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Hammurabi Decoded: Kingship, Legitimacy, and Royal Monuments

Uncovering two bronze knobs bearing the inscription, "*Palace of Hammurabi*", the team of pioneer archaeologist Austen Henry Layard had unknowingly once again brought a legendary figure back into light.[1] The name *Hammurabi* fast became ubiquitous in studies of the ancient Near East after the translation and publication of many of the early texts discovered by Layard. Yet further excavation of Babylon from the strata of Hammurabi's time period is currently impossible due to the rising of the water level at the site since ancient times. Thus, it seems an odd stroke of fate that King Hammurabi of Babylon has so thoroughly permeated the collective imagination of the world, both ancient and modern.

Unlike many kings of Mesopotamia, Hammurabi is not best known as a conqueror or unifier of lands, but as the father of what is debatably one of the first examples of a law code. However, many who have further studied the so-called "Law Code" stele of Hammurabi (Figure 1) now maintain that this stele is not an example of an early legally binding code. The laws inscribed on the stele are perhaps more analogous to Supreme Court rulings rather than to the American Constitution. The monument is thought to have functioned as a legitimating force that bolstered Hammurabi's rule (Van de Mieroop 2004: 106). Public monuments such as Hammurabi's stele were part of a Mesopotamian tradition that helped to establish the king's rule by using representations of the gods and examples of the king's just conduct etched on a stele that all could see.

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[1] For more detail on the initial findings by Layard's team, see Van de Mieroop 2005: 132

Such monuments were not merely propaganda; rather, these engraved images and texts carried with them the potency to act as a substantive protector of the king's status. Later, the Elamites took the stele of Hammurabi from the heartland of Babylonia in an attempt to tap into this potent force held by the ancient kings who came before them. By appropriating this stele and others like it for themselves, Elamites also sought this same legitimacy as rulers. In this paper, I seek to move beyond standard readings of the stele of Hammurabi as propaganda or legal code and instead unite the notions of symbolic power and royal rhetoric with the tradition of stone monument dedication that served to lend potency to the ruler who commissioned it.

This leads one to wonder whether Hammurabi's rule was as absolute as previously thought. It was up to Hammurabi to build up the "relatively modest" kingdom that he had inherited from his father by incorporating the lands that surrounded Babylon (VerSteeg 2000: 30). The early years of Hammurabi's rule were marked by an internal focus, strengthening the fortifications of his cities and constructing canals. He began his military endeavors after being drawn into a number of regional skirmishes, but it is unclear whether these campaigns were successful.

By 1766 BC, however, Hammurabi had honed both his military tactics and his skills for diplomacy. Within a span of only five years, he came to conquer all of southern Mesopotamia. Defeating the kingdoms previously unified by Shamshi-Adad in the North and Rim-Sin in the South, Hammurabi's rule furthered the consolidation of these regions. He proclaimed himself "the king who made the four quarters of the earth obedient" (Van de Mieroop 2004: 104-106). Considering the vast number of peoples that he had incorporated into his kingdom centered at Babylon, tight unification was of the utmost

importance if the kingdom was to hold together. Like any king ruling over many subjects, his legitimacy as ruler had to be firm in the minds of those he now ruled. The newly conquered peoples would not have been immediately loyal to Hammurabi, nor would they have reason to believe in his governing capabilities. Hammurabi needed a type of royal rhetoric that extolled the king as a just ruler, functioning by "promoting beliefs and values congenial to it [and] naturalizing and universalizing such beliefs so as to render them self-evident" (Eagleton 1991: 5). Often including references to the gods or legendary rulers to lend the current king authority, such rhetoric was publicly displayed in both pictorial and textual form on monuments such as the "Law Code" stele.[2]

In addition to containing the longest legible Old Babylonian inscription found to date, it "serves today as the standard text by which modern students learn the language" as Joan Oates explains in *Babylon* (Oates 1986: 74). The text is set up in forty-nine columns that have been separated into three sections: a prologue and an epilogue of five columns each, and a bulkier middle section "divided by modern editors into 282 laws" (Van de Mieroop 2005: 101, Oates 1986: 74). However, several problems are posed by the description of this text as a law code and there are even inconsistencies within the list itself. In paragraph 7, for example, someone who "has received the personal property of someone without a written title or without witnesses, is considered to be a thief of that property," and is to receive the punishment of death. This directly contrasts with paragraph 123, where personal property is instead no longer subject to a claim if "a man gave for safekeeping…without witnesses or contracts" (Bottéro 1992: 163). In two

[2] For examples of monumental stelae, see appendix

different cases, the outcomes of the same offense result in drastically different outcomes. There is simply no explanation for an overarching law code that fails to make a distinction between the death penalty and the release of one's claims to property. Although such glaring inconsistencies of this type are few, they serve to cast suspicion on equating this stele with a law code.

