

Die deuteronomistischen Geschichtswerke

Redaktions- und religionsgeschichtliche Perspektiven
zur „Deuteronomismus“-Diskussion in Tora
und Vorderen Propheten

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Walter de Gruyter · Berlin · New York

[2006]

Hittite Treaties and the Development of the Cuneiform Treaty Tradition¹

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If we consider the overall political situation of Western Asia through the first 3000 years of its history, we may recognize that each millennium displays its own distinctive pattern of regional political organization.² During most of the third millennium B.C.E., Mesopotamia, Syria, and Anatolia alike were fragmented into numerous smaller states, each often no larger than a city and its surrounding agricultural hinterland. Although the Sumerian cities shared a single language and writing system, and their religion and high culture display many commonalities, there existed no central political authority in the Land (Sumerian *kalam*).³ The regional polities established in Mesopotamia and Syria by the kings of Akkad and those of the Third Dynasty of Ur toward the end of this millennium were ephemeral,⁴ even while they furnished the paradigm of interregional dominion to which later kings of the ancient Near East would aspire.⁵ During this early period in the development of civilization, Egypt alone enjoyed substantial unity. We may refer to this epoch in Western Asia as "*poliadic*," or the era of the city-state.

In contrast, the first millennium witnessed the establishment and troubled maintenance of rule by a single polity over the bulk of Syro-Mesopotamia, exercised in succession by Assyria, Babylonia, and the

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- 1 Abbreviations employed here are those of *The Assyrian Dictionary of the Oriental Institute of the University of Chicago*, vol. R, 1999, ix-xxvii, or of *The Hittite Dictionary of the Oriental Institute of the University of Chicago*, vol. L-N, 1989, xv-xxviii. Full bibliography to the Hittite treaties and international correspondence can be found in my *Hittite Diplomatic Texts*, second edition (1999) (hereafter HDT).
 - 2 I invoke these patterns in the manner of Weberian ideal types; see F. Ringer, *Max Weber's Methodology. The Unification of the Cultural and Social Sciences*, 1997, 110-121.
 - 3 One might compare the relative cultural homogeneity and political fragmentation of Classical Greece.
 - 4 For thorough discussions of these political structures, see W. Sallaberger u. A. Westenholz, *Mesopotamien. Akkade-Zeit und Ur III-Zeit*, 1999.
 - 5 See M. Liverani, *Model and Actualization. The Kings of Akkad in the Historical Tradition*, in: ders. (Hg.), *Akkad. The First World Empire*, 1993, 41-67.

Achaemenid Persians.⁶ This was the heyday of the *oecumenical-imperial* model of political organization. But in the intervening thousand years, during the Middle and Late Bronze Ages, there prevailed yet a third type of macro-political organization, one we may call *bloc-imperial*. Conditions during the second millennium were more like those in the world we experienced during the twentieth century – a world in which several major powers contended for preeminence, struggling with one another for dominance over minor states, and making and breaking alliances as their rulers deemed expedient. That is, the changing relationships among England, France, Germany, Russia, China, Japan, and the United States over the course of the past century provide an instructive parallel to the mutating constellation of powers in Western Asia from around 1800 to 1200 B.C.E.

Beginning in the early eighteenth century, the ancient Near East was generally dominated at any one time by three or four large states, which competed among themselves for hegemony over the many smaller political units located in their interstices. Egypt and Babylonia were always to be found among the major players. They were joined, as the geo-political situation developed, by the Hurrian state of Mittanni in northern Syria and Mesopotamia, by the kingdom of the Hittites (known to the ancients as Hatti), and by Assyria. Interaction among the polities, large and small, was governed by a system of diplomatic relations, which channeled and shaped their alternating activities of cooperation and competition.⁷

The textual sources at our disposal for the study of this diplomatic system are primarily collections of cuneiform records,⁸ most prominently the texts from Mari on the Middle Euphrates early in the millennium,⁹ the tablets from the foreign office of Pharaoh Akhenaten of the fourteenth century discovered at Tell el-Amarna in Egypt,¹⁰ and for the fourteenth and thirteenth centuries, the archives of Ugarit on the

6 One might well think of the Assyrian, Babylonian, and the western Persian empires as a single structure with changing masters. Cf. the editors' ruminations in G.B. Lanfranchi; M. Roaf u. R. Rollinger (Hgg.), *Continuity of Empire(?)*. Assyria, Media, Persia, 2003, 397-406 ("Afterword").

7 For interpretative overviews of this discourse, see M. Liverani, *International Relations in the Ancient Near East, 1600-1100 BC*, 2001, and the essays collected in R. Cohen u. R. Westbrook (Hgg.), *Amarna Diplomacy. The Beginnings of International Relations*, 2000.

8 Note the Egyptian-language version of Hattušili III-Ramses II treaty, edited by I. Edel, *Der Vertrag zwischen Ramses II. von Ägypten und Hattušili III. von Hatti* 1997.

9 J.-M. Durand, *Documents épistolaires du palais de Mari*, 1997, vol. 1, chapter 5, *Vie diplomatique et relations internationales*.

