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107) “I established justice and equity in the mouth of the land.” A New Proposal for LH Prologue col. v, 20’–24’ — In its concluding lines, the prologue to the Laws of Hammurabi (LH) depicts the 282 statutes to follow as the Babylonian king’s fulfillment of Marduk’s command:

col. v (14) *i-nu-ma* (15) dAMAR-UTU (16) *a-na šu-te-šu-ur ni-ši* (17) KALAM *ú-si-im* (18) *šu-lu-zi-im* (19) *ú-wa-e-ra-an-ni* (20) *ki-it-tam* (21) *ù mi-ša-ra-am* (22) *i-na KA ma-tim* (23) *aš-ku-un* (24) *ši-ir ni-ši ú-ṭi-ib* (25) *i-nu-mi-šu*

“When Marduk commanded me to provide justice for the people, to make the land/people take hold of (proper) custom, *I established justice and equity in the mouth of the land*, I made the flesh of the people content.¹⁾ At that time...”

Marduk’s command makes use of technical language known from the practical legal texts and letters of the OB period: “to render justice” (*šutēšurum*) and “to compel (s.o.) to accept a legal decision” (*šūhuzum*). The difficulty arises when the text switches into the first-person voice of Hammurabi: “I established justice and equity *in the mouth of the land*.” What does it mean to say that the land has a mouth? And how does Hammurabi establish justice in it? I propose that this peculiar expression represents a very specific visual/mimetic scribal error: Hammurabi’s scribes combined two fixed Sumerian formulae that they recalled from their scribal training.

When confronted by the final lines of the epilogue, some commentators simply accept the grammatical difficulties of these lines as an idiomatic peculiarity, and render this passage quite literally:

“Legte ich Recht und Gerechtigkeit in den Mund des Landes” (Kaiser 1982: 44).

“Da habe ich Recht und Gerechtigkeit in den Mund des Landes gelegt” (Ries 1983: 24).

“I placed truth and equity in the mouth of the land” (Barmash 2020: 116).²⁾

Most scholars, however, believe the Sumerogram KA to disrupt the familiar formula *ni ḡ₂-g e - na ni ḡ₂-si-sa₂ kalam-ma ḡar/kittam u mīšāram ina mātīm šakānum* (Steible 2000). They consider the literal meaning of KA, as “mouth,” unsatisfactory in the given context, and thus, offer creative interpretations of the clause or simply ignore the sign:

“[Ich] habe Recht und Gerechtigkeit in das Land eingeführt” (Eilers 1932: 10).

“I set forth truth and justice throughout the land” (Driver and Miles 1952: 13).

“J’ai répandu dans l’esprit public [lit. ‘dans la bouche du pays’] la vérité et le droit, j’ai assuré le bonheur des gens” (Finet 1973: 43ff.).

“Habe ich in die Äußerungen des Landes Rechtsordnung und Gerechtigkeit eingeführt” (Haase 1979: 32).

“I caused loyalty to be professed in (my) country” (CAD Š/I: 124a).

“Truth and justice I placed in the mouth of the land,” with the derived meaning, “to teach the people the ways of justice” (Hurowitz 1994: 27–29).

“I established truth and justice as the declaration of the land” (Roth 1995: 81).

“I made the land speak with justice and truth” (Richardson 2000: 41).

“(Recht und Gerechtigkeit) habe ich mit den (folgenden) Worten für das Land gesetzt” (Steible 2000: 452–53).

Akkadian attests to many inanimate objects with “mouths” (e.g., bags, knives, watercourses, buildings [CAD P: 466ff.]), most often referring to the “openings” or “edges” of these objects—clearly not the meaning intended here. The word “mouth” (*pûm*) was also referential shorthand for the contents of tablets and stelae (*kīma pî narīm/tuppim*), often used to cite specific norms or stipulations contained within these texts. Additionally, several Mari letters reflect the concerns of regional governors that oppressive measures would “turn” (*šubalkutum/šushurum*) the “mouth of the town” (*pî ālim*) or “mouth of the land” (*pî mātīm*) against themselves and the king (Kupper 1964:81ff.). In these texts, the term mouth referred to

