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AMNESTY AND REFORM TEXTS

Amnesty and reform texts were edicts decreed by a king that intervened in economy and society, invalidating loans, pledges, and sales; canceling debts; and issuing behavioral instructions to government officials. They were dated to a specific time at which point their provisions would come into effect.

Mesopotamia. Amnesty and reform edicts were first issued in the third millennium B.C.E. They aimed to create social peace and curb the abuses and corruption of officials. Over time, the edicts became more focused on debt release and economic issues. Certain edicts specified that they were to apply only to citizens or to certain cities, while others were to apply to the population more broadly.

Early dynastic period. Enmetana, ruler of Lagash (early twenty-fourth century B.C.E.), issued an edict against social inequality, the earliest one extant (RIME 1: E.1.9.5.5). The words of the inscription, "he established the liberation of Lagash and restored mother to child and child to mother," indicate that he released those who were either taken as payment for debt or distressed to force payment. The text uses the term ama.rgi4, a Sumerian term originally meaning "to return to the mother." Here it becomes a technical term for "liberation, restoration to the original state."

Urukagina (or Uruiningina or Irikagina), ruler of Lagash in the mid-twenty-fourth century B.C.E., issued a reform decreeing a general amnesty, and declared himself as the righter of social wrongs and the defender of the weak (RIME 1: E.1.9.9.4–3). The inscription recounts that the common citizen was being abused by officials and priests who were demanding exorbitant fees, even for funerals. Officials and priests were appropriating improper charges, goods, and workers. Urukagina therefore regulated payments for certain services, and ordered that payment be accepted in kind instead of in silver. Certain taxes, for divorce or betrothal, were abolished. He forbade public officials from seeking extra compensation for their services from citizens. He released from prison all categories of offenders, debtors, thieves of various degrees, and killers (Steinkeller, 1991). He clarified that specific gods held ownership of specific property, not the king or queen. He regulated the behavior of women toward men. One version of the decree concludes that Urukagina made a covenant with the god Ningirsu promising that he would protect the orphan and widow from the powerful. This reference to a covenant between a god and ruler is sui generis. Different professional and social groupings are mentioned, but it is not clear how they should be understood. Interestingly, there is no mention of slaves: that status was certainly in existence, but perhaps the number of slaves was not economically significant (Kuhrt, 1995).

It is debated whether Urukagina’s reform was decreed at the beginning of his reign (Edzard, 1974; Finkelstein, 1965; Hruška, 1973; 1974; Kraus, 1987; Lambert, 1956). The decree recounts prior abuses, and this might indicate the motivation for the reform. Urukagina was not the son of the previous king and may have been a usurper. He may have taken the throne out of dissatisfaction with the earlier abuses or issued his decree to curry support for his accession to the throne. Some doubt has been cast on whether this reform actually took place.

Gudea, king of Lagash (twenty-second century B.C.E.), issued a reform restoring social peace and concord in society. According to two Hymns to Ningirsu, among the results of Gudea’s reform were that parents and children no longer argued and that masters no longer beat their servants (Kramer, 1989). The reform also protected the orphans and the widow from the rich and the powerful, and the reform established that a daughter could serve as the heir to a household lacking a male heir.

Ur III. A reform by the king Shulgi (r. 2094–2047 B.C.E.), recorded in hymns ascribed to him, was aimed at
protecting the weak from the powerful and at promoting concord within families (Kramer, 1989). The king apparently could also pardon those convicted of capital offenses. However, the single text that refers to this does not give any indication of what the offense was (Roth, 1984).

Old Babylonian period. The king was able to issue reforms through decreeing an act of misharum ("equity"). The term for freedom from slavery was andurarrum ("restoration [to a previous status]"); the equivalent of the Sumerian term ana.r.gi4 (Bar-Maoz, 1980; Charpin, 1987). There are three examples of a misharum edict known from the Old Babylonian period, the Edict of Samsuiluna (r. 1749-1712 B.C.E.), the Edict of Ammuditana (r. 1683-1647 B.C.E.), and the Edict of Ammišaduqa (r. 1647-1626 B.C.E.) (Ancient Near Eastern Texts 526–528; COS 2.334:362–364; Kraus, 1958; 1987).

