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# Treaty, Law and Covenant in the Ancient Near East

Part 1: The Texts

2012

Harrassowitz Verlag · Wiesbaden

ISBN 978-3-447-06726-3

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## PREFACE

In the Ancient Near East and around it, at all periods from (say) *c.* 10,000 BC down to Roman times, we are able in our own present-day epoch to survey the material evidence for the rise and then the fluctuations of human cultures and civilizations, from the South Balkans and Aegean isles in the West, from Anatolia in the North to the Nile Valley and its environs in the South-West and to Arabia in the South-East, and finally across to Mesopotamia, Iran and the Indus in the East - a vast perspective, which frames the Aegean and East Mediterranean on their north, east and south shores alike, via Anatolia, the Levant and Egypt, as Minoans, Mycenaeans and early Cypriots would encounter them.

From the beginning of the 3rd millennium BC, for three succeeding millennia, we are blessed also with an ever-growing stream of written documents. From within that considerable store of material, although incompletely recoverable, one may distinguish a whole series of distinct categories of documents, each containing its own display of sub-groups. In this book, we gather together the main witnesses to one threefold group. Namely, of **laws** that govern life in a given community (as reflected in formal law-collections, besides everyday legal records), **treaties** that govern relations between such communities, and **covenant** used by or between individuals or them and groups or in dealings with deity. As set out in the Introduction, this is here done by presenting the main corpus of some 106 items in 10 languages as formal documents (and/or analysable) reports of them) mainly in both romanized transcription and matching English translation (Volume I), to which notes, maps and key-charts are added (Volume II), and a historical overall survey of the development and interrelations of these data in their societies (Volume III).

This work has been long delayed. For its final enablement into completion for publication, we are massively indebted to the Institute for Aegean Prehistory of Philadelphia for their immense generosity through their enlightened financial support during 2003/4 and 2004/5, so that we could efficiently complete editing of this work.

To our Publisher, also, a word of great thankfulness, for their splendid effort in bringing this formidable enterprise to a fitting conclusion in print, so that all may share in the appreciation of the massive achievements of our ancient precursors in the orderly conduct of life.

K.A. Kitchen, P.J.N. Lawrence, April 2011.



## INTRODUCTION

### *1. Plan of this Work.*

In the Ancient Near East and neighboring lands, from agreed custom, societies developed laws or 'rules' of behavior to regulate their interpersonal relationships, also made treaties between separate societal groups to regulate inter-group relations, and at times (either as individuals or as groups) made covenants on particular occasions. This work aims to collect and present the main basic documents on this threefold topic, and to study their history and interrelations through the last three millennia BC. The scheme of this work has been organized as follows.

First, in *Volume I*, practically the entirety of the properly accessible and usable, relevant texts are set out in full. For each is given a concise bibliographical introduction, followed by double-spread pages with the original text in transliteration plus its corresponding translation on facing pages, and ending with a diagram of the format and content(s) of the piece as a textual key to the color-chart ('chromogram') in Volume II, Part 3. In Excursus I are given English-only presentations of texts where transliterations have been omitted, because they are superfluous (Demotic only useful for demotists; Greek, because well presented already) or for other reasons. Excursus II lists documents not included either because (i) they do not belong within this work, or else (ii) they are not readily (or at all) available at present. Volume I thus presents the main body (106 items in all), through c. 2,500 years, of the most essential documents required for study of the history and interrelationships of treaties, law-collections and covenants in (basically) pre-classical Ancient Near Eastern antiquity. These are the indispensable basis for any serious study of the overall subject.

Second, *Volume II* presents aids to the study of the texts given in Volume I. These fall into three parts. Part 1 is a series of running notes to the texts set out in transliteration and translation in Volume I. These are not intended to be full linguistic or situational commentaries, but are concise notes aiming simply to clarify why we have translated as we have, or to give useful background to the texts, including varying translations by others and some possible alternative textual readings, besides individual geographical settings or immediate historical contexts. For much fuller commentaries, the user is referred to the bibliographical references given in the individual introductions in Volume I as well as in the course of the

Volume II notes. Part 2 provides a series of more miscellaneous longer notes that embrace matters of direct interest that span the content and format of whole groups of texts, not just individual items. It also provides an Index of Topics, embracing the contents of all the texts translated in Volume I, plus a set of maps to assist in comprehension of the geographic scope of various notes in Part 1. Part 3 consists of the body of color-diagrams that show graphically the changes in format and content of the given corpus of documents through two-and-a-half millennia from Sumerian Eannatum *c.* 2500 BC down to Rome and Lycia under Julius Caesar in 46 BC. These charts are fundamentally important in showing vividly, even instantaneously, the variations, consistencies and development of this series of documents overall.

