UET 6, 402: Persuasion in the Plain Style

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Nudi enim sunt, recti et venusti, omni ornatu orationis tamquam veste detracta.—Ciceto, Brutus 262

Cicero's famous description of the style of Caesar's Commentaries—bald, stark (nudi), direct, straightforward (recti), unfigured, and unadorned (omni ornatu...), but still not without grace and charm (venusti)—is a brief list of the qualities essential to what classical rhetoricians called the plain style. In this style, according to their teachings, sentences should, in general, be short and simple, with little or no use of hypotaxis. The diction should favor ordinary, common words. The language should be calm and restrained, appealing to the mind and not to the emotions. Its dominant concern, therefore, is clarity, and if the style is ever repetitive, it is for the sake of clarity. Simple, to the point, pellucid—

^{1.} ho ischnos character (Demetrius, On Style 190); subtilis oratio (Cicero, Orator 78), (genus dicendi) subtile (Quintilian, Institutiones XII, xii.58). For various descriptions of the plain style, see D. A. Russell and M. Winterbottom, eds., Ancient Literary Criticism: The Principal Texts in New Translations (Oxford, 1972; reprint 1988), index, 605. See also Russell, Criticism in Antiquity (Berkeley and Los Angeles, 1981), "Theories of Style," 129-47, and the introduction to his An Anthology of Latin Prose (Oxford, 1990), with his remarks on the genus tenue, another name for the plain style. For a survey of the history of rhetoric in the West, beginning with the classical period, see Brian Vickers, In Defence of Rhetoric (Oxford, 1988). Note, too, the very original views of Thomas Cole, The Origins of Rhetoric in Ancient Greece (Baltimore and London, 1991), x, according to which rhetoric is "a typically fourth-century [not fifth-century] phenomenon, Plato and Aristotle [not the Sophists] being the earliest authors to recognize its existence or recommend (with certain restrictions) its use."

^{2.} minuta et contracta, "short and cut-up" (Cicero, Orator 78; Russell and Winterbottom, 240). Demetrius, On Style 198, urges parataxis in the interests of clarity. On the pros and cons, in general, of long and short clauses, ibid. 4–9.

^{3. &}quot;The diction should be entirely ordinary and in everyday use" (Demetrius, On Style 190; Russell-Winterbottom, 206). Cf., too, the true "Attic" (i.e., plain style) orator as consuetudinem imitans ab indisertis re plus quam opinione differens, "giving an appearance of using ordinary language, but in reality differing from the inexpert more than is commonly supposed" (Cicero, Orator 76; Russell and Winterbottom, 240).

^{4.} Cf. the true "Attic" author as submissus et humilis, "pitched in a low key and unpretentious" (Cicero, Orator 76; Russell and Winterbottom, 240).

^{5. (}genus dicendi) subtile in probando (Cicero, Orator 69). The Oxford Latin Dictionary, 1853, has the following entry under subtilis: "(rhet., of a style based on argument alone without appeal to the emotions) Precise, logical, matter-of-fact." Note, too: Quorum [trium generum dicendi] tamen ea fere ratio est ut primum docendi... praestare videatur officium; in docendo autem acumen... exigi videatur. Itaque illo subtili praecipue ratio narrandi probandique consistet..., "The principle of these, roughly, is that the first undertakes the task of imparting information... Giving information involves pointedness... The technique of narration and proof will lie in the plain style" (Quintilian, Institutiones XII, x.59; Russell and Winterbottom, 413-14).

even graceful, with perhaps a kind of careful carelessness that makes the language even more attractive⁶ —such is the plain style.

I would propose that *UET* 6, 402 should be described as an example of an Old Babylonian composition written in the plain style. I offer first a normalized text followed by a translation. 8

