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Mesopotamia in the Ancient World

Impact, Continuities, Parallels

Proceedings of the Seventh Symposium
of the Melammu Project Held in Obergurgl,
Austria, November 4–8, 2013

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Identifying Popular Power

Who were the People of Ancient Near Eastern City-States?

Kristoffer Momrak

Primitive democracy and popular power

The polities of the Near East have been regarded as despotic monarchies without citizens. Hegel formulated this view in his tale of the progress of Freedom, from the Land of Morning, where one person is free, through Greece and Rome, where some men are free, to the Land of Evening where all are free under the rule of a constitutional monarch.¹ For several generations, the received wisdom concerning the nature of Near Eastern politics was that the cradle of civilization had no politics; only kings and their subjects. There have been voices to the contrary, most notably Thorkild Jacobsen (1970 [1943]) and Geoffrey Evans (1958), who both argued that there had been primeval forms of popular participation in politics in Near Eastern polities before the rise to dominance of despotic kings from the Early Dynastic period onwards. Basing important parts of their narrative of the development of politics on mythological texts, the scenario of an original democracy in Mesopotamia has failed to convince. As will be argued in this article, the problem is not that there is no evidence for popular participation in politics in Near Eastern polities. There is rather copious evidence from legislative texts, reports from lawsuits, and letters describing goings on in Near Eastern cities throughout the Bronze Age and Iron Age. This evidence makes it clear that groups outside the palace and temples had considerable influence on the making of legal decisions, an important feature of popular power. Indeed, both Jacobsen and Evans made use of documentary evidence to corroborate their model of an original democracy. However, it is highly problematic to presume that these instances of power outside the palaces and temples were survivals from an original democracy. Also, it is not unproblematic to use the term democracy to describe politics that involved groups outside the great institutions of Near Eastern polities. Not a little part of the problem of defining popular participation in Near Eastern politics consists in the difficulty of identifying a politically self-conscious and active people in our sources.

Ancient Near Eastern evidence for group decision-making has been much discussed. A number of books and articles have endeavoured to make sense of the tantalising glimpses into group decision-making in Near Eastern polities. Since the

¹ Hegel, 1970 [1832-1845]: 132.

seventies, opposing voices in Mesopotamian polities have been studied. There is a sense of the existence of some vaguely visible popular opposition to royal rule that was beyond the scope of the interests of the scribes of official records (cf. Finet, 1973). Jean-Marie Durand has emphasised the independent political traditions of certain towns and cities of Syria in the Bronze Age, whose politics were defined by groups of elders rather than despotic kings (Durand, 1988). The peculiar political organisation of the Old Assyrian city-state has been thoroughly studied and discussed, by Mogens Trolle Larsen (1976; 2000a) and Klaas R. Veenhof (1972; 1994–95) in particular, who demonstrated that Old Assyrian merchants participated in decision-making to a degree that belies the image of Mesopotamian polities as inherently despotic. In recent years, there have been several new contributions to the debate on popular participation in the politics of Near Eastern polities. Marc Van De Mieroop (1997; 1999 [1997]) argues that the politics of Mesopotamian city-states were polarised between the king and the people, in a situation where the people made decisions concerning their own affairs, without these decision-making processes ever entering the archives of the central authorities. In a recent book, Daniel Fleming (2004) argues that the tribal element of the population of the Old Babylonian kingdom of Mari practiced communal decision-making in opposition to royal rule, pursuing what he terms a corporate strategy for power. Andrea Seri (2005) in a recent book discusses evidence for group decision-making in Old Babylonian cities, arguing that there were a number of assemblies and councils that cooperated with royal officials in the running of local affairs. Gojko Barjamovic (2004) in a recent article discusses evidence for civic self-government in Neo-Babylonian cities, arguing that the frequent mentioning of "the men of the city" or "the sons of the city" in a decision-making capacity refers to a limited body of people, probably a group of elders. Eva von Dassow (2011) in a recent article argues that the majority of the inhabitants of Mesopotamian cities were free citizens with access to participation in decision-making processes. As will be seen, there is no agreement on how to assess the evidence for power outside the palaces and temples. In particular, the identity of the citizens and how inclusive or exclusive this groups of people was, appears to be an unresolved issue.

