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„KILL A DONKEY”

INTRODUCTORY REMARKS

The article devoted to customary law institutions used for entering into covenants and other types of alliances defined by the Arabic term Leff ¹ depicts situations where the main hero of the narrative is presented as… a donkey². On the one hand, the animal was used as a carrier of the message in the literal sense because the covenant proposals between the parties in conflict were placed in a bag which was carried by the mentioned animal on its back, and on the other hand, the donkey was used in a symbolic meaning. The animal in this story referred to the totemic

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²Leff as noted by Ryszard Vorbrich, the term means honorary brotherhood concluded to defend, wage war, exchange goods and exchange women, exploit water, and pasture, or more generally: economic cooperation. Compare R. Vorbrich, Górale Atlasu marokańskiego. Wroclaw 1996, p. 191-196
²D. Rozmus, Leff. Common law institution in the medieval Maghreb, „Annuals of Administration and Law” XVI/2016, p. 73-79.
meaning of the donkey to one of the parties. Among the habitants of the Arabian Peninsula and North Africa, more generally speaking among Chamito-Semitics, one can find many examples of such association in which the name of the animal is associated with the eponymous name of a tribe.

The published article refers to the Leff institution and an example of its conclusion, which can be dated at the end of the 9th century AD. However, donkey symbolism has a much wider meaning than only the one related to a set of totemic animals. It has a cultural meaning and of course religious meaning. In addition, we can mention here the meaning associated with ancient Middle Eastern legal institutions. We will try to bring this last issue closer in this text.

First, we must answer the question whether opening a discussion on this subject, starting from the custom noticed in the medieval Maghreb, makes sense. Where Maghreb - the western part of the world of Islamic civilization, and where the peoples of the present Mashreq, that is, the eastern tract of Islamic civilization with a small exception that is Israel. The key to answering this question is the acceptance that for thousands of years there has been an ongoing migration of peoples and cultures from east to west. This is not where we present scientific evidence for such migrations of both people and ideas. The literature on this subject is very abundant. We should pay attention to genealogical traditions which, where they still exist, have an impact on shaping the common law. At this point, we will only mention the Berber population.

3 The residents of Meknás seized Salih’s donkey (Emir Salih was the ruler of the Himjart family, for whom the donkey was most likely a totemic animal), who was known to them. They took the sack and when they read the letter they decided to immediately mutilate the donkey and continue resistance. But then they changed their mind and decided to unite all who opposed Salih. And so they did. They gave honor to the donkey (sic!) wrapping it in a shroud and drove him to Salih... and begged him for mercy, and he gave it to them, compare El-Bekri, Arabic text: W. McGuckin de Slane, Description de l’Afrique Septentrionale par Abo-Obeid El-Bekri, Alger 1911, p. 91-93. Compare also C.S. Coon, Tribes of the Rif, Harvard African Studies - Peabody Museum of Harvard University Cambridge, Mass., U.S.A. 1931, vol. IX, p. 28..

4 In the names of Arab tribes we find numerous traces of totemism. Names such as Banu Kalb (i.e. literally sons of a dog, it should be noted that there is no derogative message in this term), Banu Kilab (sons of dogskilab plural from a dog), Banu Namir (sons of tiger), Banu Asad (literally sons of a lion) prove that the names were taken from the ancestors, among mythical animals are in abundance. Compare among others M. Gaudefroy-Demombynes, Narodziny Islamu, Warsaw 1988, p. 23. Banu Hamir literally means the sons of a donkey. The meaning of the Arabic word from which the name of the Himjarite family comes from is associated with the Semitic triple-radical word-formation hmr, which is particularly important for our considerations, because it means donkey (hebr.khamoralboarab. himar, l. mn.: hamir). Banu literally means the sons of a donkey. The meaning of the Arabic word from which the name of the Himjarite family comes from is associated with the Semitic triple-radical word-formation hmr, which is particularly important for our considerations, because it means donkey (hebr.khamoralboarab. himar, l. mn.: hamir). Banu Adam means the sons of Adam in the sense of people / humanity. Besides, animals in the customs of ancient East and North Africa played a key role in many rituals and ceremonies, including the ritual of purification. Bucks, dogs and other animals were used in such ceremonies. See Kozioł dla Azazel. Zwierzęta jako nośniki nieczystości na Wschodzie starożytym, [in:] Starożytna Palestyna – między Wschodem a Zachodem. Studia Historico – Biblica 1, Lublin 2008, p. 49-59.
Regarding the traditional division based on the Berber origin, it refers to two ancient groups. Members of one of the groups are the ancestors of the nomadic population, the Bedouins, and the latter are descendants of a migratory settled population which, at the same time, is at a higher stage of civilization development. These descendants of farmers and residents of cities were called al-baranis\(^5\). The most important in this matter are the accounts of medieval historians. The first one comes from the 9th century from the Ibn `Abd al-Hakam\(^6\), who lived in Egypt and the second from the 14th century from Ibn Khaldun\(^7\). The latter historian and thinker won world fame.