the “public opinion” of the population inhabiting these spaces.³⁾ Although these parallels may explain how the land can have a mouth, they do not explain how Hammurabi can establish justice in it. As a fulfillment of Marduk’s command, *ana šutēšur nīšī*, one rightly expects Hammurabi to have simply “established justice in the land” (*kīttam u mīšāram ina mātīm aškun*).⁴⁾ The two expressions appear to describe the same legal act in a letter roughly contemporary with the LH (AbB 14 130). In this tablet, Samsu-iluna declares that he will take his ailing father’s throne “in order to render justice (in) the land” (*aš-šum ma-tim⁹ š[u-te-šu]-ri-im* [l. 5]), claiming later to have accomplished this task: “I established justice in the land” (*mi-ša-ra-am i-na ma-ti aš-ta-ka-an* [ll. 15–16]).

Of all previous commentators, H. Steible (2000) has devoted the most time to understand the precise meaning of these final lines of the prologue. Following the work of A. Hurowitz (1994), who identified a chiasmic structure of command and fulfillment in the prose sections that frame the legal statutes of the LH, he coordinated the KA *ma-tim* that concludes the prologue with the *di-na-a-at mi-ša-ri-im* that begin the epilogue. H. Steible compared these sections of the LH with Sumerian precursors (i.e., the Laws of Urukagina, the Laws of Ur-Namma, and the Laws of Lipit-Ištar), asserting that the Sumerogram KA was “ein bewußter Rückgriff auf das KA-ta im Prolog bzw. das KA-ge im Epilog des CL.” The implications of his assertion are significant, as this reading presents the 282 laws as the divine statutes of Marduk, which King Hammurabi transmits –in Mosaic fashion– to the people (Steible 2000: 455). Indeed, Hammurabi’s scribes were likely trying to emulate the literary structure of earlier law collections, but they relied on other intertextual sources to compose the final lines of the prologue. Royal hymns of the kings of Isin represented a rich textual corpus familiar to the stela’s composers; these texts better illustrate how Hammurabi’s scribes reused old Sumerian royal formulary in a new Akkadian composition. The problem is not merely the addition of a single Sumerogram, but rather, the merger of two fixed formulae through a visual/mimetic error.

In addition to the Sumerian formula, “to establish justice in the land” (*niĝ₂-si-sa₂ kalam-ma ĝar*), another expression found in the royal hymns of Isin’s kings was, “to set justice in the mouth” (*niĝ₂-si-sa₂ ka ĝar*). In Išme-Dagan Hymn A, for instance, the king claims:

Išme-Dagan Hymn A, seg. A, 90’–91 (ETCSL 2.5.4.01)

⁽⁹⁰⁾Utu niĝ₂-si-sa₂ inim gen₆-na ka-ĝa₂ ĥa-ma-ni-in-ĝar ⁽⁹¹⁾di ku₅-ru ka-aš bar uĝ₃-e si sa₂-e
 “Utu put justice and reliable words in my mouth to render verdicts, to make decisions, and to ‘straighten’ the people.”

In another of Išme-Dagan’s hymns, the king similarly praises the moon-god Nanna:

Išme-Dagan Hymn M, seg. A, 23’ (ETCSL 2.5.4.13)

nun niĝ₂-si-sa₂ ka-ga₁₄ i₃-ni-ĝar niĝ₂-du₇ pa-bi₂-e₃
 “O Prince, you establish justice in (every) mouth; you make the goodness appear”.

Two royal hymns dedicated to Iddin-Dagan and Lipit-Ištar (Römer 1965: 23ff, 209ff.; Vanstiphout 1978) include some key themes that parallel the concluding lines of Hammurabi’s epilogue. The similarities are so close, in fact, that the final lines of Hammurabi’s prologue may have been direct translations of the Sumerian formulae found in these texts:

