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# HAMMURABI'S WRONGED MAN

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The epilogue of the Laws of Hammurabi includes a passage featuring *awilum ḫablum*, “the man wronged.” The passage has been central to the discourse on the nature and function of the Laws of Hammurabi and by extension of the several Mesopotamian law collections and of the mechanics of Old Babylonian judicial procedure. I place the passage within the context of the prologue and epilogue of the composition and relate it to the law provisions and to contemporary Old Babylonian judicial procedure and royal ideology. I conclude that the language of the epilogue is not urging the wronged man to bring his law suit before King Hammurabi for legal remedy, but to Hammurabi's stela where he can find only solace through prayer and by offering blessings to the king.

THE EPILOGUE OF THE Laws of Hammurabi includes a passage featuring *awilum ḫablum*, “the man wronged” (xlvi 3). The passage, despite its brevity (occupying but a few short lines in the five-column epilogue), has been central to the discourse on the nature and function of the Laws of Hammurabi and by extension of the several Mesopotamian law collections and of the mechanics of Old Babylonian judicial procedure. In this note, I attempt to alter the terms of the discussion by drawing attention not to either the passage's legal import/applicability or its historical/propagandistic intentions but to it as an example of the literary skill and range of the composition's drafter.<sup>1</sup>

## THE PASSAGE IN CONTEXT

The passage is usually delineated as, or placed in the context of, the fifteen or so lines (xlvi 3–19) which are introduced by the words *awilum ḫablum*. For my purposes, however, the context must be expanded, and I quote here a larger, 93-line section of the epilogue in which the Wronged Man passage appears:<sup>2</sup>

<sup>1</sup> The substance of this paper was presented at the 211th annual meeting of the American Oriental Society, held in Toronto, 2 April 2001. Text citations follow the style of *The Assyrian Dictionary of the Oriental Institute of the University of Chicago*, ed. A. L. Oppenheim et al. (Glückstadt: J. J. Augustin, 1956–92; Winona Lake, Ind.: Eisenbrauns, 1999–), hereafter CAD.

<sup>2</sup> See M. Roth, *Law Collections from Mesopotamia and Asia Minor*. SBL Writings from the Ancient World, vol. 6 (Atlanta: Scholars Press, 1995; 2nd revised ed., 2000), 134f.; the translation here is slightly modified.

(xlvi 59–78) *dannum enšam ana la ḫabālim ekūtam al-mattam šutēšurim ina Bābilim ālim ša Anum u Enlil rešišu ullū ina Esagil bitim ša kima šamē u eršetim išdāšu kinā dīn mātīm ana diānim purussē mātīm ana parāsīm ḫablim šutēšurim awātija šūqurātīm ina narḫja ašḫurma ina maḫar ṣalmija šar mišarim ukīn (xlvi 79–xlvi 2) šarrum ša in šarri šūturū anāku awātua nasqā lē<sup>3</sup>ūti šāninam ul išu ina qibūt Šamaš dajānim rabīm ša šamē u eršetim mišarī ina mātīm lištēpi ina awat Marduk bēlija ušurātua mušassikam aj iršia ina Esagil ša arammu šumī ina damiqtim ana dār lizzakir (xlvi 3–19) awilum ḫablum ša awatam irāššū ana maḫar salmija šar mišarim lillikma narī šaṣram lištassima awātija šūqurātīm lišmēma narī awatam likallimšu dinšu limur libbašu linappišma (xlvi 20–38) Ḫammurabimi bēlum ša kima abim wālidim ana niši ibaššū ana awat Marduk bēlišu uštaktitma irmitti Marduk eliš u šapliš ikšud libbi Marduk bēlišu uḫib u štram ṭābam ana niši ana dār išim u mātam uštēšer (xlvi 39–58) annitam liqbīma ina maḫar Marduk bēlija Zarpānītum bēltija ina libbišu gamrim likrubam šēdum lamassum ilū ēribūt Esagil libitti Esagil igirrē ūmišam ina maḫar Marduk bēlija Zarpānītum bēltija lidammīqū*

(xlvi 59–78) In order that the mighty not wrong the weak, to provide just ways for the waif and the widow, I have inscribed my precious pronouncements upon my stela and set it up before the statue of me, the king of justice, in the city of Babylon, the city which the gods Anu and Enlil have elevated, within the Esagil, the temple whose foundations are fixed as are heaven and earth, in order to render the judgments of the land, to give the verdicts of the land, and to provide just ways for the wronged.

(xlvi 79–xlvi 2) I am the king preeminent among kings. My pronouncements are choice, my ability is unrivaled. By the command of the god Šamaš, the great judge of

heaven and earth, may my justice be proclaimed in the land. By the order of the god Marduk, my lord, may there be no one who would remove my engraved image. May my name always be remembered favorably in the Esagil temple which I love.

(xlvi 3–19) May the wronged man who has a law case come before the statue of me, the king of justice, and may he read aloud my inscribed stela, and thus may he hear my precious pronouncements, and may my stela produce the law case for him; may he perceive his case; may he ease his heart, and (saying thus):

(xlvi 20–38) “Hammurabi, the lord, who is like a true father to the people, submitted himself to the command of his lord Marduk and achieved victory for Marduk everywhere. He gladdened the heart of his lord Marduk, and he secured eternal well-being for the people and provided just ways for the land.”