10 W.L. Moran, *The Amarna Letters*, 1992.

northern Syrian coast¹¹ and those of the Hittite capital Ḫattuša in central Anatolia.¹²

What have been called the “Great Powers”¹³ – Egypt, Babylonia, Mittanni, Ḫatti, and Assyria at different times – were each ruled by a monarch entitled by custom to call himself “Great King.” Decorum further allowed such kings to address one another as “brother,” that is, to communicate on terms of perfect equality. In a letter most likely sent by King Urḫi-Teššup of Ḫatti to Adad-nirari I of Assyria, the Hittite monarch sarcastically rebukes the Mesopotamian ruler for unjustifiably – in the Hittite’s view – assuming these prerequisites of high international status:

Have you become a Great King? Why do you keep talking about brotherhood ...? What does brotherhood mean? ... And for what reason should I write to *you* about brotherhood? Who writes to whom about brotherhood? Do those who are not on good terms write to one another about brotherhood? Why should I write to you about brotherhood? Were you and I perhaps born to the same mother? As my grandfather and father did not write to the king of Assyria about brotherhood, even so you must not write to me about brotherhood and Great Kingship!¹⁴

Here Urḫi-Teššub deflates the pretensions of Adad-nirari by perversely taking a metaphor literally.¹⁵ Of course, the Assyrian was *not* really claiming that he and the Hittite king were biological brothers.

The vocabulary of family relations was also adopted to describe the unequal relationship between overlord and vassal. Here it is the dominant position of the patriarch within the ancient Near Eastern family that is the basis of the underlying imagery. For instance, in the salutations to diplomatic letters, the overlord may be called “father” and the vassal “son.” Any ruler who was not his own master but who owed obedience to another was merely a “king” *tout court* and exercised simple “kingship.” That is, neither he nor his realm had any claim to the adjective “great.”

How did these kings of various standing interact with one another? A concise description of the conduct of international relations in the

11 S. Lackenbacher, *Textes akkadiens d’Ugarit*, 2002, part I, *Les relations internationales*.

12 See my *Hittite Diplomatic Texts (HDT)*.

13 See M. Liverani, *The Great Powers Club*, in: R. Cohen u. R. Westbrook (Hgg.), *Amarna Diplomacy. The Beginnings of International Relations*, 2000, 15-27.

14 KUB 23.102 i 4-18; cf. A. Hagenbuchner, *Die Korrespondenz der Hethiter*, Teil 2, 1989, 260-264, No. 192.

15 Compare the false naïveté assumed for rhetorical effect by Babylonian correspondents identified by R. Westbrook in several Amarna letters: *Babylonian Diplomacy in the Amarna Letters*, *JAOS* 120 (2000), 377-382.

Late Bronze Age is given by the Hittite King Ḫattušili III while looking back on his successful career:

Whichever kings already ruling at my accession stood in a friendly relationship to me maintained that same friendly relationship to me. They began to send messengers to me, and they also began to send gifts to me. The gifts, however, which they sent to me – they had sent the like to none of my predecessors. Whatever king was to honor me, this king in fact did honor me. Whatever persons were hostile I defeated. I added province upon province to the lands of Ḫatti. Whatever persons had been hostile in the time of my predecessors became friendly to me.¹⁶

Underlying this boasting is the concept that whatever polities were not actually constituent parts of a major state – in this instance of Ḫatti – were either its allies or its enemies.¹⁷ Neutrality was simply not an option for a small state over against a major one.¹⁸ The objective of the foreign policy initiatives of a Great Power at this time, whether peaceful or warlike, was to limit the number of hostile lands and thus promote both internal and international stability.

Allies could be equals or subordinates, but in either case, their relations to the Great Power were to be governed by a treaty. In the case of Ḫatti, it seems that interstate relations were always codified in written documents. The Hittites even concluded treaties with their semi-nomadic Kaška neighbors, although the level of social and political organization of the latter made such a practice fruitless. The Hittites repeatedly made agreements with individual tribes or clans, but other Kaška groups continued their depredations on Hittite territory unabated.

Well over half of the preserved ancient Near Eastern treaties¹⁹ were written in the Hittite chancellery. We currently have at least portions of the texts of approximately 35 such documents from Ḫatti (see Appendix, III), and several additional agreements whose texts have not been recovered are mentioned in records of other types. The majority of these treaties were composed in the contemporary diplomatic *lingua*

16 H. Otten, *Die Apologie Hattusilis III. Das Bild der Überlieferung*, 1981, 26-27, iv 50-59.

17 Note the unnerving parallel of this conception to the views of political philosopher Carl Schmitt. See G. Balakrishnan, *The Enemy. An Intellectual Portrait of Carl Schmitt*, 2000, 226-245.

18 Cf. the remarks of B. Lafont, *Relations internationales, alliances et diplomatie au temps des royaumes amorrites. Essai de synthèse*, *Amurru* 2 (2001), 245, on the Old Babylonian period.

19 For an earlier overview, see H. Tadmor, *Treaty and Oath in the Ancient Near East. A Historian's Approach*, in: G.M. Tucker u. D.A. Knight (Hgg.), *Humanizing America's Iconic Book*, 1982, 127-152.

franca, the Babylonian dialect of Akkadian, although the Hittite language was also sometimes employed. In particular, diplomatic partners within Anatolia received Hittite-language treaties, while those situated in Syria and beyond were customarily dealt with in Akkadian.

In both languages, these documents are referred to by a pair of terms that may be translated as “binding and oaths” (Hittite *išḫiul* and *lengaiš*; Akkadian *rikiltu* / *rikistu* / *riksu* and *māmitu*). This metonymic designation features the two most important elements of a treaty: the stipulations themselves (the “binding”) and the solemn oaths by which the parties invoked the gods as witnesses and guarantors of these stipulations. It is surely significant that the formal written instructions issued to some bureaucrats within Ḫatti itself – to the commander of the border guards or to the mayor of the city of Ḫattuša, for example – were known by the same term, “binding.” Thus we may conclude that for the Hittites there was no sharp conceptual distinction between internal²⁰ and external obligations to their monarch.

