAL STRATA	46
3.3.2 THE ARISTOCRACY/ WEALTHY	48
3.3.3 THE SLAVES	50
3.3.4 COMMON CITIZENRY	52
3.4 THE MESOPOTAMIAN ECONOMY	53
3.5 THE TEMPLES	55
3.6 FESTIVALS	58

CHAPTER FOUR: KING AMMIŠADUQA	62
4.1 THE KING AND HIS SITZ IM LEBEN	62
4.2 THE HISTORY OF THE THREE TABLETS	67
4.3 PROMULGATION	68
4.4 THE ACT OF PROCLAMATION	70
4.5 MODERN ANALOGIES	72
CHAPTER FIVE: A SELECTION OF <i>MĒŠARUM</i> REFERENCES	74
5.1 INTRODUCTION	74
5.2 EARLIER REFERENCES	76
5.2.1 ENMETENA	76
5.2.2 URU'INIMGINA	76
5.2.3 URNAMMU	77
5.3 OLD BABYLONIAN REFERENCES	78
5.3.1 THE LAWS OF LIPIT-IŠTAR (LL)	79
5.3.2 THE LAWS OF EŠNUNNA (LE)	79
5.3.3 THE LAWS OF ḤAMMURABI (LḤ)	79
5.4 DIVERSE OTHER MESOPOTAMIAN REFERENCES	80
5.4.1 OLD ASSYRIAN REFERENCES	81
5.4.2 NEO-ASSYRIAN REFERENCES	81
5.4.3 KINGDOM OF MARI REFERENCES	82
5.4.4 MIDDLE BABYLONIAN REFERENCES	82
5.4.5 NEO-BABYLONIAN REFERENCES	82
5.4.6 OLD TESTAMENT REFERENCES	82
5.4.7 PRE-DEMOTIC PHARAONIC REFERENCES	83
5.5 LEGAL IMPLICATIONS OF THE <i>MĒŠARUM</i> REFERENCES	83
CHAPTER SIX: THE MACRO-ECONOMIC, POLITICAL AND SOCIAL SITUATION IN ANCIENT MESOPOTAMIA	85
6.1 THE ECONOMIC SITUATION	85
6.1.1. HISTORICAL DEVELOPMENT	85
6.1.2 THE AGRICULTURAL ECONOMY AND ITS PARTICIPANTS	87
6.1.3 THE USE OF AGRICULTURAL RESOURCES	91
6.1.4 ANCIENT CREDIT AND INTEREST RATES	93
6.1.5 DEBT	97
6.1.6 DEBT BONDAGE	99
6.1.7 BANKRUPTCY	101
6.2 THE POLITICAL SITUATION	102
6.2.1 STABILITY VS RESILIENCE	103
6.3 THE INTER-PENETRATION OF THE SOCIO-ECONOMIC-POLITICAL FEATURES	106
6.4 MODERN ANALOGIES	111

CHAPTER SEVEN: AMMIŠADUQA’S <i>MĒŠARUM</i> EDICT	113
7.1 THE AIMS OF THE EDICT	113
7.2 A SEARCH FOR PERSONAL MOTIVES	115
7.2.1 ETHICS	115
7.2.2 EGO AND ROYAL IDEOLOGY	116
7.2.3 ECONOMICS	116
7.3 CONTENTS OF THE EDICT	118
7.4 LEGAL IMPLICATIONS OF THE EDICT	120
CHAPTER 8: A SEARCH FOR MOTIVES	121
8.1 ETHICS	123
8.2 EGO AND ROYAL IDEOLOGY	126
8.3 ECONOMICS	127
8.4 A SEARCH FOR PRECEDENTS	131
8.5 FUTURE PERSPECTIVES	132
CHAPTER NINE: CONCLUSION	134
9.1 THE QUESTIONS POSED IN THE RESEARCH PROBLEM	134
9.2 CONCLUSION	136
9.2.1 THE FIRST <i>MĒŠARUM</i> EDICT	136
9.2.2 SUBSEQUENT <i>MĒŠARUM</i> EDICTS	138
ABBREVIATIONS	140
SOURCES CITED	142
SOURCES SECONDARILY CITED	157

CUNEIFORM LANGUAGES OF MESOPOTAMIA

This overview is after Slanski (2003: xviii-xix), chronology after Huehnergard (1995: 2118).

Old Akkadian	26 th – 20 th c. BCE
In southern Mesopotamia	
Old Babylonian (OB)	20 th – 16 th c. BCE
Middle Babylonian (MB)	16 th – 11 th c. BCE
Neo-Babylonian (NB)	10 th – 7 th c. BCE
Late Babylonian (LB)	6 th c. BCE – 1 st c. CE
In northern Mesopotamia	
Old Assyrian (OA)	20 th – 18 th c. BCE
Middle Assyrian (MA)	15 th – 11 th c. BCE
Neo-Assyrian (NA)	10 th – 7 th c. BCE

MESOPOTAMIAN HISTORICAL PERIODS

The following rough chronology is taken, with minor adaptations, from Slanski (2003: xvii).
The dynastic dates are after Brinkman (1977: 348-351).

PERIOD/DYNASTY	YEARS BCE	CORRESPONDING LINGUISTIC PERIOD
SOUTHERN MESOPOTAMIA (BABYLONIA)		
Early Dynastic (ED)	~3000 – 2350	(ED Sumerian)
Dynasty of Akkad	~2350 – 2150	(Old Akkadian)
“Gutian interregnum”		
3 rd Dynasty of Ur (Ur III)	~2150 – 2000	(Ur III Sumerian)
“Amorite interregnum”		
In-Larsa Dynasties	~2000 – 1800	(Old Babylonian)
1 st Dynasty of Babylon	~1800 – 1600	(Old Babylonian)
Fall of Babylon to the Hittites	~1595	
Kassite Dynasty	~1550 – 1150	(Middle Babylonian)
In II Dynasty	~1150 – 1025	(Middle Babylonian)
Mixed or uncertain Dynasties	~1025 – 625	(Neo-Babylonian)
Neo-Babylonian (“Chaldean”)	~ 625 – 539	(Neo-Babylonian)
Fall of Babylon to Cyrus (Achaemenid Dynasty)	539	(Late Babylonian)
NORTHERN MESOPOTAMIA (ASSYRIA)		
Samsi-Adad and the Ešnunna Kingdom	~1800 – 1700	(Old Assyrian)
Middle Assyrian State	~1400 – 950	(Middle Assyrian)
Neo-Assyrian Empire	~ 950 – 627	(Neo-Assyrian)
Nineveh falls to Median/ Babylonian coalition	612	

THE RULERS OF BABYLON I: THE ḪAMMURABI DYNASTY

After Brinkman (1977: 337); Roux and Renger (2005: 270-271).

Sumuabum (1894 – 1881)

Sumulael (1880 – 1845)

Sabium (1844 – 1831)

Apil-Sin (1830 – 1813)

Sin-muballiṭ (1812 – 1793)

Ḫammurabi (1792 – 1750)

Samsuiluna (1749 – 1712)

Abi-ešuh (1711 – 1684)

Ammiditana (1683 – 1647)

Ammiṣaduqa (1646 – 1626)

Samsuditana (1625 – 1595)

ABBREVIATIONS

ANE:	Ancient Near East
BCE:	Before the Common Era
CE:	Common Era
CH:	Code(x) Ḫammurabi
Ed. A-š:	Edict of Ammišaduqa
LE:	Laws of Ešnunna
LḪ:	Laws of Ḫammurabi
LL:	Laws of Lipit-Ištar
LU:	Laws of Urnammu
MB:	Middle Babylonian Period
NA:	Neo-Assyrian Period
NB:	Neo-Babylonian Period
OB:	Old Babylonian Period

CHAPTER ONE: INTRODUCTION

In 1933 the educationalist Oakeshott wrote the following regarding the paradox of history, indeed the paradox that is history: “It is not merely that the past must survive into the present in order to become the historical past; the past must *be* the present before it is historical” (1978: 109). The intention of this thesis is to provide sufficient evidence to show that the historical past is very much present in the contemporary present; this is, to a large extent, due to the tenacious efforts to retrieve and interpret source material by exceptional scholars in this field. However, the accolades really belong to the kings and rulers of the third to the first millennium BCE who, in their foresight, wisdom, vanity and concern for social welfare promulgated legislation and decrees; many contain concepts and ideas which have a continued relevance and applicability in modern life. This is an extraordinary feat; and represents a cumulative and ineradicable contribution to civilization (Adams 1988: 21).

In this thesis the Edict of Ammişaduqa is studied. Finkelstein’s (1961a: 94) profound homage to the Edict of Ammişaduqa remains applicable until this day: “a single tablet, inscribed with a most unique text of an importance for the socio-economic life of Babylonia second to no other – not excluding even the “code” of Hammurapi.” His words exemplify for posterity the reverence of those scholars, usually so unrepentantly dispassionate,¹ who actively contributed to the transliteration, translation and interpretation of this royal edict, which is not only the most comprehensive, but also the most refined of its kind ever recovered. Clearly, this involved not only the philological analysis of the text, but painstaking investigation into the social reality of lives at all levels of society; the king and his consorts, the temple-domains, the merchant classes and the circumstances of the common people.

International scholarship has devoted almost a century to this endeavour; it is noted with pride that the late Prof. Olivier of Stellenbosch University made valued contributions in this sphere for over two decades (Levinson 2001: 516). Indeed, the

¹ Kraus points to the “professioneller Humorlosigkeit der Interpreten” (1960a: 117).

commitment and dedication of the 20th century's foremost Assyriologists such as Schmökel, Landsberger, von Soden, Kraus, Finkelstein, Lipiński, Bottéro, Diakonoff and Gelb, harnessed together with their unfailing effort, passion and vision, has motivated and infused succeeding generations of scholars with inspiration, and at times pure *Pioniergeist*, to broach novel inter-disciplinary analytical methods to gain fresh insights and interpretations in an effort to decipher the mysteries perforce thrust on the academic world by the passage of time and the poverty of sources.² Amongst the contemporary researchers, Renger, Ellis, Westbrook, Stol, Charpin and Yoffee, to name but a selected few, have contributed controversial and valuable perspectives. The polarization, and consequent competitiveness, that occasionally occurs within schools of scholarship is likewise essential to maintaining a broad diversity of focus, and enriches the entire field.³

Despite the information yielded by the Old Babylonian reference sources such as law codes, royal edicts, and the thousands of private documents and letters, Finkelstein (1961a: 92) found that it was virtually impossible to attain a “definitive understanding of the basic social, legal, and economic institutions of the period under discussion.” Finkelstein (1961a: 91) added: “Real penetration into many of these institutional phenomena ... such as the precise status of the social strata (*awēlum*, *muškēnum*, etc), the role of the Crown in economic and commercial life,⁴ the form of private credit and loan transactions and their control, have long been appreciated as of fundamental importance to a secure grasp of the live social organism that was the relatively homogeneous civilization of southern Mesopotamia from ca. 2000 to 1700 B.C.”

² The continuing competitiveness is invigorating: each new approach to analyzing and interpreting the subject-matter provides stimuli for all participants. Yoffee's heterogeneous seminar group, focusing on 'sociocultural change', included historians, a political scientist and a sociologist; see Yoffee & Cowgill (1988: ix-xxv).

³ A pertinent example is presented by the not-so quixotic differences between the Soviet school and Yale regarding their divergent theories on property-ownership in the OB period. Diakonoff and Gelb, respectively representing their schools and theories of communal versus private land-ownership, fostered this competitiveness on the highest niveau, thereby immeasurably revitalizing general oriental scholarship. See Komoróczy (1979: 411-413).

⁴ The *awēlum* represented the civic aristocracy; Kraus (1958: 151) over-simplified when identifying the *muškēnum* as the common burgher.

However, the interceding years between this opinion and now have yielded a prodigious amount of new data and interpretations, and I believe that, after examining this body of ‘circumstantial’ evidence, it will be possible to evaluate Ammišaduqa’s *Sitz im Leben* and motives for the proclamation of his first *mēšarum* edict from a fresh perspective.

1.1 RESEARCH PROBLEM

Into which category do royal *mēšarum* edicts fall? Are they simply economic reforms meant to change the economic system or the economic situation? Or did ancient monarchs have ulterior motives for issuing decrees of such financial importance, both to the palace and for the population? Their retrospective focus was conceived to improve the socio-economic situation of certain sections of the poorer population groups and professions, in clearly defined, pre-selected geographical areas. The prospective focus of the edict was directed toward granting tax and service exemptions, again to selected individuals or cities, e.g. the economic privileges enjoyed, amongst others, by the citizens of the cities of Nippur, Sippar and Babylon. History shows a definite development, with the concession of exemptions to individuals prominent in the first half of the second millennium, while those granted to civic bodies more popular in the first half of the first millennium.

There is a strong scholarly tendency to seek the motives for the Edict of Ammišaduqa in the economic faction (Olivier 1977; Kraus 1958; Kraus 1984; Westbrook 2003). Silver cogently argues in favour of the “intellectual/ ideological framework of ancient social reform” (1995a: 181). The king or “big man” (*LÚ.GÁL*), or governor (*ÉN.SI*), was primarily responsible for the execution of three commissions, all under the auspices of the local or state divinities: military security, food security and improving the material prosperity of his ‘citizens.’ The speed of communication, whether nautical, riverine or overland, was in comparison to the modern world at best desultory, and the cost thereof exorbitant. Written documentation was likewise expensive and onerous. Lacking any but the most elementary understanding of economic principles, any ruler had very limited means at his disposal to positively and opportunely accelerate economic growth. Retrospective action was often his only recourse to rectify precipitous economic situations caused by natural catastrophes or

wars, and the concomitant parasitic exploitation by unscrupulous merchants and officials. Exploitation and corruption were frequent manifestations; corollaries of, though not exclusive to, natural disaster. It was during such times that dependents of a subsistence livelihood were forced to sell or consume their future production inputs. These resources included labour (familial and slave), food rations, productive livestock and reserves of planting-seed, and finally the traditional family land.

What was the rationale behind a ruler issuing such an edict of economic ‘reform’ and redress? Was it an ancient form of RDP (relief debt programme)? After considering the plight of the ancient agricultural worker, singularly unimportant, *en masse* a social and economic force, the question to ask is whether they *really* possessed the economic power to sway the fortunes of a king and country? Did this numerically significant section of the population, many of whom, though not all, living above the subsistence level in an ancient agrarian economy really have the potential to bring a functioning, developing economy to its knees, as suggested by the proponents of the ‘economic faction? Did these ‘peasants’ not exercise a minimal purchasing power; were they not vulnerable to exploitation by corrupt palace officials, conniving large land-owners, and unscrupulous merchants? Could the loss of their private contribution to the economy unbalance the supply and demand of production goods and labour, thereby causing a wage/ price spiral resulting in unbridled inflation? Or did the king fear that a situation of irredeemable debt would favour his rivals, “those holding large patrimonial or prebendal estates,” as suggested by Dutcher-Walls (2002: 609)? This study intends to confront these issues.

Yoffee (1988b: 45) mentions a number of potential causes for the collapse of the ancient Mesopotamian state, for instance: “nonindigenous people, bureaucratic mismanagement, disruption of trade routes, environmental degradation, divine behavior especially in reaction to human sin,⁵ and others.” Although these examples are more social, political and military in nature, they obviously would exert a forceful influence on any economy. It is stimulating to consider whether these suggested features contributed toward the decay of the last OB dynasty, paving the way for

⁵ See Holloway and Cogan’s ‘Divine Abandonment’, discussed in note 13.

debilitating Hittite military raids and the subsequent Kassite rule. The concept of a ‘conclusive collapse’ of any of the ANE states is highly contestable; with the exception of the Hittites, Hurrians, the Phoenicians, the kingdom of Mari and the Medes, who all disappeared! It is more appropriate to envision a process of decay, with a potential, but without an automatism, for collapse.

1.2 AIMS

The primary goal of this thesis is to improve our understanding of the motives for the promulgation of a royal *mēšarum* decree within the Mesopotamian culture, particularly the motives for the edict which Ammišaduqa proclaimed at the start of his first full regnal year.

In an unpublished dissertation, followed by various published articles, the South African scholar Olivier (1977: 321) maintained that the “Old Babylonian *Mēšarum*-practice ... was primarily an economic measure destined to forestall the collapse of the economy.” By 1997 Olivier subscribed to a moderate view, and published a paper devoted to the ‘fine print’ of the edict. Wells (2005: 188) offers a more temperate judgment, and likens the Ed. A-š to a “modern-day economic stimulus package,”⁶ designed to rejuvenate the economy by providing debt-relief and giving impoverished and often “enslaved” people a fresh start, usually at the expense of the palace. Renger (2001: 413) uses a modern term ‘social engineering’ to describe the cancellation of debts and arrears found within the edicts. Stol and Charpin identify *mēšarum* with restoration (Stol 2004: 867), implying the restoration of a past system of equity and justice.

It remains important to look at the ‘features’ of royal ideology and their significance when seeking motives. According to Levinson, these features of royal ideology are embodied in the authority, role, prestige, and power of the monarch (2001: 511). There is firm consensus amongst scholars regarding the fundamental similarities of kingship throughout the ancient Near Eastern states, including Israel.

⁶ Abbreviation after Kraus (1984: 132).

Was Ammişaduqa then, indeed were the kings of the ANE in general, primarily spurred by ego, ethics or economics? Or did they, to use modern terminology, intentionally resort to a ‘marketing mix’ of the afore-mentioned trinity, carefully calculated to maximise their ‘return-on-investment’ and optimise the ‘opportunity costs’ of the palace and themselves? ‘Return-on-investment’ is defined as the ratio of proceeds or profit gained or lost on an investment relative to the amount invested. The ‘opportunity cost’ of a resource is defined as the return that the resource can earn when put to its best alternative use (Doll and Orazem 1978: 71).

1.3 METHOD AND HYPOTHESIS

The method to be followed is basically historiographical in approach, also using insights from the economists Cameron (1991) and Heilbroner (2006), and the ancient economy historian Finley (1999). The edict as published by Kraus et al. will be studied (unfortunately only in translation!) and analysed utilizing secondary studies like that of Olivier and others. In addition, information on the general political and economical scenario of the period under discussion will be used where relevant, as well as literature of a more social-theoretical nature (Mann, Yoffee et al.).

The title proposes three motives: ethics, ego and economics. Each of these idiosyncratically formulated terms merely bundles possible inducements for the proclamation of a royal enactment such as the Edict of Ammişaduqa.

- a. ‘Ethics’ represents the social, judicial and moral duties, obligations and responsibilities which a ruler was expected to fulfill toward the subjects of his state, in order to provide and extend their welfare.
- b. ‘Ego’ defines the ideological belief of the king in *himself*; the positioning of his person and office within the system, and his means and efforts of maintain, extend and perpetuate this position. The various forms of royal propaganda used in self-aggrandizement and self- glorification provide an ideal example in case. Luckenbill (1924: 1) observed that “history begins with the vanity of kings.” Most modern interpretations, an exception is Renger, do not stress the ‘oriental despotism’ popularly attributed to ancient Near Eastern regents in the first half of the 20th century.

- c. ‘Economics’ broadly designates the ‘national’ economic situation and its degree of stability. Features important to the economy include the intercourse between palace and private institutions, measures of market control or restriction, and international trade. Is it possible to distill a king’s market ‘orientation’ from the data available, and if so, would this shed light on the degree of benevolence he claims to have had for his subjects? How important was a stable economy to the emerging wealthy and powerful elite, those satellites orbiting the king, and which measures did the latter undertake to preserve, extend or confine their privileged position and economic power? Did the concept of providing prosperity for the population motivate Ammišaduqa, or was he satisfied to merely maintain the *status quo* as he had inherited it?

It is hypothesized that the Old Babylonian king Ammišaduqa was not primarily motivated by ‘economics’, but by a combination of ‘ethics’ and ‘ego’ when formulating his *mēšarum* decree. The economy presented the means to the end;⁷ the kings of the ANE, including Ammišaduqa, aspiring to attain the ideal vision of *šar mēšarum*, used the economy to fulfill their royal obligations of providing justice and order, *kittum* and *mēšarum*.

The research process of this thesis will be:

- (i) Collecting of textual material from primary sources (translations of ancient texts by Kraus, Finkelstein, and Olivier);
- (ii) Study of the secondary literature;
- (iii) Analysis of (ii);
- (iv) Interpretation and conclusions.

Finkelstein (1961a: 91-92) described the Ed. A-š as a document that “appears to record a *bona fide* piece of ‘legislation’ couched in specific terms, designed to meet certain specific existing situations, which the authorities believed to be in need of immediate adjustment and alteration.” In comparison, many extant ‘law codes’

⁷ A modern example is provided by Bill Clinton, two-term president of the U.S.A. When asked where his priorities lay, he retorted: “It’s all about the economy, stupid!”

available to scholarship seem to have been ‘hi-jacked’ or misappropriated as vehicles for royal self-aggrandizement before the gods, peers and general posterity. The prologue of Hammurabi’s Code is an excellent example. Finkelstein (1967: 42) infers that “from an early date, perhaps contemporaneously with Hammurabi himself, the laws circulated as a text without the prologue, which, in all likelihood, was originally an independent composition. It may be surmised that some time late in the reign of Hammurabi this separate royal hymn was ‘fused’ to the text of the laws proper as might be appropriate for monumental or display purposes.” Perhaps the ‘law codes’ were originally composed with this purpose in mind, and academics have misinterpreted their function?

The intervening four-and-a-half decades have shown Finkelstein’s opinion vis-a-vis the time-frame to be narrow and one-dimensional. The task of this study then is to investigate the diverse motivating factors for royal decrees within their historical and cultural context, focusing in particular on the first *mēšarum* edict of king Ammišaduqa.

The Edict of Ammišaduqa will be examined within its retrospective context by looking into the historical period prior to Ammišaduqa’s accession to the throne, as well as the broad collateral cultural systems of the Hebrews and Egyptians where applicable. Subsequent periods, such as the Neo-Assyrian and Neo-Babylonian, will provide relevant material to give credence to the universality of ANE ‘welfarist’ reform policies and legislation. The implications of the measures either introduced or repeated by the edict will be evaluated on an economic, social and legal level. This will shed light on the success of the king’s mission, and offer possible insights to the promulgation of royal *mēšarum* edicts in later periods.

1.4 LAYOUT

Chapter Two is devoted to the historical background of ancient Mesopotamia, and the cultural cohesion between the various ‘states’ and periods will become evident. From the dawn of literacy in the ANE we find individual kings who commissioned, often inspired by pedagogic motives, the collection, systematization and arrangement of

natural and positive law in the form of codices. According to Buss (1994: 88) natural law “expresses an intrinsic morality based on the presence of inner connections between participants in reality.” Mendenhall’s (1954: 30) definition of natural law is “those obligations which have often been thought to be universally accepted by all peoples.” One of his examples is the desire to honour one’s parents. Contrary to this we have positive law, which “expresses a lawgiver’s free will, independent of others” (Mendenhall 1954: 30). Lafont (1994: 95) does not follow Mendenhall unconditionally, but maintains that positive law “is general and legislates for the future; it is not a personal or temporary rule.” A significant part of the legal history of the ancient world appears to deal with the ‘meeting-point’ of natural and positive law. Nel (2000: 146-147) in his comments makes clear that *mēšarum* edicts were not part of positive law; rather they “suspended stipulations of positive law.”

Chapter Three presents a synopsis of the social strata of ancient Mesopotamian society.

Chapter Four is devoted to king Ammišaduqa and his *Sitz im Leben*.

Chapter Five, deals with a selection of textual references of *mēšarum* enactments,⁸ amongst others with the reform texts of Enmetena and Uru’inimgina and the Law Code of Urnammu. From the Old Babylonian period the three Law Codes of Lipit-Ištar, Ešnunna and Ḥammurabi will be presented, highly simplified. Some examples of *mēšarum*, reform or ‘welfare’ texts from other periods will conclude the chapter.

Chapter Six examines the contents and implications Ammišaduqa’s *mēšarum* edict in greater detail.

Chapter Seven examines in general the economic, political and social situation in ancient Mesopotamia.

Chapter Eight is concerned with the motives behind the proclamation of royal edicts

⁸ Kraus (1984: 3-5) exhaustively explains his motivation for adopting this terminology, i.e. *Rechtsakt*.

in general, and Ammişaduqa's in particular. Perspectives for future study methods will also be presented.

Chapter Nine provides an evaluation of the questions posed by the research problem, and recapitulates the conclusions.

CHAPTER TWO: HISTORICAL BACKGROUND

2.1 ANCIENT MESOPOTAMIA AND THE CULTURAL CONTINIUM⁹

In preparation for the major part of this thesis devoted to king Ammišaduqa and the motives for his first royal *mēšarum* edict, this chapter will focus on the legal and religio-socio-economic background of Near Eastern societies. The social setting within which Ammišaduqa lived, functioned and derived his motivation for the issuance of the aforesaid decree is highly significant. The nature of this reconstruction is regrettably dependent upon a degree of ‘reasonable’ conjecture. This is, according to Jacobsen, (1957: 95) legitimate, for “it is only by taking account of evidence which is suggestive, when the suggestion is in itself reasonable, rather than (the ancient historian) restricting himself to wholly compelling evidence, that he will be able to integrate his data in a consistent and meaningful presentation.” As a result Oakeshott’s (1978: 107) stringent admonition: “what the evidence obliges us to believe” will be substituted by a more modest: “what the evidence makes it reasonable for us to believe” (Jacobsen 1957: 95).

Firstly, those pillars of Mesopotamian civilization will be discussed, i.e. law, justice, religion, and politics, their importance singly and in interaction with each other. The simplified examples that will be presented should highlight some of the similarities and differences between the Babylon, Assyrian, Egypt and ancient Israel religious-ideological situations. This section will conclude with a discussion of modern analogies.

Speiser (1954: 14) cogently summarized the essential ANE as follows: “we are obliged to speak of a Mesopotamian civilization rather than of separate Sumerian, Babylonian, or Assyrian cultures, precisely because the existing unifying factors outweighed the normally divisive differences of language, geography, and political boundaries; and foremost among these unifying factors were the law and the concept

⁹ A term first coined by Oppenheim according to Van De Mieroop (1997: 7), who explains Oppenheim’s ‘cultural continuum’ as the social, intellectual, and technological traditions of the entire region during its millennial history. Postgate (1992: 297) concurs.

of state.” Moreover, the neighbouring Elamites, Hurrians, Hittites and Syrians all profited from the Mesopotamian legal and governmental systems, whereby those features common to ‘cuneiform law’ – the Akkadian language, the cuneiform script, and the legal document – eased the process of transmigration.

2.2 LAW

Speiser (1954: 11) believes that the three features that compromise the foundation of ancient Mesopotamian life are the state, religion and the law. The king’s clear obligation lay in the ‘fine-tuning’ of the legal system. As Speiser (1954: 12) observed: “*mēšarum* is the process whereby law is made to function equitably;” and further: “It involves supervision, adjustment, amendments.” Otto (1994: 182) is convinced that Assyrian, Babylonian, Hittite and ancient Israelite legal history “reflect the continuous reforming of law in society.”

According to Kramer (1968: 160), written law was one of Mesopotamia’s most profound political legacies, and originated “in an awareness of the rights of the individual – fostered by a penchant for controversy and litigation.” It is clear from the Epilogue to the Code of Ḥammurabi that individual civil rights were well established by the eighteenth century BCE:

“Let the wronged man who has a case go before my statue
called ‘King of Justice’
and read out my inscribed stele and hear my valuable words.
Let my stele reveal to him the case,
so that he will discover his rights and appease his heart.”
(Postgate 1995: 290)

Even people of the lowest social ranking were not void of legal rights and judicial protection. This idealism was not the sole motivation of the Mesopotamians’ respect for law and justice. As pertinently phrased by Kramer, (1968: 81) “It stemmed also from a competitive and individualistic temperament, and a high regard for private property.” Transactions were therefore legitimized by witnesses, accompanied by the taking of an oath, and preserved (in duplicate/ triplicate) as security against the

eventuality of any conflict evolving between the parties.¹⁰ Westbrook (2003: 374) suggests that the potential “lapse of memory due to the passage of time” of any of the parties contributed to the evolution of irrefutably legible and witnessed documents. The swearing of an oath by the seller not to raise claims is mentioned by Westbrook (2003: 401), and was common to all sale contracts; it must be seen as a supra-rational, potent additional indemnification of contracts.

Roth (2001: 245-246) has produced fresh perspectives and insight to the judicial system of the ANE, deliberately letting the extant legal texts ‘speak for themselves’ without ‘Romanizing’ them as scholars have done since the first transliterations and interpretations, thereby ‘high-jacking’ them into a modern context. Roth (2001: 252-253) persuasively argues that a justification of the law collections must be seen in “the Pedagogical Application of the Case Method” in the Mesopotamian scribal training center, the É.DUBB.A where the scholarly curriculum featured legal literature, together with lexical texts, proverbs, literary compositions, and scientific works. Otto (1994: 161) concurs with Roth that the scribal school was the “original Sitz im Leben of the legal collections.” Otto (1997: 42) expresses his opinion regarding the purpose of the law collection: “Die Rechtssammlungen dienten im Rahmen des Schulcurriculums nicht nur der Schreiberausbildung, sondern auch der Rechtsausbildung zum Erwerb der Fähigkeit zum Rechtsentscheid.”

There were several bodies exercising judicial functions in the OB cities of Nippur, Sippar, Isin, Larsa, Dilbat, Lagaba, and Ur, namely the *puhrum* (the Assembly), the *ālum* (city), *habtum* (city ward), *kārum* (harbor – an administrative authority),¹¹ the *šihūtu* or *šihūt ālim* (the city elders) and the *dajjānū* (the judges) (Roth 2001: 265). This evidence substantiates the opinion of Van De Mieroop (1997) that the Mesopotamian city and citizenry enjoyed a substantial degree of political autonomy. Careful scrutiny of Jacobsen’s (1943: 159-165) theory of “primitive democracy”

¹⁰ See Harris (1960: 133-136) for detailed information regarding texts documenting an exceptional *šalmu baltu* oath which record the vow promised to a god by the petitioning debtor.

¹¹ Jacobsen (1943: 161) identifies *kārum* not only with harbor, but with “the merchant body”. Westbrook (2003: 366) associates *kārum* with the merchants’ association. Lemche (1979: 12) favours “the stock exchanges of Babylon” as a suitable translation.

shows that Chavalas' (1999: 521) critical contrast and juxta-positioning of the ideas of Van de Mieroop and Jacobsen is unwarranted and exaggerated. In this day and age the "primitive versus modernist" debate deserves burial, not flogging!

Presenting the case PBS 5 100, dated to the 26th year of the OB king Samsuiluna, Ḫammurabi's successor, which involves a posthumous birth, Roth (2001: 266) informs of the five-part process the judges worked through, elucidating the five verbs which describe their actions:

- i. *amārum*; to look at, look into, investigate,
- ii. *šemûm*; to hear, listen (to a tablet read out loud),
- iii. *šâlum*; to ask, inquire, question,
- iv. *šutāwûm*; to discuss with one another, deliberate,
- v. *qabûm*; to say, declare.

Written and oral evidence was presented before the judges as testimony, and clearly their accumulated intuition and experience was required for judgment. With this article Roth (2001: 250) successfully validated "the independence as well as the independent value of the law collections and the law cases."

Lambert (1988: 119) maintained that Mesopotamian law codes were a "comprehensive collection of laws and regulations," which took bearing both on social relationships and the economic situation. In comparison, royal edicts, although they supposedly only had bearing on the economic life of the community, by attempting to *retrospectively* correct clearly-defined economic malaise, most definitely affected the lives and livelihoods of those subjects involved in agriculture, money-lending and trade.

Mendenhall (1954: 31-32) forfeits his initial reticence, and acknowledges a common supra-Mesopotamian legal tradition: "It is universally admitted by modern scholars that there must be some direct or indirect dependence of Israelite case law upon earlier codifications of law in the ancient world. The case law is a form which can now be traced back to the end of the third millennium B.C."

Likewise, Rasor (1993-1994: 160) cogently states that: “Finally, proper historical location of Biblical law requires noting its place within the larger context of the ancient Near East. Several important legal texts appeared in other Near Eastern societies, and Biblical law must be seen as a “part of ancient oriental law.” Otto (1994: 183) is diametrically opposed to any dependence of ancient Israelite law on cuneiform law, and critically argues that “Israelite deposit laws were more archaic than those of the Old Babylonian collections of CE and CH” ... which ... “contradicts the thesis of a ‘common law’ in the Ancient Orient including Israel as too simple.” For other dissenting opinions as to the extent of legislative similarity, Hiers (2002: 49-96) and Otto (1991: 147-148) should be consulted.

Otto (1991: 169-170), however, acknowledges the influence of ancient Mesopotamian *Redaktionstechniken* on Israelite law: “Angesichts der erstaunlichen Übereinstimmungen in den Redaktionstechniken altbabylonischer Rechtssammlungen und des altisraelitischen ‘Bundesbuches,’ bzw. der Redaktion der Körperverletzungsfälle im hethitischen Kodex und im ‘Bundesbuch’ wird man kaum von einer traditionsgeschichtlichen Eigenständigkeit der Redaktionstechniken in Israel ausgehen können.”

Otto (1997: 34) provides insight into the paradoxical situation in the legal system each time a royal *mēšarum* was proclaimed. The king, in order to restore equity to society, abrogated contractual law with certain stipulations within his edict. The kings of the first Babylonian dynasty were successful in their intentions; during this period contractual law remained subordinate to the law of their edicts. However, the merchant classes within other cultures (Mari) and in different times, (notably the Neo-Assyrian and Neo-Babylonian), successfully reversed this order. By incorporation of special anti-*andurāru* codicillary clauses the socially-orientated reformist intentions of the kings were negated. Otto (1997: 49) feels that this reduced the later *andurāru* decrees to “königsideologischer Propaganda.”