There are many other genealogies. Of course, the Himjarites find their place among them, as well as entire groups of tribes that were once connected in Syria, including tribes such as Amalekite, Canaanite (or Palestinian), and others. The common feature of these genealogies is combining Semitic (and Chamitic) people separated from each other not only by geographical distance, but also by chronology. In conclusion, we can assume that genealogies referring to the period before Islamic period point to the eastern origin of the Berber population, regardless of how different and distant from each other in time these migrations were. A similar approach was also represented by the Jewish tradition. In the Book of Isaiah (17, 9) the following paragraph is found, On that day your fortified cities (it is all about Damascus and Samaria) will be like those abandoned by the Amorites and Hivites, who left before the sons of Israel. They will become a desert\(^8\).

The bible does not mention where the above-mentioned tribes (i.e. the Amorites and Chivwits) departed. On the other hand, according to Talmud, it was Africa\(^9\).

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\(^9\) Kwiaty wschodnie - a set of moral principles, theological principles, proverbs, social rules, allegories and novels taken out of the Talmud and contemporary writings, put together Abraham Buchner, Warszawa 1842, p. introduction p. V. In the light of modern research, the problem seems to be more complicated. Compare among others, the slogan, „Berberes – a. Origines” [in:] „Encyclopedie de l’Islam”, volume I, E.J. Brill, Leyda 1960, p. 1208-1209. The population of the Maghreb not only history of migrations from the east, the coast of northern Africa and from Europe, a part of the population substrate comes from the original inhabitants of these areas, but their wandering and history are unfortunately lost. compare E. Szymański, Tradycje i legendy ludów Afryki Północnej, Kraków 1994, p. 13-38. T. Kotula, Libijczycy - Berberowie, [in:] Historia Afryki do początku XIX wieku, Wrocław 1996, p. 233-234, Z. Komorowski, Kultury
These and other examples indicate that we can talk about multiple and far-reaching cultural relationships in this region of the world. Islam’s reign has not changed anything in this matter. Therefore, analyzing the above described maghreb example is not unauthorized for our topic.

A SHORT OVERVIEW OF THE COMPLEX SYMBOLISM OF THE DONKEY

Returning to the issue of donkey’s meaning in the legal tradition of the people of the ancient East, we can reach deeply into the past.

It is enough to examine various aspects of donkey symbolism, from definitely negative to those which glorified the donkey, as well as its owner. Above all, a donkey can be considered an animal that was ridden by heroes, prophets, patriarchs and gods\(^\text{10}\). However, we should remember that usually it is the Donkey (a symbolic animal, an imaginary one, etc.) not an ordinary donkey from the nearest barn, whose fate, if it was not fit for hard work, was of nobody’s concern.

In Syria, the donkey was considered a sacred animal that was ridden by the goddess mother of the gods - also the goddess of the sea coast Atirat (other gods ssali sutki piersi Aširat)\(^\text{11}\). In places of her worship, so-called highlands, there were symbolic pillars for Asherah, the “wife” of the Canaanite god Baal\(^\text{12}\). She was, as the goddess of vegetation, worshiped throughout the whole of the Phoenician-Canaan territory\(^\text{13}\). The mount of the goddess, as it is often in the history of religious worship, despite its complex symbolism and closeness to the supernatural beings, did not have it easy. Worshipers of the ancient Semitic god Baal (basically the wife of Asher) were offering those animals in a form of a sacrifice. Of course, it was a sacred

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\(^{11}\) Compare S. Cinal, *Ba’al z Ugarit a inni bogowie burzowy starożytnej Syrii i Palestyny*, Publisher of the Jagiellonian University, Krakow 1997, p. 23. Transcription of the names of Semitic gods is diverse. Cf. Hebrew ‘Asher (Ugarycki: ‘rt, other forms: Athirat, Asirat, Elat) - in the mythology of the Ugaritic goddess of the sea coast, identified with the planet Venus and its aspect as the Morning Star, mother of the gods, initially the wife of the supreme god El, then wife Baal. It has also moved to the folk Hebrew mythology, along with syncretic tendencies fought by the orthodox mainstream defending the radical, prescribed in the Decalogue of Sinai, the monotheism of Israel”. Compare https://pl.wikipedia.org/wiki/Aszera.

