

King of Justice

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In dealing with ancient civilizations, whose literary traditions tend to be very conservative, the study of text genres is particularly useful¹. The categorization of cuneiform royal inscriptions into building inscriptions, votive inscriptions, annals, and so on, has helped to illuminate the purpose of these documents. By applying the principle of categories, we can also follow the evolution of individual genres through time, which, in turn, enables us to get a better understanding of the historical and social developments that these genres reflect. In the course of my studies at the Oriental Institute, Professor Miguel Civil painstakingly lead my way through the various genres of Sumerian literature, thus teaching me to appreciate the value of categorization. It is with this experience in mind that I gratefully dedicate to him this discussion.

Under the title "King of Justice", I will survey a number of Sumerian and Akkadian royal inscriptions, all dating to before the end of the Old Babylonian period, which are relevant to the development of written "law". These include: two inscriptions of Entemena, the reform texts of Urnimgina, and the "law codes" of Ur-Nammu, Lipit-Ishtar, and Hammurapi². Although these documents have been studied and restudied by Assyriologists, and legal historians *ad infinitum*, it is my belief that an examination of this whole group of sources from the point of view of typology and internal structure may prove revealing. In particular, I hope to demonstrate that, at the root of the codification of customary laws in ancient Mesopotamia, lay the theme of "king of justice" or, more precisely, the ruler's desire to prove that he was "just".

Our starting point is the two inscriptions of Entemena, an Early Dynastic ruler of Lagash³. As far as I know, these are the earliest royal inscriptions in which the theme of "King of Justice" implicitly appears. Both of them are building inscriptions, and in each the evidence of the ruler's "justice" is the act of

1. First, I would like to thank Gretel Braidwood and Dr. Ray Tindel of the Oriental Institute, as well as other professors, for helping me by sending some material, without which it would have been impossible to write this paper. Second, because a good research library is not available in China, I am bound to miss many relevant studies already done by others. I apologize in advance if I fail to acknowledge any major works in this field.

2. That the "Code of Ur-Nammu" was not by Ur-Nammu has been suggested by S. N. Kramer in *OrNS* 52 (1983): 453-56.

3. *SARI* I, pp. 58-59, La 5.4 and pp. 66-67, La 5.26.

ama-ar-gi₄, “cancellation of obligations”⁴. The first text records the building of the Lumagimdu reservoir for Ningirsu, which was followed by Entemena’s cancellation of the obligations of Lagash:

am[a-g]i₄ laga[š^k] e-d[a(?)]-x⁷-gar¹ a[ma du]mu mu-ni-[g]i₄ du[mu am]a m[u-n]i-gi₄ [...^k] [...] mu-ni-gi₄⁵.

He canceled obligations for Lagash, having mother restored to child, child restored to mother, and ... restored ...⁶.

The second text records the building of Emush, the temple of Lugalemush in Patibira, which was followed by a similar cancellation of obligations for Uruk, Larsa, and Patibira:

dumu-unu¹(=AB)^{ki} dumu-larsa^{ki} dumu-pa₅-ti-bir₅-ra-ka [ama]-gi₄-bi e-gar⁴ inanna-ra unu^{ki}-šè šu-na i-ni-gi₄ ⁴utu-[ra] larsa^{ki}-šè šu-na i-ni-gi₄ ⁴lugal-é-muš-r[a] é-muš-šè šu-na i-ni-gi₄⁷.

He canceled obligations for the citizens of Uruk, Larsa and Patibira; he restored (the first) to Inanna’s control at Uruk, he restored (the second) to Utu’s control at Larsa, he restored (the third) to Lugalemush’s control at the Emush⁸.

It should be noted that, in the latter text, the dedication of Emush to Lugalemush is preceded by a list of previous deeds of Entemena, which included another cancellation of Lagash’ obligations:

ama-gi₄-lagaš^{ki} e⁷-gar¹ ama dumu i-ni-gi₄ dumu ama i-ni-gi₄ ama-gi₄¹ še-ur₅-ka e-gar⁹.

He canceled obligations for Lagash, having mother restored to child and child restored to mother. He canceled obligations regarding interest-bearing grain loans¹⁰.