The classicist critics

Discussing popular participation in politics in the ancient world, the term democracy sooner or later presents itself, with its origins among the ancient Greeks, or more precisely, the Athenians. However, it must be kept in mind that Athens had a uniquely inclusive political structure, so that comparison between Near Eastern polities and Athens is unlikely to be very fruitful, except to prove that there was no democracy in the Near East. This is most conspicuous regarding the question of participation: even the poorest Athenian citizens were included in politics. Although formally barred from offices, the poorest citizens were included in the jury-courts and could participate in the assembly. Such measures to ensure the participation of all citizens are rarely seen in the ancient world. The system attributed to Kleisthenes made the Athenian citizens, the *demos*, in the sense of the majority of citizens, sov-

erign in the *polis*. Self-government took the form of vigorous public debate on all political issues, with binding decisions made by a majority of voters. Magistrates were chosen by lot in order to prevent power resting with an experienced minority. The same magistrates were subjected to examination of their conduct at the end of their term. None of these political features have ever been indicated from any evidence from Near Eastern polities. If the term democracy is reserved for political systems that resemble the Athenian constitution after Kleisthenes, it cannot be applied in any meaningful way to Near Eastern polities.

Indeed, the majority of classical scholars have expressed frustration with the frequent invocation of the existence of democracies before democracy in ancient Near Eastern societies. Moses Finley dismissed the primitive democracy of Jacobsen's article, stating that none of the councils or assemblies of Mesopotamian cities could make binding decisions in opposition to the kings.² More recently, Jacobsen's primitive democracy has been termed a spectre, an illusion of popular power, because any collective decision-making process took place within autocratic societies.³ In a recent book on democracies in Greece beyond Athens, Eric Robinson argues that the term democracy should not be applied to Near Eastern polities, since there is no clear distinction in the sources between limited councils and more inclusive assemblies making decisions.⁴

It can be argued that by eschewing the term democracy, scholars can discuss popular forms of decision-making in ancient Near Eastern kingdoms, without having to demonstrate any likeness with ancient Athens. This means to investigate popular power in certain areas of the juridical or political system, although there was no popular assembly superior to the king. However, the objection that there is no clear distinction between councils and assemblies in the sources remains a valid argument against the use of the term popular power for ancient Near Eastern polities. Who were the participants in making decisions? If a minority of elders were in charge locally, this cannot be termed popular power, at least not without establishing the existence of some kind of mandate from the people to the elders. As will be seen, recent contributions to the study of popular participation in politics of the ancient Near East take an uncomfortably straddling stance in the vital question of who "the people" were. It is supposed that local elites were in charge of local decisions, while at the same time the terms popular power and popular freedom are used to describe local independence from central authorities. Who were the people involved in making decisions? How can we recognise the civic bodies of ancient Near Eastern polities? In the following, central terms for "the people" will be discussed, before looking at a few sources that describe situations involving collective decision-making by what appears to be "citizens".

² Finley, 1983: 52.

³ Raaflaub, 1998: 31.

⁴ Robinson, 2011: 24–25.

The citizens of Babylonian cities

There are several Akkadian terms scholars have taken to refer to the citizens of ancient Near Eastern cities. I will discuss them briefly in the following. A common term used of the inhabitants of Mesopotamian cities in a decision-making capacity is "men of the city", *awilū ša ālim*. A similar term to "men of the city" is "sons of the city", *mārū ša ālim*, used of decision-making bodies. As will be seen, the identity of these "men" or "sons" is difficult to determine. The term is evidently sometimes used synonymously with "the men of the city". A third term that is frequently met in legislative texts is *ālum*, simply "city". Apparently, it denotes a decision-making body under certain circumstances, in particular in lawsuits. As will be discussed below, there are instances where "the city" is used similar to "the men of the city". However, there are also cases where "the city" appears to be synonymous with "the elders", *šibūtum*. This is at the heart of the problem: if "the men of the city", "the sons of the city" or "the city" denote "the elders", it is difficult to argue that these terms can be translated as "citizens" in the sense of an inclusive civic body in ancient Near Eastern polities.

