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The Law of Hammurabi and Its Audience

Kathryn E. Slanski*

Since its discovery and decipherment at the turn of the twentieth century, the inscription of the *Law Stele of Hammurabi*, popularly known as the Code of Hammurabi, has been one of the most important sources for study of ancient Near Eastern law. But the *Stele* is more than just the vehicle for its inscription: its text and imagery were designed, quite deliberately, to incorporate elements of performativity and memorialization that would have resonated in its Mesopotamian cultural setting. Through a never-ending cycle of performance and reception, the *Stele* publicized to its audience standards for justice while simultaneously preserving an enduring record of Hammurabi's commitment to just ways for the land.

The *Stele* is arguably the best known and most readily recognizable artifact from the ancient Near East—a status germane to this volume's discussion of the history of the public dimension of courts and their symbols. In *Representing Justice*,[1] Judith Resnik and Dennis Curtis trace the history of the visual representations of justice, explaining how the representations—and the courts in which they appear—help shape the dimension of the court as a setting for the execution of justice. By making a persuasive art-historical case for beginning their study with our earliest civilizations, they demonstrate the cross-cultural, cross-temporal *universality* of some persistently compelling themes, such as the image of the scales, a judicial motif attested in both ancient Mesopotamia and ancient Egypt.[2] Picked up as well in ancient Greece, the scales are hefted aloft in the hands of embodied goddesses, who in the seventeenth century C.E. acquired a blindfold, so as to be able to judge a case without prejudice. As Resnik and Curtis show, it is the Greco-Roman image of the blind female holding the scales, filtered through the Renaissance, that

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1. JUDITH RESNIK & DENNIS CURTIS, REPRESENTING JUSTICE: INVENTION, CONTROVERSY, AND RIGHTS IN CITY-STATES AND DEMOCRATIC COURTROOMS (2011).

2. *See* Figures 1 & 2.

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emerged as the dominant visual icon for justice in the West.[3] But our tradition of justice also has roots in the ancient Near East, mediated primarily through the Bible. This tradition emphasizes a divine origin for

Figure 1. *Mesopotamian Scales*, Akkadian period, circa 2350-2100 B.C.E., from *Gods, Demons, and Symbols of Ancient Mesopotamia: An Illustrated Dictionary.*

Copyright: University of Texas Press and the Trustees of the British Museum, 1992.

justice, and a divine mandate charging rulers—the state—with the obligation to execute and maintain lasting just ways for their people.

Through an integrated reading of the visual imagery and inscribed text of the *Law Stele of Hammurabi*, this Essay will make a case for the *public* dimension of the Mesopotamian state's commitment to justice. The Essay will proceed in two parts. Part I will provide a brief overview of the sources for understanding law and justice in ancient Mesopotamia. While cuneiform tablets reveal much about legal procedure and suggest that trials took place in public, they do not provide a detailed description of the physical setting of the trials, nor do they illuminate the iconography of justice in ancient Mesopotamia. Part II then turns to a detailed explication of Hammurabi's *Stele*, explicating its monumental character, visual imagery, and the explicitly public dimension of its inscription.

I. SOURCES FOR LAW AND JUSTICE IN ANCIENT MESOPOTAMIA

Literally thousands of clay tablets documenting legal transactions have survived from ancient Mesopotamia. These tablets, inscribed with cuneiform writing, inform us about private and state legal activity over more than two and one-half millennia, from land sale contracts dating to as early as the twenty-seventh century B.C.E.[4] to various contracts

3. RESNIK & CURTIS, *supra* hote 1, at 1-17.

4. *See* Claus Wilcke, *Mesopotamia: Early Dynastic and Sargonic Periods*, *in* 1 A HISTORY OF ANCIENT NEAR EASTERN LAW 141, 167 (Raymond Westbrook ed., 2003).