Lipit-Ištar Hymn B (ETCSL 2.5.5.2)	Iddin-Dagan B (ETCSL 2.5.3.2)	LH Prologue, col. v
⁽³⁸⁾ niĝ ₂ -si-sa ₂ ki-en-gi ki-uri-a mu-ni-ĝar ⁽³⁹⁾ su kalam-ma mu-dug ₃ “You (Lipit-Ištar) established justice in Sumer and Akkad; you made the flesh of the land content. ⁵⁾	⁽²⁵⁾ su kalam-ma mu-e-dug ₃ ⁽²⁶⁾ niĝ ₂ -si-sa ₂ ka-ga ₁₄ mu-e-ni-ĝar “You (Iddin-Dagan) made the flesh of the land content; you established justice in (every) mouth.”	⁽²⁰⁾ ki-it-tam ⁽²¹⁾ ù mi-ša-ra-am ⁽²²⁾ i-na KA ma-tim ⁽²³⁾ aš-ka-un ⁽²⁴⁾ ši-ir ni-šī ú-ti-ib “I (Hammurabi) established justice and equity in the mouth of the land; I made the flesh of the people content.”

Those familiar with these Sumerian compositions will immediately recognize their significance in the OB period. Lipit-Ištar Hymn B and Iddin-Dagan Hymn B were the first and the second texts learned in the second stage of the OB scribal curriculum (Charpin 2010: 37ff.; Tinney, 1999; Vanstiphout 1979). They were copied, in whole or in part, at sites throughout southern Mesopotamia on lenticular school tablets and

Sammeltafeln (Molina 2000: 757; Tinney, 1999; Vanstiphout 1979). Akkadian-speaking students learned Sumerian from these texts, and on rare occasions, translated their content into Akkadian –evinced by a bilingual copy of Iddin-Dagan Hymn B (Sullivan 1979: 142ff.; Delnero 2016: 37 n. 61).⁶ Hammurabi’s scribes would have almost certainly encountered these Sumerian formulae in the course of their scribal training, which they sought to rephrase in the composition of this new Akkadian text.

The hypothesis that Hammurabi’s scribes drew on their memories of particular Sumerian formulae explains not only the final lines of the prologue, but also the usage of these constructions elsewhere in the inscription. Hammurabi’s scribes visually recalled the expression *su UN-ma mu-du-g₃*, but were unsure on how to interpret the bivalent Sumerian sign UN. In addition to the lines currently under analysis, the expression appears twice more with *nīšūm* (*a-na šī-ir ni-ši ū-ub-bi-im* [Prologue col. i, 47’–48’] and *šī-ir ni-ši li-ŕi-ib* [Epilogue col. xlviii, 93’–94’]). In the epilogue, however, the scribe also rendered this expression with *mātum*: *šī-ir ma-tim ú-ŕi-ib* (col. xlvi, 33’–34’). Thus, the phrase *ki-it-tam ù mi-ša-ra-am i-na KA ma-tim aš-ku-un* may represent a case of mimetic misattribution (Delnero 2012), where the scribe recalled two extremely similar formulations (*ni ĝ₂-si-sa₂ ka-la-m-ma ĝar* and *ni ĝ₂-si-sa₂ ka-ga₁₄ ĝar*), both tied to the expression *su ka-la-m-ma mu-e-du-g₃*, and merged them.

Even if this peculiar construction in the LH emerged from mimetic scribal errors based on Sumerian *Vorlagen*, it must have held some meaning for the scribes who first composed this passage and those who copied it for centuries afterward. On the significance of these lines to the overall message of Hammurabi’s Code, I follow the observations of A. Hurowitz (1994), who promoted reading the conclusion of the epilogue and beginning of the prologue as a coherent literary composition. The notion of “establishing justice and equity in the mouth of the land” related to the aspirational claims and aims in those sections of the inscription: that Hammurabi’s laws would influence the customary practices (*ūsum/rīdum*) of his subjects. In this context, the term *mātum* was not simply a metaphor for *nīšūm*, but would represent an “incorporeal person,” an entity in its own right, independent of the subjects that make up the country.⁷ This evidence should dispel any lingering notion that Hammurabi was establishing a divine “word” (*inim*) in the land (Steible 2000); he was most certainly fulfilling Marduk’s mandate to maintain justice within his political realm, but as the epilogue unequivocally affirms, the laws were the just verdicts of Hammurabi.

