

Foreseeing the Future, Classifying the Present: On the Concepts of Law and Order in the Omen Literature

Netanel Anor

THIS PAPER EXAMINES whether omen compendia were understood in ancient Mesopotamia as collections of divine laws. The second part discusses the concept of order as an important principal behind the composition of these compendia.

In ancient Mesopotamia the different phenomena in the universe were understood to be signs written by the gods and as rules that explain cosmic order or its possible destabilization. Understanding the meaning of these signs was of great value to Mesopotamian scholars. Therefore, in Old Babylonian times they initiated the great enterprise of collecting these signs into omen compendia. These sequences of omens were collections of signs revealed on earth or in the sky, in the sheep's liver or in the shapes of oil. So important was this literature that it was spread all over the ancient Near East. The dimensions of the omen series were impressive as well. One single composition could sometime gather thousands of omens on a collection of dozens of tablets.

These massive compendia remind us of another type of collections of entries that were also popular in the ancient Near East, the law collections. For this reason Jeanette Fincke (2006/2007) proposed that in antiquity omens were understood to be the "divine laws of divination." In her article "Omina, Die göttlichen 'Gestze' der Divination" she used several arguments in order to illustrate this point:

1. Both the omen compendia and the collections of laws are collections of *šumma* conditional sentences.
2. The namburbi ritual is understood in Mesopotamia as a juridical procedure. The metaphor, as Stefan Maul has pointed out, is of an appeal to the sun god against a former verdict. The incantation priest, *āšipu*, serves as an advocate of the man who is affected by the bad sign, the bad sign itself is seen as his opponent and the sun god serves as the judge.
3. Both omens and laws are based on precedents. The laws on former verdicts of human judges, and the omens on verdicts of the gods. Therefore the omens have to be seen as rules that gods gave to man in order to correctly interpret the ominous signs.

The trial metaphor is indeed made clear by the *ikribu* prayers, which are prayers that have an important role in the extispicy ritual. Ivan Starr (1983: 26), who edited the *ikribus*, described them as "extispicy-prayer-cum-ritual." Since these prayers are

often cited, I will only cite here a short passage from YOS II, 22 that demonstrates this setting well.¹

1. . . . ^dutu *be-el di-nim*
2. ^diškur *be-el ik-ri-bi ù bi-ri-im*
3. *wa-ši-ib* ^{giš}gu.za^{meš} kù.zi *a-ki-il* ^{giš}banšur^{na4}za.[gin]
4. *tu-ur-ra-da-am ta-ak-ka-al tu-uš-ša[-ab]*
5. *i-na* ^{giš}gu.za *ta-di-a-an di[-nam]*
6. *i-na ik-ri-ib a-ka-ra-bu*
7. *i-na te-er-ti e-pu[-šu]*
8. *ki-it-tam šu-uk-n[am]*

^{26b}Oh Shamash, lord of judgment, ²⁷Oh Adad, lord of prayers and divination, ²⁸who sit on the golden thrones and eat from the lapis-lazuli table. ²⁹You will come down to us, eat and sit down. ³⁰Then, on the golden throne you will give judgment. In the offering that I dedicate and in the oracle that I perform, place justice for me.²

No doubt, the ritual of evoking signs was understood in terms of a juridical procedure in which the sun god places his verdict in the different offering the *bārû* was using as medium to the gods' decision.³ But how did this actually work? Were the marks themselves perceived as the verdict? The queries to the sun god suggest a more complex procedure. Those so-called queries are records of questions the Assyrian kings addressed to the sun god. Sometimes, the questions are followed or preceded by a report of the different features observed on the examined entrails, as could be observed in the following example (see Starr 1990: 265–266 n. 282):

