

Loans of "ŠU.LAL MÁŠ NU.TUK" from the Old Babylonian Period

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Abstract :

Loans are one of the most important cuneiform sources that helped to understand the nature of the economic and financial systems in the ancient Iraqi society. These loans gave us a clear picture of the nature of the borrowing system that prevailed in the ancient Babylonian society, which included two basic types of borrowing texts , the first one represented by interest loan contracts , and the second one is interest-free loan contracts ; As well as the legal and social consequences arising from it.

The legitimate problem is to know the real causes behind the common of the interest-free loan , and what the benefit that the lender will get it.

We have adopted in our study on two unpublished loans from the Old Babylonian Period. And after highlighting the nature of these loans we concluded that probably these lenders may have been agents or tools of the ruling power that are used to create a kind of equilibrium for the lending system.

Keywords : Contracts, interest-free loan, Old Babylonian Period

قروض الـ "ŠU.LAL MÁŠ NU.TUK" من العصر البابلي القديم

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قسم الآثار القديمة / الدراسات المسماوية / جامعة بابل / كلية الآداب .

المستخلص

تعد القروض من المصادر المسماوية المهمة التي ساعدت على فهم طبيعة النظامين الاقتصادي والمالي في المجتمع العراقي القديم، فقد اعطتنا هذه القروض صورة واضحة وجلية عن طبيعة نظام الاقتراض الذي كان سائداً في المجتمع البابلي القديم والذي أشتمل على نوعين أساسيين من نصوص الاقتراض تمثلت بعقود القرض بفائدة وعقود القرض بلا فائدة ؛ فضلاً عن التبعات القانونية والاجتماعية المترتبة عليها. وتمثلت مشكلة البحث الأساسية بمعرفة الاسباب الحقيقية وراء انتشار القروض الخالية من الفائدة وماهي المنفعة التي يتحصل عليها المقرض، وقد اعتمدنا على قرضين يعودان للعصر البابلي القديم. وبعد تسليط الضوء على طبيعة هذه القروض خلصنا الى جملة نتائج في مقدمتها وجود أدوات حكومية تعمل على حفظ التوازن المالي والتجاري للمجتمع عن طريق التحكم بنظام الاقتراض.

الكلمات الدالة: العقود، القرض بدون فائدة، العصر البابلي القديم.

1. Introduction :

Loans are one of the most important cuneiform sources that helped to understand the nature of the economic and financial systems in the ancient Iraqi society. These loans gave us a clear picture of the nature of the borrowing system that prevailed in the ancient Babylonian society, which included two basic types of borrowing texts, the first one represented by interest loan contracts, and the second one is interest-free loan contracts; As well as the legal and social consequences arising from it.

Regarding to the interest-free loan contracts, the subject of the article, it was less common and used than those that carry a rates of interest. The reason behind this is that the principle of lending is based on financial profit, and it is unreasonable that the owners of capital will not obtaining a percentage of the profits for lending their money, especially It will be as frozen credits.

Therefore we will find that the largest proportion of lenders in the ancient Iraqi society are those who imposing a percentage of the interest on their money, unlike those who do not imposed a percentage of the interest on their loans. However this does not negate the fact that there are quite a few loans that did not include rates of interest on the borrowing process.

2-The reasons behind the Common the interest-free loans

Concerning the nature of the interest-free loans; and the reasons behind their popularity, despite it does not included any financial profit, there is many opinions and jurisprudence that we can summarized with a few points as it shown below:

- These lenders may have been agents or tools of the ruling power that are used to create a kind of equilibrium for the lending system; Where they work to granting interest-free loans to limit the needy people resorting to merchants and owners of capital who work on the interest system; In addition to forcing the lenders to reduce their interest rates at least in order to keep pace with these changes and not to lose those who deal with them.
- There may be a local groups or organizations working to facilitate the affairs of the needy peoples, and there is no gain for them except the satisfaction of the gods and people alike, as is the case in our time.
- Interest-free lending may sometimes be a propaganda aspect; Where some of the merchants, affluents and influential characters, resort to it in order to build a popular base that enables them to take a good position in society.
- In certain cases, especially friendship and kinship ties where its play a great role in stripping the loan from the interest. because of its great and important social role.

3- The Types of the interest-free loan contracts

Although the interest-free loan contracts included many and multiple formulas, all of which indicated that the contract was free of any interest incurred on it, but in certain cases the lender resorts to imposing a percentage of interest on the borrower. despite the existence of formulas and phrases that deny the existence of interest; where this interest percentage came here as a penalty clause, as long as the borrower did not pay what he owed within the legal period specified in the contract.