(xlvi 39–58) May he say this, and may he pray for me with his whole heart before my lord Marduk and my lady Zarpanitu. May the protective spirits, the gods who enter the Esagil temple, the very brickwork of the Esagil temple, daily make my portents auspicious before my lord Marduk and my lady Zarpanitu.

A prime set of examples of divergent interpretations of the Wronged Man passage, and of its importance to the discussion of the nature of the textual evidence, is the three presentations, by S. Lafont, R. Westbrook, and myself, at a conference in Strasbourg in 1997, later published in a volume entitled *La codification des lois dans l'antiquité*.<sup>3</sup> Each presenter quoted but a piece of the larger passage, and each used the quotation to make a different point. In my use of the passage, I argued (quoting xlvi 3–47) that the Wronged Man represents (one of) the intended audience(s) for the work; he was to take note and to marvel how wise Hammurabi was to have understood—before the fact—the Wronged Man's case; he was to be awed by the king's wisdom and compassion, and thus to offer a blessing for Hammurabi. The passage has no legal force, I suggested, but rather is propagandistic and aggrandizing.<sup>4</sup> For Westbrook (quoting xlvi 3–19), the problem addressed is that Hammurabi appears to be making a “claim” that his compilation cov-

ers every possible legal situation that a Wronged Man might confront.<sup>5</sup> This “claim” is also assumed in the brief reference to our passage in the standard work of G. R. Driver and J. C. Miles: “[Hammurabi] has set up the monument on which [the laws] are inscribed . . . in order that anyone who has been wronged may read them and so learn the law applicable to his case and that he may thereafter remember him with gratitude.”<sup>6</sup> Lafont's article introduced the concept of “legal subsidiarity” as an explanation for the divergences between the documents from the practice of law and the law collections (“les contradictions entre la vie du droit et les normes des codes,” p. 64). In the application of subsidiarity of laws, she suggests, local custom and law generally prevail, serving almost every need; a royal layer of laws is superimposed only when necessary. Lafont argued, thus, that the intent of the Wronged Man passage (quoting xlvi 3–19) is to allow anyone who feels himself abused by the local legal system to turn to the royal system, which is presented in the provisions inscribed on the stela.<sup>7</sup>

None of these three papers made use of A. V. Hurowitz's 1994 study of the literary structures in the prologue and epilogue of the LH in discussing the Wronged Man passage.<sup>8</sup> Hurowitz there drew attention, among other features, to what he calls the “commission-fulfillment pattern,” furthering the arguments offered a decade earlier by G. Ries.<sup>9</sup> This pattern, Hurowitz argued, is a result of a deliberate balancing of seven points in the prologue that amount to Hammurabi's “call” by the gods to provide justice for the land—the “commission”—with echoing language in the epilogue that describes Hammurabi's “fulfillments.”<sup>10</sup> One of the “commission” elements is his point (c): *dannum enšam ana la ḥabālim* (i 37–39), which Hurowitz translated “so that the strong might

<sup>3</sup> Westbrook, *La codification des lois*, 34–36.

<sup>4</sup> G. R. Driver and J. C. Miles, *The Babylonian Laws*, vol. 1: *Legal Commentary* (Oxford: Clarendon Press, 1956), 41.

<sup>5</sup> Lafont, *La codification des lois*, 53–55; the applicability of subsidiarity is current in discussions within the European Union.

<sup>6</sup> A. V. Hurowitz, *Inu Anum širum: Literary Structures in the Non-Juridical Sections of Codex Hammurabi*, Occasional Publications of the Samuel Noah Kramer Fund, no. 15 (Philadelphia: University Museum, 1994); cited by Roth, *La Codification*, 18 n. 19, but not in the Wronged Man discussion.

<sup>7</sup> G. Ries, *Prolog und Epilog in Gesetzen des Altertums* (Munich: C. H. Beck'sche Verlagsbuchhandlung, 1983), 25–30, called this the “Schema von Auftrag im Prolog und Erfüllung im Epilog.”

<sup>8</sup> Hurowitz, *Literary Structures*, 45–61.

<sup>3</sup> *La codification des lois dans l'antiquité*, Actes du Colloque de Strasbourg 27–29 novembre 1997, Université Marc Bloch de Strasbourg, Travaux du Centre de Recherche sur le Proche-Orient et la Grèce Antiques, ed. E. Lévy (Paris: De Boccard, 2000). The volume has now been reviewed by P. Dion, *JAOS* 121 (2001): 314f.

<sup>4</sup> Roth, *La codification des lois*, 20–21.

not oppress the weak,”<sup>11</sup> but which (to anticipate my argument) I now prefer to translate as “so that the strong not *wrong* the weak.”