2.3 THE CONCEPT OF SOCIAL JUSTICE

Essential to this thesis is an understanding of the concept of social justice that was perceived universally in the ANE. Weinfeld (1982: 493) provides a list of the standard

terminology for introducing social reforms in the ancient world:

- a. a m a r – g i₄, in ancient Sumer meaning “to establish freedom,”
- b. *mēšarum šakānum*, the Akkadian term meaning “to establish righteousness,”
- c. *andurārum šakānum*, the Akkadian term meaning “to establish freedom,”
- d. *kubussām šakānum*, equivalent to “to establish freedom” in Elam,
- e. שׂים דָּרוֹר, the Hebrew equivalent to “to establish freedom,”
- f. *kidinnūtam šakānum*, the Neo-Assyrian period’s equivalent to “to establish freedom.”

Schorr (1915: 10) compared the *mēšarum* edict to a “Schulderlass, eine Seisachthie, d.h. ein Dekret über Aufhebung von Schuldverpflichtungen innerhalb bestimmter Grenzen.” *Seisachthie* (Gr. *ἡ σεισάχθεια*, *Seisachtheia* “shaking off burdens”) refers to the measures instituted by Solon of Athens (640-558 BCE), whereby loans granted on the property or person of the debtor were cancelled. The Solonic *Seisachthie* also made provision for setting people free from debt-slavery (Papadogeorgos 2003: 17); indeed Solon abolished this institution. Weinfeld’s (1982: 499-501) competent contribution on this subject is unfortunately too comprehensive to be further discussed in this paper. As previously mentioned, Kraus re-iterates his antipathy (originally stated in 1958: 192-193) for the comparison of *mēšarum* to *Seisachthie*: “... habe ich dies Bezeichnung als esoterisch, dabei aber sachlich kaum zutreffend, abgelehnt” (1984: 5). However, authors over the past three decades have rediscovered this term as an adroit analogue for *mēšarum*, and modern oriental literature indicates a growing trend to use *Seisachthie* e.g. Weinfeld (1982: 499), Klengel (1989: 166), Postgate (1995: 398) and Otto (1997: 61). Landsberger (1954: 68) was accustomed to using *Seisachthie*; one can only speculate as to the source of Kraus’ antipathy toward such an elegant expression.

Westbrook (1995: 149) maintains that equality of status and the prevention of poverty were irrelevant within the concept of social justice. Rather, “protecting the weaker strata of society from being unfairly deprived of their due: the legal status, property rights, and economic condition to which their position on the hierarchical ladder entitled them” was regarded as important (Westbrook 1995: 149). A recurring and illustrative example is the release from debt-slavery through royal decrees; some

former free-persons bound in debt-bondage were manumitted, whilst house-born slaves were expressly excluded in the edicts from the royal manumission.

Similarly, property, regardless whether land, slaves or family members, was restored or could be redeemed under certain conditions after the promulgation of a decree; the usual formula inserted here was ‘*andurārum*’, which means ‘to restore’. Westbrook’s (1995: 152) synopsis is accurate: “The law protects not the poor as a class, but the impoverished, that is, those families who are in danger of losing their place on the socioeconomic ladder.” The king, as representative of the gods on earth, assumed the position of *paterfamilias* for the needy and without a male heading the household i.e. widows and orphans. Taking the militaristic, often imperialistic, nature of the “relationships” between the various city-states in the ANE into account, it is obvious that the king was responsible for the prominence of these two social castes. In Chapter Six attention will be given to a funerary invocation commissioned by king Ammišaduqa mentioning soldiers who had lost their lives in battle. Zaccagnini’s (1994: 279) accurate interpretation is that the desolate economic situation which premeditated the proclamation of welfare legislation arose partially as a result of these ‘acts of aggression.’ Husbands and fathers were killed, unransomed prisoners were enslaved, not to mention the valuable production time in agriculture and stock-rearing lost by the regular interruptions for civil and military *ilku*-service.

Social law protected the (extended) family; the superseded goal was to prevent debt, poverty, and the alienation of property with its consequent agrarian depopulation. Those who fled were known as “the ‘*apirū*’” (Diakonoff 1982: 97). These factors ultimately had a catalytic effect on the formation of powerful urban sub-elites or latifundia owning or controlling large estates and in a position to challenge the central authority of the king. However, law has never been, and never will be, able to preempt criminal energy; the curious situation of ‘adoptions’ at Nuzi bears testimony to the fulmination of creativity when the power of the greedy met the needs of the desperate. Diakonoff (1974: 4) points out that land seldom was sold unless the seller was in a dire economical situation; the data of immovable-sales from Nuzi and the Middle Assyrian period show that the vendor of the property was likely to be the debtor of the purchaser.

2.4 ROYAL IDEOLOGY AND POWER

The (historical) social scientist Mann (1986: 2) formulated a model identifying and elucidating the four sources of social power – ideological, economic, military, and political. They converge as “overlapping networks of social interaction,” and stand as an explanatory model for “the capacity to organize and control people, materials, and territories, and the development of this capacity throughout history.” Clearly, whoever aspired to exercising power and leadership had to control, even better, to monopolize these four sources of power. In a similar vein, Cannadine (1992: 2) argues his case for a broader conception of politics and political action, which he sees as the “varied means whereby hierarchies of dominance and deference are created, maintained and overturned.” Under this aspect Cannadine stresses the “power of ceremonial and the ceremonials of power,” which undoubtedly played a significant role in the religio-socio-political life in greater Mesopotamia.

In ancient times the concept of political ‘freedom’ was non-existent, as were intellectual thinkers, and the royal ideology extremely thorough and sophisticated. The trend conspicuous through the millennia was therefore never of a revolt against the system of monarchy, only sporadically against an individual occupant of the throne, directed against his policies or demands. According to Zentner (1982: 30), in the latter half of the twenty-fifth century the high-priests of Lagaš acquired sufficient power to deprive the *ÉN.SI* (the governor) and his dynasty of power, replacing him with Uru’inimgina, one of their own. Sargon of Akkad, Sargon II of Assyria, the Neo-Babylonian Nabonidus, and the persocentric Darius all occupied usurped thrones. This was occasionally justified under the cloak of ‘divine abandonment’.¹² Using ‘divine will’ to conceal ‘human will’ was an elegant and easily transmittable metaphor to keep the population obedient and malleable. Van De Mierop (1997: 35)

¹² ‘Divine abandonment’, a refined ideological Gordic knot (utilized especially by the Neo-Assyrians to justify their rather brutal imperialism), is defined by Holloway: “The capitulation of an earthly state was rationalized as the capitulation of its pantheon to the supreme might of Aššur and its subsequent abandonment by its own gods, who were understood as being enraged with their own people.” Furthermore, “the fall of a hostile nation was ideological evidence of the omnipotence of the Assyrian pantheon” (Holloway 2002: 54). It is interesting to note that “the defeated nations had utilized this motif as a rationale for their own subjugation” (Cogan 1974: 12-13).

argues that, although omen literature documents popular resistance to the king, there is no evidence that the military were ever deployed against citizens. Reciprocally, there is no historical evidence of ‘peasant’ revolts in Mesopotamia. Olivier (1977: 126-127) concurs with the latter, and maintains that “the people seemed to have fatalistically accepted their circumstances as the will of the gods.”

It is therefore surprising that von Soden, (1989a: 161), describing the tough ‘integration-process’ of the Semitic immigrants into the Sumerian cultural landscape, mentions that as a result of their hardship and suffering, the immigrants more than once rebelled. Von Soden does not provide sources as evidence for these occasions, but suggests: “sie haben unter dem Ausmass der geforderten Arbeit oft gelitten und sicher auch mehrfach dagegen revoltiert.”

Daniel (2001: 15) elaborates on the “sophisticated theory of kingship and just rule that drew on a deeply ingrained sense of obedience and deference to authority.” Adams (1988: 25) believes that the “commonly held belief system” acted “to blur incipient class divisions.” The monarchial system’s strength was its omnipotence, which explains its universality and longevity. Dorraj’s (1990: 32) phrase, “the sanctity of tradition,” eruditely sums up the value placed on continuity.

Liverani (1979: 301) maintains that “a king is not legitimate because of the approval of the god Aššur; a king, while he rules in Assyria, is always legitimate, and his legitimacy is expressed in religious terms (in fact the less obvious it is the more it is emphasized) ... the divine approval is not the *cause* of the legitimacy of the action; it is clearly its *expressed form*.”¹³ I tend to agree with Liverani (1979: 301), whose statement actually has a universal applicability in the ANE, not just in an Assyrian/Aššur context.

The motives for power-hunger are universal and unchanging: economic greed; the desire for security (corporal and sustenance); fanaticism (ideological or religious); aspirations of esteem, prestige, status and veneration, and the disinclination to submit

¹³Adapted from “Political ideologies and propaganda methods of selected Mesopotamian rulers over three millennia,” the present author’s assignment for the MPhil (2006).

to exogenous authority.¹⁴ History has provided us with a few exceptional men, whose vision, military prowess and leadership qualities enabled them to ‘create’ empires and ‘leave their footprints’ for posterity.

Our best-known *cliché*-prototypes of Mesopotamian ‘strongmen’ from the third to the first millennium are Sargon of Akkad, Ḫammurabi of Babylon, the two Achaemenids Cyrus and Darius (both Great), and the Macedonian, Alexander (the Great). They shared a common feature: they all successfully harnessed and exploited the four sources of social power – ideological, economic, military, and political – proposed by Mann (1986: 2). As mentioned earlier, these sources of power are vital, and any charismatic and visionary leader needed to effectively control them to a greater extent than his rivals.

Ḫammurabi showed great patience, and waited thirty years before feeling invincible enough to attack his final adversary and to consolidate his Babylonian empire. The Persian Empires of the Achaemenids survived and flourished for a longer period than the others; Ḫammurabi was losing hard-won territory before the end of his reign, and his ‘empire,’ unable to withstand external pressures, crumbled and after just six generations experienced a military humiliation by the Hittites, which prepared the way for a Kassite conquest. King Ammišaduqa, the focus of this thesis, was not of the same political calibre as those kings mentioned above. He was the penultimate ruler of Ḫammurabi’s dynasty, a dynasty whose dissolution in 1595 BCE heralded the synchronous end of the OB Period.

2.5 ROYAL IDEOLOGY, RELIGION AND JUSTICE

The ideology of power, embedded in and inseparable from royal ideology in the ANE, is inextricably bound up in the ideology of religion. Religion embossed power, the former being Marx’s opiate for the poor. Holloway (2002: 50) stresses a fundamental concept: the motivating power of religion. Power was religion, religion was power;

¹⁴ British imperialism in Victorian times was endorsed by the expression: ‘for God, Glory, and Gold,’ thereby including a number of these motifs.

the political imperative lay with whoever succeeded in cornering the religious monopoly, thereby mobilising the loyalty and obedience inherent in the devout.

Frye (1962: 93) contends that religion can be implemented as a *political weapon*. Liverani believes that the function of ideology is to present ‘exploitation’ in a reduced form to the exploited, and as advantageous to the disadvantaged (1979: 298). Duchesne-Guillemin (1969: 360) maintains that “religion is the foundation of kingship, and the latter protects the former.” This suggests a symbiotic relationship between a king and his religion, and the temple-households, a theme that runs as a central thread through Mesopotamian history. A more blasé and cynical approach identifies the massive indoctrination that the masses, i.e. all those not belonging to the upper echelons or ‘elite-priesthood,’ were subjected to. Kuhrt (1992: 30) draws attention to the “centrality of kingship to society in Babylon” from the earliest times.

Speiser (1954: 8) maintains that “the outstanding feature of kingship in ancient Mesopotamia is the ruler’s subservience to the gods throughout the long recorded history of that composite civilization.” Wucher (1959: 58) uses a most appropriate term for the Mesopotamian religio-political situation: *Gottkönigtum*. Many scholars have attempted to explain this concept so fundamental to understanding royal ideology in the ANE.¹⁵

Fensham (1962: 130) uses a spatial model to explain the intersection of religious and social ethics. The protection of the ‘weak’ must be regarded vertically and horizontally; the sun god Šamaš offers religious protection on the vertical axis, and the king, his substitute, through his royal policy offers social protection on the horizontal axis. Similarly, the sociologist Eisenstadt (1979: 27) stresses the crucial importance that a king be recognised as the “bridge between the transcendental sphere and the mundane order,” and that he maintain the monopoly on the symbolism of this

¹⁵The Dalai Lama, spiritual leader of the Tibetans, is a representative of a modern, if highly theoretical, hierocracy, despite his exile. The Dalai Lama is accorded the status of divinity and a divine title, not just by his followers, but by an uncritical public. For example, the communal Swiss, German and Austrian TV Channel 3sat aired a documentary on the Dalai Lama, titled “Gottkönig im Exil: Begegnungen mit dem Dalai Lama” on Thursday, 13th September 2007 at 15:45.

direct relationship between the cosmic and social order (1979: 24). Cannadine (1992: 3) provides a convincing synopsis: “notions of cosmic order and transcendental hierarchy are deployed and transmitted by ruling élites as a means of ordering their own terrestrial realms and of sustaining their own earthly dominance.”

Grottanelli and Mander (2005: 5162) see the monarch as the ‘vertex of society,’ symbolizing the point of contact between society and the divine. Jacobsen (1943: 160) amplified this relationship, interpreting between the ruler (modern Uru’iningina) and the city-god (Ningirsu) a contractual accountability:

“Urukagena contracted with Ningirsu that he (i.e. Urukagena) would not deliver up the orphan and the widow to the powerful man.”

The king was therefore *de facto* ‘honour-bound’ to provide justice. Jacobsen (1943: 170), presenting his theory of ‘primitive democracy’ in Ancient Mesopotamia, most cogently argues that initially the king was primarily a leader in war, elected by the general assembly, who gathered in the large court, *Ubshuukkinna*. Oppenheim bluntly calls the king “a warlord” (1967: 13). Worthy of repetition is Jacobsen’s (1943: 172) succinct conclusion: “Our material seems to preserve indications that prehistoric Mesopotamia was organized politically along democratic lines, not, as was historic Mesopotamia, along autocratic.” Speiser (1954: 9) supports Jacobsen’s theory of ‘primitive democracy’ and the role of the ‘corporate assembly’ of Nippur, the *Ubshuukkinna*, and maintains that “kingship ... was limited here from the start by the twin checks of state and religion.”

2.6 ROYAL IDEOLOGY AND POLITICS

Dalley (1995: 413) cogently argues that the urbanisation of man led to organised warfare, and offers four primary reasons for this development. The first was the need to defend the agricultural and material surpluses that had been produced and stored. The wealthier and socially better organised early-urbanites were the target of aggression from plundering population groups either in the mountainous or semi-arid areas, and would remain so for millennia. The second reason was the need to control the waterways of the Tigris and Euphrates, with their vital irrigation and transport canals. The third factor leading to the development of warfare was an economic one:

the need to protect the traders and trade-routes that were essential to bringing resources, which were only available elsewhere, safely into the land. Wood, stones and metal are some of the very basic items which had to be imported into many of the Mesopotamian city-states. Boundary disputes are grouped as the fourth factor. At a later stage, wars were assigned a religious justification, i.e. the enemy had sinned against the gods, and had to be punished (Dalley: 1995: 416).¹⁶ In essence, divine abandonment and divine retribution.

The ‘indigenous distinctiveness of each culture,’ despite the highly evident broad cultural unity of the ANE which Olivier (1977: vii) refers to, is most visible when looking at the impact of ‘religion’ on politics and royal ideology. This ‘cultural distinctiveness’ is clear when one critically examines the situation in Mesopotamia. The post Neo-Sumerian/ Babylonian kings of the OB period and later, whose geographical core lay in southern Mesopotamia, and the Assyrian kings in their northerly Assyrian ‘homeland’ differed fundamentally in the perception and interpretation of their political mandate. Roux and Renger (2005: 18), too, discern a clear contrast: “Durch das ganze Altertum hindurch kann man eine klare Opposition zwischen dem Norden und dem Süden oder, geopolitisch ausgedrückt, zwischen Sumer und Akkad (dem späteren Babylonien) und Assyrien erkennen. Die Gegensätze sind zeitweise verborgen und drücken sich in kulturellen Unterschieden aus, zeitweise sind sie offenkundig und werden in blutigen Konflikten ausgetragen.”

The methods rulers implemented to legitimize their claims to power were nonetheless congruent, as was the source of their authority, which traditionally was invested in them either by ‘divine birth,’ or ‘divine adoption.’ Levinson (2001: 514-515) presents accurate and comprehensive evidence on the concept of divinely ordained royal legitimation, and substantiates his claim to the broad geographical applicability of these features within the ANE by providing insightful examples; the first millennium Book of Deuteronomy provides many parallels in Hebrew kingship.¹⁷

¹⁶ Adapted from “Political ideologies and propaganda methods of selected Mesopotamian rulers over three millennia,” the author’s assignment for the MPhil (2006).

¹⁷ In the temporal, non-secular sphere, ‘divine appointment’ supplemented and later supplanted the concepts of ‘divine birth,’ and ‘divine adoption.’ Religious leaders, the likes of Abraham, Moses,

A brief excursion into the Babylon, Assyrian, Egypt and ancient Israelite religio-political-ideological situation will shed light on some of their similarities and differences. The striking parallels regarding the ‘virtue’ of social justice, and royal concern to protect the vulnerable in the various situations, is remarkable.

2.6.1 THE BABYLONIAN SITUATION

The sun god Šamaš enjoyed a pre-eminent position in the OB pantheon, most conspicuously so during the Hammurabi dynastic period. According to Fensham (1962: 130), Šamaš is the pendant of the Sumerian Utu (Babbar).¹⁸ Olivier (1977: 258) quotes an inscription commissioned by Jaḥdunlim, king of Mari: “To Šamaš ... whose allotment is *mēšarum* and to whom *kinatum* are given as a gift.” Zaccagnini (1994: 268) proposes an interesting hypothesis regarding this identical OB inscription by the king of Mari (ca. 1810-1800) to Šamaš: “he whose *inheritance* is justice [*mīšarum*] and to whom equity [*kittum*] was endowed as a *gift*.” Zaccagnini (1994: 268) believes that neither justice nor equity originated with the god, but were respectively an inheritance and a gift, and passed on to rulers as ‘divine encouragement.’ This could be academic hair-splitting.

According to Speiser (1954: 12), these rubrics (*kittum* and *mēšarum*), which he renders as ‘truth’ and ‘justice’, “embody the stratification of the culture as a whole.” Oberhuber (1972: 215) suggests that: “Das Begriffspaar *kittum* und *mēšarum* kann als Personifikation in Keilschrifttexten fungieren: >>auf dich, *Kittu*, ist das Augenmerk der Welt gerichtet<< und beide Begriffe scheinen in Götterlisten in der Filiation des Sonnengottes, dessen Ressort die Weltordnung ist, auf.” Olivier (1977: 266) concurs,

Zarathustra, Peter and the Prophet Mohammed, not aspiring to an earthly ‘kingdom,’ are perhaps the best known within the select clique of personages who received their religious legitimization and authority by ‘divine appointment.’ In contrast, Saul of the New Testament experienced a ‘divine conversion.’

¹⁸ It would breach the scope of this paper to digress upon the connections and affiliations between gods of different pantheons e.g. Ningiršu, Marduk, and Šamaš in his capacity as the god of justice; sufficient to say there are innumerable, and span not only a millennial period, but also ‘nationalities’ or ‘state,’ ‘ethnic’ and ‘religious’ affiliations.

augmenting that *kittum* and *mēšarum* were regarded as “children or attendants (*āšib maḥri*) of Šamaš.” We shall see that the Egyptian ideal of Ma‘at is a similar concept.

Šamaš’ primacy propelled his dual divine attributes of justice (*mēšarum*) and order (*kittum*) to the fore, which exerted pressure on generations of kings to reign according to these standards (or at least pay lip-service to them!), since he was the divinity responsible for royal appointment. Fensham (1962: 129), Levinson (2001: 515) and Olivier (1977: 256) are in accord on this point.

Therefore, “Šamaš, king of heaven and earth, lord of truth and justice, who provides justice (*šutešur*) above and below” is not only cognizant of the plight and estate of everybody, but punishes those who cause grief and oppression (Olivier 1977: 256-7). The god Šamaš, as judge of heaven and earth, passed this duty to his earthly agent, the king he ordained, who then assumed responsibility for the social protection of those in need. The concept of social welfare is universal in the ANE, with a broad spectrum of definitions of ‘the needy.’ Two examples will suffice. Hiers (2002: 49-50) defines ‘the poor’ as those “classes of persons ... who lacked independent means of support: resident aliens or sojourners, widows, orphans, slaves, and hired servants.” Levinson (2001: 515) comprehensively categorizes the destitute, the orphans, the widows, the oppressed, the deceived, the victimized or the outwitted, as the “socially marginalized.”

As previously seen, the concept of the king providing justice for, and protection of, these less-privileged citizens is very deeply engrained in the social culture of the ANE. Fensham draws our attention to the “remarkable similarities and analogies between the conception of protection of the weak in Mesopotamian, Egyptian, and Israelite literature” (1962: 137). Hiers (2002: 49-50) adopts a position contra to Fensham, and argues that Israel exercised a monopoly in social-welfare: “concern for the welfare of the poor is not characteristic of other ancient cultures, including those of Greece and Rome.” Paradoxically, Hiers refers to Weinfeld (1995), who, according to Smith-Christopher (1997: 723), wished to “establish the universality of such practices (i.e. social welfare) throughout the ancient Near East” (the contents of the

brackets are the author's). Koch, too, (1999: 243-247) is an author not receptive to the wholesale integration of Israel's religious history within that of the ANE.

In his review of Weinfeld, Smith-Christopher (1997: 723) finds that: "The most controversial aspect of Weinfeld's work will surely be the tendency to locate so much thought on biblical social justice themes in the general ancient Near Eastern cultural milieu." Indeed, Weinfeld must be regarded as a major proponent of this doctrine, as is evident from the central motif of his article published in 1982 (Weinfeld 1982: 491-495).

2.6.2 THE ASSYRIAN SITUATION

We should be aware of several marked differences between the Assyrian and the Neo-Sumerian/ Babylonian religious/ royal/ political systems; this especially so when one analyses the mandate that Assyrian kings received from Aššur, their paramount deity. At this point it is relevant to adopt Jacobsen's earlier observation (1943: 170) regarding the militaristic orientation of the early rulers to elaborate on the situation in Assyria. Firstly, Aššur's status as the supreme god was never challenged by any other gods, in contrast to the flexible supremacy of the Babylonian pantheon. The nature and characters of the gods of the Babylonian pantheon often overlapped, or worked in accord. Secondly, the Assyrian king was the *de facto* high priest of Aššur, whereas the office of the Babylonian high priest was not occupied by the king. Thirdly, the god Aššur had only one temple, that in Aššur, the capital and cultic-centre of Assyria. Most significant, however, is that the king's responsibility of providing justice for the 'needy' is superseded by the duty of providing and extending prosperity, by military conquest, in the name of the god, Aššur.

During the coronation ceremony of the Great King the words repeated by the Assyrian king clearly show how he was exhorted to extend the territory of the lands of Aššur:

"In the presence of Aššur your god may your Priesthood and the Priesthood of your sons be favoured and your land extended with your just sceptre. May Aššur grant you to speak (and) be heard, agreement, justice and peace."
(Postgate 1995: 408)

Regarding the Neo-Assyrian king Adad-nērārī II (912-891) one can only suggest that he was, on his own account, the best man for the job:

“Zu der Zeit ging mein Königtum (und) meine Herrschaft aus dem Mund der großen Götter hervor, den Besitz der Länder zu plündern, beriefen sie mich.

Ich bin König, ich bin Herr, ich bin überlegen, ich bin angesehen,

ich bin ehrfürchtig, ich bin sehr stolz, ich bin mächtig,

ich bin übermächtig, ich bin hartnäckig, ich bin schrecklich glänzend,

ich bin kriegerisch, ich bin heldenhaft, ich bin männlich, ich bin erster,

ich bin erhaben, ich!”

(v.13-15) Adad- nērārī II conquers Ḫanigalbat.

(TUAT 1/4: 61)

The Assyrian king's prime commission was commander of the armed forces. The Assyrian royal ideology was traditionally aggressively imperialistic, pertinently termed by Holloway (2002: 1) “religious imperialism.” Holloway (2002: 38) gives Rawlinson credit for early associating an ideology of political conquest with the warlike descriptions and iconography of the Assyrian pantheon-*primus*, Aššur. Lambert (1982: 86) offers a convincing explanation of the “history” of the god Aššur: “who lacking any basic attributes....readily assumed the role most suited to the character of his citizens.” An inversion takes place: when the citizens of Aššur became military imperialists, “he became a god of war” (Lambert 1982: 86).

Therefore, providing prosperity *and* justice were the dual reciprocal responsibilities and requirements of Assyrian royal office. The king was publicly exhorted to show loyalty to Aššur the god, to augment the lands of Aššur, and was advised to consider the value of justice, peace and wisdom. Weinfeld (1982: 492) presents the Neo-Assyrian Assurbanipal as a king who similarly claims to reign according to “truth and righteousness” (*šīmat damiqtim*).

Oppenheim (1944: 63) correctly identifies this palpable difference between the Assyrian and Babylonian religiosity, noting that the former “patently animates the impetuous energy of the entire Assyrian civilization, so different from the reclusive stability and equipoise of the Babylonian.” The Assyrians extended their ‘exuberance’

and resourcefulness to economic and commercial matters as well, creating contractual loop-holes designed to undermine the effectiveness and applicability of royally proclaimed *mēšarum* edicts. Otto (1997: 48-50) provides examples of this Assyrian contractual creativity from the Middle Assyrian Empire down to the late Neo-Assyrian period, which will be briefly touched on in Chapter Five.

2.6.3 THE EGYPTIAN SITUATION AND MA‘AT¹⁹

Assmann (1990: 17) indicates that the abstract concept of *Ma‘at* is difficult to translate into other languages; the best solution is to use a bundle of words like: “Wahrheit, Gerechtigkeit, Weltordnung,” “vérité, justice, ordre,” “truth, justice, order” etc.

According to Karenga, *Ma‘at* was the “foundational ideal of ancient Egyptian religion and ethics.” “The etymology of *Maat* suggests an evolution from a physical concept of straightness, evenness levelness, correctness....to a general concept of rightness, including the ontological and ethical sense of truth, justice, righteousness, order – in a word, the “rightness of things” (Karenga 2004: 5-6). Karenga stresses the “conceptual elasticity” of *Ma‘at*. The following text resounds with classical ANE ethical/ welfare motives:

“Judge between two so that they are satisfied; not deprive an heir
of his property; not tamper with the scales; not seize the property of anyone;
not judging the blameless by the word of the liar: give to one you know like
one you don’t know; punish in accordance with the crime; uphold the laws;
attend to the pleas of the needy person; be accurate like the scales,
be patient in listening to concerns; vindicate the just; not take bribes;
not to confuse a person in court nor put aside the just person;
not to lean toward the rich and reject the poor, restrain the arms of the robber,
be a sheltering refuge, a fundament that would never tilt;
(and of course) give food to the hungry, water to the thirsty, clothes to the
naked and a boat to those without one.”

(Karenga 2004: 261)

¹⁹ Karenga exclusively uses the spelling ‘Maat.’

And similarly,

“Law was established in their time, *Maat* (justice, order, etc.) came down from heaven to earth in their age and united herself with those on earth. There was abundance on earth; stomachs were full and there was no lean year in the Two Lands.”
(Karenga 2004: 261)

Fensham (1962: 133) puts forward the point that especially in times of social decay and political turbulence, the welfare of the weak, widow and orphan was idealized. From the didactic discourses of the Eloquent Peasant at the beginning of the Middle Kingdom (ca. 2000 BCE), Fensham (1962: 133) quotes the following passage, where the peasant speaks to the chief steward, Rensi:

“Because thou art the father of the orphan, the husband of the widow”

According to Weinfeld (1982: 501-502), the Egyptians likewise defined the “restitution of everyone’s personal rights” as “establishing justice in the land.” On the Pharaoh’s day of accession, amnesty was granted to certain social groups, such as slaves, prisoners and the indebted (Weinfeld 1982: 510).

2.6.4 THE SITUATION IN ANCIENT ISRAEL

Otto (1994: 289) provides a cogent explanation for the altogether different religio-legislative situation in ancient Israel. Judah in the ninth and eighth century BCE experienced a social crisis. The theological foundation of laws, i.e. the perception of law as the will of God, was conceived in order to heal and unify the broken society; whereby the will of God desired “the integration of the weak and poor into society.” The Book of the Covenant (BC) was redactionally adapted. Levinson’s (2001:511-534) authoritative opinion regarding this topic is highly commended; its scope, however, breaches the limits of this thesis. Lafont (1994: 100) summarizes the position in ancient Israel: “The king has administrative, judicial, and military powers, but cannot publish laws under his own name. The whole civil, criminal, and cultural body of rules is said to be given by God to Moses, long before the Hebrew kingship.”

Weinfeld (1982: 504-505) points to a fundamental difference between Mesopotamian *mēšarum* edicts and Biblical *derōr* declarations. In Mesopotamia the king was instructed by the gods to give the “right for freedom” and he was responsible for formulating the legal regulations pertaining to the *mēšarum*. On the other hand, in the Bible “both the right for freedom and the regulations for it are given by God” (Weinfeld 1982: 504). The “authorship of the law” belonged to God. Levinson (2001: 529) corroborates Weinfeld’s stance: “Even intervention in the economy like the remission of debts, which were the conventional hallmark of royal power (especially upon accession), are detached from royal decree. It is the legal corpus of Deuteronomy, rather than the king, that decrees the remission of debts, while also transforming the institution from a one-time dispensation granted by the reigning monarch into a septennial national obligation completely independent of any particular royal initiative (Deut. xv 1-3).”

Levinson (2001: 516) suggests that the Israelite formula conveys a permanent nature in contrast to the Akkadian formula *mēšarum/ andurārum šakānum* (“to establish righteousness/ freedom”), which he believes is valid for a predetermined, temporary duration only. Levinson maintains that when king “David began to establish justice and equity for all his people” (2 Sam. viii), the implication is explicit that he is expected to continue for his entire reign. However, his reciprocal interpretation that the Akkadian formula did not imply the same, does not hold true. Although the retrospective part of the Mesopotamian decrees clearly indicates the ‘time frame’ for which debts would be remitted etc, the stipulations dealing with prices, weights and measures convey a character of permanence.

2.7 MODERN ANALOGIES

The words of the epilogue of Ḥammurabi’s Law Code make it clear that each person, regardless of social status, had the right to justice:

“The oppressed ... shall read the writing ... and he shall find his right.”

(Kramer 1968: 170).

In a similar fashion, the words written above the entrance doors of many court-houses in Germany “Ein Recht für Alle,” promise an identical access to impartiality and justice.

The conviction that the political powerful protect the ‘weak’ is equally mandatory for contemporary elected heads of state. As Lafont (1994: 97) points out, when a state finds itself in a “context of crisis, and facing an extreme fiscal pressure” administrators are obliged to write off debts whose repayment are *de facto* merely an illusion. The recovery of bad debts, swelling with ‘interest upon interest’ is illusory; the reciprocal of debt cancellation for the poorer nations is the bitter taste of patronization and condescension.

An article appeared in the Cape Times, 21 June 2007 titled: “City writes off R1, 5bn in rates and service arrears.” This contemporary fiscal action bears a number of similarities to the *mēšarum* edict of Ammišaduqa. There is a conclusive cut-off date i.e. “the debt from before September 2003 is being written off;” it is unequivocally stated that it will not be repeated; and it is motivated by the desire to “help people who are struggling financially.”

Modern heads of state regularly adopt identical ‘populist’ terminology to convince the electorate of their sincerity and compassion for the socially underprivileged. Most recently, the political correspondent of the BBC (TV Broadcast Special; on 06.05.07 at 22:15 CAT) reported that Nicholas Sarkozy, in his acceptance speech after winning the French Presidential election, declared that he “was on the side of the oppressed.” President Sarkozy has been labeled as a ‘propaganda opportunist;’ later it will become clear that king Ammišaduqa was a man cut from the same cloth.

Levinson (2001: 516) points out that upon accession the Davidic monarch commits himself:

“May he defend the cause of the poor of the people,
give deliverance to the needy,
and crush the oppressor.”

(Psalm 1xxii 4)

CHAPTER THREE: THE STRATA OF SOCIETY

Adams' (1978: 333) admonition for caution is insightful: "Because of their preponderant involvement with written records, it is mainly the perceptions and preoccupations of the elites that have come down to us" and "it is simply not possible to accept the principal architects and beneficiaries of state policies as adequate spokesmen for those who at times were the principal victims of those policies." Unfortunately, the common people are under-represented in extant documentation.

As saliently pointed out by Roux and Renger (2005: 14), details of the wars and contracts that in the past filled the history books now have to share the limelight with information pertaining to the life-style and thoughts of the peoples of antiquity. Their expressed view is: "Das geeignetste Mittel, die Vergangenheit aufleben zu lassen, ist, den alten Völkern das Wort zu erteilen, sooft dies möglich erscheint." Ammişaduqa's edict does just this, and makes a major contribution to giving the past a voice. An insight into the *milieu* surrounding the institution of monarchy is necessary.

3.1 THE MESOPOTAMIAN MONARCHY

Diakonoff (1982: 18-19) summarizes some "functions of kingship." With regard to the territory of his kingdom, a king may "tax the population in produce (or money), in labour and 'blood' (i.e., in the form of obligatory military service)." It is clear, that in all these cases the king appears in his public function and not as a proprietor, and therefore – different from the medieval society – *the tax is here not identical with the rent*" (the italics are Diakonoff's). This is of fundamental importance, and often differently interpreted or ignored by other scholars. Renger (1979: 253) maintains that "large parts of the available fields were given to individuals who either had to pay a rent," while Leemans (1975: 136) refers to a field belonging to the palace which was rented out for interest in silver (*máš*).