\(^{12}\) During the study of the caravanserai in Kuntillet el-Ağrud, located on the edge of the Sinai Peninsula, the following inscription was discovered: “I bless you through Yahweh from Samaria and his Asher.” It was believed in some circles of followers in the existence of the companion of Yahweh. It is perhaps a manifestation of the so-called folk religion; compare S. Cinal, op. cit., p. 120.

act. Egyptians sometimes saw a devilish animal in the donkey\textsuperscript{14}.

We also discover numerous examples of positive or negative symbolism in the Old Testament. Abraham, the patriarch Abraham, brought his son Isaac to death on the back of a donkey, which is sometimes considered to be prefiguration of events from the New Testament. Therefore, we should not forget about the connections between this animal and the messianic symbolism\textsuperscript{15}. It was on the donkey that Christ entered Jerusalem on Palm Sunday. This is a vision of the prophet Zechariah your king comes to you, righteous and victorious, lowly and riding on a donkey, on a colt, the foal of a donkey (Book of Zechariah 9.9). In the Judaic and Christian traditions, the positive aspects of this animal prevail\textsuperscript{16}.

Prophet and founder of Islam Muhammad (Mohammed) had a donkey named Ya'four, and its walk was admired by important personalities. A number of ancient Arabic sources emphasize the donkey’s intelligence, paying attention to the fact that the animal can always find its way home regardless of the circumstances. Arab medieval sources also contain information from a fairy tale, according to which wild donkeys were to reach the age of two hundred or even eight hundred years (sic)\textsuperscript{17}.

Therefore, there is no doubt that in the Semitic communities over the centuries, the donkey was present in the lives of people not only because of its animal existence, but also as a carrier of deep and complicated symbolism. We must remember that whenever we come across the cult of an animal, it does not really refer to the animal from flesh and blood but it rather refers to what the animal reflects in the history of a given society (eponymous ancestor, symbol of the embodiment of a higher being etc.).

So the ancient oriental gods used them, Christ and the Prophet Muhammad rode it. Donkey also personified a lot of negative features, some of which may have resulted from the character of this animal. They were and are mainly stubbornness less lust.

Using the image of this animal has not passed away even in the present times. In the negative sense, sins can be delivered on the backs of donkeys by Satan, according to the teaching of one of the religious thinkers of religious movement Dawat-e-Islami, created in Pakistan after 1980\textsuperscript{18}.


\textsuperscript{15} Lurker, ibid., p. 162-163.


\textsuperscript{18} It is said that Sayyiduna Isa once saw Satan with four loaded donkeys. He asked him what they were carrying. Satan replied, “They are carrying my merchandise, one ofthem is carrying cruelty, another is carrying dishonesty, the third is carrying treachery, and the last one is carrying jealousy.” He asked, “Who will buy this merchandise?” Satan replied, “Rulers will buy cruelty, traders will buy dishonesty,
A DONKEY IN THE LEGAL TRADITION OF THE PEOPLES OF THE ORIENT

The signs of legal tradition in which the donkey plays the roles are found in the Bible and other oriental texts. The inhabitants of ancient Shechem in present-day Israel were called Bene Hamor, i.e. literally, the Sons of the Donkey, and their god Ba’al Berith, the Lord of the Covenant. The Bible was written in times much younger than the events and customs that it describes. Thanks to discoveries in the area of Mesopotamia, we can take advantage of even older sources, including nearly 25,000 clay tablets, containing legal and economic content, that were found in the state archive located in the city of Mari. The archive contained a rich diplomatic correspondence from the 19th and 18th BC in which, as discussed below, we have traces of the legal use of the donkey, both as a symbol and as a specific animal in legal ceremonies.

Of course, we must realize that if we encounter the donkey in the documents related to the legal traditions of the ancient countries of the Orient and North Africa, it will mainly mean that the animal was an object of trade. This may be, for example, a matter of a dispute involving a previously agreed exchange (sale, possibly with additional charge – DR, maybe barter) of an ox for a donkey. In the mentioned case, however, it turned out that the donkey was not (to put it mildly) in good condition. Which means that it could not be an adequate equivalent to be exchanged for another healthy animal. Thanks to this matter, we get to know the content of the dispute settled in the legal states of the era.