Third, *Volume III* offers a synthesis of the history, development and interrelations of the subject as evidenced by the indispensable foundation of texts in Volumes I and II - a *metahistory* through both time and space, in its broader context, as a basic contribution to the long, richly varied story of Near Eastern and East Mediterranean civilizations. This is done in chronological flow, with regional factors displayed in each successive epoch.

## 2. *History of the Project.*

This work has undergone an unusually long gestatory period - over half a century, in fact. This may be summarized as follows, to illustrate how such projects can develop. In 1954, that ever-ingenious and stimulating scholar, Professor G.E. Mendenhall, suggested that the format and other features in the 14th/13th century Hittite treaties showed remarkable affinities with phenomena also to be found in the text of the so-called Sinai covenant of the early Hebrews and their deity as reflected in the text of the book of Exodus (*BA* 17(1954), 26-46, 50-76, especially 53-70; the whole was reprinted as a booklet, *Law and Covenant in Israel and the Ancient Near East*, in 1955). At first, his proposals stimulated much discussion; this later died away, partly because the results clashed with long-held dogmas about the date and origins of the Hebrew covenant, partly because he had not done a sufficiently comprehensive and detailed study of either the Hebrew writings or the full range of Near Eastern documentation. So, most scholars returned to other preoccupations.

However, intrigued by the whole affair, the undersigned decided to find out whether a thorough investigation of the *entire* field of Near Eastern documentation as known (including the limited Hebrew material) might prove a more fruitful area of productive research, yielding useful results. The emphasis was shifted away from

centering on simply the biblical documents, and instead onto the *entire* Ancient Near Eastern corpus as a variegated whole *in its own right*, a fundamental point that should be constantly borne in mind by users. So the present project was born, from the mid-50s onward. Gradually, the full range of materials has been assembled, and standardized analyses made of every item and group, each in its own right, carefully classified by date and region and type. Then, as the work (and years!) moved on, the emergence of cohesive groupings of documents showing relatively consistent form and content steadily became self-apparent *from the data themselves*.

Heavy university duties for 40 years plus obligations to other major academic projects significantly held back progress in editing the accumulated data until, in 2003-2005, a two-years' grant of funding through the enlightened generosity of INSTAP (see the Preface, above) enabled recruitment of Near-Eastern linguist Dr. P.J.N. Lawrence to the project, with dynamic results as we split the production responsibilities between us and collaborated on the outworking of the whole. Thus, in Volume I, Dr. Lawrence took over the editing of the entire Akkadian corpus, while the undersigned dealt with all the non-Semitic texts plus also Eblaite and Ugaritic. I had already prepared a special set of transliterations and practical translations of the biblical material, and of the Old-Aramaic group (Sefire); Dr. Lawrence then worked through the whole of this West Semitic accumulation, enhancing the quality of the resulting editions in Volume I and notes in II. In Volume II (Part 1), we each did the *ad hoc* notes for our respective texts (and conjointly for West-Semitic); Dr. Lawrence dealt mainly with linguistic matters, while I added to the geographical and historical backgrounds besides linguistic notes as needed. In Volume II, the larger notes of Part 2 were mainly originated by Dr. Lawrence, with additions and editing into top copy by myself; the Topics Index is my work, along with the maps, plus the entirety of the chromogram charts that make up Volume II Part 3. Volume III is based on rough notes overall by each of us and initial drafts of the early part by the undersigned, and on an outline scheme agreed by both of us, the whole then being written up in final form by the undersigned. We have both seen everything for purposes of proof-checking and general review.

On the technical level, apart from documents Nos. 1-2, 8 (done on Kitchen's personal, specialized fonts), the main body of transliterations was produced very conveniently via Philip Barton Payne's TranslitLS and TranslitLSAkk fonts. The very specialized Hittite *Glossenkeil* marker and overall half-bracketing come from Kitchen's personal Hittite/Elamite and Times Scholar Extended fonts respectively

### 3. *Scope and Limitations.*

It is needful, here, to indicate both what is intended and what is not intended in this work, despite its apparent extent. The inclusion of the texts given rests upon clear, uncluttered definitions of the concepts 'treaty', 'laws' (as collections) and 'covenant' in the period and area under review. Namely, (i) that **laws** (agreed or imposed) were a device for regulating conduct within a given society or social group. (ii) That **treaties** were used to govern relations (parity or vassals) between separate groups, or group(s) and/or a significant individual. (iii) That **covenant** could be used to define relations between individuals on the purely human level, or between individual(s) and deity. These three instruments are three parts of a single triptych of organized and 'organic' governance in antiquity, and they show clear features of interrelation and cross-fertilization in various epochs. A variety of decrees, edicts, miscellaneous formal oaths, etc., form no part of that grouping (other than at most marginally), and so are necessarily excluded from this work.