Generally, the interest-free loan contracts are divided into several types according to the formulas used in writing them, as shown below

1- Loans (EŠ(.ŠE).DÉ.A / hubuttutum)

This type of loans was popular during the old Babylonian period, and it came in Sumerian formula (EŠ(.ŠE).DÉ.A) opposite by Akkadian formula (hubuttutum) [1,H,221:1],[AHw,352:b] , which means “interest-free loan.”, [3,I, 20:70], These two formulas appear in the contracts of the city of Kisura and the cities of Dilbat and Lagapa [4,145] ,[5,NO.30] ; Ashjali [6,NO.66-76] , Tel Harmal [7, 29,30,49], Sipar [8,119,121], and a number of other cities [9,No:49] [10,No:28] .

Although this formula is for interest-free loans, there are those who believe the opposite and they confirm that this type of loans are interest-bearing loans and that what was written on the loan text is nothing but the total sum of the material and its interest rate, and not just the loaned material [11,452ff].

According to their opinion, if the (hubuttutum) loans are from the type that do not include an interest rate, then what is the purpose of having more than one formula for this type of loan.?

Where in some cases there is a specific formula that imposes on the borrower an interest rate if he is late in repaying within the prescribed period (ušetiqma MÁŠ ussab) meaning: (If) he allows (the repayment date) to pass (without repaying the loan), he will add an (interest)[4:145].

While there are another form for this type of (hubuttutum) loan, has been appended by the phrase (MÁŠ NU.TUK), which means “interest is not taken.” If they are interest-free loans, then what is the purpose of this phrase which confirm that the interest is not taken”.

To answer this question, we believe that the purpose of mentioning this phrase in this loan is to obligate the lender not to take any interest even if the borrower is late for the repayment date; Because it is unreasonable for him to take an interest rate while writing a loan free contract ; free from any financial obligations.

2- Loans (ŠU.LAL / qiptum [1,Q,262:b]).

This type of loan is one of those that do not adopt the principle of interest, and it was mentioned in abundance within the loans of the cities of Ur [12,V, 297-299] and Kisura [13,11,14,16,27]. The cuneiform texts that included this formula showed us that the writer did not mentioned anything about the interest and percentage of this loan; Rather, he stressed that this type of loan is interest-free loans.

Some have pointed out that this type of loans (ŠU.LAL) are interest-bearing loans and when the phrase (MÁŠ NU.TUK)[12,301,304-308-316], appears in them, these loans become interest-free [7:133], but this opinion is not based on strong evidence, and ŠU.LAL loans-As in the case of the hubuttutum loans - it was originally found to be interest-free loans, and what supports this is the stipulation of paying interest on overdue loans in some contracts, where we read:

ÍB.TA.BAL MÁŠ 1 MA.NA 12 GÍN BA.AB.TAH.E

Meaning: (if) he skips (the payment date), he will add interest of 12 shekels (for each) (of) [12, No:364].

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Obv.	
	3 GIN ₂ KU ₃ .BABBAR
	ŠU.LAL MÁŠ NU.TUK
	KI ^d šamaš (^d UTU)
	u ₃ nu-ur ₂ i ₃ -li ₂ -šu
5.	^m za-an-nu-um
	ŠU.BA.AN.TI
	ITU NUMUN.A
	KU ₃ I ₃ .LA ₂ .E
Rev.	
	IGI bel-adad (IM)-nu- ^r ri ¹
10.	IGI u ₂ -iš-[x x]
	IGI ^d šamaš (UTU)-mu-[x]
	IGI i ₃ -li ₂ -dan
	ITU 𒂗NE.NE.GAR UD 26 KAM
	[.....]

Literal Translation	
Obv.	
	three shekels of silver
	Interest-free loan
	From Shamsh
	And Nur Elishu
5.	^{Mr} Zanum
	(He) received
	In the month of July
	Silver (He) will weigh
Rev.	
	In the presence of bel adad nuri
10.	In the presence of u-ish
	In the presence of Shamsh Mu.....
	In the presence of Eli Dan
	On the twenty-sixth day of August
	[broken line]
General Translation	
	Interest-free loan from Shamsh and nur elishu in the presence of many witnesses during the twenty-sixth day of August.

