

The Ancient Mesopotamian City

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Urban Government: King, Citizens,
and Officials

Every community requires a governmental organization, a means by which social interactions can be regulated. The complexity of such an organization greatly depends on the size and diversity of the community, and the city, by definition shows a high degree of both: of necessity, then, there existed a structure within the Mesopotamian city with governmental powers. We can recognize two poles in the power relations in the Mesopotamian city: on the one side were the king and the public institutions that supported his rule, on the other the citizenry who held certain ill-described powers. Arranging contact between the two poles was a group of officials. These three elements, crown, citizenry, and officialdom, all played a role in the urban government. The relationship between crown and citizenry varied over time, and depended on the general political situation. It is my contention that the powers and independence of the citizenry increased over time in Mesopotamian history, rather than the other way around as has been commonly suggested.

The king has always been regarded as the political power in Mesopotamian society, or even as the only element within society with any political power. Finley stated that politics did not exist in the ancient Near East, because discussions of policy by citizens or royal advisers were neither open nor binding, and the king made all decisions on his own, allowing for some persuasion by courtiers. Finley called the system government by antechamber.¹ This is surely an overstatement inspired by orientalist stereotypes, as vague traces of political debate within the court are visible in the

¹ M. I. Finley, 'Politics', in M. I. Finley (ed.), *The Legacy of Greece: A New Appraisal* (Oxford, 1981), 22-36.

omen literature and in some historiographic literature.² Yet all decisions of a political nature known to us were indeed promulgated by the king who never acknowledged influence by his citizens in the matter. In the discussion of his powers we have to distinguish, however, between his role as a 'national' leader and as the head of the palatial organization, his own household. As national leader he was king of all the subjects of his state, be it a single city-state or a widespread empire. These subjects showed a lot of variation in their status. They included those people dependent upon the palace, to be discussed presently. But they also comprised members of the village and tribal communities and many city residents, who were not part of the palace organization, for whom the king's powers may have been absolute, but limited to certain restricted aspects of life. A Mesopotamian king had obligations to his people, likened in the ancient sources to the responsibilities of a shepherd to his flock. He had to ensure that they were fed and protected from enemies. The king led in war, guaranteed the fertility of the land by digging and maintaining irrigation canals, provided justice, and averted divine wrath against his people by promoting the cult. His power in these matters was seemingly unlimited. In return for this protection and care, the citizens were obliged to provide the king with two things: they had to pay taxes, and render services either in agriculture or in war. The king acknowledged the influence of the gods, who had selected him for kingship or inspired him in establishing justice in the land, and he never seems to have taken his people's opinions into account. But the areas of government he controlled were limited to matters of general policy, concerning security, the cult, and the agricultural conditions. They excluded the details that were important in a citizen's daily life.

One might object that certain kings, such as the famous Hammurabi, are known to have been concerned with trivia, to such an extent that they have even been regarded as petty rulers.³ The king was indeed involved in the daily affairs of some of his subjects, but this was not in his role as national leader. He was the head of

² See Mario Liverani, 'Model and Actualization: the Kings of Akkad in the Historical Tradition', in M. Liverani (ed.), *Akkad: The First World Empire* (Padua, 1993), 52.

³ See e.g. C. J. Gadd, 'Hammurabi and the End of his Dynasty', *The Cambridge Ancient History*, 3rd edn. 2: 1 (Cambridge, 1973), 184-7.

the palace organization, which at times could be extensive, incorporating a large segment of the population. In that role, he was like a *pater familias*, one among many heads of households. He took care of the details of the lives of his dependants, and as such he was involved with what might seem to us petty matters. But the unaffiliated households existed next to the palatial one, and many of the urban citizens were not dependants of the crown. For these citizens the king's influence was limited, and they retained substantial freedom in the running of their daily lives.

In support of his role as national leader the king could rely on an elaborate palatial organization that provided him with administrators and warriors. Palaces were among the most prestigious buildings of all Mesopotamian cities, and the palatial sector was at times of utmost prominence in society. At certain times the temples also formed a major part of the ideological foundations of kingship, but this relationship to the crown did not remain constant throughout Mesopotamian history. As a political organization the temple has to be regarded separately from the palace. Indeed, from the mid-first millennium on, temples became a bulwark of the citizens' power in the Babylonian city.

How did the citizenry that was not attached to the palace organize its own government? This question can only be studied with respect to the urban citizenry, as the members of village communities and tribes remain almost entirely outside the written record. When we try to study the matter of urban government in detail we are confronted with a severe shortage of information. Scholars have used their imagination to complete the details, and the validity of their reconstructions can neither be confirmed nor denied. The lack of evidence does not result from the accident of recovery, but from the nature of the written documentation in general and from the character of political representation among the citizenry. As I stated earlier, Mesopotamian records are primarily concerned with the transfer of property. No such transfers took place between the citizenry and its government. The cities most likely did not have the power to levy taxes, as such tax levies would have been recorded. Yet, a governmental structure is revealed by references in private contracts that attribute the transaction described to the decision of the government, as well as references to governmental actions in private letters, and statements in the so-called 'law-codes' about the duties of officials. These data are almost all of a juridical nature. The courts often forced the transfer of property

between two citizens, and such transfers and their justification were put down in writing.

The basis for a study of the citizens' role in government in general will thus by necessity be the juridical organization. It demonstrates certain patterns in the decision-making process that possibly may be expanded to other areas of government as well. Yet the available documentation does not allow the affirmation or denial of whether this was indeed the case. For instance, we see frequently that courts settled disputes over the ownership of land, which indicates that citizens accepted the decisions of a governmental body. But can we extrapolate from that observation that citizens also submitted to a higher authority in other aspects of life? Such a conclusion cannot be drawn on the basis of the available evidence, and becomes a matter of the scholar's intuition.