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Notes

1. On the figurative usage of *šīr nīšī/māti ŕābu*, see CAD Š3:116a ff.
2. In her long footnote exploring this passage, P. Barmash ruminates over the potential that this line alluded to the pedagogic instruction of the LH in the Akkadian vernacular (2020: 116 n. 39). Labelling this hypothesis “an attractive idea,” Barmash eventually concedes that the data is lacking on the oral or written dissemination of the LH in the OB period.
3. Finet (1973: 43ff.) took this to be meaning of *pī mātīm* in the LH.
4. In the prologue of his law collection, Ur-Namma claimed to have “established justice in the land” (*ni ĝ₂-si-sa₂ ka-la-m-ma ĥu-mu-ni-ĝar* [LU Prologue C, col. ii, 50’–51’]). Just as in the LH, this statement is followed by a temporal particle (*u-d-ba = inūmišu*) that introduces the legal statutes. Išme-Dagan of Isin claimed to have “established justice in Sumer” (*ki-en-gi-ra ni ĝ₂-si-sa₂ ĥe₂-ni-in-ĝar*), as would his successor Lipit-Ištar (LL Prologue, col. i, 54’–55’; Epilogue, col. xxi, 37’–39’) who dedicated a year name to this feat (*mu^dli-pi-it-eš₄-tār lu-gal-e ni ĝ₂-si-sa₂ ki-en-gi ki-uri-a¹ mu-ni-in-ĝar* [Sigrist 1988: 28]).
5. In his treatment of Lipit-Ištar Hymn B, H. L. J. Vanstiphout (1978: 48) identified parallels to the expression *su ka-la-m-ma mu-du-g₃* in Lipit-Ištar’s law collection (*su ki-en-gi ki-uri ĥu-mu-du₁₀* [Epilogue xxi: 17’]) and in Hammurabi’s Code (*šī-ir ma-tim ú-ŕi-ib*). Not anticipating that Hammurabi’s scribes would read *ka-la-m* as *nīšūm*, he missed the closer parallel in LH Prologue, col. v: 20’–24’.
6. An excerpt of Iddin-Dagan Hymn B on a lenticular tablet belongs to the collection of the Montserrat Museum. Although the provenance of the non Ur-III tablets are unknown, Molina suggests that they likely came from Babylon (2000: 751).
7. S. Démare-Lafont, personal communication, November 17, 2021.

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108) The expression lu ga l - (1) a - ni - še₃ - a m₃, “it is (the loss/responsibility) of his owner alone” in the Old Babylonian school texts — The so-called warranty against flight, which occurs in some Old Babylonian contracts –recording antichretic pledges, or the hiring of workers¹⁾– refers to the owner’s responsibility for the permanent absence of the slave, whether due to flight (b a - z a h_{2/3}), death (b a - u š₂), or disappearance (u₂ - g u b a - a n - d e₂).²⁾ It is sometimes accompanied by warranty against delinquency, i.e. a temporary loss of service due to work stoppage (ĝ a₂ - l a b a - a n - d a g), or illness (t u - r a b a - a n - t u). In loan contracts with slaves as a pledge these clauses were intended to protect the creditor, and it is the debtor (i.e. the slave’s owner) who had to compensate the permanent or temporary loss of his pledge in the following ways: through payment of interest, compensation of the wages of the defaulting pledge, or repayment of the interest as well as the principal of the loan, thus terminating the loan (see Veenhof 2002–2005: 444; Skaist 1994: 213; Kienast 1978, I: 116–118).

Instead, in two Sumerian model contracts (TMH 11 1 §12 = Spada 2018: 33–34, and Education 180 = Wilson 2008: 272–273), the responsibility of the owner in the event of the permanent or temporary absence of his slave –given as a pledge or a hired worker– is expressed with a formula which, to the best of my knowledge, occurs only in school documentation (as shown below), stating that the loss and the responsibility “is of his/her (= of the slave’s) owner alone”, lu ga l - (1) a - ni - še₃ - a m₃. This expression, therefore, establishes the owner’s liability in a generic way, without specifying how he will have to compensate the creditor/hirer for the loss suffered. This probably indicates that the compensation was decided while the real-life contract was drawn up, based on the current situation. Therefore, the expression lu ga l - (1) a - ni - še₃ - a m₃ seems to have the same alluding function as the notation l u₂ - k i - i n i m - m a i t i - b i m u - b i, which in model contracts stands in place of the list of witnesses and of the date.

The first contract, whose central part is missing, likely records the hire of a slave:³⁾