This work is not intended to replace existing standard editions of any given group of texts here included; thus, our notes in Volume II are strictly supplementary to the main extant commentaries. Hence, serious users are encouraged to go back to such standard works as (*e.g.*) the classic edition by Parpola and Watanabe (*SAA*, II) for the Neo-Assyrian treaties, or the invaluable handy edition of Hammurabi's "code" by M.E.J. Richardson, and the law-collections generally as translated by Martha Roth (*WAW* series). For the Hittite corpus, the old but fundamental editions by Weidner and Friedrich can at present be supplemented in translation from the invaluable English translations given by Gary Beckman (*WAW* series), pending the eagerly-awaited full corpus edition under the editorship of Professor Gernot Wilhelm. Most emphatically, our overall 'compact' edition here is not intended to be a rival in any way to his work; we include much that is not Hittite, and less than he will include within the Hittite sphere, as our respective projects are very different in their aims.

### 4. *The Mode of presentation of the Texts.*

All documents included have been analysed in terms of 15 possible components under 13 numeric heads. Naturally, no single document includes every one of these 15 possible components for the very simple reason that the make-up of formats varied through the centuries, with some features appearing only in certain times and places, and *not* all in every time and place.

The series of components by **number**, **name** and **color** is as follows:

**1. Title/Preamble** (Grey). By the 2nd millennium BC, most of our documents begin with a clear title-line (*e.g.* "King X of A-land speaks to King Y of B-land, thus:"), which can be followed by further specifications constituting a preamble. Sometimes the one passes into the other without visible division between them (*e.g.*, No. 14, Laws of Hammurabi). Titles are often not used in the 3rd millennium BC; at least one shows as a terminal colophon (No. 4).

**2. Prologue, Historical or other** (Orange). Immediately after any Title ( $\pm$  preamble), is found the prologue when present - and *nowhere else* at any time. Most such prologues in fact are historical in content, but using past events as a justificatory (and legal) or else ideological basis for the treaty or law-collection or group covenant and its terms. They can also be religious or ethical (*cf.* Nos. 9A, 14).

**3. Stipulations or Laws** (royal blue). The body of laws in the law-collections and the stated stipulations laid upon either or both partner(s) in treaties or covenants are in each case the indispensable heart and *raison d'être* of all these documents.

**4a. Deposit of the Document** (lemon). Usually in the temple of a principal deity of one or both partners to a treaty or (group) covenant. See next.

**4b. Periodic Reading of Document to adherents of Parties** (lemon). This is sometimes explicitly specified to occur regularly, *e.g.* every three years.

Items **4a** and **4b** are closely related. They are also optional, and tend to be specific to the late 2nd millennium group. However, despite some misguided comments to the contrary, they *are* a significant component in treaties of that period. As pointed out above, use of Titles/preambles is also optional (and that, well into the early 2nd millennium) - but one cannot for that reason remove that feature from the basic overall roster of components. Deposit can in effect be illustrated from practice, not just only from written statements. Thus, almost all our Hittite treaties come from the official palace and temple archives in Hattusas, while Ramesses II had his treaty engraved publicly on open walls of the South Approach at Karnak temple and of the forecourt of the Ramesseum temple, both in Thebes. These latter would be visible to (and readable by) *e.g.* high officials and the priesthoods.

**5. Witnesses** (purple). Usually, deities are invoked; human witnesses can appear either additionally or without mention of deity. As witnesses, deities can be explicitly sworn by (*cf.* early 2nd millennium in particular): - "By X, swear!" This is marked appropriately in our printed text by the heading **5 + 7 Witnesses + Oath**.

**6b. Blessings** (green). As encouragement to treaty/group-covenant partners, these usually appear as counterpart to Curses (6c, see next), and much more rarely in

the role of benediction upon those whose simply respect the physical document itself (be it clay tablet or stone monument; Nos. 8, 87). Just once (No. 8), it can be conferred on a partner's family.

**6c. Curses** (crimson). These are universally used as threat of sanctions to be imposed by the witness-deities in cases of infringement, especially of outright breach or rejection of a sworn treaty or group covenant, or of laws. But also, separately upon those damaging, obliterating or usurping the text of a law-collection or treaty. In longer lists, B/C numbers are added to the English text; and to the Semitic only in Nos. 14, 82/I (in such cases, for clarity and to assist referencing).

**7. Oath(s)** (golden yellow). The asseveration of obedience to a document's rulings, usually in acceptance of the powers of punishment/blessing of the witness-deity or deities. Such oaths are often accompanied by appropriate rites, see **8**, next.

**8. Solemn Ceremony** (golden yellow). Frequently, the taking of the oath of obedience was marked by appropriate rites, sometimes described in our documents, often in very close conjunction (**7 + 8**).

