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# Community and State Violence in Middle Bronze Age Mesopotamia

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## Abstract

Violence stands at the core of many theories about how early societies worked. Assumptions that violence was widely used in both state and private arenas—to regulate competition, enact symbolic orders, and/or manifest “primitive” social forms—are common in many explanations of how state society worked. But an analysis of the forms, representation, and distribution of violence in Mesopotamian Bronze Age cultures shows that state and community violence was rare in fact. Taking into account the literary-generic production of violent imagery, the negative political value of using violence, and the pervasive low-level structural violence of household orders, we conclude that a concern for reputation and potential exclusion from communities were far more powerful forms of policing and sanction than was violence.

## Keywords

Mesopotamia – violence – reputation – social sanction – political life

## Introduction<sup>1</sup>

Modern studies of early civilizations often explain the origins of social forms in antiquity by positing primeval violent conflict as their catalyzing force. According to these views, violence was the prime mover for the growth of cities, the rise of elites, and the workings of institutional/infrastructural forms of property, law, and theology. Conflict and its resolution have been the driving engine of most models of early state formation and functioning, from Hobbes to Smith, Engels to Weber, Carneiro to Tilly (to name but a few, as an index of the topic's importance). As different and varied as these and other theories have been in their premises and goals—and they are too numerous and various to compare here—they all position the state as an instrument developed to regulate or ameliorate certain kinds or extremes of violence, partly by institutionalizing the control of violence in the hands of the state. Thus, by one means or another, the story of early human societies has often been narrativized as a gradual development away from primitive or natural states of violence, and towards less violent settlements in modernity. This blinkered approach often does not account for the extensive record of mass violence in modernity, choosing instead to safely domesticate violence by locating it as primitive in nature and set in the distant past.<sup>2</sup>

In these stories, Mesopotamia (and the ancient Near East generally) has typically held a foundational place, as one of the first historical “cases” to prove the point. The outsized contribution of the Neo-Assyrian empire to the production of narratives and images of war violence has tended to cement this idea as received fact,<sup>3</sup> and various treatments continue to focus on rare attestations of violent punishment and to frame them as if they were norms and paradigms, without enough attention paid to their context, frequency, or generic indications that they were intended as rare, spectacular, and exemplary.<sup>4</sup> This kind

1 Abbreviations and definitions of Akkadian words follow the *Assyrian Dictionary of the University of Chicago* (CAD) (Chicago, 1956–2010), especially the siglum AbB for the series *Altbabylonische Briefe in Umschrift und Übersetzung* (Leiden, 1964–2005). All references to law code passages (¶) as LU, LE, LL, LH refer to the translations of Roth 1995a. Citations of RIME 2, 3, and 4 refer to Frayne 1993, 1997, and 1990, respectively; ETCSL = Black, et al., 1998–2006.

2 For an important refutation of violence in “small-scale stateless societies,” see now Widerquist and McCall 2017: esp. ch. 9 (“Nasty and Brutish? An Empirical Assessment of the Violence Hypothesis”), which concludes (p. 175): “The long-revered claim that people inherently need a sovereign state to prevent unacceptable levels of violence that must otherwise prevail is unfounded.” Cf. the discussion by Lemos 2020.

3 See Bersani and Dutoit 1985, Bahrani 2008, and Battini 2019, a.o.

4 Recently, e.g., Theis 2016 and Reid 2017.

of focus and framing leads readers towards a view of ancient history heavily skewed towards normalizing violence, or even to a “pornography of violence.”

But what is our basis for imagining that these ancient societies were so steeped in violence? A crucial first step in deconstructing this premise for Mesopotamian society was made by James Whitman a quarter-century ago, arguing that early states were “not determined to supervise, in a reactive way, the vengeance-violence of a state of nature,” but rather “to bring ritual and social order to societies that set great store by the intactness of the human body.”<sup>5</sup> Regrettably, this corrective has had little impact even on ancient Near Eastern studies, where several book-length treatments of symbolic, ritual, narrative, and representational violence—violence in *theory*—have a prominent place on our bookshelves,<sup>6</sup> while studies of violence in *practice* are few, small, and tucked away in journals and edited volumes.<sup>7</sup>

One potential implication of the error Whitman observed is that the dismal image we have constructed of early states may be more a projection of contemporary concerns, insofar as we think that ancient kingdoms were the ancestors of latter-day nation-states.<sup>8</sup> This reception of antiquity continues the representational tropes propagated by Greek historians and biblical authors, and perpetuated in Orientalist histories of the 19th and early 20th centuries, purporting that sensuality, irrationality, and violence were culturally essential of this deepest Near Eastern past.<sup>9</sup>

5 Whitman 1995, esp. 80; cf. Bonnetterre 1997 and Westbrook 1997.

6 Bersani and Dutoit 1985, Bahrani 2008, and Bestock 2018. Cf. Lemos 2017 and Matić 2019 and 2021, whose work pays equal attention to symbolic and everyday violence. Campbell 2014: 17 emphatically predicates the relationship between violence and civilization: “The creation of political communities and normative orders ... is an act of discursive violence that is productive of other forms of violence.”

7 Notable exceptions include Bonnetterre 1997 and 2014. Garfinkle 2020 spotlights the question of state violence and warfare, and the focus of Selz 2002 is really on interstate conflict and military violence.

8 Cf. Pinker’s execrable best-selling 2012 book *The Better Angels of Our Nature*, which argues that ancient violence was far more pervasive (proportional to the total population) than it is in the present-day. His argument relies on the anecdotal and highly questionable “data” of White 2011 (with a title appropriate to its level of seriousness: *The Great Big Book of Horrible Things*). White’s book consistently accepts hyperbolic representations of death counts found in ancient sources, while applying a speciously narrow definition of what count as war deaths to arrive at the fantastic results Pinker depends on. For one critique (among many), see Gleditsch, ed., 2013. Pinker’s quest is as grand as his gaze is narrow. Much of the world is left out of the discussion, and his view of history neglects the real evidence from places like Mesopotamia, from which we have some of the most abundant sources that discuss community violence.

9 Popular culture is replete with examples of the continued influence of such assumptions.

Yet the blood-soaked antiquity we might imagine is not really on display in the evidence. In this position paper, we propose to survey the evidence for violence in the Ur III (2012–2004 BC) and Old Babylonian (2004–1595 BC) periods of Mesopotamian history, altogether its Middle Bronze Age. We primarily make the point that social ranking—and especially a concern for reputation—played a more important role in resolving conflicts in early state societies than violence did, and that ideas about community standing generally constituted stronger boundaries, sanctions, and remedies against the transgression of norms. An assumption of pervasive violence, by contrast, presupposes a higher degree and wider distribution of political authority, backed up by equally robust police power, than what we see in the “low-power” environments of most pre-modern cultures.<sup>10</sup> Further, a presumption of violence as common neglects the fact that it is always fundamentally disruptive to the social fabric of communities.<sup>11</sup> We undertake to demonstrate that the violent resolution of conflicts within Middle Bronze Age Mesopotamia, whether by state institutions or the private violence of revenge and retaliation, were rare in comparison to settlements made with reference to community reputation, and that we should not give violence an overdetermining role in state-making narratives.

Four points follow from this basic position. For one, we draw a contrast between the high profile (in both sources and scholarship) of spectacular violence and warfare on the one hand, and “everyday” (legal and extra-legal) violence on the other, especially by contrasting the exercise and advertisement of state violence in foreign lands to comparable “domestic” commitments to violence. This requires that we distinguish between the frequency and intensity of these two spheres of violence (insofar as they can be determined objectively), but also assess their contextual importance in the very different genres where they appear. The secondary literature on warfare in Middle Bronze Mesopotamia is voluminous and does not need rehearsal here. But our question about war violence is not: Was there war? It is rather: Given the fact that we know that states frequently engaged in warfare, why did they consistently (mis)direct attention away from the topos of violence in their political messaging?

To sketch out this theoretical approach: let us imagine, for the sake of argument, ten royal inscriptions. Five references to war violence in these texts might seem like a lot of attention to the theme. But should those five references take on so much importance if the same ten texts refer to twenty acts of royal

10 On “low power,” see Richardson 2012, Garfinkle 2013, and Richardson 2017, esp. 43–45.

11 Porter 2015.

patronage of temples? Conversely, one reference to violence in ten private letters takes on more importance, given the infrequency of those references. This infrequency might lead one to conclude *a priori* that letters were somehow ill-suited to comment on or altogether uninterested in violence as a topic. But this assumption is not borne out by the dozens of instances from Ur III and Old Babylonian letters adduced below, not to mention the many Mari letter-writers who were perfectly capable of discussing not only warfare, but also judicial, political, and private violence. Neither genre nor shortcomings of language prevented Bronze Age Mesopotamians from the topicalization of violence, which was readily conceptualized at lexical, idiomatic, and symbolic levels.<sup>12</sup> Thus, while our approach accounts for the limits and conventions of the different sources we consider, we recognize that the low topical incidence of evidence is not the same thing as an inability of those sources to speak on it. Indeed, this is one of the points on which our overall argument rests. One of the outcomes of this survey approach, we believe, is the finding that not only was everyday violence less frequent than one might suspect, but that war and spectacular violence had less rhetorical emphasis, even in the texts where we expect to find them.

Second, an important implication of our finding is that early states, despite *claiming* monopolies on the exercise of violence, routinely and structurally distanced themselves from its practice and application, especially in legal contexts. Although claims to violent power were desirable and effective in ideological terms, especially power over outsiders, they had a nearly inverse relationship to practice. As politically profitable as it may have been to brag about exercising violence, it was far less profitable to actually implement it. This discrepancy can also be explained with reference to reputation, insofar as political validity rested on erasing the social conflicts which violence *engendered* rather than solved. In short, violence might have played well domestically in fabulous royal stories about punishing foreign enemies, but when it came to deciding local cases, violent punishment was not only an ineffective way to stamp out conflicts, but a terrible way to develop political clout.

Third, we pay some attention to the silence of our sources about structural violence at the household level. Sexual violence and beatings against slaves, wives, and children were rarely given attention by our sources, and were thus

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12 War violence is a common topic in Mari letters (e.g., ARM 2 22 and 50, 6 65, 14 104+, 26 514, 27 161, A.3669, etc.; cf. ARM 6 27, in which the Babylonian army “attacked sheep”). But for private violence, see ARM 6 37, 26 304(?) and 434, 27 57; for political violence, see ARM 26 409, 412–413, 430; for judicial violence, see ARM 26 249–257, 315, 488 (mostly mentioning the river “plunge,” but in one case a peg driven into someone’s mouth).

tacitly validated. But they must be factored into our broad view lest we erroneously reconstruct a social landscape in which marginal people were not systematically exposed to violence or its threat; and we must consider what this implies for a Mesopotamian discourse of violence generally.