Jean Bottéro takes this idea further, denying the stele text as a code of law because "no verdict was given, no official decision was taken, nor any agreement signed that made a reference to any article of the so-called 'Code'" (Bottéro 1992: 163). Meager evidence for the actual use of the stele as a legal reference is confirmed by Oates as well, who admits that "among the thousands of court documents and contracts that survive from the Old Babylonian period…[there is] only one in which reference is made to the code" (Oates 1986: 75). There must have been other motives, besides the announcement of a law code, which went into the creation of this stele. Irene Winter sheds some light on this matter in her analysis of the Stele of the Vultures, explaining that "a text intended only as a record of events [may also serve as] a (verbal) performance, designed with audience in mind, in which support is elicited for the particular view held, and the event(s) described to be morally and/or contractually kept alive" (Winter 1995: 25). In the Victory Stele of Naram-Sin, the divine power given to the king is symbolized by a horned helmet as he ascends toward the heavens while his vanquished enemies writhe in agony beneath him (Aruz, Harper, and Tallon 1993: 166). A clue to a power performance in Hammurabi's case is expressed in the pictorial representation on his stele, where Hammurabi is handed what appears to be a symbol of power and insignia of kingship by the god Marduk.

For his subjects, the stele of Hammurabi demonstrated that he had ruled fairly, was involved in all aspects of society, and had been entrusted with these kingly duties by the will of the gods. Inscriptions 27 through 49 read,

> …at that time, the gods Anu and Enlil, for the enhancement of the well-being of the people, named me by my name: Hammurabi, the pious prince, who venerates the gods, to make justice prevail in the land, to abolish the wicked and the evil, to prevent the strong from oppressing the weak, to rise like the sun-god Shamash over all humankind, to illuminate the land (Roth 1995: 76-77).

This monument's existence served to prove to his subjects that he was a competent ruler, backed by divine forces, and this thereby strengthened his position as king (Kuhrt 1995: 112, Postgate 1994: 290). The stele goes on, attaching such titles to Hammurabi as "restorer", and "purifier" (Roth 1995: 77). This ideology appeared to Hammurabi's subjects as a promotion of their best interests, engaging with "the wants and desires that [his subjects already had], catching up genuine hopes and needs…and feeding them back to [his] subjects in ways which render [this ideology] plausible and attractive" (Eagleton 1991: 14-15). A king could amass "infinite power…established through the circulation of the multiplicity of names, images, monuments, and histories" (Bahrani 2003: 143). Power could come from the production of these public monuments that cited a combination of past actions, exalted titles and divine favor. The tangibility of the basalt stele translated into power and legitimacy for Hammurabi within the social sphere through its inscriptions and images that were meant to appeal both to the gods and his subjects.

Made out of basalt, the stele is thought to have been erected sometime after the thirty-eighth year of Hammurabi's rule when certain cities described in its text are now known to have been absorbed by the Old Babylonian kingdom (Van de Mieroop 2005:

100, Kuhrt 1995: 111). This monument is thought to have been one of three known steles of Hammurabi created during the years of 1792 and 1750 BC, the fragments of which were found by archaeologists out of their original Babylonian context at the site of Susa in Iran (VerSteeg 2000: 31). Although the stele measures over seven feet tall and is extremely heavy, it was removed from Babylonia and carried over long distances to southwestern Iran around the year 1158 BC (Aruz, Harper, and Tallon 1993: 159). Hammurabi's stele must have held some measure of importance for the Elamites beyond its significance as a supposed law code, which would not have applied to them as they were not subject to Babylon. Whatever meaning the stele had for Hammurabi's subjects might have been lost on marauding foreigners such as the Elamites.

Taken as booty by the Elamite king Shutruk-Nahunte, the "last seven of [the stele's] columns were later erased" (Bottéro 1992: 157). This is confusing, namely because if the marauding armies wished to do great damage, why would they have not just shattered the monument of King Hammurabi completely? Not only did they not obliterate it, they carried the extremely heavy stone monument all the way from Babylonia to Elam. Many kings who came before and after Hammurabi also commissioned similar monuments, many of which were also taken during raids by the Elamites (Aruz 2003: 334). Zainab Bahrani elaborates, stating, "…the Elamite theft was a deliberate act of abduction that required these monuments to be under their control" (Bahrani 2003: 162). Furthering this argument, she explains:

> The king's image, as in other times and places in history, is linked to power, but this power is not simply force or propaganda. It is an infinite potency and immortality…the image repeats, rather than represents, the king…it is not his mirror image, nor is it a replica of god. It is rather more like the king's nails, hair, the fringe of his garment, or his footprint, directly and physically linked to him in reality. (144)

Bahrani here describes a stone monument as if it were a real person, in this case, an extension of the king's body. The king's power was tied to the fate of the statue that bore his image and to the writings he commissioned, they were seen as much a part of the king as his body. The Elamites who raided monuments like Hammurabi's stele wished to tap into the legacy that the monument embodied and incorporate it into their own.