- A Nanna šar(ri) šamê (u) erşetim attā
- B ¹atkalkum-ma ²Elali mār Girni-isa iḥtablanni
- C dini din
- B² kaspam ula īšū-ma iţhiam ina kaspīya hubullīšu uppil ana bīt emim išsi māram u mārtam irši libbī ula uṭīb kaspī šalmam ula uterram u nāš tuppātīšu ihtablanni
- B¹ ana Nanna atkal-ma ina kirâtim mehret Ekišnugal ina Kamah šapal kakkim ša tarammu libbu Kisalmah mehret Ekišnugal

lā aḥabbalukā-ma itma itma

mehret Ningal ša É-GA.DI mahar Ninšubur SUR Kisalmah mahar Alammuš mahar Nanna-igidu u Nanna-adah

itmâm

kâti u mārūka lā ahabbalu-kā-ma itma

ilū annûtum lū šībū'a-mi i

appūnāma ina kirâtim mehret Ekišnugal mahar Nanna

^{6.} Sed quaedam etiam negligentia est diligens. Nam ut mulieres pulchriores esse dicuntur nonnullae inornatae quas id ipsum deceat, sic haec subtilis oratio etiam incompta delectat; fit enim quiddam in utroque quo sit venustius sed non ut appareat, "Even negligence sometimes demands care. Just as some women are said to be prettier when not made up—for it is that that suits them—so this plain style pleases despite its lack of decoration. There is something present in each case that adds beauty without being apparent" (Cicero, Orator 78; Russell and Winterbottom, 240-41).

^{7.} The principal studies of *UET* 6, 402 are by C. J. Gadd, *Iraq* 25 (1963), 177-81, and D. Charpin, *Le clergé d'Ur au siècle d'Hammurabi* (xix^e-xvii^e avant J.C.) (Geneva and Paris, 1986), 326-29.

^{8.} The text in transliteration: ¹ dŠEŠ.KI LUGAL AN KI at-ta ² at-ka-al-ku-um-ma ³ e-la-lí DUMU gìr-ni-ì-sà ⁴ iḫ-ta-ab-la-an-ni ⁵ KÙ.BABBAR ú-la i-šu-ú-ma ⁶ iṭ-ḥi-a-am i-na ka-ás-pi-ia ⁿ ḫu-bu-li-šu ú-pi-il ² a-na bi-ìt e-mi-im iš-si ⁰ ma-ra-am ù ma-ar-ta-am ir-ši ¹ 0 li-bi ú-la ú-ṭì-ib ¹¹ ka-ás-pi ša-al-ma-am ¹² ú-la ú-te-ra-am ¹³ ù na-aš tup(! copy: la)-pa-ti-šu ¹⁴ iḫ-ta-ab-la-an-ni ¹⁵ a-na dŠEŠ.KI at-ka-al-ma ¹6 i-na ki-ra-tim ¹ⁿ me-eḥ-re-et é-kiš-nu-gál ¹² la a-ḫa-ba-lu-ka-ma it-ma ¹⁰ i-na ká-maḥ ša-pa-al giš TUKUL ²⁰ ša ta-ra-mu it-ma ²¹ ŠÀ kisal-maḥ me-eḥ-re-et é-kiš-nu-gál ²² me-eḥ-re-et dnin-gal ša é-GA.DI ²³ IGI dnin-šubur SUR kisal-maḥ ²⁴ IGI da-la-mu-uš ²⁵ IGI dŠEŠ.KI-igi-du ù dŠEŠ.KI-a-daḥ / it-ma-a-am ²⁶ ka-a-ti ù ma-ru-ka ²ⁿ la a-ḥa-ba-lu-ka-ma it-ma ²² DINGIR.E.NE an-nu-tum ²⁰ lu ši-bu-ú-a-mi iq-bi ³⁰ a-pu-na-ma i-na ki-ra-tim ³¹ me-eḥ-re-et é-kiš-nu-gál ³² IGI dŠEŠ.KI IGI dUTU e-la-lí ³³ ku-zu-la-am la a-ḥa-ba-lu-ma ³⁴ IGI dŠEŠ.KI IGI dUTU ³⁵ a-pi₅-il e-la-lí a-a-ib-ši / ki-a-am it-ma ³⁶ ta-mi dŠEŠ.KI ù dUTU ³³ e-ep-qá-am i-ma-al-la ³³ i-la-pi-in ù DUMU.NITAḤ / ú-la e-ra-aš-ši ³9 dŠEŠ.KI ù dUTU e-la-lí it-ma-ma ⁴⁰ iḥ-ta-ab-la-an-ni ⁴¹ dnin-šubur LUGAL NÍG.GA / li-zi-iz-ma ⁴² dŠEŠ.KI ù dUTU di-ni / li-di-nu ⁴³ ra-bu-ut dŠEŠ.KI ù dUTU lu-mu-ur-ma