Very often, as far as the donkey is concerned, it is also a claim to pay for the loss of the animal due to its death or its escape. On the list of people convicted (it may be a list of prisoners or detainees) for various crimes against property and life, you can, by analysing the allegations, see that often the object of the theft was a donkey...

women will buy my treachery, and as far as the jealousy is concerned, scholars will buy that. Por. Shaykh-e-Tariqat Amir-e-Ahl-e-Sunnat, The Four Donkey of Satan English translation from Majlis language, Karachi Pakistan https://data2.dawateislami.net/Data/Books/Download/en/.../8-1.pdf According to the ancient work of Fizjog, the wild onager donkey sounds 12 times a day and night when the equinox. Satan, whom the animal symbolized, roars on this day because his kingdom is diminished. It was the 25th day of the Coptic month of Famenot (March). D. Forstner OSB, Świat symboliki, op. cit. p. 288.

19 J. Bright, Historia Izraela, Warsaw 1994, p. 82.
21 "The Deir el-Medina material offers numerous examples of transfers or sales. O. Gardiner 152 may record the purchase (or barter?) of an ox in return for a donkey. On day 22, A gives B an ox. One week later B brings the donkey in exchange, and states, apparently in the presence of witnesses: "Look, this donkey is for the compensation of your ox." 456 A buyer has the right to expect a defect-free object or animal. In O. DeM 73, a man complains that he has been sold a poor-quality donkey, which the seller thereupon replaces with one of more satisfactory quality". Por. A History of Ancient Near Eastern Law, op. cit., pp. 338.
or donkeys\textsuperscript{22}. It is also the subject of confiscation with other types of property due to the crime of the owner of the animal.

From the texts that come from the Hittite city of Alalakh (generally the second millennium BC) it appears that a slave should be treated like an ox, donkey, etc. It depicts the poor condition of slaves in this city. However, it is worth considering whether it is really obvious. Would the owner advantage from a badly treated donkey and an ox?\textsuperscript{23} All these legal cases refer to the material form of an extremely useful animal in the cultures of that time (and today the donkey plays a major role in that region).

However, sometimes the donkey was the subject of a contract and a ceremony. In this case, reference was made to the complicated symbolism of which the animal was the carrier.

We can mention the extensive ceremony of making a covenant known from the letters of Mari (ARM 26/2 404) - the city in the peak period of its power, also the nation in northern Mesopotamia. It is about making a covenant between kings named Atamrum and Andarig\textsuperscript{24} and Ashkur-Addu\textsuperscript{25} from Karana / (Q) Kattara (the city name is written by both K and Q)\textsuperscript{26}. They ruled in the area of Sinjar - today an area in north-eastern Iraq.

The procedure for concluding a treaty consists of several stages\textsuperscript{27}.

1. The king of Atamarum sends an envoy to the summit meeting with King Ashkur Addu in one of the border towns.
2. King Ashkur Addu sends his envoy to accompany the representatives of King Atamaru and his servants (vassals) to the summit. As observers, there are also representatives of other countries including such powers as Babylonia.
3. A debate over the content of the treaty take place.
4. Each party submits its terms (requests) in a formal manner.
5. Adoption of the treaty. Killing (killed - qatàlum) of a sacrificial animal, in this case it is a “donkey” (‘hajjàrum’, or in other transcriptions 'hayarum'). The killing provided the blood needed for the ritual, which was to symbolize a new bond between the contracting parties. The sacrifice and blood emphasized the seriousness of the treaty.
6. Solemnly taking oaths for gods, including local gods and gods having follow-

\textsuperscript{22} A History of Ancient Near Eastern Law, op. cit, pp. 176.
\textsuperscript{24} The location of Andarig city already existing in the first centuries of the second millennium BC – compare M. van de Mieroop, Historia starożytnegoBliskiegoWschodu ok. 3000 – 323 p. n. e , Publisher of the Jagiellonian University, Krakow 2008 p. 113.
\textsuperscript{25} https://ca.wikipedia.org/wiki/Ashkur-Addu.
\textsuperscript{26} The state archive has also been found in (K) Qattra compare M. van de Mieroop, Historia starożytnego Bliskiego Wschodu, op. cit. 89 city locations compare M. van de Mieroop, op. cit., p. 104 and https://pl.wikipedia.org/wiki/Tell_al-Rimah.
\textsuperscript{27} Description of the ceremony based on A History of Ancient Near Eastern Law, op. cit., pp. 748.
ers of international reach due to the spread of worship.