Hurowitz pairs the prologue passage with the “fulfillment” in xlvi 59–78 of the epilogue (the beginning of the larger section quoted above). Unfortunately, Hurowitz failed to notice that the Wronged Man passage later in the epilogue, in xlvi 3–47, also pairs with the prologue’s “commission,” *dannum enšam ana la ḥabālim* (i 37–39), and that in fact two key words, *ḥabālum* and *narām*, mark one longer interrupted passage beginning in xlvi 59 and extending over more than ninety lines to xlvi 58. The passage in xlvi 79–xlvi 2, intervening between the two that feature *ḥabālum*, explains why any man who has been wronged should take Hammurabi’s stela and its inscription seriously: the king has the separate backing of the gods Šamaš and Marduk—Šamaš to endorse Hammurabi’s claim of justice and wisdom, and Marduk to endorse Hammurabi’s right to erect the stela and its inviolability. Thus Ries and Hurowitz point us toward a reading of the Wronged Man passage within the context of the inscription as an integrated literary composition in which (a) the prologue outlines the gods’ charges to Hammurabi, (b) the laws demonstrate Hammurabi’s skill and wisdom, and (c) the epilogue claims fulfillment of these charges. Moreover, inasmuch as the stela itself is tangible evidence of Hammurabi’s fulfillment of the gods’ charges, the Wronged Man passage explicitly links the abstract sense of justice with the concrete object, the stela.

#### THE WRONGED MAN’S RECOURSE/ACTIONS

There are a series of key actions that are to be undertaken by the “Wronged Man who has a case.” These actions find parallels in the Old Babylonian judgment cases (lawsuits or hearings) before judges.<sup>12</sup>

In the first of these activities, the Wronged Man comes before the stela of King Hammurabi as a petitioner. The phrase *ana (maḥar) . . . alākum* is attested as one of the standard Old Babylonian expressions of approaching authorities,<sup>13</sup> the other common expres-

sions being those that use *kašādum* and *maḥārum*.<sup>14</sup> Typically, both litigants approach the authority, either the judges (*ana dajjāni illiku*), or “for a judgment” (*ana dīnim illiku*).<sup>15</sup>

The second activity is the reading of the stela (*narām šitassūm*) by the Wronged Man. Now, as if he were his own judge, he is perusing the written evidence. The reading out loud before assembled officials of tablets as evidence is found in other areas and periods, e.g., in Nuzi,<sup>16</sup> but generally only in non-legal contexts in the OB period. Of course, it is unlikely that the Wronged Man (or most other Babylonians) would or could have himself read a stela or any inscribed object; rather, the inscription would be read out to him.

Third, again in his new capacity as his own judge, the Wronged Man will, as a consequence of having the stela read aloud, hear (*šemūm*) Hammurabi’s “precious words,” that is, the law provisions inscribed upon the stela. “Hearing” evidence, either written or oral, is a judicial activity widely attested in the Old Babylonian period.<sup>17</sup>

Fourth, as a result of approaching, reading, and hearing—activities linked in this sequence by the use of the connecting particle *-ma* (*lillikma . . . lištassima . . . lišmēma . . . likallimšu*)—the stela itself will reveal or produce (*kullumum*) the matter, advising the Wronged Man of the wisdom of his position.<sup>18</sup>

Fifth, and as a result of all the foregoing, the Wronged Man’s case (first called *awatum* and now called *dīnum*)<sup>19</sup>

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la-3’ (p. 304), with a simple directional sense (“he should go to my stela”); within the CAD article’s existing structure, I suggest placing the reference better in usage 4c–2’c’ (p. 318) “to appear before a king (to do homage),” as that is certainly the minimal intention of this passage.

<sup>14</sup> See E. Dombradi, *Die Darstellung des Rechtsaustrags in den altbabylonischen Prozessurkunden*, Freiburger Altorientalische Studien, no. 20/1 (Stuttgart: Franz Steiner Verlag, 1996), 60ff. (§§81–82).

<sup>15</sup> *ana dajjāni illikuma*: CT 2 39:7, Tell Sifr 58:4f.; *ana dīnim illikuma*: Gautier Dilbat 2:10f., all cited Dombradi (by her provenience-based sigla), *Prozessurkunden*, vol. 1, 61 at G/2.

<sup>16</sup> See CAD Š/2 s.v. *šasū* mng. 8a.

<sup>17</sup> See CAD Š/2 s.v. *šemū* mngs. 1d–1’, 2b–3’; Dombradi, *Prozessurkunden*, vol. 1, 89 (§119) with vol. 2, 97 n. 451.

<sup>18</sup> See CAD K s.v. *kullumu* mngs. 2a, 2b–2’, 4. Again, the CAD article cites our passage in the non-legal section (in mng. 2d), rendering it without juridical force.

<sup>19</sup> There may be a significance in this shift from *awatum* to *dīnum*, signifying perhaps in the first an unresolved complaint, in the second an adjudicated matter.

<sup>11</sup> Hurowitz, *Literary Structures*, 46 et passim; translated similarly, too, in my own translation in *Law Collections* and elsewhere.

<sup>12</sup> Unfortunately, the judicial activities and the terminology used cannot be linked to any one site or moment in the Old Babylonian period, a linkage which could have pointed to an underlying juridical reality.

<sup>13</sup> CAD A/1 *alāku* does not cite this formal legal usage. Our Wronged Man passage is placed as the first reference in mng.

is properly assessed and perceived in all its judicial nuances and ramification (*amārum*),<sup>20</sup> an activity normally undertaken by the court and judges.

