

The King of Justice

By Samuel Greengus

The Literary Club, Cincinnati, Ohio, February 3, 2014

I read somewhere that we all live in at least two communities. First, of course, is the physical community consisting of people who are geographically proximate: our city block, our neighborhood, our local companions. But there is, in addition, what may be called a “community of our imagination.” The community of imagination consists of people we think about but who are not necessarily nearby. They may be friends or loved ones far away, sometimes long dead; they may even be persons we never met but admire from a distance of space or time. These could include literary or historical heroes. I confess to having one such remote person in my own community of imagination: he is Hammurabi, King of Babylon.

I first encountered Hammurabi over fifty years ago when I was a graduate student at the Oriental Institute of the University of Chicago. I was then learning to read the ancient Babylonian language; and our textbook in class was the Code or Laws of Hammurabi. The Code of Hammurabi fascinated me; and has intrigued me ever since. It is after all one of the largest collections of ancient laws from pre-classical times; we know of no other ancient monarch putting together so many laws in a single composition. The language in which it is written, moreover, is classical: elegant but clear. That is why students like me were using Hammurabi’s Code as our textbook in modern times. We have since discovered that it had this virtue even in ancient times. For over a thousand years after Hammurabi’s death, the Code was recopied and studied in Babylonian scribal schools and libraries until the Babylonian language and writing system became extinct. Hammurabi’s name and laws then faded from human memory and were forgotten. His name does not appear in any of the ancient histories written in Greco-Roman times; this includes places where we might expect him to be mentioned, e.g., in the histories written by Berossus or Herodotus. And so it remained until Hammurabi’s Code was re-discovered by a French team of archaeologists in 1902. Since 1902 it has generated a great deal of discussion, especially when it was realized that many of Hammurabi’s laws were strikingly similar to laws later found in the Hebrew Bible. My subject today, however, is not about the content or the laws within the Code, but rather, an investigation into Hammurabi, the man.

We know that Hammurabi ruled as king in Babylon for 43 years between 1800 and 1750 BCE, i.e., over 4000 years ago. That is a long time back. However, like any historical figure, he can again become alive for us through his literary legacy, of which there is a surprising amount, found by archaeologists over the past century. There is of course the law Code, but also a personal prologue and epilogue that frame the laws within the Code. We also have a score of monumental and dedicatory inscriptions. But more importantly there are letters. There are some 200 letters that Hammurabi himself sent to subordinate officials, who were provincial governors and managers of his crown lands. There is, moreover, an even larger collection of diplomatic letters written by ambassadors representing the neighboring kingdom of Mari, located some 200 miles west of Babylon.

These diplomatic letters include a large number of dispatches sent by ambassadors assigned to Hammurabi's court in Babylon; the dispatches report what was going on in the kingdom, along with citing personal statements made by king Hammurabi himself. There are, in addition, thousands of other documents—both letters and contracts—that were written during Hammurabi's reign. So despite how long ago he lived, we do have a surprising amount of information about Hammurabi and his activities. He therefore can be studied just as we might study a more recent historical personage, who left behind writings, or about whom others living in his own time wrote. My task was to look within this body of sources to see if we can discover data that may help us get a glimpse of Hammurabi himself, particularly anything that may tell us how and why he came to publish his great law Code. Was it a casual piece of work, a bit of posing or posturing, good for his public image, or can we detect evidence for a deeper passion and a significant personal commitment for law and justice? My purpose for this paper was to try and discover an answer to this question.

I will now give you my answer. To begin with, we have to give some credit to Hammurabi for having gone so far as to have his law Code inscribed on a stone stela or monument; this in fact is the monument discovered in 1902; it is a large black stone that is exhibited in the Louvre in Paris. Hammurabi is unique both in presenting so many laws as well as for inscribing them on stone. At the top of the monument, above the laws, is carved a "religious" picture of Hammurabi; it shows him standing before the Sungod, who is seated on a throne. Hammurabi is standing and making a gesture of respect; his hand is near his face, ready to press it on his nose. This is how a person of high social rank would mimic the attitude of bowing to the ground without having to do so. He could convey his respect even while standing up, by pressing his hand upon his nose.