Vocabulary Explanation :	
1.	GIN ₂ : Sumerian weigh unit , opposite by Akkadian (šeqlu).[16,p.6] [17,6/2, p379] KU ₃ .BABBAR : Sumerian Vocabulary mean (silver) , opposite by Akkadian (kaspum) , [1,K,p.245:a] [2,p.454:a]
2.	ŠU.LAL : A Sumerian formula means (loan) opposite by Akkadian (qiptum) , [1,Q,p.262:b] [4,p.32] MÁŠ NU.TUK : Sumerian term opposite by Akkadian (ši-ib-ta la i-ši) From the source (wašābu / ašābu) , which mean (without interest / interest-free) , [3,1,p.20]
3.	^d šamaš (^d UTU) : Masculine Proper Name , meaning (the god šamaš) [18,p.123]
4.	nu-ur ₂ -i ₃ -li ₂ -š _u : Masculine Proper Name , meaning (the light of his god) [19/5, p.33] , [20/3,p20]
5.	^m za-an-nu-um : Masculine Proper Name
6.	ŠU.BA.AN.TI : Sumerian verbal form means (to receive), and the original form is (ŠU.BA.N.TI). It consists of (BA) verbal Conjugation Prefix for the passive , (N) the subject pronoun Prefix for the third person , and (ŠU...TI) a compound Sumerian verb root meaning (received), opposite by Akkadian verb (ilqe) which is a past tense verb for the third masculine singular person from the simple formula (G) , from the source (leqû) which mean (received) . [21, 20/2, p.364] [22,p.11] [1,K,p.131:a]
7.	ITU : Sumerian Vocabulary mean (month) , opposite by Akkadian (warhu) , [2,p1466] [NUMUN.A : Sumerian term for the month (july) , opposite by Akkadian (dûzu) , it also represents the fourth month according to the Babylonian calendar , [23/5,p.300] [24,½,p.8,1:22] .
8.	I ₃ .LA ₂ .E : Sumerian verbal form means ((He) will weigh) . It consists of (I ₃) verbal Conjugation Prefix , and the (LA ₂), Sumerian verb root meaning ((He) will weigh) , and (E) represent the present tense suffix . Sumerian verb root (LA ₂), opposite by Akkadian verb (išaqqal) which is a present tense verb for the third masculine singular person from the simple formula (G) , from the source (šaqālu) which mean (weigh).[2,p.1178] [3/5,p.26]
9.	bel-adad (IM)-nu-ri [25,p.26]
10.	lu-iš-[x x] : broken PN.
11.	^d šamaš (UTU)-mu-[x] broken PN.
12.	i ₃ -li ₂ -dan : Masculine Proper Name , meaning (my mighty god) , [26,p.47]
13.	NE.NE.GAR : Sumerian term for the month (August) , opposite by Akkadian (Abu). [1, A/1, P.75] [2, P.8:a]

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Obv.	
	½ GIN ₂ KU ₃ .BABBAR
	ŠU.LAL MÁŠ NU.TUK
	KI šamaš (UTU) TA
	^m šamaš (UTU)-ba-ni
5.	[u ₃] bel-adad (IM)-nu-ri
	ŠU.BA.AN.TI
	[I]TU BAR ₂ .ZA ₃ .GAR
	KU ₃ I ₃ .LA ₂ .3
Rev.	
	[K]U ₃ -I ₃ .LA ₂ . ^{ʿE}
10.	[IGI] [x x]-a-[.....]-na-[x]-bu-[.....]
	IGI a-[x x]- e[n]- nu-nu
	ITU GAN.GAN.E ₃
	MU ^d sin(^d EN.ZU)-i-ri-ba-am LUGAL

Literal Translation :	
Obv.	
	One third shekel of a silver
	interest free loan
	from shams
	Mr. Shams Bani
5.	And Bill Added Nouri
	(they) received
	in the month of April
Rev.	
	(Silver) (He will) weighs
	[In the presence of] [x x]-a-[.....]-na-[x]-bu-[.....]
10.	In the presence of a-[x x]- e[n]- nu-nu
	The Month of December
	MU ^d sin(^d EN.ZU)-i-ri-ba-am LUGAL
General Translation	
	Interest-free loan from Shamsh bani and bill added nori in the presence of many witnesses during december. this loan belong to the period of the king ^d sin iribam

Vocabulary Explanation :	
7.	BAR ₂ .ZA ₃ .GAR : Sumerian term for the month (December) , opposite by Akkadian (kislimu). [1, K, P.429].
12.	GAN.GAN.E ₃ : Sumerian term for the month (April) , opposite by Akkadian (nisânu).It is one of the sacred months for the sumerians. [23, P.300].

Conclusions

1. The economic system of the ancient Iraqi society was subject to legal condations to control all commercial, financial and economic activities
2. The ancient Iraqi legislator reached a high level of administrative maturity, especially after limiting interest rates on loans to control these financial and commercial operations.
- 3 . The loans in ancient Iraq varied between interest-bearing loan contracts and interest-free loan contracts, as well as various other types of contracts such as contracts of (help, investment, seed, profit, etc.).
- 4 . The ruling authority possessed agents and tools to controlled the lending system.