By means of these decrees, kings could regulate the economy by adjusting the prices of commodities. Their decrees also canceled taxes and debts owed to the monarchy and to private creditors (Finkelstein, 1965; Kraus, 1987), including persons and property pledged, commandeered, and/or enslaved because of debt. The decrees could apply to an entire country or just to specific cities. They were generally issued at the start of a reign, but were also issued at later intervals during a king’s reign, whether regularly or irregularly (Finkelstein, 1965; Konorózcy, 1982; Olivier, 1984). Since a king was responsible to the gods for establishing and ensuring justice, issuing such edicts would assure the legitimacy of his reign, especially at the start of his rule. It is unclear why edicts were issued later in a king’s reign. It may be that as socioeconomic imbalances were building up in a society, discontent had to be relieved by the cancellation of debts (Bottéro, 1961). However, it may likely be that kings issued such decrees from time to time as part of their mandate to ensure justice (Veenhof, 1997).

The Edict of Ammišaduqa draws a distinction between those transactions that could be annulled and those that could not: loans at interest could be annulled, whereas credit advanced in business transactions (e.g., goods given as merchandise for a commercial journey or for a joint enterprise) could not, even if the composition of the goods (barley or silver) was the same (pars. 4 and 8). However, if a contract concerning a business advance contained a provision imposing interest after default, this edict voided that provision while the debt for the advance remained in force (provision 9). Other edicts did not make a distinction between loans made at interest and commercial advances, and all debts and all enslavements based on debt were canceled (Jursa, 1997).

The release from debt and slavery was restricted to citizens. Furthermore, if a sale due to debt was made at the full price, rather than a lower price due to distress, an act of misharum could not void the sale, and the slave or property remained with the purchaser (Hallo, 1995; Westbrook, 2001). The Laws of Hammurapi (LH) §117 provided for the release of debt slaves after three years of service, but the Edict of Samsuiluna (pars. 20–21) voided that automatic release (if LH §117 was ever put into practice) soon after the death of Hammurapi. It may be surmised that the automatic release discouraged the extension of credit (Hallo, 1995).

Many contracts contain provisions that specify that the transaction took place after the effective date of a decree or that the transaction is not covered by a decree. One text indicates that teams of judges and official commissioners would examine private contracts to verify whether the transaction was affected by an edict or not.

Scholars have debated the relationship between the reform decrees and the law collections. Finkelstein argues that there was some relationship between the two genres because an edict was to have a permanent effect on certain economic circumstances, even though in general an edict effectively remitted certain economic obligations for only a limited time (Finkelstein, 1961). Furthermore, the beginning of the Laws of Eshnunna contains provisions about economic matters set out in apodictic style, a style thought typical of a reform decree. There are also statutes in Laws of Hammurapi that appear to be economic reforms of a more permanent nature, even if Laws of Hammurapi was compiled very late in Hammurapi’s reign, long after the point in a ruler’s reign when
reform edicts were usually decreed. Finkelstein surmises that Hammurapi's reform was not announced through an official text and that only some time later a text including all the provisions was written up. Eventually, a law collection was issued mainly as a royal apologia, making clear to the gods, the public, and posterity the king's fulfillment of his duty to ensure justice. Veenhof argues that there were two types of reform edicts, one of which may have had strong links to law collections (Veenhof, 1997): (1) royal decrees, originally designed to help the weak, shift to the more specific practice of voiding debts—these were issued at the beginning of a king's reign with great fanfare. Kings also issued (2) regulatory decrees in which they stipulated certain penalties for breach of contract and liabilities for certain behavior. Unlike debt cancellation, which was of limited duration, these regulatory decrees were restricted only in subject matter, not in duration, and it may be that these were the decrees later incorporated into law collections.

Old Assyrian period. Contracts from Kanish, an Assyrian trading colony in Anatolia, contain clauses that prevent decrees from the local king that would cancel the debt. The documents appear to deal only with debts owed by local Anatolians to Assyrian merchants (Balkan, 1974). The reason for this is that Anatolians were charged very high rates of interest by Assyrian merchants and native creditors. Thus, even though it might seem odd that debt relief was used in a trading colony, where debts were commercial (the very type specifically excluded from debt relief in Ammisaduqa's edict; see above), it is clear that the local ruler sought to ameliorate the social economic pressures brought on by heavy debt. In Assyria proper, there is evidence for reforms that counteracted the deleterious effect of debt, not by canceling it but by enabling those forced by debt to sell their family homes to redeem them (Veenhof, 1999). After paying back half the price, they could reoccupy their homes and pay the rest in three annual installments. One such reform is the result of "the god Assur doing a favor to his city."

Middle Babylonian period. An adoption contract from the Hana kingdom in Syria on the upper Eu-

phrates contains the provision that the adoption is incontestable and cannot be reversed by an amnesty (Podany et al., 1991–1993). Other texts concerning real estate contain similar provisions (Lion, 1999). A date formula and a literary text contain oblique references to kings establishing an amnesty (HANEL 485–520).