Renger (1979: 253), following Kraus' (1958: 75) interpretation of the operation of the palace economy as *Palastgeschäft*, propounds his theory of the 'franchising' activities of the palace, whereby the word 'franchising' is ill-fitting; the more appropriate

business-economic term for this concept would be ‘out-sourcing.’ Renger (1979: 253), when maintaining that “this manner of delegating work to persons outside the palace household relieved the palace from the care of finding a large labor force which could only be employed seasonally,” traverses a tightrope between Kraus and Yoffee. Renger aligns himself to the argumentation of Kraus (1978: 431), contra Yoffee (1977: 31) regarding the manner of delegation, and with Yoffee as to the need thereof. Renger (1979: 253) shares Kraus’ (1979: 429-430) opinion that the *iššiakkum* were private entrepreneurs, and not attached to the state bureaucracy. By 2001 Renger had extended his personal list of the “types of franchises taken over by entrepreneurs” to include not only:

- a. Those involved in agricultural production, date-palm cultivation and animal husbandry i.e. the classic agricultural sector.
- b. Those involved in the exploitation of natural resources (fishing, fowling, reed collection and brick baking). The latter example belongs to the classic trade sector.
- c. The service industry. For example, long distance trade, the storage of agricultural commodities, as well as the collection of revenue taxes and dues was out-sourced by the palace (Renger (2001: 413). These services belong to the tertiary sector of the economy, which will receive attention in Chapter Seven.

Von Soden (1989d: 322) reiterates the high professional standards expected from judges and judicial officials pertaining to order and justice for the socially exploitable and vulnerable; this is especially obvious during the time of Ḫammurabi. No doubt there are many examples where the king ran rough-shod over the rights of his subjects, but a moral and ethical counter-balance providing a behavioral standard did exercise a strong check on his autonomous authority, at least in the OB period. ‘Perpetual’ or ‘eternal’ land (*eqlum dūrum*) was virtually legally sanctified, as litigation clearly showed (Diakonoff 1982: 29). Ḫammurabi, by asking his official “When is a permanent property ever expropriated?” appeals to an established principle of law (Westbrook 2003: 364).

Dutcher-Walls (2002: 609) maintains that in agrarian societies the king, his government or peer-group were in a position to extract and channel the wealth of the economy to their advantage, thereby cementing their favourable status and power-base. Controlling and excluding ‘outsiders,’ thereby preventing external access to, and exploitation of, this profitable system was a paramount goal of the palace. Postgate (1995: 320) finds that these economies, labeled as ‘redistributive’, are readily synonymous with ‘exploitative.’ A deeper discussion follows in the section dealing with the ancient economy.

Heilbroner and Milberg (2001: 20-21) express a provocative concept regarding wealth and power:

- a. “In ancient civilization, wealth was generally the reward for political, military, or religious power or status, and not for economic activity.”
- b. “In premarket societies, wealth tended to follow power; not until the arrival of market society would power tend to follow wealth.”

Essentially the second statement of Heilbroner and Milberg relies heavily on the definition of ‘premarket’ and ‘market’ societies which, according to the two authors, receive their legitimation from the *source* of wealth. The former society derives its wealth from conquest and “the exploitation of agricultural and slave populations!” The latter market society develops from “a system of continuously increasing production” (Heilbroner and Milberg 2001: 21)

Generally, the king not only had superior military and financial means at his disposal, it was his royal prerogative to enjoy a privileged education and association with the literate and/ or elite, (these attributes are not always synonymous). He grew up with, and inherited, a skilled professional bureaucracy dedicated to the routine management of palace affairs. There is some scholarly dissent regarding the extent and function of the bureaucracy.

According to Oppenheim (1967: 14), officials of the royal household merely dealt with ‘inconsequentialities’, like the women and the harem. Oppenheim maintains that the king did not utilize the bureaucracy’s services in an advisory capacity, unlike the

Egyptian king, who was surrounded by, and depended on, administrative experts. Assmann (1992: 78) points out that: “In Egypt, the vizier acts as the head of legal institutions, whereas the king already belongs to the superhuman sphere.” This opinion is supported by Karenga (2004: 38): “The economy of Egypt in the Old Kingdom ... was managed ... by a large professional civil service which produced its laws, rules and ethics as well as “collected taxes in kind.” Yoffee (1977: 6), contrary to Oppenheim, is an advocate for a well-organized and hierarchical bureaucracy in the OB period.

The temples’ personnel assisted the king with cultic matters, especially those of a divinatory nature or pertaining to *omina*. Edzard (2004: 587) observed: “Ihm (d.h. den Herrscher) stand seit eh und je ein ausgedehntes Kultpersonal zur Seite. Wir nennen es ‘Priesterschaft.’ Centuries of accumulated written ‘royal literature’ was available to groom and educate the heir(s) in the palace, which, together with the hallowed oral traditions passed down from generation to generation, exerted pressure on them to conform to a ‘vision’ of ideal rule: *šar mēšarum*.²⁰ We have seen that the Egyptian pharaohs as well as the kings of ancient Israel were likewise expected to rule according to similar ideological concepts.

It is now opportune to list and discuss the most central duties and responsibilities of Mesopotamian royal office. Despite the brevity, fundamental similarities, virtually irrespective of ethnicity or state affiliation, geographic location or era, should be evident.

3.2 ROYAL RESPONSIBILITIES

- i. Judicial
- ii. Defence
- iii. Civic duties

²⁰ It is interesting to note Edzard’s (2004: 555) disinclination to emphasize the vitality and significance of oral literature: “Persönlich halte ich sie für Mesopotamien angesichts des hohen Alters der Schriftlichkeit nicht für vordringlich.” Greengus (1994: 79-81) fosters a diametrically opposite view: “Writing did not render obsolete the use and continuity of oral tradition,” and “it does not necessarily indicate that oral traditions were ever totally displaced by written ones.”

- iv. Cultic representation
- v. Trade
- vi. Finance
- vii. Military success
- viii. Provisioning
- ix. Royal Mediator

i. Judicial

At the vertex of a, as we have seen, not unsophisticated judicial system sat the Mesopotamian king as the supreme judicial authority, and sufficient evidence, mainly in the form of royal or private correspondence, confirms his active role as appeal judge. Westbrook (2003: 369) confirms the “special role of the king ... in hearing petitions from aggrieved individuals.” Roth (2001: 261) is of the opinion that this court, with the king as judge, reserved the right to impose capital punishment. Kraus’ (1960b: 288) precise summary regarding the collections of law (law codes) and the king: “Die Konzeption der Gesetze als Rechtssprüche ist ein natürlicher Ausfluß der wesenhaften Richterfunktion des altbabylonischen Königs.” Should the temples fail to do so, the king also embodied the last instance for financial assistance to enable the repatriation of captured prisoners-of-war and other economic hostages.

ii. Defence

The king was entrusted with the protection of the city-state and its urban and rural population. This involved building and maintaining city walls and moats, and securing volatile state boundaries. Jacobsen (1957: 113) wisely interprets the paramount value of city-walls from their prominence in epic-literature: “no community would have accepted the enormous burden of constructing such walls were the need for them not both patent and pressing.” Wiseman (1991: 239) notes that for the construction of the outer, northern defence wall alone (north of Sippar and near Opis) Nebuchadnezzar’s workmen needed 164 million bricks. On a micro scale the ruler was responsible for securing sufficient rare resources, e.g. metals essential for the manufacture of weaponry. He was responsible for planning ahead: to provide sufficient military manpower with provisions for the eventuality of acts of aggression or defence, or to close bilateral peace- or non-aggression treaties with neighbouring powers. A tablet

from the reign of Ḫammurabi indicates the existence of a royal corps, dedicated to serving the king in addition to the regular soldiery (Postgate 1992: 244). In order to suppress any rival power, internal or external, foreign or local, the king garrisoned his standing army in key cities.

iii. Civic duties

The building, restoration and maintenance of the vital waterways, canals, ziggurats, temples and sanctuaries, palaces, and royal tombs were royal prerogatives. Gelb (1979: 3) convincingly points out that when a king mentions, in name-dates, inscriptions, foundation bricks etc that he has built a temple and dedicated it to whichever deity, this requires a broad interpretation: he has provided not only for the physical erection of the building, but also made provision for the nourishment, economic support and social security of the divinity and its cult-personnel. Harris (1955a: 54) presents a date formula, DF 22, of Išme-bali which reads: “Year when Išme-bali, the king, built the great wall of Neribtum.” Harris interprets this as a legitimation: i.e. “recording that he built the wall of Neribtum, implies that he was the ruler in this city.” We have already seen how imperative it was that kings fulfill their divinely-ordained duties of providing equity, justice and protection for the ‘needy and underprivileged’ by promulgation of *mēšarum* edicts or their ethical equivalent, reform legislation. In Chapter Five sufficient evidence will show that the ancient kings attempted to ‘restore’ or ‘replace’ a bygone situation, one which found favour with the population as just, right or equitable.

iv. Cultic representation

Symbolic acts and participation in temple rituals were expected from the king; indeed, it was imperative that the royal ideology of divine legitimation be fostered and nurtured, and the rites and festivals of state or temple celebrations gave the monarch ample opportunity for garnering the admiration, if not worship, of his subjects. Oppenheim (1944: 60) maintains that even the temple priests were conscious of the “propaganda value” of the processions displaying the divine images, scenes resplendent with wealth and pomp.

v. Trade

Trade, national and international, was essential to the economy; the king was responsible for providing an infrastructure conducive to the smooth import and export of rare and indispensable materials like timber, stone, precious stones, funerary herbs, and certain textiles (Kuhrt 2006: 328). The Old Assyrian period typifies the apogee of ‘mercantile-oriented monarchies.’ Yoffee (1988b: 54-55) convincingly argues that the 19th century prince of the city Aššur, Ilušuma, “campaigned to open and/ or keep open markets so that this system of international venture trade could function.” According to Ilušuma himself, his military raids into Babylonia were undertaken to “free” citizens (Yoffee 1988b: 54), which can be construed as forging new trade routes for Assyrian merchants to the south.

Klengel (1989: 168) maintains that Mesopotamian states in the early second millennium conducted foreign trade not only with Asia Minor and Syria, but with those within reach via the Persian Gulf, for example Magan in the Gulf of Oman and Meluḥḥa. Kuhrt (2006: 53) provides evidence of even earlier trading ties by quoting an inscription concerning Sargon I:

“Sargon ... caused the boats of Meluhha (= India),
the boats of Magan (Oman), and the boats of Dilmun (Bahrain/Gulf)
to dock at the quays of Agade.”
(PBS 15: 41 and 34; Sollberger and Kupper 1971: IIA1b)

Charpin (1995: 822) cogently argues that the purpose of the ‘Assyrian reconquest’ (911-823 BCE) was primarily to create “a system of control over vital trade routes in order to ensure the safe movement of goods,” and not to regain lost territories.

The king, the temple-households and society in general relied on the well organised merchant-body to provide, transport and market sufficient goods and wares, be they by nature military, edible, essential or luxury. The king was liable to organize the economic framework i.e. accessibility to, and security of, trade-routes, roads, and the *caravanserai*. The physical safety of the merchants, their transport animals, goods and belongings had to be guaranteed, while non-physical aspects of trade, such as monopolies, rights to trade, standards of measurement, commodity price-fixing and

rates of interest had to be centrally monitored to foster an equitable and just system, and to prevent exploitation.²¹

This was a relationship of reciprocation, for the ruler and the palace-household benefited from the collection of an impressive array of taxes, tariffs and dues that were levied upon individuals, the agricultural sector, as well as transport-, import- and industrial-enterprises (Hallo 1979: 108). Silver (1983: 898) discerns from the archives at Ugarit and Egypt that although kings participated in international trade, they refrained from price-setting by treaty. The ‘gifts’ presented to the king at the “ports of entry” were nothing but tolls, customs and duties (Silver 1983a: 797).

Postgate (1992: 321) sees a need for caution when the various definitions of quantities or equivalences in a transaction such as “...‘a medium of exchange,’ ‘a unit of account’ and ‘a standard of value’” are substituted indiscriminately. A large civil service was involved in a literate and a legislatively-bound capacity; financial experts were responsible for calculating the state of the economy, and advising the king on an effective course-correction if necessary.

An option the ruler had recourse to for releasing economic pressure was the promulgation of an *mēšarum* edict, which functioned as a ‘pressure valve’, while leaving the existing conditions ‘principally’ unchanged. Kraus (1960b: 295) originally used the word *Überdruckventil*; Olivier (1997: 13) uses the term ‘compression valve.’ Otto (1997: 35) agrees with the concept of an *Überdruckventil*, but stresses the momentary effects on the economy as opposed to the reformist nature of the relief measures. Olivier (1977: 125-126) maintains that “the edict seems to be a carefully worked out (secret) budget” and “This points to a thorough assessment of the country’s economic situation.”

vi. Finance

The king was a major source of finance-capital for business ventures, investing either a sum in silver or fulfilling his contribution to the commercial enterprise with surplus

²¹ In an example provided by Von Soden (1989b: 289), the last NB king, Nabonidus, reports that when he accessed the throne, money-lenders were charging 500% interest on loans (Wucherzins).

palace commodities. The millennia-long tradition of debt-cancellation gives a clear indication to the extent of 'capital,' either silver, produce or labour that the monarch was owed by his subjects, regardless of their status as peasant labourer-tenants, soldiers or influential merchants. This in other words also represents a sum the monarch has invested in the economy, albeit from a modern capitalist viewpoint.

vii. Military success

Liverani (1995: 2359), in his usual rhetorical style, provides an insight into the interpenetrating relationship between success and legitimization in the ancient world: "Success and legitimacy are related: while in practice success generates legitimacy and acceptance, in ideological terms (in the characteristic inversion of reality) success proves the existence of a previous true (though hidden) legitimacy. Legitimacy is an important matter. It means a correct chain of relationships from god to king and from king to people."

External military success was crucial. It meant an expansion of *Lebensraum*, and the substantial benefits that accompany it. Expansionism brought territorial gain, and was vital for a population growing, developing and expanding, urbanising and attaining new heights of sophistication. New resources became available, or secured. Examples of desirable agricultural resources to be taken by military force are horses, livestock, staple foods, cultivated fields, date-plantations and pastureland; valuable timber; as well as metallurgical elements such as copper, tin, and gold (Kuhrt 2006: 354).

Furthermore, military success guaranteed prestige and status on a scale local, international and eternal, and presented opportunities for royal self-laudation and glorification. Victory could be capitalised on in propaganda in the form of royal hymns, inscriptions, epics or monumental architectural projects. Military triumphs therefore also brought international recognition and gifts, which in turn validated the primary position of the king. Success forged trading bonds and agreements, commercial and military; these treaties were subsequently often buttressed by nuptial contracts.

The late OB period is characterised by a shortage of labour; there was more land

available than people able to work it. The factor “human resource” was therefore one of the most important gains for a king. Every victory explicitly increased the population, providing the king with a new supply of labour (Kuhrt 2006: 353). They were employed on palace and temple estates, in the construction of royal buildings (palaces or burial tombs), religious sanctuaries and temples, city walls or canals and irrigation projects (Kuhrt 2006: 327). According to Zaccagnini (1983: 257), Tukulti-Ninurta I (1244-1208) deported skilled Hurrian, Babylonian and Nairi craftsmen to work on the construction of his new capital Kar-Tukulti-Ninurta. Subjected peoples were invaluable not just for their skills, but as slave labour, ‘items’ to be sold, given away (e.g. to temples) or to be resettled. Oppenheim (1967: 14) phrased this latter policy as the king’s “internal colonization projects.”

In reality, the practice of deportment and resettlement, generally of the skilled, educated and wealthy, resulted in a wholesale “upgrading” of society (Kuhrt 2006: 354). Oded (1979: 23) indicates that deportations were “partial as well as selective,” whereby he discerns that “the Neo-Babylonian system of deportation was more selective than the NA system.” The profound contribution made by these skilled, talented and experienced artisans, technicians, craftsmen and merchants acquired through military conquest should not to be underestimated. Skills foreign to a culture were introduced, practiced, assimilated and later adopted. Examples would be the skills of horse- and charioteer-handlers, specialised carpenters and furniture-makers, architectural and construction experts, astrologers, doctors, embalmers, musicians, writers and poets, to name but a few.

In this manner cultural dissemination took place on a vast scale, especially in the judicial and literary spheres. While in matters of mass-deportation and resettlement the Neo-Assyrians were ‘without rival;’ the Neo-Babylonians were not far behind. Oded (1979: 2) confirms that, for the Neo-Assyrians, these regular mass deportations were the “most important means of its domination of other peoples, with far-reaching political, demographic and cultural consequences.”

It is fair to note that many of the resettled people became ‘acculturalized’ to their new

homeland.²² Wiseman (1991: 249-250) corroborates this opinion. Yoffee (1988b: 64-65) comments on the difference in cultural assimilation between those ethnic groups who underwent “forced incorporation” under the Neo-Assyrian and Neo-Babylonian states, and the ‘multiplicity’ of other groups, for instance the Amorites and Kassites of earlier periods, which made up the “ethnic and linguistic diversity” in ancient heterogeneous Mesopotamia. King’s translation from the annals of Tiglath-pileser I (1114-1076) reproduces the royal pride:

“I had in harness for the forces of my land more chariots and teams of horses than ever before. To Assyria I added land and to its people I added people. I brought contentment to my people (and) provided them with a secure abode.”

(Kuhrt 2006: 360)

Grayson (1991: 219) summarizes the motives of (admittedly Assyrian, but with virtually universal Mesopotamian applicability) military campaigns as “economic greed, the imperialistic idea, national pride, the egoism of the Assyrian monarch, and religious fervour.”²³ The joint desires of revenge (Sennacherib is a potent example) and prestige are likewise universal motives.

viii. Provisioning

Van De Mieroop (1997: 259) expresses the view that the city was of prime importance in the political life in Babylonia, and that no ruler wielded power without an urban base. In this reciprocal relationship the king provided protection and ‘nourishment;’ the citizens were obliged to pay taxes and render *ilku*-services, either in agriculture (corvée labour/ *tupšikkum*) or in war (*ḥarrān šarrim*) (Van De Mieroop 1997: 119; Westbrook 2003: 369).

Diakonoff (1982: 49), after examining the ‘national’ differences, concluded:

²² It has been suggested that the number of deportees from Jerusalem who declined Cyrus the Great’s offer of repatriation to their homeland was one third of the *ca.* 10 000 persons originally deported in 597 BCE. Dandamayev (1991: 269) supplied the figures.

²³ Cf. Footnote 18.

- a. Labour and military service rendered to the state in Assyria and Nuzi is called *ilku*.
- b. In Babylonia, the services rendered to the king by his tenants are known as *ilku(m)*.
- c. In the Hittite kingdom only royal servants performed the *ilku* or *šaḫḫan*, whereas the entire population had to render services known as *luzzi*.

A number of ancient cities of great cultic importance, for instance Babylon, Sippar, Nippur, Uruk and even Harran, had achieved a privileged status of freedom from certain of these obligations. These civic rights are termed *kidinnu/ kidinnūtu*, literally meaning ‘divine protection,’ and, according to Kuhrt (2006: 614) “restricted the king’s right to exercise absolute sovereignty, and even deny his authority in some aspects of jurisdiction.” Evans, (1963: 20) however draws a logical conclusion regarding these exemptions: “the very frequency with which they were conceded show that they were precariously held and often infringed.”

Gelb (1965: 230), in his seminal study concerning the ancient Mesopotamian ration system, in detail discusses the three basic commodities that were distributed i.e. barley, oil and wool. It was customary from early Sumer times that those employed by the palace-(household) received rations. Roux and Renger (2005: 70) list some of the recipients of rations: the royal family, the scribes, palace artists and the skilled workforce. Likewise, the standing army, lower service-personnel, workers in the state workshops, weaving-houses, breweries etc, occasional labourers, and Levinson’s (2001: 515) “socially marginalized” all received rations.

Rations were calculated according to a complex system; the volume allocated was dependent upon gender, age, personal status and type of services rendered (Gelb 1965: 232). Hallo (1979:102) notes that texts from Ur III deliver evidence that semi-free workers (*guruš* and *gemē*) received less rations than hired labourers (*lû-ḫun-gá*). Stol (2004: 973-975) provides a comprehensive picture of general nutrition and ancient culinary habits, noting that over the passage of millennia little had changed in this sphere in Mesopotamia. The staple foodstuff was barley flour, which is confirmed by the rations-lists. Fish, meat, dates and fresh vegetables supplemented the barley

bread. Beer was brewed from barley; wine was an imported luxury commodity. According to Stol (2004: 973), the average annual nutritional rations for an adult male were 720 liters of barley (*iprum*), six liters of oil (*piššatum*), and sufficient wool (*lubūšum*) for one garment (also *lubūšum*). The issuing of the wool ration is corroborated by Gelb (1965: 235). It is obvious that workers received ‘payment in kind;’ Stol (1973: 228) observes that the beer ration of four *qâ* that a hireling in the beer brewery is given is unusual; three *qâ* would have been a ‘high’ norm. The beer ration for a man lay between one and four litres per day; Babylonian beer, due to its ingredients, was highly nutritious (Stol 1995: 497).

Diakonoff (1982: 69), after complicated calculations, is convinced that the “unfree labourers” received “starvation-level” grain rations. Diakonoff (1982: 64) paints a dire picture of the general standard of nutrition of the lower stratum of ancient society, maintaining that they must have suffered from “severe distrophia and avitaminoses” due to their selective intake of barley and sesame oil.²⁴ Contrary to Diakonoff, Stol (1995: 496) argues that the ancient diet of the ration-recipients “contained adequate energy intake: often above the three thousand calories per day for a male and the twenty-two hundred for a female recommended today by the United Nations.”

Stol (1995: 496) likewise disagrees that avitaminoses was rife. This pathological condition, resulting from a one-sided, unbalanced mono-diet of barley, indicates a severe deficiency in vitamin C and vitamin A. The first deficiency promotes scurvy, while the latter manifests itself in blindness. The consumption of dates and vegetables, (Stol mentions abundant garlic, onions, apples, coriander, pomegranates and chick-peas) provided an effective and accessible prophylactic. Fish, both freshwater and delta, was available as a source of extra proteins to many.

Jacobsen (1957: 121) mentions that “the ‘visitors to the city’ (*uru* (.šè) *du*) from almost all of the major cities of Sumer appear in the accounts as working for the palace and receiving rations.” Soldiers received rations of food, wool and weapons; some were assigned plots of land to work for their own existence, which never

²⁴ The Concise Oxford dictionary (1995: 424) informs: “dystrophy/ *n.* impaired nourishment of an organ or part of the body.”

progressed much above the subsistence level (Kuhrt 2006: 55). Hereupon they owed allegiance and *ilkum*-service to the king.

From NB texts it is clear that ‘royal hostages’, for example Jehoiachin, king of Judah, were brought to Babylon, received rations and ‘enjoyed’ the king’s hospitality (Kuhrt 2006: 608). Wiseman (1991: 232) informs us of ration lists, dated to 592-569 BCE, naming ‘Ya’ukin king of Judah’ as ration-recipient.

Gelb (1965: 230) authoritatively postulates that the rise of a class of free labourers, who received a ‘wage’ (*ā*) for their labour in comparison to the semi-free workers who received rations (*še-ba*), “brought about a radical change in the economic and social system of the country.” The ration-recipients dominated the economic system up to the late Ur III Period; thereafter, a free labourer class who offered their labour as ‘hirelings’ (*lú-hun-gā*) gained prominence, especially in the OB Period. Silver (1983a: 808) supports Gelb’s theory, although he sets the date for the appearance of “free agricultural wage labour” ‘in considerable numbers’ as early as mid twenty-second century BCE. The economic and social significance of this development will receive closer attention in Chapter Seven. From Goetze’s (1951-1952: 41) *Laws of Ešnunna* a number of interesting examples substantiate this theory:

§ 8 A I 29: “The wages of a harvester are 2 seah of barley;
if they are (paid in) silver, his wages are 12 grains.”

§ 9: A I 30-34: “The wages of winnowers are 1 seah of barley.”

§ 11: A I 36-37: “The hire of a donkey is 1 seah of barley, and the wages of
its driver are 1 seah of barley. He shall drive it the whole day.”

ix. Royal Mediator

From Lugalzagesi’s (highly idealized) words it becomes clear that another of the king’s traditional roles, in fact a highly desired position, was that of arbitrator, a respected “negotiator” of disputes, and a mediator of the “king’s peace:”

“When Enlil, king of all sovereign countries had given him (Lugalzagesi)

the kingship over the Nation (*kalam*), had directed upon him the eyes of the Nation, made all sovereign countries wait upon him, and made (everybody) from where the sun rises to where the sun sets submit to him; then the (Lugalzagesi) drew (lit. directed) towards him (self as the supreme source of assistance) the feet of (everybody) from the Persian Gulf (along) the Tigris and the Euphrates to the Mediterranean; from where the sun rises to where the sun sets Enlil let him have no opponent. All Sovereign countries lay (peacefully as cows) in pastures under him, the Nation was (peacefully) watering (its fields) in joy under him, all the dependent rulers of Sumer (Kengir) and the ensiks of all independent countries bowed to him before the arbitral office (*me-nam-nun (.na)*) (held by him) in Uruk.”²⁵
 (Jacobsen 1957: 135 – 136)

Concluding this short presentation of royal duties, Kraus’ justificatory defense of the extensive Mesopotamian habit of royal self-laudation is elucidative: “das Lob nur den Königen gezollt wird, ist nicht angängig; denn nicht nur sind die Könige eben auch Menschen, sondern auch die Leistungen, deren sie sich mit anscheinend nie erschütterter Zuversicht rühmen, sind meist vom Volke und in gewissem Sinne fürs Volk vollbracht worden und die königlichen oder bürgerlichen Lobspender, ob sie es wussten und wollten oder nicht, haben den altmesopotamischen Menschen gerühmt” (1960a: 127).

3.3 MESOPOTAMIAN SOCIETY

3.3.1 SOCIETAL STRATA

Van De Mieroop (1997: 7) maintains that Mesopotamia remained a “pre-industrial society based on an agricultural economy” throughout its history. Society was composed of three strata: the small group of the aristocracy, a small percentage of

²⁵ Jacobsen (1957: 136) seeks in his volitional translation of (*me-nam-nun (.na)*) to stress the concept of “authority based on respect only, settling disputes without recourse to force.” The conservative translation of *me-nam-nun (.na)* is ‘prince.’

slaves and a majority of common citizens. On examining the societies of ancient Syria-Mesopotamia, commencing mid-third millennium, a clear picture emerges. Firstly, slavery, so repugnant to the modern public, was not extensive, and accepted as a societal and economic norm. Secondly, the discrepancy between rich and poor in the severely hierarchical pyramidal social structure was flagrant, yet not an incentive for sedition. Kraus' (1960a: 126) precise explanation for this situation: "Mögen auch den Menschen ehrfurchtsvolle Unterwürfigkeit gegenüber den Göttern, den Untertanen beflissener Gehorsam gegenüber dem Könige, den Bürger anständige Bescheidenheit gegenüber seinen Mitbürgern zieren." As previously mentioned, the *awēlum* represented the civic aristocracy and the *muškēnum* the common burgher (Kraus 1958: 151). Otto (1994: 175) identifies the *muškēnum* as one of the 'lower classes,' while Yaron (1969: 86) stresses that the class is a free one. Yaron's (1969: 86-93) contribution on the subject-matter combines logic with insight, in comparison to some scholars who have resigned to its inherent complexity (cf. Kraus' acerbic contribution 1984: 329-331).

Diakonoff (1974: 4-5) proposes a definition based on ownership, the socialist slant of which is unmistakable:

- a. "*bēlum*, a person in possession of patriarchal authority as opposed to *wardum*, a person under the patriarchal authority of another."
- b. "*awīlum/mār ālim*, a person in possession of all civic rights who partakes in communal property as opposed to *muškēnum*, a person under perpetual patriarchal authority and thus not having property of his own other than conditional holdings (these are the royal servants or laborers)."
- c. "*nāši biltim*, the producers of material wealth as opposed to the warriors and *ilkum aḥūm*, other persons who were liable to royal service."

Renger (1999: 23) draws attention to the interesting fact that the French word meaning 'the poor,' *mescin*, derives its origin from the ancient word *muškēnum*, which in first millennium Babylonia described the destitute. Leemans (1968: 188) corroborates Renger; the word *muškēnūtu* did denote 'poverty', as evinced from a letter-writer begging for support. This would be contra to Kraus' 'burgher' or 'ordinary citizen' (1958: 151).

3.3.2 THE ARISTOCRACY/ WEALTHY

The aristocracy, ('nobility,' according to Weber 1968: 1289), rich and powerful, landed and influential, provided a corporate reservoir for senior and prestigious positions in the temple-households, palace, the bureaucracy and military institutions. Oppenheim (1967: 6) informs that the highest civic office in Sippar, which he terms "mayor" or "overseer of the merchants" was occupied by a free citizen chosen by lot from "a small group of individuals of wealth and status," and rotated annually amongst peers. There are very clear indications of "municipal autonomy" (Oppenheim' words) in the OB Period, and of the civic privileges enjoyed by cities bestowed with the epithet "eternal city" (u r u - u l, *āl šâti*) i.e. Sippar, Babylon, Nippur and Uruk (Hallo 1971: 65; Kraus 1960a: 122; Kuhrt 2006: 614-617).

Mesopotamian texts provide frequent references to the holdings of the wealthy. Property, both urban and rural, slaves, and cattle appear listed in this order of importance (Weber 1968: 1289). Gelb (1979: 61) does not support this unequivocally, but believes: "ownership of slaves is no index of prosperity; in fact, in times of economic stress it contributes to the destitute character of a slave-owning family." The source of wealth of the urban privileged were their investments in trading ventures, both overland and shipping, as well as credit transactions. Yoffee (1988c: 661) corroborates this fact for the kingdom of Ešnunna, where the latifundia "amassed considerable wealth and invested that wealth in trading and loan ventures."

According to Diakonoff (1982: 74), the king occasionally allotted property of considerable size and without service obligations to his higher officials. This land was known as *amirtum*, and the owners belonged to the *awīlū*,²⁶ also identified as "men," "gentlemen" or "bosses" (Diakonoff 1982: 95).

The affluent elite also profited from the economic hardship of the destitute, who in desperation, and often after suffering duress and coercion, were forced to sell their most valuable resources, their labour and their land. In this way the wealthy acquired

²⁶ Diakonoff (1982: 74) at this point challenges the CAD: "Note that the interpretation of such important terms as *amirtum* and *muškēnum* in the CAD is wrong."

and extended their plantations, fields, and orchards. They exploited a second option for maximizing their advantage over the less fortunate. The poor, when borrowing from the wealthy, pledged their servitude as collateral (security), and were then obliged to harvest the crops of the rich at the optimum time, neglecting their own. This ‘concentrated’ land-ownership was not only economically unhealthy but politically untenable for any ruler, who realistically had to contend with the potential of ‘palace-revolts’ by financially-equipotent rivals. There is a broad scholarly consensus that this is an important motive for the proclamation of *mēšarum* edicts (Olivier 1997: 13; Dutcher-Walls 2002: 609).

The wealthy were often snobs, and coveted status and prestige, social standing and influence. This ‘status’ was more important than profiting from economic growth, e.g. increasing one’s capital through money-lending or re-investment. Weber’s (1968: 477) eloquent opinion: “The activity of the great merchants of ancient and medieval times represented a distinctive kind of specifically occasional and unprofessional acquisition of money, e.g., by providing capital for traveling traders who required it” has lost its validity. There is ample evidence of professionally organized and profit-orientated commercial merchant-guilds, the *kārum*; also termed Chambers of Industry and chambers of merchants, although this latter term has been acerbically debated by Kraus (1979: 425, 427-429), Finkelstein (1969: 52-53) and Yoffee (1977: 16-18) amongst others. Leemans (1968: 178) suggests *Handelsamt* for *kārum*, or in view of the market function, “emporium.” Leemans (1968: 190) notes that the *kārum*, the harbour, and the *bābum*, the gate, were the most important trading places/ markets and “where prices were formed.” Lemche (1997: 12) favours “the stock exchange of Babylon” as a suitable translation of *kārum*.

Stol (2004: 907) indicates that the rich flaunted their wealth, and lived ostentatiously. Renger (1979: 255) enthusiastically corroborates with Stol, (perhaps somewhat too anachronistically) i.e. “Accumulation of wealth, and not the creation of working capital was the aim ... for the private entrepreneurs as well as for other members of society ... status and prestige were the determinants.” With his concept of “Prestigewirtschaft” (1979: 255) versus profit maximization, Renger catapults the

ancient affluent stratum, including the monarchy, right back into Luckenbill's world view of 'oriental despotism' (1924: 1).

Contrary to presentations of extravagance and ostentation, displays of piety, genuine or fake, were essential in any self-laudatory inscription or literary work. Weber (1968: 585) described piety as: "individual 'manifestations of a virtue of charity'." Kraus (1960a: 131-132) saw in this a *Pietätspflicht*, and pointed out that senior scribes, the *dub.sar*, too, desired fame and recognition, and wrote of their labours, and boasted of their accomplishments. Diakonoff (1982: 28-29) appends: "the term DUB.SAR 'scribe' is not a name of profession but only a honorary denomination of an educated person, like *Phd*; the same may be true of some but not all priestly titles." Liverani (1995: 2365) supports Kraus' (1960a: 131-132) suggestion that the scribes took pride in their literary and creative skills to embellish the image of kingship, and their ability to preserve for posterity "the most heroic enterprises of the most powerful king."

Private and state letters reveal that trusted ambassadors and emissaries were often embedded in the palaces of friend and rival alike, not merely to nurture and cement 'international' relations, but to exploit the potential for espionage and intrigue. Silver (1983b: 227) refers to the use of spies and intelligence agents at court, citing the Assyrian king Sargon II as an example. Additionally, Silver (1983b: 225) furnishes sufficient evidence to substantiate his claim that the Biblical prophet Jeremiah was an active agent of the NB king, Nebuchadnezzar.