The ancient Mesopotamians took the images and texts on monuments very seriously, obsessed with leaving a legacy behind. In one situation, the statue of a god was stolen from Babylon and taken to Nippur. Bahrani describes the effects: "when this happened, all the sacred rites of the temples stopped, they had been cut off, and 'were deathly still'" (Bahrani 2003: 177). The land of Babylon was then thought of as impotent, while the city that had taken the statue was believed to have amassed more power by this act. The very livelihood of an entire city rested within a stone monument. Physical representations of mortal individuals functioned in the same way. Power could come to military victors through the "seizure of images of rulers and of official monuments, [which in turn] signified a transfer of secular power and authority" (Aruz, Harper, and Tallon 1993: 162). This is reflected best in the legendary epic of Gilgamesh, who discovers that he can gain immortality by "recording his deeds on a monument." Immortality was believed to come about as a result of three actions, all forms of extending the self's agency: "recording great deeds, erecting images to stand for all time, and the simpler and more basic method of having children" (Bahrani 2003:170). But even inscriptions and images on stone, which were not subject to death as progeny was, were not insurance enough for the safety of one's legacy.

Danger lay for a king who invested his livelihood in stone because these monuments that were supposed to bring about immortality were also vulnerable to defacement. Destroying the image of one's enemies was likened to their actual destruction, and defacement of statue was similarly equated with actual disfigurement: "his tongue (lit. mouth), which had been slandering I cut off, his lips which had spoken insolence, I pierced, his hands, which had grasped the bow to fight Assyrian I chopped off" (Bahrani 2003: 171). A relief of the king Sennacherib retrieving booty had its face chiseled off, while whole inscriptions on the stele of Naram-Sin have been erased and replaced with Elamite inscriptions. Essentially the "royal image was effaced and replaced by one of the victor," showing that power could be amassed not only through the taking of a monument but by making it one's own (Amiet 1980: 177). The specificity of the figures defaced in comparison with erosion on other parts of a monument belie the fact that defacement was no accident or marker of wear, rather "a decision had to be taken, and a scribe or other literate person had to be ordered to identify particularly odious people in the representations" (Bahrani 2003: 152). Accordingly, an integral part of this monumental tradition was the inscription of curses designed to instill fear into the hearts of those who might dare to mutilate a stele.

As Hammurabi had used his inscriptions to establish himself as an heir to the legacies of the kings of the lands he conquered, so the Elamites sought to accomplish these same ends both by taking pre-existing monuments and by inscribing their own decrees upon these monuments (Oates 1986: 65). The Elamites also made their own attempts at this stele tradition by erecting their own steles with their own artistic additions (Aruz, Harper, and Tallon 1993: 181). In the case of the Hammurabi stele, the motives of

the Elamites centered around gaining power through public display in Elam and what seems to be an attempt at superimposing an Elamite inscription. However, it was not uncommon for such monuments to be mutilated in retaliation for an offense or to make a statement of superiority over those whose image had been marred. This was seen as an attack on the livelihood of the depicted and the endangering of one's immortalized image was a cause for fear.

Both the past and the future were on the minds of the ancient Mesopotamians as much as were concerns of the present. Their traditions celebrated the glory of legendary rulers, but also sought to ensure the continuation of their legacy for generations to come. One attempt at tapping into the legitimacy offered by both the past and future was through the erection of commemorative monuments. These monuments, which bore the likeness and words of the king were seen not only as a stab at acquiring authority in the eyes of his subjects, but more importantly, as the embodiment of the king's power and subsistence beyond his physical body. But this presented a liability for those who commissioned such monuments because the threat to one's image remained, even after death, through the mutilation of these statues. Curses were inscribed on these monuments as a warning to those who would dare to interfere with one's immortality. The appropriation and superposition of the words and likenesses of later kings were employed in an attempt by these kings to enhance their own images and situations. However, the legacy of the immortalized kings actually did retain their importance because great measures are taken to acquire their steles, acknowledging the power invested in these monuments. Thus the memories of the kings of times past lived on through the rule of later kings.

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