CONFLICT OF INTERESTS

There are no conflicts of interest

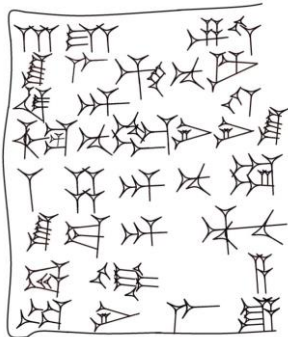
References :

- [1] Oppenheim, A.L. The Assyrian Dictionary of the Oriental Institute of the University of Chicago, Gluchstadt (1956ff). **CAD**.
- [2] Von Soden,W Akkadisches Handwörterbuch, Wiesbaden(1959ff), **AHW**.
- [3] Landsberger, B.Materialien Zum Sumerischen Lexikon, Rome (1937)ff. **MSL1**.
- [4] A'bdul-sattar Ahmed H.Al-Jubory Loan Contracts and Interest System in the Old Babylonian Period, MA thesis, mosul, 2003.
- [5] Vorderasiatische Schriftdenkmäler der Königlichen Museen Zu Berlin, Leipzig,VII. **VAS**
- [6] Greengus, S., Old Babylonian Tablets from Ishchali and Vicinity, Istanbul, 1979 **OBTIV**
- [7] Skaist, A., The Old Babylonian Loan Contract, Its History and Geography, Bar-Ilan, 1994, (**OBLC**).
- [8] AL-Rawi, F.N.H. and Dalley, S., Old Babylonian Texts from private Houses at ABU Habbah Ancient Sippir, Baghdad University Excavations, **EDUBBA**, VII, London, 2000.
- [9] Boyer, G., Textes Juridiques, **ARM**, VIII, Paris, 1958.
- [10] Scheil, V., Actes Juridiques Susiens, **MDP**, XXII, Paris, 1930.
- [11] Bilgiç, E., “Die Wichtigsten Ausdrücke über Schulden und Darlehen in den Keilschrifttexten”, **AÜD**, 5, 1947

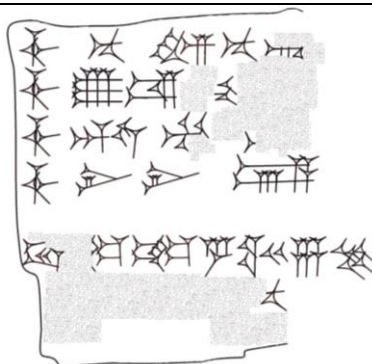
- [12] Figulla, H.H. and Martin, W.J., Letters and Documents of the Old-Babylonian Period, **UET**, V, London, 1953
- [13] Kienast, B., Die Altbabylonischen Briefe und Urkunden aus **Kisurra**, I, II, Wiesbaden, 1978.
- [14] Gautier, M.J.É., Archives d'Une Famille de Dilbat au Temps de la Première Dynastie de Babylone, **MIFAOC**, 26, Cairo, 1908.
- [15] Black, J., George, A., and Postgate, N., A Concise Dictionary of Akkadian, 2nd (corrected) printing, Wiesbaden, 2000, (CDA).
- [16] Neugebauer, O, and others. Mathematical Cuneiform Texts. New Haven (1945). **MCT**.
- [17] People, A. Babylonian Legal and Business Document from Babylonian of the first Dynasty of Babylonian Chifly from Nippur, Philadelphia, (1909), **BE 6/2**.
- [18] Gelb, I. J. and others. Nuzi Personal Names, (1943). **NPN**.
- [19] Grice, E.M., Records from Ur and Larsa dated in the Larsa Dynasty , New Haven 1919, **yos 5**.
- [20] Arnaud, D., Texts Aus Larsa Die Epigraphischen Funde Der 1. Kampagne in Senkereh-Larsa , 1993, Berlin, 1994 , **TAL, 3**.
- [21] Kienast, B. Die Altbabylonischen Briefe und Urkunden aus Kisurra, II, Wiesbaden, (1978), **FAOS**.
- [22] Ungnad, A. Grammatik des Akkadischen, München (1949). **GA**
- [23] Ebeling, E., Meissner, B. Reallexikon der Assyriologie. Berlin / Leipzig, (1976). **RLA 5**.
- [24] Leemans, W.F. Legal and Economic Records of The Kingdom of Larsa, Leiden, (1954), **SLB, 1/2**
- [25] Rasmussen Carl George--A STUDY OF AKKADIAN PERSONAL NAMES FROM MARI, 1981.
- [26] Ferris, J. Stephens, Personal Names from Cuneiform Inscriptions of Cappadocia, 1925.

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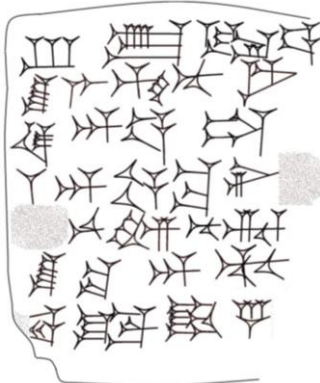


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