Most of the diplomatic partners of the Hittite king were inferiors rather than equals, and as a consequence vassal treaties are the most commonly attested type of diplomatic instrument in the Hittite archives. Such an agreement was composed by the scribes of the Hittite king and presented to the subordinate. The latter was obliged to swear in the presence of the deities of Ḫatti and of his own land that he would observe the provisions of the treaty. One vassal text includes the explicit statement: “These provisions are in no way based upon reciprocity, but are (issued) from the land of Ḫatti.”²¹ Although the Great King was also bound by oath,²² his obligations were limited to maintaining the vassal in his position and securing the succession of his heir. Of course, misconduct or disloyalty on the part of the subordinate meant the immediate lapsing of these responsibilities of the Hittite ruler.

The text of the vassal treaty was engraved in cuneiform upon a tablet of metal (sometimes of silver, but more often of bronze)²³ and presented to the subordinate. In all but one case,²⁴ modern scholars

20 See J.-M. Durand, *Précurseurs syriens aux protocoles néo-assyriens*, in: D. Charpin u. F. Joannès (Hgg.), *Marchands, diplomates et empereurs*, 1991, 13-71, for written regulations concerning the conduct of subordinates of King Zimri-Lim of Mari. Durand suggests that this genre of text was borrowed by the Hittites from Syria (p. 71).

21 HDT No. 13 (Text III.Z), §16.

22 See A. Altman, *Who Took an Oath on a Vassal Treaty – Only the Vassal King or Also the Suzerain? The Hittite Evidence*, ZAR 9 (2003), 178-184.

23 J. Friedrich, *Das Siegel des hethitischen Königs Ḫattušili III. nach der ägyptischen Fassung seines Vertrages mit Ramses II*, *Artibus Asiae* 6 (1937), 177-190.

24 H. Otten, *Die Bronzetafel aus Boğazköy. Ein Staatsvertrag Tuḫalijas IV.*, 1988.

have at their disposal only the “file copies,” or sometimes perhaps drafts, of these documents on clay.

The majority of these contracts of subordination follow a similar pattern²⁵:

I. *Preamble*: The document opens with the name, titles, and genealogy of the Hittite Great King. The vassal is not yet mentioned in this paragraph.

II. *Historical Prologue*²⁶: This section narrates the course of earlier relations between Ḫatti and the vassal state, emphasizing the interaction of the individual Hittite king with the particular subordinate. Within the document the function of the prologue is to encourage loyalty to Ḫatti on the part of the vassal in gratitude for his treatment at the hands of the Great King. Perhaps he had been favored by the Great King, having received military assistance or been granted additional territory. The treaty with Niqmaddu II of Ugarit (Text III.O) begins:

Thus says His Majesty, Šuppiluliuma, Great King, King of Ḫatti, Hero: When Itur-Addu, king of the land of Mukiš; Addu-nirari, king of the land of Nuḫašši; and Aki-Teššup, king of Niya, were hostile to the authority of His Majesty, the Great King, their lord, assembled their troops, captured cities in the interior of the land of Ugarit, oppressed the land of Ugarit, carried off subjects of Niqmaddu, king of the land of Ugarit, as civilian captives, and devastated the land of Ugarit, Niqmaddu, king of the land of Ugarit, turned to Šuppiluliuma, Great King, writing: “May Your Majesty, Great King, my lord, save me from the hand of my enemy! I am the subject of Your Majesty, Great King, my lord. To my lord’s enemy I am hostile, and with my lord’s friend I am at peace. The kings are oppressing me.” The Great King heard these words of Niqmaddu, and Šuppiluliuma, Great King, dispatched princes and noblemen with infantry and chariotry to the land of Ugarit. And they chased the enemy troops out of the land of Ugarit ...²⁷

On the other hand, perhaps the vassal had not been meted out the severe punishment he had earned through his disloyalty. For example,

25 See V. Korošec, *Hethitische Staatsverträge*, 1931.

But the structural uniformity of the Hittite treaties is not so great as claimed by Korošec – see E. von Schuler, *Sonderformen hethitischer Staatsverträge*, JKF 2 (1965), 445-464. I believe that Korošec was misled by the character of the corpus of relatively well-preserved treaties available for his study. For the most part, these date from the reign of a single king, Muršili II, and might therefore have been composed by a small group of scribes or diplomats, or indeed by a single individual, who indeed followed a single basic template in constructing the documents.

26 See now A. Altman’s exhaustive *The Historical Prologue of the Hittite Vassal Treaties*, 2004.

27 HDT No. 4, §§1-2.

note this excerpt from the prologue to a treaty of King Muršili II with Kupanta-Kurunta of the land of Mira in western Anatolia (Text III.X):

And when your father Mašhūiluwa offended against My Majesty, were not you, Kupanta-Kurunta, a son of Mašhūiluwa? Although you were in no way an offender, <could you not have been punished?> I did not take the house of your father or the land away from you. I did not make someone else lord. I gave the house of your father and the land back to *you*, and I installed *you* in lordship in the land. And as I, My Majesty, have not in the past mistreated you in any way, Kupanta-Kurunta, in the future, Kupanta-Kurunta, protect me, My Majesty, as overlord.²⁸

Of course, Muršili's actions in this instance followed the usual Hittite practice of governing distant areas through the agency of members of the defeated dynasties. These treaty prologues, tendentious as we may suspect them to be, are all the same a major source for the reconstruction of Hittite history.