executed as late as the first century B.C.E.[5] Less common than legal documents, judicial proceedings similarly were recorded on clay tablets. While specific procedures varied by era and locale, we can sketch the general shape of juridical procedures. By and large, an assembly of townspeople or elders heard local disputes. There were no professional lawyers and litigating parties represented themselves. "In cases of criminal activity or when larger community interests were involved, local, royal, or even temple officials might be invited to serve with members of the assembly . . . . [And] [t]here seems to have been a general practice of inviting the associates or colleagues of the parties to be present."[6] To ensure fairness, judges presided in groups of three to six, and were "leading members of the community who knew its standards of justice," and "whose judgment would be . . . respected by litigating parties."[7] Local courts handled matters of property, but offenses involving loss of life or meriting capital punishment would be heard by royal judges appointed by the king or by the king himself. Complaints of judicial malfeasance similarly were referred to the king, underscoring the gravity of such offences according to Mesopotamian standards of justice. We may note here that penalties for making a false accusation, for bearing false witness, and for a judge to reverse his decision constitute the very first five "laws" in Hammurabi's *Law Stele* inscription.[8]

Some trials were heard before a gate of the city—presumably one of the large gates in the city wall that served not only as a defense against intruders but also as a physical marker separating the conceptual order of the city within from the unordered wilderness without. Procedures also took place at temples. Some trial transcripts report that participants, typically plaintiffs, sometimes together with witnesses, went to the temple where they swore oaths on divine symbols that were housed there.[9] In inconclusive capital cases, the judges might order the participants to the bank of a deified river, usually the Euphrates, where they had to jump or were thrown into the water so that the river divinity could determine their innocence or guilt; survivors were declared innocent, while the not-so-fortunate were deemed to have been judged and duly punished.[10] And as

5. *See* Joachim Oelsner, Bruce Wells & Cornelia Wunsch, *Mesopotamia: Neo-Babylonian Period*, *in* 2 A HISTORY OF ANCIENT NEAR EASTERN LAW 911, 944 (Raymond Westbrook ed., 2003).

6. Samuel Greengus, *Legal and Social Institutions of Ancient Mesopotamia*, *in* CIVILIZATIONS OF THE ANCIENT NEAR EAST 469, 472 (Jack Sasson ed., 1995).

7. *Id.*

8. MARTHA T. ROTH, LAW COLLECTIONS FROM MESOPOTAMIA AND ASIA MINOR, 6 SOCIETY OF BIBLICAL LITERATURE: WRITINGS FROM THE ANCIENT WORLD 81-82 (2d ed. 1997).

9. Greengus, *supra* note 6, at 473-74; Kathryn E. Slanski, *Representation of the Divine on the Babylonian Entitlement Monuments (*Kudurrus*)*, 50 ARCHIV FÜR ORIENTFORSCHUNG 308 (2005).

10. The only significant study of the Mesopotamian River Ordeal remains the unpublished dissertation of Tikva Simone Frymer-Kensky, The Judicial Ordeal in the Ancient Near East (1977)

the king was regarded as the highest judge in the land, to whom, as already mentioned, capital cases and legal appeals were referred, it is likely that some legal processes took place in the palace.

While of great value for illuminating legal procedure, Mesopotamian legal documents on clay tablets tell us little about the appearance of the

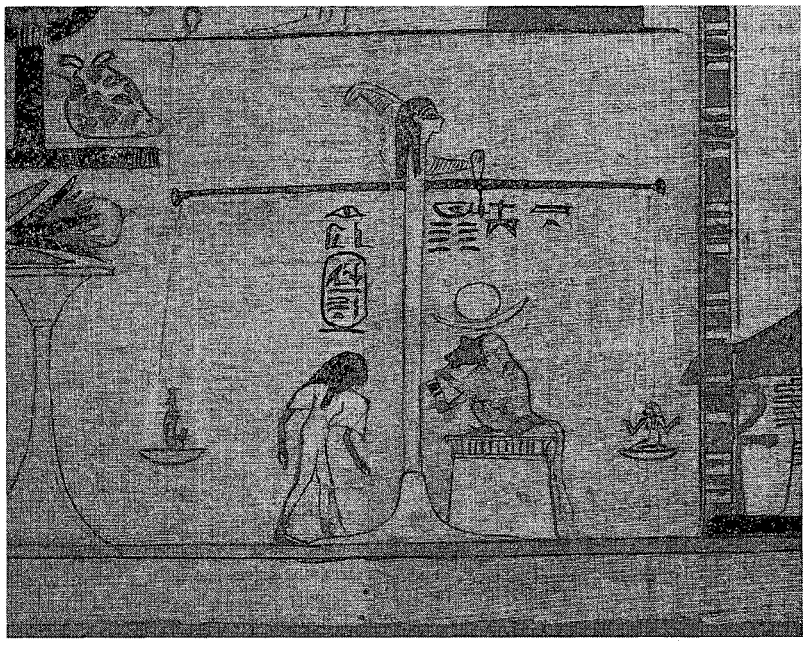

Figure 2. Maat detail, Papyrus Nodjnet, *Book of the Dead*, circa 1300 B.C.E.