Now, finally, the Wronged Man must be content with his moral victory, as I understand the sense of *libbašu linappišma . . . liqbīma . . . ina libbišu gamrim likrubam*: “may he ease his heart, . . . may he say (this blessing), and may he pray for me with his whole heart.” The idiom *libbam nuppušum* carries only an emotional or psychological element of appeasement and ease; there is no concrete (or here legal) measure implied. Interestingly, D. Allen has recently drawn attention to the central role in Athenian law of the victim's and the community's “anger” toward the offender, and the need to acknowledge this anger in the punishment process.<sup>21</sup> Drawing upon her insights, it appears to me that Hammurabi's Wronged Man has been “wronged” or “oppressed” by powerful members of the system that leaves him frustrated and angered by his impotence. Although the oppressor might go unpunished in a legal system weighted in favor of the rich and powerful, the oppressed need an outlet for their rage. And so Hammurabi offers as appeasement the stela, the material evidence that Hammurabi's justice (*mīšarum*) was intended to include even such as the victimized Wronged Man. With the burden of his heart thus eased, he will be able, “with his whole heart,” to bless the name and memory of the great ruler.

#### THE NATURE OF THE “WRONG”

In the passage under discussion the man is referred to as *hablum* “wronged” (xlvi 3), and as *enšum* “weak” (xlvi 59). In the latter capacity, he is liable to be the victim of *habālum* “wronging, oppressing,” specifically by the *dannum* “strong”; and one of Hammurabi's stated goals in inscribing this stela is, in our passage, *hablim šutēšurim* “to provide just ways for the wronged” (xlvi 73). How do we understand the offense committed against this *awilum*? Or more precisely, what would lead an *awilum* to identify himself with the *hablum* of Hammurabi's stela and to seek consolation from Hammurabi's stela?

<sup>20</sup> See CAD A/2 s.v. *amāru* A mng. 5 (*dīnu* usages a and b); Dombradi, *Prozessurkunden*, vol. 1, 329 (§433) with notes; CAD s.v. *amāru* again places our reference in a non-legal context (*amāru* A mng. 2b), taking it to refer to looking up the Wronged Man's (exact?) case in the stela.

<sup>21</sup> Danielle S. Allen, “Democratic Dis-ease: Of Anger and the Troubling Nature of Punishment,” in *The Passions of Law*, ed. Susan A. Bandes (New York: New York Univ. Press, 1999), 191–214.

The verb *habālu*<sup>22</sup> and its many adjectival and substantival derivatives are attested from the Old Babylonian period on, often in literary contexts. In later and non-legal texts, the terms are frequently associated with *šagāšu* “to murder” and its derivatives *šagašātu* “murder,” *šaggāšu* “murder,” and *šagšu* “slain, afflicted”; with *anzillu* “villainy,” *la kittu* “injustice,” and *ikkibu* “taboo”; with *išhappu* “scoundrel”; with *halqu* “run-away,” *munabtu* “deserter,” and *āmir damē* “blood-stained”; with *anhu* “tired,” *dalpu* “sleepless,” and *nassu* “sad”; in a lexical list, it is paired with the cry of distress and plea for justice *iutū*. As these and many other citations from late literary, religious, and historical texts make abundantly clear, the semantic associations of *habālu* convey despair and alienation from the community and social order.

This range of associations can be supported from selected references from the Old Babylonian legal and epistolary corpora as well, although the contexts and backgrounds can be sketchy.<sup>23</sup> But to understand the nuance of *habālu* in the prologue and epilogue of the LH, we should turn first to the provisions in Hammurabi's law collection itself, where we find an actionable offense denoted by *habālu*.

LH §33 *šumma lu rab haṭṭātīm (PA.PA) ulu laputtām (NU.BANDA) šāb nišhātīm irtaši ulu ana harrān šarrim agram pūham imhurma irtedi lu rab haṭṭātīm ulu laputtām šū iddāk*

If either a captain or a sergeant should take under his command troops designated for other duties<sup>24</sup> or accept and lead off a hireling as a substitute on a royal campaign, that captain or sergeant shall be killed.

<sup>22</sup> CAD H s.v. *habālu* A v., AHw. 302 and 1557 s.v. *habālu(m)* II.

<sup>23</sup> See especially MDP 23 317 (cited CAD s.v. *habiltu*), and refs. cited CAD *hibiltu* s. mng. 1a.

<sup>24</sup> *šāb nišhātīm* (with var. *šābē ana nišhātīm*) is difficult. My earlier translation of *šāb nišhātīm* in LH §33 in *Law Collections* (p. 87), which followed that in CAD N/2 269 s.v. *nišhātu* mng. 3 (in turn following B. Landsberger, “On the Archive of Ubarum,” *Journal of Cuneiform Studies* 9 (1955): 124f. with note 20) is almost certainly incorrect. I am now persuaded by F. R. Kraus, *Königliche Verfügungen in altbabylonischer Zeit*, *Studia et Documenta*, 11 (Leiden: Brill, 1986), 92 n. 209, that the sense of *nasāhu* suggested by the references cited AHw. 961 (and CAD N/2 8f. s.v. *nasāhu* mng. 4b) complements the sense needed here, in which there is a manipulation of the recruitment system. Thus LH §33 presents two instances of a military supervisor having non-authorized persons under his command and using them to fulfill his designated assignments.