III. *Provisions*: Naturally, the treaty stipulations vary significantly from text to text, depending on the geographic location, the economy, the military strength, and so on, of the vassal. But we may nonetheless mention the duties most frequently imposed upon the junior partner²⁹: The subject ruler was required to pay tribute (Hittite *argamann-*, Akkadian *mandattu*) in silver or other precious metals, foodstuffs, manufactured goods, etc. He had to render military assistance when required – both when imperial forces were on campaign in his vicinity and in the extreme case when the Hittite ruler was himself faced with an internal revolt. The vassal renounced all independent foreign diplomatic contacts and was forbidden to engage in warfare with others subject to Hittite dominion. Rather, he was required to seek arbitration from the Great King or his deputy in regard to any dispute that should arise. The subordinate king pledged to extradite any Hittite fugitives who might enter his territory. This applied not only to disgruntled members of the ruling class, but as well to ordinary peasants and artisans fleeing their obligations. Without exception the vassal was called upon to guarantee the succession to the Hittite throne for the Great King's designated heir. Finally, some treaties demand that the subject ruler pay a yearly visit to the Hittite court in order to present his homage to the Great King in person.

28 HDT No. 11, §11.

29 Note the substantial similarities with the obligations of a vassal of a king of Mari, as discussed by J.-R. Kupper, *Zimri-Lim et ses vassaux*, in: D. Charpin u. F. Joannès (Hgg.), *La circulation des biens, des personnes et des idées dans le Proche-Orient ancien*, 1992, 183-184.

IV. *Deposition*: The metal tablet setting forth the treaty was to be kept in the sanctuary of the chief deity of the vassal, where it would literally be under the oversight of the gods. At stated intervals it was to be read aloud before the subordinate, so that he would always have his obligations fresh in mind. For example: "Furthermore, this tablet which I have made for you, Alakšandu, shall be read out before you three times yearly, and you, Alakšandu, shall know it."³⁰

V. *List of Divine Witnesses*: The deities of both partners are summoned to act as witnesses to the provisions and as guarantors of the oaths.³¹ The extensive lists of deities in Hittite treaties have proven most useful to scholars in the reconstruction of the religious history of the second millennium.³²

VI. *Curses and blessings*: Here the vassal recites several self-curses before the deities guaranteeing the treaty. Correspondingly, the Great King pronounces a number of blessings upon the vassal, conditional, of course, upon his remaining true to his obligations. This passage from the treaty of King Šuppiluliuma with Šattiwaza of Mittanni (Text III.R) will illustrate:

(The gods) shall stand and listen and be witnesses to these words of the treaty. If, you, Prince Šattiwaza, and you Hurrians do not observe the words of this treaty, the gods, lords of the oath, shall destroy you and you Hurrians, together with your land, your wives, and your possessions. They will draw you out like malt from its husk. As one does not get a plant from stony ground (?) - so you, together with any other wife whom you might take,³³ and you Hurrians, together with your wives, your children, and your land, shall thus have no progeny. And these gods, who are lords of the oath, shall allot you poverty and destitution. And as for you, Šattiwaza - they shall overthrow your throne!³⁴

Another example, this time from the treaty between Muršili II and Tuppi-Teššup of Amurru (Text III.U):

All the words of the treaty and the oath that are written on this tablet - if Tuppi-Teššup does not observe these words of the treaty and of the oath, then these oath-gods shall destroy Tuppi-Teššup, together with his person, his wife, his son, his grandsons, his household, his city, his land, and together with all his possessions. But if Tuppi-Teššup does observe these

30 HDT No. 13 (Text III.Z), §16.

31 For a similar practice in Old Babylonian Syria, see A. Finet, *Les dieux voyageurs en Mésopotamie*, *Akkadica* 21 (1981), 7-8.

32 See G. Kestemont, *Le panthéon des instruments hittites de droit public*, *Or* 45 (1976), 147-177.

33 Šuppiluliuma had given one of his daughters to Šattiwaza in marriage and understandably did not wish to include her under the divine sanctions.

34 HDT No. 6A, §15.

words of the treaty and of the oath that are written on this tablet, then these oath-gods shall protect Tuppi-Teššup, together with his person, his wife, his son, his grandsons, his city, his land, his household, his subjects, and together with his possessions.³⁵

In addition, there were a number of special types of Hittite vassal treaties. As mentioned earlier, the Hittites attempted to codify relations with all subjugated areas through treaties, even though this was not really appropriate for some underdeveloped regions. When treaties were contracted with polities that did not possess a monarchical form of government, the Hittites either chose a single individual to swear the oaths as "first among equals," or, alternatively, all of the adult male heads of clans might be obliged to take the oaths as a group. This was the practice, for example, in agreements concluded with the Kaška people (Texts III.I-J).

A second aberrant type of treaty was that concluded with the "junior kings" belonging to the cadet lines of the Hittite royal family, that is, with the monarchs of Aleppo and Carchemish in Syria (Texts III.AA and P), and with those of Tarḫuntašša (Texts III.DD-EE) and (presumably) Ḫakpiš in Anatolia. In the preserved texts of this genre we find no provisions dealing with troops and no mention of fugitives. This was probably because the regions in question were thought, in fact, to constitute part of Ḫatti itself. More striking is the total absence of oaths and divine witnesses. It is possible that divine sanctions were held to be superfluous in connection with agreements forged within the royal clan, but it is more probable that the oaths were omitted for the protection of the Great King himself. For the Hittites believed that the pollution incurred through the breaking of an oath could be passed on by the offender to other members of his or her family. Thus paradoxically, if a "small king" of the Hittite royal house were to transgress an oath binding him to the Great King, the latter might find himself among the group of persons facing the resultant divine punishment!