Copyright: The Trustees of the British Museum.

proceedings' setting. They indicate certainly that legal procedures took place in public spaces, before a city gate, within a temple, even, perhaps, in public portions of the palace. Moreover, the practice of the town assembly or elders sitting to hear a case along with the wide inclusion of witnesses also suggests the intention of conducting judicial procedures in the public sphere. Nonetheless, this public sphere was one without the solid architecture of courtrooms, single-use facilities dedicated to the execution of justice, which accrued visual and architectural markers signaling continuity of judicial tradition and raising the judicial discourse from the everyday to the iconic. To pursue the iconic dimension of justice in Mesopotamia, we need to turn from the genre of legal documents to the

(unpublished Ph.D. dissertation, Yale University) (on file with Department of Near Eastern Languages and Literatures, Yale University). Some of Frymer-Kensky's important conclusions can be found in her article, *Suprarational Legal Procedures in Elam and Nuzi*, *in* 1 STUDIES ON THE CIVILIZATION AND CULTURE OF NUZI AND THE HURRIANS 115, 122-25 (M. Morrison & D.L. Owen eds., 1981).

genre of royal monuments.

II. THE *LAW STELE OF HAMMURABI*

The *Law Stele of Hammurabi*[11] is not the earliest law collection from ancient Mesopotamia, but without doubt, it is the most famous.[12] The inscription is partnered by a compelling sculpture in low relief that

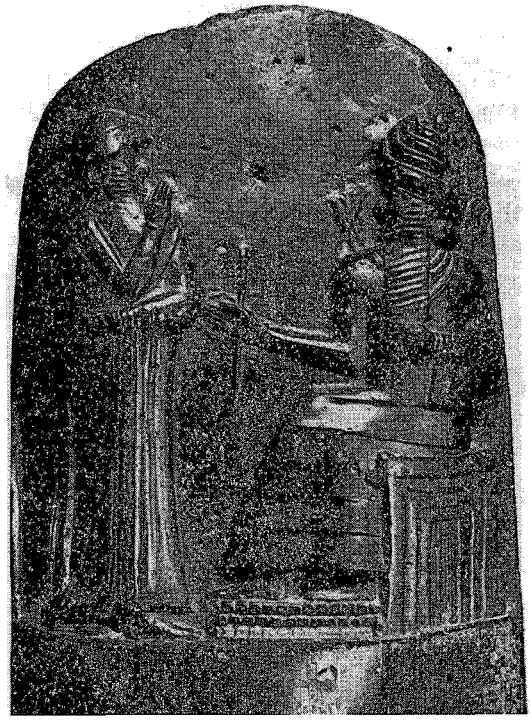

Figure 3. Law Code of Hammurabi, king of Babylon, 1792-1750 B.C.E., Susa, Iran.

Photographic copyright by RMN, Musée du Louvre.

crowns the two-meter high stone monument. Of the several cuneiform law collections known to us, Hammurabi's is the longest and most developed,

11. Figure 3.

12. Known law collections that precede Hammurabi's *Stele* are the Laws of Ur-Namma (ca. 2100 B.C.E.), the Laws of Lipit-Ishtar (ca. 1930 B.C.E.), and the Laws of Eshnunna (ca. 1770 B.C.E.). Hammurabi's Laws are followed by the Middle Assyrian Laws (c. 1076 B.C.E.) and the Neo-Babylonian Laws (ca. 700 B.C.E.). From Anatolia, we have the comparable Hittite Laws, first written down around 1650 to 1500 B.C.E.. For translations and some commentary, see ROTH, *supra* note 8. For an important new manuscript of the Laws of Ur-Namma, see Miguel Civil, *The Law Collection of Ur-Namma*, *in* CUNEIFORM ROYAL INSCRIPTIONS AND RELATED TEXTS IN THE SCHØYEN COLLECTION 221 (2011). For a discussion of ancient Near Eastern law collections, see Raymond Westbrook, *Biblical and Cuneiform Law Codes*, in 1 LAW FROM THE TIGRIS TO THE TIBER: THE WRITINGS OF RAYMOND WESTBROOK 3 (Bruce Wells & F. Rachel Magdalene eds., 2009).

and the only one that survives as an integral component of a royal monument whose overall sculptural and textual program can be studied (the others survive as later copies on clay tablets or cylinders).