This brings us to our fourth and final goal: we aim to articulate something like an emic Mesopotamian theory of violence—its place, propriety, and limits—especially in relation to the notions of reputation that we assert take conceptual precedence over it. What we hope these points together provide are opportunities to reconceptualize the nature of early political power and find alternative explanations for the rise and functioning of early states.

## 1 Violence in the Ur III and Early Old Babylonian Periods

As outlined above, the study of violence has long played a central role in scholarly investigations of the early state. In Mesopotamia, this examination has been aided by the well-documented nature of early experiments in state formation. This has been especially true for discussions of complex state formation resulting in the creation of large territorial kingdoms. Here we begin by looking at one of the earliest and best-documented exemplars of this phenomenon—the Third Dynasty of Ur, and we ask the question of whether the rhetorical claims of violence, so common in the dynasty's royal texts, were matched by the regular experience of violence within the community. We also draw attention to the competing claims made in these texts that have often been underexamined.

The historical record of early Mesopotamia draws our attention to the violence unleashed by state actors, especially kings and gods. From the burial mounds erected by the god Ningirsu to commemorate the victories of Lagash over neighboring Umma,<sup>13</sup> to the foreign cities destroyed by Manishtushu,<sup>14</sup> to the many claims the kings of Ur made as authors of destruction,<sup>15</sup> the royal inscriptions of the third millennium BC were full of rich imagery of violence.

Against this background, many modern interpretations of the growth of the juridical institutions of the state imagine that violence was endemic to the households and clans of these early communities, whether that violence was enacted through vengeance or ritual. This has perhaps distracted us both from the state's actual goals with respect to violence, and from the manner in

13 Cooper 1983: 27.

14 RIME 2: 75–76.

15 RIME 3.

which individuals experienced violence at home. Modern observers often presume that the king's appropriation of the right to enact violence on behalf of the state arose from a history of violence between households and included the king's continued meting out of violence within the community. The evidence from the 21st century BC and the experiments in state formation by the kings of Ur challenge this view, and we will draw a picture that contrasts extravagant violence abroad with the relatively peaceful operation of justice at home.

First, let us review the spectacular violence for which the kings of Ur took so much credit. Our ability to engage with this topic flows from its prominence in the surviving record of royal inscriptions. This emphasis makes clear the centrality of violence to the expansion of royal authority. Indeed, a rhetoric of state-sponsored violence developed in early Mesopotamia that guided countless generations of behavior. This rhetoric arose, in part, because the legitimate exercise of violence was claimed as the exclusive domain of the state, or, more precisely, the royal household. We have relatively few documents that provide us with a sense of more mundane encounters with violence in daily life; however, the state's administrative response to violence, in particular the careful recording of the booty, tribute, and the results of royal campaigns, allows us to see the economies of violence and warfare at home and abroad.<sup>16</sup>

The ability to routinely inflict defeats on outsiders became one of the pillars of kingship in the Mesopotamian tradition. The power of the king to take control of violence and to shift the locus of conflict outside of the community reinforced the role of the king as shepherd of the people. The routine nature of these military campaigns for Shulgi and his successors was such that they became virtually annual by the end of the third millennium BC.<sup>17</sup> This routinized violence, celebrated not only in prominent royal inscriptions, but also more mundanely in the year names of the Ur III period, has supported the notion that early Mesopotamians regularly experienced violence. For example,

16 Michalowski 1978, Maeda 1992, Garfinkle 2014.

17 Starting around the year Shulgi 20, nearly half of the remaining years of the dynasty were named for the Ur III kings' defeats of neighboring foreign communities. Combining the year names with the administrative evidence of texts recording booty and tribute, one finds no conclusive evidence for peace during the fifty best documented years of the Third Dynasty of Ur (see Garfinkle 2014). We need to be careful in our interpretation of this data. In our view, this is not evidence of foreign conquest but rather the regularization of military campaigning for the purposes of acquiring booty, protecting pasturage, and creating opportunities for patronage of the new royal elite (see further Garfinkle 2013 and 2015). Michalowski 2011: 12 also cautions us not to overestimate the military power of the Ur III state or the intensity of its wars. At the same time, whatever the scale or goals of these military adventures, they involved real violence and its projection beyond the boundaries of the state.

Shulgi's 45th year was named the "year Shulgi, the mighty man, king of Ur, king of the four quarters, smashed the heads of Urbilum, Simurrum, Lullubum, and Karhar, in a single campaign." This was followed by his 46th year, called the "year Shulgi, the mighty man, king of Ur, king of the four quarters, destroyed Kimash, Hurti and their lands in a single day."

In our view, it is accurate to suggest that much of the population of the Ur III state participated in the state-sponsored violence celebrated in the year names. This warfare abroad was especially important to the elites in Ur III society who sought to reinforce their positions in the patronage system established by the kings through their direct contributions to the war efforts, and through their dedication of booty from these campaigns as tribute to the royal family.<sup>18</sup> The inhabitants of Mesopotamia conceived of war during the Ur III kingdom as a regular state of affairs, but the goal of these routine adventures was the projection of control and not necessarily the display of violence.<sup>19</sup> Yes, the kings exulted in the brutality of war. Royal praise poetry was replete with these images. Shulgi's praise poems were strewn with the broken bodies of his enemies, and Shulgi D noted that his "battle-axe sheds the blood of the people like water."<sup>20</sup> The axe was wielded in foreign lands, at those who refused to pay tribute (primarily in resources and livestock) to the great kings of Ur, and there is scant evidence for bloodshed in the streets of southern Mesopotamia.

The foreign focus of Ur III militarism provides context for the central claim offered in the prologue to the "Laws of Ur-Namma." The king asserted that he "eliminated enmity, violence, and cries for justice" in the land and he established justice.<sup>21</sup> This proposed peace at home, which we will explore below, was accompanied by, and contrasted with, a suggestion of violence as the normal state of affairs beyond the marches of the kingdom. The early literature of Mesopotamia suggests a view of the world beyond the settled and cultivated hinterlands of its cities as threatening and chaotic.

The king's monopoly on the exercise of violence was based on the inheritance of that right from the gods; and that divine violence was also directed outward at those supposedly hostile to the norms of urban life. In the Sumerian composition *Inana and Ebih*, we find the goddess drenched in blood and resting her shield on the ground in the mountainous east.<sup>22</sup> The kings

18 Garfinkle 2015.

19 We should view these episodes as less formal than the images usually conjured by the notion of military campaigns; these were raids to acquire resources and control trade routes and pasturelands, see Garfinkle 2021.

20 Translation after ETCSL, see <http://etcsl.orinst.ox.ac.uk/cgi-bin/etcsl.cgi?text=t.2.4.2.04#>.

21 Roth 1995a: 17; RIME 3: 49.

22 For *Inana and Ebih*, see <http://etcsl.orinst.ox.ac.uk/cgi-bin/etcsl.cgi?text=t.1.3.2#>.

of Ur took up this call. In his campaign across the Zagros to Zabshali and Shimaski, Shu-Suen, the dynasty's fourth king, claimed,

Shu-Suen, mighty king, king of Ur, king of the four quarters, by the might of Enlil, his lord, and at the command Ninlil, his beloved lady, was victorious in those battles and combats. He killed both the strong and the weak. He sowed the heads of the just and the iniquitous alike like seeds. He piled up the corpses of the people into a heap.<sup>23</sup>

He went on to record that he blinded the male survivors and put them to work in the orchards of the gods.<sup>24</sup> Note that this brutal control of the bodies of the victims was consciously exercised without regard to their conduct. The righteous and the wrongdoer were equally subject to death and disfigurement. Foreigners, at least those identified as enemies, could not expect to enjoy the absence of violence that the kings promised their own people.

In royal inscriptions like those of Shu-Suen, we find the bloody violence and control of bodies to which the so-called Mesopotamian law codes occasionally refer.<sup>25</sup> The blind prisoners would have been a gruesome reminder of the violent power of the Ur III state,<sup>26</sup> but they were not joined at home by scores of those blinded or maimed for their misconduct in everyday life, within the boundaries of the state.

Notions of the violent imagery of combat were also triggered in the minds of the state's administrative elites every time they dated a text with reference to the constant campaigns of their kings.<sup>27</sup> This raises another curious point about violence in early Mesopotamia, and this is the relative lack of contemporary comment on it outside of royal inscriptions. Yes, the year names mentioned constant defeat of foreign forces, but the visibility of that violence at home goes largely unmentioned. In his review of an important new book on the impact of war and civilians in the ancient Near East, Marc Van De Mieroop highlighted this anomaly:

23 RIME 3: 303–304.

24 Garcia-Ventura 2014: 13 suggests that the text may not refer to the blinding of prisoners but rather to unskilled laborers. In either case, the kings of Ur claimed control of the bodies of the vanquished.

25 The Laws of Ur-Namma certainly included the expected call for capital punishment for heinous crimes (see Roth 1995a, RIME 3, and Civil 2011), but death and maiming largely took a back seat to fines and non-violent penalties (see nn. 33, 68, 72, 73, below).

26 And Michalowski 2011: 280 suggests that the blinding of wrongdoers was a right that could only be exercised by royal authority in the Ur III kingdom.

27 See n. 17 above.

If so much destruction of the bodies and livelihoods of people in the Ancient Near East went on, why is there not a single letter in the vast corpora available to us that laments this openly? To my knowledge, no one ever wrote that they lost a limb, that their house burned down during a siege, or that their son died on the battlefield.<sup>28</sup>

This is certainly the case for the Ur III period. Indeed, though the royal letters occasionally comment on the violence that attended the extension of power beyond the boundaries of the state,<sup>29</sup> these actions always took place along or beyond the frontier, far from the everyday life of the state. Clearly, the conflicts about which the Ur III kings bragged were real. The booty and tribute recorded so diligently by their administrators attests to this. Warfare in early Mesopotamia was also a bloody affair. It is remarkable that this violence received so little attention at home. This may have been a by-product of the royal rhetoric that banished violence and enmity from the community.

Beginning midway through the reign of Shulgi, adding a date to a tablet often meant commemorating bloody foreign raids, and many of the texts dated with these reminders of warfare recorded the proceeds of that violence. The claims to victory in warfare, and to the destruction of foes, were repeated tens of thousands of times in the year names on texts within the administrative apparatus of the state. Hence, violent conquest of the outside world, beyond the land of Sumer and Akkad, was an everyday theme for those literate functionaries and elites who upheld the authority of the crown and imposed it on the people of southern Mesopotamia. The institutionalization of warfare, however, was more about contested strategies for patronage and political authority than it was about the regularization of societal violence.