A final special variety of subordination agreement accorded the vassal the position of *kuriwana-* or *kuirwana-*, perhaps best rendered as "protectorate."³⁶ We know that at various times rulers of Arzawa, Kizzuwatna, and Mittanni all held this status. The function of this type of treaty was to allow the subordinate to save face through the disguising of his dependence. In this spirit, note that the *kuriwana*-treaty received by Šunnašura of Kizzuwatna (Text III.G) stipulates that all other subordinates of the Great King will rise to their feet when he en-

35 HDT No. 8, §§21-22.

36 See HED 4, 265-266.

ters the Hittite court upon his annual visit.³⁷ More materially, it also seems that tribute was not collected from *kuriwana*-kings.

These vassal treaties constituted the ideological cement that held the Hittite empire together. With the exception of those established with junior members of the dynasty, as noted earlier, the authority of these agreements rested on the oath-gods and their threats of retribution in case of violation. Unlike the gods of Egypt, who were thought by their worshippers to enjoy world dominion, the Hittite deities entered into international politics only to the extent that they were the guarantors of such treaty oaths. That these oaths were indeed felt to be effective is clear from the example of Aitaqqama of Kadeš, whose murder at the hands of his son Ari-Teššup is explicitly described as the work of the oath-gods offended by his revolt against his Hittite overlord. Upon learning of the demise of Aitaqqama, Muršili II observes that “the oath-gods shall take their revenge. The son shall kill the father, the brother shall kill the brother, and they shall destroy their own flesh and blood!”³⁸

When rulers of equal status made peace, they concluded a parity treaty. Although we know that the monarchs of Babylonia, Assyria, and perhaps Ahhiyawa in the Aegean were also considered to stand on the same level as the king of Hatti, it is only in the case of an Egyptian pharaoh that a clear example³⁹ of this type of agreement has survived. The treaty in question is, of course, that negotiated by representatives of Ramses II of Egypt with those of Hattušili III of Hatti around 1258 B.C.E. (Text III.BB).⁴⁰ This diplomatic instrument is characterized by full equality between the contracting parties. While in vassal treaties, the overlord imposes certain duties upon the vassal and obliges him to swear to observe them, in the Egypto-Hittite agreement neither party imposes anything on the other. Instead, each ruler in turn voluntarily assumes certain obligations and through a self-imposed oath binds himself to their fulfillment. Then his partner takes on symmetrical responsibilities.

In particular, the treaty between Ramses and Hattušili calls for the mutual renunciation of aggression, the reaffirmation of former treaties,

37 HDT No. 2, §9.

38 AM, 112-15.

39 The few preserved paragraphs of the early treaty of Paddatiššu of Kizzuwatna and a king of Hatti whose name has been lost (Text III.C; HDT No. 1) also seem to indicate a relationship of strict equality between the partners.

40 On the background to this pact, see now H. Klengel, *Hattuschili und Ramses. Hethiter und Ägypter – ihr langer Weg zum Frieden*, 2002.

a mutual defense pact, the guarantee of succession for the designated heir to the Hittite throne,⁴¹ and the extradition of fugitives.

I digress for a moment to discuss several aspects of diplomatic practice in the Late Bronze Age, especially as they are illustrated by the Egyptian-Hittite treaty: The normal procedure in the forging of diplomatic agreements between parties of equal status in the ancient Near East was for the representatives of the two sides to come to an understanding orally and then to exchange written documents setting out their respective conceptions of the treaty. Thus the copy actually drawn up by party A was given into the possession of party B, and vice versa. In the case of the treaty between Ḫattušili and Ramses, we have at our disposal a number of texts in Egyptian hieroglyphs preserved on the walls of the temple of Amun at Karnak and of the Ramesseum, in addition to three fragmentary Akkadian-language tablets excavated at Ḫattuša. The version originally composed by the Hittite "foreign office," secondarily translated into Egyptian, is what is represented in the Egyptian temples, where it has been inserted into a larger context flattering to pharaonic vanity, while the tablets from the Hittite capital are copies made by local scribes of the silver tablet dispatched from Egypt.

This parity treaty was buttressed by diplomatic marriage.⁴² Two daughters of Ḫattušili in succession entered the Egyptian king's harem, the first in Ramses' year 34 (1245). However, the claim made in several

41 Significantly, in both the Egyptian and the Hittite versions of the agreement, the guarantee of succession applies only to the Hittite throne. This is possibly because Ḫattušili was a usurper and feared that the claim of his offspring to the throne might be challenged, as indeed it transpired. In fact, the man supplanted by Ḫattušili, Urḫi-Teššup (Muršili III), was likely already living in Egypt at the time of the conclusion of this treaty – see HDT No. 22E, §2. In contrast, Ramses probably had no such concerns for the security of his throne. In any case, it is unlikely that the Hittites could in practice have exerted any real influence upon the course of dynastic struggles in far-away Egypt, while Ramses could at least have made certain that Urḫi-Teššup did not escape to Syria to cause further trouble for Ḫattušili.

On the other hand, extradition of fugitives of various ranks was to be arranged on a strictly symmetrical basis, with the condition that the persons returned not be punished or physically harmed. Since Urḫi-Teššup was never returned to Ḫatti, Ḫattušili probably thought it best to leave him under the supervision of his new ally rather than demand his extradition. For an alternative view of the situation, see G. Steiner, *LÚ ḪÉ.ŠÈ.GE4.GE4.A: Misserfolge und Erfolge der Diplomatie im Alten Orient*, in: D. Charpin u. F. Joannès (Hgg.), *La circulation des biens, des personnes et des idées dans le Proche-Orient ancien*, 1992, 370.

42 On this institution in the Late Bronze Age, see F. Pintore, *Il matrimonio interdinastico nel vicino oriente durante i secoli XV-XIII*, Rome 1978, and in the Middle Bronze Age, Lafont, *Relations* (s. Anm. 18), 312-315.

