

The Impact of Sargon & Enheduanna on Land Rights in Deuteronomy A Preliminary Report

Continuing work in my long-ago Deuteronomy and City Life (1983) and my recent Social World of Deuteronomy: a new feminist commentary (2015) and [Land Rights of Women in Deuteronomy](#) (2017), here I propose that Birth Stories of Moses parallel Birth Stories of Sargon to compare the way land rights were distributed in Akkad by Sargon and the woman Enheduanna with the way Moses and the women in Deuteronomy distributed land rights in ancient Israel. This paradigm suggests that the intention of Deuteronomy is to describe a utopia, where ownership, administrative and use rights are responsibly distributed as instructions on the maqom sanctuary (12: 2-28), tithing (14:22–29), pilgrimaging (16:1–17) and unresolved killings (19:1–13) reflect.

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Parallels between the *Birth Stories of Moses* (Exod 1:22—2:10) and the *Birth Stories of Sargon I* (2334-2279 B.C.E.) may suggest that the way Moses and women distribute land use rights in Deuteronomy is modeled on the way land use rights were distributed in Akkad by Sargon and the woman Enheduanna, whom he appointed high priest of Inanna at Ur. The divine assembly alone holds *ownership rights* to all land; monarchs have *administrative rights* to protect land from misuse, and women have *land use rights* which they either delegate to elite males, or exercise independently (Benjamin, 2017: 3-15; Russell, 2013: 153-170; Russell, 2014: 453-469).

Steve Wiggins invited me to edit *The Oxford Handbook of Deuteronomy* with some 30 chapters by scholars from Europe and the Americas (Benjamin, forthcoming). This report models the format for that handbook, explaining who began the conversation, what is the status of the conversation, and what is trending.

Who Began the Conversation?

When conversations about Deuteronomy began, they were not about the social institution of land rights or the role of women in land management. The legacy of these conversations was demonstrating Deuteronomy developed as the result of a rich cultural exchange between ancient Israel and its neighbors in the world of the Bible. Scholars recovered and translated more ancient literature than had been available since the destruction of the cultures where it developed. Finally, they demonstrated that the people of YHWH who created Deuteronomy were not only learned enough to read Akkadian and Egyptian but were secure enough in their own cultural identity to contribute to and benefit from this larger world.

What is the Status of the Conversation?

Today most scholars consider Deuteronomy to have developed as code of laws. Inspired by Hosea, Levites designed this constitution for the people of YHWH using style and content parallels from the *Code of Hammurabi* (1792-1750 B.C.E.) to subvert the policies of the ruling household of Omri. They then expanded the code into a covenant using style elements from the *Treaties of Ramesses II* (1279-1213 B.C.E.) and *Hattusilis III* (1286-1265 B.C.E.) – the dominant paradigm, or the *Vassal Treaties of Esarhaddon* (681-669 B.C.E.) or treaties from Sam'al (Miller, 2012) – the alternatives. Following a failed bid for independence from Assyria, Hezekiah welcomed refugees and their traditions from Israel into Judah. When Josiah (640-609 B.C.E.) recovered this Deuteronomy from Israel in the House of YHWH in Jerusalem, it was repurposed to subvert the policies of Assyria (622 B.C.E.).

What is Trending in the Conversation?

A trending interest in Deuteronomy as *Teachings of Moses*, rather than a *Deuteronomic Code*, supports Gerhard von Rad's early proposal that Deuteronomy was not *law*, but *paranesis* – sermons on law, and the proposal of Moshe Weinfeld (1925-2009) that the teaching traditions of Mesopotamia and Egypt were better parallels to Deuteronomy than the legal traditions in the *Code of Hammurabi*, *Treaties of Ramesses* and *Hattusilis* or the *Vassal Treaties of Esarhaddon*. More recent studies by Bruce Wells, Carly Crouch and Erin Darby also contribute to my thesis that Moses is better understood as a land manager like Sargon, rather than a lawgiver like Hammurabi or Esarhaddon, and that the better we understand how Enheduanna modeled the land rights of women in Akkad, the better we will understand the land rights of women in Deuteronomy.