The scene on this carving is, in effect, an illustration of what Hammurabi says in the epilogue to his laws, namely, that he, Hammurabi, is "the king of justice whom the Sungod gave knowledge of what is true." In other words, the Sungod did not dictate a set of divine laws to Hammurabi like God did to Moses in the Bible. Rather, Hammurabi was granted wisdom, like Solomon, that enabled him to be "the king of justice." The Sungod was identified with the Sun, whose light shines on everyone and everything in creation. The Sungod was understood to be the deity whose task it was to watch over justice in the human world. During the day, as the Sungod traveled from east to west, he scrutinized and judged the living. At night, he made the return journey, traveling from west to east in the netherworld and stopping to judge the dead on the way.

So we can see, therefore, that Hammurabi liked to present himself as "the king of justice." He was the first king to use this title and may actually have originated it. The title was not widely adopted and was in fact not used again by any other king for 700 years. Its re-emergence may in fact perhaps only be due to scribes and secretaries who discovered it in copies of Hammurabi's ancient Code sitting in their libraries. They suggested using it for a few later kings. However, these later kings, as far as we know, left behind no law codes.

In his personal epilogue to his Code, Hammurabi tells us that he placed his stone monument containing the laws in the great temple of Marduk, the city god of Babylon. Moreover, he placed it next to a statue of himself, which bore the name “King of Justice.” Archaeologists have so far not found that statue. But it was a big deal, because Hammurabi celebrated its installation by dedicating an entire year to remembering the event. His 22nd year was officially called: “The year: a statue of Hammurabi, the king of justice.” We don’t know when the king inscribed his laws on the stone monument; but he must have installed the monument with his laws written on it sometime after his statue was dedicated. In his epilogue to the Code, Hammurabi explains that he placed the stone monument in the temple in order that “any wronged man who has a lawsuit can come before my statue, ‘King of Justice’ and let him have my written monument read out to him and hear my precious words, so that my monument can make his case clear to him, and he will see the law which applies to him, and (thus) his heart will be set at ease.” Most ancient petitioners could of course not read; therefore the king asks that the laws be read out for the petitioner, so that he would know what the law says. This is reminiscent of what was later seen in ancient Greece and Rome, where laws were inscribed on stone tablets erected in public places.¹ By writing his laws on stone, Hammurabi was thus able to claim, as he states in his prologue, that his intention was to “put truth and justice into the mouths” of his people. So these actions by Hammurabi—collecting the laws, having them engraved on a stone monument, and setting it next to his own statue— all lend support to his claiming to be a “king of justice.”

It is worthwhile to more closely examine the terms that the Babylonians used to denote “truth and justice.” In Babylonian, the term “truth” can also be translated as “justice,” especially when it occurs by itself. But its literal meaning is “truth.” In a similar way, the Babylonian term for “justice” can more literally be translated as “equity.” One can therefore translate Hammurabi’s title “king of justice” in literal fashion as “king of equity.” When used in the sense of “equity” the term reflects a necessity to rebalance or adjust what is strictly true to what is fair or “equitable.” One may compare this nuance to what might take place in a modern “court of chancery or equity” over against what might have been decided in a “court of law.” In other words: the letter of the law as over against the spirit or intent of the law. According to ancient Babylonian mythology, the Sungod, who you will remember is the god of justice, had three divine children, whose names were: “Truth, Equity, and Judge.” The divine children and their names reflect three foundational elements that the Babylonians believed should be present in a fair justice system: judges exercising justice, paying attention both to truth and equity.