LH §34 *šumma lu rab haṭṭātim ulu laputtūm numāt rēdīm ilteqe rēdiam iḥtabal rēdiam ana igrim ittadin rēdiam ina dinim ana dannim ištarak qīšti šarrum ana rēdīm iddinu ilteqe lu rab haṭṭātim ulu laputtūm šū iddāk*

If either a captain or a sergeant should take a soldier's household furnishings, wrong a soldier, hire out a soldier, deliver a soldier into the power of an influential person in a law case, or take a gift that the king gave to a soldier—that captain or sergeant shall be killed.

The provisions appear among rules involving “soldiers and fishermen,” individuals who, in exchange for subsistence plots, keep themselves available for *ilku* service, which could involve going off on military campaigns.<sup>25</sup> §§26–32 are concerned with the maintenance and disposition of the plots in the event that the soldier himself does not meet the obligation because of death, captivity, or abandonment. §§33 and 34 digress, and deal with corruption among the military supervisors of these soldiers and fishermen, the *rab haṭṭātim* (wr. PA.PA<sup>26</sup>) and *laputtūm*. The focus of §§35–41 returns to the properties awarded by the king to the soldiers and fishermen (and to others), specifically to the properties' inalienability either by sale or female inheritance.<sup>27</sup>

For our current inquiry involving *hablum*, of immediate interest are the transgressions itemized in §§33 and 34 that warrant the death penalty for the military supervisor. The seven abuses of office are: (a) having under his command personnel pulled from other required purposes;<sup>28</sup> (b) accepting a hired substitute for the person obligated to go on a royal campaign;<sup>29</sup> (c) appropriating the household goods of a soldier<sup>30</sup> under his command;

<sup>25</sup> For some discussion, see M. deJ. Ellis, “Land of Dead *rēdū's*,” in *Essays on the Ancient Near East in Memory of Jacob Joel Finkelstein*, *Memoirs of the Connecticut Academy of Arts and Sciences*, no. 19, ed. M. deJ. Ellis (Hamden, Conn.: Archon, 1977), 61–66.

<sup>26</sup> References cited CAD A/1 280 s.v. *aklu* A usage e; for the reading of PA.PA, see D. Charpin, “La hiérarchie de l'armée babylonienne,” *NABU* 2000/18.

<sup>27</sup> At least one native tradition understood the topics of these provisions in different terms. Source “r” prefaces the provisions beginning with §26 “decisions concerning soldier and fisherman,” and those beginning with §36 “decisions concerning contracts of hire and purchase”; see Roth, *Law Collections*, 75.

<sup>28</sup> See above, note 24.

<sup>29</sup> This is paralleled by §26, which prescribes death for the soldier or fisherman who hires such a substitute.

<sup>30</sup> In LH §34, only the *rēdūm* (soldier) is mentioned, omitting the *bā'irum* (fisherman).

(d) *rēdiam iḥtabal*; (e) (profiting by) hiring out the labor of the soldier; (f) enabling (by accepting bribes?) a powerful individual to prevail in a law case over the soldier (*rēdiam ina dinim ana dannim ištarak*);<sup>31</sup> and (g) appropriating a gift given to the soldier by the king.

The two abuses in LH §33 are separated by the alternate conjunction *ulu: irtaši ulu . . . irtedi*, and deal with the supervisor having inappropriate personnel in his charge. The five abuses in LH §34 are presented in a list, and deal with the supervisor taking undue advantage of his position over appropriate personnel to further his own financial ends. In each of these latter abuses, the *rēdūm* or property explicitly his is the direct object of the verb. It seems unlikely to me that the offense in LH §34 characterized by the verb *habālum* is simply some vague ethical wrong; rather, it must involve a concrete and definable—and hence prosecutable—abuse of the supervisor's position of authority. The economic nature of the other four offenses in LH §34 suggests that *habālum*, too, involves some sort of embezzlement, and recalls the many OB letters in which *habālum* refers to depriving individuals of their land or property, and is countered by recompensing actions denoted by *apālu*, *rābu A*, *šalāmu* (*šullumu*), and *tāru* (*turru*).<sup>32</sup>

A curious overlap of vocabulary and situation with both the Wronged Man passage in the epilogue and the LH provisions §§33 and 34 is found in an Old Babylonian administrative text dated to the twenty-second year of Rim-Sin of Larsa, Grant Smith College 269.<sup>33</sup> The

<sup>31</sup> This transgression is, of course, crucial to the current discussion, yet its meaning is not fully clear to me. Parallels (especially in the OB letter Kraus, *AbB* 7 153: 50f. [= J. J. Finkelstein, “Some New *misharum* Material and its Implications,” in *Studies in Honor of Benno Landsberger*, *Assyriological Studies*, no. 16 (Chicago: Univ. of Chicago Press, 1965), 233–46] and the Middle Assyrian hymn Lambert *BWL* 119:13f. [= KAR 119:11f.]), suggest a motif evoking a situation in which the powerless individual cannot muster the resources to be successful against a wealthy or politically connected adversary in court (thus *šarāku* is used metaphorically, to give someone into another's power). Yet LH §34 more likely suggests that the military supervisor uses the soldier as debt collateral or as payment to settle the supervisor's own legal wrangles (thus *šarāku* is used concretely, to hand someone physically over to another).