mahar Šamaš

Elali

Kuzullam lā ahabbalū-ma

mahar Nanna mahar Šamaš

apil Elali ayvibši

kiam itma

- B¹⁻² tami Nanna u Šamaš epqam imalla ilappin u aplam ula erašši Nanna u Šamaš Elali itmā-ma ihtablanni
- C Ninšubur šar(ri) makkūrim lizziz-ma Nanna u Šamaš dinī lidīnū
- A rabût Nanna u Šamaš lūmur-ma
- A Nanna, you are the king of heaven and earth.
- B ¹I trusted in you, and (now) ²Elali, son of Girni-isa, has wronged me.
- C Judge my case.
- B² Having no money, he approached me.
 With my money he paid off all his debts.
 He contracted a marriage.
 He had a son and daughter.
 He did not repay me.
 He did not return to me all my money,
 and his creditor, me, he (now) has wronged.
- B¹ I trusted in Nanna, and then,
 in the orchards, facing Ekišnugal, "I will not wrong you," he swore.
 In the Kamah, beneath the weapon you love,he swore.
 Within the Kisalmah, facing Ekišnugal,

facing Ningal of Egadi.

before Ninšubur, the . . . of the Kisalmah,

before Alammuš,

before Nanna-igidu and Nanna-adah to me he swore,

"You and your sons I will not wrong," he swore.

"May these gods be my witnesses," he said.

Moreover, in the orchards, facing Ekišnugal,

before Nanna, before Šamaš,

Elali.

"I will not wrong Kuzullum,"

^{9.} našlapātīšu of the copy is difficult and, in my opinion, suspect for several reasons: (1) in the five other occurrences of habālu in this text, the verb is used with a single accusative; (2) when it is used with two accusatives, it means "to deprive, take (something) away," a meaning which it does not have elsewhere in the text, or which one would give it only by adapting one's translation to this line (so Charpin, who in 402:26-27, apparently sensing that spolier is inappropriate, shifts to faire de tort); (3) when it is used with two accusatives, the second accusative indicates that of which someone is deprived, not that which is the instrument of wrongdoing, and therefore "et par son prélèvement illégal (?) il m'a spolié" (Charpin, following AHw., 760) is unacceptable. Therefore, I still think that the assumption of an error, -la for -tup (fairly similar signs), which yields nāš tuppātīšu, "his creditor," has much to recommend it; see Stephen Lieberman, The Sumerian Loanwords in Old-Babylonian Akkadian, HSS 22 (Missoula, Montana, 1977), 193, n. 433. If correct, this would be the most emotional statement in the whole text, though the fronting, above, of "with my money" should also be noted. For the construction, see GAG §130f.

before Nanna, before Šamaš, ¹⁰ "May there be no heir of Elali,"thus he swore.

- B¹⁻² He who breaks his oath by Nanna and Šamaš shall become covered with "leprosy," poor, and have no heir.
 Before Nanna and Šamaš Elali swore and (now) has wronged me.
- C May Ninšubur, head of the treasury, step forth, and then may Nanna and Šamaš judge my case.
- A May I see, too, the greatness of Nanna and Šamaš.

Two Problems of Translation

1. The translation of atkalkum-ma and ana Nanna atkal-ma (B 402:2, 15) must be defended. Gadd's renderings were "I trust in thee" and "(but) I trust in Nanna," respectively, and Charpin's, "j'ai confiance en toi!," and "Mais j'ai confiance en Nanna!" In essential agreement is W. Mayer. 12

Against this interpretation of the two preterites as instances of "Koinzidenz-fall," is, first of all, that it ignores and, perhaps we should say, must ignore, the enclitic -ma, which both times is attached to the verb. Ordinarily, in a construction such as we have here, two verbal clauses connected by -ma, the enclitic marks sequence, temporal or logical (GAG §123a). If, however, we understand atkal as referring to present time, such a sequence is clearly impossible: "I now trust/I herewith express my trust, and then/therefore something happened in the past" makes no sense. Moreover, unless there is clear and compelling evidence to the contrary, in the sequence preterite-ma perfect (iħtablanni) or preterite (itma), the verbs are to be understood of the past, with the perfect indicating present relevance, here underscoring the basic issue of wrong committed and still unrighted.