It is important to try to appreciate how the intended audience would have responded to the elements that composed the *Stele*. These include: the very long text, written in high register of language and carved in archaizing cuneiform; the positionally prominent visual imagery at the top of the *Stele*, and the weight lent to these verbal and visual communications by the material of the *Stele* itself: a single very large piece of rare, hard stone.[13] Moreover, the *Stele* was most likely erected in a temple, spatially marked as sacred and thus physically and notionally separated from day-to-day mundane activity. All these elements, considered separately and in combination, must be understood to have created a lasting and momentous impression on the *Stele*'s audience in its original cultural context.

This Essay proposes that Hammurabi, or whoever designed the *Stele* in his name, incorporated tacit instructions to that audience for how the monument was intended to carve out a space, arguably a public space, for the contemplation of justice, even—and especially—after Hammurabi's death. As such, the monument was composed with the aim of providing citizen petitioners with a lasting *public* resource for obtaining justice and, simultaneously, of providing Hammurabi with an enduring memorial to his rule as a divinely sanctioned righteous king. The remainder of this Essay considers the interrelated verbal and visual elements of the *Stele* that signal its intended function and reception, and illuminate Mesopotamian conceptions of justice found at the intersection of royal power and prerogative and the legal process.

A. Biography of the Stele

The almost-complete *Stele*, housed today in the Louvre, stands two-and-a-quarter meters tall and some seventy centimeters wide. The Louvre *Stele* was most likely originally erected in the Esagila, the temple of the god Marduk in the city of Babylon, or possibly in the Ebabbar, temple of the god Shamash in the city of Sippar, modern Abu-Habbah, southwest of Baghdad. A French expedition discovered Hammurabi's *Stele* in excavations undertaken in 1901 or 1902, not in Babylonia but in Susa, the capital city of Elam, a rival power to the east.[14] In the twelfth century, an

13. For stone monuments as explicitly royal prerogative, see KATHRYN E. SLANSKI, THE BABYLONIAN ENTITLEMENT *NARUS* (*KUDURRUS*): A STUDY IN THEIR FORM AND FUNCTION 237-45 (2003).

14. Susa, modern Shush, is located in the Khuzestan province of modern Iran, in the lower Zagros Mountains, some 250 kilometers east of the Tigris.

Elamite raiding party plundered several cities in northern Babylonia, and the Elamite king carried home and erected in his god's temple Hammurabi's *Stele* together with a number of other Babylonian trophy monuments. Additional stone fragments found at Susa suggest that there were two, possibly even three such law *Stelae* of Hammurabi, presumably originally set up in other cities throughout his realm.

Hammurabi ruled as king of Babylonia from around 1792 to around 1750 B.C.E. His reign is distinguished for political consolidation of territories neighboring his city-state of Babylon, which he brought under control through a combination of successful military engagements and the calculated making and breaking of diplomatic treaties.[15] Historically, his kingship marks the end of a centuries-long pattern of rival city-states, and the beginning of a kingdom in southern Mesopotamia that will be known as Babylonia, after its capital city of Babylon, which would last down to the conquest of Cyrus in 539 B.C.E. and the end of indigenous Mesopotamian rule.