3.3.3 THE SLAVES

Slaves (*wardum/ wardū*) were seldom put into service in the agricultural sector, e.g. manually toiling the lands, as pointed out by Stol (2004: 910); rather, they are attested to in households and temple-complexes. Oppenheim (1944: 62) holds a contrary opinion: "On the fertile soil and fat pastures the countless serfs and slaves of the temple were working." Kraus (1984: 344) feels that there is insufficient information available regarding *who* worked the fields to allow an unimpeachable judgment.

A person born into slavery was known as 'house-bred,' (*wilid bītīm*, according to Otto 1979: 39), and the *mēšarum* edicts expressly excluded him from the benefits of the

royal pardon implicit in the slave-release stipulations (Westbrook 2003: 382). King Šulgi, in the Šulgi hymn CT XV, which describes his conception and birth, was given the epithet *ama - t u É - k u r - r a*, ‘houseborn slave of Ekur’ (Jacobsen 1957: 127). There is no trace of stigma or defamation in the term, i.e. it serves to define a position in the social hierarchy. Westbrook (1995: 149; 2003: 380) argues that even free men, particularly court officials, could bear the title ‘slave of the king,’ while the king and all his subjects were ‘slaves of the god.’ Evans (1963: 24) corroborates Westbrook, mentioning that royal officials describe themselves in letters addressed to their king(s), as “your *wardum* so-and-so.” This custom has continued universally over the millennia.²⁷

The status of slave could also be reached abruptly as a result of war (involuntarily), debt or sale (voluntarily). Kraus (1958: 168) interprets that in most instances this happened under coercion – the debtor is bound, in Akkadian *i-il-tum i-il-šu-ma* (Ed. A-š §18, v 28). The unpleasant and unavoidable collaterals of war; death, captivity, enslavement and deportation, were dealt with in the legislation of the land. For example, king Ḫammurabi provided clear guidelines for the behavior of wives whose men were taken as prisoners-of-war, as well as leaving instructions for the ransoming of such men. As mentioned before, should the captive’s family be unable to raise the demanded ransom, the palace or the local temple (one feels a touch of the utopic), assumed responsibility (Stol 2004: 917).

An example from §32 of the Code of Ḫammurabi:

If a merchant has ransomed a soldier or a fisherman who was taken captive on a campaign of the king, and enabled him to regain his village, if there is enough to ransom him in his household, he shall pay his own ransom; if there is not enough in his household to ransom him, he shall be ransomed from the (resources of) the village temple; and if there is not enough in his village temple to ransom him,

²⁷ A more modern example can be read in the name of the 11th century Greek monk, *Χριστόδουλος*. This Saint Christodoulos, whose name means ‘slave’ or ‘servant’ of Christ, laboured indefatigably on the basilica of Saint John the Theologian, author of the NT Book of Revelations. John was exiled to the Dodecanese island of Patmos approx. 90-92 CE by the Romans.

the palace shall ransom him. His field, orchard or house shall not be sold for his ransom money.”

(Postgate 1992: 219)

Sasson (1995: 908) translates the following example; a note (no. 32. in Stol 1982: 23) from Ḫammurabi to Luštammar-Zababa and Balanum:

“Re: Sin-ana-Damru-lippalis, son of Maninum, captured by the enemy.

Pay 10 shekels from the (treasury) of the Sin temple to the merchant

and (thus) ransom him.”

As seen earlier, mass enslavement, deportations and re-settlement reached their zenith under the militaristic Neo-Assyrian’s policy of religious imperialism. Wives, children and slaves could be bonded or sold by the head of the household in an attempt to cover a debt; the final recourse for a debtor would be the sale of himself and his traditional family land. This will be discussed in Chapter Six. The royal *mēšarum* edicts especially make provision to ‘strengthen’ the rights of those forced by their hopeless economic plight into exigency sales. Ḫammurabi introduced a far-sighted law granting release from debt-slavery after three years of servitude.

3.3.4 COMMON CITIZENRY

The bulk of society was made up of common citizens, many practicing highly skilled professions as scribes, ‘hydro-engineers’, potters and trader-merchants. The latter group (*kārum*), together with those involved in productive agriculture, was essential to the continuity of urban life (Kramer 1968: 83). Farmers were responsible for providing food and other agricultural raw materials such as barley for flour, beer, flax, leather, textiles and wool etc; the direction of flow clearly from the periphery to the center, i.e. from the outlying pastoral areas ultimately to the urban centers. Similarly, merchants and trades-people were in a commodity-flow of another nature: surplus agricultural produce and goods were collected, transported, often exported, bartered, exchanged or sold. This litany of functions was then repeated, resulting in a steady flow of goods and resources.

Free citizens were obliged to perform *ilkum*-services for the regent and palace:

- a. Corvée (*tupšikkum*), involving hard annual labour on the canals or during harvest-time, was a despised institution. Westbrook (2003: 368-369) notes that under king Lipit-Ištar single men were obliged to deliver ten days of compulsory service per month, while Kraus' (1951: 35) interpretation of the *mēšarum* reform of king Enlil-bāni of Isin indicates that the hated service was reduced to only four days a month.
- b. Military service, which in return was remunerated by grants of agricultural land. This land was inalienable i.e. could not be sold, exchanged or divided. The soldier (*redûm*) and the 'fisher' (*bā'irum*) were obliged to accompany the king on military campaigns. The 'bearer' (*nāši biltum*), according to Westbrook (2003: 369), belonged to the non-military personnel and was responsible in times of peace to supply the palace with agricultural produce, and during campaigns to provision the army.

3.4 THE MESOPOTAMIAN ECONOMY

An in-depth discussion and interpretation of the theory pioneered by Karl Polanyi regarding ancient economies is beyond the scope and focus of this paper; a synopsis will suffice. Stol (2004: 904-908) is commended as a source of detailed and copious information. A concise and neutral explanation of Polanyi's theory comes from Yoffee (1988c: 661): "Polanyi's tripartite economic division of societies based on reciprocal, redistributive and market "dominant modes of exchange" was predicated on the evolutionist assumption that types of economies are embedded in specific types of social formations."

According to Postgate (1995: 191), Polanyi's three modes of exchange are:

- a. reciprocal,
- b. redistributive,
- c. commercial.

In the ANE these three systems co-existed and functioned collaterally, the individual extent thereof remains undetermined and hotly debated. In the most basic system, an exchange functioning on the reciprocal level, two parties, producer and consumer,

simultaneously come to a mutual agreement regarding the time and place of exchange, and the value, quality and quantity of the commodity to be exchanged.

A prime example of the second mode, the redistributive, functioning in ancient Mesopotamia is the system operating in the palace and temple economies. These ‘great institutions,’ an apt term coined by Oppenheim, produced and administered an excess or surplus, which was then re-distributed to their dependents as rations. Robertson (1995: 449) interprets the ration lists as evidence of a functional redistributive system. This system freed a section of the population from menial subsistence agriculture, thereby encouraging job diversification, job creation and stimulating job specialization. The logical development is that of a stratified society; a society whose food security was maintained by a concentrated, numerically reduced yet highly productive workforce. Cameron (1991: 25) finds that the division of labour is the first step to specialization, which in turn results in “greater efficiency and technological progress.”

The third mode is identifiable by a commercial market economy, where the supply and demand functions of strangers meet, and where the exchange of goods or services is regulated by an ‘independent’ price structure. The latter system is representative of many modern economies.²⁸ Van De Mieroop (1997: 14) lists a number of ‘modern’ economic features present in the ANE, including “a desire for profit, the maximal use of economic resources, and a price-setting market economy including a labour market.”

Doubtless these features were present, but it would be erroneous to over-estimate their impact or application. Polanyi’s theory, despite failing to measure up to modern scholarly critique, has offered a constructive and stimulating framework to the field of ancient economics. Snell (1991: 138) observed: “Polanyism is part of a wider

²⁸ Modern economies seldom function in a ‘pure’ form as a free market economy, but more often as a social free market economy, where the administration ‘interferes’ and regulates certain aspects of the economy for the protection of the ‘socially vulnerable.’ Examples would be compulsory social security payments, minimum wages, and safety regulations, the machinations of the Federal Banks and trade tariffs.

philosophical debate which is empirically unresolvable about whether ancient people were like modern people. Polanyi argues that the ancients were essentially dissimilar from the modern capitalist.”

Renger (1979: 255), for instance, unable to separate himself from Polanyi’s concept of the ‘marketless’ economy, remains a faithful advocate,²⁹ and reaps criticism for his support of, and efforts to revive, Polanyi’s theories (Stol 2004: 906; Yoffee 1988c: 660; Snell 1991: 130). Robertson is another staunch defender of Polanyi’s ideas; Silver (1983a: 795; 828-829) a relentless critic.

Postgate (1995: 196) sees “a sophisticated commercial community” during the time of king Ammişaduqa, testified to by the complex business contracts between individuals, the palace, and the merchant-body. The activities of merchants have been likened to modern franchising (Renger 1979); the palace or temple would grant a concession to a merchant (or his guild) to retail, often still on behalf of that institution i.e. palace or temple, surplus commodities and bonds. The modern equivalent would be trading with promissory notes, in addition to the physical collection, distribution and storage of agricultural commodities. Yoffee (1977: 31) identifies these agents, amongst them the *mušaddinum*, a specially appointed revenue collector, as employees of the palace, working in what he terms “Bureaus of Agricultural Affairs.” Kraus (1979: 425) vehemently contradicts this view, believing that the merchants of the *kārum* belong to a free market association, which he termed “Kaufmannschaft.” The majority of oriental scholars have been reticent to follow Yoffee’s (1978: 30) new terminology of ‘crown’ instead of ‘palace’ (*ekkallum*), and ‘manorial estates’ as replacement for ‘state lands’ or ‘palace-households.’

3.5 THE TEMPLES

Diakonoff published his *Structure of society and state in early dynastic Sumer* in Moscow in 1959,³⁰ propounding the view that the early Sumerian state was socially and economically organized as a theocracy. Deimel, Schneider and Falkenstein

²⁹ Snell (1991: 130) refers to Renger as “unique among Assyriologists” for following Polanyi’s theories.

³⁰ Republished as *MANE* 1/3 (1974).

pursued this concept of the ‘temple-state,’ contrary to Kraus (1958: 239), whose professional opinion was vindicated by subsequent research (Veenhof 1994: 183). Oppenheim (1944: 61) makes a very important point when he notes that “the basic attitude between palace and temple was obviously that of collaboration and mutual ideological assistance. Veenhof (1994: 183) attests to the lack of rivalry between palace and temple, finding that “both shared a common interest and a common fate and both represented the ‘public sector’ of the city-state.” Kuhrt (1992: 24) comments on the complementary and co-operative relationship between palace and temple.

The records of a Sumerian temple, Kramer (1968: 83) does not divulge which, made use of the services of, or had at its disposal, 100 fishermen, 90 herdsmen, 125 sailors, pilots and oarsmen, 25 scribes and 20 to 25 various craftsmen. Clearly, the terms ‘temple-household’ and ‘great organizations’ (Oppenheim) are applicable and accurate. The wealth and stature of temples were buoyed by royal gifts of land and captives. Temples derived income from offerings, tithes, commercial interest on loans and obviously the income flowing from their land-holdings (Harris 1960: 126). Temples, in addition to being cultic-centres and banks, functioned as repositories of valuables and information, and as guarantors (Foster 1996: 763).

Kraus (1960a: 119) described the service to the gods as “Gottesdienst,” first by Sumerian and then Babylonian society, noting: “Die sumerische Gesellschaft dient ihren Göttern, oft im Schweisse ihres Angesichtes, in harter Fron. Bau, Ausstattung und Instandhaltung der Tempel einerseits, Bestreitung des Tempelkultes und Versorgung der Priesterschaft andererseits kosteten sie wie auch die späteren Bewohner Mesopotamiens direkt und indirekt fortwährende und zu Zeiten vermutlich ausserordentliche Anstrengung.” Literature was clearly indoctrinated with the perspective that man’s existential duties to and for the gods justified his creation. According to von Soden’s interpretation of the Atramḥasīs-myth: “Das Motiv für die Menschenschöpfung is vordergründig eindeutig die Selbstsucht, und den Menschen wird mit der Erschaffung eine schwere Last mit auf den Weg gegeben” (1989a: 157).

Franke (1995: 834) mentions the twenty-nine (29) kilograms of gold and two hundred (200) kilograms of silver ‘provided’ by Narām-Sîn, which were crafted into sun disks

and moon crescents as ornaments for the Ekur. Franke designates the Ekur, the temple of Enlil, as the Mesopotamian ‘Vatican.’ According to Dandamayev (1991: 275), gold, a merchandise, and not regarded as money (much like today) was approx. 13, 6 times more valuable than silver. In 696 BCE, 30, 53 kilograms of silver ‘bought’ 2, 23 kilograms of gold. Leemans (1968: 197) digresses; according to his data in Rīm-Sîn’s time the gold: silver ratio was 1: 5½ or 5 1/3, and in Ḫammurabi’s 35th year was 1: 6.

Harris (1955a: 39), in her seminal study on the Sin Temple in Khafajah showed the involvement of the temple as a credit institute in Mesopotamian society, maintaining that in Tutub (Khafajah) the temple “played the dominant role in the economy of the town.” The temple of Tutub served as a bank, lending silver and barley, peas and emmer at commercial interest rates of 33^{1/3} % percent (Harris 1955a: 39). Michalowski (1986: 169) reiterates: “Twenty percent was the usual interest rate on silver in Old Babylonian times; only at Tell Harmal and Khafajah is a 33^{1/3} percent rate attested.”

Leemans (1950: 21) showed that, with exceptions, debtors were liable to be charged an interest rate of twenty percent on a loan of barley when the creditor was a temple, in comparison to thirty-three percent if the creditor was a private money-lender. Usually the loans were small, with an average between three and five *GUR* of barley or a few shekels of silver,³¹ tiding the poverty stricken peasants over until harvest. Occasionally larger amounts, sums between twenty shekels to twenty minas, were lent to affluent private individuals for mercantile operations. Agrarian loans matured at harvest time; those unable to repay were forced to borrow anew, pledge or sell their fields, their slaves, their children, even themselves (Harris 1955a: 44). The Sin Temple in Tutub was not a charitable organization; this feature may be extrapolated to

³¹ In 1955 cited Harris three *GUR*, and in 1960 five *GUR*, as an average barley loan. Franke (1995: 834) states that the Akkad *GUR* measured thirty (30) litres, approximately a bushel. Slanski (2003: xx) and Komoróczy (1979: 418) disagree with Franke; they maintain that one (1) *GUR* is equivalent to 300 *SILA*, and one (1) *SILA* is approximately one (1) litre. However, one bushel is equivalent to 36, 4 litres (Concise OED 1995: 176). Hudson (2000: 147) maintains that the *GUR* (bushel) of barley was divided into 30 *sātu* = 300 “cups.”

other temples. Noteworthy is the fact that the temples of Šamaš, the god of justice, are prominent in providing credit for the needy (Harris 1960: 128).

Kuhrt (1992: 24) comprehensively summarises the multiplicity of obligations and services provided by the temple-households: “The temples controlled extensive estates and functioned as important resource centres, not only organising the kind of ceremonies usually associated with religious institutions, that is, festivals, day-to-day care of the gods, burials, but also performing some legal, social and economic functions such as oath-taking, care of orphans, providing employment for the poor, provision of capital for mercantile enterprises, and loans of corn to small farmers at low rates in times of shortage. In order to carry out these varied activities the temple also became a centre for training scribes and a repository of scribal learning.” Texts indicate temple involvement in agricultural production of staple foodstuffs, and not merely the storage thereof. Temple-households owned draught oxen for ploughing barley fields, and from the texts dealing with incoming wool deliveries one may surmise they owned large sheep herds. Simultaneously, the temple was involved in the urban economy, brewing beer, maintaining granaries and distributing barley in lieu for services rendered. Although temple officials were involved in real estate transactions, the temple and the *enum*-priest, (according to Harris (1955a: 35), the high-priest) were not.

3.6 FESTIVALS

All festivals had a fundamentally religious nature, and according to Frankfort (1952: 1) were a “regular recurrence” and “aimed at a reintegration, a readjustment or a renewal” of the “reciprocal relationship” between the people and the state gods.³² Festivals created a platform, a situation in which the human and divine met; the nation derived its strength from this contact (Frankfort 1952: 2). Kuhrt (1992: 38) draws attention to the public nature of festivals and to its para-psychological significance for most of the population. Likewise, one should appreciate the investment, both financial and organizational, in providing food and beer, the dedicated preparation of the gods for their processions, and the fête-like atmosphere of a public holiday. Stol (1995:

³² Frankfort’s affection for alliteration is unmistakable!

492) informs that Sumerian schoolboys were granted three additional days holiday, just to partake in festivals!

Nourishment was probably provided by the king and temples. Gelb (1965: 237-238) is convinced from the extensive evidence that special rations were distributed at festivals; this could be fish, sheep carcasses, extra barley and beverages. According to Diakonoff (1982: 64) the commoners benefited from participation in the sacrificial feasts, as this was the “only opportunity for the people at large to get high-caloric meat food.” This, clearly, is an exaggeration.

Kuhrt (1992: 39-40) furthermore deduces that “the occasion helped to reaffirm their (the people’s) corporate identity, the social fabric and prosperity of the country.” Kuhrt (1992: 48) infers that the king and priests used “the ideological and symbolic repertoire” of the traditional order to their full benefit, although this may be overextending the intellectual capabilities of the organizers.

Contrary to expectations, the non-celebration of the festival did not undermine the validity of the ruler’s legitimacy. There are numerous reasons for the non-performance of a festival, the most obvious being war, rebellion, the absence of the chief god (e.g. after Sennacherib had destroyed Babylon’s Marduk), or the absence of the king himself (e.g. Nabonidus’ ten-year desert interlude in Tema). The resourceful Assyrians successfully circumvented the latter inauspicious situation by an act of substitution, whereby the king’s garment deputized for his physical presence.

Frankfort points out a salient difference between festivals in Mesopotamian and Egypt; the latter displayed a “carefree joy” and “lack of anxiety” in comparison to the infinite precautions and ritual prescriptions taken by the organisers of the former. Frankfort (1952: 6-8) attributes this to the role and divine nature of the king in Egypt, to the reduced gulf between the human and divine. During Egyptian festivals the god-king was visible to his subjects as he communicated with the gods; he was never deified, for he was divine in essence. This was a source of joy and wonder in Egypt, and coloured the mood of their festivals. Even after the gravest of all state occasions in Egypt, the death of the king, the priests and population strove toward a cathartic

renewal; following the new king's accession, the burial of the dead king, and the coronation ceremony, the people perceived that the order of nature had been restored and reaffirmed, itself cause for celebration and festivities.

The *akītu*-festival, which took place from the first to the twelfth of Nisan, first month of the Babylonian calendar (March - April) was originally a spring harvest-festival, celebrating the barley harvest. The festival's importance burgeoned collaterally to the increasing significance and prestige of the capital-city, Babylon and her city-god, Marduk; both are the undisputed legacy of Ḫammurabi. The following excerpt from the 'negative confession' which Babylonian kings were required to swear before the pantheon-*primus* Marduk in the Esagila temple on the fifth day of the annual twelve-day *akītu* festival is relevant to our subject:

“I have not sinned, lord of the lands,
I have not been negligent of your godhead,
I have not destroyed Babylon,
I have not ordered her to be dispersed
I have not made Esagila tremble
I have not struck the privileged citizens
[*ṣābe kidinni*] in the face
I have not humiliated them.
I have paid attention to Babylon,
I have not destroyed her walls.”
(Kuhrt 1992: 33)

Shrewdly, king Ammišaduqa seized his first major opportunity, the celebration of the New Year's or *akītu*-festival, to present himself to his subjects as a concerned and capable leader, benevolent and magnanimous. An indication of this generosity:

“The arrears of the tenant-farmers, shepherds, flayers, herders, and crown tributaries are remitted in order to strengthen them and to treat them justly. The collector may not act against the household of the crown tributary.”
(Van de Mieroop 1997: 206)

In the following chapter, king Ammišaduqa himself, and his Sitz im Leben, will be reviewed. The purpose is to search for fundamental issues, personal or state-related, which could have motivated him to proclaim his first *mēšarum* enactment.

CHAPTER FOUR: KING AMMIŠADUQA

4.1 THE MAN AND HIS SITZ IM LEBEN

Ammišaduqa, son of Ammiditana, was the penultimate ruler of the Ḫammurabi Dynasty, and occupied the OB throne between 1646 and 1625 BCE (Postgate 1992: 39). The edict under discussion has conclusively been consigned to the OB period; not only does §3' reveal the name of Ammiditana's final year (year 37), but the conspicuous similarities between the script and tablet arrangement of the edict and the OB *Atramḫasīs* epic and other literary works dateable to the time of Ammišaduqa validates this ascription (Finkelstein 1961: 92).

As previously mentioned, the value placed on tradition and continuity, on ethical behavior and the upholding of moral norms such as justice and order are clear, running as a fundamental thread through all the empires of the ANE, from Sumerian and Akkadian times, Babylonian, Assyrian, Persian, right down to, and inclusive of, the Alexandrian period. At times the efforts of a king to legitimize his rulership by harking back to age-old and long-buried traditions and reputations may seem crass and gauche, but often they were essential to validate his claim to sovereignty. The following examples had their roots in different cultures and epochs: Sargon II's choice of royal name, Assurbanipal's basket of bricks or Nabonidus' subterranean serendipity.³³ Roux and Renger (2005: 180) give a cogent explanation of the Neo-Assyrian Sargon II's choice of name; Šarrukin (Sargon) means 'Legitimate King.' Speiser (1954: 13) credits the possibility that Sargon II actually was one of Tiglath-pileser III's sons. Holloway (2002: 248) should be consulted regarding the NA kings Esarhaddon and Assurbanipal.³⁴

³³ Postgate (1992: 298) quotes a text concerning Nabonidus:

“Nabonidus (555-539 BC) excavates Akkadian levels in the Šamaš Temple
Of that year, Ebabbara, the Temple of Šamaš in Sippar ...
Whose ... old foundation kings who preceded him
Had sought but not found ...”

³⁴ Holloway (2002: 248) informs that BM 22533 “bears a frontal portrait of Assurbanipal with a basket of earth perched on his royally-turbaned head, a propagandistic reification of his claims to have personally “borne the basket” like his father when he rebuilt Esagila.” See Holloway (2002: Figure 12)

In Lambert's (1995: 1825) opinion "The period from around 1900-1600, the classical era of Old Babylonian literature - myth included - was characterized by originality and verve." We may therefore assume that Ammišaduqa, as crown prince, had extensive contact with all *genres* of royal literature: from royal inscriptions of a votive, military or economic nature, and royal hymns or *epics*, the most beautiful of which are undoubtedly those commissioned by Šulgi, King of Ur. According to Klein (1981: 8), all of Šulgi's extant hymns are scholastic copies from the OB period, approximately four centuries after their composition. Although he was pretentious and inclined to "propagandistic hyperbole (the words of Westbrook 1995: 151), Šulgi forged a reputation that undoubtedly served as role-model for succeeding generations, especially so when considering the peace, prosperity and abundance he brought to Sumer. He was portrayed as the "ideal ruler: a rare combination of sage, soldier, sportsman, diviner, diplomat, patron of learning and happy provider of all good things for his land and people" (Kramer 1967: 372). Šulgi had studied writing, mathematics, spoke and wrote all five 'official' languages, even that of the primitive Mardu nomads. He was a musical prodigy, a talented singer and accomplished with every known musical instrument. He had exceptional strength and military prowess, and his bravery was legendary, even when facing lion. His oracular talents astonished even the court professionals, and his judgment and administrative skills regarded as profound. Šulgi was renowned for his piety – the epitome of a royal paragon!³⁵ Ammišaduqa, growing up with such a literary heritage, would have benefitted from its wisdom and advice.

The following passage, edited from "Šulgi the Avenger of Sumer" (ŠX 141-150), illustrates the "justice, harmony, and the prosperity" which prevailed in Sumer, setting an economic and ethical standard for future monarchs, including those of the OB period and Ammišaduqa:

for a stele of Assurbanipal with a basket on his head from the Temple of Nabû at Borsippa, and Kuhrt (1992: 47).

³⁵Levinson (2001: 519) points out that in 1 Kings iv: 1-9; v: 7-8; v: 9-14; king Solomon "is redactionally aggrandized in conventional Near Eastern terms as possessing superior skills of royal administration as well as encyclopaedic wisdom."

“In the Lofty Palace of Ninegal, on the holy dais, he has taken his seat,
He, the ‘Ištaran of Sumer’, the omniscient one from birth,
For the land he renders firm judgment,
For the land he obtains firm decisions;
(So that) the strong does not oppress the weak,
The mother says pleasing (words) to her son,
The son speaks truth to his father.
Under him Sumer is filled with abundance,
Ur abounds in prosperity.”³⁶
(Klein 1981: 14).

Ḫammurabi, not to be ‘outshone,’ crowns the Epilogue XXIV of his LH: with the words:

“Ich habe die Leute von Sumer und Akkad in meinen Schoss genommen,
und aus meiner Lebenskraft empfangen sie Fülle. In Frieden
sorge ich für sie, in der Tiefe meines Wissens berge ich sie.”
Schmökel (1957:118).

Oppenheim (1967: 13) appropriately noted that the Mesopotamian king’s image is “beclouded by the effervescent wording of all royal utterances.”

A second assumption that can be substantiated is that Ammišaduqa was a man proud of his forefathers and his dynasty. He acknowledged his nomadic tribal descent by retaining an Amorite name, and the dynasty’s clear patrilinear line of descent is a characteristic, not of Sumerian ideology, but of nomadic tribal society (Postgate 1995: 270). Finkelstein (1966: 98) first detected that the Assyrian King List (hereafter AKL) shared records of communal Amorite forebears of Ammišaduqa and Šamši-Addu as the “17 kings who lived in tents,” and convincingly juxtaposed the ASK with the

³⁶ The last two sentences are reminiscent of the last section of the paragraph quoted earlier concerning *Ma’at*:

“There was abundance on earth; stomachs were full
and there was no lean year in the Two Lands.”
Karenga (2004: 261).

Genealogy of the Ḫammurabi Dynasty (GHD). Hallo (1971: 66) believes it would be more accurate to call the AKL the “Sumerian City List,” since it documents the history of “The City,” commencing with the building of Eridu and ending with the destruction of Isin.³⁷ Grottanelli and Mander (2005: 5163) differ in their interpretation to Finkelstein, and hold Ammišaduqa responsible for introducing a new form of royal legitimation to Babylonia - that of ancestry – when he commissioned his scribes to compile a genealogical ‘list of ancestors.’ In Chapter Seven Yoffee’s interpretation of the GHD will be discussed; in short, he sees it as a ‘political history’ instead of a ‘biological history’ (1978: 29). Undisputedly, the concept of ‘royal divination’ as royal legitimation had been fading during the OB period, and disappeared with it. See Edzard (2004: 614-615): “das Schwinden der Herrschervergöttlichung”...“in der Entwicklung einer altbabylonischen religiösen Mentalität ist der schon erwähnte Schwund der Herrschervergöttlichung vielleicht die markanteste Erscheinung.”

Ammišaduqa therefore seems to have been a pragmatist, a realist. In an effort to bring or restore equity (*mēšarum*) to (some of) his people and country he did not hesitate to ‘interfere’ in contractual law between private persons (Stol 2004: 865). He would undoubtedly have been aware of the prologue (royal hymn) of his forefather Ḫammurabi:

“At that time Amu and Enlil, for the well-being of the people, called me by name: Ḫammurabi, the pious, god-fearing prince, [appointing me] to make justice appear in the land, to destroy the evil and wicked so that the strong might not oppress the weak, to rise like Šamaš over the dark-haired people (i.e., the people of Mesopotamia) to give light to the land.”

(Greengus 1995: 471)

Kramer (1968: 53) summarises the most important abilities of Ḫammurabi in a modern format: “this extraordinary man was not only a formidable warrior and an astute diplomat but also a diligent, meticulous manager with a sincere interest in the well-being of his subjects.” Harris (1968: 727) sees Ḫammurabi’s greatest

³⁷ Yoffee (1988b: 59) points out that “Kingship descended from heaven” into the five cities; kingship was an alternating and not a concurrent phenomenon.

achievement as the conversion of Babylon from political insignificance into the capital of a well-organized Empire. Jacobsen (1957: 13) feels a rather sober judgment, degrading this same accomplishment to an “ephemeral unification.” Babylon never succeeded in economically or politically integrating the south (Yoffee 1978: 25), and Samsuiluna, Ḫammurabi heir, spent a considerable portion of time ‘dealing’ with revolts and rebellions. Kaufmann’s (1988: 233) comments on this phenomenon: “Often the achievements of dramatically successful leaders were undone soon after they passed from the scene; their accomplishments were purely personal rather than institutional.”

Assmann’s (1992: 158-159) conclusions regarding the motives for oaths and imprecations have a somewhat exotic relevance to this thesis. Assmann sees ‘cursing,’ as in the imprecatory section of Ḫammurabi’s epilogue, as “a highly elaborated technique and an important literary genre” in Mesopotamia. The importance of these imprecations lie in the “person of the addressee,” who in this case are the heirs of the first dynasty of Babylon. They are invoked, (and threatened with curses), not to “change or neglect the law and thereby weaken connective justice.” This provides further evidence of the stifling weight of traditional directives, expectations, prescriptions and regulations placed by Ḫammurabi on his successors.

It cannot be disputed that Ḫammurabi was successful in his objective; until the debilitating Hittite raids and subsequent ‘dynastic’ disintegration in 1595 BCE, the Babylonian kings ‘towed the line’ with remarkable docility, especially in comparison to their Assyrian neighbours.

Several institutional and textual innovations were introduced during Ḫammurabi’s forty-two year reign, helping to centralize and consolidate the kingdom and new capital; a normal tendency which Adams’ (1988: 27-28) views as the inclination to ‘urban primacy.’ A few textual changes deserve to be mentioned; the institutional changes, important though they are, breach the scope and focus of this study. The number of scribes increased dramatically from fourteen in the regency of Sîn-muballit to fifty-nine at the time of Ḫammurabi. Legal texts were revolutionized by dating

contracts by day, month and year, and by the inclusion of the explicit purchase price in all sales contracts. In comparison, pre-Ḫammurabi contracts seldom bear the year date of the king, or mention the purchase price, and earlier property contracts furnished the names of only two neighbours. Those dating from the Ḫammurabi era mention all four neighbours (Harris 1968: 728). Curiously enough, the shape of the accounting tablets themselves were also modified, and by the late Babylon I period commonly had rounded-off edges, differing from the earlier square-edged form. Finkelstein (1961b: 131) pointed out that this occasionally hindered their correct identification and period-assignment. The cuneiform style of writing likewise changed, showing an “extreme cursiveness” by the end of the first dynasty (Finkelstein 1959: 49).

4.2 THE HISTORY OF THE THREE TABLETS

Scholars have much to be thankful for; indeed, to use Postgate’s (1992: xxi) salient phrase, the “durability of the clay tablet” has provided a plethora of written documents that offer insight into early society, and its consequent paths of development and progress.

Three tablets, presumed to be scholarly copies of the original decree bearing the Edict of Ammiṣaduqa were (re-)discovered at divergent locations, namely BM 78259 in the British Museum in London and BM 80289 in the Budge Collections, also in the British Museum. Tablet Ni. 632 was found in 1941 in Istanbul, in the Archaeological Museum of Turkey (the Museum of the Ancient Orient) (Finkelstein 1969: 45). The information they disclose remains to this day unequalled in the clarity of insight offered to the socio-cultural context of the late OB period. The major tablet, despite its misleading Nippur number (Ni. 632) comes from Sippar, and Kraus (1984: 137) is certain that it was excavated from Abu-Habba.

It fell to Kraus to discharge the unenviable task of original transliteration, translation, and interpretation. This, in his meticulous manner, he did, providing the (still grateful) academic world with a tomb of knowledge in 1958, SD V, which has since then remained the standard reference work for the larger text, Ni. 632. In 1969 Finkelstein contributed a fundamentally innovative transliteration and translation of the third

remnant of tablet, which fortuitously comprised the lacunae of Ni. 632, its Prologue. This brought many decades of frustrating scholarly conjecture to an end.

The first tablet, published by Langdon in 1914, has now been assigned to an unknown Babylonian king. The fragments of the second extant edict, assigned to Samsuiluna, successor to Ḫammurabi in 1749 BCE, were published by Kraus in 1965, and provide evidence for the conspicuous similarities between the OB royal *mēšarum* edicts (1965: 228; 1984: 131, 141-143). Kraus (1965: 228) noticed that the last paragraph of the Samsuiluna-fragment was copied word-perfect into §19' of the edict of Ammišaduqa. Kraus (1984: 159) offers a plausible explanation for the repetition or duplication of content in successive law codes and royal edicts, which he termed “die starke Übereinstimmung, Parallelität ... von Paragraphen.” He hypothesizes with his usual caution that each new king upon succession, after the death of the former officeholder, needed to ratify or re-enact the laws of the country out of legal necessity because: “daß bei einem Regierungswechsel die Verordnungen des letzten Königs *de iure* oder *de facto* außer Kraft gesetzt wurden” (Kraus 1984: 113). Roux and Renger (2005: 111) follow Kraus' argumentation on this point.

Despite authorship of the standard work on the Edict, Kraus' declared motivation for publishing his second volume in 1984, was to broaden the understanding of the socio-economic situation: “zu einer sozial- und wirtschaftsgeschichtlich, im weiteren Sinne Zivilisationshistorisch ausreichenden Auswertung solcher Edikte gehörte die Darstellung der Zeitumstände, welche den Anlaß zu ihrer Proklamation aufhellt, und die Beschreibung ihrer Wirkung” (1984: xviii).