Deuteronomy as Teachings

For Weinfeld (Weinfeld, 1972), Deuteronomy has little practical interest in the monarchy, the military, taxation or trade – essential social institutions of a state which a code should address. Instead, Deuteronomy envisions a utopia or sacred economy (Boer, 2015) emphasizing the value of human life and dignity (23:15–16; 21:10–14; 25: 1–3; 21:22–23; 22:1–12), interpersonal social relations (15:1–18; 23:24–25; 21:15–17), and the humane treatment of animals (22:1–12). Therefore, traditions like the *Teachings of Amen em Ope* from Egypt and the *Teachings of Ahiqar* from Mesopotamia are closer parallels to Deuteronomy.

Studies of Babylonian trial transcripts now indicate that they do not cite precedents, even when precedents in the *Code of Hammurabi* and other codes exist. Therefore, Bruce Wells finds a better parallel for Deuteronomy in the *studies* of astronomy, mathematics and medicine by Mesopotamian scribes (Wells, 2005: 41-72; Wells, 2008: 223-243). Consequently, the components of Deuteronomy are *legal instructions* or *teachings* – an identification anticipated by August Klostermann (1837-1915) and von Rad (Klostermann, 1907; G. von Rad, 1966; G. von Rad, 1953). The *Birth stories of Moses* in Exodus and his obituaries in Deuteronomy frame these *Teachings of Moses* (Exod 1:7—Deut 34:12) and draw the Torah to a close.

Although the *Code of Hammurabi* is now less helpful for understanding the final form of Deuteronomy, parallels between individual traditions in the two continue to be helpful for

understanding the social worlds where they developed. Victor H. Matthews studied the land rights of soldiers in the *Archives of Mari* (ARM) and the *Code of Hammurabi* (Matthews, 1981: 135-151). Soldiers received plunder, prisoners of war and, sometimes, their land use rights as pay. The *Code of Hammurabi* protected the rights of soldiers at home while they were deployed. Their wives could not remarry, and delegate their land rights to new husbands (LH 133-135). Heirs could exercise soldiers' rights (LH 28-29). If heirs were minors, one third of soldiers' rights were delegated to their mothers as child support (LH 134). If these mothers had children with their legal guardians, the guardians retained custody of the children they fathered when soldiers returned. Speculators could not buy the land use rights of soldiers even if they defaulted on their commissions (LH 27, 35-39, 41). If soldiers were taken prisoner, merchants could ransom them with produce from their lands, but not with their land rights (ARM I, 6:38, 18:25; IV, 1:5-28).

Deuteronomy endorses Heterarchy

Patriarchy is a social structure; *sexism* is an abuse of power. For Cheryl B. Anderson, Carol Pressler, J. Cheryl Exum, and Harold C. Washington, Deuteronomy describes a legal system administered by men, accessible only to men and violently oppressive of women. Women do not have authority over their own bodies, much less over the land (C. B. Anderson, 2004; Exum, 1995: 248-271; Pressler, 1993; Washington, 1998: 185-213). Women in patriarchal cultures – then and now -- are regularly victims of sexism, and these scholars conclude that Deuteronomy authorizes structural sexism – then and now (Ashmore, 2015: 27-43).

For Carol Meyers, however, Deuteronomy describes *heterarchy* -- a social structure which does not endow men with absolute authority to violently oppress women (Meyers, 2013:180-202). In a heterarchy men and women exercise different kinds of authority in different social settings. Women produce beer, bread, wine, olive oil and yogurt. They manufacture clothes, baskets and pottery. They mediate conflicts between heirs. And, I have argued, women hold legal title to the land use rights of their households which they delegate to men or exercise independently. Men designate heirs to their land rights, but, to activate their rights, these men must marry women with legal title to those rights (Benjamin, 2017: 3-15).

Baruch A. Levine offers linguistic evidence for such a two step procedure. After fathers designate (Hebrew: *yerussah*) heirs to their use rights (Hebrew: *nahala*), heirs must take possession of the land (Hebrew: *'ahuzzah*) to activate their rights (Levine, 1993: 134-139). Although Levine does not conclude that heirs must marry women with legal title to their land rights, he does note that Hebrew uses the same word for taking possession of the land and for taking a wife (Hebrew: *leqah*).

Deuteronomy shares Assyrian culture

Deuteronomy does declare that YHWH alone, not Esarhaddon, not Assurbanipal, is the patron of Judah. Nonetheless, striking differences remain between Deuteronomy and the *Vassal Treaties of Esarhaddon*. Furthermore, proposing a uniform policy of resistance to Assyria oversimplifies the complex dynamics which characterize any collision of cultures (Zehnder, 2009: 341-374; Zehnder, 2009: 511-535).

Carley L. Crouch offers one explanation why Deuteronomy does not simply subvert the *Vassal Treaties of Esarhaddon* (Crouch, 2014). If Deuteronomy developed before 586 B.C.E., the households of Judah would not have noticed a reversal because only rulers, not their people, heard the promulgation of these treaties. If Deuteronomy developed after 586 B.C.E. -- when Babylon ruled Judah -- declaring Judah's independence from Assyria would be unnecessary. Likewise, vocabulary and motifs shared by the *Vassal Treaties of Esarhaddon* and Deuteronomy are common in the world of the Bible, so few households would have made the connection between these traditions and the *Vassal Treaties of Esarhaddon*

In her study of Judean Pillar Figurines, Erin Darby describes the relationship between Judah and Assyria as collaborative, not antagonistic. Building on the studies of Mark S. Smith (M. S. Smith, 2010) establishing that only peers, not patrons and clients, borrowed from one another, Darby finds the relationship between Assyria and Judah multi-dimensional. These figurines of nursing women both linked Judah to a shared tradition of protection and healing throughout the Assyrian empire, and distinguished Judah from neighboring client states in Syria-Palestine. *Far from a relationship of mere opposition, the evidence suggests that Judah interacted with and benefitted from its position in the empire.* (Darby, 2014: 396-397).

Using the social scientific studies of Antonio Gramsci (Gramsci, 1971) and Stuart Hall (Hall, 1996: 411-440; Hall, 2018), Ian Douglas Wilson explains how multidimensional relationships function (Comaroff & Comaroff, 1991; Hall, 1996: 411-440; Wilson, 2012: 259-278). Cultural identity results both as a *reaction to* or *interaction between* the world views of rulers and the *cultural hegemony* – a *common sense* of right and wrong -- of ordinary people. The world views of Judah and Assyria communicated with each other sometimes preserving and sometimes re-interpreting the traditions which defined the people of YHWH.

Patron states like Assyria and client states like Judah were two parts of a single imperial culture which benefited both. Clients provide their patrons with goods and services; patrons protected the crops and herds of client states and provided them with markets. Judah sent men to Assyria's armies, women to its workshops and produce to its sanctuaries. When the households of Israel refused, Assyria re-assigned their land rights to outsiders. Ultimately, Babylon imposed the same penalty on Judah. Deuteronomy addresses this challenge to the households of Judah to preserve their cultural identity (Liss & Oeming, 2010). As a client state during the peace enforced by Assyria in Syria-Palestine between Assyria's conquest of Israel (722 B.C.E.) and Assyria's defeat by Babylon at Carchemish (605 B.C.E.), Judah participated in and contributed to the extensive cultural community of Assyria.

Sargon and Enheduanna as land managers

Survival in the world of Bible required not only knowing how to acquire land, but also how to manage it (Postgate, 1995: 402-403). Before Sargon monarchs ruled solely by force. Sargon's military conquests created an empire, but his strategy for distributing land rights stabilized it (Westenholz, 1983: 327-336; Zehnder, 2009: 341-374; Zehnder, 2009: 511-535). His annals report that 5400 soldiers loyal only to him conquered Sumer and the trade routes east to Elam and west to Ebla. Sargon designated these veterans as heirs to the land rights of Akkad.

By paying regular commissions on their herds and harvests, they honored Sargon for their use rights.

Traditions concerning the land rights of women at Sumer, Babylon, Assyria and Ugarit, Enheduanna's status as high priest of Inanna at Ur and even her deportation by Lugal-ane during the civil war after Sargon's death all evidence practical connections between Enheduanna and land rights.

Sumerian women owned land and paid taxes (Martha T. Roth, 1997; Roth, 1998: 173-184). They bought and sold houses, fields, orchards, slaves, livestock and made loans. They managed royal land and traveled between cities and villages to transact business, initiate litigation, and serve as trial witnesses. Sometimes, men challenged their authority. Heirs of her husband sued Innasaga for not delegating her rights to a house and a slave to them. Innasaga won (Tetlow, 2004: 28-29).

Babylonian women acquired land use rights in dowries and divorce settlements. They not only exercised their rights independently, but also delegated them to tenants (LH 35-38). Sikkuti delegated her rights to one house for an annual commission of one ounce of silver and Amata her rights to three houses for an annual commission of a half ounce of silver and daily meals for her household of 12 (Tetlow, 2004: 106). If the men to whom women delegated their rights died, the rights returned to the women. If widows gave up their land rights to remarry, they forfeited their rights to the state. Some men in Babylon sued to limit land rights to veterans. Nonetheless, the women often prevailed (Martha T. Roth, 1997: 88; Tetlow, 2004: 58-59+90-93).

Assyrian queens managed land for their husbands (Hussein, Altaweel, & Gibson, 2016). Archaeologists recovered the skeleton of Hama, primary wife of Shalmaneser IV (782-773 B.C.E.) in the Northwest Palace at Nimrud in 1987 (Kertai, 2015). On her necklace hung a seal inscribed: *Belonging to Hama, queen of Shalmaneser* which she could have used to notarize covenants delegating land use rights (Heltzer, 2003: 133-138; Pittman, 1995: 1589-1603; Spurrier, 2017: 149-174).

According to Duane E. Smith, a tablet from Ugarit (RS 8.208:3a) reads: *Gilben, land manager to the Queen [of Ugarit] ...* (Ugaritic: ^m*gil-be-en* MAŠKIM É SAL.LUGAL-*ti*), who is unidentified (D. E. Smith, 2018). The tablet records the emancipation of the SAL.É.KAR woman Eleyawa -- held as collateral for delinquent debts (RS 20.123:20) until those debts are paid (Rowe, 2002:15-16). When *Buriyanu from the steppes* -- a man without land rights -- pays Gilben, Eleyawa is free to endow him with her land use rights. His payment is not *bride wealth* -- the investment of the household of a groom in the household of the bride -- but the settlement of delinquent commissions.

Therefore, the *Hymns of Enheduanna* are not only early and exquisite works of art, but also documents defining the new social status of a client state's divine patron in Akkad (Postgate, 1995: 395-411). Enheduanna is not simply a priest and a poet, she is a land manager. Just as Hebrew households brought their sacrifices to sanctuaries for priests to assess their tax bracket for the season, Enheduanna pilgrimaged to the sanctuaries to appraise their herds and

harvests and to determine the commissions which the officers were to pay for their use rights. Just as the heirs of Hebrew households carried the title *first born*, these veterans carried the title *citizens of Akkad*.

During the civil war following the death of Sargon, Lugal-ane deposed Enheduanna and sent her into exile. Sumerian art documents such attempts to redistribute land rights by overthrowing women who held title to those rights (Jacobsen, 1957: 91-140; Stech, 1986: 39-64). Lagash emblazoned the flag which its soldiers carried into battles protecting or expanding its land rights with a female lion with eagle's wings -- the ensign of women who held legal title to the land rights. Dudu, high priest of Ningirsu Ninurta, the divine patron of the barley fields of Lagash, commissioned images of him as a female lion with eagle's wings. When Sumer's revolt failed, Enheduanna was reinstated and she once again distributed land use rights to the heirs of Akkad's households.

No one woman like Enheduanna handles the delegation of land use rights in Deuteronomy for Moses. Moses mentions Miriam only once in Deuteronomy (24:8-9), although she exercises significant authority in Exodus and Numbers (Burns, 1987; Eskenazi, 2008: 922-923). Nonetheless, the role of Enheduanna as land manager for Sargon suggests paying closer attention to the relationship of women and land rights in the instructions on the *maqom* sanctuary (12: 2-28), tithing (14:22-29), pilgrimage (16:1-17) and killings (19:1-13) in Deuteronomy (Benjamin, 2015).

Instructions on the maqom Sanctuary (12:2-28)

Instructions on the maqom Sanctuary (12:2-28) teach fathers of households that only when *one* people offer their sacrifices to *one* divine patron in *one* place will their land use rights remain intact. Although Deuteronomy associates its sacred center with Mt. Ebal and Mt. Gerizim (26:16-27:26), long-standing traditions of interpretation associate it with Mt. Zion (Richter, 2012: 64-78). Like Hagar at Beer-lahai-roi households came to sacred centers to *look for* YHWH, who *looked after* them, and where they could *look at* the land where they had use rights (Gen 16:1-16).

A long-standing tradition of interpretation considers sacrifices as a destruction of produce. Such destruction, however, would contradict the strong sense of limited resources in traditional cultures, suggesting that *to sacrifice* would be better understood as *to process, store and redistribute* produce (18:1-8). Levites and priests inspected sacrifices to insure households were making good use of their rights. The land use rights of households submitting defective produce were reassigned (G. A. Anderson, 1987).

Instructions on Tithing (14:22-29)

Households harvested twice each year. *Instructions on Tithing* (14:22-29) teach fathers to follow a three-year cycle of redistributing commissions to maintain their land use rights. Tithes for years one and two were *regressive*; produce was redistributed to the powerful. Tithes for year three were *progressive*; produce was redistributed to the powerless. Deuteronomy's tax plan is utopian. Generally, rulers collected the entire first harvest (Amos 7:1) to support their

households and pay the premiums on their covenants with other states. Households had to survive on their second harvest. To meet these tithes women rationed produce for their households. As *A Sufferer and a Soul Dispute Suicide* from Egypt (2050–1800 B.C.E.) indicates not even fathers of households can override the authority of women to ration. As a *Trial of the Household of Eli* (1 Sam 2:7-17) indicates, once households arrived at their sacred centers, women prepared meals from tithes to share with their divine patrons.

Instructions on Pilgrimage (16:1–17)

Instructions on Pilgrimage (16:1–17) teach fathers to pay commissions during the March-April lamb-kid birthing, the May-June barley and wheat harvests and the July grain and grape harvests. As an *Annunciation to Hanna* (1 Sam 1:1—2:11) pilgrimage is an ancient ritual not only for maintaining, but also for restoring the fertility of its women and its land,

Sanctuaries -- often on a rise shaped like the distended uterus of a pregnant woman -- mark sacred centers where the umbilical cord connects the land to its divine patron. Sacred centers reveal themselves by signs that here the land is most alive and here is where the people were born – a totem animal grazing, an ancestor dreaming, a storm thundering (Eliade, 1959 (1957)). Life flows from the sacred center into the women and the land of its households.

Wars, famines, epidemics, infertility, miscarriage and infant mortality are symptoms that the women and land of households are at risk because they have defaulted on their commissions. To reinstate their rights, fathers bring their primary and secondary wives, sons, daughters, slaves, Levites, outsiders, orphans, and widows to the maqom sanctuary to honor their divine patron.

Instructions on Killings (19:1–13)

Instructions on Killings (19:1–13) teach fathers to use ordeals when the member of one household kills a member of another household to take over its land use rights. As the *Stories of David's Succession* (2 Sam 9:1—1 Kgs 2:12) indicate women and land rights cannot be obtained by hostile takeover. Violence not only ends the lives of their human victims, but also the life of the soil into which their blood drained.

Ordeals resolved disputes over land use rights that assemblies could not. They exposed representatives of households to life-threatening experiences by driving them into the desert or throwing them into a river (Gen 16:1–16; 21:1–21; LH: 129, 132). If they survived the land use rights of their households were restored (1 Kgs 18:40; Job 21:17). Here the ordeal requires defendants to make their way to designated cities without being caught and executed by *guardians of the innocent* — commonly translated *avengers of blood* – who were not just seeking vengeance but designated to restore the land use rights of victims' households.

Conclusions

In conclusion, conversations trending in Deuteronomy studies offer encouraging support for my thesis that these *Teachings of Moses* explain how fathers of households should maintain their land use rights. The teachings ...*set before [them] life and death, blessings and curses* and invite them to choose life so that their heirs may continue to enjoy the land use rights which support their households (30:19). These teachings also consider women and land use rights

interchangeable. If women are fertile, the land is fertile; if women are infertile the land is infertile. Only fathers of households who care for their land and women as Deuteronomy envisions can endow their households with life as magnificent as the life with which Sargon and Enheduanna endowed Akkad.

The *Stories of Sargon* celebrate him not only for the military victories which created Akkad, but also for the land management policy which stabilized Akkad and successive Mesopotamian empires for generations. Enheduanna modeled the delegation of land use rights by the women of Akkad to heirs of Sargon. Parallels between the *Birth Stories of Sargon* and *Birth Stories of Moses* -- and between Deuteronomy, the *Treaties of Ramesses and Hattusilis*, the *Code of Hammurabi*, and the *Vassal Treaties of Esarhaddon* -- reflect a healthy interaction between a client culture and its patron to create and preserve a cultural identity for the people of YHWH. What Sargon and Enheduanna did for Akkad, Moses and the women in Deuteronomy did for the people of YHWH by endowing their peoples with enduring social institutions for distributing land rights. Deuteronomy describes that utopia, where land rights are responsibly distributed as instructions on the *maqom* sanctuary (12: 2-28), tithing (14:22-29) pilgrimage (16:1-17) and killings (19:1-13) reflect.

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