There is strong evidence that Hammurabi was personally and intensively invested in the adjudication of legal disputes throughout his realm. He conducted extensive correspondence with officials and judges throughout his kingdom, keeping informed and offering opinions on a wide range of judicial proceedings, at times ratifying and at times questioning decisions by "lower" judges. Many of these letters from the king, including a few housed at Yale University, have survived, suggesting that actual law cases and judgments executed during Hammurabi's reign, together with theoretically driven expansions of such cases, may have been one of the primary sources for the legal decisions assembled and inscribed on his monumental *Stele*. Thus, while not a law "code" in the sense of prescribing laws, the decisions collected and preserved on the *Stele* do represent the legal rules and prescriptions established by a sovereign authority. Although very few actual trial records refer to the *Stele*, the consensus among scholars is that the decisions inscribed "do not conflict with legal practice as evidenced in actual contracts from everyday life."[16]

For centuries, the inscription was copied out and studied by students

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15. For an excellent overview of Mesopotamian history, see MARC VAN DE MIEROOP, A HISTORY OF THE ANCIENT NEAR EAST CA. 3000-323 BC (2007); for the growth and consolidation of Babylonia under Hammurabi's dynasty, see *id.* at 85-105, 106-19. There are three recent book-length studies devoted to Hammurabi: DOMINIQUE CHARPIN, HAMMURABI DE BABYLONE (2003); HORST KLENGEL, KÖNIG HAMMURAPI UND DER ALLTAG BABYLONS (1999); and MARC VAN DE MIEROOP, KING HAMMURABI OF BABYLON (2005).

16. Greengus, *supra* note 6, at 472; *see also* Raymond Westbrook, *Cuneiform Law Codes and the Origins of Legislation*, *in* 1 LAW FROM THE TIGRIS TO THE TIBER: THE WRITINGS OF RAYMOND WESTBROOK, *supra* note 12, at 73 (arguing that the cuneiform law codes were descriptive rather than prescriptive).

learning to read and write, and excerpts of the inscription have been found in cities throughout Mesopotamia, some dated to as many as a thousand years after Hammurabi reigned.[17] In this way, the legal decisions recorded on the *Stele* can also be said to have been "published" throughout the land. More importantly, the *Stele*'s inscription would have played a role in the intellectual and ideological formation of generations of educated Babylonians, notably those who, having completed the requisite training in reading and writing, were likely to have become office holders, magistrates, and judges.[18]

B. The Inscription

The *Stele*'s inscription is one of the longest continuous cuneiform inscriptions of any genre from the ancient Near East. Assyriologists traditionally divide it into three sections. The first is known as the Prologue, and is composed in a high poetic register of Babylonian. The Prologue is concerned with the past, describing Hammurabi's military conquests and pious building projects and his consequent selection by the gods to be king and to bring justice to the land.

A middle section, written in prose, follows the Prologue and recounts between 275 and 300 "laws" or decisions.[19] These are all written according to the same formula: if a man does x, then y shall be done to him. The "laws" are organized according to subject, roughly as follows:

§§ 1-5 false testimony

§§ 6-25 theft

§§ 26-41 labor on state-owned land

§§ 127-194 family law

§§ 195-214 assault and battery[20]

As noted above, the very first "laws" deal with false or unsubstantiated accusation or testimony:

> § 1 If a man has accused another man and charges him with homicide but cannot bring proof against him, his accuser

17. ROTH, *supra* note 8, at 74.

18. For a consideration of the role of the scribal curriculum and royal monuments in shaping and spreading royal ideology in Mesopotamia, including specifically the *Law Stele* of Hammurabi, see Piotr Michalowski, *Early Mesopotamian Communicative Systems: Art, Literature and Writing*, *in* INVESTIGATING ARTISTIC ENVIRONMENTS IN THE ANCIENT NEAR EAST 53, 62-65 (Ann Gunter ed., 1990). *See also* Jerrold S. Cooper, *Paradigm and Propaganda: The Dynasty of Akkade in the 21st Century BC*, *in* AKKAD, THE FIRST WORLD EMPIRE. STRUCTURE, IDEOLOGY, TRADITIONS 11 (Mario Liverani ed., 1993).

19. For a summary of the history of the editing of the inscription and challenges to restoring the inscription in full, see ROTH, *supra* note 8, at 73-76.

20. *See id.* at 81-123.

shall be killed.

§ 2 If a man has charged another man with witchcraft but cannot bring proof against him, he who is charged with witchcraft shall go to the divine River Ordeal . . .

§ 3 If a man has come forward to give false testimony in a case but did not bring evidence for his accusation, if that case is a capital offense, that man shall be killed.[21]

The "laws" that are probably the best known are those that seem to offer strong parallels to the Biblical precepts of justice, and are held up as exemplifying the principle of retributive justice, for example:

§ 196 If a freeman has blinded the eye of another freeman, his eye shall be blinded.