And now we return to the central question of this investigation: did the routinized exercise of violence abroad have a counterpart in the violent treatment of wrongdoers at home? In the everyday world of administrative responsibility in which we encounter most actors in the Ur III period, crimes and their punishment were regularly recorded. Manuel Molina has made the most thorough recent studies of these texts, particularly from the Umma province.<sup>30</sup> We find that various offenses against other community members were commonplace at that time. People failed to repay loans, they stole from their neighbors and from the state. They mistreated both strangers and relatives.

28 Van De Mierop 2015.

29 See Michalowski 2011: 276, 335, for mention of death and blinding, and of capital punishment.

30 See Molina 2010, 2013, and 2016.

These crimes brought about a state response, but it appears as though we can take Ur-Namma at his word; in establishing justice in the land, he sought to eliminate violence at home.<sup>31</sup>

The most relevant sources for our focus recorded crimes involving a failure to perform official duties: field managers allowed animals to consume their fields, shepherds and fatteners neglected those same animals, agricultural managers diverted canal water to their own fields, etc.<sup>32</sup> Many of these officials continued in their positions, and their crimes were expiated through fines and pledges of future good conduct.<sup>33</sup> The presence of violence in punishment stands out, as in a case in which the governor of Umma struck an agricultural manager for failing to care for an ox over a period of three years.<sup>34</sup> After a public embarrassment and not a gruesome mutilation, the official pledged not to neglect an ox for a second time.

Another tale of stolen oxen offers us an additional view of the social but not physical consequences of unlawful behavior. A text from Umma in the middle of Amar-Suen's reign details the theft of an ox by Alu, the son of Lugal-ka.<sup>35</sup> The original crime had resulted in Alu's disinheritance by his father, and likely the restoration of the stolen ox to its rightful owner. The proceedings recorded in the text arose when Ur-Manishtishu, the son of Alu, sought to have the decision reversed so that he could be restored as an heir to his grandfather's

31 And the core text of the Laws of Ur-Namma reinforces this point (the following numbering is after Civil 2011). Only a small number of its provisions promised death (§§1, 2, 6, 7, and 34), a few prescribed flogging or beating (§§22, 26), while one threatened the scouring of the mouth with salt (§30). The great majority of the clauses assigned fines or compensation as the remedy for wrongdoing. Even individuals whose false accusations required innocents to endure the River Ordeal were penalized with fines, when we might otherwise expect them to have faced capital punishment as their false statements had endangered the lives of innocents (§§13 and 14); fines were also the order of the day for those accused of breaking limbs, teeth, etc. (§§17–21).

32 See Molina 2016.

33 Molina, *ibid.*: 319, notes that many of these officials had their careers cut short by accusations of misconduct, though he does not suggest that this resulted in violent removal. The confiscation of property was another punishment available to the Ur III kings, both for malfeasance and for presumed disloyalty. Maekawa 1996 provided a thorough survey of such confiscations carried out under royal authority. Property was the basis for much of the privilege enjoyed by social elites in the Ur III period, so we should not underestimate how radical and final the confiscation of that property must have seemed. This was not, however, a traditional form of violence to the body. Indeed, there is no direct evidence that the confiscations were accompanied by any physical punishment (Maekawa, *ibid.*: 128–9), though the erasure of certain households and their social position through confiscation must have seemed extreme.

34 BM 106457, see Molina 2016.

35 BM 106497, see Molina 2010.

estate. The governor of Umma instead confirmed the original decision of disinheritance. Hence, the shame brought to the family by Alu's theft outlived the thief.<sup>36</sup>

Cases like these confirm the ways in which the heads of households in Ur III Mesopotamia sought out the legal authority of the crown. These individuals sought out state protection of their transactions, their commercial ventures, and their accumulation of the means of production. This is the reason why non-institutional transactions and contracts so often invoked oaths in the name of the king.<sup>37</sup> These property holders were not trying to bring violence closer to their doorsteps, but rather they allied with the state's judicial enterprise to ensure their continued enjoyment of their goods. This meant adding a new layer to the administration of justice, but not through the enforcement or enacting of violence on the streets of Ur. In addressing failures to meet obligations secured by oaths, the kings of Ur responded in the same way as their officials did to administrative malfeasance, with fines and/or the confiscation of goods. Bad debtors could count on having their households made destitute, but life and limb were not threatened.

Incarceration was also a possible consequence for those in default, who likely had to work off their burden.<sup>38</sup> The Ur III kingdom also relied quite

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36 This episode again highlights the tremendous contemporary concern with inheritance rights and local privileges. The Ur III state was built on such rights of possession. The crown itself was inherited property controlled by a family household. The presence of a more local authority than the king, here the governor of Umma, also shows the frequent distance between the crown and the exercise of judgment. As Culbertson (2009: 16) noted: "The dispute resolution system of the Ur III period was not a living, breathing instantiation of state power, but rather involved local, competitive forces among urban, provincial families of elites who sought to maintain and create power by way of local disputing traditions, many of which were likely to have predated the establishment of the Ur III state."

37 The heavy use of promissory oaths in the name of the king to secure the basic obligation of the transaction was an innovation of this era (Lafont and Westbrook 2003: 194). They further noted (*ibid.*: 209) that "a salient feature of the contracts of this period is the profligate use of the promissory oath. The standard form is in the name of the king (mu lugal) ..." And Culbertson 2009: 157 added, "While the Old Akkadian mu-lugal oaths could be sworn for specific promises, the Ur III oaths are far more generic, paired with any expression of intent or promise, and thus suggesting that the invocation of the king was a general expression that accompanied, and possibly required, a promissory act." Ur III elites sought out royal authority to protect their transactions and ultimately their property. This was an essential characteristic of the justice promised by those kings, and it was inherently non-violent.

38 On jails in early Mesopotamia, see Steinkeller 1991, Civil 1993, and Reid 2017. Reid sees imprisonment as a form of punishment alongside its use to enforce the payments of debts or the delivery of labor, especially *corvée* labor. In any case, though confinement may

heavily on its inhabitants to provide *corvée* service in the form of labor to local communities and the crown. This obviously included much of the population of dependent laborers, but the heads of urban households bore such obligations as well. Failure to perform these duties might also have resulted in temporary imprisonment but it did not lead to direct violence against the kingdom's inhabitants.

The courts and officials who determined the consequences of unlawful behavior continued to be rooted in local communities despite the growing centralization attendant on more complex state formation. While the kings of Ur asserted unequalled and unquestionable power, they continued to delegate much of the regime of daily punishment to provincial authorities.<sup>39</sup> This was the result of a system built on concerns of status and wealth. As Laura Culbertson noted of Ur III judicial power,

Rather, the authority of Ur III court entities was predicated on and inextricable from each official's location in the provincial political and social networks, his relationships vis-à-vis other high-ranking members of various communities, his capacity as an official, elite member of provincial society, and often his membership in one of the large ruling families of the provinces.<sup>40</sup>

The royal household was deeply invested in creating clients among the local elites. Establishing new routes of patronage was a complicated business, and power was contested between provincial and royal actors. This is especially clear when it comes to the application of justice, and we find hesitation to take direct action against the bodies of individuals. In one well-known case, the governor of Umma believed that a royal military official associated with the estate of a general had stolen wood from a forest located in the Umma province.<sup>41</sup> According to the text, the general's second in command was able to shield the suspect in his household for an extended period of time. Three times the governor's envoy had to return without the accused, and it is likely that the accused villain escaped punishment entirely. Cases like this one and others relate directly to the complex negotiations over authority between local elites

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be seen as a form of violence, there is no reason to believe that imprisonment in early Mesopotamia involved direct bodily harm. Confinement was also seen as a temporary condition. Imprisonment may even have been the penalty for dereliction of military duty, see Michalowski, 2011: 326.

39 See Culbertson 2009: 101.

40 Culbertson, *ibid.*, 103; see also n. 36 above.

41 BM 106536, see Molina 2010: 210.

and the growth of the royal sector,<sup>42</sup> but they also show a reticence to impose violent penalties for criminal behavior.<sup>43</sup>

The Ur III state eventually collapsed as a result of violent overthrow from both within and without the state's boundaries. The violence that the urban residents witnessed would not have been unfamiliar; after all, their widespread participation in the dynasty's military adventures abroad ensured that they had regular exposure to the beating, maiming, and death that accompanied warfare. The brutality that now found its way into their community, however, was a clear sign of the failure of a social and judicial system that had largely operated without daily rituals of violence at home.

In the aftermath of that collapse, southern Mesopotamia witnessed the rise of competing dynasties that would eventually see the reunification of the city-states under the authority of Babylon. Over the course of the two-plus centuries that separated Shulgi from Hammurabi, we find tremendous continuity both in terms of the spectacular claims to royal power, and in the innovation of juridical apparatuses to regulate that power over local communities.<sup>44</sup> Throughout this era we continue to see the "low power" model at work. We may have fewer texts to document the daily exercise of power during the Isin-Larsa/early Old Babylonian Period, but the picture is consistent with what we discovered for the late third millennium BC.

The excavations at Ur uncovered a number of non-institutional archives from this period, and many included the type of personal letters in which we find expression of quotidian concerns. A well-known example is the archive of Ea-nāšir, a copper trader who was active in Ur during the early stages of the reign of Rim-Sin of Larsa.<sup>45</sup> Ea-nāšir regularly traveled from Ur to Dilmun to ply his trade in the late nineteenth century BC. His archive shows that he worked on behalf of the crown, which was often represented by merchants from the capital at Larsa, as well as on behalf of local investors, transporting silver and manufactured goods from southern Mesopotamia in exchange for copper from the Arabian Peninsula. The letters in his archive make clear that

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42 See Molina 2013: 139.

43 We can see this in the royal correspondence of Ur as well. A couple of letters refer to a military official who was derelict in his duties (see Michalowski, 2011: 326, 335). The punishment for dereliction of duty was reduction in rank and loss of command. And this occurred in a context in which capital offenses were also mentioned that likely involved foreigners, once again highlighting the distinctions between bodily violence imposed on insiders and outsiders.