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| 1. [be suhuš na] <i>šá-miṭ gir gar</i> | ‘[The base of the “station”] is protruding pointedly.
The “path” is present. |
| 2. [x x x] gar 150 ze <i>ša-mid</i> | ² [. . .] is present. The left of the gall bladder is attached. |
| 3. [be ina s]ag e[di]n 150 u ^{giš} tukul | ³ [If in the t]op of the left surface of the “finger” there is a “weapon”- |
| 4. <i>gar-ma</i>
[sag] u igi [z]i-ib [?] kúr <i>kaš-du</i> | mark that faces the [top] of the “finger”: the enemy’s [ons]laught will be successful. |
| 5. [be ina u]gu máš ^{giš} tukul <i>gar-ma ta</i> | ⁵ [If] there is a “weapon”-mark |
| 6. 15
<i>[ana 1]50 te-bi erín-ni hi-im-ša-ta</i>
erín kúr kú | [abo]ve the “increment” which rises from right [to l]eft: my army will take the enemy’s booty. |

1. The most recent publications are Steinkeller 2005, Wilcke 2007, and again Fincke 2009.

2. Unless otherwise noted, all translations are by the author.

3. Ulla Jeyes pointed out that different media for provoked divination are actually materials used as offering to the gods. See Jeyes 1991–1992: 23.

7. be *gíp-ši* 150 zé u₅ *gíp-ši* erín kúr
ana kur-mu
7If the “mass” rides upon the left of the gall bladder: the mass of the enemy’s army (will march) against my country.
8. be *an.ta-ti* du-ik
8The upper part is *elevated*.
9. be *sa-ti* ugu u.sag u₅
9The “outside” rides upon the “cap.”
10. be *ina* 150 mur gir gag.zag.ga sag-sà
du₈
10In the left side of the lung there is a “foot”-mark. The top of the breast-bone is split.
11. be šà.nigin 14 šà udu.nitá *šá-lim*
11The coils of the colon are 14 in number. The heart of the ram is normal.
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12. be suhuš na *sa-miṭ ina* sag edin 150 u
13. ^{giš}tukul gar-*ma* sag u igi
12The base of the “station” is protruding pointedly. In the top of the left surface of the “finger” there is a “weapon”-mark which faces the top of the “finger.”
14. be *gíp-ši* 150 zé u₅
14The “mass” rides upon the left side of the gall bladder.
15. be *ina* 150 mur gir gag.zag.ga sag-sà
du₈
15There is a “foot”-mark in the left side of the lung. The top of the breast-bone is split.
16. be *ina* dagal 150 u ana á edin u
murub₄ bür
16There is a hole in the wide part of the left side of the “finger” at the side of the middle surface of the “finger.”
17. [šu]b-*di* 5 tag^{meš} *ina* šà
17There are 5 unfavorable features in the extispicy.
18. [^mgiš.nu₁₁]-mu-gi.na šeš *lá* gin
18[Šamaš]-šumu-ukin, unfaithful brother, who stirred up [the country] and caused major uprising, [. . .] . . . not good—
19. [*šá* kur] *i-dal-la-hu-ma*
- r.
1. [sù]h gal-ú *i-pu-[šú]*
2. [x x x x]-un-ni-i *la ta-a-bu*
3. *i-⟨^dšeš¹⟩.ki-na* ^man.šár-du-a man
4. *kur-aš-šur*
5. man dù-ut šu¹¹-*ka šá ana* tu₁₅-*ka* dùg.
6. ga
ú-paq-qu u ki-dì-in šá zi-ka
šit-ku-na igi¹¹-šú iš-mu-ú um-ma
7. ^{mgiš}nu₁₁-mu-gi.na *ana* kur.nim.ma^{ki}
8. *i-hal-liq a-mat-ú ša-lim-tu ši-i*
9. *ana* kur.nim.ma^{ki} *i-hal-li-qí*
10. 4 tag^{meš} *ina* šà ul dùg.ga
3r now Assurbanipal, king of Assyria, a king created by you, who is attentive to your gentle breath and whose eyes are set on your personal protection, has heard:
7 “Šamaš-šumu-ukin is fleeing to Elam.” Is the rumor true? Is he indeed fleeing to Elam?
105(!) unfavorable features in the extispicy. It is unfavorable.

