Tracing the Earliest Recorded Concepts of International Law. The Early Dynastic Period in Southern Mesopotamia

Amnon Altman

Department of History, Bar-Ilan University, Israel

We do not know, and will probably never know, when and under what circumstances the first rules of behaviour, designated to regulate the relations between two or more human groups, were created. Lying deep in the mists of the very long prehistoric era, they are far beyond our reach. We may speculate about the circumstances of their first appearance, but it is only with the invention of writing, and when these early rules were put in writing, that we may speak more confidently about this issue.

Writing appeared for the first time in the Near East, during the late fourth millennium, and the earliest written documents we have are from the site of Warka, ancient Uruk (biblical Erech), in the southernmost part of Mesopotamia (ca. 3100 BCE). Yet, for the next six hundred years or so the employment of writing was restricted to economic and administrative records, and to sign-lists for the use of the scribal schools. It is only around 2500 BCE that we have the first royal inscriptions reporting political events.

From around 2900 BCE on, the alluvial plain of southern Mesopotamia – the focus of our discussion here, which much later became to be known by the name Babylonia – seems to have been populated by two distinct ethnic groups who divided it into roughly two equal halves. Its southern part was occupied by the Sumerians, while the Semitic Akkadians occupied its northern part. Recent studies have suggested that there was a


striking difference between the political organizations of these two groups. While the Sumerians developed a system of independent city-states, the Akkadians seem never to have developed such a system, and there are strong reasons to believe that during most of the 27th-24th centuries BCE the northern part had the form of a single political configuration. The paramount position in it was held by the city of Kish, while two other secondary power-centers, Akkak and Mari, seem to have competed with Kish for the control of that configuration. The much later “Sumerian King List”, and some Sumerian literary works commemorating the struggles of the southern city of Uruk with the Kishite kings Enmebaragesi and Akka, suggest that Kish exercised considerable influence in the south sometime during the 28th-27th centuries, and may even have succeeded in gaining some kind of suzerainty over it. From around 2500 BCE, we have documents found at the site of Fāra, ancient Shuruppak, hinting of some kind of military cooperation between six Sumerian city-states in the southern part of the alluvial plain. The evidence we have suggests that that organization was created as a response to a threat posed by the northern power of Akkadian Kish. Further echoes of military struggles from this remote past are found in some later literary works, which are connected with the names of some early kings of Uruk and Kish.

More reliable and dateable information starts to become available, however, only from when the written word was adopted by the scribes for royal inscriptions, with