44 See the discussion of Old Babylonian era royal law collections below.

45 For Ea-nāšir, who lived at No. 1 Old Street, and his contemporaries at Ur, see Leemans 1960, Oppenheim 1954, Woolley 1976 and 1982, and Van De Mieroop 1992.

his was a difficult business.<sup>46</sup> He dealt with a fragmented political landscape in southern Mesopotamia as well as with the challenges associated with transporting commodities in bulk across the Persian Gulf.

The letters all concern large deliveries of copper made by Ea-nāšir, or owed by him, to his business associates. Most often, they note his failure to do so in a timely fashion or with the promised quality of goods. These letters adopt what we might regard as a sarcastic tone. For example, “Speak to Ea-nāšir, thus says Ili-idinnam. You have done good work for yourself! A year ago, I gave silver to you, and you are showing only bad copper from hostile (lands). Please bring your copper. Bring its interest, and give it to me.”<sup>47</sup> Another letter writer, while wishing for Shamash to preserve Ea-nāšir’s health, lets him know how tired he is of waiting on Ea-nāšir to deliver his copper.<sup>48</sup> These correspondents implored the trader, they insisted on being paid with interest, they highlighted written agreements that had been transgressed, but they threatened no violence or even direct legal action. They called upon Ea-nāšir in familiar terms. One of his partners referred to him as his brother and asked him to behave accordingly.<sup>49</sup> One of the more senior Larsa merchants, Nanni, implored Ea-nāšir, and a partner whose name is damaged on the text, to behave properly “if, in truth, you are my sons.”<sup>50</sup> This same Nanni sent the longest preserved letter to Ea-Nāšir,

Speak to Ea-nāšir: Thus says Nanni. When you came, you said to me: “I will give Gimil-Sin good copper ingots.” You went, but you didn’t do what you said. You placed bad copper ingots before my messenger, and you said: “If you will take it, take it, if you do not take it, go away.” Who do you take me for, that you treat me with such contempt, that you despise me so? I have sent gentlemen like we are to collect my investment, but you despise me. More than once you have made them return empty-handed through enemy territory. Among the Dilmun traders is there anyone else who has treated me like you have? You alone have treated my messenger with contempt. Because of the 500 grams of silver that you took from my house, you talk in this way. While I on your behalf have given to the palace 540 kilograms of copper, and Shumī-abum has given 540 kilograms of copper, apart from what we have written on a sealed tablet which we

46 There are twelve surviving letters: UET 5 5, 6, 7, 20, 22, 23, 29, 54, 55, 66, 72, and 81; all but one of these letters, UET 5 72, were written to Ea-nāšir by his trading partners in Ur and Larsa.

47 UET 5 20.

48 UET 5 23.

49 UET 5 29.

50 UET 5 66.

left in the temple of Shamash. How have you treated me for that copper! You have withheld my purse in enemy territory. It is up to you to return my purse to me in full. Be aware that from now on I will not accept bad copper from you. In my own courtyard I will myself select and take (the ingots). Because you have treated me with contempt, I will inflict grief upon you.<sup>51</sup>

We cannot know precisely what Nanni intended by the grief he hoped to inflict on Ea-nāšir, but it is unlikely that it involved violence between these two households.<sup>52</sup> The complaints and the threats in this correspondence were based on personal relationships and highlighted the damage to reputation and business that would be suffered by transgressors. The emphasis here on “gentlemen like we are” highlights the rhetoric of social standing and good reputation that we see reflected in the later corpora of Old Babylonian letters.

Throughout the UR III and early Old Babylonian periods, our evidence is focused on those whose households left traces in the textual record. Therefore, these texts highlight the concerns of elites who hoped to preserve their social and economic capital. As we noted above, we cannot say much about the routine violence likely suffered within households, great and small, by slaves and dependent laborers. Nevertheless, our street level view of urban life in southern Mesopotamia in the late third and early second millennia BC shows that violence was not a daily concern for the heads of households. The mighty kings of UR, and the kings who followed them, acknowledged no equals on the battlefield, where they meted out brutality, but there is little evidence that they either sought to bring that violence home or permitted it to be exercised on their behalf. Shulgi expressed this clearly in his praise poetry,

51 UET 5 81. Not only were the amounts listed in this text quite large, but they involve copper, which was one of the most strategic resources of the time, especially for a state that was at almost constant war with its neighbors.

52 The language of the letter, though clearly harsh in the context of a business partnership, made clear Nanni’s rhetorical anger, but held no promise of real violence. The words here for contempt and for being despised (both related to Akkadian *mēshu*) were typically used to express a failure to honor a written word or agreement, or to properly honor the gods. If an individual kept their word, then they could be free of such contempt. The most unusual word in the text falls in the last line. The grief referred to has an uncertain meaning (Akkadian *nasiqūtu*, see CAD N/2: 28), though it may be related to *nasihūtu*, referring perhaps to forced labor or deportation. An alternative reading offered in CAD E: 213 and endorsed by Leemans 1960 in his treatment of the text, is to regard the phrase at the end of the letter as *epēshu nāsiqūtu*, “to have first choice.” In either case, though Nanni was seeking redress for serious business failings by his partner, he was not threatening bodily harm.

So that my consultative assemblies, sitting together to care for the people, inspire respect in their hearts when the chief herald sounds the horn, they should deliberate and debate; and so that the council should decide policy properly, I have taught my governors to deliberate and to debate. While the words at their dining tables flow like a river, I tackle crime, so that the foundations are securely established for my wide dominions. I vanquish a city with words as weapons, and my wisdom keeps it subjected just as violence with burning torches would.<sup>53</sup>

Deliberation rather than debilitation was the order of the day for the kings of Ur and their early second millennium BC successors. We should see this in practical, and not necessarily progressive, terms. Violent punishment was to be avoided as a matter of pragmatism. None of this is to suggest that Bronze Age Mesopotamia was a peaceful environment. Wars among kingdoms and beyond their frontiers were the norm; and such wars were essential to royal claims to power and to the continued functioning of the tributary economy over which the kings presided. The kings of Ur sought to create a statewide community based on personal connections and patronage. These bonds were strengthened through the absence at home of the violence they celebrated abroad. The contrast between the ordered urban environment of southern Mesopotamia and the chaotic wild lands beyond their frontiers was reinforced through words and not weapons.

## 2 Violence in the Middle and Late Old Babylonian Period

The Old Babylonian period enjoys a reputation as an age of warring states and talionic justice: an eye-for-an-eye and a tooth-for-a-tooth.<sup>54</sup> But the contrast between spectacular and community violence is as stark here as it was in the earlier Middle Bronze. We will first make some observations about bodily

53 Shulgi B, translation after ETCSL, see <http://etcsl.orinst.ox.ac.uk/cgi-bin/etcsl.cgi?text=t.2.4.2.02#>. Michalowski (2011: 329) offers an even more illustrative translation for the penultimate line here. Instead of “I tackle crime, so that the foundations are securely established for my wide dominions,” he proposes, “as I reduce punishments, I solidify the foundations of my great far-flung lands.” The latter translation not only suggests a turn away from violent solutions to crime, but a commitment to lessening punishment as a tool for reinforcing the stability of the state.

54 Cf. Battini 2018a and especially 2018b, on “Consented Violence in Mesopotamia: From Factuality to Representation.”

violence in warfare and legal contexts, and then turn to issues of conflict resolution in community settings.

The fact of interstate warfare in this period needs no amplification. But it must be tempered by a recognition that warfare on this scale was largely confined to just one century of the whole 400-year period; cross-scale conflict and raiding were more typical than interstate conflict.<sup>55</sup> Yet given that some degree of war violence persisted in the political culture, it is surprising how understated it was even in royal literature. Old Babylonian royal hymns, the least historical of the genres, do emphasize violence to some degree: of 37 hymns sufficiently preserved to determine topical range, ten (~27%) at least include some violent imagery. This imagery is, however, often confined to stock phrases describing the king as a dragon or a snake spitting gall; more typical are the 27 hymns without passages describing violence, of which Iddin-Dagan A is exemplary. Year-names, a staple of royal propaganda, are much less infused with violent imagery. Taking the dynasties of Isin, Larsa, and Babylon as examples, we have a corpus of at least 694 different year-names. Of these, 91 (~13%) mention warfare: 46 refer to cities seized or destroyed, 37 to enemies or armies defeated, and eight to both. Specific acts of violence are not described in any way. (By way of contrast, the same inscriptions mention gold, silver, and copper 211 times.) Perhaps most surprising of all, royal inscriptions contain the fewest descriptions of violence in this period. They briefly mention military victories, but do not describe battles; across hundreds of royal inscriptions, very little attention is devoted to physical violence against enemies, real or imagined, as a textual trope. Out of 335 Old Babylonian royal inscriptions catalogued in RIME 4, only thirteen (4%) include any images of war violence. Five include curse formulae with generic imagery like “may the god smash the evil-doer with his weapon”;<sup>56</sup> three depict gods participating in war violence;<sup>57</sup> five specify that the king in battle or victory performed violent acts<sup>58</sup>—usually specified as visited on the person of enemy kings alone<sup>59</sup>—and all in very brief

55 Richardson 2012.

56 Curses in RIME 4: 2.6.1; 2.11.1 (iv 28, rev. ii 2’); 3.7.7 (ll. 30+ and 63+). Two curses with slightly more specific violence are 6.8.2: 153–4 (“May Bunene cut his throat”) and 11.2.2 (“[May Annunitum] destroy him and put a great pain in his body”). More typical are vague statements such as “[May the god] destroy him cruelly,” or “cut off his seed,” e.g., 1.4.8.

57 Gods in battle RIME 4: 2.9.13; 3.7.8 (ll. 7+); 6.8.1.

58 RIME 4: 2.13.13: 14+, Warad-Sîn says that he “smote the head of his foes”; 6.8.2: 88, Iaḫdun-Lim “heaped up dead bodies” (of enemies).

59 RIME 4 1.10.1001, Enlil put the enemies of Enlil-bani in fetters at his feet (cf. Enlil-bani’s Hymn A: “you do not kill transgressors”); 2.9.13, Nanna makes the enemies of Samsuiluna bow down at his feet (possibly also 2.11.1 rev. i 1’); 2.13a.1, Warad-Sîn, enemy in a neck-stock

language. Only one of these passages elaborates these ideas with overtly violent imagery, one in which Samsuiluna describes putting Iluni, king of Ešnunna, in a neck-stock and cutting his throat.<sup>60</sup> If this passage is exemplary of anything, it is of how often the event is mentioned by historians rather than for how unique it is. In all, although war violence may have been a fact of life in parts of this period, it was clearly not advantageous to foreground it for ideological purposes in royal literature.<sup>61</sup>

More typically, one finds (as in the Ur III period), royal claims to have “destroyed” violence and established peace. A hymn to Enlil-bani (Hymn A) provides a good example:

<sup>80–91</sup> **You have destroyed the hiss of hostile talkers. You know how to undo sin and its illness. You do not kill transgressors; you understand those you lead. You make words benign. Compassionate, loving the just, you cause no harm** when offerings have been made.