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| <p>11. iti.du₆ ud-15-kám <i>lim-mu</i>^mud-<i>gab</i></p> <p>12. ^m<i>dā-ri-lugal</i> ^m<i>dan-a-a</i> en-umuš</p> <p>13. dingir^{meš} gal^{meš} en^{meš} eš.bar</p> <p>14. ud-<i>mu-us-su</i> eš.bar-šú-<i>nu</i></p> <p>15. šá sig₅ a-na lugal <i>be-lí-iá</i></p> <p>16. liš-<i>tap-pa-ru-ú-ni</i></p> | <p>¹¹Month Tishri (VII), 15th day, eponym year of Sagab (651).</p> <p>¹²Dari-šarru (and) Dannaya, reporters.</p> <p>¹³May the great gods, lords of decision, send their favorable decision daily to the king, my lord.</p> |
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Analyzing the structure of this text can give an idea of how ancient diviners might have come up with answers for the oracular questions they posed. We can see that this query is composed of several distinct elements. Lines 1, 2, 8–16 consist of a description of some sixteen elements of the entrails of the sacrificial lamb. Lines 3–4, 5–6, and 7 consist of citations from the omen compendia *Bārûtu*, which also deals with such elements. In line 17 the scribes refer to the sum of unfavorable signs. Lines 18 and 19 of the obverse and lines 1–9 of the reverse describe the rumors regarding Shamash-shumu-ukin and asking whether they are true. In other words, they consist of the oracular question and its background. The most important line is line 10 of the reverse, as it repeats the sum of the unfavorable signs and concludes whether the query is positive or negative. The end of the tablet consists of a date, the names of the scribes and greetings to the king.

In short, this suggests that not one sign was used in order to obtain an oracular decision. It was rather the combination of several signs that allowed the diviners to reach an answer of yes or no, to reach, if using the trial metaphor, a verdict. How to combine those signs is described in the last chapter of the series of liver omens, *bārûtu*, which is in a sense, a sort of manual for the diviner (Livingstone 1993: 108). Among other matters this chapter deals with the combination of the different protases and with matters of different meaning of protases according to context.⁴

When taking this into account it becomes harder to understand omens strictly in terms of divine laws. Laws are generally understood to have universal validity and their meaning is unaffected by context. But the case of omens is different since their meaning is of a more complex nature. The same sign can change, and sometimes even reverse its meaning when evaluated in context with other signs and can change validity according to time. The above-mentioned queries always report a sequence of ominous signs, because only the combination of such signs can lead to an oracular decision. In other words, an omen only has meaning in relation to another omen and by evaluating them, a judgment is obtained. On the other hand, it is impossible to find such application of laws in the ancient juridical procedure. The way laws were actually applied in trials is not entirely clear. But, what is clear is that laws were never cited in legal documents (Charpin 2010: 80). Still, it is hard to imagine that a combination of laws was taken into account, or that a judge thought that one law can reverse its meaning according to context.

Understanding omens as a witness or evidence in the trial is perhaps a better analogy. The earthly judge takes the different witnesses and exhibits into consideration in order to reach a verdict (Glassner 2012: esp. 39–46, dealing with *dīnum*). The oracular

4. Koch 2005: text nos. 34–89. For a discussion of those tablets, see pp. 48–52.

verdict could be thought to have been handled in a similar manner. Several omens would be combined into one decision understood to be that of the heavenly judge, Shamash. But, this does not necessarily means that omen compendia were considered to be collections of laws.

Now, back to the two literary genres in question, indeed, both laws and omens are phrased as a conditional sentence preceded by the particle *šumma*. But, recent studies have shown that this conditional structure functions differently in omens and in laws. Eran Cohen (2012) has thoroughly investigated the conditional structure in the Old Babylonian dialect. His commutation table (table 1.1) shows that in laws the hypothetical factor of the *šumma* construction is essentially missing. In other words, what happens in the apodosis is a direct result of what is described in the protasis and the question of whether the event described in the protasis occurred or not is essentially irrelevant (Cohen 2012: 151–152). Hence, Cohen understands laws in terms of “generic expressions” and as such he perceives them to be timeless (170).