<sup>32</sup> As noted in CAD H 179 s.v. *hibiltu* mng. a, and see *habālu* A mngs. 1a, 4a and 4c.

<sup>33</sup> Grant Smith College 269 was collated in October 2000, courtesy of Dr. Martin Antonetti, Curator of Rare Books, Smith College. The published copy is generally accurate (but see note below for the seals). There are also fragments of an

obverse lists ten named supervisors, six of whom are in charge of squads of ten persons, one in charge of a squad of eleven persons, and three in charge of squads of twelve persons (lines 1–10: PA NAM.10/11/12 PN<sub>1</sub>–PN<sub>10</sub>); then one unnamed diviner (PN<sub>11</sub>, line 11: 1 ERIN<sub>2</sub> MAŠ<sub>2</sub>.ŠU.GID<sub>2</sub>.GID<sub>2</sub>) and one named messenger (line 12: 1 ERIN<sub>2</sub> PN<sub>12</sub> RA<sub>2</sub>.GABA). These persons are summarized (lines 13–15) as: *annūtum* PA NAM.10 PN<sub>11</sub> PN<sub>12</sub> RA<sub>2</sub>.GABA “these are the supervisors in charge of squads of ten (and eleven and twelve), (and also) PN<sub>11</sub> (i.e., the unnamed diviner), (and) PN<sub>12</sub> the courier.” Including the supervisors in the counts of their squads gives a total of 107 persons, to which we add PN<sub>11</sub> and PN<sub>12</sub>, which then accords with the rest of the text on the reverse:

<sup>16</sup>*ana bitum*(sic) 1 GUR.TA.AM<sub>3</sub><sup>17</sup> 109 GUR ŠE.GUR *ša* NIG<sub>2</sub>.ŠU *Ibqu-Adad* NU.<BANDA> <sup>18</sup>*ša šarrum* <sup>19</sup>*ana Āl<sup>ki</sup>-Warad-Sîn iddinu* <sup>20</sup>*ana ḥablim u ḥabiltim* <sup>21</sup>*ša šarram u rabiam* <sup>22</sup>*imaḥḥaru* <sup>23</sup>*šarram ippalu* <sup>24</sup>MU *Rīm-Sîn* LUGAL <sup>25</sup>IN.PAD<sub>3</sub>.DE<sub>3</sub>.EŠ <sup>26</sup>KIŠIB.A.NI IB<sub>2</sub>.RA <sup>27</sup>ITI.DU<sub>6</sub>.KU<sub>3</sub> UD.10.KAM <sup>28</sup>MU ID<sub>2</sub>.SIKIL MU.UN.BA.AL

<sup>16–19</sup> At the rate of one *gur* per household, 109 *gur* of grain under the responsibility of the sergeant Ibqu-Adad, that the king has given to the City-of-Warad-Sîn.<sup>24–25</sup> They swore by King Rīm-Sîn that <sup>23</sup>they are answerable to the king <sup>20–22</sup>for any wronged man or wronged woman who approaches (with a complaint to) the king or to a high official.<sup>26</sup> He rolled his seal.

<sup>27</sup>Month VII, day 10, year he excavated the Pure Canal (= RS 22).

Who the persons are who swear the oath expressing their responsibility is not fully clear, although the likely parties are the two people identified earlier as the diviner and the courier (PN<sub>11</sub> and PN<sub>12</sub>).<sup>34</sup> More interesting for our discussion are the presence of the supervisors (PA, *aklum*); the presence of the sergeant (NU.BANDA, *laputtūm*) who distributes to the supervisors the royal

envelope, on which can be read: [. . .]+9 [. . .], [*ša* NIG<sub>2</sub>.ŠU<sup>1</sup> *ib-qú*-. . .], [*ša šar-rum*, *a-<sup>f</sup>na* URU<sup>1ki</sup> ARAD-<sup>d</sup>EN.ZU *i[d*-. . .], *a-[na ḥa]-ab-lum*(sic) *ù ḥa*-. . .], [*šar-ra-am* *ù ra-bi-a*-. . .], [*i-ma-aḥ-ḥa-ru*, *šar-ra-am i-ip-pa-lu*].

<sup>34</sup> Both the diviner and courier probably impressed their seals on the tablet; the inscribed seal of PN<sub>11</sub> (whom I identify as the unnamed diviner) is impressed (contrary to the copy) three times on the left edge (not the right) and also once on the upper edge; a seal, probably belonging to the courier PN<sub>12</sub>, depicting a supplicant standing on the left facing a deity on the right, is impressed twice on the reverse (only the supplicant figure is shown on the copy) and once on the upper edge.

rations for each squad member's household; the explicitly expressed concern of the king that the rations filter down through the bureaucratic levels without losses from pilfering or other mismanagement; and the use of the terms *ḥablum* and *ḥabiltum*, *apālum*, and *maḥārum*. These all recall the concerns as well as the vocabulary<sup>35</sup> of both LH §34 and the Wronged Man passage. In Grant Smith College 269 it is not difficult to infer that the “wrong” that might be suffered by a *ḥablum* or *ḥabiltum* involves being denied the required and due sustenance allotments.