The ocean of royal literature is largely devoted to promoting tropes of peace, prosperity, and piety. Sentiments like these sometimes took the form of negative confessions, or statements in which violence was categorically rejected: that violence itself was the object of destructive violence, e.g., “to *eradicate* enmity and armed violence” (nig<sub>2</sub>-a<sub>2</sub>-zig<sub>3</sub> giš-tukul, lit. “violence with weapons”).<sup>62</sup> More common still were claims to have made the land “peaceful” (usually from *šulmu* or *neḫtum*, esp. as *šubat neḫtim*, “peaceful abodes”).<sup>63</sup> Distinguishing

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with a foot on his head; 2.14.8 (Rīm-Sin I: his foot on the head of an enemy; also .9); 3.6.4 (Hammurabi: “with fetters he tied up his enemy”; 3.7.4 (Samsuiluna “killed Rim-Sin”); 3.7.7 at ll. 30+, 63+, 81+, and 92+; 3.10.1, Ammišaduqa “crushed the [enemy] princes” with his weapons. These motifs should not be confused with the common image of the king leading his subjects by the nose-rope (e.g. RIME 4 3.6.16–17), which is a metaphor about the shepherd and his animals, and not about violence.

60 RIME 4 3.7.7 ll. 92+. This most visual of episodes, perhaps not coincidentally, closes out the period of major warfare in southern Mesopotamia in the OB.

61 Notwithstanding, one might contrast the rarity of violence as a theme in texts to its prominence in some visual imagery of the period, in seals and monuments; see now, e.g., Di Paolo 2019.

62 Roth 1995a: 25 (LL Prologue: i 20–37), 33 (LL Epilogue: xxi 5–17), 76 (LH Prologue: i 27–49), 133 (LH Epilogue xlvii: 59–78). RIME 4 1.10.1001: vii 12–4; 2.8.7: 53–4; 2.13a.2: 5 (*mimma ula ugali*, “he did no wrong”). ETCSL: Lipit-Eštar A (2.5.5.1: 89): “I am one who never destroys a just person”; similarly, Išme-Dagan A (2.5.4.1), with the verb ḥa-lam (but the verb can also have the sense of “to forsake” violence). Note the prohibition of force (*emūqu*) for gathering labor in Edict Ammišaduqa cited in CAD.

63 Roth, 1995a: 80 (LH Prologue iv 32–44), 133 (LH Epilogue xlvii 9–58, three times). RIME 4: 1.10.1001: 8; 2.13.13: 25–6; 2.13.27: 23–4; 2.14.15: 53; 3.6.2: 19; 3.6.7: 36; 3.6.12: 33; 3.7.2: 45; 3.7.7:

“non-violence” from “peace,” we find a battery of the latter idioms and topoi sprinkled so liberally throughout OB inscriptions as to be uncountable—that the people could “sleep soundly,” find “contentment,” enjoy “secure foundations,” “lie down in rich pastures”;<sup>64</sup> the kings would “remove complaints,”<sup>65</sup> “gather in the scattered people,” etc.—all of which made up the rich textual tapestry of the peace and prosperity which kings wished to emphasize.

This is not to say that royal inscriptions made no room for machismo and bellicosity;<sup>66</sup> or that many of the tropes of peacefulness were not introduced to resolve warfare narratives; or that some of these “peaceful” statements were not made by some of the most pernicious warmongers of the day. It is not important for the purposes of rhetorical analysis whether or not statements about peace and non-violence are objectively true, only that they illustrate the social and politics *ideals* that made them credible and effective. To judge by the distribution and intention of these texts, ideals of peace were to be celebrated and violence to be abhorred.

What about judicial violence? Is it not the case that all kinds of passages in the royal law collections call for death, dismemberment, and torture as the resolution for infractions? Perhaps the most pernicious myth about Babylonian justice has been the conflation of the principle of legal retribution (*lex talionis*) with violence per se—the erroneous assumption that parity must *mean* violence. Retributive justice may engage concepts of proportionality—even when the crime being punished was violent—without being violent. If we look at the most substantial three law collections of the period, the intent to limit violence is quite clear,<sup>67</sup> with most attention paid to non-violent settlements for even violent crimes.

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III-2; 3.7.8: 9”; 3.9.2: 17’. ETCSL: 2.6.9.4: 8, 13, 18, 41; cf. 2.8.5.a-b. See also the year-names Ammišaduqa 12 and 15.

64 See the discussion about the semantic associations between fields and peace in CAD A/1 s.v. *aburru* (as found in, e.g., RIME 4 3.10.1: ii 5-6, “safe pastures”).

65 The semantics of peace cannot, however, remain untroubled by darker political readings, insofar as the tropes of “peaceful abodes,” “sleeping soundly,” and “removing complaints,” all relating to the verb *nâhu* (“to rest, to be quiet”) implicitly equate a peaceful state with an uncomplaining and obedient one.

66 E.g., RIME 4 2.9.15 or 3.6.10.

67 In the account that follows, we count sexual assault (esp. *naqābu*) and personal injury through negligence as forms of violence. Though it is possible that this imposes a modern understanding, the general classification of sexual crimes alongside other crimes of violence in the law collections supports seeing it also as the Babylonian view, though certainly by treating the punishment of male criminals by reference to the male heads of a female victim’s household.

In the smallest of the law collections, the forty preserved Laws of Lipit-Ištar from Isin, only one statute prescribes violent punishment, and for a violent act: ¶e states that a man who strikes a pregnant woman and kills her “shall be killed” (i<sub>3</sub>-gaz-e). But two other violent crimes (¶¶d and f, also both related to striking a pregnant woman) are punishable only by fines of silver. The other 37 statutes do not address violent crimes at all. Violence has a larger profile in the Laws of Ešnunna, with between six and eight (depending on the situation) of 60 laws prescribing death for a range of violent and non-violent infractions.<sup>68</sup> But 11 more laws dealing with violence against people (including manslaughter) are only punishable by silver fines.<sup>69</sup>

The laws of Hammurabi clearly foreground judicial violence more than those from Ešnunna and Isin. Of ca. 282 preserved decisions, 52 statutes mete out violent punishment: only 13 prescribe violence-for-violence,<sup>70</sup> but 39 more non-violent offences were also to be punished by violent means.<sup>71</sup> However, 26 violent crimes were punishable by fines, many in the context of harm done by negligence and/or where the victim was of inferior socio-legal status to the one causing harm.<sup>72</sup> But violence still played a relatively minor role in Hammurabi’s laws, both thematically and as a matter of practice.<sup>73</sup> Around 230 statutes of LH (~82%) do not resort to violent punishment. Most important of all, the violent punishments described by the statutes, like most other aspects of the ordinances, find virtually no realization in practice. Most descriptions of legal processes do not even refer to the laws; neither in trial, appeal, or settlement were they looked to as a standard; what is not at all uncommon is the king/state attempting to outsource cases to other jurisdictions.<sup>74</sup>

68 LE ¶¶12–3, 24, 26, 28, 60; ¶¶48 and 58 are called “capital crimes” (*awat napištim*) when judged by the king.

69 LE ¶¶42–47a (¶47a is the statute against manslaughter), 54–57.

70 LH ¶¶116, 130, 153, 195–7, 200, 202, 205, 210, 218, and 229–30. See Richardson 2017: *ad loc* nn. 151 and 155 for discussion.

71 LH ¶¶1–3, 6–11, 14–6, 19, 21–2, 25–6, 33–4, gaps m–n and bb, 108–10, 127, 129, 132, 133b, 143, 155, 157, 192–4, 226–7, 253, 256, and 282. Among these punishments are verdicts to either have someone “submit to the River Ordeal” or “be cast into the water”; the juxtaposition that ¶129 make between being cast into the water and being allowed to live confirms these procedures as inherently violent.

72 LH ¶¶24, 198–9, 201, 203–4, 206–9, 211–7, 219–23, 231, 250–2.

73 Roth’s 2020 online talk further argues that what legal statutes there were prescribing violent punishment may have been a) intended to limit retaliatory violence to acceptable levels, and b) understood as symbolic demands for monetary compensation; see esp. the conclusion to her talk from 45:11 onwards.

74 For a more comprehensive comparison of statute and practice in LH, see Richardson 2017: 28–43.

Legal statutes of the age were being written to reflect an emerging social and commercial sense that parts and wholes of persons were capable of being valued along a spectrum; parallel schemata were simultaneously being developed in contracts and letters, where concepts of “proportional personhood” were being worked out for relations between *awilum*, *muškēnum*, and *wardum*; father, wife, and child; hired man and slave; hand, foot, tooth, and eye; even hoof, horn, and haunch.<sup>75</sup> Legal attention was more directed towards constructing paradigms of parity and proportion in terms of value than towards violent versus non-violent punishment as a core ordering principle, all focused on reifying social norms.

As stated above, the variances between representation and reality are not the point of analyzing Hammurabi’s text as an example of political speech; there is clearly a greater *thematic* profile for violence in Hammurabi’s laws than in other collections. But on closer inspection, we find that various devices of the text served not only to separate its draconian tone from the real-life application of violence, but even to put rhetorical daylight between the king and violent action. Although Hammurabi foregrounds violence thematically, he retreats from responsibility for it insofar as violent punishment is entirely anonymized by the text. For instance, only one (LH ¶282) of the 52 violent-punishment statutes identifies *who* is to carry out judicial violence. The rest obscure this aspect, whether through ambiguity (“they shall kill,” “they shall cut off,” etc.) or by the use of the passive voice (e.g., “he shall be cast into the river”). Only two identify the legal body before which a punishment was to be carried out.<sup>76</sup> None of the laws *obligates* the state or king to carry out judicial violence;<sup>77</sup> the state’s roles in judicial procedures as represented by LH are restricted to the phases of justice *preceding* punishment—to discovery, evidence, and trial.<sup>78</sup> These are not rhetorical accidents, but strategies of the text: the state wanted the credit for sounding tough on crime, but not the *liability* for executing violent punishment.

The low incidence of violence in the laws is largely reflected in judicial decisions, where few actual punishments are imposed. We may turn to two sourcebooks to illustrate this point. A 1996 dissertation by John Fortner offered

75 See Richardson 2021.

76 Only two punishments specify the setting of judicial violence: a flogging before the judges (LH ¶127, but by “they”), another before the assembly (LH ¶202, passive, “he shall be flogged”); see Richardson, *ibid.*: 55 n. 151.