When Hammurabi first came to his throne, one of his first acts was to proclaim a “decree of equity” in the kingdom. He officially named his second year as “The year: Hammurabi established justice, i.e, equity, in his realm.” The decree of equity was designed to offer a measure of financial relief to the debtor class. Outstanding private debts were to be cancelled and all written IOUs were to be handed over and destroyed. All delinquent

¹ This was done with the Laws of Gortyn c. 500 BCE, and the Twelve Tables c. 450 BCE. The tablets of the Laws of Gortyn were excavated at Crete in the 19th century; the history of the XII Tables is recounted in Livy, *History* iii, 32, 57.

arrears on royal taxes from lands held by farmers were forgiven. Only purchases and trading obligations were not cancelled; these could be executed and collected as before the decree. The “decree of equity” represented a way to try and “reset” the financial clock; it was the king’s “gift” to the masses at the time when he began his reign; and such “generosity” would certainly be celebrated. A king might repeat this action and issue a new decree of equity some years later, as a kind of “royal jubilee” celebration. And so Hammurabi may likely have proclaimed a second decree of equity in conjunction with his 22nd year of reign, when he dedicated his statue “King of Justice”—more literally now to be understood as “King of Equity.”

Now Hammurabi was not the first king to proclaim a decree of equity; this was in fact done by some of his predecessors and by some kings who came after him. But decrees of equity were more favored by the kings of Hammurabi’s dynasty and are attested less often in later times. There may have been a cultural reason for this. Hammurabi’s ancestors were Amorites or poor herdsman who roamed the uncultivated steppes. To paraphrase the Bible: “his ancestors were wandering Amorites, ready to perish.” Among such folk, one often encounters a deep prejudice against the burden of debt, as well as against having interest piling up on the unpaid obligations. It has been suggested that Hammurabi and his line, because of their Amorite heritage, were—one might say— more sympathetic to the breeding of animals than to the “breeding of ducats” through lending and usury, although these financial activities were legal and essential to commerce. The Amorite kings were nevertheless mindful about the plight of debtors and utilized royal decrees of equity as a way to give a “new start” to families who mostly otherwise would never have any prospect of repaying their debts. Their impecunious state would otherwise result in them being sold as slaves in order to satisfy their creditors. The decree of equity thus served to help such debtors remain free citizens.

There is more evidence of what I would call Hammurabi’s “social conscience” to be found in numerous letters that he wrote to his governors and managers. These officials were appointed to rule over affairs in a large province formed out of territory that Hammurabi conquered in his 31st year on the throne. The letters we have thus belong to the last 13 years of the king’s life. In ancient Babylonia, letters were dictated and written out by scribes acting as secretaries; the written letters were then delivered by couriers or traveling merchants, and were finally read out to the recipient by other scribes available at the receiving end. The writing system was complicated, using a combination of pictographic and syllabic signs. The overwhelming majority of people were therefore illiterate; and, almost certainly, this was true of Hammurabi as well. Hammurabi’s letters to his province deal with a variety of matters: maintenance of irrigation canals, transport of needed goods, collection of taxes, management of livestock, and personnel matters. These personnel matters might include job assignments or the allocation of crown lands for the support and maintenance of civilian workers as well as of persons serving in the military.

The letters reveal how much Hammurabi was personally concerned about his subjects and how they were being treated. There is a nice illustration of this concern in a letter written to the governor (AbB 13 21). A petitioner came to the king and told him a sad

tale: “My son disappeared 8 years ago and I did not know if he was alive and so I began making funerary offerings for him as if he were dead.” The petitioner continues that he subsequently heard that his son was living in a certain small town, in the house of an important man, who was both a mounted soldier and a goldsmith. He went there but the man denied that the boy was there and would not allow the father to see for himself. Hammurabi was now therefore sending a military officer along with the petitioner to the governor. The governor should have them accompanied by a third trustworthy man and have him bring both the father and the goldsmith back to Babylon. The king was then going to handle this case himself.²

From his many letters we can see that Hammurabi was a “hands on” king who paid great attention to what was going on in his kingdom. Although Hammurabi’s letters are administrative in character, we nevertheless at times can see him expressing strong personal feelings and sentiments, including his anger and outrage when he learned about injustices taking place in his province. So, for example, in another letter to the governor (AbB 2 24), the king writes about a merchant who came to him with a complaint. The merchant had lent a substantial quantity of grain to the chief military officer of his city and has a receipt from the officer pledging to pay it back. The merchant, says Hammurabi, “now tells me that he has been trying to collect this grain for the past three years but the military officer will not repay him. This is what he tells me; and I have seen the receipt. So let your men go and collect the grain plus interest from the officer and give it to the merchant.”