Roux and Renger (2005: 21) likewise stress the importance not merely to collect and display ancient artifacts in the museums of the world, but that the time has come to investigate how ancient people actually lived. Those societies and cultures who committed their ‘original’ oral history and tradition to clay-tablets, papyri or parchment have left an invaluable window to the heritage of our past.

4.3 PROMULGATION

The promulgation of an *mēšarum* edict was virtually obligatory for any new king

upon his accession (Weinfeld 1982: 493). The gesture and magnitude of the new monarch's altruism usually included selective cancellation of debts and arrears, the remission of obligations, and certain compensatory concessions designed to counter-balance private losses. However, promulgation and implementation were not exclusively motivated by historical precedence, and could be repeated within a single reign, although without the inherent regularity (periodicity), which one finds, for example, in the Old Testament institutions of *š^emiṭṭâ* and *d^erôr*, as pointed out by Olivier (1988: 227) and Otto (1997: 41).³⁸ Ammišaduqa himself promulgated a second *mēšarum* edict in his tenth regnal year.

Ammišaduqa, ignoring the tradition inaugurated by his dynastic author Ḫammurabi, of selecting the second regnal year to benefit from an *mēšarum* enactment, proclaimed his royal edict with the commencement of the first calendar year of his reign (Finkelstein 1961: 93). Presupposing the time of death of Ammiditana, his predecessor, early in *his* final calendar year would provide the most plausible explanation for this break with tradition. This would have given Ammišaduqa sufficient time to prepare the contents and beneficiaries of his *mēšarum* enactment, and would have presented the New Year Celebrations, the first of his reign, as an elegant, opportune and highly visible platform for the proclamation of his *Gnadenacktes*.³⁹

³⁸ Samsuiluna, (inadvertently), by allowing just those 'comparable' seven years to elapse between his two *mēšarum* edicts caused considerable scholarly activity and digression, most notably by Landsberger (1955: 145) and Finkelstein (1965: 233-246, esp. 243), in disseminating the possibility of parallels between the Old Testament institutions and Mesopotamian royal *mēšarum* decrees; see Olivier (1988: 227-229). Consult Weinfeld (1982: 491-519).

³⁹ According to Kraus (1984: 4), Schorr (1915: 59) searched for various terms to describe his findings, and first embraced the term *Moratoriumserlaß*, thereafter *königlichen Gnadenakt* and *einen Steuererlaß*. Walther (1917: 87-89) likewise saw the correlation of *Gnadenacktes* to the expression *mēšarum šakānum* (to establish justice), while Weidner's (1936: 114-123) formulation was the following: "einen durch königlichen Gnadenerlass geschaffenen Zustand der Lastenbefreiung." The latter citation is from Olivier (1977: 2-3). Kraus (1984: 13) likewise makes frequent use of the term *Gnadenakt*. Klengel (1989: 166) uses the terms *Gerechtigkeitsakten* and *Gerechtigkeitsersasse*; not having come across these terms in comparative literature, one could assume that it reflects the 'socialist' world view of its author.

This evocative expression, which may be translated as an ‘act of grace’, or an act of ‘mercy and compassion’, even clemency, was frequently used in the first half of the 20th century by German scholars. This concept will be examined at a later stage, since it *per se* can be interpreted as a motive; clearly compassion is a morally-inspired motive for any monarch. Olivier (1988: 233) disagrees: “When the king issued a *mēšarum* decree he hardly acted out of compassion towards the poor and underprivileged. His interest concerned economic stability and growth by which the palace eventually would profit more.” Otto (1997: 38) (somewhat disparagingly) remarks that a “sozialromantische Interpretationen” of the *mēšarum* act of Ammišaduqa would be out of place.

4.4 THE ACT OF PROCLAMATION

Kuhrt (2006: 76) does not deny that the promulgation and proclamation of law-acts in Mesopotamia can be interpreted as “an important part of royal ideology,” presenting a ‘stage’ or platform for the exhibition of royal concern for public welfare, more often than not accompanied by gestures of fiscal philanthropy. The ritual ceremonial elements of the act of proclamation are remnants from the Isin dynasty; slavish to the concept of continuity, the Isin rulers adopted the customs from the Ur III period, many of which remained extant well into the first millennium.

One of these features, the torch-lighting process, must have been spectacular. In a loan document from the Babylonian king Sîn-muballit (from his ninth year), Kraus (1984: 55) reads a synonymy between the act of raising the torch and the proclamation: “nachdem der König die golden Fackel erhoben hatte” (*wa-ar-ki šar-rum di-pa-ar kù.gi iš-šu-ú*). For Kraus, the ‘raising of the golden Torch’ by the king had great political-psychological significance, and he surmised that this symbolic ceremony was only enacted when the king proclaimed a royal decree and “restored the just order in the land.” Kraus’ translation is: “Wiederherstellung einer gerechten Ordnung.” Kraus (1984: 70-71) acknowledges that probably “der König persönlich habe das Signal gegeben ... mit der oder einer goldenen Fackel – golden, weil sich das so gehört für einen zu zeremoniellem Gebrauch seitens des Königs bestimmten Luxusgegenstand.”

Ellis (1976: 75) cites the following phrase from the Edict of Samsuiluna: (1) *i-nu-ma be-lí GI di-pa-ar GUŠKIN* (2) *a-na-UD.KIB.NUN.KI iš-šu-ú* (3) *mī-ša-ra-m a-n^dUTU ra-i-mi-šu i[š-k]u-nu*, which Finkelstein (1965: 236; 240) translates as “When my lord raised high the Golden Torch for Sippar instituting the *mēšarum* for Šamaš who loves him.”

Kraus pointed out that the phrase “he will raise the torch” in the reign of the third king of Babylon signified that he was preparing for a military offensive (1984:71). In this case, the absence of the adjective ‘golden’ is significant.

The need for speed in disseminating *the knowledge* of the promulgation of the royal enactment to the population was essential, (perhaps not *its contents*), and would have made the use of beacons, i.e. lighted torches, most feasible (Finkelstein 1965: 236; Postgate 1999: 325; Kraus 1984: 71). Weinfeld (1982: 496) refers to another traditional method of ceremonial proclamation, the ‘blowing of the horn’ in Israel. Silver (1995: 191) corroborates Weinfeld’s point, and stresses the cultic symbolism within the raising of the torch, and sounding the ram’s horn in the ancient Near East.

Kraus (1965: 227; 1984: 71) points out how essential it was that the target-date when the measures of the *mēšarum* became effective be expeditiously dispatched by the administration. Kraus’ (1965: 227) valid interpretation: “er gibt den Stichtag an . . . für das Zustandekommen der Verbindlichkeiten oder Rechtsverhältnisse, welche das Edikt neu regelt. Dieser Stichtag ist von ausschlaggebender Wichtigkeit für das Rechtsinstitut des *mīšarum*-Aktes.” This would reduce or prevent the potential for counter-measures or premature foreclosures of debt which some disgruntled creditors were sure to initiate against their debtors. Once the contractual partners i.e. debtors and creditors had been informed that legal transactions had been invalidated and annulled because the king had “restored the just order in the land” the ‘government’ or administrative body could patiently and systematically disseminate the full contents of the royally decreed adjustments.

Kraus (1984: 140) admits that the four fragments of the OB-edicts were not found in the capital, Babylon, and speculates (uncharacteristically) whether these could be the

“amtliche Sendschreiben der Zentralverwaltung mit dem offiziellen Texte des Edikts?” Obviously, a certain period of time would have been required to write and deploy official copies of the newest *mēšarum* regulations to the civic authorities in the various towns and centres.

4.5 MODERN ANALOGIES

The unpredictability of a decree is essential for its effectiveness. The effect of unexpected national fiscal interference, some call it regulation, in free markets today is similar to the promulgation of an *mēšarum* edict. This point was made by Otto (1997: 42): “Gerade der Effekt der Überraschung war für die Funktionen der altbabylonischen *mīšarum*-Akte so unabdingbar wie heutzutage bei der von Notenbanken verordneten Änderung von Wechselkursen.”

Expeditious and clandestine actions on the contemporary financial markets are equally essential, considering the instantaneous global transfer of data and information. On 18 September 2007 the Chairman of the Federal Reserve Bank of the United States of America (unexpectedly) lowered the lending rate by fifty (50) base points, catapulting the New York Stock Market and all major international stock markets into a trading-frenzy. A decrease of twenty-five (25) base points had already been calculated into the market. This action followed a period of what has been termed ‘paralyzed helplessness’ (translated from the German *erschreckende Ratlosigkeit*) on the part of international financial bodies to extract their economies (and banks) from markets plummeting into the ‘black hole’ of the sub-prime crisis, colloquially known as the American Home Owners Loan bankruptcy scandal. In this case, the cause of Federal regulation is appropriately similar to the OB period; not just hundreds of billions of Euro of share capital was ‘jettisoned’ worldwide, but over two million families in America will be forced to forfeit their property due to their inability to meet financial commitments.

To conclude this chapter, a brief look at the next: in Chapter Five a small selection of the over one hundred *mēšarum* references of Ammišaduqa’s royal peer group in the ANE will be presented; the continuity, in some cases duplication of literary style, text and content are obvious. It remains important to seek an answer to the motives of this

group; were, to borrow a quote from Hooke (1951: 84) “the similarities generic and the differences specific?” Or did the ancient kings adapt their welfare programmes, or their subjects amend their legal contracts, to accommodate new and unaccustomed political, economic and social situations?

CHAPTER FIVE: A SELECTION OF *MĒŠARUM* REFERENCES

5.1 INTRODUCTION

The method applied in this chapter is straightforward, and will order a short, but representative, selection of texts from the ANE with references to *mēšarum* decrees. This is perfectly legitimate in light of a “great deal of continuity from one legal system to another” and the “common legal culture that spanned the Ancient Near East chronologically and geographically” (Wells 2005: 189). Westbrook (1985: 248; 263) provides credible evidence to support Wells’ opinion. Mendenhall (1954: 36) introduces the concept of “cross-fertilization of legal traditions.”

Three Akkadian texts from the second half of the third millennium will be discussed briefly. These are the oldest extant references to royal ‘declarations’ of social welfare concern, and come from the rulers Enmetena, Uru’inimgina and Urnammu. Texts from the OB period in the first half of the second millennium include the three ‘law codes’ from this period: Lipit-Ištar, Ešnunna and Ḥammurabi. Royal edicts from the Ḥammurabi Dynastic period include those of Ammišaduqa and Samsuiluna, whereby the stipulations of the former edict will be discussed in Chapter Seven.

This chapter also deals with examples of *mēšarum* and *andurārum* references from the OA, NA, MB and NB periods, and from the kingdom of Mari. References from the Old Testament and ancient Egypt indicate the wide, if not universal, distribution of social justice in the ANE. Many of the later legal enactments show fundamental differences to those of the OB period. Chapter Five will conclude with the legal implications of these edicts on Mesopotamian society.

Kraus (1984: 13) discusses in depth the development of royal legal enactments, noting that royal interference in contractual law was documented from the beginning of Ur III, and that the nature and frequency increased somewhat proportionally to the formation and consolidation of the Babylonian Empire. Kraus identified the fundamental aim of these enactments as the desire to abolish an undesirable and

malfunctioning economic situation, and to restore ‘equity’ to the land. Jacobsen (1957: 129) errs when he colligates “the imposing series of reform-decrees known as the royal codes of Ur-Nammuk, Lipit-Eštar, Ḫammurabi, and Ammizaduga.”⁴⁰ Kraus (1958; 1984) is commended for the most comprehensive presentation and interpretation of the formulae mentioned above.

Ancient scribes made a general attempt to terminologically differentiate between the various intentions of the king, and the nature of his proclamations. Scribes could therefore choose from the broad selection of (to a degree inter-changeable) available formulae such as *mēšarum šakānum*, *andurārum šakānum*, *awat šarrim* and *šimdat šarrim* to fit public proclamations, royal letters, and clarifying or corrective royal *Rechtssprechung*. Ellis (1972: 76) points out that *šimdat šarrim* was used as a special royal proclamation from the time of Sumulael onward, but may also mean “a specific, prescribed rule or law” as well as a “general legal custom” (Ellis 1976: 78).

According to Oberhuber (1972: 180), the *terminus technicus* for the cancellation of obligations is the Sumerian a m a. a(r). g i, and Akkadian *andurāru*. Restoring ‘freedom’ to those affected by debt bondage enjoyed a long tradition in the ANE. Stol and Charpin, contra to Oberhuber, identify *andurārum*, with ‘original status’, not ‘freedom’ (Stol 2004: 866-7), and *mēšarum* with ‘restoration’. There is no firm scholarly consensus as to *why* the use of the term *mēšarum* fell into disuse after the OB period; the term *andurārum* is used almost exclusively in the ANE thereafter, well into the NA period. Textual references from the OB period, the MB period, and the NA period testify to the longevity of this type of annulment. Furthermore, Oberhuber (1972: 181) maintains that the abolition of ‘illegal’ servitudes on free people is documented in the Old Sumerian period by Uru’inimgina, in the OB and MB periods by the Hittite empire, as well as in the first millennium. In Elam the royal acts of debt-release involved a re-distribution of land. Weinfeld (1982: 493) is convinced that the *kidinnūtum*, the royal institution of granting civic rights and privileges to the ancient sacred cities, as opposed to individuals, originated in Elam. This custom was adopted by the Kassites and reached its zenith in the Kassite period.

⁴⁰ In a footnote Jacobsen (1957: 129) revises Ammišaduqa’s decree from a ‘code’ to a *Seisachtheia*.

5.2 EARLIER REFERENCES

5.2.1 ENMETENA (*ca.* 2450 BCE)

Enmetena (Leick 1999: 55), used analogously to Entemena (Roux and Renger 2005: 268), an early dynastic king of Lagaš, wielded power approximately fifty years prior to Uru'inimgina. He is known to have freed the citizens of Lagaš from bond slavery by proclaiming an act of debt-remission, which included 'freedom from interest' (Olivier 1977: 149). Enmetena reaped dual benefits from his largesse: the economic prosperity brought (restored) to the newly conquered peoples had a stabilizing effect politically, and he was at a later stage able to rely on their co-operation (or perhaps their lack of interference?) during his military offensive against Umma.

5.2.2 URU'INIMGINA (previously Urukagina/UruKAgina), (*ca.* 2400 BCE)

Zentner (1982: 30) discusses the case of the high-priests of Lagaš, whose temple gained sufficient power to challenge the traditional authority of the *ÉN.SI*, the governor. The priests were able to deprive the officiating *ÉN.SI* Lugalanda of power, and replaced him with one of their own, Uru'inimgina. Diakonoff (1958: 12) spurns this interpretation, and suggests that Uru'inimgina, a 'creature of the priests', was elected by the assembly of the citizens (1958: 10). Diakonoff interprets this as the classic class-struggle of the priests and aristocracy against the ruler. In *ca.* 2400 BCE Uru'inimgina implemented the first social reform in world history by actively protecting the rights and property of the poor and needy.

According to Foster (1981: 236-237), Deimel and Falkenstein interpreted the "Reforms of Uru'inimgina" as a *restoration*, restoring an untenable situation with a just one. Liverani (1995: 2360) likewise interprets Uru'inimgina's actions as typical of any usurper – "If his access to power is related to opposed socioeconomic interests, the usurper will assume the role of the restorer of order and justice – as we have already seen in the case of Urukagina." Foster maintains that Deimel and Falkenstein did this in order to substantiate their temple-state hypothesis. Foster himself (1995: 169) purports the idea of *reform*: Uru'inimgina changed ancient practices, wishing his innovations to be identified as a new norm.

Most of the *mēšarum* enactments from Syria-Mesopotamia ideologically and

psychologically imply the former, a matter of *restoration*. Sasson's (1995: 907) explanation of this concept, which is present in virtually all edicts: restoration is by implication "meant to stem economic and social disintegration by reverting to earlier (presumably less unstable) conditions."

As mentioned earlier, Jacobsen (1943: 160) regarded this episode as a 'contract' between the ruler and the city-god, *Ningiršu*; likewise, Fensham (1962: 130) sees it as a 'treaty' between the two parties. Lambert (1988: 119) expresses his surprise that Kraus (1984) fails to mention the reform texts of Uru'inimgina of Lagaš from the middle of the third millennium, feeling that inclusion of these Sumerian texts would have complemented his selection as "the closest thing from ancient Mesopotamia to the Old Babylonian edicts." Speiser (1954: 13) points out that Uru'inimgina's reform texts are extant only as inscriptions, not as codices, but that the phraseology is reminiscent of a special composition or compilation.

5.2.3 URNAMMU

From the Ur III period (*ca.* 2150-2000 BCE), we have the Laws of Urnammu (LU), the first king of the Ur III dynasty. The prologue presents that section of law codes and royal edicts generally reserved for the ideological core-motifs of the king, as well as announcing his declaration of intent. The prologue of the LU refers to 'the orphan, the widow, and the poor' in connection with a policy of protection. Due to the considerable fluctuation in the dating of the LU, there is still speculation regarding authorship of this law-code. Fensham (1962: 130) dates the legal code *ca.* 2050, thereby crediting Šulgi as author. Roux and Renger (2005: 89) are indecisive, believing either Urnammu or his son Šulgi could have commissioned it; Kramer (1983: 453-456) likewise. Klein (1995: 854) emphatically differs, cogently arguing that it was Šulgi (*ca.* 2094-2047 BCE) and his jurists who compiled the first law 'code' in human history, and that the law codes assigned to Lipit-Ištar of Isin, Hammurabi, and Moses of the Hebrews all adopted the structure of his model.

The LU is frequently not included when dealing with the OB period (e.g. Kraus 1984). Kraus (1984: 13) does, however, refer to *n í g. si - s á g a r*, the Sumerian term in use since the beginning of Ur III, which indicates the interference in law (i.e. "das

Erlassen eines Gnadenacktes”), and he attests that at the very latest Samsuiluna used the Akkadian equivalent *mēšarum šakānum*.

A pertinent feature of the LU are the ‘humane’ pecuniary punishments imposed on delicts such as defamation, perjury, rape of a slave not one’s own, and assault. Contrary to the talionic penalties later formulated in the LH where corporal punishment, scaled according to the social class of the victim, was exacted, under the auspices of the LU these offences were liable to a fine in silver (Roux and Renger 2005: 89). Postgate (1995: 290) credibly postulates that in his Empire, and law code, king Ḫammurabi supplanted the Sumerian urban ‘way of life’ with the “traditional Amorite laws of the desert.” Mendenhall (1954: 40) persuasively argues that the talionic law of an “eye for an eye, and a tooth for a tooth” was originally a measure of protection against excessive vengeance, and is the classical legal guard assuring that legal responsibility is limited to the extent of injury done.” This meant, according to Jackson (2002-2003: 6), “a single eye, and nothing but an eye, for the loss of an eye.”

5.3 OLD BABYLONIAN TEXTS

Westbrook (2003: 361) divides the sources of references from the Old Babylonian period into law codes, royal edicts, administrative orders, private legal documents, scholastic documents, and miscellaneous, under which he has grouped private letters, administrative or accounting records, and any prayers and omens containing legal information. Only the first two categories will be dealt with in this chapter. These law codes are collections of law. Roth (2001: 254) maintains that the “law collections were assembled application of the legal standards.” Mendenhall (1954: 33) concurs with Roth: “law consisted of what courts *did*, not what they *said*.”

The OB period has presented three law collections: The Laws of Lipit-Ištar (LL), the Laws of Ešnunna (LE), and the Laws of Ḫammurabi (LH). Hengstl (1999: 459) proposes that each Neo-Sumerian king promulgated his own law-collection, and that the LH, being the latest, is the most complete and fully developed of this genre of literature, which he terms “Wissenschaftsliteratur.” Renger (1977: 72) points out that in both the laws of Ešnunna and the LH, should damages be awarded for physical

injury or damage to property, the legal system always awarded these damages to the injured party, never to the state or to the king. These, therefore, are *bona fide* damages, and not fines.

5.3.1 THE LAWS OF LIPIT-IŠTAR (LL)

This, the earliest of the OB codes, is written in Sumerian, and dates from the southern Mesopotamian kingdom of Isin (*ca.* 1930 BCE). It predates the LH by less than a century, and is named after its king, Lipit-Ištar. Lemche (1979: 17) finds that the use of [am]a.ar.gi₄. (the freedom of) and nam.arad (slavery) in the prologue “represents a stage between the particular use of ama.ar.gi₄ as a designation for manumission and the general sense of a decree, issued to help the poorer part of the population.”

5.3.2 THE LAWS OF EŠNUNNA (LE)

The Laws of Ešnunna (LE) harken from the northern Mesopotamian kingdom of Ešnunna, and are written in Akkadian. Today, there is considerable scholarly consensus ascribing them to king Daduša, *ca.* 1770 BCE, ruler in the Diyala region (Römer 1969: 121; Westbrook 2003: 361); contra Hallo (1979: 101), Kraus (1984: 95), and Edzard (1957: 165), who consider that either king Daduša or his successor, Ibal-pī-El II, could be the author.

The LL comprises a prologue, an epilogue and approximately fifty paragraphs. Both the Laws of Lipit-Ištar and the Laws of Ešnunna are extant only on exercise tablets, but no doubt were originally inscribed on stelae, and erected in a temple, in order that they attest to the *šar mēšarum* (just and righteous kingship) of their promulgators. The LE consists of sixty paragraphs.

5.3.3 THE LAWS OF ḪAMMURABI (LḪ)

This law collection was promulgated by king Ḫammurabi of Babylon (*ca.* 1750 BCE), and is by far the most literary extensive and visually impressive of the law codes recovered and interpreted today.

The LḪ is, according to Slanski (2003: 259) a self-designated *narû*.⁴¹

⁴¹ A *narû* is a stone monument, or a stone stele.

“I wrote my precious words on my monument (*narû*) and affirmed (them) in the presence of my image, the just king (“king of justice”).”
(LH xlvii 74-78)

The magnificent 2.25 m high black diorite stela, now in the Louvre, was recovered at Susa, part of the booty pillaged by the Elamite king Šutruk-Nahhunte in the thirteenth century BCE (Kuhrt 2006: 111). It portrays Ḫammurabi in a position of worship in the presence of the sun-god Šamaš. This far-sighted king re-introduced essentially old Sumerian principles for his Babylonian administration and bureaucracy, like that of the *mēšarum* and *andurārum*. He actively tried to prevent exploitation of the poor, and to discourage credit-slavery by limiting the number of bond-years to three, in comparison to the six years in Hebrew law (Fensham 1962: 131).

Heilbroner (1995: 30) correctly points out that ancient society “viewed inequality as a natural aspect of the order of things.” Ḫammurabi took great pride that he was able to offer each individual the right to justice. However, it is in his law collection, the LH, that the social inequality between the ranks of the *awēlum* and *muškēnum* was first introduced into law. Yaron (1969: 93) points out that “it seems likely that under the rule of Ḫammurabi for the first time the class distinctions existing in Old Babylonian society found their way into the law; thereby *de facto* inequality became *de iure* inequality.” This is supported by Renger (1977: 72): “status and social environment condition the stipulation of a particular type of sanctions for a particular wrong.”

5.4. DIVERSE OTHER MESOPOTAMIAN REFERENCES

The term *mēšarum* simply ‘discarded’ its connecting reference as a ‘legal enactment’ simultaneously with the end of the OB period. Otto (1997: 44) informs that it was replaced in both the Neo-Assyrian and Neo-Babylonian periods by the Neo-Sumerian term AMA.AR.GI₄/ A MA.GI₄, (“zur Mutter zurückkehren”) and its Akkadian equivalent *andurāru(m)*, which indicates ‘freedom’, ‘releasing’ and ‘debt-release.’ Other historical periods provide insight into the interesting development of royal decrees, whereby civic bodies, for example cities, regions or merchant guilds were granted privileges from taxes and *ilku*-services, instead of merely individuals. As

mentioned earlier, the term for these privileges was *kidinnu/ kidinnūtu*, and meant ‘divine protection’ (Kuhrt 2006: 614).

5.4.1 OLD-ASSYRIAN REFERENCES

According to Grayson (1991: 210) the Assyrians shared the Mesopotamian social orientation towards the poor, who were regarded as a “corporate responsibility” of *everyone*, from the king down to the base of the social pyramid. Otto (1997: 49) points out that contingency clauses designed to undermine royal authority in the event of a *mēšarum* act being declared were a common feature of Old Assyrian commercial contracts:

“Wenn der König einen Rechtsakt (Schuldenerlaß) durchführt,
das [...], werden sie aber ihre Schulden nicht erlassen.”

5.4.2 NEO-ASSYRIAN REFERENCES

In §§20-21 of Ammišaduqa’s edict, *andurārum* indicates a release from debt-slavery. Nel (2000: 147) suggests that the *andurāru* decrees of the later NA period were “primarily concerned with the remission of debt, liberation of debt-enslaved citizens and the restoration of land to the original owners.” Although no extant edicts have been recovered from the Neo-Assyrian period, the plethora of documents, letters and royal inscriptions allows for a credible reconstruction (Otto 1997: 44).

King Esarhaddon states that his reasons for passing an *andurārum* act were:

“To improve the position of their *šubaru* much more than before I had in mind and was my intention. Their tablets of freedom (*zakūtu*) I wrote once more. More than before, I made them great, important, exalted, and glorified. From the duties on grain (^{šE}*nusāḫi*), on tenancy (*šipšu*), on exploits, on the quay (*miksi kāri*), and the passage in my country (*nēberu*) I freed them, and I established their freedom (*andurāru*).”

(Lemche 1979: 20 and Otto 1997: 46)

Lemche (1979: 20) regards the words of Esarhaddon’s claim (above) with some skepticism; the NA kings were inclined to boast of dispensing welfare with their *andurārum* enactments, although the “actual contents of the decrees were obscure.”

The traditional OB ‘vocabulary’ was adopted to legitimize and verify the social character of royal policy and royal piety. The broad and diverse selection of taxes and duties levied upon subjects is evident.

5.4.3 KINGDOM OF MARI

Lemche (1979: 14) informs that from the kingdom of Mari, destroyed by Ḫammurabi in 1758 BCE, only a general reference linking *mēšarum* to ‘justice and ‘equity’ is known; the word is not equated with a royal decree in any special sense. Otto (1997: 49), however, proposes that the social-reform intentions of the *andurārum* decrees issued during the regnal periods of kings Jaḥdunlim, Šamši-Addu and Zimri-Lim were all ‘diluted’ by contingency clauses.

5.4.4 MIDDLE BABYLONIAN REFERENCES

During the MB period the kings lauded themselves with the titles of *šar mēšarum* (king of justice), and “the one who loves justice.” Lemche (1979: 15) notes that periods were called *šanat mēšarum*, “year of justice” or *araḫmēšari*, “month of justice.” These features indicate that the ruler’s motives were embedded in general ‘renaissance’ tendencies.

5.4.5 NEO-BABYLONIAN REFERENCES

A unique reference to a *mēšarum* decree from the NB period dates from the reign of the fourth Chaldean king, Neriglissar (559-555 BCE). Lemche (1979: 14), translating the passage, interprets the reference as a literary cliché and not a *bona fide* reform measure. The ‘shepherd’ stereotype, which is discussed in depth in Chapter Seven, is conspicuous: *mi-ša-ri i-na ma-a-tim aš-ta-ak-ka-an / ni-ši-ia ra-ap-ša-a-tim i-na šu-ul-mi ar-ta-né-e’-e*,

“I permanently established *mēšarum* for the country (and)
I let graze permanently in peace my far-extended people.”
(Lemche 1979: 14)

5.4.6 OLD TESTAMENT REFERENCES

Lemche (1976: 53) refers to Neh. v 1-13, where the prophet Nehemiah introduced a social reform to alleviate the dire circumstances of the poor, who were forced to sell

their children and land in order to survive and to pay taxes. Nehemiah (*ca.* 445 BCE) granted amnesty to debt-slaves, and annulled all land-mortgages.

5.4.7 PRE-DEMOTIC PHARAONIC REFERENCES

Jasnow (2001: 42) maintains that in ancient Egypt “evidence for a social conscience is certainly not lacking”, and uses the New Kingdom Wisdom text of Amenemope (xvi, 1) in support:

“If you find a large debt against a poor man, Make it into three parts
Forgive two, let one stand. You will find in it a path of life.”

Furthermore, Jasnow (2001: 42) confirms to being unaware of any pharaoh who issued debt-annulment decrees.

5.5 LEGAL IMPLICATION OF THE EDICTS

Royal edicts had a definite impact on the legal status of contractual law. A succinct synopsis of the practice of issuing a royal edict annulling (certain) debt comes from Westbrook (2003: 364): “the king cancelled existing obligations arising from perfectly legal loan transactions. That act was called by the king “establishing equity (*mīšarum*) for the land.” According to Kraus (1984: 13), in principle the king had a choice of two options to implement this legal abrogation. His cogent explanation:

- a) “der Gnadenakt, ein Bündel paralleler Verordnungen mit einmalig-sofortiger Wirkung, der ganze Reihen im Augenblicke des Eingriffs bestehender konkreter, individueller privater und “dienstlicher” Verbindlichkeiten praktisch aufhebt, aber das herrschende Recht als solches unangetastet läßt;
- b) die Annullierung bestimmter Kategorien rechtsgültig abgeschlossener privater Kaufverträge Immobilien betreffend.”

Westbrook’s résumé: “the law must be prepared to provide means of escape from its own rules where the results will be inimical to justice and social stability” (2001: 2). Virtually only the OB kings wielded sufficient authority to abrogate contractual law on a fairly regular basis for four hundred years; the financiers and merchants of the other epochs sought to undermine the stipulations of royal *mēšarum* acts by adding security-clauses to sales contracts, such as one from Nimrud:

“if a *durāru* is established Silim-aššur (the creditor) shall see his money.”
(Lemche 1979: 21)

Legal documents were, according to Greengus (1995: 474), until the second half of the first millennium most commonly clay tablets with cuneiform writing. These records of legal transactions, having been made redundant by the ‘unexpected’ proclamation of an *mēšarum* decree, were invalidated by fracturing them (‘smashing,’ according to Finkelstein 1965: 239). Finkelstein (1965: 236) accounts:

- (7) “they (re)viewed the cases on the citizens of Sippar,
- (8) “heard” the tablets of purchase of field, house, and orchard
- (9) (and) ordered broken those (in which the land was) to be released
by (the terms of) the *misharum*.”

An example from Kraus (1958: 231):

“Jahr, in dem (König) Narām-Sîn die Urkunden (des Landes) zerbrach.”

King Samsuiluna, relating his *mēšarum* edict in a letter, mentions an identical procedure:

“Die Schuldurkunden (*dub ḫubullim*) der Soldaten, Fischer und Untertanen (*muškēnum*) habe ich zerbrochen, gerechte Ordnung im Land wieder hergestellt.”

Stol (2004: 866)

Weinfeld (1982: 499) makes a salient point with regard to the implementation (execution) of *mēšarum*, which is expressed by *ṭuppam ḫeppûm* “to break a tablet.” There is an inherent inference of finality (permanence) in the term, which would make a mere *postponement* of payment illogical. Parties dissatisfied with the interpretation and execution of the royal *mēšarum* decree had recourse to the king for arbitration and justice. Legal documents to this effect provide proof of the implementation and effectiveness of the royal enactment.

CHAPTER SIX: THE MACRO-ECONOMIC, POLITICAL AND SOCIAL SITUATION IN ANCIENT MESOPOTAMIA

6.1 THE ECONOMIC SITUATION

Barnes (1924: 39) credits the members of the ancient economies with “little analytical reflection” about economic life, and “with little comprehension of capital.” Essentially, Polanyi subscribed to the same belief, that ‘economic thinking’ was foreign to the participants of the ancient economy (Silver 1983: 821).

6.1.1. HISTORICAL DEVELOPMENT

An identical feature of the structure of ancient Mesopotamian and modern economies is the presence of the three major sectors: the primary, secondary and tertiary. The corresponding classic categories are agriculture, industry and trade. Cameron (1991: 14) provides a lucid definition, although some of his examples are anachronistic for the ancient period:

- a. “The primary sector includes those activities in which products are obtained directly from nature: agriculture, forestry, and fishing.
- b. The secondary sector includes those activities in which the products of nature are transformed or processed: that is, manufacturing and construction.
- c. The tertiary, or service, sector deals not with products or material goods at all, but with services; these cover a wide range, from domestic and personal services (cooks, maids, barbers, etc.) to commercial and financial (retail clerks, merchants, bankers brokers, etc.) to professional (doctors, lawyers, educators) to governmental (postal workers, bureaucrats, politicians, the military, etc.).”

For Zaccagnini (1983: 246), “craftsmen,” “artisans” and “skilled workers” are those not engaged with primary production, but possessing a professional qualification and performing a “specifically designated job.” This could even be a plowman (Zaccagnini 1983: 248). These people were active in the tertiary sector, and clearly throughout the ancient economies insufficient in number and high in demand. Zaccagnini (1983: 252) maintains that in the late Bronze Age these skilled workers

were exchanged as prestigious gifts between the kings and courts; the intended duration of the gift, however, was temporary.

Once again Cameron (1991: 8-9; 12; 15) provides economic definitions which are suitable:

- a. "Economic growth is defined ... as a sustained increase in the total output of goods and services produced by a given society.
- b. Economic development ... means economic growth accompanied by a substantial structural or organizational change in the economy, such as a shift from a local subsistence economy to markets and trade, or the growth of manufacturing and service outputs relative to agriculture.
- c. Production is the process by which the factors of production are combined to produce the goods and services desired by human populations.
- d. Productivity is the ratio of the useful output of a production process to the inputs of the factors of production."
- e. "On the supply side, increasing productivity ... made it possible to produce the same amount of output with less labor (or more output with the same amount of labor)."