77 Westbrook 1997 argued that the phrase “a matter of life and death” in LE ¶¶12, 13, and 28 point to both the state’s right to enact violent punishment as well as the king’s right to pardon crimes punishable by it.

78 Richardson 2017: 38 and nn. 151, 155.

translations of 140 Old Babylonian lawsuit records. Most of these concern property disputes, though a few addressed cases of theft, abduction, assault, and even murder.<sup>79</sup> Of these 140 records, eleven mention the imposition of a “punishment” (*arnu*); most lack any further clarification about the nature of the penalty (financial, corporal, or otherwise), but none of the language suggests physical punishment; the punishments likely entailed remuneration.<sup>80</sup> Four more judgments either waived or required oaths in lieu of “punishment.”<sup>81</sup> Another judgment prescribed *future* violence as a deterrent should the litigant bring the same claim again: the plaintiff’s tongue would be “touched” (*lapātu*).<sup>82</sup> In the end, only five judgments explicitly involved physical punishment. All prescribed a shaving (of the head); two additionally stipulated the piercing of the nose; one added a “stretching” (*tarāšu*) of the arms and parading of the guilty party through the city streets.<sup>83</sup> The emphasis in these five cases was on display and public humiliation more than on bodily punishment per se. Other than these five instances out of 140, no physical punishments are mentioned. Although virtually every case required a verbal oath, often to be taken at a particular place, none mentioned or implied an ordeal procedure, river or otherwise. Thus, the profile of violence either policed or prescribed in these texts is exceedingly low; these decisions were about claims, quarrels, and satisfaction, not crimes and punishments.

79 Violent offenses dealt with by these texts include those found in Fortner 1996: 750 (Rifin 46), the abduction and strangling of a slave (no punishment recorded, only a verdict); 813 (ICP IX/6), slapping (punished by a 3.33-shekel fine). The theft in TIM 4 33 (pp. 792–4) is punished by a fine (cf. LE ¶¶12–13, which prescribe death for this crime); in UCP X/1 107 (pp. 815–6) punished by “penalty service.”

80 Fortner 1996: 620 (CT 2 39), 626 (CT 2 45), 630 (CT 2 47), 638 (CT 6 42a), 640 (CT 6 47b), 649 (CT 8 24b), 733 (OECT XIII 191), 737 (OLA 21 95), 770 (TCL 1 157), 832 (VS 7 7; prospective “punishment” if the claim is brought again), and 906 (ZA 73 60–66). Ten of these judgments include statements that the “punished” party was not to make a future claim, which at least precludes the possibility of capital punishment. The “punishment” in OECT XIII 191 is the transfer of a slave; ZA 73 60–66 suggests a financial penalty, since the penalized party had to “give” (*nadānu*) something to the other.

81 Fortner 1996: 614 (Çiğ-Kizilyay-Kraus Nippur 163), 617 (Çiğ-Kizilyay-Kraus Nippur 174), 853 (vs 13 7), and 897 (YOS 14 161).

82 Fortner 1996: 894–5 (YOS 14 72); cf. Charpin’s translation of the same text (2023 no. 56): “his tongue will be struck (with a red-hot iron),” without offering a parallel. Cf. also four OB exs. from Ishchali in which sales contracts prohibit future claims by warning that the claimant’s tongue would be “torn out” (CAD L s.v. *lišānu* 1b, with *šalāpu*).

83 Fortner 1996: 659 (CT 8 45b), 673 (CT 47 31), and 847 (vs 8 102); with pierced nose, 686 (CT 48 4); with nose + arms + parade, 663 (CT 45 18). The possibility of hot bitumen being smeared on the head of a guilty party in CT 2 47/CT 48 3 (pp. 629–30/682–4) is not to be preferred over the better reading as “his garment” (i.e., the judge’s) as the thing being “thrown” (*nadû*) insofar as “his bitumen” makes little sense.

A smaller and partly overlapping but more diverse group of 39 Old Babylonian judicial decisions was recently published by Dominique Charpin;<sup>84</sup> these too give the same impression that violence was rarely imposed as a punishment. Eleven decisions in all bear on the question of violence as a punishment, but only two turn out to have used it in practice. One judgment (no. 38) describes a river ordeal in which one of two litigants sank while attempting to carry a millstone across a river.<sup>85</sup> Another—the famous “Nippur Murder Trial” composition (no. 50)—pronounces the death sentence for four defendants accused of murdering a man’s wife. Charpin points out, however, that since this last case was a school text, “some question the reality of the case it reports.” The other nine of eleven possible cases on close inspection once again turn out not to entail judicial violence: one unspecified “punishment” (no. 32, *šertu*<sup>86</sup>); two cases of hyperbolic language (nos. 46 and 48);<sup>87</sup> two oaths enjoining violent retribution in the event of future oath-breaking (nos. 56 and 65, prospective but not imposed); two cases in which a suspect died in prison, but not as a result of punishment (nos. 53 and 54); two instances of violent crimes, but without violent punishments (nos. 51 and 52).

In all, Old Babylonian judicial decisions, while perpetually at variance with the statutes of the codices, share with them a very low investment in violence, mostly mentioning it at the symbolic level. Thus (returning to the Code of Hammurabi), it may be that it is the most violent-sounding royal text of the period; but stylistically, it is simultaneously a masterful, even Ciceronian, denial of *responsibility* for it—which in turns comports with its low incidence in practice. The Code is a simulation of force and power without taking on board its exercise and costs. Why should LH do this? We argue that it is primarily because the social and political transaction costs of policing and punishing are extraordinarily high for what must typically be the primary interest of states, namely the building of political clientele. Punishments made enemies, but states were in the business of making friends. This may be a surprising step back from our expectation that early states were in a mad rush to assert monopolies on the use-of-legitimate and suppression-of-illegitimate violence. Indeed, there are profound implications in considering the state’s probable

84 Charpin 2023.

85 Note that no independent term meaning “ordeal” actually exists in Akkadian; here, the litigant is simply said to have “lifted” (*našú*) the millstone, “crossed” (*ebēru*) the river, and “sank” (*tebú*)—though not (explicitly) “died.”

86 Attested punishments called *šertu* involve fines or imprisonment, but not violence.

87 On no. 46 (“Tie her up and throw her in the river!”), see further Owen and Westbrook 1992; no. 48, “You can suspend me from a post or cut off my limbs, I will not consummate the marriage.” In both cases, the language may be understood as hyperbolic.

indifference to the politics of “legitimacy” that modern scholars think to be so central.<sup>88</sup> The evidence better reflects the *simulation* of monopolies of violence by states—simulations we have too often accepted as documentary—while states were actually putting daylight between themselves and the actual practice of violence.

The state’s reluctance to commit violence is reflected in Hammurabi’s royal letters, where, in the course of the king’s regular business, we again find hardly any evidence that the king resorted to violent action. There are 186 letters written by Hammurabi in the series AbB.<sup>89</sup> Despite the fact that virtually every letter concerns a dispute of some kind (about land, labor, taxes, or criminal infraction), not a single one orders judicial or official violence; nor does any letter even respond to a *report* of violence.<sup>90</sup> Five letters report cases of *hibiltu*, “damage,” but both context and usage make clear that these instances refers to damages to property remunerable in silver, not physical harm to a person.<sup>91</sup> Three letters order “punishment” (*arnu*), but all in contexts for overdue payments now resulting in a fine.<sup>92</sup> A few letters find the king ordering that wrongdoers should be sent to him, or that officials should “take care of a case” or “do proper justice,” or the like, but of course nothing in such statements points to violent enforcement.<sup>93</sup> Hammurabi’s letters all concerned conflicts in which the state could conceivably be expected to have used enforcement, including physical force; but force is entirely absent as a matter of practice. This stands in stark contrast to the prominence of state violence depicted in some of the contemporary letters from neighboring Mari, from which episodes of execution and corpse abuse are known.<sup>94</sup>

Nor did violence backstop state legal enforcement—at least, not *much* violence. When a warrant for arrest was executed or a judgment enforced, authorities deployed a soldier—one soldier. 33 Old Babylonian letters mention sending a single soldier for these purposes; in five high-stakes conflicts,

88 On the argument, see Richardson 2019.

89 AbB I 1; II: 1–44, 55–60, 76; IV: 1–43, 79–109, 166; V: 135–7; VIII: 19, 22?, 50, 53; IX: 32, 188–196; XI: 165–6; XIII 5, 7–25, 27–32, 35–6, 38–43, 46–8; XIV: 1–3, 117, 225.

90 AbB VIII 22 reports on a “murder” (*šaggaštu*), though the letter claims that it is a false accusation. At any rate, it is probably not a letter from Hammurabi King of Babylon, but from another man called “Ammu-rabi, your son,” writing to a “gentleman” (*awilum*).

91 AbB II 6, 18, 19, 76; XIV 1.

92 Although CAD gives one instance of *aran mütum*, “death penalty” (CAD A/2 s.v. *arnu* 2b), *arnu* by itself in the OB is never clearly a violent punishment; when clarified, it is always a fine.

93 E.g., AbB XIII 10, 12, 18 (“take care of the case,” *warkatam purus*), 27 (“grant them justice,” *dinam ... šuḥissunuti*), 41.

94 See e.g. Bonnetterre 1997.

the authorities sent two.<sup>95</sup> In this low-power social world, the violence necessary to enforce state rules was so slight that it was normally accomplished by a single person.

What about private violence? If violence was so rare within state channels and military contexts,<sup>96</sup> perhaps it was more common among neighbors? Was there, as Raymond Westbrook claimed (against Whitman's contention) even a legally established right of private citizens to "enact summary justice"? (No.<sup>97</sup>) Again letters provide us with our best view of the concerns of the literate mercantile class; again we find little trace of violence, despite the size of the corpus. We will illustrate this relative absence by way of lexicography, from terms which potentially indicate physical violence or the use of force.<sup>98</sup> In the 2,762 letters in the series AbB, there is no shortage of terms for non-warfare violence in the Old Babylonian period, which speaks to its rich conceptualization (see Table 1). But the seventeen verbs and nouns potentially denoting non-military interpersonal physical violence (per column B) only appear 77 times in 74 letters (~2.6%)—a tiny fraction of the corpus.<sup>99</sup>

Of these 77 phrases, 35 are clearly idiomatic, euphemistic, or metaphorical uses with fundamentally non-violent meanings (see column D): *danānu* s., "violence" in its verbal form usually denoted a "strongly worded" message<sup>100</sup> or "severe enforcement" of a fine;<sup>101</sup> *dāku*, "to kill," often euphemistically meant "thwarted" in business; etc. Action with the vague sense of "to (use) force"

95 Richardson 2017: 39 and nn. 159–61 for twenty-four cases of single soldiers and one instance of two soldiers. To these examples, now add: single soldiers: AbB I 124; IV 69, 75; V 35, 48, 124; VI 48, 208; X 175; for more than one soldier: IV 115 and VII 125 (plural, but in the latter case sent only to "speak to [a man's] conscience"); VI 181 (two soldiers), 190 (twelve soldiers, sent to arrest refugees). A few other cases of single soldiers are not so clearly instances of enforcement: AbB VI 37 and 109; VII 57; X 34.