In a letter this time written to his deputy overseeing crown lands (AbB 4 18), Hammurabi discusses a complaint he received from an individual leaseholder. The leaseholder said that a major portion of his land couldn’t be irrigated; it was too high to be reached by the flow of waters in the feeder canal. Hammurabi orders that his complaint should be personally investigated by the deputy, to see if the land is too elevated for the flow of waters. If so, then the deputy is to give the leaseholder another field on the bank of a canal out of the crown land that could be fully irrigated. Hammurabi then adds: “If you do not give him (a replacement field), any deficit in the taxes that he will owe will be on your head.”

In another irate letter (AbB 4 79) Hammurabi writes about a complaint that he received from a shepherd that a certain high official had taken his field away from him. This was in fact a field given to him by Hammurabi himself. That official has now been holding that field and reaping its harvest for the past four years. The shepherd had previously brought his problem to the attention of the provincial governor but the field has still not been returned. Hammurabi states that he is now simultaneously writing to the governor about this field; in the meantime his deputy, as agricultural overseer, should himself now thoroughly investigate the history of this property. And if it is true, says Hammurabi, “there is nothing more deplorable than this. You yourself are to handle this matter properly and give the shepherd back his field; moreover, that official must reimburse the

² For *AbB* citations cf. F.R. Kraus, et al, *Altbabylonische Briefe in Umschrift und Übersetzung*, Vols. 1–14 (Leiden: E. J. Brill), 1964–2005.

shepherd for the four years of harvest; the amounts are to be established by formal court action and oath. And write me a report on this case!”

There could even be anger and reprimand for the governor himself. In a letter (AbB 2 43) the king writes about the complaint he received from an agricultural worker whom the governor himself, without authorization, had impressed into the military. Hammurabi had already written earlier about this same worker and the governor has not yet restored him to his appropriate job. Hammurabi has now made additional inquiries; they confirm that that person is indeed a longtime agricultural worker. “What you have done” writes Hammurabi, “is unseemly; henceforth you must not take a longtime agricultural worker and make him a soldier. I have now returned him to the section where he belongs; and *you* must get someone else to take his place.”

To my mind, such glimpses of passion in Hammurabi’s letters give evidence that he clearly aspired to reign in a manner that was in keeping with the ideals presented in his Code of laws. And he was not lying when, in his prologue, he stated his belief that the great gods made him king in order “to make justice (i.e., equity) manifest in the land, to annihilate the wicked and the evil, to not allow the strong to oppress the weak.” But perfection, as you might imagine, was elusive. From the letters one can see that Babylonia was what some might call today “a third world country” where the strong routinely oppress the weak. Nevertheless, despite this, we also can see that Hammurabi, in his lifetime, worried about his subjects and seems tirelessly to have made himself available to them, hearing their problems, and doing his best to address these problems in a just and fair manner. His statue and his writing down of the Code may perhaps have been his attempt, during the later years of his reign, to try and extend his program of justice beyond his lifetime. We unfortunately are unable to determine to what degree this was successful.

It is important also to remember that Hammurabi as king was Babylon’s commander-in-chief. He was required to fight frequent wars of defense as well as having to launch military campaigns that look to us as aggressive and offensive. Babylon was situated in a narrow stretch of country between the Tigris and Euphrates rivers; and he had to fight for control of or at least access to key strategic positions on those rivers. The kingdom was situated close to a number of other states that were likewise interested in controlling many of the adjacent positions that Hammurabi saw as vital for Babylon. At the beginning of Hammurabi’s reign, Babylon was overshadowed by greater powers to his north, south, and east. So for a long time he made an alliance with a smaller but important Amorite ally to his west; this was the city-state of Mari, which I mentioned earlier. Hammurabi may indeed have wanted all domestic transactions under his purview and control to be just and fair. However, when it came to international affairs in general and to Mari in particular, we discover that *realpolitik* intervened and could not be ignored. Because Hammurabi in his 35th year felt it necessary to wage war against his longtime ally and destroy the city of Mari. In other words, despite the multi-year treaty between Babylon and Mari, there came a time when Hammurabi abandoned his ally and “threw Mari under the bus.”

From those earlier times of political accord and friendship between these two kingdoms, we have a diplomatic dispatch (*ARM 26 449*), which the ambassador from Mari wrote back to the king of Mari. The ambassador reported that Hammurabi told him: “Has this house (of Babylon) ever sinned against the city of Mari? Or between the city of Mari and Babylon, has there been some obligation unfulfilled? The city of Mari and Babylon have always been one house and (like) one finger that will not permit itself to be split apart . . . there has been no wrongdoing or aggression on my part against him (i.e., the king of Mari). I have always done good things for him and his heart indeed knows the good deeds that I have done for him.”

Contrast that speech spoken on a “sunny day” with a darker scene depicted in a letter written some years later by the king of Mari to his wife (*ARM 26 185-bis*). He asks her to consult his diviner or fortuneteller to ask the gods about Hammurabi and future events: “Now ask about the Babylonian, Hammurabi. Will that man die? Does he talk forthrightly with us? Ask about that man! And when you have asked once, turn around; ask a second time! . . . Write to me!”

The Queen of Mari dutifully did so and wrote back with an optimistic message (*ARM 26 212*): “I asked” she writes, and then tells her husband what the diviner told about Hammurabi: “that man thinks up many things about this land. He will not succeed. My lord will see what a god will do to that man. You will catch him and you will stand over him. His days are near; he will not live. This my lord must know.”

This fortuneteller, as we know, turned out to be mistaken. We have no surviving statement to explain Hammurabi’s motives in abrogating his treaty and abandoning his ally who, at least on one occasion, came to Hammurabi’s aid in a war against an enemy. I think that Hammurabi and his former ally long ago in the nineteenth century BCE were living by the same political truth that Lord Palmerston, who served as prime minister in Victorian England, expressed to his Parliament more recently in the nineteenth century of our own era. Lord Palmerston declared: “We have no eternal allies, and we have no perpetual enemies. *Our interests* are eternal and perpetual, and *those interests* it is our duty to follow.”³ Hammurabi was in fact a successful warrior and by the end of his reign Babylon was the major power in the region. He managed to outlast or vanquish the great powers that earlier had surrounded him; and yes, he had also made alliances with some of them. So we must therefore conclude that Hammurabi, despite his best intentions, could not transcend politics or abandon the interests of his country. He may have wished to be a “king of justice;” but a man—even a king— can never accomplish everything he wishes. Like some US presidents or great athletes, he found his goals and ideals being derailed by political events and by the shortcomings of human nature. Yet it is clear that he tried to implement the rule of justice in his own country wherein he was sovereign. We see this in his publishing a large Code of laws, in his having them inscribed on stone and preserved for future reference, in his “decrees of equity” on behalf of debtors, and especially in his administrative letters, where we see his careful attention to the welfare of his subjects and concern for their fair treatment by his governing officials. Therefore, all in all, I believe

³ Henry John Temple Palmerston, Remarks in the House of Commons, March 1 1848.

that we can say about Hammurabi that he, to the best of *his* abilities, did labor to make *his* world a better place. And to that extent, I hope that you will agree with me in saying that Hammurabi deserved to use the title “the king of justice.”