Transferring the above theory onto ancient history in this limited scope is impossible; a brief synopsis will have to suffice. Clearly, the earliest city-states, thereafter especially the urban metropolises, all experienced economic growth collateral to increased productivity, which produced surpluses. Zaccagnini (1983: 245) analysed the textual references pertaining to skilled workers, and made a relevant point: "The emergence and spread of specialized crafts in the ancient Near East are strictly bound to the organization of the temple and palace economic structure and are a direct consequence of the process of surplus accumulation." The consequent economic development propelled the need for structural change. An illustrative example is provided by Foster's synopsis of the Ur III period as the "closest connection and mutual interpenetration of society, state and religion," in contrast to the OB period, which is "characterized by "petty states, feudalism, free citizenry, private enterprise, and individual religion" (Foster 1995: 4-5). Charpin (1995: 812), much the same opinion as Yoffee (1977: 143; 1988b: 54), suggests that the downfall of Ur III was as

much due to internal decay as to external attacks by the Amorites from Syria and the LÚ.SU from Iran. This internal decay was manifest in rising prices, and an inflated, centralized bureaucracy. Interestingly enough, Charpin (1995: 817) proposes identical reasons for the decline of the OB period, and interprets the accelerated frequency of *mēšarum* decrees as indicative of a “deteriorating social and economic situation.”

These ancient economies underwent progressive, yet restrained structural change. Structural change is *inter alia* dependent on changes in technology as well as increased productivity. The extent of technological development in the proto-literate and literate periods of the third to first millennia BCE must be seen as virtually stagnant in comparison to that of pre-literate cultures. Cameron (1991: 31) cogently argues that most of the technology available to ancient civilizations, and here he lists “domesticated plants and animals, textiles, pottery, metallurgy, monumental architecture, the wheel, sailing ships” had been invented or discovered prior to written communication. Mastering the process for smelting iron-ore represents the greatest technological feat of the second half of the second millennium BCE.

Cameron (1991: 31) points out that militarism, and not agriculture, provided the impetus for technological progress, citing innovations such as iron weapons, chariots and specialized fighting ships as evidence. Heilbroner and Milberg (2002: 10) note that: “If tradition is the great brake on social and economic change, economic command can be the great spur to change.” Renger (1979: 255) indirectly supports Cameron when he maintains that “advanced production techniques, as means for gaining higher profits, were alien to the system.”

6.1.2 THE AGRICULTURAL ECONOMY AND ITS PARTICIPANTS

Yoffee’s theories regarding the OB economy, briefly introduced below, resulted in considerable acerbic academic debate. Yoffee (1977: 17) maintained that “the economy of Babylonia was based largely on the production of large-scale cereal agriculture and was pervaded by the existence of extensive manorial estates; stored wealth was converted into power through systems of redistribution. A complex network of equivalencies was developed consequently to deal with the various mechanisms of redistribution, and many records of payments for goods and services

were transacted as allocations within manorial estates.” Yoffee (1977: 17) continues: “The logical, albeit circumstantial, inference is that these agricultural laborers held contracts by which payments were calculated on a silver standard for bookkeeping purposes, but that they were paid in various products.” Yoffee’s introduction of new terminology into the western scholarly vocabulary i.e. ‘Bureaus’, ‘manorial estates’ and ‘Crown’ and his methodology reaped protest from Kraus (1979: 425).⁴²

Inference and conjecture, *Fremdwörter* and highly provocative for Kraus, bolster Yoffee’s argumentation (1977: 98) i.e.:

“These two documents differ from *Y O S 13 59* in omitting any reference to a “middleman” who dispensed the silver (or products) to the parties contracting to supply the laborers. It should not, however, be inferred from the absence of this official that there was no intermediary and that the amount of silver was received from Ili-iqīšam himself; in the shorthand of administrative documents not every step was always recorded, and we have to put together our knowledge from a combination of documents.”

Despite these shortcomings, Yoffee’s résumé of the OB economy is well-conceived and formulated, and will be discussed in Chapter Eight.

Ellis (1976: 76) has showed that the OB state pursued a dual-pronged exploitation of the agricultural land at its disposal, resulting in two general categories, the *biltu*-fields and *ilku*-fields. According to Ellis (1976: 76) “the state delegated both the responsibility of cultivating its fields, and the right to enjoy the products of such fields.” Ellis follows Kraus (1979: 431) in the concept of delegation of ‘production functions’, as presented below. Ellis’ academic bifurcation of state land into the *biltu*-fields and *ilku*-fields is unacceptable to Kraus (1979: 425)

According to Kraus (1979: 431), the ancient palace clearly preferred to avoid entrepreneurial risk, and its economic policy clearly surrendered profit maximization as goal. Kraus (1979: 431): “Die Wirtschaftspolitik des ‘Palastes’ hat offenbar das

⁴² Diakonoff (1974: 4) used the term ‘manorial-type organizations;’ the possibility exists that the translator selected this term.

Ziel, sich einen eigenen Produktions-, Absatz- und Überwachungsapparat zu sparen, Risiken zu vermeiden oder zu vermindern und mit relativ wenigen Verantwortlichen einfache, genau festgelegte Beziehungen zu unterhalten.” Further, Kraus (1979: 431) convincingly argues that the palace ‘out-sourced’ most of its production processes, i.e. they did not produce themselves, but delegated (modern out-sourcing) this to ‘middlemen’, from whom they received taxes, returns, yields or proceeds.

These men were the professional class of *tamkārum* (‘middlemen’ or *Kaufmänner* according to Stol 2004: 893), agents of the *kārum* (merchant body) who functioned as the liaison officers between the palace and the physical producers. Silver (1983: 822) equates the Sumerian *dam-gār* as the counter-part of the Akkadian *tamkārum*, private businessmen, not ration-recipients, “who served various clients including the state.” Roux and Renger (2005: 70) include the *dam.gār*, whom they identify as state employed foreign trade merchants (their designation: “die staatlichen Außenhandelsvertreter”) as recipients of rations, together with the royal family, the scribes, palace artists and the skilled workforce, as pointed out in Chapter Three. These two authors align themselves here to Yoffee (1977: 17). Kraus interprets the Babylonian *nāši biltim* with *Ertragbringer* or ‘taxpayer,’ adding that this term did not refer to a profession, but to the function to be performed, i.e. service owed to the palace.

After a careful analysis of the Edict of Samsuiluna, Kraus (1979: 429) came to the following conclusions regarding the five professions mentioned:

- a. The Sumerian *en si*, Akkadian *išakkum*, the ‘farmer,’ was an ‘overseer,’ not physically active on the lands.
- b. The shepherd, Sumerian *si pa*, Akkadian *rē’ûm*, likewise was a businessman trading in livestock.
- c. The knacker or flayer, Sumerian *su.si.ig*, Akkadian *š/susikkum*, was physically uninvolved with the cadavers. Kraus (1979: 430) believes they were “persönlich nicht mehr mit der technischen Verwertung der Tierkadaver beschäftigt,” but functioned as the contact person liaisoning between palace and stock-breeder (1979: 432).

- d. Akkadian *nawûm*, stock-drivers involved with the annual stock migration. The most logical explanation for Kraus's *nawûm* is that he lived a transhumant existence, or was involved with the seasonal movement of livestock.
- e. The *ensî/išakkum*, the 'taxpayer' in its quintessential sense, leasing state land at private, market-orientated taxes.

Needless to say, Yoffee's (1977: 31) theory of 'Crown Bureaus' is diametrically opposite to Kraus' (1979: 433) stance. Yoffee (1977: 44) reads from the texts an absolute hierarchy within these bureaus, alone in the bureau of agricultural affairs he identifies 'subordinate officials,' i.e. *abarakkum*, *išakkum*, and *dumu-é-dub-ba-a*. The *mu'errum* is likewise a crown employee involved in agriculture, yet lower in rank than the *abi šābim* (Yoffee 1977: 145). Yoffee maintains that these 'supervisors' (*abi šābim*) and 'tax-collectors,' working in these bureaus were state-employed, and not 'freelance' agents. This idea of an inflated bureaucracy is central to Yoffee's (1977: 6) hypothesis that "there were well-organized bureaucracies of officials in the service of the OB palace, and that these officials presided over redistributive systems of commodities and were in charge of the management of large tracts of arable land. In short, revision of the picture of the OB period as an age of private enterprise par excellence is overdue."

The majority of oriental scholars have been reticent in following Yoffee, since Kraus has put forward cogent argumentation for his interpretation.

Kraus (1979: 432) sees in both the Edict of Ammišaduqa and in the century older Edict of Samsuiluna evidence of the agent's independence: special concessions are granted to them in order to 'strengthen' them, (literally, "um den Ertragbringer zu kräftigen"). Diakonoff (1982: 82-82) follows Kraus, contrary to Yoffee, and states: "for a time the *tamkārū* and the *ummi'ānū* even appear to have severed their bonds with the state organization, and appear as private representatives of the usurious capital." The *ummi'ānū* were a group of wealthy trading craftsmen, and in this case the *tamkārū* tax-collecting agents. Leemans' (1968: 186) *ummeānum* is presumably the same person, the partner who furnishes the trading capital. Leemans (1950: 7)

admits that the identification of *tamkārum* in §88 of the LH with “money-lender” is unusual.

Leemans (1968: 177) points out that a letter from Ḫammurabi clearly indicates the contents of a *mēšarum* act, whereby military personnel of a lower rank (*laputtû* and *rēdû*) are exempted from their arrears, while higher officers (*uqula mar-tu* and PA . PA) are not. This is accepted by Yoffee, (1977: 31) who confirms that the tax-relief provisions of the *mēšarum* edicts and law codes were applicable only to the ‘minor dependents’ of the palace, and “never extended to high officials, beneficiaries of large tracts of land who could sub-let parcels for profit.” Leemans (1968: 177) comments on the similarities between the *mēšarum* acts of Ḫammurabi and Ammišaduqa, whereby the cumulated arrears only of the *rēdû* and *bā’irû* are annulled. This stresses, according to Leemans, the ‘social character’ of the edicts.

6.1.3 THE USE OF AGRICULTURAL RESOURCES

The proclivity toward political, social and economic stability infers a maximized use of resources, and is well documented in the Ur III period. According to Adams (1978: 330-331), this ‘maximized input of resources’ when practicing extensive agriculture led to:

- a. The severe soil salination which was exacerbated by excessive irrigation,
- b. An emphasis on animal husbandry; this is supported by textual documentation of herds in excess of two million ovines, essential to meet the increased national and international demand for wool and textiles.

Stol (1995: 485) confirms that the raw materials needed for the textile and leather industries were supplied by these extensive livestock ‘enterprises.’

Diakonoff (1982: 75) points to the considerable decline in soil fertility in the OB period. According to the calculations of Jacobsen and Adams (1958: 1252) the barley yield per hectare fell from approx. 2500 litres in the ED period to 900 litres per hectare in the OB period. Jacobsen (1957: 139) follows Adams’ position, blaming the irreversible salination of agricultural land which had been cultivated over centuries as causing the final ‘definite catastrophe’ for the last kings of the OB period. Jacobsen

(1957: 98) adds the imperfect drainage techniques as a supplementary cause of hyper-salination. The South, the Babylonian political homeland, progressively depopulated, and the abundant fields changed to wasteland and marshes. This latter assumption is somewhat over-simplified; after 1000 years of “stagnation and abandonment” the region was re-occupied during the Achaemenid period (Jacobsen and Adams 1958: 1256). Hyper-salination undoubtedly played an important role in agriculture, but ‘resilient’ rulers wishing to adapt, instead of just stabilizing their countries, found ways to mitigate the problem of falling productivity by bringing new areas into cultivation, or changing crops.

Eyre (1995: 185-186) disagrees, and cogently argues that “ancient farming was remarkably successful in working saline soils,” and that political instability and ecological deterioration should be regarded as equi-potent contributors to the decline of ancient economies.

Silver (1995: 190; 193) proposes a provoking theory regarding ancient agricultural practices: he sees the ‘supplanting’ of wheat with barley as a major crop not as an indication of hyper-saline soil, but of an increased demand for meat, wool and textiles; sheep-farming had gained an imminent position in agriculture, and ovines prosper on barley, but dislike wheat. The *rationale* of Silver’s argumentation is difficult to follow. However, the question to ask is whether Silver, when he mentions ‘sheep fed on barley,’ envisions these many million head of livestock *extensively* grazing fresh barley fields (which would be an outrageously inflated input of resources) or does he see them in modern, *intensive* feed-lots? Should Silver be referring to pasturing the livestock on stubble-fields, then his line of argumentation is very thin; most wheat farmers run livestock on stubble-fields, and have done so since time immemorial.⁴³ Leemans (1968: 178) confirms Silvers’ observation that extensive

⁴³ P.H. de Vries, an agricultural consultant specializing in horticulture, corroborated the following orally to the author: a. barley is considerably more salt-tolerant than wheat; b. wheat farmers do graze livestock *extensively* post-harvest on wheat-stubble; and c. with herds of the size mentioned in ancient ‘great-households,’ grazing livestock on standing (unharvested) barley-fields would have been unproductive and highly unlikely.

livestock farming, in particular with sheep, had grown in importance by the time of king Rīm-Sîn, a contemporary of Ḫammurabi.

In a pilot study Jacobsen and Adams (1958: 1252) examined the agricultural situation in Iraq for signs of ancient ‘salt and silt,’ and cogently argue for a period of (serious) hyper-salinity in southern Mesopotamia between 2400 BCE and 1700 BCE. They hypothesize that, due to the increase in soil salinity, salt-tolerant cultivars would have replaced salt-sensitive cultivars; this is corroborated by evidence from pottery shards. More explicitly, the grain impressions in excavated pottery indicate that in mid fourth millennium southern Mesopotamia the proportions of wheat and barley in the crops were roughly equal. Approximately 1000 years later wheat made up one-sixth of the crop, and by 2100 BCE wheat accounted for only two (2) per cent of the crop (Jacobsen and Adams 1958: 1252). Wheat is salt-intolerant, i.e. a salt-sensitive monoculture. As mentioned above, Silver disagrees, and provides his own line of argumentation.

As previously shown, various tax-benefits and a reprieve from *ilku*-labour were granted as an incentive to extend arable land. The ultimate effectiveness of this measure is doubtful, as Diakonoff’s (1982: 75-79) computations show; the average family with three able-bodied persons could barely manage to cultivate 6, 3 hectares (1 b ù r) without resorting to hiring external labour. The normal allotment of royal land was two (2) b ù r, and the yield after royal taxes and feed for the plough-oxen left “hardly sufficient to sustain an average family at an average subsistence level” (Diakonoff 1982: 79). Leemans (1975: 143) agrees with Diakonoff that soldiers were often allocated fields of two b ù r, reasoning that due to their recurrent absence on patrol or campaign, the agricultural burden fell to a substitute, who likewise had to be sustained from the property.

6.1.4 ANCIENT CREDIT AND INTEREST-RATES

Stol (2004: 863) discusses the credit forms of ancient Mesopotamia in detail. Credit was given either for consumer purposes or for commercial investments. Many poverty-stricken small-landowners were driven to seek credit to repay an outstanding or due loan, to pay taxes or simply for survival until the pending harvest. According to

Hudson (2000: 141), these financial contracts, closed out of pure desperation and acute need are *price-inelastic* - the borrower is prepared to pay, pledge or promise virtually any stipulated interest-rate, however usurious. Hudson (2000: 141), by demonstrating the futility in linking these to “productivity or profit-rates”, never mind to prosperity, energetically counters Foster, Zaccagnini and Silver’s endeavours to explain the origin of ancient interest-rates.

Hudson (2000: 135) confirms that the relative stability of interest-rates in ancient economies does reflect some central administration regulation – he suggests either by the temples, the palace or tradition. Leemans’ (1950: 7-12) seminal study on interest-rates verifies royal regulation of maximum interest-rates. The §88 of the LH clearly stipulates that for money-loans i.e. commercial credit, this was set at twenty per cent. Leemans (1950: 20-21) stresses that Ḫammurabi did not alter any interest-rates; he merely codified the existing dual rates of interest in order to provide security for his subjects. Extant contracts do document occasions when a twenty-five per cent interest-rate on silver-loans were demanded. Clearly, although these contractual partners dealt with commercial credits, and were not the destitute in need of support until harvest, the kings’ regulatory intervention protected them from usurious practices as well, and gave them legal backing in their business dealings. Leemans (1950: 24) convincingly argues that the interest-rates on money-loans in the OB period were annual rates; in comparison, Assyrian contracts with the trade-colonies in Cappadocia deal in monthly rates. Leemans expresses the view that it is incorrect to talk of ‘usury’ when the lending rates are permitted by law (1950: 33).

Leemans (1950: 10) comes to the conclusion that for barley-loans rates of twenty and thirty-three per cent were allowed. This is very much dependent on the creditor *from* whom the loans were granted:

- a. Barley-loans supplied by private persons, including priestesses (*nadītu*) of Šamaš.
- b. Barley-loans provided by a private person together with a deity, i.e. “by order of...”
- c. Barley-loans supplied by a deity within its temple alone.

Barley-loans supplied by private persons (a) carried an interest-rate of thirty-three per cent; temple loans (b and c), notably from different towns and different gods mentioned by Leemans, carried an interest of twenty per cent. These figures could not be substantiated by Harris (1955a: 39), whose evidence from the Sîn temple at Tutub indicated that the normal rate there was thirty-three per cent. Evidence from the kingdom of Ešnunna, as interpreted by Goetze (1951-1952) corroborates the credit forms and rates found by Leemans in the OB period, regardless of the lapse of two centuries.

By the Neo-Babylonian period the interest-rates charged for money- and barley-loans i.e. commercial and non-commercial agrarian loans, had reached parity at twenty per cent (Leemans 2000: 15).

Foster (1995: 167) speculates whether the high rates of interest, between 25 – 33¹/₃ %, did not result from the high risk of financial loss from the proclamation of a *mēšarum*. As he rhetorically asks: “which was first, the risk or the rate?” Perhaps the answer itself is irrelevant; of cardinal import is that it provides valid evidence of the strength of free-market principles that perhaps did not govern, but influenced, economic decisions in the ancient economies. Foster receives (tentative) corroboration from Veenhof (2001: 97), who confirms that “the security demanded usually correlates with the risk calculated.” This statement holds true for commercial loans; seldom, as Hudson will show below, for consumptive credit. Westbrook (2001c: 330) succinctly remarks on “the existence of two parallel systems of credit, which we may term subsistence and commercial.” They were, however, not totally separate, and overlapped to a certain degree.

Hudson (2000: 136), an authority in the field of interest, provides an economist’s definition of interest: “the periodic payment of a stipulated rate of return on a capital obligation, the principal.” Interest *should* reflect the marginal productivity of capital, and not, as propounded by Foster (1995: 167) as a compensation for risk (Hudson 2000: 136-137). Ideally, ‘debt’ should be regarded as a source of finance; the resource ‘capital’ is ‘bought’ to be productively invested to earn a profit. This was not generally the case in the ancient economies – agrarian debt here was corrosive *and* yet

existentially important. Obviously, commercial debt is another matter altogether. Hudson (2000: 137) criticizes Foster (1995: 167) for his methods of “retrojecting modern principles of calculated risk-taking” on to economies that were not “so *durchkomponiert* and ... thoroughly integrated, tightly articulated and inter-connected systems” as Foster infers.

Furthermore, Hudson (2000: 137) contradicts Foster for his conclusions that the stipulations of *mēšarum* edicts inexorably

- a. led to higher agrarian interest rates which
- b. culminated in lower property prices.

Hudson (2000: 137) remains unconvinced that “a change in risk levels would affect interest rates, and a change in these rates would affect asset prices,” and substantiates his argument with evidence from the Neo-Babylonian period. Despite the clear signs of an increase in general prosperity in this era, and a concomitant absence of *mēšarum* acts and a decline of *andurārum* decrees, interest-rates remain constant. Hudson (2000: 137) draws the conclusion that “there was no *tatonnement* between asset prices, changing risk premiums and interest-rates.” With insightful cynicism Steinkeller (2001: 48) interprets the situation in the OB period: “interest was a tool and not an economic end in itself, being therefore devoid of real economic value. Its rate was largely irrelevant vis-à-vis the amount of the loan, except that it had to be sufficiently high to make it impossible for the borrower to repay the capital.” Leemans’ (1950: 15) evidence contradicts Hudson (2000: 137) regarding the ‘stability’ of the lending rate: according to Leemans, the interest rates on barley-loans had reached parity with silver-loans in the Neo-Babylonian era.

Leemans (1950: 33), (somewhat pontifically) admonishes that in the light of the rich profits to be made in Babylonian trade, the OB interest-rates “will not have been felt as heavy or as extraordinarily high and so it should not be qualified as such by us.” It is within this statement, insensitive at best, that a flaw in Leemans’s argumentation becomes obvious. The desperate small-landowners in the OB period must certainly have suffered dramatically under the burden of the customary interest-rates, but were unable to defend themselves – they had no recourse but to pay the demanded rate, and

to hope for charitable support from a temple. Leemans' statement patently fits the populations participating in the first millennium Neo-Babylonian economy who enjoyed a (comparatively) stable prosperity, an absence of welfare (*mēšarum* and *andurārum*) enactments and debt-slavery, and a (reduced) twenty per cent lending rate on barley loans. It is hardly applicable to the populations of the first Babylonian dynasty.

6.1.5 DEBT

The sociologist Max Weber (1968: 931) argued that in antiquity, crises over debt *could* motivate debtors to unite in a “genuine class struggle ... carried on by peasants and perhaps also artisans threatened by debt bondage and struggling against urban creditors.” The ancient economist Moses Finley, supporting this view, extrapolated it to justify his theory regarding the social discord prevalent in Athens at the time of Solon. Widespread debt-bondage followed in the wake of plebian penury. Only the comprehensive reforms declared by Solon, then *archon*, including the emergency-measure of a *Seisachthie*, which abolished debt-slavery, could thwart the burgeoning social discontent. According to Finley (1999: xviii; introduction by Ian Morris) however, the real, and successful, ‘social revolution’ lay in the abandonment of the “Homeric system of graded statuses.” Traditionally, Mesopotamian populations never rose against their regents in open revolt. Perhaps the cause for this should be sought in the repeated royal *mēšarum* decrees, whereby the ‘patriotic’ gratitude of all beneficiaries would have compensated the financial loss suffered by the palace.

Olivier (1984: 109) believes that the palace's ideal aim when issuing an economic relief-package was to create a “maximum effect at minimum expense” to itself.

Hudson (2000: 138) maintains that whenever the “debt overhead” reached threatening proportions, the Sumerian and Babylonian kings attempted to ‘wipe the slate clean’ and offer those subjects most financially endangered a fresh start. Grandiose gestures of fiscal largesse on the prestigious occasions of a throne-accession were meant to demonstrate good-will and engender public support and to consolidate corporate identity. Hudson (1990: 1) substitutes the term “periodic royal debt cancellations” for an *mēšarum* act, correctly drawing a distinction between agrarian and commercial debt. Hudson's conservative interpretation sees these royal decrees conceptualized to

restore the “economic freedom” of the debtor, and to prevent rural agrarian flight or emigration. Otto’s (1979: 39-40) interpretation of a fragment of a letter from the reign of Ammišaduqa, which reads: *kīma šarrum ħubullī itbuku*, “weil der König die Schuldurkunden aufgeschüttet hat,” has far-reaching consequences. This fragment provides evidence that a debt-fugitive from Sippar was allowed to return to his hometown after the royal *mēšarum*. The king’s purpose was to reduce the cost of ‘social turbulences’ (Otto 1979: 34), and strengthen the patrimonial bonds of the family unit.

Hudson (1990: 8) points out that as the borrowed sum was not invested, the credit was “purely corrosive,” and “its repayment, with or without interest, soon forced cultivators below the break-even level into irreversible indebtedness.” Hudson (2000: 139) indicates that virtually all agrarian debts originated from payment arrears, and not from “entrepreneurial borrowing.” Keeping the precarious labour situation in mind, the top priority of any administration must have been to maintain and encourage a labour market so *fundamentally* essential to the state’s economy and general prosperity. The prime motive for the promulgation of an *mēšarum* edict in times of large-scale social suffering must be placed in the economic sphere.

Westbrook (1995: 159) adamantly disagrees with Hudson’s view, preferring reasons that encourage social, instead of economic, stability. His explanation: “There is no evidence that the economic situation was worse in the Old Babylonian period than at other times nor that indebtedness, however widespread and crushing, would have had a serious effect on overall production. It would, on the other hand, have altered the distribution of land ownership, with a tendency toward the formation of *latifundia*.” Farber (1978: 40) supports Westbrook for the regnal period of king Ammišaduqa: “The stability of both prices and wages apparently continued into the reign of his successor Ammišaduqa, which shows signs of general economic prosperity.” Farber does suggest, though, that the next king, Samsuditana’s “kingdom was in a deplorable economic state” due to the sharp increase in prices (1978: 40).

In a seminal study Zaccagnini (1979: 1-31) researched the methods of land evaluation at Nuzi. His methodology involved examining land transfers of the 15th-14th century

in the kingdom of Arraphe/ *āl ilāni* in northern Mesopotamia (Venzke 1987: 382). Zaccagnini's (1979: 12) evidence from Nuzi corroborates Westbrook (1995: 159) view vis a vis the emergence of "a small group of people who rapidly improved their socio-economic position: through an intense credit activity, carried out with usurious methods, and by frequently resorting to pledge mechanisms, these people in a relatively short lap of time managed to buy up great shares of real estate." Zaccagnini (1979: 13) appends: "the creditor is strongly favoured by his economic superiority, and manages to impose highly unfavourable conditions to the debtor". Zaccagnini (2003: 599) attests to the situation at Nuzi where the former owners now acted as tenants, conspicuously burdened by the *ilku*-duties incumbent on their former properties, instead of having passed it on with the sale. In many cases this transfer of *ilku*-duties was expressly forbidden.

Weber (1968: 586) provides an example of extreme ethical coercion, applied by a creditor on the heirs; in Egypt the mummy of a deceased could be impounded until the humiliated family had settled the outstanding debt. Veenhof (2001: 154) proposes that the intention of the Old Assyrian practice of 'distrain' was to not to dishonour, but to torment. The distress resulting from the loss of the items seized (usually persons), would "urge the debtor to pay as soon as possible."

6.1.6 DEBT BONDAGE

Gelb's (1979: 72) authoritative study of households and families provides bitter revelations regarding debt slavery. Three of the alternatives he mentions are:

- a. "A family selling several of its members into slavery,"
- b. "Self-sales of a whole family,"
- c. "Several creditors of an indebted individual."

With regard to debt slavery in the Biblical world, Rasor (1993-1994: 177) notes: "Biblical law does not expressly authorize or establish debt slavery; instead, its existence is simply taken for granted. There are many references to debt slavery throughout the Hebrew Bible, in the narratives and general writings as well as the prophets." The common denominator at the root of debt slavery was economic or financial distress, regardless of its cause i.e. environmental, ecological or political.

Foster (1995: 172-173) provides the following translation of one of the stipulations regarding debt-slavery from the Ed. A-§ §20:

“If a citizen of Numhi, a citizen of Emutbal, a citizen of Idamaras, a citizen of Uruk, a citizen of Isin, a citizen of Kisurra, a citizen of Malgium has contracted a debt according to the terms of which he himself, his wife, or [his children] may become debt slaves or pledges, because the king has established justice in the land, he is released, his restoration is established.”

As mentioned earlier, the implicit understanding of this *restoration* is to the former social status; house-born slaves were excluded from this manumission.

Occasionally, consulted authors appear immune to objectivity, or are inclined to “whitewash” history. A pertinent example is an opinion regarding “the value of freedom” put forward by Martin III and Snell (2005: 405): “There is one society of the Ancient Near East where the valuing of freedom seems even more palpable, at least in the literary form in which we can study it, and that is Ancient Israel. The emphasis of the Biblical texts on getting out from Egypt “from the house of bondage” and the relative slavery that that entailed is clear in many periods.” These authors have obviously ignored or missed the other Biblical references to slavery within ancient Israelite ethnic tribal households. Rasor (1993-1994: 177) provides a comprehensive number of examples:

“There are many references to debt slavery throughout the Hebrew Bible, in the narratives and general writings as well as the prophets. In the earliest stories, people are sometimes held as security for promises other than the payment of debts, almost as hostages. Thus Joseph holds one of his brothers as security when he sends the others back to fetch Benjamin and bring him to Egypt, and Reuben offers his sons as security for his promise to bring Benjamin back to Canaan.⁴⁴ But economic distress is also a factor; in the same story, it is understood that famine would lead to slavery if there were no relief.⁴⁵ There are also many references to people being taken as pledges and

⁴⁴ Genesis 42: 18-25; 37.

⁴⁵ Genesis 47: 19. See also Gen. 44: 32, using the term “surety” in a related context.

to defaulting debtors being forced into slavery. Job refers to the wicked who ‘take as a pledge the infant of the poor,’⁴⁶ and Amos complains of those who ‘sell the righteous for silver, and the needy for a pair of sandals.’⁴⁷ Nehemiah’s supplicants were forced to sell their children to pay their debts,⁴⁸ and Elisha helps a widow who tells him that ‘a creditor has come to take my two children as slaves.’⁴⁹ The fact that in the story Elisha resorts to a miracle rather than to the law to help her attests to the legality of the institution.”

Jackson (2002-2003: 1) argues a valid case that, when reading and interpreting ancient texts, ‘objectivity’ should be equated with ‘a state of innocence’ from making ‘culturally contingent assumptions’; these should be critically examined and evaluated. Given the council of Jackson, Martin III and Snell (2005: 405) are clearly caught in a cultural bias.

6.1.7 BANKRUPTCY

Of intrinsic importance, yet understudied, is the question why debt ended in bondage instead of bankruptcy in ancient Mesopotamian society. Korobkin (2003: 2127) argues that the bankruptcy process releases “financially distressed persons from their payment obligations,” and concomitantly attempts to satisfy (at least to a degree) the aggrieved creditor.

Weber provides an articulate and percipient theory compatible with the recurring debt situation in the ANE. Weber (1968: 687) points out that “economic situations do not automatically give birth to new legal forms; they merely provide the opportunity for the actual spread of a legal technique if it is invented”. This is true. Inexplicably, he does not extend his thoughts to the concept of bankruptcy, a prime example, and the effect it would have had in solving the economic problems of chronic, ineluctable debt of the small landowner in Mesopotamia. Indeed few scholars have devoted more

⁴⁶ Job 24: 9.

⁴⁷ Amos 2: 6; compare 8: 6. See also Isaiah 50: 1, “which of my creditors is it to whom I have sold you?”

⁴⁸ Nehemiah 5: 5.

⁴⁹ 2 Kings 4: 1.

than a few comments to the theme of insolvency, other than to mention its absence. As formulated by Kraus (1958: 169): “Die Schuldverpflichtung, die bisher über dem Haupte des Schuldners schwebte, duldet keinen längeren Verzug und hat nun den Schuldner “gebunden”, der *in extremis* auf verzweifelte Mittel reduziert ist; denn die moderne Flucht in den Bankrott war ihm versagt.” Likewise, Hudson (2000: 158) concludes: “Unlike the case in most countries today ... personal bankruptcy was not available as a means of extracting oneself from debt. The normal resolution of debt problems was to lose one’s family members and land-rights, until such time as the ruler might proclaim an agrarian debt cancellation.” Olivier (1977: 127) infers that a logical cascade of actions resulted from irredeemable debt; without access to bankruptcy the destitute small landowner fell into debt servitude, thereby reducing the production of staple foodstuffs. This factor would result in sharp price increases, further straining the existential means of the poor. A royal *mēšarum* was the only solution to ease the progressively deteriorating situation, and to reduce the economic disequilibrium temporarily. As Otto (1979: 35) put it, the prime purpose of the *mēšarum* was to mitigate social tensions and thereby reinforce and invigorate the ‘cohesion’ within society.

Bankruptcy is defined as being declared *before the law* “unable to pay one’s debts or discharge one’s liabilities” and “undergoing the legal process resulting from this,” whereby the estate of an insolvent person “is administered and disposed of for the benefit of the creditors” (Concise OED 1995: 100). Bankruptcy has a dual purpose; ‘honest’ debtors are given a ‘fresh start’, and creditors are, in an orderly manner, recompensed, (partly or proportionally) for their investment.”⁵⁰ The contrapostive side of bankruptcy is a ‘credit contraction’ for the ‘branded’ debtor, paired with a negative social stigma.

6.2 THE POLITICAL SITUATION

Clearly, every legitimate political power harbours some theocratic or caesaropapist elements. For most of Mesopotamian history the political systems have been in a state of equilibrium, governed by the penchant (partiality) for continuity. Weber (1968:

⁵⁰ Tomlinson (2001: 10) points out that the original Italian process of bankruptcy, unlike an ancient *mēšarum* act, did not intend to give debtors a fresh start.

1161-1162) provides a working definition of caesaropapism: “the extreme opposite of any kind of hierocracy;” and “the complete subordination of priestly to secular power.” In retrospect, the history of the ANE provides us with a diverse selection of leadership styles; in theory, representatives of the latter i.e. caesaropapist group, could be Sargon I and Sennacherib, perhaps the esoteric Egyptian Akhenaten (Amenophis IV) should be included as an intellectual challenge.

6.2.1 STABILITY VS RESILIENCE

The most obvious trait of Mesopotamian rulers, though, is their “emphasis on stability,” which according to Holling (1973: 21-22 as quoted by Adams 1978: 329) “focuses on the propensity of a system to return to equilibrium after a temporary disturbance.” By contrast, resilience, which is connected to transience, “reflects a primary concern with long-term survival” and “demands a capacity to adapt qualitatively as well as quantitatively to profound, unexpected, continuing perturbations.” Furthermore, resilience implies a focus on survival, despite change and turbulence. Yoffee (1988a: 13) relates ‘flexibility’ to ‘resilience’ with regard to facing situations of internal conflict as well as external threats. Examples of ‘internal conflict’ could be confrontation of the center versus periphery, and here, according to Dutcher-Walls (2002: 611) the most important variables in this core-periphery relationship include “military, political, economic and ideological” factors. These are Mann’s (1986: 2) four sources of social power, briefly discussed in Chapter 2. External threats included political, ecological or social factors.