Egyptian sources⁴³ that the Hittite king himself accompanied one of the girls to Egypt in order to “give her away” and to demonstrate his subordination to the pharaoh is no more than an untruthful bit of propaganda meant for local consumption.

When good relations prevailed among the Great Powers, there was an uninterrupted traffic of messengers among their courts. This may be seen clearly in a letter from, once more, Ḫattušili III, to the Babylonian king Kadašman-Enlil II, in which the Hittite deplores the cooling of relations between Ḫatti and Babylon:

Furthermore, my brother: Because my brother wrote to me: “Concerning my cutting off my messengers – since the Aḫlamu [Aramaeans of northern Mesopotamia] are hostile, I have cut off my messengers” – how can this be, that you, my brother, have cut off your messengers on account of the Aḫlamu? Is the might of your kingdom small, my brother? Or has perhaps (your vizier) Itti-Marduk-balaṭu spoken unfavorable words before my brother, so that my brother has cut off the messengers? ... Only if two kings are hostile do their messengers not travel continually between them. Why, my brother, have you (really) cut off your messengers?⁴⁴

The salient point here is not whether the Babylonian ruler has seized upon the hostile presence of the Aḫlamu Aramaeans on the middle course of the Euphrates as an excuse to explain his failure to send his representatives to Ḫattuša, or whether Ḫattušili has correctly identified the actual cause of the rupture in the machinations of an anti-Hittite party in the Babylonian's inner circle. Rather, it is to be stressed that in periods of satisfactory relations, the exchange of messengers between courts was continuous. These diplomatic travelers, whose duties in many ways correspond to those of the modern ambassador,⁴⁵ carried not only oral and written communications between the royal courts, but also gifts.⁴⁶

Indeed, in the Late Bronze Age much of the international trade in high-value goods was conducted under the guise of the exchange of diplomatic presents. This can be seen from the fact that most of the

43 See K. Bittel, *Bildliche Darstellungen Ḫattušili's III. in Ägypten*, FS H.G. Güterbock, 1986, 39-48.

44 HDT No. 23, §6.

45 Note the latitude Tudḫaliya IV grants a Hittite messenger he sends to Tukulti-Ninurta I(?): First the envoy delivers an ultimatum (2 *ṣuppa*^{MES}.ti ša nukurti) to the Assyrian ruler, and when the latter does not back down, presents on his own authority a conciliatory note (*ṣuppa ša šulmi*); S. Lackenbacher, *Nouveaux documents d'Ugarit. I. Une lettre royale*, RA 76 (1982), 141-156 = *Ugaritica VII*, pls. XIV-XV, obv. 21-29. For messengers in earlier times, see Lafont, *Relations* (s. Anm. 18), 294-302.

46 See the summary by Steiner, *Misserfolge* (s. Anm. 41), 367-373.

letters in the Amarna archive sent by states of equal rank – Babylonia, Mittanni, and Ḫatti – include a discussion of the exchange of precious materials and close with a precise accounting of the merchandise accompanying the present dispatch.⁴⁷ That we are not actually dealing with “gifts” is quite apparent from a complaint lodged by King Tušratta of Mittanni with Pharaoh Amenhotep III:

And with regard to the gold that my brother sent ... I gathered together all my foreign guests. My brother, before all of them the gold that my brother sent has now been cut open ... They wept very much, saying, “Are all of these gold? They do not look like gold!” They said, “In Egypt gold is more plentiful than dirt. Besides, your brother loves you very much. But if there be someone whom he loves, then he would not give such things to him. Whatever is needed is in Egypt more plentiful than dirt, and anyone can give anyone else so many things that they are beyond calculation.” I said, “I cannot say before you, as I am used to saying, ‘My brother, the king of Egypt, loves me very, very much.’”⁴⁸

Here, as in the addressing of an equal as “brother” and a vassal as “son,” we may observe hardheaded economic or political calculation wrapped in the guise – and language – of relations within a household. It should not be surprising that the earliest system developed for the regulation of affairs among states borrowed many of its forms from those that structured relations among members of the contemporary Mesopotamian extended family. In the second millennium the family was still the most natural and “familiar” type of social organization, and its forms could be modified to fit far larger groupings of human beings, including even states.⁴⁹

Having now surveyed the structure and contents of Hittite treaties, as well as the norms of diplomatic practice in the Late Bronze Age, I turn to the place of the Hittite treaty document in the development of this genre within the cuneiform tradition.⁵⁰ The earliest diplomatic

47 See Z. Cochavi-Rainey, *Royal Gifts in the Late Bronze Age. Fourteenth to Thirteenth Centuries B.C.E.* Beer-Sheva 13, 1999. Lafont, *Relations* (s. Anm. 18), 306-312, discusses the similar phenomenon in earlier Syro-Mesopotamia.

48 Translation by Moran, *Letters* (s. Anm. 10), 48 (EA 20).

49 Cf. J.D. Schloen, *The House of the Father as Fact and Symbol. Patrimonialism in Ugarit and the Ancient Near East*, 2001, 50-53.