No such evidence has been offered, nor may we expect it to be. The trust referred to is Kuzullum's having lent money to Elali on the strength of the latter's oath by Nanna promising no future wrong against him, in other words, that he would repay the loan. We find a comparable trust grounded in an oath in the Etana myth. ¹³ The eagle and the serpent establish friendly relations and secure them with an oath by Šamaš qurādu. Later, on discovering the eagle's treachery, the

^{10.} Gadd and Charpin include the two phrases in the quotation and may be right. I have preferred symmetry with the same phrases above, though it does yield a somewhat choppy sentence. Note, too, a certain parallelism between 21-25 (mehret Ekišnugal...mehret...mahar...mahar...mahar...) and 31-34 (mehret Ekišnugal...mahar...mahar...mahar...mahar...)

^{11.} See M. Stol, JEOL 30 (1987-88), 27-31, and on epqu construed with malû, 30, n. 50.

^{12.} Untersuchungen zur Formensprache der babylonischen "Gebetsbeschwörungen," Studia Pohl, Series Maior 5 (Rome, 1976), 204-5, n. 121.

^{13.} Mayer, ibid., has already made the comparison, but with a different analysis. For the text, see J. V. Kinnier Wilson, *The Legend of Etana. A New Edition* (Warminster, 1985), 36:38 (atkalakkum-ma, OB) = 94:61 (atkalkum-ma, SB). Kinnier Wilson's "In you I put my trust" is itself ambiguous, but when placed in parallelism with "I respect and honor your (god)head," the ambiguity disappears, and it is clear that he too opts for "Koinzidenzfall." On lines 39-40 in the OB version, see his remarks, ibid., 45, with references to earlier literature.

serpent exclaims, "I trusted in you, Šamaš qurādu, and then / so (-ma)..." He goes on to tell of his generosity (of some sort) to the eagle and of the fear and honor he has shown Šamaš. The latter statement seems to allude to his observance of his oath, and it is placed in parallelism with his declaration that he has done nothing bad to his friend. He contrasts the latter's conduct and asks Šamaš to bring him to justice. In outline at least, this is all very reminiscent of UET, 6, 402.

2. These remarks anticipate the solution to another problem. For Gadd, there is no distinction of tense between *ihtablanni*, the charge made by Kuzullum, and $l\bar{a}$ ahabbalu, the declaration of Elali; for him, the former means "he does me wrong," the latter, "I am doing no wrong." For Charpin, there is a distinction of tense; the former means "il m'a spolié," the latter "je ne spolie pas, je ne fais pas de tort."

Gadd's view is idiosyncratic and without support in established grammar. Charpin's view, according to which Elali's oath is assertory, not promissory, is objectionable on other grounds. First, we would expect the tenses of the charge and the denial of the charge to match. If the latter is stated in the present tense, "I am not wronging/I do not wrong," then the corresponding charge should also be in the present tense, "he is wronging/he wrongs." Or, conversely, corresponding to the perfect tense of the charge, "he has wronged," the denial expected is "I have not wronged" (lā aḥbulu).

Furthermore, as narrated by Kuzullum, the oath preceded the wrongdoing: itmā-ma iḥtablanni, "he swore, and now he has wronged me," or, "he swore (he would not wrong me), but still he has wronged me." Mutatis mutandis, what we said above about -ma as suffixed to atkal applies here. Charpin's "Elali a juré . . ., et pourtant il m'a spolié" is acceptable provided it is understood as narrating a sequence of events. But this understanding excludes an assertory oath.

Another consideration in favor of interpreting the oath as promissory is the reference to Kuzullum's son or sons. ¹⁴ This is certainly much more easily understood of the future—"I will not wrong you or (if you die) your son/sons"—than of the present, at which time the only one being wronged would seem to be Kuzullum.

Persuasion in the Plain Style

The proem (A-B-C) is simplicity itself. Nanna is addressed with a single epithet that not only honors him but also grounds his authority to judge. It is more therefore than *captatio benevolentiae*; it is directly pertinent to the case at hand. B¹⁻² states the barest essentials of the case: the fiduciary relationship binding addressor and addressee, plaintiff and judge, and the charge. Then, with two words, three syllables, the judge is asked to intervene.