On the other hand, Cohen finds the *šumma* construction to function differently in omen collections, as shown in table 1.2. First, he stresses that this table describing the different strategies to construct an omen sentence is unique (2012: 170). Second, he mentions that the generic nature of this structure is weaker in omens than in laws and that: “It is as though the abstraction phase, which takes place when formulating a specific case as a case of general validity, took place only partially” (154).

This could help to explain two other phenomena that are quite common in omens, but do not occur in law collections, and which, indeed, could be understood as exposing the preliminary phases of the art of phrasing the omen. The first is the use of

TABLE 1.1. Legal *šumma* structures: no tense involved.

protasis			apodosis		
exponent	value	categories	exponent	value	categories
<i>iprus</i>	event(s)	aspect and modality	predicative	factual	modality
<i>iptaras</i>	chain-final event		<i>iparras</i> NVC	modal (obligation / permission)	
<i>paris</i>	state				
<i>iparras</i>	intent (CH durative too)				

TABLE 1.2. Omen *šumma* structures: No modality.

protasis (= theme)			apodosis (= rheme)		
exponent	value	categories	exponent	value	categories
<i>iprus/iptaras</i>	resultative pf.	aspect	<i>iprus</i>	past	tense
<i>iparras</i>	durativity		<i>paris</i>	present	
<i>paris</i>	unmarked state		<i>iparras</i>	future	
NVC			NVC	future?	

the first and second person in the two parts of the conditional sentence (Anor 2017). Although, some laws introduce direct speech, the description of the offence and the penal act are always given in the third person. But, in omens, the configuration of the ominous signs and their possible consequences are often described in relation to the diviner and his client and are therefore formulated in the first or second person. The second phenomenon occurs in the apodosis of an omen. Sometimes the apodosis is not a formal sentence at all. It consists of nothing other than a noun or a construction of two nouns in the nominative case. In this structure, which is unique for omens, the apodosis functions as the predicate, or the rheme, in Cohen's (2012: 161–163, 168–169) terminology, while the protasis is the subject, or the theme. The following sequence demonstrates this point well, since both phenomena are represented here:

64. DIŠ Ì *a-na ha-al-li-ka ir-ta-qí-iq uz-za-tum ši-bi-it ku-bi*
 If the oil thins up toward your thigh, (it is) rage, (or) the grasp of the
 “Kūbu-demon.”
65. DIŠ Ì *a-na ha-al-li-ka pa-ṭi-ir ma-an-za-az* ^dNANNA
 If the oil is dispersed toward your thigh, (it is) the presence of Sîn.

This example demonstrates an additional difference between the phraseology of laws and omens. Sometimes, one sign can have two results. This could mean that one ominous sign can have more than one meaning and therefore have more than one implication on the human sphere. This actually fits well with a suggestion recently proposed by Mark Geller (2011) that the *šumma* sentence could sometimes express probability rather than causality. First, he points out the fact that this is often the case in medical texts that also use the *šumma* construction. Second, both he and Nils Heeßel (2010) understand at least some of the omens to be ambiguous regarding the certainty of their result, since they could have different validity according to time, as mentioned.⁵ Laws, on the other hand, do not depend on timing. They are timeless. No matter when the offence took place the corrective act will remain the same (Cohen 2012: 122). They are, then, of a causal nature, and lack any aspect of probability. In other words, there is a constant mutual dependency between the protasis and the apodosis in laws and a causal nexus between the crime and its punishment. But, as far as omens are concerned, a relation of this kind is far from being the rule.

Now, let us summarize the different arguments:

Just like evidence and exhibits in a trial, the omens have different meaning according to the context and the time they are examined. Mesopotamian law on the other hand was perceived to be blind and depended neither on time nor context.

Omens contain several grammatical features that are absent in laws, namely the use of the first and second person as well as protases with a bare noun as a predicate.