50 I deal here only with the treaty as a document. For the system of diplomacy as a whole across the centuries of Mesopotamian civilization, see the following contributions to R. Westbrook, *A History of Ancient Near Eastern Law*, 2003: J. Cooper, *International Law in the Third Millennium*, 241-251; J. Eidem, *International Law in the Second Millennium. Middle Bronze Age, 745-752*; G. Beckman, *International Law in the Second Millennium. Late Bronze Age, 753-774*; and S. Parpola, *International Law in the First Millennium, 1047-1066*. Extensive bibliography is given by each of these authors.

agreement from the ancient Near East whose text has yet been recovered is that inscribed on the "Stele of the Vultures" from the Sumerian city-state of Lagaš in the twenty-fifth century B.C.E. (Text I.A). Following an account of the century-long struggle of his town with neighboring Umma over an agricultural tract situated between the two polities, King Eanatum presents the oath that he had imposed upon the enemy ruler:

The leader of Umma swore to Eanatum: "By the life of Enlil, king of heaven and earth! I may exploit the field belonging to Ningirsu (tutelary deity of Lagaš) as an interest-bearing loan. I shall not neglect (?) the irrigation channel! Forever and evermore, I shall not transgress the territory of Ningirsu! I shall not shift the course of its irrigation channels and canals! I shall not smash its monuments! Whenever I do transgress, may the great battle net of Enlil, king of heaven and earth, by which I have sworn, descend upon Umma!"⁵¹

The document continues with similar self-imprecations by the life of five additional deities.

From the twenty-fourth century we have the treaty concluded by the city-state of Ebla with another city in northern Syria, Abarsal (Text I.B).⁵² Composed in the still poorly-understood Eblaite language, much of the sense of this document remains obscure, but it is clear that Ebla was the dominant party. After a lengthy section delineating the frontier between the adjacent states, the text codifies the vassalage of Abarsal to Ebla in such particulars as trade, the extradition of fugitives, and the adjudication of cross-border crime.

A final third-millennium treaty is that between Narām-Sîn of Akkad and a ruler of Elam in southwestern Iran (twenty-third century; Text I.C).⁵³ This text opens with the invocation of a number of deities, the guarantors of the agreement, and then establishes a military alliance and arrangements for the return of fugitives. Since our knowledge of Old Elamite, the language of this treaty, is poor, many details are unclear, but the requirement that the Iranian ruler erect a statue of

51 Translation adapted from Jerrold S. Cooper, *Reconstructing History from Ancient Inscriptions. The Lagash-Umma Border Conflict, Sources from the Ancient Near East* 2,1, 1983, 46. See also the same author's *Sumerian and Akkadian Royal Inscriptions*, Bd. 1, 1986, 35 (text La3.1).

52 D.O. Edzard, *Der Vertrag von Ebla mit A-BAR-QA*, in: P. Fronzaroli (Hg.), *Literature and Literary Language at Ebla*, 1992, 187-217. For more detail on diplomacy in this era, see M.G. Biga, *I rapporti diplomatici nel Periodo Protosiriano*, in: P. Matthiae u.a. (Hgg.), *Ebla. Alle origini della civiltà urbana*, 1995, 140-147; and cf. P. Artzi, *Ideas and Practices of International Coexistence in the Third Millennium B.C.E.*, in: ders., *Confrontation and Coexistence*, 1984, 25-39.

53 W. Hinz, *Elams Vertrag mit Narām-Sîn von Akkade*, *ZA* 58 (1967), 66-96.

Narām-Sîn⁵⁴ demonstrates that his position was inferior to that of the Mesopotamian.

The earliest known treaties from the Middle Bronze Age (twentieth-sixteenth centuries) are a pair of agreements concluded in the nineteenth century by the Assyrian merchants of the *kārū*, or trading colonies, established at Kaneš (modern Kültepe, near Kayseri in south-central Anatolia) and at the still-unidentified site of Ḫaḫḫum (Texts II.A and B).⁵⁵ The accord with the ruler of Kaneš, whose name has been lost in a break,⁵⁶ begins with a god list and concludes with an oath; in the interval are discussed import duties on textiles and iron (*ašī'um*), the immunity of the businessmen from corvée service and confiscation of their property, the responsibilities of the native prince in the event of the murder or robbery of an Assyrian, and the equitable treatment of Mesopotamians and natives in legal proceedings. The more poorly-preserved treaty with the notables of Ḫaḫḫum seems to deal with the same general topics, and interestingly calls for the public reading of the text.⁵⁷ Further compacts concluded by the Assyrian merchants will undoubtedly come to light.⁵⁸

Excavations at Tell Leilan in the Habur River basin of northeastern Syria (site in antiquity of a city known as Apum) have yielded the texts of five treaties from the eighteenth century, only one of which is as yet fully available for study (Text II.C).⁵⁹ Although the provisions of the

54 See W. Hinz's section VIII.

55 C. Gûnbatt, Two Treaty Texts found at Kültepe, in: J.C. Dercksen (Hg.), Assyria and Beyond. Studies Presented to Mogens Trolle Larsen, 2004, 249-268. Even before their discovery and publication, much of the contents of these documents had been accurately deduced from the study of the correspondence and other records of the *kārū*; see M.T. Larsen, The Old Assyrian City-State and its Colonies, 1976, 245.

56 Quite possibly Zuzzu; see Gûnbatt, Treaty, 255.

57 Lines 30'-32': *nagīram (in)a alīkunu Ḫaḫḫim u matīkunu [tu]šasā*. Throughout, this text addresses the partner in the second person plural.

58 See S. Çeçen, u. K. Hecker. *ina mātika eblum*. Zu einem neuen Text zum Wegerecht in der Kültepe-Zeit, in: M. Dietrich u. O. Loretz (Hgg.), Vom Alten Orient zum Alten Testament. FS W. v. Soden, AOAT 240, 1995, 31-41. This text, which had previously been treated by E. Bilgiç, "Ebla" in Cappadocian Inscriptions, in: H. Otten u.a. (Hgg.), Hittite and Other Anatolian and Near Eastern Studies in Honour of Sedat Alp, 1992, 64-66, is apparently part of a multi-tablet letter from Assyrian merchants to a newly-installed ruler renewing an agreement previously concluded with his predecessor concerning customs duties and other terms of trade. It closes with the details of the oaths sworn by the parties.