Middle Assyrian period. The king canceled a debt that a man had inherited from his father (Freydank, 1997).

Neo-Assyrian period. Amnesties may have been issued at the beginning of kings' reigns, and evidence for such decrees exists at the start of the reigns of Esar-haddon, Ashurbanipal, and Aššur-etel-ilāni (Radner, 2001). These decrees could be issued for specific cities, rather than the entire country.

Neo-Assyrian creditors did include a provision in some contracts that the transactions could not be voided by an amnesty. However, contracts containing these clauses are few and far between: this may indicate that debt remissions were rare and that the creditor accepted the risk of a future debt cancellation.

Neo-Babylonian period. No indication of amnesty is extant.

The Hittite Empire. The royal court, located at the capital Hattusa, was the highest court and was presided over by the king. According to the Hittite Laws (HL), the king had the right of granting amnesty for certain offenses. The king could remit the punishment for bestiality (HL §§188, 199), but the offender remained defiled and could not appear in the king's presence. The king could also grant mercy if a husband caught his wife and her lover in flagrante delicto and did not kill them on the spot but brought them to the palace (HL §199).

The Edict of Tudhaliya IV (r. 1265–1240 B.C.E.) begins with a narrative describing abuses and thus the motivation for the reform. The abuses in question had been committed while the king had been out of Hattusa on military campaign, and upon his return the citizens appealed to him to set matters right (Westbrook and Woodard, 1990). This edict contains provisions for the cancellation of debts. However, property that was handed over as a ransom for an offense, whether homicide or theft, would
not be remitted. If the offender's family and property had been seized in order to force the offender to pay, they would have been released. If a slave had committed a theft for which blinding would be a punishment (an indication of the seriousness of the theft), and the slave had in fact been blinded, he was not subject to redemption. This edict also contains regulations on the opening of royal storehouses and the oppression of feudal tenants.

Alalakh. The kings of Aleppo, the overlords of Alalah, issued decrees releasing debts (Charpin, 1987; Kraus, 1987). However, contracts for interest-free loans contain the stipulation that they cannot be remitted (AT 29–31, 38, 42).

Egypt. In contrast to the ample evidence from elsewhere in the ancient Near East, there is scant evidence for amnesty in Egypt during the Old Kingdom, First Intermediate Period, Middle Kingdom, and the Second Intermediate Period.

There is some evidence for reform edicts in the period of the New Kingdom. The Edict of Horemhab (r. 1332–1306 B.C.E.) specifically forbids officials from requisitioning labor for the saffron harvest or from appropriating animal skins (Pfleger, 1946). The Hymn of Victory of Merneptah (r. 1224–1204 B.C.E.) refers to Merneptah's release of those imprisoned in every district (TEL 276, Ancient Near Eastern Texts 376–378), and an ostrakon records a man's declaration that the pharaoh has freed him from prison (Allam, 1973, p. 49; Ostracon BM 5631). The vizier may also have had the power to issue pardons (Theodorides, 1982).

There is substantial evidence for amnesty in Demotic law. During the reigns of the Ptolemaic kings, amnesties were commonly issued at the beginning of reigns and at periods of internal trouble. The amnesty issued by Ptolemy VIII and his wives Cleopatra II and Cleopatra III, for example, grants a general amnesty to those accused of all but the offenses of sacrilege and intentional homicide; remits taxes and arrears; condemns abuse of power by officials; and regulates the collection of debts (Austin, 2006).

Ancient Israel. The term used for debt release in Hebrew, dērōr, is cognate with the term used in Akkadian decrees for debt release, andurāru. Israelite kings might issue a reform decree upon accession to the throne or at times of social crisis, but it is often surprised by scholars that since kings might fail to issue such decrees, automatic releases at fixed intervals were attempts to replace the unreliable royal privilege with a reliable system (see, e.g., Amit, 1992; Jer 32:8, 15, 17; Lemche, 1989; Lev 25:10; North, 1954; Weinfeld, 1985).

[See also Ancient Near Eastern Law; Debts, Loans, and Surety; Hittite Laws; Laws of Hammurapi; Release from Debt; Slavery, subentry Ancient Near East and Hebrew Bible; and Taxation.]

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ANCIENT NEAR EASTERN LAW

The oldest documented law comes from the ancient Near East. The earliest legal texts come from about 2600 B.C.E., a few hundred years after the invention of writing, and they predate by millennia the documentation.
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