The term "men of the city", *awilū ša ālim*, is a good place to start a discussion of the difficulties in defining a citizen from Akkadian sources. The *Chicago Assyrian Dictionary* lists *awilum* simply as "man".⁵ Evidently, the term has a more specific meaning in the Old Babylonian period, where there is an opposition between an *awilum* and a *muškēnum*. This has caused much discussion. Theophile Meek in his translation of the *Codex Hammurapi* termed the *awilum* a seignior or gentleman.⁶ This has later been much debated (e.g. Selz, 2007; von Dassow, 2011). Scholars generally agree that a crucial social division in Old Babylonian society was between those with obligations to the palace and temples, called *awilum*, and the commoners outside the great institutions, called *muškēnum*. An *awilum* is thus a "citizen". They are entitled to have their cases tried before the assembly and could participate in decision-making bodies. However, no agreement has been reached on the size of this group or how many of them participated in the making of decisions. As will be seen, discussions of this term tend to move in circles. E.g. Fritz Rudolf Kraus suggests that *awilum* has a double meaning, denoting both an elite and the population in general.⁷ This is exactly the problem: when does *awilum* refer to an elite and when is it used in a general sense?

Fritz Rudolf Kraus maintains that the persons referred to as *awilum* in the *Codex Hammurapi* must be considered an elite with connections to the palace.⁸ This is a reasonable claim, since these people clearly have a privileged position in the *Codex Hammurapi*. Réuven Yaron agrees that persons referred to as *awilum* had privileges from their connections with the palace and the temples, but emphasizes that this does not mean that an *awilum* can be defined as belonging exclusively to a palace or

⁵ CAD AII, 1968: 48–57.

⁶ ANET, 1971 [1969]: 166 n.39.

⁷ Kraus, 1973: 97–98.

⁸ Kraus, 1973: 117.

temple elite.⁹ Eva von Dassow suggests that *awilum* was a status attained from ownership of land, in combination with duties to the palace.¹⁰ However, in her interpretation, a citizen was anyone who was not a *wardum*, "slave".¹¹ She argues that the difference between an *awilum* and other citizens is that the *awilum* had political authority: "the *awilū* [...] were the ruling class, peers of kings and sometimes kings themselves. Hammurapi's laws attempted to formalize this status by creating an *awilum* class set apart from the general body of citizen-subjects, the *muškēnum*".¹² In von Dassow's interpretation, all citizens could participate in processes of collective decision-making.¹³

It can be argued that the identity of Old Babylonian citizens is a moot point. In my view, von Dassow's claim that there was a formal elite among the citizens, with a particular political influence not shared by all citizens, cannot be squared with the claim that all citizens could take part in collective decision-making. This self-contradiction is difficult to escape. From later periods, no similar opposition between the *awilum* and other types of citizen is discernible in the sources. However, there is a tendency to view an *awilum* as a distinguished person, more than an ordinary inhabitant or subject, in particular when he is mentioned as part of the "men of the city", in the sense of a decision-making assembly. It is a long held view that participation in political and judicial assemblies was restricted to "local notables" or an "urban elite".¹⁴ The *puhrum*, a common Akkadian term for "assembly", is thus not an example of a popular assembly, but an elite council. If this was the case, it cannot be claimed to have been popular power in Mesopotamian cities, unless it can be established that the elite in their assemblies somehow had obtained a mandate from the local community or that the masses could participate in decision-making outside of the elite assemblies. In the following, I will present a few texts that illustrate the problem of determining the identity of those who participated in politics, before discussing further the definitions of citizenship in Akkadian sources.

Citizens and elders

There are several Old Babylonian texts that refer to decisions made by groups. Whether these groups can be termed citizen assemblies is a difficult question. Scholars are not in agreement over the interpretation of these decision-making bodies, their composition or authority. In the following, I will present and discuss two passages from the *Codex Hammurapi* and one document giving the verdict from a court case.

Codex Hammurapi §23 states that in the case of robbery where no perpetrator has been found, the robbed "citizen" (*awilum*) shall declare himself "before the god"

⁹ Yaron, 1988: 151–154.

¹⁰ Von Dassow, 2011: 211.

¹¹ Von Dassow, 2011: 213.

¹² Von Dassow, 2011: 215.

¹³ Von Dassow, 2011: 217–218.

¹⁴ E.g. Cuq, 1929: 360; Seri, 2005: 188.