In our search for the nuances of *ḥabālum*, I also draw attention to a literary text, UET 6 402,<sup>36</sup> that utilizes legal conventions and is constructed as a plea to the god Nanna by a man named Kuzzulum. Kuzzulum identifies himself as one who has been “wronged” (*īḥtablanni* “he wronged me” lines 4, 14, 40), a charge denied by his adversary Elali (*la aḥabbalu(ka)ma* “I do not wrong (you)” lines 18, 27, 33). The text is awkward in places (note that the last line of the text ends with the conjunctive *-ma*), and the crucial word that identifies the “wrong” done remains elusive (lines 10–14): *libbī ula uḫib kaspī šalmam ula uterram u na-aš* DUB-*pa-ti-šu*<sup>37</sup> *īḥtablanni* “He has not satisfied my heart, he has not returned my silver, and he has wronged me, his creditor.” In the end, after Elali's oaths appear to support his position, leaving no recourse in the human court, Kuzzulum appeals to the gods for satisfaction on some other level (lines 41–42): <sup>d</sup>NIN.ŠUBUR LUGAL NIG<sub>2</sub>.GA *lizzizma* <sup>d</sup>NANNA *u* <sup>d</sup>UTU *dīnī lidinū* “May Ninšubur, the master of material possessions, be present, and may Nanna and Utu (Šamaš) judge my case!” Since a legal victory is not attainable, he seeks a moral victory.

Two Old Babylonian letters help here, too. The first, PBS 7 7,<sup>38</sup> relates the following situation. Two men were

<sup>35</sup> Grant Smith College 269 uses *maḥārum* and *apālum*, which recall respectively the Wronged Man's first action (see above with note 13) and the verbs used in the rectification of a *ḥibiltum* (see above, note 32).

<sup>36</sup> UET 6 402, see C. J. Gadd, “Two Sketches from the Life at Ur,” *Iraq* 25 (1960): 177–88; D. Charpin, *Le clergé d'Ur au siècle d'Hammurabi* (Geneva: Librairie Droz, 1986), 326–29; K. Hecker, in *Texte aus der Umwelt des Alten Testament* (Gütersloh, 1982), vol. 2/5, 750–52; W. Moran, “UET 6 402: Persuasion in the Plain Style,” *Journal of the Ancient Near Eastern Society* 22 (1992): 113–20; B. Foster, *Before the Muses* (Bethesda, Md.: CDL Press, 1993), 154–55.

<sup>37</sup> With Moran, “Persuasion,” 115 n. 9.

<sup>38</sup> M. Stol, *Letters from Collections in Philadelphia, Chicago, and Berkeley*, *Altbabylonische Briefe*, no. 11 (Leiden: Brill, 1985), No. 7.

driving oxen. An ox strayed, fell, and died. The letter writer, unable to fix liability, sent the two men to Nippur for a judgment. In Nippur, the ox owner apparently placed responsibility upon his oxherd, who was sent to clear himself by taking the oath. The owner is now making trouble, unwilling to accept this outcome that leaves him uncompensated for his dead ox. The letter writer concludes: "Take care of his matter so that he is not wronged!" (*warkassu purusma la iḥḥabbal*). In other words, here in PBS 7 7, just as in UET 6 402, the man who lost the case, whose opponent successfully underwent the ordeal by oath, is in danger of being an *awīlum ḥablum*. The legal system has failed him.

The second OB letter, TCL 7 73,<sup>39</sup> recalls the situation in LH §34. In this letter, Šamaš-hazir, Hammurabi's man in Larsa, is informed that a particular man who has had the usufruct of an *ilkum* field for forty years has been victimized. While off fulfilling his duties to the king, this man's field has been appropriated and given to another. Again the letter writer concludes with the appeal "Take care of his matter! He must not be wronged!" (*warkassu purus la iḥḥabbal*).

Finally, and most tellingly, *ḥabālum* is used in the stock terminology of the prophetic voice in Mari. Two letters, MARI 7 44<sup>40</sup> and RA 78 8,<sup>41</sup> both addressed to King Zimri-Lim by Nūr-Sîn, convey messages from Adad of Halab via the *āpilum*. Both messages begin by reminding Zimri-Lim that he was restored to his father's throne by the grace of Adad, and then implore him to demonstrate his worthiness as follows:

(MARI 7 44:17–21<sup>42</sup>) *i-nu-ma ma-am-ma-an ša di-nim i-ša-as-sí-ik-<kum> um-ma-[a]-mi ḥ[a-ab-l]a<sup>43</sup>-ku i-zi-iz-ma di-*

<sup>39</sup> F. R. Kraus, *Briefe aus dem Archive des Šamaš-hāzīr*, *Alt-babylonische Briefe*, no. 4 (Leiden: Brill, 1968), No. 73.

<sup>40</sup> A.1968, in J.-M. Durand, "Le mythologème du combat entre le Dieu de l'orage et la Mer en Mésopotamie," *MARI 7* (1993): 41–61 (autograph copy p. 44).

<sup>41</sup> A.1121+A.2731, in B. Lafont, "Le roi de Mari et les prophètes du dieu Adad," *RA 78* (1984): 7–18 (autograph copy p. 8).

<sup>42</sup> Lines numbered as reverse 7'–11' in the transliteration in "Le mythologème du combat," 45.