**9. Epilogue.** (brown). In law-collections (*e.g.*, No. 14, Hammurabi) or group-covenants (*e.g.*, No. 84, Deuteronomy), a concluding statement or else a form of summing-up is to be found, before the final curses, etc.

**10. Additional Items**, *not* regular features (white). Included in such documents may be colophons (*e.g.*, of identity), or (where scenes are included, as No. 1) label-texts for people shown, or texts of seals, etc. They are part of the whole item, but *not* regular items in the overall law/treaty/covenant format. So also **Frame-Text**, which denotes text that *encloses* the document proper, but is itself no part of it, just as a picture-frame encloses a picture but is not actually part of that picture. Thus, the Egyptian text of the Ramesses II/Hattusil III treaty, our No. 71, is prefaced by a note of its reaching Ramesses II in Pi-Ramesse, and is followed by Egyptian descriptions of the Hittite state seals. Neither the introductory note nor the seal-descriptions are part of the document itself.

**11. Sanctions** (white). This covers actual descriptions of sanctions applied (by deity or deities, "officially"). Only appears in reports of documents, where a breach and consequential sanctions are then mentioned in the report format.

**12. HRAF** (white) - abbreviation for "Historical Report and/or Archaeological Flashback". These items are usually insertions by the initiator or speaker, either referring back to past conditions or former peoples (maybe long past), a socially "archaeological" item; or else recalling a more recent event, on which to "preach" a

lesson in obedience to a partner. These "HRAFs" are NOT to be confused with the Historical Prologues of the late 2nd millennium, as they can actually be used within preambles or prologues (as we might use footnotes or endnotes!), as in No. 84 (Deuteronomy). They crop up in the course of the Stipulations, when obedience to such is reinforced by reference to a past occurrence when disobedience had drastic results, as in No. 60 (§28).

### *5. Some Particular Details.*

Nearly all the documents included in this work are taken from first-hand text-copies, made in most cases close to the time of composition, especially in the case of the treaties. Thus, for example, the laws of Hammurabi are preserved to us from the famous monumental stela actually first erected at his command within his reign; only for the section erased by the Elamites must we depend on later tablet-copies. Treaties in the name of particular parties were, almost throughout, actually drawn up by and for the named parties, and date in current copies from their reigns (in terms of kings). Thus, for the bulk of our period, we have a long series of closely-dated documents, enabling developments to be traced accurately through time. In the case of the Hittite Laws, they certainly did not originate any later than the mid-2nd-millennium BC; they enshrine explicitly two levels of law - older usage, and a later "but now" usage, with (*e.g.*) different tariffs - and even the older corpus must surely have been 'received custom' well before our oldest copies. Again, the Middle-Assyrian Laws are groups of laws in principally 11th-century copies from 14th-century origins (Roth, WAW, 154), across not more than 250/300 years' span. Thus, the Hittite and Middle-Assyrian collections each belong within a specific time-range, not across whole millennia, and so do not affect the relatively close dating of our sources.

In this work, long-transmitted texts without preserved originals (or existing close ancestors) are in a small minority. The latest is our No. 105, the treaty of Hannibal of Carthage with Philip V of Macedon (215 BC). Here, an Assyrian/Phoenician format (as of the 7th century BC) recurs in Hellenistic Greek of almost a half-millennium later. The old format is perfectly preserved (minus only the curses). But it is not practical here, to retranslate the whole back into Punic [late Phoenician], especially as the Semitic identities of the deities it cites are not infallibly established; so, *stet!* Quite different is the case of the Hebrew documents. Here, it is perfectly feasible to strip out the traditional 'Mas(s)oretic' vocalization, as if to go back from the 7th century AD to (*e.g.*) the time of the Dead Sea Scrolls almost a millennium earlier

(c.150ff. BC) and as far back as the old Hebrew Monarchy with vowel letters (c. 8th century BC). These, we can bracket-out, as our strictly consonantal transliterations show, leaving us with an orthography projected back in essence from (say) the 9th back towards the 14th/13th centuries BC, into the strict consonantal orthography of Late Canaanite out of which early Hebrew emerged to develop into standard/classical Hebrew. Whether there was a "Moses" or not, at least one can then see what a proto-Hebrew text would look like (in romanized transliteration) c. 1200 BC, for example. To avoid full-scale hypothetical reconstructions, we have not replaced bracketed vocalic suffixes (and Accusative *'ot*) with an ancestral Late-Bronze object-suffix *\*-h(w/y)* to verbs or nouns. But (*t*) replaces standard fem. *ā*. Late-Bronze text-forms in Ugaritic and West-Semitic epigraphs illustrate consonantal orthography then.

K.A. Kitchen.