(*maḡar ilim*), and then the *ālum u rabiānum*, "city and mayor", shall make good the lost property. In the next passage, §24, it says that the *ālum u rabiānum*, "city and mayor", shall pay one mina to "his people" (*ana nišišu*) in case the victim of the robbery was killed.¹⁵

In TD 232, the "city and the elders" (*ālum u šībūtum*) delegate a case concerning a disputed orchard to adjudication by the goddess Ninmar at the gate of Ninmar, where the accused is to swear an oath.¹⁶

These texts give tantalising glimpses into a juridical system of decision-making groups. The identities of the different groups and their members are difficult to establish and this problem has caused much controversy among scholars. Arnold Walther was convinced that in Old Babylonian texts, the *šībūtum*, "elders", equal the *puḡrum*, "assembly", which equals the *ālum*, "city".¹⁷ However, P. Koschaker and A. Ungnad argue that Walther's identification of "assembly", "elders" and "city" is untenable, because Old Babylonian texts frequently operate with a distinction between "city" (*ālum*) and "elders" (*šībūtum*): the two terms are often paired, but they are clearly separate. Koschaker and Ungnad suggest that *ālum* and *puḡrum* were interchangeable terms and that the *šībūtum* had some relation to the *puḡrum*, without being identical with it. However, they concede that the position of the *puḡrum* is difficult to assess.¹⁸ Andrea Seri argues that *ālum* in Old Babylonian texts is a specific institution that constituted "influential city dwellers" similar to "the elders". She interprets "the city" and "the elders" as two separate institutions.¹⁹ Further, Seri interprets the *puḡrum* as an independent arena for negotiations involving corporate groups such as "the elders" or "the city" when necessary.²⁰ In her interpretation, the *ālum* is in opposition to the local authority of the *rabiānum*, "the mayor", and "elders". She suggests that "the city" might have been instituted by the state to counterbalance the role of the elders.²¹

The approach to Akkadian terms for decision-making groups as corresponding directly to institutions has been questioned. Seri's suggestion that the *ālum* was a separate institution is criticised by Dominique Charpin as an unfortunate consequence of a naïve lexicographical approach that equals terms used in discussing decision-making with actual institutions.²² In his view, the *ālum* was not a separate institution, but was used about "the assembly", "the elders", and *rabiānum* in various constellations.²³ This seems to be a sensible approach. I agree with Charpin that "the city" as a counterpart to "the elders" cannot be maintained. From the texts presented above, it appears that "the city" should be regarded as a term that covers not one specific institution, but is applied in a general sense to gatherings of decision-

¹⁵ ANET, 1971 [1969]: 167; Viel, 2005: 422–423.

¹⁶ Kohler/Ungnad, 1911: 33–34.

¹⁷ Walther, 1968 [1917]: 55.

¹⁸ Koschaker/Ungnad, 1923: 148.

¹⁹ Seri, 2005: 154–156.

²⁰ Seri, 2005: 179–180.

²¹ Seri, 2005: 190.

²² Charpin, 2007: 169.

²³ Charpin, 2007: 179.

makers. Marten Stol suggests that *rabiānum* and *šībūtum* "the mayor and elders" could also be called *ālum*, the "city".²⁴ Stol's assessment seems to me to make good sense of the evidence without reading too much bureaucratic intricacy into Old Babylonian nomenclature. The diverse terms for decision-making bodies do appear to refer to the same type of body, and not to a wide range of different bodies. Why "the elders" are sometimes mentioned specifically, is perhaps because they also had other tasks that did not involve "the city". Thus, "the elders" may have been a loosely defined group of important people that were among other things involved in making decisions together with other "citizens" in a council or assembly. Further, "the city" may be interpreted as a kind of council that reached verdicts together with the mayor. Its composition is not clear, but it is unlikely that it was a large assembly, since it is reported to have had direct economic responsibilities to "citizens". It would not be far-fetched to argue that it was a local council, perhaps a council of elders or notables. However, TD 232 shows that "the elders" were actually separate from "the city". As already mentioned, it would be naïve to suppose that every term used for a group of people making decisions equals a formally constituted and recognisable political institution. However, I would argue that TD 232 makes it difficult to simply dismiss that there might have been other and more inclusive decision-making bodies than "the elders". It remains to be seen whether there were actual citizen assemblies or a sense of a civic body of citizens in Near Eastern cities.

Privileges and citizens

So far, Old Babylonian texts from the Middle Bronze Age have been discussed. From later periods, there are texts that provide more information about the status of "citizens" in Babylonia. There is a 1st millennium BCE literary text known as *Advice to a Prince* that among other things gives a detailed account of how a prince should treat cities under his rule. It contains warnings against royal abuse of the privileges of Babylonian cities and their "sons", including Sippar, Nippur, and Babylon.²⁵ It is stated that "if (he) [the king] imposed a fine or imprisonment upon a son of Sippar, Nippur, or Babylon, the city where that fine was imposed will be razed to its foundations and a foreign foe will enter the place of imprisonment. If he called up the whole of Sippar, Nippur, and Babylon to impose forced labour on the people aforesaid, requiring of them service at the recruiter's cry, Marduk, sage of the gods, deliberative prince, will turn his [the king's] land over to his foe so that the troops of his land will do forced labour for his foe".²⁶

²⁴ Charpin/Edzard/Stol, 2004: 676.