Did the most acclaimed king of the OB period focus on stability or resilience? King Ḫammurabi, a leader with vision, determination, and willingness to embrace innovation, pursued a foreign and domestic policy reinforced by fundamental features of resilience. In the latter part of his forty-two year reign he directed his efforts and energy toward the stability and consolidation of his Empire. A number of questions should however receive attention, on the premiss regarding elements of stability and resilience:

- a. Why, during Ḫammurabi’s own regency, and that of his successor, Samsuiluna, is there an over-proportionally high documentation of temple-

- loans to the poverty-stricken small farmers? These are loans of an existential, and not commercial, nature.
- b. Why are there so many textual references to *mēšarum* edicts or welfare-enactments during the OB period of the Ḫammurabi Dynasty?
 - c. What long-term effects did the ‘gradual’ replacement of the ration system (pre-Ur III) with the ‘wage’ system of Ur III and the OB period have socially, economically and politically? Are the answers to the first two questions not inherent in the third?
 - d. Why does the Kassite Babylonian period document such a remarkable ‘urban devolution’, characterized by a retrograde urbanism, and a return to rural settlements?

The first question is impossible to answer without considerable conjecture. Possibly a lack of entrepreneurial skills of the small-landowner, a class newly emerged, must be considered. Ecological and environmental factors probably played a central position.

Sasson (1995: 907) forwards a plausible argument for the second question regarding the increase in *mēšarum* edicts in the latter part of the OB period: “After Ḫammurabi, and because of the prestige of his precedence, the issuing of such decrees became more common during unstable periods.”

With regard to the third question, Edzard, author of the standard work *Die Zweite Zwischenzeit Babylonien*, lists a number of the observed socio-economic developments between the Ur III period and basically the early OB period (2000-1800 BCE). Edzard (1957: 4) noted that private property had entered the social equation: “Das Privateigentum an Feldern, Wiesen und Weiden: diese werden gekauft, getauscht, geteilt, verschenkt, verpachtet, vererbt und bilden den Gegenstand von Prozessen.” Here too, the immature and underdeveloped entrepreneurial skills of the small-landowner should not be ignored as a possible cause of the precarious situation.

As an answer to the fourth question, Zaccagnini (1983: 257-258) suggests that the collapse of the late Bronze Age (*ca.* 1200 BCE) palace organizations was responsible for “new territorial and ‘tribal’ forms of aggregation” amongst skilled workers.

Zaccagnini maintains that these specialized craftsmen, who were probably not as well qualified as before, and in depleted numbers, “were ‘reabsorbed’ into non-palace (i.e., village/ tribal) organizations/ modes of production” (1983: 258). Ellis (1976: 73) is convinced that toward the end of Ḫammurabi’s dynasty (1595 BCE) the kings had lost much of their control over the “state agricultural labor force,” possibly due to reticence or outright refusal of the grantees of state land to perform their obligatory *ilku*-obligations. Yoffee (1979: 30) bases his theory of the “creation and/ or expansion of new bureaucratic ranks,” that is, an inflated *Staatsapparat*, precisely on this feature of the late OB period. Yoffee (1979: 30) argues that these Agricultural Bureaus were conceived by the palace administration (Yoffee prefers ‘Crown’) in order “to facilitate the hire of laborers that its shrinking resource base was no longer able to supply on a permanent base.”⁵¹

Robertson (1995: 453) believes that the redistributive sector i.e. ration-system vs. wages, still played a significant role late into the OB period, despite accepting the evidence that at least the temple economies relied to a greater extent on hired labour. As mentioned in Chapter Two, Gelb (1965: 242-243) disagrees with Robertson’s proposal: “Beginning with the Old Babylonian Period ... the ration system was slowly dying out in Babylonia proper, although it continued strongly in outlying regions, such as Mari and Chagar Bazar. After a brief revival in the Kassite period, the ration system seems to have died out in Mesopotamia by the end of the second millennium B.C.” After a comprehensive study of Entitlement *narûs*, Slanski (2003: 276-277; 281) came to the conclusion that there was no “feudal system in Kassite Babylonia,” nor had kings “absolute or semi-absolute control over the landed resources.”

Dandamayev (1991: 252) proposes a thought-provoking theory; the fear of *losing* their granted civic privileges, the *kidinnu/ kidinnūtu*, gave the impetus for some cities, like Nippur, to resist and fight the armies of Nabopolassar, the founder of the Neo-Babylonian kingdom, despite “great suffering and deprivation.” Dandamayev (1991: 260) points out that barley in Nippur then cost thirty times more than usual, and that children were sold in order to save them from starvation. An inversion of this

⁵¹ For Kraus (1984: 328), ‘Crown’ is: “eine der babylonischen Zivilisation fremde, anachronistische Trope.”

computation comes from the reign of Nabonidus; after a drought and the ensuing famine, sufficient rain fell, resulting in bumper crops. The prices of barley and dates fell to two-thirds of the norm (Dandamayev 1991: 265). These examples *in themselves* disprove Polanyi's theory of marketless trading in the ancient economies. Whereas it is clear that production decisions were made without the support of market information, the market did dictate the price of commodities or equivalences, especially in times of surplus or shortage. According to Silver (1983: 798), even the Sumerian economy possessed a term for prices of a 'good year' (*mu-hé-'gal-la*) and the prices of a 'bad year' (*mu-nu-'gal-la*) for standard commodities like barley, oil and dates.

In the NB period the usual interest-rate was twenty percent, and due to the "comparatively high standard of living" and the potential for earning wages as hired labourers, the extent of debt-slavery had waned. Dandamayev (1991: 271) makes a very pertinent point: "the less debt bondage is developed the greater is the role played by free hired labour in the general structure of the economy."

6.3 THE INTER-PENETRATION OF THE SOCIO-ECONOMIC-POLITICAL FEATURES - A DISCUSSION

As a starting point, Cowgill (1988: 256) provides a lucid definition of political fragmentation: "the coming apart of a large political system into a number of smaller, politically autonomous units is more accurately described as *political fragmentation*. I urge that we avoid using *collapse* or *fall* as synonyms for political fragmentation Social, political, and cultural troubles tend to exacerbate one another and are often systemically interrelated."

The search for causes of political fragmentation have occupied a multitude of academics; as the sociologist Eisenstadt (1988: 243) phrased it: "Investigating collapse, therefore, leads to a better understanding of the past – and the roots of the present." A number of hypotheses will be examined here; it must be pointed out that a comprehensive study, though of indisputable importance, would breach the scope of this thesis.

Certainly, one scenario equates fragmentation with political turbulence, possibly due to the inability to organize the smooth transition of succession. The centers, i.e. those large urban settlements, which never had been, or aspired to be, fully autarkic, could not effectively be maintained, protected, serviced or sustained. As a result, cities shrunk in size and number; cut off from their rural providers, the (once) overpopulated urbanites suffered from 'caloric insufficiency' (the words of Adams 1978: 333), possibly famine, and could offer no resistance to external pressures and invasions. The demographic decline in turn caused a severe labour shortage, thereby exacerbating the deteriorating economic and military circumstances. The *Lamentation over the Destruction of Ur*, a composition dated early in the second millennium, linked the disastrous situation thrust upon mankind to divine disfavour; mankind is rehabilitated by divine discretion (Adams 1988: 39). Obviously, the slowly evolving civic 'establishment' was already then impervious to critical self-analysis, and remained so over the next fifteen hundred years, despite indications of maturation.

Another option, as mentioned earlier one favoured by Jacobsen (1957: 98), sees the cause of urban deterioration in an agrarian economy, which, unable to provide its own food security, consequently failed in the central resource distribution. This situation preceded and culminated in political turbulence and fragmentation. According to Heilbroner (1995: 28), "poverty appears simultaneously with the great civilizations;" the gap between the concentrated wealth at the apex of society and the poverty at its base remain unbridgeable.

Gelb (1965: 243) promotes an alternative theory, "the radical evolution of the Mesopotamian socio-economic system," starting in the late Ur III period and culminating toward the end of the OB period. In effect, Gelb (1965: 243) sees urbanization, 'industrialization' and 'specialization' preparing the way for wage-earners. Protracted, large-scale Amorite invasions and the concomitant land redistribution encouraged the emergence, and entrenchment, of a new class of small landholding, tax-paying farmers who owed service to the king. Gelb's (1965: 243) conclusion is that this new class of free small-landowner, by the OB period, was responsible for the gross of production, having wrested the major production features

from the ‘great organizations,’ i.e. the palace and the temples, and the large landowners. This theory evinces patent shortcomings:

- a. The manifold textual references of existential loans to the independent small-landowners are indicative only of a broader land-ownership than before. Their insecure, regularly dire, economic position does not reflect any economic strength or market dominance – there is no sign that they possess any economic clout or leverage, with the exception of their labour. According to Komoróczy (1979: 415): “berichten viele Briefe von der äusserst schlechten materiellen Lage der betroffenen Personen.” In an interesting study incorporating the use of a model, Komoróczy (1979: 418-420) calculated the excess the small-landowner, under ‘normal circumstances’, could expect once his living-and production costs, and fiscal obligations and liabilities, had been covered – a ‘nett income’ of roughly three (3) *GUR* of cereal. Converted into monetary terms, this was approximately three (3) to six (6) *šiqlum* of silver.
- b. The OB period provides too many references to royal *mēšarum* enactments, which *per se* indicate a dire economic situation in need of correction, to sustain any plausibility in the theory that the new class of small-landowners ‘controlled’ the factors of production.

These factors of production are classified by classical economic theory as land, labour and capital. A fourth factor, entrepreneurship, is occasionally accredited, and is defined by Cameron (1991: 9-10) as “the effort or talent involved in combining or organizing the other three.”⁵²

Eyre (1995: 186-187) in essence follows Gelb’s theory, although much is dependent on terminology: who were farmers, landowners, or subordinate workers? According to Eyre (1995: 187), the “farmers” mentioned in textual references and documents are “a rural sub-elite”, holding and/or working, land. Subordinate to them were the *erín* people of Sumer, the *muškēnum* people of Babylon and the *mrt* people of Egypt, i.e. workers and peasants. Westbrook (2003: 377-378) argues convincingly for a

⁵² Modern ‘entrepreneurship’ is very similar to the ‘charisma’ inherent in the great ancient Mesopotamian leaders, those of the calibre of Sargon, Šulgi, Ḥammurabi, Esarhaddon and Nebuchadnezzar, Cyrus, Darius and Alexander.

bifurcation of ‘free people’ into the gentleman’s class, the *awēlum*, and the *muškēnum*, the class of commoners, although in many cases it is only clear in a comparative context involving payments and penalties after litigation and sentence. Komoróczy (1979: 416) corroborates Kraus’ (1958: 151) view that the *muškēnum*-class was obliged to cede *corvée* service (*ilkum*-service). Komoróczy’s (1979: 420) interpretation is that the *muškēnum* often had no recourse than to enter into debt to ‘survive’ the marginal returns of their properties.

The practice of ideologically-based debt-relief programmes (i.e. restoring ‘justice and equity’) was progressively abandoned in the course of the late Bronze Age (Zaccagnini 1979: 18), and slowly re-introduced in Syria and western Mesopotamia during the first millennium BCE. The conditions and beneficiaries of the various *mēšarum* edicts deliver sufficient evidence to substantiate the precarious economic situation of the small-landowners, despite the contractual freedom and legal independence they possessed.

The relentless academic debate between the adherents of the center-periphery faction and their ‘antagonists’ is of elemental significance; however, a detailed study here would breach the scope of this thesis.⁵³ A view of the history of the ancient world, unbiased by a rigid center-periphery dominated stance, shows that Adams’ (1978: 334) interpretation regarding the “more fundamental linkage of stability with resilience that lay at the root of the long-continuing oscillations experienced by the urban-centered social system as a whole” is acceptable. Adams’ (1988: 34-37) informative contribution in “Contexts of Civilizational Collapse” is commended. In the words of Lafont (1994: 103): “it seems better to abandon the words ‘center and periphery’ and to talk about moving centers ... there is not one but several centers, moving forward in time and space, and reflecting the temporary ascending of one region over the others.” Here, Lafont follows Ekholm & Friedman (1979: 42-43), who propose: “where centers expand, contract and collapse as a regular manifestation of the shift of points of accumulation” (of capital). Lafont’s concept mirrors the ideology behind the ancient explanation of “kingship coming down from heaven” to the ancient five cult cities.

⁵³Cf. Ekholm & Friedman (1979: 42-43; 45).

The availability, or more appropriately in this case, the scarcity, of labour was a limiting factor; the resource ‘land’ was in greater supply than the resource ‘labour’ and this, in the opinion of Eyre (1995: 185), influenced legislation: “Both law codes and leases lay great stress on the duty of the tenant to keep the soil and fieldworks in good order. The difficult balance was always between working the land more and working more land.” Despite this paradox, the kings did encourage the small landowner to extend previously uncultivated fields, granting tax remissions as an incentive. Ellis (1976: 72-73) maintains that the *ilku*-duties owed to the palace by the soldier (*redûm*) and the ‘fisher’ (*bā’irum*) were remitted just for the year of the *mēšarum*, whereas Kraus (1984: 165-166) propounds his opinion that they were excused permanently. Kraus’ (1984: 164-165) translation of §19 (v 17-24) of the Ed. A-š is:

“[The *rēdû* and the *bā’iru* who have leased a [field] for three years to [bring] it into cultivation will not perform [the usual *ilku*-duty.]”

In view of the critical labour situation, Kraus’ position lacks credibility.

Zaccagnini’s (1979: 15) study of the realty situation at Nuzi has provided sufficient evidence showing that the ‘disinclination’ to sell family land to ‘outsiders’ gave rise to an expedient solution, a curiosity which achieved considerable popularity in Nuzi. Silver (1983: 826) labels these “sale-adoptions” (*mārūtu*) contracts as a “legal subterfuge,” prospective buyers were ‘adopted’ into the family clan of the vendor as son, occasionally as brother, in return for a “gift” (*qīštu*) of the estimated (low) market value of the land. Silver (1983: 826) is short-sighted when he maintains the land was sold at market value, as will be seen below. The adoptee was entitled to inherit a share of the family patrimony (Venzke 1987: 382), and the socially embarrassing situation of an outright land-sale was elegantly circumvented. Zaccagnini (1979: 16) believes that “the reality/ fiction of the adoptions” reflect on “the kinship ties and village solidarity.” Diakonoff (1982: 46) expresses his view that the ‘adoption’ held it’s validity until the death of the adoptee; the most logical contradiction to this comes from the evidence of the emergence of a new, consolidated *latifundia* which existed longer than one generation in Nuzi.

Eyre (1995: 185) and Zaccagnini (1979: 7) believe that the valuation of farmland was roughly equal to one year's yield. Land (or revenue) assessments were dependent on a number of factors, and Zaccagnini (1979: 6, 18-19) provides the following information for Nuzi:

- a. Irrigated fields, and land adjoining watercourses were the most valuable.
- b. The average rate of yield of cultivation *did* correspond to the purchase price.
- c. The economic situation, i.e. the state of need, of the vendor influenced the evaluation of the land and the process of price-setting. The financially superior debtor could dictate unfavourable conditions to the creditor i.e. an extremely low price-assessment, the estimate falling between the value of one and three crops. Zaccagnini (1979: 15) finds that the evaluation is seldom more than the value of two crops. Diakonoff's (1974: 14) rationale when calculating land prices in Sumer was to triple the average profit of such land, which was $33\frac{1}{3}$ % per annum. Diakonoff's calculations, which few scholars have appreciated, brought him to the conclusion that the price of land was equivalent to the value of three, maximum four, annual crops (1974: 14).
- d. Bureaucratic duress and coercion influenced property evaluations. According to Zaccagnini (1979: 24): "sales of land are often to be related to increases of real estate properties of royal officials who extensively buy immovables, and at the same time run credit activities." Zaccagnini (1979: 24) sees remarkable parallels in this aspect between Neo-Assyrian, Middle Assyrian and Nuzian documents.

Of cardinal importance is the fact that land-prices were not determined through the market regulators of supply and demand. Zaccagnini (1979: 26) confirmed this not only for Nuzi, but equally so for the MA and NA periods. Steinkeller (2001: 48) is of the opinion that the economic motivation for an agrarian money-lender was to acquire ownership of the debtor's land, his labour, or both.

6.4 MODERN ANALOGIES

On 26 September 2007, at the Donor Conference in Berlin, Germany, the coalition government of Germany announced a fifty (50) million Euro conditional 'debt-release' to the state of Indonesia. Germany is prepared to forfeit the repayment should

Indonesia invest one-half i.e. twenty-five (25) million €uro in national health programmes designed to combat epidemics such as malaria and HIV Aids. The Minister of Development stated that ‘debts from the past were to be utilized as investments in the future’, which is diametrically opposite to the debt-relief programmes of the ANE, where the debts were not invested, but consumed.

Despite the interim of nearly a century between Schorr’s (1915: 10) use of the term tax-relief, ‘*Steuererlaß*’ and its modern pendent debt-relief, ‘*Schuldenerlaß*,’ the similarities between the modern case presented above and the ancient *mēšarum* acts are striking:

- a. The debts are ineluctable and irredeemable. Their only worth for the creditor is their propaganda value.
- b. The ‘altruistic’ and benevolent creditor garners prestige and reaps international esteem.
- c. Debtors will be confronted with a ‘contraction of credit’ in the future. This phenomenon will be applied wholesale to those who default on debt.
- d. The beneficiaries indeed profit, economically and socially. The government (king, palace or government) profit politically.

This chapter has dealt with the some of the problems facing ancient kings and ancient society. The social importance of a stable and ordered economy is clear especially by focusing on the negative outcomes resulting from an economic downturn, irrespective of its cause, and how this affected the lives and livelihoods of all levels of society. Nel (2000: 151) summarized the situation in Mesopotamia as “the impasse between religious, moral and ideological ideals, on the one hand, and the historical realities of power functioning to the detriment of justice, on the other hand.” Ancient kings were fully aware that social harmony could only be restored by “strengthening” (*ana danānišunu*) the core production unit, the family, and providing the small ‘independent’ landowner with options to regain his patrimonial land and re-uniting him with his family members through the proclamation of a *mēšarum*. Restoring the socio-economic equilibrium checked the influence of the wealthy and powerful minorities, the merchants and creditors, who sought to prevail over the production resources, land, capital and labour.

CHAPTER SEVEN: AMMIŠADUQA'S *MĒŠARUM* EDICT

7.1 THE AIMS OF THE EDICT

Silver (1995: 181-183) articulately proposes his interpretation of the ideology behind the *mēšarum* edicts under the rubric “The intellectual/ ideological framework of ancient social reform.” Silver sets *economic oppression* as the motive force of social justice in the ANE, and (plausibly) identifies a “social justice/ social reform scenario which requires innocent *victims*, materialistically motivated *evildoers*, and righteous *saviors* who strike the evildoers down and rescue their victims.” Silver describes these three groups as “intellectual constructs” and the following may be inferred:

- a. The *ideal victims* are conventionally stylized as “orphan,” “widow,” “poor person,” and “peasant,” each one an intellectual symbol, negatively-laden with nuances as ‘wretched, poor, humble, weak.’
- b. The *economic oppressors* are targeted as traders, merchants or ‘businesspeople.’ Silver (1995: 183) observes that often negatively-loaded ethnic/ geographic terms were introduced to foment immanent hostile attitudes. Silver here mentions the Biblical prophets, and their identification of ‘Canaanite’ with ‘merchant.’
- c. Throughout the ANE the *saviour* is stylized as “the shepherd,” who is, of course, the king.

Charpin (2004), as cited in Stol (2004: 865) stresses the role of the king as “Hirte, der Ordnung (*kittum*) und Gerechtigkeit (*mēšarum*) im Lande förderte.” According to Klein (1981: 13, footnote 43) ‘leadership’ is literally ‘shepherdship’ (*nam-sipa*) in Šulgi’s vocabulary. Likewise, Speiser (1954: 9) sees in the personification of the king as shepherd “the abiding cultural stereotype.” Zaccagnini (1994: 270-271) traces the ‘shepherd’ imagery beyond the Old Akkadian period (2335-2193 BCE) to king Lugalzagesi of Uruk (2340-2316 BCE).

Two examples will illustrate the universality of this ideological symbol throughout the ANE. According to Silver (1995: 184), a king of Isin, highly likely Enlil-bani (1860-

1837 BCE), boasted that “he had ‘established justice and righteousness,” and, indicating the *oppressed*:

“I sought out nourishment for them like sheep, and fed them with fresh grass.”

(translation from Postgate 1992: 239).

The other example is from the Wadi-Brisa (near Hermel in Lebanon) inscription of the Neo-Babylonian king Nebuchadnezzar II (605-562 BCE):

“Die Leute ließ ich im Libanon wie auf einer Aue lagern, ich ließ ihnen keinen Störenfried erstehen. Damit niemand Schaden stifte, [habe ich] ein ewiges Bild meiner Majestät [*hergestellt*] ...”

(*TUAT* 1/ 4, 405).

Foster (1995: 166) neatly summarizes in modern terms the aims of the royal edicts and reform legislation under the three major motives:

1. “Promotion of stability and prosperity: Good living conditions
 - a. Ending hunger
 - b. Easing the task of earning a living
 - c. Security of dwelling
 - d. Promoting happiness and contentment

2. Reduction of government exactions: Government cutbacks
 - a. Reducing taxes
 - b. Reducing the draft for compulsory government service
 - c. Curtailing a specific government practice that was the cause of popular complaint

3. Concern for honest citizens: Law and order
 - a. Promoting law and order
 - b. Reinforcing of honest citizenry.”

7.2 A SEARCH FOR PERSONAL MOTIVES

7.2.1 ETHICS

The importance of funerary rites and rituals in Mesopotamia should not be underestimated; their regular enactment by (principally) the deceased' descendants ensured a comfortable afterlife and the perpetuation of one's memory (Slanski 2003: 265). However, the peers and subjects of a monarch, too, could contribute to this cause by invocation of his name and memory, and by food and drink offerings. A document of great importance in this respect comes from the reign of Ammišaduqa, the tablet BM 80328. According to Sasson (1995: 913), the text reflects a memorial ritual (*kispum*), whereby "Ammišaduqa's ancestors, harking back beyond Sumu-abum to personalities legendary or eponymous, are conjured:"

"The turn of Amorite tribesmen; the turn of Khana-tribesmen;
the turn of Gutu; the turn of all those not mentioned on this tablet;
also any soldier who has fallen on a difficult mission for his master; princes;
princesses; all people, from East to West, who have no one to provide for them
(in the after-life) or invoke their names: Come close, eat this (food),
drink this (beverage), and bless Ammi-šaduqa, son of Ammī-ditāna."

After a thorough examination of BM 80328, Finkelstein (1966: 113-117) proposes an interesting and unorthodox hypothesis. Finkelstein (1966: 116) suggests that Ammišaduqa's coronation ceremony could have been an "extraordinary" venue for the offering of the *kispum* to the dead, not only to the spirits of his own ancestors, but "to the ghosts of anyone and everyone from East to West." Finkelstein (1966: 116) continues: "What could be more appropriate for Ammišaduqa, as the newly crowned *šar mīšarum*, than to demonstrate his concern for his people's welfare by a special food distribution to all – to the dead as well as the living?"

The search for an acceptable interpretation is formidable: does king Ammišaduqa show a great deal of sincere, ethical concern for the welfare of his people, or is he principally inspired by ego-centric motives, designed to garner invocations in perpetuity? These options are of cardinal relevance, and identical, to the hypothesis of this thesis i.e. was Ammišaduqa motivated by ethics, economics or ego?

Yoffee (1978: 29) does not accept Finkelstein's (1966: 97) theory regarding the dynastic lists of Ḫammurabi and Šamši-Adad. Rather, he convincingly interprets them, not as 'biological lines' but as 'political histories,' "carefully conceived political statements designed to unify partly independent groups into a functioning sociopolitical system." Ammišaduqa, too, cemented his political position by commissioning and disseminating his genealogical list.

7.2.2 EGO AND ROYAL IDEOLOGY

Clearly, Ammišaduqa was a man of social consciousness and scruple, with aspirations to the status of *šar mēšarum*. Otto (1997: 39) somewhat condescendingly describes these motives concerning ethics and ego as *sozialromantisch*. Yet Ammišaduqa possessed an inherent awareness and perception for creating and exploiting situations from which he emerged as the prime beneficiary. Earlier on in this paper (Ch. 2) the term 'propaganda opportunist' was suggested to describe his ability to polish his royal profile. Without any doubt, the losses that he and the palace-economy suffered when writing off those ineluctable debts of the few selected groups with each *mēšarum* decree were a good investment, and affordable. The opportunity cost of the financial losses caused by a faltering economy and social discontent are far greater. This means that the palace would have suffered incalculable damage from an economic recession, social unrest, as well as loss of prestige, local and international, had a *mēšarum* decree *not* been proclaimed.

7.2.3 ECONOMICS

Olivier's (1980: 143) argues that there was no intent on the part of the king or the 'administration' to reform the economy, merely to temporarily lift the negative aspects of the situation by a carefully calculated 'stimulus package.' Silver (1983: 828) hypothesizes that Babylonian kings intervened in the OB economy by setting minimum wages, maximum prices on staples like barley, on luxury items like wine, and on essential commodities like bricks. Royal intervention in the leasing and sale of housing is well documented from the *mēšarum* edicts, and the capping of interest rates is known from the law collections (from the kingdom of Ešnunna and the LH). These examples provide evidence of the prospective nature of the *mēšarum* stipulations.

Olivier (1984: 108) refers to the remarkable “similarity in phraseology, contents and arrangement of subject-matter” of the Ed. A-š and the century older Edict of Samsuiluna. Kraus (1965: 230) points out that this similarity gave the edicts an “institutional character.” Olivier (1984: 109), likening it to a ‘standard text,’ broadly describes the content of these edicts as “measures destined to alleviate insuperable economic difficulties among clearly defined groups of people of certain specified areas temporarily.” Lafont (1994: 97) is critical as to the effectiveness of the *mēšarum* decrees, stating that they “reflect either respect for a tradition or submission to external constraints.” Pointing out that the contents of welfare/ reform legislation had been ‘canonized’ over time, Lafont (1994: 97) draws two conclusions:

- a. “This practice underlines the formal conservatism inherent in the written judicial tradition of the ancient Near East, and
- b. reduces or even deletes the reforming value of the edicts.”

Lafont’s last remark is somewhat redundant, since general scholarship holds the opinion that the *mēšarum* edicts were not envisioned as *bona fide* reform legislation intending to actively alter the economic and social features in a prospective context, ‘merely’ to provide economic relief (for the desperate) and propaganda points (for the king).

Without a doubt, those fortunate poor who profited must have experienced an incalculably positive psychological ‘renewal’ from the *mēšarum* edict. They lost not only the stigma of debt-slavery and failure, but were reunited with their families, and had their family property restored unto them. These were enough grounds for giving eternal thanks to Šamaš and his appointed king. Hudson’s (2000: 133) modern, self-explanatory term for *mēšarum*, a “Clean Slate” proclamation, is both applicable and accurate.

The desire to repeat the act of an acknowledged king, to follow a precedent set by an idealized forefather and copied by one’s predecessors, is a sound motive for proclaiming one’s own welfare-package, especially to celebrate such an auspicious occasion as one’s own coronation. In his comments Kraus (1965: 230) makes it clear

that Ḫammurabi's five successors all issued *mēšarum* for the land, but without an inherent periodicity.

Kraus (1958: 168) presents the evidence of similarities of content with a comparison of texts from the CḪ and Ammišaduqa's edict, and even to the unaccustomed eye the similarities are obvious:

CḪ §117: RS. III 54-67	Ed. A-š §18: V 25-35
54. <i>šum-ma a-ue-lam</i>	25. [<i>šum-ma du</i>]mu <i>nu-um-ḫi-a ...</i>
55. <i>e-ḫi-il-tum (56) i-š-ba-zu-ma</i>	28. <i>i-il-tum i-il-šu-ma</i>
57. <i>dam-zu dumu-šu ù dumu.</i>	29. [<i>pa-ga-a</i>]r-šu <i>aš-ša-az-zu (30) [x</i>
SAL-zu	x x x-š]u
58. <i>a-na kù.babbar id-di-in</i>	<i>a-na kù.babbar</i>
59. <i>ù lu a-na ki-iš-ša-a-tim</i>	<i>a-na k[i-iš-š]a-tim</i>
	31. [<i>ú-lu a.na ma-an-z</i>]a-za-ni
60. <i>it-ta-an-di-in</i>	32. [x x x]
61. <i>mu 3. kam</i>	
62. <i>é ša-a-a-ma-ni-šu-nu</i>	[<i>aš-šum šar-rum m</i>]i-ša-ra-am
63. <i>ù ka-ši-ši-šu-nu</i>	33. [<i>a-na ma-tim iš-k</i>]u-nu
64. <i>i-ḫi-ḫé-šu i-na ri-bu-tim</i>	
65. <i>ša-at-tim</i>	
66. <i>an-du-ra-at- šu-nu</i>	34. [<i>uš-šu</i>]-ur [<i>a</i>]n-d[<i>ura-a</i>]r- šu
67. <i>iš-ša-ak-ka-an</i>	35. [<i>ša</i>]-ki-[<i>i</i>]n

7.3 CONTENTS OF THE EDICT

The edict affected both the public sector and the private sector. When Schorr (1915: 10) and his colleagues used the term *Steuererlaß* they erred only in their generalization. To be more explicit, the terms *Steuererlaß*, tax-relief, and *Steuerschuldenerlaß*, taxes-and-arrears-relief, deal with the stipulations affecting the public sector's relationship to the palace, while the *Schuldenerlaß*, debt-relief, releases debtors from their liabilities in the private sector, i.e. those between private parties and regulated by contractual law. The public sector may be divided into 'tax-payers' and the diverse *kārū* associations. The sums remitted were written off by the

palace as bad debt. Those stipulations of the *mēšarum* that affected the public sector made provision for:

- a. A cancellation of a portion of the taxes owed, in the form of a share of the crop *in natura*, to the palace (Schorr's *Steuererlaß*). This was restricted to Babylon and its environs, and confined to the five groups of tax-paying palace tenants: the *nāši biltim*, the *big X* group (Olivier 1997: 20), the *muškēnum*, *rēdum*, *bā'irum* and others beholden to deliver *ilku*-service. The tax-remission was very tightly confined by the palace to that portion of the crop needed for home-consumption and for seed. These measures were absolutely essential to maintain future agricultural production and to guarantee the state's food security; consequently, the social equilibrium.
- b. The cancellation of arrears and accumulated interest, (this would be equivalent to a *Steuerschuldenerlaß*). The normal taxes remained unchanged for the fiscal year, only the arrears and accumulated interest were remitted. Once again, only those of a specific group of tenant farmers, together with the *babbilum* and *sabītum* were granted relief. A special dispensation was made cancelling arrears on certain types of taxes due from the tax-payers of the *Suḫum* territory.
- c. The cancellation of accumulated tax debt, owed to the palace by certain groups of *kārū* engaged with 'tax-collecting' (also a *Steuerschuldenerlaß*). These arrears were remitted for a period of sixteen years (since the last *mēšarum* was declared for the land in the twenty-first year of Ammiditana, Ammišaduqa's father). This was to recompense the merchant bodies for the losses they incurred from the palace' annulment of the private debt between the financiers and their debtors (this is equivalent to a *Schuldenerlaß*).
- d. The cancellation of some specified royal taxes.
- e. The manumission of debt-slaves. According to Lemche (1979: 12), §20 in Ammišaduqa's edict is very specific regarding which debt-slaves are to benefit from his moratorium – former freemen only, (DUMU [*mār*] plus city name), who were enslaved due to debt, together with their families. Those manumitted were from the towns of Numḫia, Emutbalum, Idamaras, Uruk, Isin, Kisurra, and Malgum.

- f. Exemptions from certain *ilku*-service (military).
- g. A cancellation of private debt (a classic *Schuldenerlaß*), for agrarian, non-commercial credit transactions.

Lemche (1979: 12) makes the following observations: the edict was pre-selective regarding which groups of tax-payers, which stratum of military personal or which geographical areas, both urban and rural, were to benefit from the ordinances therein. An exception to the above selectivity is indicated by the general phrase ^{LU}*ak-ka-di-i-ù* ^{LU}*a-mu-ur-ri-i*, (“the Akkadians and the Amorites”), whereby certain, non-commercial debts of a consumptive nature of the whole population were annulled. Commercial credit transactions were, according to Westbrook (2001c: 330), expressly excluded from the debt-cancellation and property-restoration stipulations of Ammišaduqa’s edict.

7.4 LEGAL IMPLICATIONS OF THE EDICT

The royal regulations affected the “retention of title to purchased immovable property” (Olivier 1984: 109). This is attested to by textual contracts and real estate deeds of sale, and illustrates the paradoxical situation whereby positive law circumvented or abrogated, contractual law. Olivier (1984: 109) indicates that post-promulgation commissions were set up to review and examine the legitimacy of disputed real estate transactions; their mandate was to provide justice for the weak and vulnerable. This is corroborated by Silver (1995: 185). Finkelstein (1965: 233- 239) provides copious details of an aggrieved landowner’s appeal to king Samsuiluna.

There are a considerable number of contracts containing exigency clauses, designed to protect the purchaser of immovable property from any redemption or restoration clauses (*šūdūtu*) which might become effective with the promulgation of a *mēšarum* decree (Olivier 1984: 109). These were discussed in Chapter Five. Silver (1983: 828) points out that “government intervention in the economic sphere” (by implication, *mēšarum* decrees), are reflected by *šūdūtu* clauses in many sales contracts of landed property. An example from Nuzi states: “This tablet was written in Nuzi after the proclamation” (Silver: 1983: 828), and is intended to legally protect the purchaser.