Omens and law are both phrased as a *šumma* conditional sentence, but the syntactic structure in omens is different than that of the laws. Laws function as a generic expression; they are timeless and have no context. Therefore the *šumma* construction in the laws has strictly a causal meaning while in omen it could also express probability. This

5. For the edition of this chapter of the omen series *bārūtu*, see Koch 2005.

is also sustained by the fact that sometimes one protasis is followed by more than one apodosis.

The conclusion, therefore, is that the perspective that examines the omen compendia as a code of law does not provide us with the entire picture. The association between those genres seems to be of a more complex nature that is not unquestionably a relation of direct analogy. The notion that really links the two genres together is rather found in the second notion of this *Rencontre*'s title, the notion of order. As Jean Bottéro (1974: 153) has pointed out:

une divination fondée avant tout sur les efforts de l'homme, l'analyse des choses, leur étude en quelque sorte désintéressée et rationnelle, est tout à fait à sa place; même la forme littéraire qu'elle a finalement prise, celle des traités et des listes classifiées des présages, rejoint l'énorme littérature de "mise en ordre" dont les plus vieux témoins sont contemporains des tout premiers débuts de l'écriture.

The notion of order was indeed a basic principle that led the Mesopotamian society to the invention of writing. It is not by accident that in the beginning written documents were used in order to organize work and economy. This fact reveals the very nature of the written document in the context of its invention as a tool for establishing social order. Omen series were composed under similar conditions.

Up to this point, we have only discussed omen compendia in relation to extispicy. The omen compendia are often thought to belong to the domain of the *bārû*. But one has to keep in mind that performing extispicy is one task and collecting omens is another. In fact omens had a purpose in other circumstances than that of the oracular inquiry, since they seem to be useful in the process of the interpretation of unprovoked signs. Hence, it is perhaps better to understand the compendia as a tool for organizing this kind knowledge.

Indeed, we find that a big portion of this literature has little to do with evoking signs and was related to the occupation of various other experts. Many series actually relate to the expertise of the *tupšarru*, the astrologer/scribe. The activity of this kind of scholar is well known from the reports on astrological phenomena they sent to the Assyrian kings.⁶

A standard report would usually begin with a citation of an astrological omen, thus referring to the series *Enūma Anu Enlil*. Moreover, those experts were more than just astrologers. Sometimes, they would also cite terrestrial omens while referring to two additional series: *šumma ālu* and *šumma izbu* (Hunger 1992: xviii). Since the above mentioned namburbi ritual was sometimes appended to those same series (Maul 1994: 163), they should also be associated with yet a third expert, the *āšipu*, magician/exorcist, as this ritual was his responsibility.

The variety of scholars using these compendia and the way they refer to them reveal their function as a handbook or even better, an encyclopedia. Their main purpose is to organize knowledge into a scheme and thus give meaning to the phenomena in the cosmos. Just as man had achieved the ability to control society by means of the

6. For the edition of these reports see Hunger 1992.

administrative document, he attempted to grasp the universe by writing down omens. The very content of the omens alludes to the purpose of their composition. Good omens are related to the concept of order and they result in peace, stability, and victories for the king, with fertility of the land, or good health. Following the same logic, bad omens were generally associated with disorder. They result in rebellion, plague, invasion, and chaos. The main concept behind ancient law is the notion of the corrective act. It describes how order is reestablished after it had been breached. Omens, on the other hand lack this notion, because they have other purposes, they intend to reveal the rules of the cosmos and as such, they function as a tool of description and interpretation.

The act of extispicy is indeed perceived as a process of decision, but it also lacks the notion of correction, since it does not discuss an offence, but rather an answer to a specific question. Nevertheless, omens and laws do share a common ground, the notion of order. The first collection represents an attempt to understand the universal order of things while the last aims to idealize and thus maintain social order. The conclusion, therefore is that it is more effective to understand both genres as exhibiting different aspects of the notion of order, rather than to understand omens merely as divine laws.

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