²⁵ *Advice to a Prince* is an Akkadian text dated to the 1st millennium; it is known from tablets from 7th century Nineveh and Neo-Babylonian Nippur (Kuhrt, 1997 [1995]: 612). It was also referred to in letters (Rainer, 1982) Benjamin R. Foster suggests that it was addressed to Merodach Baladan, an 8th century king of Babylonia (Foster, 1995: 391). Whoever the advice was addressed to, it gives insight into the position of the cities of Babylonia in the Iron Age in relation to foreign rulers.

²⁶ *Advice to a Prince*, translation adapted from Foster, 1995: 391–392 and Lambert, 1960:

A further text that mentions the privileges of the Babylonians is *ABL 878*. It is a letter sent by the Babylonians to Ashurbanipal, in which the Babylonians appear to be complaining that a royal official has killed a Babylonian. The Babylonians claim that not even a dog can be put to death when he has entered the city. All who enter the city are free.²⁷

The identity of "the sons of the city" is not clear from the *Advice to a Prince*. It appears that the term is used inclusively, rather than exclusively, of all inhabitants. This interpretation is corroborated by *ABL 878*, where the Babylonians refer to the privileges of the city's inhabitants as being extended to all who enter the city. However, *ABL 878* is not very well understood, and the cause for the complaint of the Babylonians is not altogether clear. The claim that not even a dog may be harmed may be dismissed as hyperbole.²⁸ However, as Mogens Trolle Larsen suggests, *ABL 878* may be interpreted as evidence for civic pride and indication that even persons of low status enjoyed full civic rights in Babylon.²⁹ This seems a reasonable interpretation: in my view, the use of hyperbole in *ABL 878* indicates that the Babylonians considered their privileges to apply to everyone; to all Babylonians.³⁰ This does not mean that everyone participated in decision-making processes. However, it makes it likely that the local elites were not the only people taken into consideration by the authorities. It appears that a form of inclusive citizen status existed, that protected the inhabitants and granted them juridical rights.

The point of the Babylonian complaint to Ashurbanipal in *ABL 878* is not clear. It evidently has something to do with jurisdiction. Amélie Kuhrt suggests that "the point of the letter seems to be that the inhabitants of Babylon alone have the right of initial jurisdiction over anyone within the limits of the city. No one can be executed without a decision by the city authorities; even people claiming to act for the king have no right to infringe the city's rules – such behaviour would be an offence affecting the whole urban community."³¹ In my opinion, this is a good explanation for the Babylonian complaint. It appears that the Babylonians could address the king directly and demand that he honoured their privileges. Does this mean that the Babylonian citizens were a collective, superior in their polity? This is not evident. With

110–115. A copy of the Akkadian text with transliteration and translation can be found in Cole, 1996: 268–274.

²⁷ *ABL 878* in Dandamayev, 1995: 24.

²⁸ Kuhrt, 1997 [1995]: 615.

²⁹ Larsen, 2000b: 125.

³⁰ It may be argued that there is evidence supportive of inclusive citizenship in Mesopotamian cities in the story *The Poor Man of Nippur*: in this story, a poor man, who is a citizen of Nippur, is wronged by a mayor and takes an elaborate revenge on him (text in Foster, 1995: 357–362). Amélie Kuhrt points out that the poor man is termed a "son of city X", which identifies him as a member of an urban community. The Akkadian text is on a 7th century tablet (Kuhrt, 1997 [1995]: 612). However, it should be kept in mind that the text is a literary composition. The date of its composition and its direct relevance to the Neo-Assyrian letters discussed here may be questioned. The story can nevertheless be taken as evidence that being a "son of the city" or a citizen did not necessarily imply elite status.

³¹ Kuhrt, 1997 [1995]: 615.

Kuhrt's assertion that the city authorities were superior to the king, we are no closer to determining the nature of the "city authorities" or what is implied by "the whole urban community". As will be seen in the following, there is evidence that there were status differences in Babylonian cities in the Neo-Assyrian period that speak against an interpretation of a general application of privileges to all inhabitants of the cities.