§ 197 If he has broken the bone of another freeman, his bone shall be broken.

§ 198 If he has blinded the eye of a dependent or broken the bone of a dependent, he shall pay sixty shekels of silver.

§ 199 If he has blinded the eye of a slave of a freeman, or broken the bone of a slave of freeman, he shall pay one-half his value in silver.[22]

It is this section that generally receives the most attention from legal and Biblical scholarship interested in ancient legal codes and covenants.[23] Compare the Book of Exodus, 21:22: "If any harm follows, then you shall give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe."[24]

This Essay addresses principally the third section, the Epilogue.[25] The Epilogue, is, like the Prologue, written in poetry. It is concerned with the future, specifically the status of the *Stele* in the future, the immutability of its inscription and sculpture, and how future kings who honor the *Stele* will, in turn, be blessed with long and prosperous reigns. Following an examination of the relief sculpture atop the *Stele*, close reading of passages from the Epilogue will illuminate the performative dimension of the monument.

C. The Relief Sculpture

The sculpted relief depicts Shamash, the Mesopotamian sun god, seated

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21. Translations are author's own and follow *id.* at 81-82.

22. Translations are author's own and follow *id.* at 121.

23. See, for example, the essays recently collected in 1 LAW FROM THE TIGRIS TO THE TIBER: THE WRITINGS OF RAYMOND WESTBROOK, *supra* note 12.

24. *Exodus* 21:22 (Revised Standard Version).

25. Code of Hammurabi xlvii.1-li.91, *translated in* ROTH, *supra* note 8, at 133-40.

facing left, and king Hammurabi, who, standing, faces right.[26] Shamash is identified as a divinity by the stylized horned crown he wears and as the sun god by the wavy-line "rays" emanating from his shoulders and the surface detail of his footstool evoking mountainous terrain—the eastern and western locales of his rising and setting. As sun god, Shamash is the Mesopotamian deity of light and illumination, and by logical extension, the god of justice who illuminates the true situation. In addition to "rays," his frequent attribute is a saw, with which he opens the mountains at daybreak and sunset and with which he separates truth from falsehood. Here, instead, he extends or displays to Hammurabi the so-called "Rod and Ring," which occupies the center of the visual field.

Opposite the god, Hammurabi is marked by his headgear as king. Mesopotamian art typically displays the propitious right side in order to exhibit physical perfection, often, as here, with the right shoulder bared; this detail together with the emphatic depiction of the beard emphasize physical strength and masculinity.[27] Hammurabi stands, of course, in the presence of the god, who is seated on a throne stylized to evoke the façade of a temple. Their difference in height also visually encodes their hierarchical relationship. And, if these facets of the design were too subtle, the king is depicted unambiguously performing a ritual gesture of "touching the nose" to demonstrate his humility before the god.

The "Rod and Ring" mediating visually the space between the two figures is an icon used for almost two thousand years in Babylonia, Assyria, and Elam. It originates in the Mesopotamian concept of justice as "something made straight" and represents surveyor's tools: a stake and line used for setting straight architectural foundations.[28] What is important here is not so much the emblem in and of itself, but the entire composition: the god of justice is displaying to the pious king the tools for laying just foundations, an image that complements Hammurabi's claim in the Prologue to have "been called by the gods to establish just ways in the land."[29]

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26. Figure 3.

27. *See* Irene J. Winter, *Sex, Rhetoric, and the Public Monument: The Alluring Body of Naram-Sîn of Agade*, *in* SEXUALITY IN ANCIENT ART: NEAR EAST, EGYPT, GREECE, AND ITALY 11, 12-13 (Natalie Boymel Kampen ed., 1996).

28. Kathryn E. Slanski, *The Mesopotamian "Rod and Ring": Icon of Righteous Kingship and Balance of Power between Palace and Temple*, *in* REGIME CHANGE IN THE ANCIENT NEAR EAST AND EGYPT: FROM SARGON OR AGADE TO SADDAM HUSSEIN, 36 PROCEEDINGS OF THE BRITISH ACADEMY 37, 45, 49 (Harriet Crawford ed., 2007); *see also* Eleanor Robson, *Gendered Literacy and Numeracy in the Sumerian Literary Corpus*, *in* ANALYSING LITERARY SUMERIAN: CORPUS-BASED APPROACHES 215, 246-47 (G. Cunningham & J. Ebeling eds., 2007).