The elaboration of the initial statement in B^{1-2} follows, hysteron proteron. B^2 restates the charge in a series of short, asyndetic clauses, all of approximately the same length. The rule of asyndeton, with its staccato effect, is broken only by

^{14.} Only if Elali's oath is assertory may the singular *māram* of 402:9 be urged in favor the singular here (so apparently Charpin: "ton fils (!)"). The "non-grammatical" nominative, whether singular or plural, would be written *ma-ru-ka*.

 $i\check{s}\bar{u}$ -ma, a circumstantial clause at the beginning, and by u before the last clause, a use of the conjunction similar to its appearance before the final noun or nounphrase in a series. The clauses are paired, with various forms of linkage: request for a loan // payment of debts, kaspam // kaspiya; marriage // offspring, emum // $m\bar{a}ram$ u $m\bar{a}rtam$; non-payment of debt // non-payment of whole debt, ula $ui\bar{i}b$ // ula uterram. The final clause stands apart: introduced by u, positive, perfect after a string of preterites, repetition of the key word of B^{1-2} , ihtablanni.

As is evident, this is an extremely simple narrative elaboration of the initial charge. A single verb serves to tell of the request for a loan, whereas in another style one might have found something like *iṭḥiam-ma kaspam īrišannī-ma || u erištašu addiššum*. The D *uppil* deftly underscores the many debts and implies a more than modest sum. The phrase *kaspī šalmam* clarifies the previous clause; it is the *whole* debt that has not been repaid. And the final clause, if our emendation is correct, makes the sense of personal wrong very clear.

What is perhaps the most striking feature of this paragraph is its detached, objective tone. If emotion briefly flickers through in the last clause, in general the writer holds to an expression of bare facts. He eschews the emotional coloring of adjectives and adverbs. He does not denigrate the accused. He does not attempt to arouse pity for himself. In fact, here and indeed throughout the entire composition, the plaintiff is noteworthily inconspicuous. He is mainly an object, either direct (habālum) or indirect (iṭḥiam, uterram). His only action in the narrative, and that not transitive, is trusting, and he concludes with an expression of hope (lūmur-ma). He had money; he has a case. No more.

A final observation on this section, or, more exactly a query: what is the point of the remarks on marriage and family? They have been understood as an explanation for the need of a loan: before marrying, Elali wished, or perhaps was required, to pay off his debts. This may be correct—or if the text is just a school-exercise, this may have been in the writer's mind—but still, in a passage otherwise so laconic, so insistent on bare facts, this information seems somewhat gratuitous and not really germane to the case. At least, that is one's reaction at this point.

What follows (B^1) takes up the initial atkalkum-ma and the string of oaths the plaintiff's trust made possible. This section, though more extensive than the preceding, is fundamentally just as simple and straightforward, and it is marked by close syntactic and semantic cohesion. After the first clause, from ina kirâtim down to kīam itma, the sentence structure is basically the same: adverb(s) of place, direct quotation, verb of speaking (tamûm, qabûm). Here repetition becomes essential, but again only of what is essential: oath upon oath upon oath, in one sacred place after another, before one divine witness after another. The effect is a growing sense of the enormity of Elali's breach of faith.

A particularly effective narrative device is the flashback introduced by appunāma. ¹⁵ This marks climax, and what follows is climax indeed. We are suddenly brought back to the first oath where, as the acute observer might have noted, no gods were mentioned as witnesses. Now we learn who the witnesses were,

^{15.} According to Charpin, Le clergé d'Ur, 328-29, the oath ina kirâtim was the third and last step; he does not explain why the last step is mentioned first.

Nanna himself and the very god of justice, and we also learn all that was said on that occasion. Not only did Elali swear not to wrong Kuzullum, but, if he did, he brought down on himself the curse of childlessness. And suddenly, too, we see why Elali's marriage and acquiring a family were germane to Kuzullum's plea. Despite his now broken oath Elali goes unpunished; he has children.

In conclusion, in a summary statement of his case, Kuzullum argues in a kind of syllogism, the conclusion of which, if unexpressed, could not be clearer. To paraphrase, he says: "Whoever breaks his oath by Nanna and Šamaš must be punished with sickness, poverty, and heirlessness. But Elali has broken his oath by Nanna and Šamaš. (Ergo,...)." And then he asks once more for divine intervention and expresses his hope of experiencing the majestic power of Šamaš and the universal king he addressed in the beginning.