<sup>43</sup> Copy and Durand's transliteration -t]a-; D. Charpin kindly informs me (e-mail of 24 October 2000) that the photograph of the tablet shows the traces exactly as in the copy. Durand, "Le mythologème du combat," 45 note a, references the idiom *ḥabṭāku issi* (etc., *šasū*), discussed by F. Joannès, *ARMT 26/2*, 299 note e. There, Joannès, following a suggestion from Durand, translates the first person stative ["he/I, etc., cried] 'Quel

*in-šu di-in [i-ša]-ri-iš a-p[u-ul-šu] [an]-ni-tam ša it-ti-ka e-[ri-šu]*

Whenever anyone with a case appeals to you, saying: "I am wronged," be you present and judge his case! Satisfy him fairly! This is what I require of you.

(RA 78 8:53–55) *i-nu-ma LU<sub>2</sub> ḥa-ab-lum ù SAL ḥa-bi-i[l-tum] i-ša-as-sí-ik-kum i-zi-iz-ma di-i[n]-šu-nu di-in [a]n-ni-tam ša it-ti-ka e-ri-šu*

Whenever a wronged man or wronged woman appeals to you, be you present and judge their case! This is what I require of you.

The connection between the divine mandate and the royal obligation to care for the powerless is clear in these Mari references. The king must pay attention to the *ḥablum* and *ḥabiltum*, the underprivileged members of his realm.

#### CONCLUDING THOUGHTS

These selected citations show that the "wrongs" fall into two groups. First, there are the wrongs that result when a person of greater power or authority misuses his position and deprives those dependent on him (or on the king) of their due. This is the situation we find in the Laws of Hammurabi §34 (in which a captain or sergeant appropriates a soldier's property), in TCL 7 73 (in which a royal dependent's field is appropriated by the *iššak-kum*), and possibly in Grant Smith College 269 (in which the sergeant in charge of distribution of rations is answerable to the king for mismanagement and probably peculation). In these cases, there is still a chance that the king himself could intervene and provide a remedy.

Second, there are those wrongs that result when the proper legal channels are followed and a defendant or plaintiff is cleared by undergoing the ordeal by oath. Successful completion of this ordeal is, as we know, ultimate proof of innocence: the gods have judged. But when the losing party is convinced of his opponent's guilt and his own innocence, and thus is confronted with the disturbing fact of the failure of the ordeal, he can only conclude that there has been a human error made in administering or interpreting the process. As a result of

scandale!" (and notes that a literal translation would be "Je suis pillé!"); see CAD H s.v. *ḥabātu* A. Durand, however, "Le mythologème du combat," 45, translates the passage in question "On ma'a fait du tort" and refers to the epilogue of the Hammurabi composition; is there an inadvertent confusion of *ḥabātu* and *ḥabālu*?



this error, he is “wronged.” He can appeal only to the highest authority of the gods for remedy. This is the only recourse open to Lugatum (PBS 7 7) and to Kuzzulum (UET 6 402).

Both the prologue and the epilogue of the Hammurabi inscription, as well as numerous other royal compositions throughout the millennia, demonstrate through their rhetoric the oft-cited concern of the king that his subjects not be oppressed or wronged by persons in powerful positions. One of the earliest such statements comes from Uru-inim-gina of Lagash (ca. 2351–42 B.C.), who after listing the abuses of authority by various persons in positions of power, states that he “replaced [those] customs of former times, carrying out the command that Ningirsu, his master, had given him.” He details his reforms of earlier abuses and injustices, concluding that he “solemnly promised Ningirsu that he would never subjugate the waif and the widow to the powerful.”<sup>44</sup> Similarly, some eighteen centuries later, Darius I had written on his tomb: “It is not my wish that

the weak be wronged by the strong, nor is it my wish that the strong be wronged by the weak.”<sup>45</sup> With this pedigree of royal concern, the Wronged Man of the epilogue in the Laws of Hammurabi composition should have been able to turn to the living king for help. But his situation was complicated by the fact that he had probably already lost his case in the human court, or had even been prevented from bringing his case before the judges in the first place. The language of the epilogue is *not* urging him to bring his matter before King Hammurabi, but to Hammurabi’s stela. There he can find solace only through prayer and by offering blessings to (the memory of) King Hammurabi.

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*Context of Scripture*, vol. 2, ed. W. W. Hallo and K. L. Younger, Jr. (Leiden: Brill, 2000), 407f.

<sup>45</sup> Translation of *ul ūebākā ūa mamma muškēna piški innepuū ina libbi mār banī u agašū ul ūebākā ūa mār banī piški innepuū ina libbi muškēna*, Herzfeld API p. 6:5 and 7, with M. W. Stolper, “No Harm Done: On Late Achaemenid *pirku* Guarantees,” in *Assyriologica et Semitica, Festschrift für Joachim Oelsner*, *Alter Orient und Altes Testament*, no. 252, ed. J. Marzahn and H. Neumann (Münster: Ugarit-Verlag, 2000), 467; see also VAB 3 67 §63:105, and CAD P s.v. *pirku* A.

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<sup>44</sup> After J. Cooper, *Sumerian and Akkadian Royal Inscriptions, I: Presargonic Inscriptions* (New Haven: American Oriental Society, 1986), 71ff. See also W. W. Hallo, in *The*