In several texts, there is reference to a group called *mār banī*, often translated as "citizens". The city-privileges, *kidinnūtu*, are held to be reserved for *mār banī* by some scholars. Who were the *mār banī*? The term is difficult to interpret and is disputed among scholars because it is apparently used of a wide range of people, from high officials to manumitted slaves. According to the *Chicago Assyrian Dictionary*, the Akkadian term *mār banī* is used of free persons or citizens. It is used as a term to distinguish a free person from a slave. Further, the *CAD* states that it is used in texts from the 1st millennium in the sense of "nobleman".³² Scholars have interpreted the *mār banī* as a form of aristocracy,³³ as members of the upper class working within the greater organisation of temples,³⁴ as well as a citizen body including rich and poor urban property owners.³⁵ The translations "full citizen" or "citizen with full citizen rights" are also used.³⁶ Thus, the range of the term *mār banī* is disputed, as is the identity of the people called *mār banī*. It is important to define who belonged to this category in order to understand the organisation of Babylonian cities in the Neo-Assyrian period. If the *mār banī* formed an aristocracy, the urban autonomy of ancient urban centres in Babylonia would not concern very many of the city-dwellers. This discussion is related to the definition of *awīlum* in Old Babylonian, as referred to above. Who were the citizens of Mesopotamian cities?

In Amélie Kuhrt's interpretation, the *mār banī* was an elite that controlled civic and cultic functions in Babylonian cities.³⁷ Similarly, Grant Frame suggests that participation in the assemblies of Babylonian cities was limited to "full citizens", emphasising however, that it is uncertain who was eligible to take part in the assembly and that the term *mār banī* is incompletely understood.³⁸ Dandamayev has used prosopographical data from records where the *mār banī* are mentioned, in order to "determine their social standing, occupational and financial positions". He finds that there were "artisans, bakers, brewers, butchers, tenants of temple and privately-owned fields" among them.³⁹ Therefore, he suggests that the term *mār banī* covers free-born property owners in the cities, both poor and wealthy, and that the people of *mār banī* status were a privileged group of citizens, not nobles.⁴⁰ M. Jursa is dubious

³² *CAD M*, i: 1977: 256–257.

³³ Kuhrt, 1997 [1995]: 618.

³⁴ Renger, 1971: 498–499.

³⁵ Dandamayev, 1981: 47–48.

³⁶ Frame, 1992: 231.

³⁷ Kuhrt, 1997 [1995]: 618–619.

³⁸ Frame, 1992: 231.

³⁹ Dandamayev, 1981: 47.

⁴⁰ Dandamayev, 1981: 48. In a later article, Dandamayev points out that *mār banī* in the sense of nobleman is attested from the Persian period, but only from the Behistun inscription of

of Dandamayev's argument that *mār banī* formed a separate class of citizens with seats in the assembly or other collective decision-making bodies. He points out that the existence of a citizen class is difficult to argue, since there cannot be said to be a difference in privileges of the *mār banī* compared to those of other free men in Babylonia.⁴¹ Instead of a citizen class, Jursa argues that the propertied urban elite, in particular the priests, were members of the city-councils and assemblies. These institutions, argues Jursa, consisted of elders, notables, temple officials, as well as secular members of society that together formed an oligarchy.⁴²

As mentioned above, in Kuhrt's analysis, the term *mār banī* refers to a broad elite within the urban population, a form of aristocracy, rather than an inclusive collective of citizens. If "son of the city" and *mār banī* are used synonymously, as they do appear to be in the 1st millennium, reference to Babylonians is not to "the people", but a limited group of high status. However, this interpretation may be too narrow. In my opinion, the *Advice to a Prince* refers to "sons of GN" in what appears as a general sense, as the inhabitants of Babylonian cities. Also, the letter of complaint to Ashurbanipal, *ABL* 878 discussed above, insists that everyone is protected by the city's privileges. Therefore, I am inclined to support Dandamayev's interpretation of *mār banī* as a general term for "free property owner". If this is correct, the evidence indicates that the privileges of "the sons of the city" imply a more inclusive reference to Babylonians in the sense of the inhabitants or urban residents of Babylon. The existence of a "citizen class" is doubtful, however. Although the *mār banī* are mentioned as a group of people, they do not appear as a distinct class, since people of widely different socio-economic status were included. The conflation of specific and general use of what appears as terms for citizens is a serious difficulty for our understanding of the nature of Babylonian urban government in the Iron Age. It appears that the group of people taking part in assemblies and councils were urban property owners that belonged to a socio-economic elite connected to the temples, but not exclusively so. In the following, evidence for more inclusive uses of terms for citizens will be discussed.