29. Translation is author's own. *See* Code of Hammurabi v.14-24, *translated in* ROTH, *supra* note 8, at 80-81.

III. THE PERFORMATIVE QUALITY OF THE *STELE*

It is critical to keep in mind that in Mesopotamia, three-dimensional images, even those sculpted in relief such as the one crowning Hammurabi's *Stele*, could constitute not simply *representations* but rather *manifestations* of the deities and persons depicted.[30] This is the same theology that underlies Biblical prohibitions *against* the worship of images.[31] For a Mesopotamian audience, each time such an image is viewed, it is as if the scene depicted is being *performed*, theoretically indefinitely, or as long as the image survives and has an audience. The performative quality of an image in Mesopotamia is key to understanding how Hammurabi's *Stele* was intended to generate an unambiguously public space within which its inscription was to be read and its sculpture viewed.

I have mentioned already the historically attested longevity and popularity of the inscription, and the "fame" of the monument, even as an enemy's captured trophy, but my interest here is to show how the monument was intended to function in its original setting. The *Stele*'s designer composed the text and sculpture of the monument with an intended audience in mind, an audience that is identified in the third section of the inscription, the Epilogue.

In the voice of Hammurabi, the Epilogue summarizes Hammurabi's purpose in erecting the monument:

> In order that the mighty not wrong the weak, to provide just ways for the orphan and the widow, I have inscribed my precious pronouncements upon my stele and set [them] before my image, the just king, in the city of Babylon . . . . By the order of [the god] Marduk, my lord, may my engraved design not be confronted by someone who would remove it. May my name always be remembered faithfully in the Esagil temple which I love.[32]

The very act of reciting a name is at the heart of ancient Near Eastern funerary rituals and the rituals for the dead.[33] Speaking the name was

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30. *See* Thorkild Jacobsen, *The Graven Image*, *in* ANCIENT ISRAELITE RELIGION: ESSAYS IN HONOR OF FRANK MOORE CROSS 15, 16 (Patrick D. Miller et al. eds., 1987). For the same performative power of divine images, applied as well to royal images, see Irene J. Winter, *Idols of the King*, J. RITUAL STUD. 13 (1992). For an application of contemporary semiotic theory to the Mesopotamian concept of images, see ZAINAB BAHRANI, THE GRAVEN IMAGE: REPRESENTATION IN BABYLONIA AND ASSYRIA 121-48 (2003). For the application of the term *tsalmu* (image) to relief sculptures as well as to sculptures in the round, see Slanski, *Representation of the Divine on the Babylonian Entitlement Monuments (*Kudurrus*)*, *supra* note 9.

31. Jacobsen, *supra* note 30, at 15.

32. Code of Hammurabi xlvii.59-xlviii.2. Passages quoted are the author's own translation and follow ROTH, *supra* note 8, at 133-34.

33. For an introduction to rituals and belief concerning the dead, see Jo Ann Scurlock, *Death and Afterlife in Ancient Mesopotamian Thought*, *in* 3 CIVILIZATIONS OF THE ANCIENT NEAR EAST, supra note 6, at 1883-93.

believed to ensure the continued existence of the deceased, albeit in the shadowy realms of the netherworld. It was the responsibility of the descendants of the deceased to ensure that the name was spoken and not forgotten. As long as the name was spoken—and, in some cases, as long as an image of the deceased was viewed[34]—the dead would continue to exist. Moreover, the more the rituals were performed, the better quality of afterlife the deceased would enjoy. Here, the inscription calls not upon a living relation of Hammurabi to remember his name, but instead addresses explicitly the intended audience of the monument:

> Let any man who has a lawsuit come before my image, the just king, and have my words read out loud; let him hear my precious words, let my monument reveal to him the case. Let him see his judgment, let his heart become soothed [reciting the following short prayer]:
>
> *"Hammurabi, lord, who is like a father and begetter to his people, submitted himself to the command of (the god) Marduk, his lord, and achieved victory everywhere. He gladdened the heart of Marduk, his lord, and he secured the eternal well-being of the people and provided just ways for the land."*[35]

Thus, in the voice of Hammurabi, the *Stele* has invited "any man who has a lawsuit" to come into the presence *specifically* of Hammurabi's sculpted image. Even if the man could not read the cuneiform inscription for himself, provision is made for having someone to read Hammurabi's words out loud.[36] Literate or not, the man with the lawsuit—the intended audience of the *Stele*—is called to view the performative image of Hammurabi, just king, as he stands, marked by his piety, having been received into the presence of the god Shamash, who holds before him emblems of justice. While viewing Hammurabi's visual manifestation, the man with the lawsuit is to invoke simultaneously Hammurabi's memory verbally through a real-time utterance of Hammurabi's name in the short prayer cited above.[37]

Were Hammurabi a private person, the act of viewing his image and reciting his name might have been sufficient to ensure his memory and his

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34. For a famous illustration, see the Epic of Gilgamesh, when Gilgamesh promises to his dying companion, Enkidu, to have goldsmiths fashion "your image of gold beyond measure." THE EPIC OF GILGAMESH 54 (Benjamin R. Foster ed., 2001) (quoting Tablet 7, 48).

35. Code of Hammurabi xlviii.3-38. Translation is author's own and follows ROTH, *supra* note 8, at 134-35. In the original Babylonian, the lines rendered here in italics are marked as direct speech to be spoken out loud.

36. For a recent evaluation of the complexity of measuring literacy in ancient Mesopotamia, and the arguments against very restricted literacy in the second millennium, see DOMINIQUE CHARPIN, READING AND WRITING IN BABYLON 53-67 (Jane Marie Todd trans., 2010).

37. For an additional discussion of the inter-relationship between the inscription and the relief sculpture, see Slanski, *The Mesopotamian "Rod and Ring," supra* note 28, at 52-54.

existence in the netherworld. But Hammurabi was a king, in which role he also promulgated justice on behalf of the state. Thus, the *Stele*'s intended audience included more than just a man with a lawsuit:

> Any king that might appear in the land at any time in the future, may he guard the pronouncements of justice that I inscribed upon my monument. May he not change the judgment of the land that I judged, the decision of the land that I decided. May he not remove my image . . . . Hammurabi, the just king to whom the god Shamash granted truth, am I . . . . If the aforementioned man [i.e., a future king] should heed my words that I inscribed upon my monument, [if] he should not overturn my decisions, . . . [if] he should not change my words, [if] he should not damage my design—that man, like me, is a just king. May Shamash lengthen his reign! May he shepherd his people in justice![38]

Hammurabi hereby also appeals to the agent most capable of preserving his *Law Stele*, complete with its image and words—a future king. And much in the same way that Hammurabi offers justice to the man with the lawsuit in exchange for propitiation of his memory, Hammurabi, in a royal intercessory from beyond the grave, offers a future king his blessings for a long and just reign in exchange for maintaining and honoring his words and image. In this way, Hammurabi draws upon the very institution of kingship to ensure his active memorialization, reflexively extending to that institution the prestige of his highly successful reign and judiciary achievements.

CONCLUSION

Through an integrated reading of the performative features of the Epilogue and imagery of the *Law Stele of Hammurabi*, this Essay has argued that the *Law Stele of Hammurabi* was intended to carve out an enduring public space for the contemplation of justice. That public space, dominated by Hammurabi's monumental *Stele*, served simultaneously as the setting for both the verbal and visual perpetuation of Hammurabi's memory, as guided by the text and relief sculpture of the *Stele*. Does Hammurabi's *Stele* offer us a hint of proto-democracy through its constructing of a public sphere and audience? No. But its inscription and image suggest that, in the view of the king, there was a necessary and vital relationship between the king's divinely mandated obligation to provide just ways for his people and the opportunity of his people to have access to the written and public account of what constituted those just

38. Code of Hammurabi xlviii.59-xlix.17. Translation is author's own and follows ROTH, *supra* note 8, at 135-36.

ways. Moreover, by tying the preservation and immutability of Hammurabi's just ways to the concrete means of benefiting the "man with a lawsuit" as well as future kings, Hammurabi ensured the survival and continued evocation of his memory as a just king—indeed, even to our present day.