96 I leave aside, then, texts like AbB VIII 24, in which twenty men were killed in a raid on a caravan; verbs like *šahātu* A, "to attack," which has only a military meaning; etc.

97 Although Westbrook 1997 was undoubtedly correct that phrases meaning "matters of life and death" had implications for the state's right to punish and pardon, his "comparative evidence" was entirely literary, e.g., associating Zech. 13:13 with LE ¶¶12, 13, and 28. But there is no evidence external to these passages to support the idea that a legally-sanctioned right to vengeance or retaliation by violence existed, including not in the AbB letters.

98 Cf. Jursa 2014: 76.

99 AbB VIII 14 contains three relevant constructions; XI 135 and XIV 83 each contain two.

100 Cf. XII 113, a "carefully worded letter."

101 The possibly violent meanings for *danānu* v. in Table 1 find it appearing with *qātu* ("hand"), "to treat harshly."

(*emūqu*<sup>102</sup> and *mašā'u*<sup>103</sup>) typically (i.e., in five of eight cases) had the unfocused sense of action against someone's will,<sup>104</sup> but with no clear indication of violent means. Such references almost always took some form of property as their object: a field or consignment of grain could be seized "by force," but rarely did that denote force against a person, or clarify what (if any) violence was implied or employed. Of the 43 cases of violence noted in Column C, 11 document incipient, negated, or prohibited violence rather than *accomplished* violence—where letters read (whether literally or idiomatically) "he did not kill me!" and "do not let him beat me!"—something potentially happening in the future, but not having yet occurred. Such cases are indicated in Table 1 by an asterisk (\*). Some forms of violence not only do not show up in the letters, but do not in fact appear anywhere outside of the law codes (or sometimes only in divination literature) in this period.<sup>105</sup> The most lurid forms of judicial violence (i.e., hangings, impalement, dragging, tearing out eyes/tongue/hair, and burning alive) were punishments imagined in/by/for the law codes, but the letters give no evidence for their application. A number of other terms for physical violence otherwise in use during the OB (e.g., striking, beating, rape) also find no place in the letters,<sup>106</sup> while others are only substantially attested in post-OB times.<sup>107</sup>

We are left with 31 cases of documented violence (column C) in a corpus of almost 3,000 letters—about 1.1% of the whole.<sup>108</sup> What can be said about these

102 Note the *prohibition* of gathering labor by force in the Edict of Ammišaduqa cited by CAD E s.v. *emūqu*.

103 The exs. for *mašā'um* in Table 1 include seizures of barley, wool, wood, and the plunder of a house; none refers to a person.

104 Similarly unfocused is *epēšu* with *magalu* (AbB XII 164), translated as "to treat harshly," but literally only "to do much."

105 These terms therefore are not included on Table 1: for hanging (*alālu*), impalement (*gašašu* + *šakānu*), blinding (*huppudu*), being dragged (*mašāru*), or having one's eyes/tongue/hair torn out (*nasāhu*). Being thrown into a fire/burned alive is also effectively unattested, neither by *nadû* + *išātu* (AbB IX 197 [cast into an "oven/kiln"] is clearly proverbial) or *qalû* (AbB VII 137 has a military context). Flogging with a whip (*qinnazu* + *maḥāšu*) specifically is also not found in the letters but may be indicated by the "beatings" (> *maḥāšu*) in AbB VII 87 and XII 65 (compare with LH ¶1202).

106 E.g., the terms *napāšu* A ("to strike"), *risbum* ("beating"), *simumm* ("injury"), and *tirku* ("blow") are not attested in the corpus; neither is rape (as *nāku* or *naqābu*) mentioned except for TCL I 10 s.v. *naqābu* in CAD, not edited by K.R. Veenhof in his notes to AbB XIV. The verbs denote forced sex outside of marriage as a legal matter; cf. XII 181.

107 E.g., *danānu* s. and *emūqu*.

108 Rather ironically, Jursa's 2014 (see p. 90) study of violence in the Neo-Babylonian period also adduces 31 texts in which violence is mentioned. Less coincidentally, it seems that assembled texts mentioning period violence are typically not that large.

cases? First, the nature of the action described in seven texts (one of which is also marked \*) is unclear to the extent that one cannot be certain that actual violence occurred (marked on Table 1 with a superscripted question mark), though we err on the side of considering them as actual instances of violence.

Only two or three cases of fatal violence are documented,<sup>109</sup> each of which is the subject of complaint and disapprobation. Many of the letters using *dâku* (which can mean “to kill”) on closer inspection have the clear secondary meaning “to beat”,<sup>110</sup> while beatings are of course violent, at least six uses of the verb clearly do not refer to fatal violence.<sup>111</sup>

This leaves us with 21 non-fatal beatings or injuries (s.v. *dâku*, *lapātu*, *maḥāṣu*, *nadû* + *ḥaṭṭu*, *naṭû*, and *šebēru*), five instances of unspecified “force,” and one case of someone being cast into the river. Of these 27 instances of non-fatal violence in the letters, 13 were clearly considered illegal, unacceptable, and/or the subject of an appeal to officials for investigation and redress, as was the case with the killings (“Was that man to be beaten? Why did you do this?”)<sup>112</sup> They were openly considered unacceptable acts.

Of the remaining 14 instances, three were cases of official judicial violence, although at least one of these was objected to as overly violent: “(They said:) ‘Why is Sîn-nadin-šumi being held? He will die!’ During the trial they beat him repeatedly ...”<sup>113</sup> Seven instances involve the beatings of slaves, servants, or hired workers by superiors, where we may see the everyday violence of cuffing and caning often considered unremarkable coming to the surface. These instances do bespeak the kind of structural violence that undergirded the relations of masters with their inferiors. Yet again in three of these cases, the violence is decried as manifestly unlawful (*nignerûm*), at least for the harm that a non-owner/master inflicted on another man’s servant as damage to

109 AbB VIII 14 (an official abuses his subjects by either beating or killing them; the violence is indicated by both *dâku* and *šagāšu*, but the translator remains uncertain whether the action is not necessarily only beatings); X 19 (a man’s brother is killed in another town); XIII 181 (a man is killed in a brawl).

110 Recognized *passim* by AHW and AbB (e.g., XIV 83 “(nearly) killed”), but not by CAD or Roth 1995a; the indistinction between hurting and killing is worth continuing scrutiny, although the problem was already raised more than six decades ago by Tadmor 1958.

111 Only two murders in Babylonia are known from trial records in this period: see Wiseman 1974: esp. 258–9.

112 AbB IV 69; VII 58, 125; IX 108 (complainant summons a soldier to speak to his attacker); X 14 (quoted), 116, 171 (complainant asks for talionic redress, cf. LH ¶197); XII 72 (the complainant seeks a “harsh verdict,” *dīnam marša*, for the attack), 166; XIII 4, 85, 177; XIV 190.

113 AbB VII 87; VIII 102 (a river ordeal, survived by the defendant); XII 65 (quoted).

value or prestige.<sup>114</sup> Only three letters describe (all in broken context) beatings which are not clearly characterized as either acceptable or unacceptable.<sup>115</sup> One letter is entirely unclear.<sup>116</sup> In only two instances is a weapon of any kind mentioned (both in non-fatal attacks): one is a stick; one is a pin.<sup>117</sup> In no instance is the person beaten identified as a wife or a child.

20 of 31 cases of reported violence were specifically labeled as unlawful and unacceptable; no case is clearly valorized as warranted or just. To the extent that violence peeks through, it seems often symbolic of other kinds of financial or social injury. As Martha Roth has argued, even “the ‘cheek-slapping’ rules embedded in the assault and bodily injury provisions [of the laws were] a manifestation of the social category of honor,” and not primarily crimes of violence.<sup>118</sup>

In all, if we have come to the Old Babylonian period looking for everyday violence or a cultural ethic of private vengeance, we have come to the wrong time and place. Still, a few theoretical considerations about the relationship between reality and reporting are in order. One might reasonably speculate that at least certain forms of violence were not worthy of mention, either because they were tacitly acceptable (e.g., the state’s war violence or the structural violence that permitted the beating of inferiors—slaves, servants, workers, women, children, and so on),<sup>119</sup> or because violence itself lay outside the sets of practice that letters existed to facilitate (the management of business and property). Nor is there any easy explanation for the gap between the kinds of spectacular violence that the law codes propound<sup>120</sup> or that royal

114 Apparently acceptable violence against servants: AbB I 27\* and 34\*; VIII 79 (vague: something like “use a strict hand with the harvesters”); XIV 55. Unacceptable violence against servants: I 18\*; XI 135\*; XIII 177. Importantly, cases marked in this footnote with an asterisk indicate instances where the violence reported was carried out against a servant clearly belonging to someone other than the transgressor; such distinctions mark contestations of authority between masters. We thank an anonymous reviewer for suggesting this.

115 AbB VI 200, a man defending his home(?); VIII 16 (not trans. by L. Cagni; see Table 1 for details); VIII 80 a man beaten up for his field(?).

116 AbB V 74.

117 AbB I 18 and VII 125, respectively.

118 Roth 1995b: esp. 13.

119 Cf. Jursa 2014: 81, and Lemos 2017: 16. Cf. Campbell 2014: 10, that “violence (physical or symbolic) can serve the interests of more or less egalitarian social orders as well.” See Battini 2019 on “consented violence.”

120 Though, of course, the differences between statute and practice were in general much greater than their similarities: see Richardson 2017.

accounts of warfare might suggest<sup>121</sup> on the one hand, and its seeming absence from related everyday practice documents on the other.