The sons of the city

In *ND 2632*, a letter sent by two Assyrian officials to Tiglath-Pileser III, they relate that they stood outside the Marduk Gate of Babylon to talk to "the man of Babylon" and a Chaldean. "The sons of the city of Babylon" stood together with "the man of Babylon" and the Chaldean before the gate. The two Assyrian officials tried to bring "the sons of the city of Babylon" over to their side and make them abandon the Chaldean. They argued that the Babylonian *kidinnātu* were firmly established. How-

Dareios I and other Persian inscriptions as an Akkadian translation of an Old Persian term (Dandamayev, 1995: 26). He rejects the meaning "nobleman" as based on a false interpretation of the Old Persian term *amāta*, a *hapax legomenon* translated with Akkadian *mār banī* (ibid. 27).

⁴¹ Jursa, 2011: 57–58.

⁴² Jursa, 2011: 58.

ever, "the sons of the city of Babylon" would not discuss the matter with them. "The Five" and "the Ten" were present, but would not come out.⁴³

Mogens Trolle Larsen interprets the situation in *ND 2632* as one where members of the council of elders in Babylon come out of the gate to parlay with the Assyrians, in the presence of representatives of a Chaldean king. In his interpretation, "this was a normal procedure used by the Assyrians in their diplomatic contacts with rebels: much easier to persuade them than to have to call in the army". He argues that the situation "surely indicates that the citizens of a city such as Babylon had civic institutions by way of which they could undertake negotiations and in other manners represent the interests of the community i.e. an assembly which could even function to some extent independently of the local king". This institution, Larsen argues, was the *puhrum*, or "assembly", attested from several Mesopotamian cities. He assumes that the *puhrum* consisted of the elders of the community. Although there may have been a popular assembly, as well, he maintains that "we have no real knowledge of how such an institution might have functioned".⁴⁴ I agree that a popular assembly is difficult to argue from the mention of "the Babylonians" making decisions. Probably some limited body was involved in the decision-making processes or negotiations with the Assyrians. At least, the situation described in *ND 2632* makes it probable that a limited body undertook negotiations on the part of the Babylonians. If this is correct, what were the relations between this limited body and the rest of the urban population?

Gojko Barjamovic, admitting that the identity of the people the Assyrians try to convince in *ND 2632* is not clear, points out that there is an emphasis on the importance for the Assyrians of convincing the Babylonians.⁴⁵ In his interpretation, the term Babylonians, "sons of the city of Babylon", when used in technical contexts such as negotiating peace or apprehending criminals, refers to "an institution [original emphasis] that holds authority on behalf of the community and bears its name". Barjamovic finds it improbable that "a community of thousands" could "issue a common declaration".⁴⁶ He suggests that the Babylonian city-states were organised with a "distinction between a (relatively small?) number of old families, allowed by tradition and accumulated wealth (and a surplus of time) to hold the main secular and religious positions in the city, and a larger segment of the population who had less extensive rights and obligations toward the community, but who also had some political influence". He argues that it is likely that "the city" (*ālum*) and "the assembly" (*puhrum*) were "interchangeable terms". In his interpretation, there was a "lack of distinction between the community and its ruling institution ("the citizens")".⁴⁷

Barjamovic seems to imply that there were two groups of citizens in Babylonia, one small group that consisted of the rich and constituted "the citizens", "city" or "assembly" in formal contexts, and a larger group of citizens that was not directly

⁴³ Text in Larsen, 2000b: 125; Cf. Van De Mieroop, 1999 [1997]: 137.

⁴⁴ Larsen, 2000b: 125.

⁴⁵ Barjamovic, 2004: 60.

⁴⁶ Barjamovic, 2004: 56.

⁴⁷ Barjamovic, 2004: 58.

part of the civic institution that reached decisions. Thus, in the analysis of Barjamovic, Babylonian cities had an elite that held positions in the civic and temple institutions, whereas the less wealthy had limited access to institutions of power in the cities, but still had some political influence. However, this influence is not well defined in Barjamovic's reconstruction.