59 J. Eidem, An Old Assyrian Treaty from Tell Leilan, in: D. Charpin u. F. Joannès (Hgg.), Marchands, diplomates et empereurs, 1991, 185-207. A short excerpt from Text II.C has been transliterated and translated by J. Eidem, Tell Leilan Tablets 1987. A Preliminary Report, AAAS 37-38 (1987-1988), 118; the same author provides a

text are fragmentary, we may nonetheless recognize that the document regulates relations between Assyrian merchants and the local king, Till-Abnû, in terms similar to those of the treaties from Kültepe. Well-preserved, however, are the opening lines, which exhort the parties: "Swear by An! Swear by Enlil! Swear by Šarra-mātin! Swear by Dagan! Swear by Adad of Heaven!" and so on.

The well-known Old Babylonian site of Mari has, of course, provided us with one of the most important textual corpora for the study of ancient diplomacy in the form of the extensive collection of the correspondence of her rulers.⁶⁰ In recent years several treaties found among the Mari texts have also been made known. These agreements were concluded between the local king Zimri-Lim and his peers Ibâl-pî-El II of Ešnunna (Text II.H)⁶¹ and with Ḥammurapi of Babylon (Text II.I)⁶² on the one hand, and with his vassal Atamrum of Andarig on the other (Text II.J).⁶³ The treaty with Ešnunna opens with swearing by twenty or more divinities and closes with contingent curses. The few preserved intervening sections of the mutilated document deal with a military alliance and with the promise of confidentiality concerning strategic plans. The document of subordination is very simple, consisting of no more than an oath before Šamaš, god of justice, that Atamrum will remain loyal to Zimri-Lim.

The material from the Mari archives allows us to draw a picture of a system of diplomacy that in many ways anticipates that of the Amarna Age and the Hittite Empire period.⁶⁴ But these Old Babylonian texts reveal significant differences from later practice, perhaps to be

photo of Text II.D in *Les Dossiers de l'Archéologie* 155 (1990), 50-53 [unavailable to me].

- 60 For the diplomatic activity revealed in these archives, see the classic article of Munn-J.M. Rankin, *Diplomacy in Western Asia in the Early Second Millennium B.C., Iraq* 18 (1956), 68-110; H. Limet, *Dans les coulisses de la diplomatie mariote. Guerre et paix au temps de Hammurapi*, *Akkadica* 43 (1985), 6-15; and now the thorough treatment by Lafont, *Relations* (s. Anm. 18), 213-328.
- 61 See D. Charpin, *Un traité entre Zimri-Lim de Mari et Ibâl-pî-El II d'Ešnunna*, in: D. Charpin u. F. Joannès (Hgg.), *Marchands, diplomates et empereurs*, 1991, 139-166. The text has been translated by Durand, *Documents* (s. Anm. 9), no. 292.
- 62 See J.-M. Durand, *Fragments re joints pour une histoire élamite*, in: L. de Meyer; H. Gasche u. F. Vallat (Hgg.), *Fragmenta Historiae Elamicae. Mélanges offerts à M.-J. Stève*, 1986, 111-118. Translated as no. 290 in Durand, *Documents* (s. Anm. 9).
- 63 See F. Joannès, *Le traité de vassalité d'Atamrum d'Andarig envers Zimri-Lim de Mari*, in: D. Charpin u. F. Joannès (Hgg.), *Marchands, diplomates et empereurs*, 1991, 167-77. On pp. 176-177 Joannès presents the tiny scrap of what may well be a further treaty, this one with the vassal city of Kurda. Translated as nos. 291 and 293, respectively, in Durand, *Documents* (s. Anm. 9).
- 64 Cf. Lafont, *Relations* (s. Anm. 18), 317-318.

attributed to the persistence of Amorite tribal custom in the early second millennium. Negotiations between rulers were normally carried out at a distance through the agency of envoys. When a sovereign made a commitment to a distant partner, he signaled his agreement with the ritual gesture of "touching the throat" (*lipit napištim*),⁶⁵ undoubtedly symbolic of the violent death to befall him should he be acting in bad faith. The ceremonial conclusion of the accord featured both parties' presence at the "killing of an ass foal" (*ḥayāram qaṭālum*)⁶⁶ and the exchange of oaths before divine guarantors. Each treaty tablet from Mari or elsewhere in northern Syro-Mesopotamia includes only one side of the pact in question, that is, it presents the language to which the framer wishes his partner to swear under oath.⁶⁷ A tablet or tablets now lost would have contained the obligations to be assumed by the first party. It is important to note that it was not the drawing up of the written documents themselves that brought a treaty into force, but rather the formal oath-taking.⁶⁸ The texts simply constitute *aides memoires* for this ceremony. We find no mention in these tablets that they should be preserved or consulted in the future.

From the other side of Mesopotamia, the Diyala region, comes the final Old Babylonian treaty to be considered.⁶⁹ This is an agreement between the rulers of the towns of Šadlaš and Nērebtum, regulating primarily the question of fugitives (Text II.K).⁷⁰ Since the parties do not swear an oath, the tablet is probably a draft intended for use in preliminary negotiations.⁷¹

65 See D. Charpin, Une alliance contre l'Elam et le rituel du *lipit napištim*, in: F. Vallat (Hg.), Contribution à l'histoire de l'Iran. Mélanges offerts à Jean Perrot, 1990, 109-18, and Lafont, Relations (s. Anm. 18), 271-276.

66 Lafont, Relations (s. