
Laws of Heaven — Laws of Nature: Legal Interpretations of Cosmic Phenomena in the Ancient World edited by Konrad Schmid and Christoph Uehlinger

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Reviewed by

M. J. Geller

Freie Universität, Berlin
University College London
mark.geller@fu-berlin.de

This volume, the proceedings of a conference, raises issues which require review and debate, much to the credit of the editors and authors.¹ The core of the volume deals with the idea that the cosmos is guided and governed by laws which are attributed to a concept of ‘nature’. This conceptual framework has historically been associated with the Greek terms ‘nomos’ («νόμος») and ‘physis’ («φύσις»), within the context of early Greek philosophy. The question is whether similar ideas can be found in earlier, and more geographically widespread, intellectual circles of thought in Mesopotamia and Egypt, and in the Bible. This turns out to be a challenging proposition. Before turning to the specific contributions in this volume, it is important to consider some general methodological issues.

The basic problem here is that the central research question investigates terminology most appropriate for Greek philosophy, such as the concept of ‘nature’ itself, or whether nature was governed by laws or unspecified rules, and finally, whether ‘natural law’ as an ethical concept was universal in antiquity (see Rochberg’s discussion [21]). These concepts have to be evaluated in tandem with ideas of divine law and divine will, which offer parallel alternative notions of how the cosmos is governed. To this end, the present volume turns to major Mesopotamian cosmographies such as *Enūma Eliš* or *Atrahasis*, while investigating significant similarities between legal formulations and omen literature from Mesopotamia, which together offer the richest array of source material to address these questions of ‘laws

¹ The preparatory work for this review was carried out under the ERC Advanced Grant Project No. 323596 *BabMed*.

of heaven, laws of nature'. The Akkadian myths are thought to reflect divine governance of the cosmos: for example, Marduk's defeat and execution of Tiamat resulting in the creation of man (the creation of woman is entirely missing from the account) and leading to Marduk's arbitrary control of heavenly bodies and how they move. The extensive Akkadian omen literature relates to this research not because of any direct connection with mythology but because omens, oracles, and prophecy were thought to convey divine will and divine thinking: they were personal messages from divine overlords to human society below. Because omens are expressed within casuistic legal formulations of 'if A then B', which associate signs with events (see Uehlinger's comments [163]), omens can be seen to represent divine decisions, judgments, or rulings, where the gods are as judges of human society (according to Rochberg [28]).

There is a chronological development of Akkadian literature which has not been discussed in this volume but nevertheless needs to be acknowledged. Legal codes (famously that of Hammurabi) reached their apogee in the Old Babylonian period from the early second millennium BC, with excerpts from Hammurabi's codex being copied as part of the school curriculum. Meanwhile, omen literature was not only well attested in the earliest records² but continued to develop as a large component of Akkadian 'science', only to be superseded in the mid-first millennium BC by astrology, although classical omen texts continued to feature within the curriculum.

By contrast, the myth of *Enūma Eliš* was a relative latecomer as a literary work, probably dating to the end of the second millennium BC, and as such reflects current Mesopotamian cosmology but does not inspire it. Moreover, this long development within Mesopotamia has to be seen in contrast with what was happening in both Egypt and the Levant.³ As far as one can tell from Franziska Naether's contribution to this volume [52–72], Egyptian cosmographies are tailored to the topography of Egypt (and the Nile) and are essentially theological, while little in the way of technical omen literature seems to exist before the Ptolemaic period.⁴ The Bible, on the other hand,

² For Old Babylonian examples of divination, see [George 2013](#).

³ Jeffrey Cooley refers to the Bible as reflecting a 'Canaanite' point of view [116–117], but this is misleading, since Canaanite mythologies differ significantly from biblical accounts.

⁴ Naether does not clarify the dating of all of the texts she cites, but it should be noted that the idea of casuistic omens could have potentially been introduced any time after the Assyrian conquest of Egypt.

offers important marginal information in the form of highly developed prophetic texts, some of which refer to what could be interpreted as ‘natural law’ [see Schmid, 12–13]. Biblical prophecy is far more elaborate than any of the prophetic pronouncements known from Mesopotamia, which hardly addressed moral questions and concentrated on immediate questions of political expediency.⁵

Even more important, the Bible describes a society with its moral code based on revelation, i.e., God speaking directly to Moses and letting him know exactly what is expected, without much ambiguity. With revelation, as with oracles or prophecies, one can dispense with the cumbersome machinery of liver-divination and other forms of forecasting the future. This may be the actual reason behind Uehlinger’s conclusion that the biblical ‘formulation of “laws of nature” reflects a rather different world and world-view from their Mesopotamian cousins’ [167]. Uehlinger suggests that this may be because of differences in authority which were contested between Mesopotamia and Palestine, or alternatively that appropriate institutional infrastructures for ‘science’ were not available in the Levant as in Mesopotamia or Egypt [169]. However, the fact that revelation played such a central role in biblical cosmology obviated the need for highly technical means of fathoming divine will, such as liver-divination or even astrology. There were, however, exceptional equivalents to biblical revelation from Mesopotamia, both from a particular source. A Late Assyrian period legend recounts an apocalypse of the antediluvian sage and king Enmeduranki, who was elevated to heaven to learn the secrets of hepatoscopy, which he then taught to his countrymen upon his return to Earth. It is clear that this legend inspired the apocalypse of Enoch, who was taken up to heaven to write 365 books about astronomy, cosmology, and correct procedures for sacrifices, which he taught to others upon returning to earth.⁶ Neither of these apocalypses, however, actually communicated

⁵ See [Liverani 2018](#), 10–32, his chapters on ‘God’s Will’ and ‘Communicating with God’, which emphasize the celestial and liver omens which were crucial to decision making for the Assyrian king. The genre of oracle questions, which address direct ‘yes’ or ‘no’ questions to the gods of judgments, Šamaš and Adad, were probably ancillary procedures which accompanied liver-divination rather than replacing the complex techniques of other forms of forecasting.

⁶ The clearest description of Enoch’s apocalyptic journey appears in 2 (Slavonic) Enoch, not consulted by Matthias Albani in his contribution to this volume. See [Badalanova Geller 2010](#). For the text of Enmeduranki’s apocalypse, see [Lambert 1967b](#), and for the connections between Enmeduranki and Enoch, see [Borger 1974](#) and [Sanders 2017](#), 16–18, 55, as well as [Annus 2018](#) for a review of Sanders.

divine will *per se* but were intended to reveal secret knowledge to mankind about the cosmos, and both Enmeduranki and Enoch remained marginal to the mainstream of Mesopotamian and Jewish literature.

Even superficially, it should not surprise us that neither Egypt nor the Bible offers the right kind of evidence for ‘laws of nature’ or ‘natural law’, since revelation, prophecies, and even oracles all look towards theological models for explaining the cosmos.⁷ Laws of nature, by way of contrast, are used to explain the mechanisms of the ecological and social environment without referring directly to the divine or deities, or indeed precluding their existence. The clearest statement of current thinking on the concept of nature, laws of nature, and natural law—and the centerpiece of this volume—is that of Francesca Rochberg [21–39]. It is now somewhat overtaken by her recent book, *Before Nature* [2016], which advances her arguments in much greater detail. But the essence of her contribution is that the concept of law and legal reasoning can be projected onto the physical environment (as laws of nature) and that a corollary to this line of reasoning is the concept of natural law, which is an ethical concept ‘grounded in a commitment to a universal human reason’ [21]. Rochberg provides lucid descriptions of legal metaphors drawn from actual historical and juridical disputes which were applied to divine figures, such as the sun god Šamaš and the storm god Adad, acting as judges and as the subjects of incantations and oracles. The terminology of omens, such as ‘purussu’ (‘verdict’) referring to the omen apodosis, equates omen decisions with legal judgments. The question is whether, throughout Mesopotamian history, the gods were always the drivers behind omens, or whether a concept of laws of nature or natural law could have developed *independently* of divine interference, and without reference to gods, at the same time as pre-Socratic philosophers were contemplating similar thoughts.

To answer this question, let us turn first to the question of natural law in Mesopotamia and whether such a notion ever existed. The idea of natural law is rooted in Stoic philosophy [23f],⁸ without any evidence that it derived from any Near Eastern influence, perhaps because there was none. The ethical force behind natural law is that mankind should be able to

⁷ Much attention has been paid in this volume to the work of Edgar Zilsel, discussed both by Konrad Schmid [10–12] and Christoph Uehlinger [165], but Francesca Rochberg rightly points out [37] that Zilsel’s theologically grounded arguments from the Bible are weakened by his lack of familiarity with Mesopotamia.

⁸ But see Rochberg’s quotations from Cicero [34f], that natural law was created and enforced by God, so that it was never divorced from the divine.

distinguish instinctively between right and wrong, i.e., without benefit of the Ten Commandments or similar devices. Since Mesopotamia lacked a notion of universal revelation,⁹ the guidelines for correct human behavior had to be deduced from other sources, e.g., Šurpu incantations and rituals which listed numerous taboos in the form of an oath (*māmītu*).¹⁰ (The binding oath—taken by ancestors—identified punishable behavior which was offensive to gods and proscribed for succeeding generations [Geller 1980].) Clearly, there were rules which could be learned to influence human behavior, which would be noticed and enforced by divine authority and interference in human affairs. In this sense, one can discount any notions of natural law, which assumes an innate ability to comprehend divine will and correct social behavior. Hence, examples provided by Rochberg of gods as adjudicators of human behavior can be explained as direct master-client relationships, in which gods judge and punish unacceptable behavior, without imposing any additional philosophical layer of human rationale determining what gods want or prefer. In fact didactic compositions such as *Ludlul*, describing the plight of the righteous sufferer, show that the system is far from perfect.¹¹

There is also a serious flaw in the discussion of nature and laws of nature in this volume which has been overlooked by all contributions, with one exception: Matthias Albani, who points out,

Probably for the first time in Mesopotamia, man recognized the regularity of natural processes in the firmament and did astronomical computations. This revolution in human thinking went along with significant changes in the ancient religions.¹²

⁹ As mentioned above, Enmeduranki's exceptional journey was for the purpose of acquiring the secrets of liver divination, but not for revealing laws of nature or moral instructions, or even divine will.

¹⁰ *Chicago Assyrian Dictionary* M/1 s.v. *māmītu*, 189–195. The oath was a fundamental tool for enforcing divine law, since a universally recognized tenet of society is that gods do not tolerate a false or violated oath. See Van der Toorn 1985, 52–54, a study which remains the best treatment of moral standards from Mesopotamia with useful comparisons with the Bible.

¹¹ See Lambert 1967a, 21–62 and Oshima 2014.

¹² *Wahrscheinlich hat man erstmals in Mesopotamien die Gesetzmäßigkeit von Naturvorgängen am Firmament wahrgenommen und astronomische Berechnung angestellt. Diese Revolution im menschlichen Denken ging einher mit einer signifikanten Veränderung der antiken Religionen* [123].

A revolution, indeed. The tendency to define a single unified world view for Mesopotamia is doomed to failure, since every society encompasses conflicting opinions and perspectives, and this is particularly true when chronological developments are not taken into account. The invention of the zodiac (overlooked in this volume) was a sensation, since it offered a much more exact mapping of the heavens than had existed previously, while at the same time paving the way for mathematical astronomy to make far more accurate predictions of the movements of stars and planets, even to the extent of predicting eclipses.¹³ Once accurate predictions of astral phenomena could be made by the astrologers in Babylonia, who kept detailed diaries of the heavens on a daily basis over hundreds of years, the entire ideology of heavenly law was subject to revision. The previous picture of the heavens propounded by mythology—especially *Enūma Eliš*—ceased to be valid in the light of the overwhelming evidence of precise mathematical calculations. No longer was Marduk required to establish the regularity of celestial movements, and no longer in his role as Jupiter was it necessary for him to control heavenly bodies who ‘sinned’ by not following his orders (as described by Schmid [15–16]). Marduk’s role in *Enūma Eliš* in placing the heavenly bodies in three areas of the sky, named after the gods Ea, Anu, and Enlil (see Rochberg’s comments [30]), reflected an older, pre-zodiacal system of astrology known from the classic astronomical text MUL.APIN which was no longer relevant for trained astrologers. Texts like MUL.APIN continued to be studied in the school curriculum, and many inhabitants of Babylonia no doubt continued to believe in Marduk’s personal control of the universe, but others understood that once one could predict with precision heavenly movements, the gods lost their numinous credibility.

In a similar vein, the biblical *ḥqwt šmym* or ‘rules of heaven’ [Jer 33:25, see vv. 13, 124; Job 38:33] were suddenly dated after the discovery of the zodiac, since God was no longer required to regulate the heavens. If a lunar eclipse could be forecast, the threat it posed was measurably reduced, since it had become obvious that such events were not messages sent by deities but represented the normal and regular patterns of movements of the natural order, as part of the complex celestial apparatus which operated according

¹³ This point was not taken up in the contribution of Jörg Hüfner [147–161], although his comments on mathematical astronomy among the Greeks are useful, if not quite as relevant as Britton and Walker 1996, 42–67.

to fixed patterns which could be calculated and predicted mathematically.¹⁴ The effect of mathematical astronomy was not to diminish omens or their influence, but rather to alter belief in the personal intervention of gods. As celestial observation and zodiacal calculations gradually replaced liver-divination and other, less mathematical forms of forecasting the future, the gods were likewise discretely ushered into the background, with planetary and zodiacal influences on human events being promoted into primary consideration: thus, e.g., horoscopes would refer to zodiacal signs rather than to gods. With the widespread use of zodiac-based astrology, references to divinities are noticeably diminished, although gods are implicitly associated with celestial phenomena (e.g., the god Marduk as Jupiter). There is, however, no suggestion in this scenario of disenchantment, but a *gestalt* that took on a different character once astronomers visualized the heavens as ‘clockwork’, based on a mass of new scientific data. Scholars, perhaps including those who advised the king, may have modified their perceptions of the cosmos, but many others would adhere to their traditional beliefs in divine intervention in human affairs. In Greece, we accept competing schools of thought (Stoics, Epicureans, Methodists, and so forth) as normal, but in Mesopotamia we usually advocate a single doctrine, as if everyone shared a common opinion. The main discourse of this volume could have taken a different direction had sufficient attention been paid to innovative thinking in Mesopotamian at roughly the same time as Presocratic philosophers in Greece were contemplating the cosmos.

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¹⁴ This viewpoint opposes that of Jörg Hüfner [155], who thinks that mathematical astronomy had little effect on how omens affected royal decision-making. On the other hand, this might provide a positive answer to Matthias Albani’s question: ‘To what extent is this insight into nature’s compliance to causal laws in the book of Enoch an “answer to Job”?’ (‘Inwiefern ist diese Erkenntnis der Naturgesetzlichkeit im Henochbuch eine “Antwort auf Hiob”?’).

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