A further text may add to the picture of popular participation in decision-making in the cities. In *ABL 340*, there is a report to king Esarhaddon from a certain Mar-Issa, who amongst other news forewarns the king that he may receive false reports from the *šākin tēmi*, "the commandant", of Babylon that the "the sons of Babylon" (*DUMU.MEŠ KÁ.DINGIR.RA.KI*) have thrown lumps of clay at him. The Babylonians had protested against taxes laid on them, because they were destitute, and "the commandant" has falsely accused some of them of throwing lumps of clay at his messengers, thereafter imprisoning some Babylonians. A judge in Babylon is detained in house-arrest, and it is rumoured that he had incited the protests against the taxes.⁴⁸

The text *ABL 340* indicates that some officials were concerned that the Assyrian king received truthful reports about the actions undertaken by "the sons of the city" and how they felt about the policies of the king. It appears that the raising of taxes is considered unlawful in the present situation in Babylon and that the commandant has transgressed against the Babylonians. It is of interest that "the sons of Babylon" are reported to have pelted the messengers of the commandant with lumps of clay. The situation can be interpreted as one of popular protest. Barjamovic suggests that the text indicates some sort of public announcement of the planned gathering of taxes and a corresponding negative public reaction.⁴⁹ Kuhrt takes the episode as indicative of popular resentment of Assyrian rule.⁵⁰ I agree with these assessments. In my opinion, the report indicates that information and decrees were made known to crowds in the cities, who could react violently and protest against unwanted policies. Further, a judge is accused of inciting revolt, indicating that "the commandant" thought it plausible that local figures of authority could incite the people to protest against the king's decrees. The concerned official who writes to the king apparently hopes that the king will not punish the Babylonians, because they are innocent of the throwing of lumps of clay. They are reported to have protested against the taxes, however, and this seems to be considered a legitimate reaction by the writer of the letter. The open and public announcement of royal decrees and the risk of public reactions can also be seen in *ND 2632*, where it appears that negotiations between "the sons of the city" and the Assyrians took place openly, by the city-gates. This indicates that the Babylonians as a collective were onlookers to the negotiations led by "the sons of the city". In *ABL 340*, "the sons of Babylon" are accused of throwing lumps of clay at the messengers of "the commandant" of Babylon and "the commandant" himself, indicating that decrees were made known to crowds and that the people could protest in public. This indicates that the majority of citizens, although not

⁴⁸ *ABL 340* = SAA 10, 348 in Parpola, 1993: 283–284.

⁴⁹ Barjamovic, 2004: 66.

⁵⁰ Kuhrt, 1997 [1995]: 586–587.

included in decision-making processes, were not passive subjects. Their relation to the decision-making elite is not clear, but it appears that some form of popular mandate was required, since the masses could revolt against unpopular measures.

Conclusions

The nature of citizenship in Mesopotamian cities is incompletely understood, in particular regarding the political participation of the citizens. It seems likely that both the Old Babylonian and Neo-Babylonian citizens had obligations to the state and connections to the temple and palace organisations in some way. However, it does not appear that citizenship was very exclusive. It is necessary to extract from the context of the usage of terms whether a specific or general meaning of citizen is implied, i.e. whether it is a case of a member of the elite, or the inhabitants are meant in more general terms. There are a few examples of the general populace being politically active, through their intervention at public announcements and as onlookers to decision-making processes. This is a far cry from the sovereign *demos* of Athens. However, it appears that there were forms of popular power in Mesopotamian cities. They are difficult to grasp because of our incomplete knowledge of decision-making processes and the identity of those involved. The identity of the citizens has to be decided in each particular case, from an analysis of the situation described in the sources.

Abbreviations

- ANET*, 1971 [1969]: Pritchard, J. B. (ed.), 1971 [1969]: *Ancient Near Eastern Texts relating to the Old Testament*. Princeton.
- BCSMS: The Canadian Society for Mesopotamian Studies Bulletin
- BO: Bibliotheca Orientalis
- CAD*: I. J. Gelb et al.: *The Assyrian Dictionary of the Oriental Institute of the University of Chicago*. Chicago/Glückstadt and Winona Lake, 1956ff.
- Chi.-Kent. L. Rev.: Chicago-Kent Law Review
- JAOS: Journal of the American Oriental Society
- RA: Revue d'assyriologie et d'archéologie orientale
- SAA 10: Parpola, S., 1993: *Letters from Assyrian and Babylonian scholars*. State Archives of Assyria 10. Helsinki.

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