There seems little in the corpus, however, to suggest either that violence was a taboo subject, or that, when mentioned, it was normally approbated.<sup>122</sup> Even the structural violence that we expect underlay various forms of social inequality (between masters and slaves/servants, men and women, adults and children) rarely shows up in written sources. Perhaps the most telling absence is that the low incidence of violence across the corpus—acceptable or unacceptable, accomplished or incipient—speaks to its low profile *as a social fear*. Violence simply was not one of the common headaches or worries of the Old Babylonian landowner, official, or merchant.

What we see instead were efforts to produce ties of class, community, and sympathy. This was a socio-economic environment in which concerns for reputation and standing produced the rewards and sanctions that policed behavior and resolved conflict more effectively and commonly than violence. A “good reputation” was desirable in plain terms. This principle was expressed any number of ways, such as how a man’s name<sup>123</sup> was said to be “good,”<sup>124</sup> “outstanding,”<sup>125</sup> “established,”<sup>126</sup> “known,”<sup>127</sup> “praised,”<sup>128</sup> or “favored.”<sup>129</sup> The attributes which made up a good reputation were several. These included “friendship” (*rā'imūtu*); expressed concern for the “well-being” (*šulmu*) of others, and “worry” (<*nazāqu*); demonstrated favors (*gimillu*); metaphors of kinship; appeals to piety; and assertions of peerage and collegiality (*amīlūtu*).

121 Bahrani 2008: 10–11 points to the explanation of Georges Bataille, which establishes a dialectical relationship between war and community values, insofar as “war exists because the taboo on violence in daily life relegates violence to areas of existence confined in space and time and that follow their own rules,” an explanation which would seem valid for judicial violence, too.

122 Cf. Jursa 2014: 87, with more ambivalence: “Gewalt, so wie sie in unseren Texten reflektiert ist, ist also hinsichtlich ihrer Bewertung stark kontextabhängig: In bestimmten sozialen Zusammenhängen wird sie als brisant und gefährlich angesehen, in anderen wird sie überhaupt nicht als zu problematisierendes Phänomen wahrgenommen.”

123 On “name” as “reputation,” see CAD š/3 s.v. *šumu* 2d, and Sallaberger 1999: 85, 204.

124 *danqum*: AbB I 15, 52, 142; II 86, 89 (esp. for the distinction between “name” [*zikru*] and “reputation” [*šumum*] there); VII 165, 168; X 203; XI 84, 122, 128; XIII 64, 149; XIV 29, 204; perhaps XIV 108. On the value of a good name, note AbB XIV 144: “Since he lives in our town his name has never been mentioned in connection with a criminal act.”

125 *istēnum*: AbB VI 63.

126 <*šakānu*: AbB VII 176.

127 *tidū*: AbB III 22.

128 <*zakāru* (lit. a “called” name): AbB II 82, 138; III 22, twice; III 27, 77; III 50; X 1; see also Bagh. Mitt. 2 58 iii 20 (s.v. CAD š/3 *šumu* 2d) and 59 iv 25 (s.v. CAD R *rāmu* 1e) for “reputation.”

129 <*magāru*: AbB V 171 (quoted).

These concepts not only built social bonds positively, but their use as accusations indicated that they were often used to deter and punish unacceptable behavior, a form of sanction more common than violence. Most often, these principles were invoked in their breach, when reputations were tarnished rather than burnished.

We need not look far, because the letters commonly document the principles which made up a “good reputation” in the breach. The number and variety of expressions far outstrips the space available here, so we simply present a tasting menu from letters that speak for themselves:

**AbB I 115:** “You will make for yourself the name of a wrong-doer!”

**AbB IX 1:** “The fact that you speak in a deceitful way is an insult to me. People will say ‘Hadi-āmer-Šamaš has removed him from that office, even though he was trustworthy.’”<sup>130</sup>

**AbB IX 40:** “Apart from this behavior, I have been humiliated.”

**AbB XI 180:** “Concerning the letters that you sent to me, the man has uttered slander against me.”

**AbB XII 52:** “Is that the behavior of a gentleman?”

**AbB XII 71** (mocking): “What you have done is quite seemly!”

**AbB XII 115:** “Nanna-mansum the goldsmith, who used to measure the field for you, and whose statement was overheard by people who are no gentlemen ...”

**AbB XIV 18:** “You have treated me in such a way that I can no longer mention the reputation of my family (*šumi bīt abī*) in a meeting of my colleagues.”

**AbB XIV 29:** “Who are you, an idler since ten years, to besmirch our good reputation in our town?”<sup>131</sup>

**AbB XIV 152:** “I will impose on you a heavy penalty and humiliate you before those who are gentlemen.”

One could go on almost indefinitely in this vein, but the point is made.<sup>132</sup> Insults (*pištu*),<sup>133</sup> shaming (*>ba’āšu* B<sup>134</sup>), verbal abuse (*dububbu*<sup>135</sup> and *ṭupullu*<sup>136</sup>),

130 On “people” who talk, see also AbB IX 19, IX 156, XI 14, XII 78, XIV 176.

131 Likewise, AbB IX 147, someone’s name mentioned in a bad context.

132 See further Richardson 2022.

133 Insults: AbB VI 116; IX 1; X 207; XI 139.

134 AbB II 83; IV 152; XIV 73; see also OB letters under this term in CAD mng. 1b, and *buštu*, “embarrassment.”

135 AbB IX 2, 7, 50, etc.—the charge of “harassment” from *dabābu*, “to talk,” is ubiquitous.

136 AbB XI 139, 160; cf. VII 88.

humiliation (*ummuqu*),<sup>137</sup> slander (*karšu*),<sup>138</sup> disgrace (>*qalālu*),<sup>139</sup> disrespect (*ṭapultu*), street gossip (*pī sūqim*)<sup>140</sup>—these were the sanctions people were really worried about, outnumbering reports of violence by far. If we look for the sanctions that channeled social behavior in these letters, it comes from the expressed fears about social marginalization and ruined reputations.

This is not to argue that threats of exclusion and ostracism were inherently kinder or nicer forms of sanction than beatings and killings. Without an intact reputation, one could not survive in business, in court, or as a household. Pre-modern society did not afford the alternative to just pick up and move to another town and start again: one's "good name" could not be replaced. What was at risk in the matter of reputation were law cases, loans, marriage agreements, official appointments, property, housing, and food. The consequences of losing a good name were potentially as damaging as physical violence.

The burden of voiced concern rests squarely on the fear of public opinion. The idea corresponds to the well-analyzed concept of the "spiral of silence," in which a fear of social isolation plays a central role in producing conformity and institutionalization of consensus.<sup>141</sup> In Babylonia, the stakes of wholesale exclusion were high: they could produce a form of social death characterized by the much-dreaded "dispersal of the household"<sup>142</sup>—the dissolution of property, family, and history from which one never came back.

If there was an emic conception of violence in Middle Bronze Age Babylonia, it was that it was rare, unacceptable, and legally remediable. In contrast, the concept of social isolation was far more structuring: the possibility of a broken reputation was the wolf ever at the door, with no one to help you if you fell victim to it.

## Conclusion

As anyone who studies ancient societies knows, it is always difficult to put historical phenomena in some context of frequency or normativity: was a thing common or was it rare? Our sources are usually not well-suited to the fine-grained and quantitative social-science analyses that statistics permit for

137 AbB IX 49.

138 AbB IX 235; XIV 149.

139 AbB II 85; VII 88, 187<sup>2</sup>.

140 CAD s.v. *qātu* A v. 2b–1'.

141 The "spiral of silence" theory was first put forth about fifty years ago; for a critical review at its quarter-century mark, see Scheufle and Moy 2000.

142 E.g., AbB XII 99; XIV 29.

the modern world. What we *can* look at, however, are the patterns and distribution of certain topoi—in this case, violence vis-à-vis social isolation—and think about their frequency in relation to each other. If historians have trained the spotlight on violence so insistently without grounding its importance in any methodological way, we might have to wonder why we have remained so obsessed with the topic. A radical revision of its supposed central role in early state histories should affect the stories we tell.

The foregoing points have made the case that the presumption of violence as the fundamental ground against which the figures of ancient states and societies are to be drawn is a questionable premise. In fact, community violence was rare. A surprising result of this basic finding is that even after making a distinction between spectacular and “everyday” varieties, violence had a low profile even in texts such as royal inscriptions, which modern observers tend to assume featured it as a central, indispensable topos. Further, even state *claims* about violence are sharply at odds with practice, where again reputation played a larger role in resolving problems. The structural violence of households and communities underlay many forms of social and economic inequality. The relative textual invisibility of that violence suggests that its worst consequences had less to do with physical trauma and more to do with implied threats of expulsion and marginalization for the people in the precariat class: for women, for slaves, and for dependents, for whom membership in social units was always contingent on the permission of their masters. For excluded and low-status persons, the results of being “put out of doors” could be violence enough.<sup>143</sup>

Thus, there was nothing non-violent about the possible outcomes of community and household exclusion for people who lived in pre-modern state societies without safety nets and without a body politic made up of citizens with legal or human rights. Absent society-wide institutional guarantees of safety, housing, and food (guarantees which early states were better able to simulate than to perform), the prospect of being turned out of the house or thrown out of your city implied all the violence you needed to imagine in Babylonia ca. 2000 BC. In those communities, both the infrequency of any moral critique of private violence as well as the practice of social exclusion were discursively produced by *silence* rather than bragging, as we might expect for the exercise of state and community violence. If we see something like “an emic Mesopotamian theory of violence” it can first be built out from our own over-determination of *physical* violence as common for this society, and our

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143 See Richardson 2024b: esp. 182–3.

under-appreciation of community/household inclusion and exclusion as a form of social violence and mechanism of control.

Let us revisit the major elements touched on above: we see technological and infrastructural constraints which hindered the state's use of violence at scale or with frequency; the existence of critical social traditions capable of coding state violence with negative political value;<sup>144</sup> the concomitant reluctance of states to engage in violent practices, even their desire to distance themselves from responsibility for it; only limited and strategic uses of spectacular violence, shocking and effective because they were rare; the segregation of mass and to some extent imagined violence as something which happened in foreign lands; and a broad and chilling silence about structural violence in private life, and its weak policing in moral and legal terms. An emic theory of violence has to recognize the mutually buttressing and recursive effects of official ideology and civil-social discourse together: the braying of kings or the silence of the neighborhoods will not reveal the whole to us, only their productive interactivity in the wider discursive arena.

We posit that for early state societies, it was only the relative weakness of civil-social institutions which permitted equally weak states to *claim* as much control over violence as they did. And it was only the weakness of state controls, conversely, which enabled structural violence in households at the community level to operate virtually unregulated.

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144 See Gabriel 2018 and Richardson 2024a.

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