To sum up, I submit that *UET* 6, 402 is the work of a Babylonian Lysias. His sentences are short, to the point, and, with the briefest of exceptions (ša tarammu), completely paratactic. His diction is ordinary. His language is calm and restrained. There is no whining or wailing. There are simple statements of facts; there is argument. The appeals are to the mind, not to the emotions. And, finally, all is luminously clear. We might truly describe it as sermo nudus rectus et venustus, omni ornatu orationis tamquam veste detracta.

A Hidden Conceit

There is another feature of this text that should be noted and that, in some sense, is contrary to the simplicity and straightforwardness I have claimed for the composition. It is the curious and pervasive presence of the number seven. Consider the following facts: (1) the text mentions seven gods (Nanna, Šamaš, Ningal, Ninšubur, Alammuš, Nanna-igidu, Nanna-adah); (2) 1GI (mahar)¹⁶ is used seven times (402:23, 24, 25, 32 bis, 34 bis); (3) the stem tm² is used seven times, either as verb (402:18, 20, 25, 27, 35, 39) or as noun (402:36); (4) the stem bl is used seven times, either as verb (ihtablanni: 402:4, 14, 40; ahabbalu: 402:18, 27, 33) or as noun (hubullišu: 402:7—and note the 6 + 1 symmetry between tm^3 and hbl); (5) the elaboration of B² (402:5-14) consists of seven main clauses; (6) the elaboration of B¹ (402:15-35) consists of seven main clauses (ana... atkal; ina kirâtim . . . itma; ina Kamah . . . itma; libbu Kisalmah . . . itmâm; kâti . . . itma; ilū...iqbi; appunāma...kīam itma). 17 The phenomenon, I submit, is too frequent to be ascribed to chance. It will be noted, too, that it bears upon essential elements of the whole plea: the witnessing gods, the notion of witness, oath, wrong, and even the central narrative structure. 18

^{16.} mehret Ningal suggests the possibility that IGI = mehret. If so, and if the number seven is significant, then the logogram rather than a syllabic spelling is used to obtain the number seven. Its use also indicates that the text is to be interpreted as read, not heard.

^{17.} The narrative line ends here; it is broken by the shift to a general truth. Charpin makes line 35 the last of a paragraph, which, however, he begins with 402:16, ina kirâtim. . . .

^{18.} Seven as a guiding principle of composition would also explain why Elali's second oath, in the Kamah, is not cited; another *la ahabbalukā-ma* would have been one *hbl* too many. Risking suspicions of derangement, I cannot refrain from pointing out that the text consists of 43 lines + 6 indentions, yielding of course 49, $7 \times 7!$

What are we to make of this? I see two possibilities, and they are not mutually exclusive. The number seven has a certain prominence in the monthly cycle of the moon, and structuring a text on its basis might be presumed to be pleasing to the moon god. But such a structure is also a hidden conceit, a display of fancy and wit creating a symbolic presence of perfection and plenitude that might escape mortal eyes but would surely be seen by Nanna, as he read this simple but eloquent plea, a presence indeed so cunning and so elegant, that persuasion was assured. ¹⁹

I conclude this essay with the expression, in the plain style, of my admiration for Yochanan Muffs, the man and his scholarship.

^{19.} I am aware that a number of problems remain to be discussed. Among them are: (1) locating *UET*, 6, 402 in the broader context of Old Babylonian style and rhetoric; (2) the degree of self-conscious reflexivity in the employment of the plain, or any other, style; (3) the use of the enclitic *-ma* in the oaths (*la aḥabbalā-ma*, a feature already noted by A. Walther, *Das altbabylonische Gerichtswesen*, *LSS* VI/4-6 [Leipzig, 1917; reprint: Leipzig, 1968], 224, n. 3) and at the very end (*lāmur-ma*). These are problems the discussion of which is beyond the scope of this essay. Here I would only add that, in my opinion, the solutions to (3) do not affect my analysis of the syntax of *atkalkum-ma*... and *atkal-ma*...; for the moment, compare *šūbilam-ma*, the last word of *AbB* 10, 214:24.