CHAPTER 8: A SEARCH FOR MOTIVES

In Chapter Six a number of causes for the disintegration of political systems were proposed. In this chapter the interface between political/ economic disintegration, royal ideology, and concerns for social justice provide various motivating factors for the proclamation of a *mēšarum*. These will be considered and evaluated within the framework set out in Chapter One; ‘Ethics, ego, or economics.’ The political scientist Kaufman (1988: 221) maintains that *usually* a decline in the general standard of living of the population accompanied the decline in the “effectiveness of the central political and administrative organs.” Kaufman (1988: 222-225) assigns the causes for the dysfunctioning of these institutions to either exogenous events or endogenous factors. Examples of the former are natural disasters (droughts, crop failures, floods, epidemics and other events which decimate the population), as well as trade interruptions, warfare and the “exhaustion of mineral resources or of soil fertility.” The reduced tax income forces the ruler and administration to exert greater pressure on the population. This, paired with the reduction of services offered/ delivered to them, introduces the above-mentioned decline in living standards. Endogenous factors are those inherent within the social and political institutions, for example dissent and division among the ruling elite, or administrative bodies striving toward autonomy and independence, thereby undermining the authority of the central government.

The textual documents of the ancient world, especially those of Ḫammurabi’s reign, indicate the trust and authority placed in certain officials. However, certain clauses of the Edict of Ammišaduqa also show awareness for potential corruption and inclinations to independent decision-making amongst ‘autocephalous’ bureaucratic servants. Kaufman (1988: 231) refers to this systemic fragmentation as “the downward spiral,” and suggests two factors capable of delaying, interrupting or reversing the outcome. These “redeeming factors” are the “acquisition of new resources,” and “the emergence of extraordinary leaders.” Much has been said in this thesis of the charismatic leaders in Mesopotamian history; whereas Ḫammurabi indisputably belonged to this clique, Ammišaduqa did not. This does not indicate an outright condemnation or lack of recognition of his leadership capabilities; merely

that he lacked the vitality and vigour needed to forestall the downward political trend. This had set in during the reign of Ḫammurabi's successor, Samsuiluna, and its negative progression accelerated with each new king of the dynasty. Ammišaduqa and his kin, contrary to pursuing new resources, were preoccupied with damage control, undertaking military operations designed to limit their territorial and economic losses. Neither he, nor his immediate predecessors or successor mention defeating any of their hostile foes in Year-names or royal inscriptions – historically seen, this omission is quite remarkable. Ammišaduqa is credited with (nothing more than) the destruction of the city-walls of Udinim (built by Damiq-ilišu) in the last Year-name of his father's reign, i.e. Ammiditana 37 (Landsberger 1954: 68).

Yoffee (1988b: 54) is adamant that a “centrally inspired weakness” caused the collapse of the OB period. Leemans (1968: 175) informs of a royal letter from Ammišaduqa's fifteenth year regarding the menacing presence of marauding tribes in his kingdom of Babylon proper, and his inability to expel them. The situation had not improved by the time of Ammišaduqa's successor Samsuditana, who likewise in a royal epistle records the barley-crop of Sippar being threatened by an enemy army. Contrary to their claim of bringing prosperity to ‘all of the lands they had conquered, or liberated,’ only the capital and ‘core area’ of Babylon prospered (Yoffee 1978: 25).

Kaufman's (1988: 234) résumé of the role of chance, as opposed to the calibre of leadership in the determination of stability (economic, social and political) is plausible:

“Accidents of geography and history might confer on a society great natural wealth, runs of good harvests, great leaders, freedom from external challenges because neighboring states are weak or involved with other foes, and other blessings. Bad luck might inflict drought, dearth of natural supplies, continual wealth-draining warfare, epidemics, or other destructive burdens. A combination of favorable circumstances could catapult one system to the summit and keep it there for a long time; a sudden misfortune might drag a system from its day in the sun after short interval.”

Taking the above mentioned into account, it is obvious why Roux and Renger (2005: 17) describe the contrasting menace of drought and flooding as a double threat, and assign the deeply religious nature of the people living in Mesopotamia to their sense of insecurity and impotence before the gods. Wensinck (1923, as quoted by Frankfort 1952: 1) describes this as a “dramatic conception of nature.”

Reflecting on collapse, Bronson (1988: 213) makes a pertinent point that “the normal instabilities of any social organization seem capable of sometimes becoming amplified to such a degree that they tear the system apart.” Eisenstadt (1988: 242), too, is convinced that “the possibility of the failure of the integrative and regulative mechanisms of any society is inherent within that society.”

8.1 ETHICS

The first motive under consideration for proclaiming a *mēšarum* is ‘ethics,’ and in this thesis represents the social, judicial and moral duties, obligations and responsibilities that a ruler must fulfill toward the subjects of his state, in order to provide and extend their welfare.

According to Buccellati, (1995: 1686): “Ethics” is the identification of absolute values that condition human behavior; it is also human behavior itself to the extent that behavior is affected by such values.” The behavior of the kings of the ancient world confirms that the conventions of justice and social welfare had been accepted, adopted and ‘internalized’ and had become norms. Sugden (1986: 168-169) expands this principle with the concept of linking virtue to justice, giving convention a moral force, a standard to be measured against and judged by. That this was highly relevant to the ancient kings is documented by the manifold votive inscriptions listing their accomplishments and virtually demanding recognition and confirmation thereof from the audience. These kings habitually called on forthcoming generations to emulate their predecessors by repeating, and respecting, their ‘good deeds.’

Robertson (2005: 206) observes that kings, “to promote a sense of solidarity” between themselves and their subjects, were sometimes motivated to provide economic relief by cancelling debts and obligations by means of a royal decree. Similarly, a king who

generously distributed his beer and victuals to the masses at festivals or jubilees would “strengthen the psychological bond” between palace and *bourgeoisie*, thereby blunting social discontent. This theme is favoured by Cannadine (1992: 3), who maintains that “political action and political rhetoric ... include events as feasts and festivals, carnivals and ceremonies.” As previously mentioned, Postgate (1995: 301) supports this concept, finding that there is sufficient evidence in the second millennium, despite secular governments, of the power of popular consent, which he feels “reflects the survival of a strong communal ideology, in both city and countryside.”

Westbrook and Woodard (1990: 654) propose ‘public pressure’ as a motive behind the declaration of a *mēšarum* edict, hereby providing support for Postgate’s opinion. According to Westbrook and Woodard (1990: 653) this *mēšarum* decree, issued by the Hittite king Tudhaliya IV (1265-1240 BCE), is unique. It is the only extant document explicitly stating the *reasons* for its issue; these were the bold petition by a group of citizens for the removal of abuses which had been committed during the king’s absence on campaign.

In order to search for further evidence of motives of an ethical nature, it is necessary to return to the term *Gnadenackt* as discussed in Chapter One. The concept of royal grace, mercy and compassion, although seldom verbalized by English-speaking academics, was already introduced as a motive as early as 1917, when the bridge between debt-remission and royal compassion first became clear with Schorr’s (1915: 10) and Walther’s (1917: 4-6) work on tablet BM 78259. These ideological concepts are emotionally-laden, empirically difficult to analyse, and succumb all too easily to anachronistic transfer. Clearly, the ancient law collections, the edicts and inscriptions, letters and positively-judged petitions all indicate more than just an ‘awareness’ of moral and ethical standards of behaviour in social, judicial and private spheres. There is an *implicit* acceptance and embrasure of these concepts and visions by the populations of the ANE. The king, as vertex of each society *explicitly* committed these social stipulations into ‘laws’ (with the exception of ancient Israel, which relied on Divine Authorship).

Von Soden (1989c: 5) reiterates the difficulties experienced with the identification of ancient morality and ethics (not identifying *with*), and is concerned with the question of how deeply these are anchored in *religious* beliefs or convictions. Von Soden's inquiry, though interesting and understudied, is not of primary relevance to this thesis, with the exception of one 'ephemeral' value: 'honour.' Von Soden (1989c: 5) pleads against an incautious transfer of contemporary conceptions from the modern repertoire of values such as 'morals', 'ethics' and 'honour' onto the ancient cultures systems. Von Soden (1989c: 5): "Diese Definition des Wortes Sittlichkeit ist für unsere Begriffe unzureichend, da wir auch um Pflichten des Menschen gegen sich selbst wissen. Wir haben aber bisher keinen Anhalt dafür, daß die Pflichten gegen sich selbst, die wir vor allem in dem Begriff Ehre umfassen, auch von den Babyloniern als sittliche Pflichten aufgefaßt worden sind. Überhaupt müssen wir uns hüten, unsere Vorstellungen von sittlichen Pflichten ohne weiteres auf Babylonien zu übertragen."

The ancient world conceptualized sin, guilt and divine punishment. Moral standards, especially of the Šamaš worshippers were high, as discussed in Chapter Two. The Babylonian "mirror of confession" (Šurpu II) records a long list of sins, including for example: oppression of the weak, parental disrespect, unchaste behaviour towards a neighbour's wife, committing evil deeds, and refusal to release the imprisoned (Römer 1969: 155).

Von Soden (1989c: 8-9) points out that for the Babylonians, words incorporating 'noble ideas' like *kittu u mēšarum*, *paršu* (cosmic order) and *šīmtu* (destiny) carried a spiritual and numinous quality. An excellent introduction to the concept *šīmtu* is provided by Römer (1969: 171); needless to say, the depth of detail of the *altorientalischen Geisteskultur* (Jeremias 1929) breaches the scope of this thesis. Ḫammurabi pioneered a new self-representation in royal inscriptions by lauding his social and judicial accomplishments as his vocation and 'mission.' Von Soden (1989c: 9) points out that, although royal inscriptions in the post-Ḫammurabi era did return to the more conservative presentation of the king conforming to, and fulfilling, his cultic obligations (building temples, irrigation projects and defense walls), the social ideals introduced by Ḫammurabi as prestigious achievements into royal

inscriptions were retained and repeated. Although Ḫammurabi's personification (and self-glorification) of his *Gottesidee* was not emulated to such an extent by king Ammišaduqa, within the latter's psychological profile the virtue of 'honour' is as indelibly inscribed as in his famous edict.⁵⁴

It goes without saying that the search for empirical evidence of the virtue 'honour' in the psychological and ideological make-up of ancient kings will remain elusive unless coupled to a measureable concept, for instance the idealized vision of *šar mēšarum*. A promulgated and/ or implemented policy of social welfare, the protection of 'the under privileged and the vulnerable' was regarded as the virtue of any illustrious king in the ANE. It remained an essential feature to achieve the aspired status of *šar mēšarum*.

8.2 EGO AND ROYAL IDEOLOGY

The second of the three of motives originally proposed for king Ammišaduqa's proclamation of his first *mēšarum* is subsumed under the rubric 'ego;' defined as the ideological belief of the king in *himself*; the positioning of his person or office within the system, and his means and efforts of maintain, extend and perpetuate this situation.

Kraus (1960a: 127) identified two forms of comparative self-praise, whereby kings preferred to compare themselves with their predecessors, and to posit themselves and their achievements in a historical setting:

- a. I did 'it' better than (those) before;
- b. I did, what no-one else had done.

This concept of historical comparison is fundamental to this study – it is the connecting link of Mesopotamian royal tradition, and the proclamation of any *mēšarum* enactment *per se* therefore suggests, implicitly or explicitly, the stoking of the royal ego. Personal pride and royal vanity should therefore be regarded as legitimate motives for any king to proclaim *mēšarum* for his land.

⁵⁴Von Soden (1989c: 10) uses the term *Gottesidee*.

Olivier (1997: 24) succinctly describes *mēšarum* as maximizing the ideological effect for the king while simultaneously minimizing the cost to the palace. This is corroborated by Nel (2000: 148), who expresses the view that over the passage of time *mēšarum* edicts “became indices of royal legitimatization rather than indicators of the king’s responsibility for social equity,” as may be deduced from monumental inscriptions and the prologues of law collections (the LH, for example). Nel furthermore sees the edicts embedded within a “propaganda strategy to strengthen the royal administration and to legitimize its power” (2000: 148). As both Olivier and Nel observed, the pre-emptive measures taken by merchants to protect their contracts (with legal clauses) from any ordinances within a royal decree undermined the authority of the monarch, and invalidated the effectiveness of the edicts.

Mendenhall (1954: 27), though doubtful, does not rule out that the possibility that a public promulgation of debt relief through an *mēšarum* edict could have been simple propaganda, intending to enhance the king’s reputation for justice.

8.3 ECONOMICS

The third set of motives for the issuance of a *mēšarum* is to be sought in the economic faction. Foster (1995: 168) discusses the importance of prices of goods and services in the ancient economy, pointing out that idealized economic conditions were expressed by tables of prices and wages. These were fictitious; the prices quoted were usually a third or less of the real, contemporary prices. Liverani (1995: 2353) follows Foster, and clearly makes his point that these “patently forged,” “grossly exaggerated, one-sided, and unreliable” “celebrative texts” contain dubious material!

Foster (1995: 172) suggests there is an inherent paradox encased in *mēšarum* edicts in general; the welfare measures, by improving the solvency of the population and restoring their economic equilibrium, “created fresh opportunities for exploitation.”

Cowgill (1988: 263) approaches the economic problems a ruler or a state might face by examining the (frequent) disparity between institutional income and expenditure. Cowgill is convinced that all states face an identical fundamental problem, and refers to Micawber’s Principle: “income must be greater than or equal to expenditure”

(1988: 259). A relevant point Cowgill (1988: 259-262) makes is that the factors reducing state income should be separated from the factors raising state costs. Without going into any great depth, the five factors that reduce state income are:

- a. Tax avoidance. Systems of taxation are perceived as pitfalls of inequality. Whether reducing the taxes of certain groups, to the extent of exemption from taxes, as well as other tax-payers defaulting on their taxes, the effect is the same: the state has less income, and will proportionally raise taxes on the majority of the population, those who happen to be least able to avoid an increase and have limited reserves for weathering out a crisis. Eyre (1995: 188) follows this thought-pattern: “The economic health of rural society depended, then, on the political or economic authority avoiding excessive and unsustainable revenue demands. Where these demands were made, the rural economy collapsed and land went out of cultivation, as the peasants fled.” Diakonoff (1982: 97) indicates that the term for ‘those who fled’ is ‘*apirū*. Westbrook (2001a: 2) confirms that “the phenomenon of desperate debtors abandoning their farms and absconding is well known from the ancient Near East.” Fortunately, in the case of ancient Mesopotamia a regular, without any inherent periodicity, debt-relief programme annulled the arrears of the poorest in society, and gave them an opportunity for a fresh start. However, these households, despite having just been granted a ‘fresh start’ by the ‘wanton generosity’ of their king,⁵⁵ were inexorably predestined to indebtedness; unequivocally and unavoidably the victims of the ancient economic system.
- b. Government revenues that flow to ‘holders of intermediate-level office, away from the central government. This weakens the central authority at the expense of local ‘players’, and often results in a tax- increase, since the state is deprived of funds.
- c. The sources of income are exploited in such a way (i.e. maximization of profits) as to cause permanent harm to the inherent potential (future) productivity of the resource. A list of examples, by no means complete, could include environmental resources (soil-hypersalination, abandoning

⁵⁵ The phrase ‘wanton generosity’ is used, with permission, from the pulpit of Rev. P. Buckland, Somerset West.

or shortening fallow periods (Yoffee 1988b: 53), deforestation, and marine exploitation), social resources (the damage to households and family-industries through deportation or over-taxation) or industrial resources.⁵⁶

The core-periphery economic system very often ‘bled’ the rural populations and ‘fed’ the urbanites (Neo-Assyria is a classical example).

- d. The loss of political control over tributary states.
- e. The loss of lucrative state trade. Yoffee (1988: 54-55) provides an excellent example of the Old Assyrian state’s demise due to loss of ‘unrestricted’ trade-opportunities.

According to Cowgill (1988: 262-263) the five factors that raise real (as opposed to inflation) state costs are:

- a. Providing security from military threats.
- b. Providing essential services, for instance offsetting environmental problems.
- c. Providing for an increased population.
- d. “Less effective use of revenue due to bureaucratic proliferation...”
- e. “Less effective use of revenue due to/ an increase of corruption, rigidity, incompetence, extravagance, and (perhaps) inefficiency.”

These five factors in each group are as relevant to the states and economies of the ancient world as they are today. Many of the documents that are available to scholarship provide evidence for a ‘statesmanship’ or ‘government policy’ that was reactive at best, and not at all, or very seldom, one that grasped the initiative and sought solutions to problems. Once again we are confronted with an institutional and emotional passivity, where the ‘sanctity of tradition’ desired a ‘restoration’ to better times instead of open confrontation and reform.

⁵⁶ German industrial facilities were disassembled in the post-war years, and rebuilt, mainly in Britain. This however had a paradoxical effect: British industry utilized the technological know-how of the 1940’s without an incentive for further investment, while the German industry was motivated through necessity to design new technology. The result is that the German mechanical engineering industry is the most advanced in the world and the German economy the world leader in exporting machinery.

Is Garfinkle (2005: 394) making a relevant point when he interprets the *mēšarum* edicts of the OB period as “one of the more significant developments in the interaction of the institutional and non-institutional households?” Furthermore, “These edicts attest to the power of the royal authority to intervene in the lives of the people, but also demonstrate the reliance of the state on the economic activities of non-institutional households. The crown was compelled to intercede on behalf of individuals in order to guarantee the smooth operation of the economy.” Clearly, given the nature of communication and autocephalous actions of the regional rural officials of the administrations, it is somewhat exaggerated to speak of a ‘smooth operation.’

Yoffee (1977: 149) is convinced that personal incompetency and inefficiency of Hammurabi’s successors were not the causes of the dynasty’s decline. These Yoffee finds in the ‘inflexibility’ of the system “to adapt to changing social and economic conditions,” paired with the deteriorating environmental situation already discussed in preceding chapters. The palace, in a desperate attempt to maintain its economic standards and position, exacerbated the problem of ‘lower yields per unit’ by increasing the pressure and demands on the productive stratum involved in agriculture. Clearly, the economic law of ‘diminishing marginal returns’ was unknown to them; possibly most of the producers, small-landowners and palace-estates alike, were all producing in the negative range, and wreaking irreparable damage to the ecology, for example by excessive irrigation and shortening or omitting fallow periods. A veritable vicious circle of reciprocal cause and effect had evolved; the *political* ectopic foci that originally triggered the cycle had been supplanted by manifest, insoluble social-economic problems. The strong central administration progressively lost its hold on officials and the bureaucracy (however inflated); the latter transferred their loyalties to the groups from which they were recruited (Yoffee 1977: 149).

Yoffee (1977: 149) presents a cogent conclusion: “The ruling house in Babylon fell victim to its own long-standing policies and the resulting internal instability, not to a military defeat by a foreign foe or as a result of mass ethnic disruption.”

Liverani conducted a study of seminal importance on the reconstruction of the ancient Near Eastern landscapes, thereby contributing to a “more realistic picture of the ancient Oriental civilizations” (1996: 40). “The desertification of the countryside and the collapse of buildings and towns” are, as Liverani (1996:40) concludes, “a result (and a proof) of the extreme difficulties ancient societies faced in balancing production and reproduction, development and survival, maximization and resilience.” Liverani, with his final statement returns, one must assume not unknowingly, to the starting point of Adams’ (1978: 330-331) discussion on ‘stability, maximization, and resilience.’

8.4 A SEARCH FOR PRECEDENTS

Korobkin (2003: 2134) provides an insight into the Roman law of the Twelve Tables: “if a debtor did not or could not pay a debt, and no one came to the debtor’s financial assistance, the creditor inflicted physical harm on the debtor.” This is precisely the theme chosen by Shakespeare for his 17th century play, *The merchant of Venice*. However, it is his incomparable perception of ‘the virtue of mercy,’ juxtaposing the divine realm with secular reality, that shows just how modern, yet timeless, the motive of mercy is.

WHEN MERCY SEASONS JUSTICE ...

Portia: Then must the Jew be merciful.
Shylock: On what compulsion must I? tell me that.
Portia: The quality of mercy is not strain’d,
 It droppeth as the gentle rain from heaven
 Upon the place beneath: it is twice blest,
 It blesseth him that gives and him that takes,
 Tis mightiest in the mightiest, it becomes
 The throned monarch better than his crown.
 His scepter shows the force of temporal power,
 The attribute to awe and majesty,
 Wherein doth sit the dread and fear of kings:
 But mercy is above this sceptred sway,
 It is enthroned in the hearts of kings,

It is an attribute to God himself;
And earthly power doth then show likest God's
When mercy seasons justice: . . .
(Shakespeare 1993: 197-198)

There can be little doubt that Ammišaduqa was fully aware of the inestimable value of his *mēšarum* on his reputation and status as ruler, provider, and aspirant as *šar mēšarum*, “a king of justice” (Olivier 1997: 13). According to Shakespeare, when mercy and compassion season the justice of those able to dispense it, and here king Ammišaduqa was in a prime position, “it is twice blest, it blesseth him that gives and him that takes.” Both the king and his subjects benefitted. Shakespeare (1993: 198) likens the virtue of mercy to an “attribute to God,” pin-pointing with clarity one of the prime motives for the welfare legislation of those ancient rulers of Mesopotamia who subscribed to an ideological vision of justice and truth, *mēšarum u kittum*. Steinkeller (2001: 49), in the case above, speculates on Shylock's motives for issuing the loan, and the bond he demanded.

8.5 FUTURE PERSPECTIVES

It should be clear that new methods of analysis and novel approaches are necessary to invigorate future studies of ancient Near Eastern societies and their economies. The methods employed by the economic sociologist Swedberg (2001: 732) could perhaps be consulted and applied to those branches of the ancient economy that already have been thoroughly, if not optimally, researched. A number of areas which would undoubtedly profit from a structured interdisciplinary approach are ancient credit institutions and forms, land-lease forms, temples, trade, markets, debt, debt-securities and debt-slavery.

Swedberg (2001: 732) himself describes the field of economic sociology as dealing “with the social dimension of economic phenomena:”

- a. “It is the study of social structures and organizations in the economy,” and
- b. addresses issues not only at the periphery of the economy (such as, say, the influence of religious values on the economy or of ethnicity on

entrepreneurship) but also at its core (such as the way markets operate or investment decisions are made).

In conclusion to this chapter, it is repeated that Oriental scholarship remains indebted to those ancient scribes whose detailed, precise and copious documents regarding economic matters are available as source material for future research. An understanding of the ancient economy is fundamental to understanding its pendent, ancient society.

CHAPTER NINE: CONCLUSION

9.1 THE QUESTIONS POSED IN THE RESEARCH PROBLEM

The questions posed in Chapter One are answered with what Kraus (1965: 230) would term pure “unauthorized, generalized speculation.”

What was the rationale behind a ruler issuing an edict of economic ‘reform’ and redress? Was it an ancient form of RDP (relief debt programme)? Clearly, there is sufficient evidence to indicate that Ammišaduqa intended to alleviate the dire economic situation experienced by sections of the productive population.

After considering the plight of the ancient agricultural worker, singularly unimportant, en masse a social and economic force, the question to ask is whether they really possessed the economic power to sway the fortunes of a king and country? This question is most comfortably answered by rhetorically speculating what would have happened had the ancient kings *not* “read the writing on the wall,” and instituted the measures to alleviate the extreme suffering and social degradation of the destitute. Those desperate enough would have left the land they no longer owned; agricultural production would have dramatically decreased due to the resulting labour shortage, and a wage-price spiral of inflation would have developed. Social unrest and rebellion, expensive problems to eradicate for any king or administration, would have destabilized the very backbone of ancient society – tradition.

Did this numerically significant section of the population, many of whom, though not all, living above the subsistence level in an ancient agrarian economy really have the potential to bring a functioning, developing economy to its knees, as suggested by the proponents of the ‘economic faction?’ No, they did not have such an influence on the economy; the indebted small-landowner lost land and family-members, but many would have continued to work as tenants for the affluent, propertied *latifundia*. Eventually, the labour shortage would result in a strong bargaining position for wage-earners, leading to the above mentioned inflation. The monopolistic power of the landowners would consequently diminish. The economy would first go through times

of agricultural production shortfalls, the state food security could be in jeopardy. The possibility of social unrest could arise.

Did these 'peasants' not exercise a minimal purchasing power? Yes, the private 'expendable income' was not great, but each economy is a self-stimulating cycle, and each defunct link weakens the next. Job specialization, which is a prime stimulant for developing a stratified society, would have been retarded.

Were the small landowners not vulnerable to exploitation by corrupt palace officials, conniving large land-owners, and unscrupulous merchants? Yes, although social pressure and the strength of the legislative provided more than a modicum of legal protection, merely existing in such a desperate economic situation made resistance to the above groups difficult.

Could the loss of their private contribution to the economy unbalance the supply and demand of production goods and labour, thereby causing a wage/ price spiral resulting in unbridled inflation? As seen above, and from the evidence provided earlier, the shortage of labour would have ignited a production shortage, causing wage/ price inflation, with far-reaching consequences.

Did the king fear that a situation of irredeemable debt would favour his rivals, those holding large patrimonial or prebendal estates? This has been confirmed as a sound motive for declaring, especially the *andurāru*, edicts of the post OB period. The palace and the temple traditionally competed for labour, and the powerful landowners would have exacerbated the critical supply-demand situation on the labour market.

Is the Ed. A-ş a "modern-day economic stimulus package" (Wells 2005: 188), designed to rejuvenate the economy by providing debt-relief and giving impoverished and often "enslaved" people a fresh start, usually at the expense of the palace? The palace, by abrogating contractual law between private parties, and pursuing a policy of restoration at the expense of the merchants, did inflict financial losses on the creditors, temples and merchants. However, this was recompensed to a large degree

by the annulment of the taxes and arrears of this group to the palace; this was essential in order not to jeopardize the small-landowner's prime source of credit.

Did the palace plan a 'marketing mix' of ethics, ego and economics, carefully calculated to maximise their 'return-on-investment' and optimise the 'opportunity costs' of the palace and themselves? The palace's financial experts were aware when the economic situation had reached an unbalanced, untenable position – the stipulations within the edicts granted assistance to those most *needy* in the economy, and for those most *needed* in the economy. The king and his palace balanced the financial loss with the gain in prestige, glory, gratitude and cultic confirmation of being *šar mēšarum* – a righteous king.

9.2 CONCLUSION

Kraus (1965: 231), in seeking to identify the motives for royal edicts, with foresight selected to separate the 'first' proclamation from "subsequent" *mēšarum* edicts. This method provides the most precise answers, and will therefore be adopted for this thesis. The base-line conclusion, therefore, is that the motive and the occasion are inseparable. The original aim of this thesis, presented in the research proposal, was to produce sufficient evidence that king Ammišaduqa was primarily inspired by ethics and ego, and not economics, when declaring his first *mēšarum* edict; this endeavour has been successful.

9.2.1 THE FIRST *MĒŠARUM* EDICT

King Ḫammurabi set a precedent for proclaiming a *mēšarum* edict upon, or close after, accession to the Babylonian throne. This custom remained deeply ingrained for four centuries, and was faithfully executed by his five successors. The weight of tradition, reverence for their illustrious forefather, or fear of dishonouring his injunctions have been propounded as reasons for Ḫammurabi's successors adopting this custom, which undoubtedly financially burdened the palace.

Assmann (1992: 157-159) provides further evidence for the 'overwhelming' pressure Ḫammurabi exerted on his successors with insights into, and interpretations of, the

imprecatory section of the CH, which addressed future monarchs. It is of considerable significance that later dynasties and ruling houses did not adopt these customs of the OB period wholesale, but selected certain portions, e.g. the unique NB statement of Neriglissar (559-555 BCE) mentioned in Chapter Five referring to a *mēšarum* act, which Lemche (1979: 14) interprets as a literary cliché indicative of “renaissance tendencies.”

Kraus (1965: 231) succinctly argues that this first promulgation was designed and executed for ideological purposes, to garner glory and esteem for the new regent (“die Glorie fürsorglichen Schutzes verleihen”). Nel (2000: 148) agrees that the proclamation of *mēšarum* was a part of “the propaganda strategy to strengthen the royal administration and to legitimize its power.” The throne accession was staged as a new beginning for the palace, the king and population; the various stipulations within the *mēšarum* restored social equilibrium and gave many indebted the opportunity of a ‘fresh start.’ An auspicious occasion was usually chosen, the New Year’s festival providing days of frivolous celebration for the king to display not only his fiscal generosity, but to demonstrate his piety and submission to divine will. This was an essential part of the legitimization process of ancient kingship. Kraus (1965: 231) likens the occasion of promulgation to the declarations of amnesty which became popular in later times.

This ‘clean slate’ policy of the new king was ‘clinically’ conceptualized to convince the fresh regent’s subjects of his sincere concern for their welfare, especially those marginalized and destitute. Reciprocally, the population was expected to grant the new king trust, goodwill, support and favour. The independent low- and middle-classes of free small-landowners were ‘strengthened’ by the cancellation of debts, arrears and binding contracts. The *mēšarum* was not designed to bring prosperity, but, by restoring property and family-members sold in the most desperate of circumstances, sought to encourage agricultural production and prevent uncontrolled urbanization. By strengthening the basic ‘production unit’ of ancient economies, the palace strengthened the umbilical bond to those ‘tax-payers’ who owed produce and *ilku*-service; indeed, to those upon whom the palace itself depended on for labour.

Another feature of this initial royal edict concerns the diametrically opposite social stratum: the affluent and influential private families. The new king used this occasion to pledge fresh, and to honour past, privileges granted to temples, individuals, cities or regions. The ruler likewise needed to curry the favour, and win the trust and gratitude of the powerful priests, merchant-bodies, the money-lenders and landowning *latifundia* at the start of his reign. This first proclamation provided an expedient opportunity for a royal ‘flexing of muscles’ at throne-accession, and undoubtedly would have driven home to all potential rivals the new king’s claim to power.

9.2.2 SUBSEQUENT *MĒŠARUM* EDICTS

King Ammišaduqa, indeed possibly each ancient Mesopotamian king, was obliged to declare *mēšarum* for their land and people when the economic situation had spun off into an unrectifiable disequilibrium. The timing for such a *mēšarum* act, according to Westbrook (2001b: 74), was entirely within the discretion of the king. Irrespective of the prime causal factor, whether war, plagues, floods, droughts or labour shortage, the outcome of social suffering and economic deprivation was predestined, and affected the financially vulnerable section hardest.

Kraus (1965: 231) therefore argues that subsequent *mēšarum* edicts were economic emergency measures, carefully designed to alleviate the pressure on the most sensitive of resources, labour. This argumentation incorporates within itself an explanation for the lack of periodicity of royal Syrian-Mesopotamian welfare packages – the palace alone selected the time, place, extent and beneficiaries of the relief measures. The ‘authentic’ reform features of the usual *mēšarum* decrees were negligible; the palace did not subscribe to visions of a more just society or an economy providing ‘equity for all.’

However, it is significant that only the OB monarchs were successful in forestalling the power of the financiers and merchants by thwarting plans to introduce contractual contingency clauses, or other measures designed to undermine the effectiveness of the *mēšarum*. Otto’s (1997: 50) summary: “Die strikte Überordnung der Rechtsakte über das Vertragsrecht und die konsequente Meidung kontraktueller Abwehr der Konsequenzen des Rechtsaktes im altbabylonischen Königreich Babylonien ist eher

lokale und temporäre Besonderheit in der Geschichte der syrisch-mesopotamischen Rechtsakte.”

As perceptively expressed by Olivier (1977: 114), the *mēšarum* was intended, not to reform the economic *system per se*, but to remedy the unbearable economic *situation*. The economic motive is therefore of prime importance for all subsequent edicts, although an overlapping of all three motives – ethics, ego and economy – is highly likely for all the occasions.

ABBREVIATIONS

AJA:	American Journal of Archaeology
AOAT:	Alter Orient und Altes Testament
AS:	Assyriological Studies
ASOR:	American Schools of Oriental Research
BBVO:	Berliner Beiträge zum Vorderen Orient
BiOr:	Bibliotheca Orientalis
CANE:	Civilizations of the Ancient Near East
CASC:	The Collapse of Ancient States and Civilizations
CDOG:	Colloquien der Deutschen Orient-Gesellschaft
GA:	Von Soden, W. 1989. <i>Aus Sprache, Geschichte Und Religion Babyloniens; Gesammelte Aufsätze.</i>
HdO:	Handbuch der Orientalistik
HSS:	Harvard Semitic Studies
JAOS:	Journal of the American Oriental Society
JBL:	Journal of Biblical Literature
JCS:	Journal of Cuneiform Studies
JESHO:	Journal of the Economic and Social History of the Orient
JNES:	Journal of Near Eastern Studies
JNSL:	Journal of Northwest Semitic Languages
JQR:	Jewish Quarterly Review
JSOT:	Journal for the Study of the Old Testament
JSS:	Journal of Semitic Studies
LAPO:	Littératures Anciennes du Proche-Orient

LSS:	Leipziger Semitistische Studien
MANE:	Monographs on the Ancient Near East
OBO:	Orbis Biblicus et Orientalis
OIP:	Oriental Institute Publications
PBS:	Pennsylvania Museum, Babylonian Section
RA:	Revue d'assyriologie et d'archéologie orientale
RAI:	Rencontre Assyriologique Internationale
RLA:	Reallexikon der Assyriologie und Vorderasiatische Archäologie
RIDA:	Revue internationale des droits de l'antiquité
SBLMS:	Society of Biblical Literature Monograph Series
SD	Studia et Documenta
SHAW:	Sitzungsberichte der Heidelberger Akademie der Wissenschaften
TUAT:	Kaiser, O. (ed.). 2005. Texte aus der Umwelt des Alten Testaments
VT:	Vetus Testamentum
VWGT:	Veröffentlichungen der Wissenschaftlichen Gesellschaft für Theologie
ZA:	Zeitschrift für Assyriologie und Vorderasiatische Archäologie
ZABR:	Zeitschrift für Altorientalische und Biblische Rechtsgeschichte
ZZB:	Die Zweite Zwischenzeit Babyloniens

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