Since the two inscriptions cannot be chronologically arranged, it is impossible to tell whether the cancellation of Lagash’ obligations mentioned in the second text is identical with or different from the event recorded in the first text. Be as it may, it is significant that, in the second text, Entemena includes the act of ama-ar-gi₄ among his “good” deeds, clearly deeming it to be as important as the construction of temples for the gods. On the whole, however, these two inscriptions concentrate on the building activities of Entemena, making his legal accomplishments and, with it, the theme of “King of Justice”, only their secondary focus.

A few generations later, the theme of royal justice appears again, this time in the “Reforms” of Uruinimgina. Of the three surviving versions of Uruinimgina’s “Reforms”, two are recorded on clay cones, and one, on a clay plaque¹¹. Both in form and in content all three can perhaps be viewed as a cross-over between a (proper) building inscription and a (predominantly) narrative historical inscription or *narû*¹². While all three versions describe the construction of sanctuaries and the canal-works for various deities of the Lagash region, these descriptions are of secondary importance, the theme of “King of Justice” now taking up the major part of the respective texts. As can best be seen from L.9.1, which preserves the fullest version of the “Reforms”, the main objective of the text is to show that Uruinimgina

4. La 5.4 “Stone tablets and copper peg figurines” are foundation deposits. La 5.26 is written on a brick.

5. *ABW* Ent. 35 v:2-vi:1.

6. *SARI* I, p. 58, La 5.4.

7. *ABW* Ent. 79 v:4-vi:6.

8. *SARI* I, p. 58, La 5.4.

9. *ABW* Ent. 79 iii:10-iv:5.

10. *SARI* I, pp. 70-77, La 9.1, 9.2, 9.3.

11. *SARI* I, pp. 70-77, La 9.1, 9.2, 9.3.

12. See J. S. Cooper, “Medium and Message: Inscribed Clay Cones and Vessels from Presargonic Sumer”, *RA* 79 (1985): 97-114, for a discussion of the shape of the clay cones. Cooper leaves the question of the exact function of these cones open, but categorizes their inscriptions as “historical narrative inscriptions”.

was a "just" ruler; the building activities are still recorded, being probably the reason why the inscription had been written down in the first place, but this aspect of the ruler's activities is no longer emphasized, as it was the case in the inscriptions of Entemena.

If we compare the reform texts of Uruinimgina with the contemporary historical inscriptions written on similar clay cones, it becomes apparent that justice is only one of the possible themes, as all these sources equally emphasize the goodness and piety of the ruler. In fact, in other Lagash inscriptions of this period the motif of the king as a defender of national/divine interests is more prominent. Thus we may perhaps conclude that the theme of justice has not yet been separated from other qualifications of kingship in this type of inscriptions, and that the texts with justice as the main theme have not yet developed into a class by itself.

However, several significant features are new in the Uruinimgina reform texts, when compared with Entemena's inscriptions. We note that Uruinimgina gives a specific account of his promulgations and of what their eventual results were. Among his promulgations, we find the cancellation of debts and various administrative measures, such as the restoration of gods as rightful owners of temple properties, and the removal of certain taxes. This part of the inscription is characterized by the use of the verbal prefix *i/e-*. As for the specific results of Uruinimgina's reforms, these included the lowering of burial fees and the changes in the amounts of provisions for several types of personnel. The section of the inscription dealing with these matters uses the verbal forms *ba-túm* "(the person now) takes away", or *am₆* "is (the amount of the provision)". And finally, the text describes the state of affairs after the reforms:

The ... administrators¹³ no longer plunder the orchards of the poor. When a high quality ass is born to a *shublugal*, and his foreman says to him, "I want to buy it from you"; whether he lets him buy it from him and says to him "Pay me the price I want!, or whether he does not let him buy it from him, the foreman must not strike at him in anger. When the house of an aristocrat adjoins the house of a *shublugal*, and the aristocrat says to him, "I want to buy it from you"; whether he lets him buy it from him, having said to him, "Pay me the price I want! My house is a large container – fill it with barley for me!", or whether he does not let him buy it from him, that aristocrat must not strike at him in anger. He (thus) declared¹⁴.

A noteworthy point is that this part of the text does not have the same wording in all three inscriptions. For example, the topic of the poor is formulated differently in the other two inscriptions:

La 9.2: [The ... administrators] no longer plunder the orchards of the poor, neither do they fell trees there nor bundle off the fruit.

La 9.3.: If a poor man makes a fish pond, no one makes off with its fish.

Because of these differences in wording, it seems unlikely that Uruinimgina's instructions to the officials had been given in a written form. Rather, he had simply communicated to them that the people with administrative powers should not oppress the populace. The various situations given in the reform texts would then be merely typical or hypothetical of such possible abuse of power.

Another feature that distinguishes the reform texts of Uruinimgina from the inscriptions of Entemena is that in the former for the first time the general goal of the reforms is formulated:

Uruinimgina solemnly promised Ningirsu that he would never subjugate the waif and widow to the powerful¹⁵.

13. In view of *i-dug₄* at the end of this paragraph, I would translate this as "shall not plunder ...".

14. *SARI I*, p. 72, La 9.1.

15. *SARI I*, p. 72, La 9.1.

That goal is the protection of the socially underprivileged. Although the word "justice" (*nig-si-sá*) is not yet used, the desire of Uruinimgina to establish "justice" is implicit in the choice of examples illustrating his deeds. Uruinimgina was one of the last rulers of the Early Dynastic III period. With him, the history of the early "legal" development draws to an end. From the following Old Akkadian and Gutian periods, we have no sources that deal with the theme of royal "justice". Although Gudea's cylinders contain references to social equity as part of the conditions prevailing during the construction of a new temple, they do not record any royal legal acts. However, despite the lack of documentation, it would seem that something important in the development of the concept of justice must have happened during those periods. Not only does the word *mīšarum*, "justice", occur for the first time, but, right in the beginning of the Ur III period, we suddenly find a new, already fully developed, text-genre, a collection of "laws", which is represented by the "Code of Ur-Nammu".

The "Code of Ur-Nammu", as far as we can understand it, may have been written for the occasion when Shulgi established regular offerings for Ur-Nammu, his father. It may have been written on a *narū* "stela"¹⁶. Compared with the earlier literature on the theme of justice, the elements unchanged in this code are: 1) the inclusion of historical events; and 2) the use of examples to demonstrate that the king ruled with justice. The elements which have changed are: 1) the use of a whole section of conditional sentences, probably selected from unwritten customary legal practice, to demonstrate that Shulgi's reign was a reign of justice; and 2) the utility of the text itself, which was no longer a building inscription, but an independent monument inscribed with a new type of literary composition.

The Prologue to the "Code of Ur-Nammu" shows the strongest resemblance to the earlier texts discussed above. The theme of the just reign continues from the Early Dynastic exemplars; compare, for example, the following passages from the "Code of Ur-Nammu" and the reform texts of Uruinimgina:

"Code of Ur-Nammu": By granting immunity in Akkad to the maritime trade from the seafarers' overseer, to the herdsman from the "oxen-taker", the "sheep-taker", and the "donkey-taker", he set Sumer and Akkad free¹⁷.

Reform text of Uruinimgina: He removed the head boatman from (control over) the boats, he removed the livestock official from (control over) asses and sheep, he removed the fisheries inspector from (control over) ...¹⁸.

The Ur-Nammu text echoes Uruinimgina's general goal of protecting the underprivileged:

The orphan he did not deliver to the rich, the widow he did not deliver to the mighty; the man with one shekel he did not deliver to the man with one mina, the man with one lamb he did not deliver to the man with one ox¹⁹.

If the "Code of Ur-Nammu" was indeed written by Shulgi, it is conceivable that he based his information about his father's reign on an earlier inscription of Ur-Nammu, which might have imitated the style of Uruinimgina's reform texts.

The prologue to the "Code of Ur-Nammu" still mentions historical events that have little to do with the concept of social justice, though some of those border on that theme. For instance, Ur-Nammu claims to have restored the Magan-boat of Nanna to the boundary, to have freed several cities from the oppres-

16. The essence of the "law codes" has been discussed by J. J. Finkelstein. For the association of the "codes" with the "purely literary 'pseudo'-*narū*-compositions", see his "Amīšaduqa's Edict and the Babylonian 'Law Codes'", *JCS* 15 (1961):101.

17. J. J. Finkelstein, "The Laws of Ur-Nammu", in *ANET*³ 523.

18. *SARI* I, p. 71, La 9.1.

19. Translation basically follows that of Fatma Yildiz, "A Tablet of Codex Ur-Nammu from Sippar", *OrNS* 50 (1981): 94-95; I have followed Kramer (*OrNS* 52 [1983]:453-56) in using the third rather than the first person.

sion of Anshan, to have restored their shirnes(?) ([bá]ra²-ba uru-bi hu-mu-gub)²⁰, standardized measurements, and to have planted orchards on the banks of the Euphrates and the Tigris. The recording of these deeds shows that the “Code of Ur-Nammu” retains the tradition of the earlier royal building inscriptions, although no building activities are recorded.

However, when it comes to a demonstration that Shulgi’s own reign was just, the technique used is entirely new. After the words *u₄-ba*, “at that time”, the text presents a collection of legal cases to demonstrate that criminals were punished and honest people were protected “at the time” of Shulgi.

Unfortunately, the epilogue (if there was one) to the “Code of Ur-Nammu” is not preserved, so one cannot tell whether the collection of legal cases was presented by independent sentences, or by means of relative clauses dependent on a main clause such as *i-dug₄*, “he decreed”, as in Uruinimgina’s text (La 9.1). That is to say, one cannot tell whether these cases were presented as situations that could have happened under Shulgi’s legal system, or whether they represented laws that Shulgi had decreed. Judging from the next great “law code”, the “Code of Lipit-Ishtar”, it is more likely that the collection of cases was written by means of independent sentences.

From the function of this section in the “code”, one can easily see that this entirely new technique, the use of conditional sentences, is a development from the reform texts of Uruinimgina. The most important change lies in the fact that while Uruinimgina demonstrates his justice with things he had done or ordered, Shulgi proves his justice by drawing, it would appear, directly from the judicial system that existed under his reign. Although in ancient Mesopotamia the king seems to have enjoyed the highest judicial authority, and did periodically issue edicts which found their way into the “law codes”²¹, we never see the king intervening in legal matters by decreeing an entire corpus of laws. Shulgi, however, seems to have claimed some credit for the legal practice of his day (i.e., the unwritten customary laws). This should be viewed as a significant step towards a more important role of the king, and an indication that the state was intervening more in legal matters.

Moving now to the “Code of Lipit-Ishtar”, one can observe a further step towards the structural development of legal literature: the streamlining of the prologue to concentrate only on the theme of justice. The first sentence of the prologue includes a long temporal clause introducing the background to the establishment of justice, with the main clause pointing to the main theme:

Then I, Lipit-Ishtar, the humble shepherd of Nippur, the stalwart farmer of Ur, who abandons not Eridu, the suitable lord of Uruk, king of Isin, king of Sumer and Akkad, who am fit for the heart of Inanna, established justice in Sumer and Akkad in accordance with the word of Enlil²².

All other historical events irrelevant to the theme of justice are excluded. This is an important step. Yet the form is still not quite refined, and one still finds traces of earlier prototypes. Thus, the prologue of the “Code of Lipit-Ishtar” mentions a reform of taxes:

é-ad-da é-šeš-šeš-a-ka 70 hé-gub é-guruš-sag-dil[...] [iti]-da u₄-10-àm hé-gub

The father’s house and the brother’s house shall serve 70 (days); the bachelor’s house will serve 10 days per month ...²³.

20. Yildiz, *OrNS* 50 (1981):87.

21. This is best demonstrated by the “Laws of Eshnunna”, where sections 15, 16, 51 and 52 are formulated as “apodictic commands”. See R. Yaron, *The Laws of Eshnunna* (Jerusalem: Magnes Press, 1969), 64-67, where the author proposes that different formulations of the “laws” point to different sources of the “code”, and these apodictic sections probably came from the ruler himself. In the “Code of Hammurapi”, sections 36, 38, 39, and 40 also belong to this category. In both the LE and the CH, however, these apodictic sections take up only a minor part of the “laws”.

22. Kramer, “Lipit-Ishtar Lawcode”, in *ANET*³, 159.

23. Translation based on class notes taken during my studies with M. Civil.

Another undeveloped element in the "Code of Lipit-Ishtar" is the ambiguous way in which the section of the cases is presented in this "code". The epilogue of the "code of Lipit-Ishtar" is not explicit as to why the previous section of cases was written down, nor does it spell out the exact relationship between the king and the legal system. After the last case is given, the text simply says:

inim-gi-na ⁴utu-ta ki-en-gi ki-uri di-gi-na hé-bí-dab₅ ...

According to the true word of Utu, (I caused) Sumer and Akkad to apply just legal practice ...²⁴.

The implication of this paragraph seems to be that the previous section of legal cases represented the law implemented during Lipit-Ishtar's reign. But the king does not claim to have issued them, nor does he suggest any future effect from the writing of the "laws".

The above mentioned underdeveloped elements in the "Code of Lipit-Ishtar" appear to be perfected in the next great "law code", the "Code of Hammurapi". The most significant improvement is marked by the explicit indication that the king was the one who wrote down the laws. In the epilogue of the "Code of Hammurapi", references are made four times to the section in which cases were presented. It says explicitly that "I" (Hammurapi) wrote these cases, and explains why they were written:

1. *dināt mīšarim ša ḥammurapi šarrum le'um ukinnuma mātam usam kīnam u ridam damqam ušašbitu*²⁵.

The just case which Hammurapi, the capable king, confirmed, and (by which) I caused the country to take to a just course and good leadership.

2. *dannum enšam lā ḥabālim ekūtim almattim šutēšurim ina babilim ... ina esagila ... dīn mātīm di'ānim purussē mātīm ana parāsim ḥablim šutēšurim awātija šuqurātīm ina narīja ašturma*²⁶.

In order that the strong does not oppress the weak, and to provide justice for the homeless girl and widow, in order to judge the case of the country and to make the decision of the land, to provide justice for the wronged in Babylon, ... in Esagila, ... I wrote my precious words on my stela.

3. *awāt mīšarim ša ina narīja ašturu liššur dīn mātīm ša adīnu purussē mātīm ša aprusu a unakkir*²⁷.

May he protect the words of justice which I wrote on my stela. May he not change the case of the country which I tried and the decision of the land which I made.

4. *kībsam ridam dīn mātīm ša adīnu purussē mātīm ša aprusu narūm šu likallimšuma*²⁸.

Let this stela show him the way, the direction, the case of the country which I tried, the decision of the land which I made.

The four paragraphs above give the idea that 1) Hammurapi claims to have written the cases down; 2) these cases were written in order to provide better justice for the people, especially in the Esagila temple of Babylon and its vicinity; that 3) better justice is to be achieved through providing public examples of good judgment, i.e., written on the king's stela for all to see. Thus the new genre of literature represented by the "Code of Hammurapi" portrays the king playing a more active role in the legal system.

24. According to Izi C iv 10-14: di dab₅-ba = *dīnu šūhuzu*, "to apply legal practice, to try a case".

25. CH XLVII: 1-8.

26. CH XLVII: 59-75.

27. CH XLVIII: 64-72.

28. CH XLVIII: 80-85.

To sum up, during the ED period, kings only occasionally issued royal edicts of temporal effect addressing judicial problems that were primarily associated with the administration of the state. Starting with the "Code of Ur-Nammu", however, the king, for his own purposes, although probably unintentionally at first, started the process of writing down examples of cases. Once the legal practice under a certain king was written down, studied in schools and copied by scribes as models, it undoubtedly influenced later ideals of royal justice. Ultimately, this led to the "codification of law". By the time of the "Code of Hammurapi", the ideal seems to have been that the king was the actual purveyor of customary law; it was the king (here Hammurapi) who did it all.

In my opinion, the "Code of Hammurapi" and previous collections of laws are still not true law codes, but only royal inscriptions. However, the "Code of Hammurapi", containing a large number of cases, was also an important step towards the development of a written pattern (precedent), perhaps having lasting effect on future generations.

We have seen how starting from a simple building inscription with one example to show that the king's reign was just, the vehicle for carrying this message became step by step more sophisticated, until in the end an independent genre of literature emerged. The prime motivation behind this development was the desire of the rulers to demonstrate their concern for just action: to represent themselves as "kings of justice". This stems from the very nature of kingship, as well as from social practice in ancient Mesopotamia.