7. Exchanges of gifts and sumptuous feast combined with drinking (usually “hot”) alcohol.

It can be assumed that from the aforementioned letter from Mari (ARM 26/2 404) the term “hayarum qatalum” - an Amoritic idiom, which translates as “to kill a donkey”, becomes a technical term meaning the conclusion of the covenant\textsuperscript{28}. The custom of sanctifying the covenant with an animal sacrifice was also the part of European civilisations. The sacrifices described by Homer also include an animal sacrifice\textsuperscript{29}.

Finally, as part of the digression, it is worth to pay attention to the scene commonly known from the Palace of Caesars at the Palatine (graffiti) depicting a man seen hanging from a cross with his back turned towards the viewer\textsuperscript{30}. This is known as ‘the mocking cross’\textsuperscript{31}. The graffiti was discovered in 1857. Below the cross stands a man with a hand raised in a gesture of religious worship. The signature in Greek says \textit{Aleksamenos honors God}. In this drawing that probably comes from the period between the first and third century AD there would be nothing strange to anyone living in the presence, if it was not for one important detail - the crucified figure has a donkey’s head. The drawing is primitive and, for that reason, it was considered a kind of wall scribbles typical of public buildings (including latrines) in the past and today. Its character speaks for recognizing the character as anti-Christian satire\textsuperscript{32} or even mockery\textsuperscript{33}. However, not all scientists go towards this type of interpretation\textsuperscript{34}. There is also a possible connection between this image and magic. The Egyptian god Set\textsuperscript{35}, perhaps Anubis, would hang on the cross.

Most likely, the depicted graffiti is anti-Christian satire. The deep meaning given to this common animal in the end, including the messianic symbolism contained in the donkey, whose children, of course in the eponymous sense are Bene Hamor - Sons of the Covenant, urges us, however, not to close the discussion on the meaning of this depiction. New source research, new archaeological discoveries still bring us,


\textsuperscript{30} You can easily find the drawing on the Internet. Compare https://pl.wikipedia.org/wiki/Graffiti_Aleksamenosa.

\textsuperscript{31} S. Kobielus, \textit{Krzyż Chrystusa. Od znaku i figury do symbolu i metafory}, Warsaw 2000, p. 118, fig. 43.


\textsuperscript{33} Compare Kobielus, \textit{Krzyż Chrystusa}, op. cit., p. 118, fig. 43.

\textsuperscript{34} https://pl.wikipedia.org/wiki/Graffiti_Aleksamenosa, op. cit.

\textsuperscript{35} A. Wypustek, \textit{Magia antyczna}, Wroclaw 2001, p. 154-155. The author gives the transcripts of tablets with the imaginations of Setiansupernaturalentities, but, as noted by the demons, theyareratherhorse-likethandonkeys.
after all, big surprises.

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Summary: For thousands of years, we can observe that the donkey, an animal commonly used in the Mediterranean world and Asia as a beast of burden, has a rich symbolism associated with religion. It was ridden by ancient heroes, prophets, patriarchs and gods. In the Judaic and Christian traditions, there are positive aspects of this animal that are associated with messianic symbolism. The donkey was also used in the legal practices of the ancient East. Phrase to kill a donkey used in the existing in the second millennium BC in the present territory of Syria and Iraq, the city and the country of Mary, has become a technical term meaning the conclusion of the covenant.

Keywords: Symbolism of animals, donkey symbolism. The state and city of Maria, the covenant

„ZABIĆ OSIÓLKA”

Streszczenie: Przez tysiące lat możemy obserwować, że osioł – zwierzę powszechnie używane w świecie śródziemnomorskim i w Azji jako zwierze juczne, pociągowe i do jazdy – posiada bogatą symbolikę związaną z treściami religijnymi. Dosiadali go starożytni bohaterowie, prorocy, patriarchowie i bogowie. W tradycji judaistycznej i chrześcijańskiej przeważają pozytywne aspekty tego zwierzęcia wiążące się z symboliką mesjańską. Osiół był też wykorzystywany w praktykach prawnych starożytnego Wschodu. Fraza zabić osła używana w istniejącym w drugim tysiącleciu p.n.e. na terenie współczesnych Syrii i Iraku mieście i państwie Mari stała się terminem technicznym oznaczającym zawarcie przymierza.

Słowa kluczowe: symbolika zwierząt, symbolika osła, państwo i miasto Marii, zawarcie przymierza