As I pointed out in the previous chapter, the Mesopotamian city was regarded as a unit, but within this unit several subdivisions existed. The cities were geographically divided into city quarters; they contained various professional associations, such as those of particular craftsmen or of merchants, and several international communities were allowed to maintain a separate identity. Juridically, the entire city and each of its subdivisions had their own courts, which were referred to as 'assemblies'. Texts from the entirety of Mesopotamian history show the existence of these assemblies and their activities as courts of law. A Mesopotamian seems to have had the basic right to be judged by his or her peers, and this principle seems to have been taken so far that when citizens of two different cities were involved in a legal dispute, judges from both towns had to be present. Cases were brought to trial in public, either before the entire city or before one of its subdivisions. The study of the institution of the assembly is complicated by the fact that in the Akkadian language, as in English, the term for assembly, *puhrum*, refers both to an institutionalized assembly and to any informal gathering of a group of people. When the Code of Hammurabi states that a judge who alters a verdict is removed from his office (§ 5) it can be interpreted as an expulsion from the assembly, as well as a punishment meted out in public. There are no documents that describe the activities of the institutionalized assembly in detail, and we are faced with many questions regarding the composition, the procedures, and the areas of competence of these institutions.

The first difficulty is determining who sat in the assembly.

Scholars who have written on the matter tend to state that membership was limited to 'free male citizens', although the terms free and citizen cannot be easily defined. Obviously, the comparison with classical Greek assemblies has influenced this view. The evidence concerning which individuals had the right to participate in the assembly's discussions is very vague. The surviving record of a trial for homicide, dating to the early second millennium, is an exception. The document has been found in several copies in the scribal quarter of Nippur, and was most likely used as an exercise text for teaching students legal terminology. But there is no reason to assume that it does not reflect a real court case.

Nanna-sig, son of Lu-Sin, Ku-Enlila, son of Ku-Nanna the barber, and Enlil-ennam, slave of Adda-kalla, the gardener, killed Lu-Inanna, son of Lugal-urudu, the priest. When Lu-Inanna, son of Lugal-urudu had been killed, they told the wife of Lu-Inanna, Nin-dada, daughter of Lu-Ninurta, that her husband had been killed. Nin-dada, daughter of Lu-Ninurta, opened not her mouth, covered it up.

Their case was taken to Isin before the king. King Ur-Ninurta ordered that their case should be decided by the assembly of Nippur.

Ur-Gula, son of Lugal-ibila, Dudu the bird-catcher, Ali-ellati the commoner, Puzu, son of Lu-Sin, Eluti, son of Tizkar-Ea, Sheshkalla the potter, Lugalkam the gardener, Lugal-azida, son of Sin-andul, and Sheshkalla, son of Shara-HAR addressed (the assembly): 'They have killed a man, thus they are not live men. The three men and the woman are to be killed before the chair of Lu-Inanna, son of Lugal-urudu, the priest.'

Shuqalilum, the soldier of Ninurta, and Ubar-Sin the gardener addressed (the assembly): 'Did Nin-dada, daughter of Lu-Ninurta, kill her husband? The woman, what did she do that she should be put to death?'

The assembly of Nippur answered as follows: 'A man's enemy may know that a woman does not value her husband and may kill her husband. She heard that her husband had been killed, so why did she keep silent about him? It is she who killed her husband, her guilt is greater than that of the men who killed him.'

In the assembly of Nippur, after the case had been solved, Nanna-sig, son of Lu-Sin, Ku-Enlila, son of Ku-Nanna, the barber, Enlil-ennam, slave of Adda-kalla, the gardener, and Nin-dada, daughter of Lu-Ninurta, wife of Lu-Inanna, were given up to be killed. Verdict of the assembly of Nippur.⁴

⁴ Thorkild Jacobsen, 'An Ancient Mesopotamian Trial for Homicide', *Analecta Biblica* 12 (1959), 134-6; trans. after J. N. Postgate, *Early Mesopotamia* (London and New York, 1992), 278.

The text shows some of the professions of some of the men who spoke out in the assembly: a bird-catcher, a potter, two gardeners, and a soldier. Ali-ellati's name is followed by the statement that he is a commoner, *muskēnum* in Akkadian,⁵ seemingly indicating his social status rather than his profession. The professional designations have no other purpose than to identify the men involved; often the patronymic was used instead. But they are highly informative to us. They show that a wide variety of professions not only had the right, but also the time, to sit in the assembly. No trace of elitism is visible: most of the men were manual labourers, while one of them was a soldier in the service of the temple of the god Ninurta. The fact that they appear here as participants in a debate during a murder trial raises several questions. Where did they find the time to do so? In classical Athens, for instance, only well-off, landowning citizens had the leisure to join in the assembly's debates. Nominal payments were given to juries in trials and, from the late fourth century onward, for participation in the general assembly as well. Were Mesopotamians rewarded similarly? It seems unlikely, although impossible to determine. If there was no financial compensation for time spent with assembly business, it may suggest that meetings were rare or that participation was casual, but none of this is clear to us.

An entirely different source of information on the assembly in early Mesopotamian history is the Sumerian literary composition of Gilgamesh and Agga. Although the tale is presented to us as a historical account of an actual combat, it is clear that it relates a literary *topos* of conflict and resolution. The preserved manuscripts of this composition date to the early second millennium, but the text was probably composed in the late third millennium. It depicts a situation of crisis confronting the city where Gilgamesh ruled. Troops of the city of Kish were laying siege to Uruk and the king had to decide whether or not to fight them. He consulted two assemblies: one of the 'elders of the city' and one of the 'men of the city'. They provided opposing answers, the elders to yield, the men of the city to fight. Did Gilgamesh turn to the general assembly of men because the elders had given him advice he did not like? Could

⁵ For this enigmatic term and a survey of published interpretations, see F. R. Kraus, *Von Mesopotamischen Menschen der altbabylonischer Zeit und seiner Welt* (Mededelingen der Koninklijke Nederlandse Akademie van Wetenschappen, afd. Letterkunde, N.R. Deel 36, No. 6; Amsterdam and London, 1973), 95-117.

all men overrule the recommendation of the elders, or was it common practice for the king to consult with both bodies? The text does not provide answers to these questions. In any case, it may indicate that two separate bodies of citizens were in existence: the élite, restricted body of elders, and a wider one of the men in general.⁶ Similarly, for the assemblies of the Assyrian colonies in Anatolia of the early second millennium, a distinction between 'big' and 'small' men is attested. But, in the mother city, Assur itself, such a differentiation was not made. This discrepancy has been interpreted as an indication that the 'small men' were excluded from the assembly in larger towns, but that is a mere guess.

Both the terms 'elders' and 'men' appear in other contexts as well, but their interpretation is very difficult. 'Elders', *ab.ba* in Sumerian, *sibutum* in Akkadian, seems to refer to a select group of men within various communities, such as cities, tribes, temple and palace hierarchies. They are commonly seen to have been the heads of families, whose influence was a survival of tribal practices, and their prominence in texts from the early second millennium has been associated with the arrival of the west-Semitic Amorites in the late third and early second millennia.⁷ But this interpretation relies entirely upon the unproven model of gradual sedentarization of nomads in Mesopotamian history, and does not explain the common appearance of 'elders' in texts pre-dating the second millennium. In the Ur III administration high officials could be designated 'elders' to distinguish them from common personnel,⁸ and surely no tribal remnants can be assumed for that practice. Hence an interpretation of these men as 'élite' or 'high-ranking', seems more appropriate than as heads of families. These 'elders' did not compose the entire assembly, as many contexts talk about 'the elders and the assembly'. Their exact relationship to the assembly is difficult to determine, however. Possibly they acted as an

⁶ Dina Katz, 'Gilgamesh and Akka: Was Uruk Ruled by Two Assemblies?' *Revue d'assyriologie et d'archéologie orientale* 81 (1987), 105-14, suggests that the assembly of the men of the city was a literary fiction, while the elders' assembly was historically accurate. I do not see the basis for such a conclusion.

⁷ H. Klengel, 'Zu den *sibutum* in altbabylonischer Zeit', *Orientalia* 29 (1960), 357-75.

⁸ See e.g. the grain account G. Reisner, *Tempelurkunden aus Telloh* (Berlin, 1901), no. 111, where *ab.ba.ab.ba* are set apart from overseers of ploughmen and common workers.

executive committee within it, and they determined what matters would be considered by the entire body.

The Sumerian word for the 'men of the city', *guruš* in the Gilgamesh text, is also too vague to allow us to determine which people constituted that group. The term often refers to palace dependants in the late third millennium, and if this were the right interpretation for the word in this context, it would negate the interpretation of the assembly as an independent body representing the citizenry. The same term can also be used to indicate 'able-bodied men' in general, and this was probably the meaning intended in the context of the assembly. Whether any restrictions existed as to which men were allowed to join the assembly is again unclear. The Gilgamesh episode is equally unclear about how many men sat in the assembly of Uruk.

The question of whether women could sit in the assembly is usually either totally ignored by scholars, or the assumption is simply made that they could not. None of the evidence discussed above attests to their participation, but that may just be a result of the general obscurity of the data. A Babylonian omen of the early second millennium contains the statement that 'a woman will reveal the business of the assembly'.⁹ This could indicate that she had been present during the discussions, but, obviously, the woman could have informed herself of what went on in many other ways as well. The question of women's participation in the assembly must thus remain unanswered.

The assemblies I have discussed so far seem to have represented entire towns, but subdivisions of cities had similar organizations. The city wards had legal authority and it is clear that their inhabitants gathered at certain moments to make decisions. For instance, in the Code of Hammurabi the city ward had to determine whether a woman had remained chaste after starting divorce procedures (§ 142), or could warn a man that his animals presented a public danger (§ 251). As with the popular representation for the entire town, we are also here uninformed about the membership, the competence, and the procedures of the gatherings of the inhabitants of a city quarter. Other subdivisions of the towns, such as the associations of merchants or of craftsmen, had their meetings as well, and spoke out with one voice. Assemblies were not limited to

⁹ See André Finet in *La voix de l'opposition en Mésopotamie* (Brussels, 1973), 18.

native Mesopotamians: in the fifth century, we find evidence of an assembly of Egyptian settlers and other aliens in Babylon. We do not know how many people were needed before they could convene an assembly, but the right to congregate seems to have been unrestricted.

The record of the trial for homicide cited above is interesting as it shows some of the procedures of the assembly. The case was referred to this court by the king. Similar texts from the early second millennium state that the assembly was convened by the king,¹⁰ a statement that casts some doubt on the independent nature of the assembly at that time. There seems to have been no debate about the guilt of the three assassins, but only about the responsibility of the victim's wife, who did not reveal that her husband had been murdered. Nine men argued that she was guilty of murder, while two stood up in her defence. The text is phrased as if we hear statements by both parties, but must be a fictitious rendering of the discussion, as all the accusers and all the defenders speak in unison. Finally the entire assembly pronounced a verdict against the woman, and the record states that she and the assassins were handed over to the executioner.

From the Old Assyrian trading colony at Kanish in Anatolia we have three very unusual, but also extremely fragmentary, texts that originally may have contained instructions on how the assembly there needed to consider a lawsuit. The reconstruction of the procedures remains highly tentative because of the poor condition of the documents. It seems that a lawsuit was first considered by the council of the 'big men' to see whether it needed to be dismissed or to be passed on to the full assembly.

Without (the consent of) a majority of the big men one single 'man of accounting' cannot ask the secretary to convene the assembly of the big and small men. If the secretary convened the assembly of the big and the small men without (the consent of) the big men, at the request of one single person, the secretary will pay 10 shekels of silver.¹¹

Seemingly the council was divided into three groups in order to facilitate the deliberations. When a majority was in favour of con-

¹⁰ See Stephen J. Lieberman, 'Nippur: City of Decisions', in Maria de Jong Ellis (ed.), *Nippur at the Centennial* (Philadelphia, 1992), 132.

¹¹ Ferris J. Stephens, 'The Cappadocian Tablets in the University of Pennsylvania Museum', *Journal of the Society of Oriental Research* 11 (1927), 122 no. 19, ll. 6-14, trans. after Mogens Trolle Larsen, *The Old Assyrian City-State* (Copenhagen, 1976), 284.

sidering the case, the secretary was ordered to convene the entire assembly. This assembly may have been divided into seven groups. Its decisions required a majority as well. We do not know how it was determined what the majority felt. Was a vote taken, and, if so, how? Further information about the proceedings of the assembly is not available, unless we take into consideration the literary descriptions of meetings of gods. Those divine meetings show little evidence of discussion, except when they were limited to a small number of prominent gods, who really debated the issue at hand. It has been stated that the proceedings of the assemblies were secret. This conclusion was based on the above-mentioned omen, but such secrecy seems rather unlikely to me. The proceedings were not written down because they were of no importance. It was only the final verdict that was considered significant enough to be recorded.

The participant in the assembly clearly took on a public profile, and was vulnerable to humiliation by his fellow citizens. Fear of this is expressed in prayers to gods:

Do not abandon me, my lord, to the assembly where there are many who wish me ill.

Do not let me come to harm in the assembly.¹²

In the famous poem of the Righteous Sufferer the central character's downfall includes the fact that 'my slave cursed me openly in the assembly (of gentlefolk)'.¹³ One gets the impression that intrigues were rife in the assemblies and that a citizen's good name could be destroyed by gossip, even by that of a slave.

The areas of competence of the assembly are again an extremely difficult matter to discuss. Almost all the records we have deal with legal decisions. The assemblies, both of the entire city and of the city quarters, acted as courts of law, next to those staffed with judges appointed by the king. In the homicide trial cited above, the king assigned the case to the assembly, but it is far from clear whether or not he did so for all cases. The cases heard were most commonly of a civil nature, but sometimes a criminal case was considered as well. We have a record from the mid-first millennium, for instance, describing how the assembly of Uruk examined

¹² Trans. Alasdair Livingstone, *Court Poetry and Literary Miscellanea* (Helsinki, 1989), 30-2, reverse ll. 11 and 13, quoted by permission.

¹³ Trans. by Benjamin R. Foster, *From Distant Days* (Bethesda, 1995), 301 l. 89, quoted by permission.

the circumstances of a murder attempt on the royal commissioner of the Eanna temple. In this case the assembly only did the preliminary investigation, while the sentencing was passed on to royal judges. Civil cases usually involved disputed property, divorce, and other situations where the main stress lies on the fact that property needed to be transferred from one party to another according to the decision of the court. Hence, it should come as no surprise that these cases predominate in our records.

Was the assembly competent in other matters? A single letter from the Old Assyrian correspondence to the merchant colony in Anatolia, dating to the early second millennium, suggests so. The letter contains an order of the city of Assur to the colony to provide funds for the building of fortifications.¹⁴ In the Old Assyrian correspondence in general 'the city' and 'the assembly' are used as synonyms, suggesting that a great deal of power was located in the assembly, comparable to the situation in classical Greece. Some optimistic scholars have therefore suggested that the assembly's areas of competence were all-encompassing in urban government. There is just not enough information to deny or confirm this view, in my opinion. Jacobsen even stated that the assembly originally had the powers to grant and to revoke kingship, a statement I will investigate below.

The image we thus obtain of the assembly is tantalizing, but at the same time exceedingly vague. We could see in it a meeting of citizens discussing widely ranging topics from lawsuits to the selection of their leaders. Participation can be seen as an act of public prominence, but also as a way of exposing oneself to intrigue and scorn. There is obviously nothing unusual about that, as public behaviour is always judged by others. But was the assembly a place where ambitious men and women, or men alone, gained public recognition? Were participants involved in debates using their rhetorical abilities to convince others of the correctness of their opinion? This is all open to our imagination, as no information for or against such conclusions is available to us.

The palace and the citizenry formed two separate political elements in the Mesopotamian city. Channels of communication between the two needed to exist, and these were the responsibility of a number of officials. The study of these officials is, again, very

¹⁴ See Larsen, *Old Assyrian City-State*, 163.

difficult, because of the large numbers of titles we encounter and the vagueness of the duties each official had. We are overwhelmed by a mass of titles when we look at urban administration. For instance, in her study of the city of Sippar in the early second millennium, Rivkah Harris talks about the mayor, the chairman of the assembly, the overseer of the merchants, the governor, the *rabi sikkatim* (Akk.), the *sussikku* (Akk.), the *šakkanakku* (Akk.), the bailiff, the overseer of the barbers, the barber, the gatekeeper, the gateman, and the doorkeeper. She herself notes that 'officials bearing a disturbing variety of titles appear as chief administrators'.¹⁵

It is virtually impossible to determine the responsibilities of most officials with any accuracy, as a few examples will make clear. Two officials who seemingly played an important role in the government of the Mesopotamian city were the chairman of the assembly and the mayor. The first, chairman of the assembly, owes his English title to the Sumerian designation, *gal.ukken.na*, which literally translates as 'great one of the assembly', a wording that continued to be used even when the texts were written in Akkadian. He rarely appears in our sources, however, in connection with the assembly. Instead, he seems to have had the authority to hold people prisoner, and to have acted as an intermediary between the palace and the citizens. Therefore some scholars have insisted that the reference to the assembly in his title is inconsequential, and that he has no relationship at all to this institution.

Another common Akkadian title, *rabiānum*, bears very little resemblance to our image of a mayor, although we usually translate the Akkadian term as such. In Sippar the *rabiānum* appeared as the chairman of the court and as a witness. In the latter capacity he was almost always listed first, which seems to reflect his prominence. According to the Code of Hammurabi, the *rabiānum*, together with 'the city', was responsible for prosecuting robberies which took place in his city's territory (§§ 23-4), indicating that he was a high official, but without revealing much about his other functions. In Old Babylonian documents, the *rabiānum* often appears as a middleman in hiring contracts of harvest labourers. It seems that he acted as the intermediary between the palace and the townspeople

¹⁵ Rivkah Harris, *Ancient Sippar: A Demographic Study of an Old Babylonian City (1894-1595 B.C.)* (Istanbul, 1975), 57-86.

who worked its lands. More than one *rabiānum* could function in a city at the same time, most likely because each ward had one. A recently excavated, and unfortunately not yet fully published, Old Babylonian text provides a less stereotypical view on the *rabiānum*. In Haradum, a Babylonian outpost on the Euphrates, some tablets were excavated in the house of the mayor located in the centre of town. The mayor, Habasanu, seems to have embezzled some of the funds his citizens had paid.

Concerning the silver, which Habasanu during his tenure as mayor had made the town pay, the entire town assembled and spoke in these terms to Habasanu: 'Of the silver which you made us pay, a great amount has stayed in your house, as well as the sheep which we gave on top as voluntary gifts.'¹⁶

This text suggests that the mayor collected the payments due by his citizens to pass them on to a higher authority, but that he had omitted to do the latter. Still, despite the numerous attestations of the title *rabiānum* in Old Babylonian documents, we can say very little with certainty about the office.

The title did not survive the end of the Old Babylonian dynasty, but a lesser authority, the *ḥazānum* (Akk.), seems to have taken over the duties of the *rabiānum*, and the translation 'mayor' is commonly used to render this title when it appears in texts written after 1500. A unique letter dating to the middle of the second millennium, found in the northern city of Nuzi, describes the duties of this office in some detail. It is a letter from the king of Arrapha to the mayor of Tashuhhe:

Thus says the mayor of Tashuhhe: 'The king has issued an order as follows: "Every mayor is responsible for the outlying territory of his city, and if there is a fortified settlement in the countryside around his city, he is also responsible for it. In the area of his city there should be no robbery, nor enemies murdering (people), nor the taking of booty. If it happens that there is a robbery, or enemies take booty and murder (people) within the territory of his city, the mayor shall pay damages. If a runaway from Arrapha runs away from the territory of his city and enters another country, the mayor shall pay damages. And if a fortified settlement within the territory of that city is abandoned, the mayor shall pay damages."¹⁷

¹⁶ Francis Joannès, 'Haradum et le pays de Suhum', *Archéologie* 205 (1985), 58.

¹⁷ Ernest R. Lacheman, *Excavations at Nuzi 6: The Administrative Archives* (Cambridge, Mass., 1955), no. 1; trans. after A. Leo Oppenheim et al., *The Assyrian Dictionary* 6, H (Chicago, 1956), 164-5.

This man's responsibilities were thus not limited to the confines of his city, but also, extended to the surrounding countryside. He seems to have been personally answerable for crimes in his territory, and somehow had to prevent 'refugees' from escaping the area. Moreover, he had to ascertain that small fortified settlements surrounding the city were occupied. As he seems to have had to pay the damages out of his own pocket, the office must have come with pecuniary rewards to make it worth his while.

A unique, unofficial, glimpse at the mayor's status in the city is provided by a Babylonian folk-tale of the first millennium, 'The Poor Man of Nippur'.¹⁸ The tale relates how a poor man, Gimil-Ninurta, was so tired of his lack of decent food that he decided to spend all he had on a goat to cook himself a fine meal. But then he remembered how he would not be able to provide a proper feast for his neighbours, family, and friends, and that he would incite their wrath if he did not invite them all. Thus he decided to go to the mayor of Nippur, offer him the goat, and hoped that in return he would be asked to join him in a nice dinner. But instead the mayor kept the good meat for himself, and gave Gimil-Ninurta the bones and gristle and some third-rate beer. The poor man decided to take a threefold revenge. The first trick he played on the mayor gives us some idea of that man's role in a city. Gimil-Ninurta went to the king and, without explanation, asked to be fitted out as a gentleman with fine clothes and a chariot, for a future payment in gold. He loaded a sealed box in his chariot and rode to Nippur where he was greeted by the mayor.

He we[nt off] to the gate of the mayor of Nippur,
The mayor came o[utside] to meet him,
'Who are you, my lord, who have travelled so la[te in the day]?'
'The king, your lord, sent me, to []
'I have brought gold for Ekur, temple of Enlil.'
The mayor slaughtered a fine sheep to make a generous
meal for him.¹⁹

In the middle of the night Gimil-Ninurta cried out that the box had been opened and the gold in it stolen, thrashed the mayor, and extorted payment in gold and fine clothes.

¹⁸ For the most recent English trans. of this tale, used here, see Foster, *From Distant Days*, 357-62.

¹⁹ Trans. *ibid.* 359, quoted by permission.

The text indicates that the mayor was the representative of the town who was in charge of greeting and entertaining royal emissaries on official business. It also shows again that he was held accountable for thefts in his territory. Obviously this does not tell us much about his daily duties. Yet, his status within the city seems clear: he acted as the intermediary between the palace and the citizenry. Many of the other officials we find attested in the texts played the same role. The contacts between the town communities and the crown were mediated by individuals acting as representatives. This practice was not limited to mayors for cities; nomadic tribes were also represented by their sheikhs in their contacts with the crown.

It is unclear who was responsible for the appointment of these representatives. Suggestions that they held their office only on an annual basis, and that they were elders of the town selected by their peers, have been shown to be false. In later periods mayors were seemingly appointed by the king; but was the king rubber-stamping a communal decision, or did he make the choice himself? The concept of a higher authority channelling its contacts with segments of the community through representative individuals was applied on other levels in the hierarchy of urban government as well. The subdivisions of the city mentioned above had the ability to discuss matters in their own assemblies, and to speak with one voice in their contacts with higher authorities. These contacts were mediated by a representative, be he elected by the people or selected by the king. Thus the mayor may have consulted with representatives of different city wards, while he acted as the representative of the entire city in its contacts with the king. When the palace demanded labour service from the citizens, it was the mayor's duty to gather the people; he probably relied on the representatives of the different wards to find the individual labourers. The only people who fell outside this structure were the so-called refugees, who were either new foreign arrivals, or people who had fled their social unit for whatever reason. The mayor was responsible for them as individuals.

The hierarchy of people representing segments of the population explains, in my opinion, the lack of information on urban government. This government was a very decentralized affair. Most of the responsibilities such as sanitation, policing, or the regulation of marriages and divorces, were not administered by the central

power, but by the subdivisions of the towns. As problems were dealt with on a highly personal basis in groups of restricted sizes, they were not registered in writing. Only when a decision resulted in the transfer of property was a record needed, hence the predominance of the legal aspects of the urban government in our documentation.

Despite the citizenry's ability to congregate and debate matters of interest to them, they were not guaranteed the right to make decisions against the will of the king, whose powers were seemingly absolute. The relative powers of the citizenry and the king most likely varied with the nature of the state, and these variations obviously affected the decision-making process concerning urban affairs. The relationship between citizens and the king when city-states were standard would seem likely to have been different from when the city was just a minor part of an empire spreading over most of the Near East. It is my opinion that, with the progressive territorial expansion of the political units in Mesopotamia, the cities and their representatives gained increased political independence and influence. This is the reverse of the currently predominant view that Mesopotamian history evolved from 'primitive democracy' to a totalitarian state headed by an all-powerful king.

The concept of 'primitive democracy' was developed some fifty years ago by Thorkild Jacobsen. Observing the existence of assemblies with judicial powers in early second millennium Assyria and Babylonia, Jacobsen sought to determine whether they were the survival of an older tradition or the indication of something new. He discarded the second possibility 'since the entire drift of Mesopotamian political life and thought in the historical periods is wholeheartedly in the other direction. Throughout we find no signs of growing democratic ideas.'²⁰ He decided thus that the assembly was an old institution. Indeed he thought that it existed prior to the development of secular kingship in Mesopotamia.

Based primarily on literary material of the second millennium, Jacobsen painted an almost Biblical picture of the rise of kingship in the third millennium. After a period when the assembly elected a military leader in times of crisis, a period of 'primitive democracy', this power was usurped by the elected leader who forced the

²⁰ Thorkild Jacobsen, 'Primitive Democracy', *Journal of Near Eastern Studies* 2 (1943), 165.

citizens to appoint him king for life. This evolution perfectly parallels the depiction of the rise of kingship in the book of Samuel in the Bible. There the last judge, Saul, refused to relinquish his temporary powers, and thus introduced kingship among the Israelites. Jacobsen never pointed out this parallelism, perhaps because in Mesopotamia kingship was portrayed as a benefit to mankind, while the Bible always maintained a strong anti-royalist attitude.

Jacobsen's reconstruction relied extensively on a Babylonian literary text, usually referred to as the 'Epic of Creation'. The text was apparently composed in the twelfth century and celebrated the rise to kingship over the universe by Marduk, the god of Babylon. When the gods were threatened with annihilation by Tiamat, enraged by the murder of her husband Apsu, the wise Ea pushed forward his favourite son Marduk to counter the threat. Marduk offered his services on the condition that he would be accorded supreme powers. The gods agreed to grant his wish during an assembly meeting, which was more a banquet with limitless supplies of beer and wine than a serious discussion of the problem at hand, and Marduk was crowned king before he dealt with Tiamat. After his victory he organized the universe, and finally demanded the building of Babylon as his reward. The events depicted are thus not exactly a usurpation by an elected leader of powers only granted temporarily, but crucial to Jacobsen's thesis is the fact that Marduk had been originally elected as king by the assembly of the gods. Combining this with information from other pieces of literature, Jacobsen pictured the existence in early Mesopotamia of a popular assembly with extensive powers, including the election of the king. By the mid-third millennium the assembly's powers were greatly restricted by life-long rulers, according to Jacobsen, and the subsequent history of Mesopotamia showed an increased totalitarianism. Emperors such as Assurbanipal, who ruled an area from Iran to Egypt, did not need to consult with their citizens.

Leaving aside the issue of the origins of kingship, difficult to study due to the lack of contemporary documentation, the underlying view of Jacobsen's entire argument is that the original, and wide powers of the citizenry were eroded and replaced by the absolute rule of an individual. Although Jacobsen never indicated his own awareness of it, his reconstruction resembles the Marxist

model where the communal mode of production is thought to have been replaced by the slave-owning mode of production, from a society where the community was of supreme importance to one where a despotic king was in charge. Their discussion has been framed in the context of the perceived dichotomy between the community and the palace, a dichotomy that does not take into account the private citizens as members of individual households.

Can we discern an evolution from 'primitive democracy' to an absolute monarchy in the Mesopotamian record? I believe not, and wish to postulate instead the reverse: as the territory ruled by Mesopotamian kings became larger and the population more diverse, the urban citizenry gained importance in its relationship to the king. Instead of searching for vague clues of citizens' power in the records of the third millennium, it is more useful to study the status of urban residents in the first millennium, when records are more abundant. We see that these residents were granted a large degree of independence, especially exemptions from royal taxation, *corvée*, and military duties, which were the primary areas of interaction between the king and his subjects. Also, the physical integrity of citizens was guaranteed, and their blood could not be shed by the king or his representatives. The freedom from taxation and service was thought to be the result of divine protection over the cities, indicated by the Akkadian word *kidinnu*, a divinely enforced security which was probably symbolized by an emblem set up in a prominent place in the cities. We have a list of declarations from Assyrian kings stating that they granted or re-established this status to various cities. The beneficiaries were mostly ancient cult centres in Babylonia: Babylon, Borsippa, Nippur, Sippar, and Uruk. In Assyria the old capital and cult centre Assur commonly received this status, and Harran was occasionally mentioned. One king extended the practice to cities of the state of Urartu in Anatolia, but this seems to have been a special occurrence.

The protection was taken very seriously: the most illustrative example of it is perhaps found in a letter written by the assembly of Babylon to the Assyrian king Assurbanipal and his brother Shamash-shuma-ukin, who was the king of Babylonia. In the letter the citizens requested that the protection granted to them be extended to all residents of the city, even those of foreign origin. They alluded to an earlier statement of the king that 'whoever enters

Babylon is assured permanent protection . . . Even a dog who enters it will not be killed.²¹ An Assyrian preceptive text of the first half of the first millennium, 'The Advice to a Prince', makes a great deal of the preservation of the protected status of Babylonian cities. It states, for instance,

If (the prince) took money of citizens of Babylon and appropriated (it) for (his own) property, (or) heard a case involving Babylonians but dismissed it for triviality, Marduk, lord of heaven and earth, will establish his enemies over him and grant his possessions and property to his foe . . . If he called up the whole of Sippar, Nippur, and Babylon to impose forced labour on the peoples aforesaid, requiring of them service at the recruiter's cry, Marduk, sage of the gods, deliberative prince, will turn his land over to his foe so that the troops of his land will do forced labour for his foe. Anu, Enlil, and Ea, the great gods who dwell in heaven and earth, have confirmed in their assembly the exemption of these (people from such obligations).²²

The importance of these protected status grants in the imperial policy of the Assyrians has long been recognized. Cities were used by the Assyrian kings to act as outposts of their rule in an often hostile countryside, including enemies from Egypt to the Chaldean tribes in the marshes of southern Iraq. The isolation of the urban centres in ill-secured territory is clearly visible in a letter by an official of Nippur to the Assyrian king Esarhaddon: 'The king knows that all countries hate us because of the land of Assyria. We cannot set foot in any country. Wherever we go we will be killed, as people say "Why did you submit to Assyria?" So now we have locked our gates, and do not go out at all.'²³ The Assyrian kings needed to maintain good urban contacts, especially with the cities of Babylonia, in order to secure their rule over the area. They needed to negotiate with the citizens, and could not simply impose their will upon them, as is clear from this letter written to King Tiglath-Pileser III by two of his officials:

On the twenty-eighth we came to Babylon. We took our stand before the Marduk-gate (and) talked with the *man* of Babylon. X, servant of Mukin-zēr, the Chaldean was at his side. When they came out they were standing

²¹ Robert H. Pfeiffer, *State Letters of Assyria* (American Oriental Series 6; New Haven, 1935), no. 62, ll. 9 and 11.

²² Trans. Foster, *From Distant Days*, 391-2, quoted by permission.

²³ Pfeiffer, *State Letters*, no. 123, ll. 11-20.

before the gate with the Babylonians. We said this to the Babylonians: 'Why are you hostile to us for the sake of them? Their place is with the Chaldean tribesmen [] Babylon indeed shows favour to a Chaldean! Your privileges (*kidinnūtu*) have been firmly established.' I kept going to Babylon: we used many arguments with them. The Five and the Ten were present. They would not agree to come out, they would not talk to us: they (just) kept sending us messages . . .²⁴

The privileged status of certain cities indicates the power of the urban citizenry in general; this is not contradicted by the fact that only a small number of cities in Babylonia are attested as having received the exemptions from royal taxation and service. We have to keep in mind that Babylonia in the early first millennium was sparsely urbanized, and that few cities, other than those mentioned by the Assyrian kings, existed at that time.²⁵ The fact that few Assyrian cities received privileges is a reflection of the reality that Assyria was securely held by its rulers. But the situation in Babylonia was different: because of its distance from the heartland of Assyria—and its unruly countryside—the Assyrians needed outposts where the allegiance of the people was assured. Those were the ancient cities, which were given special privileges in return.

The special status of citizens was neither new to the early first millennium, nor did it end when the Assyrian empire collapsed. From the mid-second millennium onward, divine protection of the citizens of certain urban centres is attested, and the use of the Akkadian term *kidinnu* coincided with the growth of the territorial state in Mesopotamia. With the end of the Assyrian empire in the late seventh century, the institution of the *kidinnu* disappeared, except for what may have been a nostalgic revival under King Nabonidus (ruled 555-539)—but that did not mean that the rulers felt secure enough to ignore the urban populations. The rulers of the neo-Babylonian dynasty (625-539) did not boast in their inscriptions about their far-flung and successful foreign campaigns,

²⁴ ND 2632 ll. 5-22, H. W. F. Saggs, 'The Nimrud Letters, 1952—Part I', *Iraq* 17 (1955), 23.

²⁵ For the low level of urbanization, see J. A. Brinkman, *Prelude to Empire: Babylonian Society and Politics, 747-626 B.C.* (Philadelphia, 1984), 3-10. Brinkman proposes, however, that areas outside the former core area of Babylonia show an increased level of urbanization. B. Landsberger, *Archiv für Orientforschung* 10 (1935-6), 142, suggested that the cities mentioned were representative of Babylonia in general.

but commemorated the fact that they restored temples in their homeland. This work was not done for purely pious reasons, but to ingratiate the kings with the local populations. At that time, the temple organization and the citizenry can be regarded more or less as the same thing. The important families of Babylonian cities divided the temple offices up among themselves, and profited extensively from the temple income. They expressed their views in powerful temple assemblies. As Dandamaev stated, 'a characteristic feature of these cities was self-rule by free and legally equal members of society united in a popular assembly (*puhu*) around the principal temple of the city'.²⁶

The privileged treatment by rulers did not end when Mesopotamia lost its independence to rulers from Iran and Greece. The Hellenistic rulers respected the rights of Babylonian cities, and exempted them from taxes and duties, while allowing them to continue Babylonian administrative practices. The temple continued to play a central role in the city administration, and its head, assisted by a council, became the chief authority in the city. Royal supervision was maintained through a number of officials. This does not need to be regarded as the introduction of the Greek *polis* system into Mesopotamia, but can be explained as the continuation and intensification of older practices whose roots went back for many centuries. The Seleucid city was an autonomous community, centred around a temple where most leading citizens held offices, and with a self-governing body, the assembly. Royal power was absolute in matters of national importance, but it did not interfere with the daily problems of urban life.

It cannot be denied that prior to the mid-second millennium, cities could have been treated with special respect by kings. But before that time the city really was the state, and the palace organization was more pervasive in the urban context. Control of urban population and affairs was much simpler under such conditions. Even when the ruler of one city-state temporarily controlled other cities, the system of government by the local palace was not abandoned. Governors rather than independent rulers continued to fulfil the role of head of the local palace organization, with close citizen interaction. That urban favours had to be bought at times is

²⁶ Muhammed A. Dandamaev, 'Neo-Babylonian Society and Economy', *The Cambridge Ancient History*, 2nd edn. 3: 2 (Cambridge, 1991), 252-3.

shown by the example of King Ishme-Dagan of Isin (ruled 1953-1935), who claims to have freed the inhabitants of Nippur from taxes and military service. But the practice was much less common than in later centuries, when it was a necessity for rulers to curry the favour of urban residents. In the first millennium the empires of Assyria and Babylonia were so large in extent and diverse in nature, with numerous uncontrollable tribes present even in the heartland of Mesopotamia, that the kings needed the cities as pillars for their control of the area. It was necessary to obtain the support of the urban population to effect government policies against those non-urban elements. In order to placate the cities, the kings awarded them numerous special rights.

When we try then to answer the question of who governed an ancient Mesopotamian city, I think we can say that the citizenry itself was most often in charge. Citizens had certain obligations to the king—primarily supplying taxes, corvée labour, and military service—but for the rest, they were mostly left alone. Representatives of the citizenry played the role of ambassadors to the king: they provided the vital contacts needed and bore a lot of the responsibility when things went wrong. They may have been elected by their peers or designated by the palace from among the prominent citizens. The power and the independence of the citizenry seems to have grown over the centuries with the increase in size of the political units in Mesopotamia. Obviously, this was not a simple progression, and at times rulers must have clamped down on urban freedom, but a general tendency towards greater autonomy for the citizens is visible. The palace maintained a hands-off attitude and did not meddle with urban affairs. Such a situation is not unique in the history of the Middle East. The Ottoman emperors also used such an approach towards their urban subjects.²⁷ On the one hand, it helped preserve the rights of the free citizens, on the other hand it facilitated transactions between the state and its subjects. This lack of intrusion resulted, however, in a failure to record urban governmental matters. A modern-day scholar exposed to extreme government interference in daily life may pine for such independence, but it clearly does not help in the search for a glimpse into the daily life of an ancient Mesopotamian.

²⁷ See Abraham Marcus, *The Middle East on the Eve of Modernity* (New York, 1989), 76-7.

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The assembly in Mesopotamia has been studied by numerous authors, in particular Thorkild Jacobsen's fundamental article, 'Primitive Democracy in Ancient Mesopotamia', *Journal of Near Eastern Studies* 2 (1943), 159-72, which reflects many of the topics discussed in this chapter. He also discussed primitive democracy in 'Early Political Development in Mesopotamia', *Zeitschrift für Assyriologie* 52 (1957), 91-140. Both studies were reprinted in *Towards the Image of Tammuz* (Cambridge, Mass, 1970). An attempt at elucidating some of the questions left unanswered by Jacobsen, by using parallels from ancient Sparta and Rome, was made by Geoffrey Evans, 'Ancient Mesopotamian Assemblies', *Journal of the American Oriental Society* 78 (1958), 1-11, 114-15.

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the earlier history of this institution in Mesopotamia. See, for instance, G. Kh. Sarkisian, 'City Land in Seleucid Babylonia', in I. M. Diakonoff (ed.), *Ancient Mesopotamia: Socio-Economic History* (Moscow, 1969), 312-31, who wants to see Greek-styled *poleis* in Babylonia; for the opposing view see R. J. van der Spek, 'The Babylonian City', in Amélie Kuhrt and Susan Sherwin-White (eds.), *Hellenism and the East* (London, 1987), 57-74.

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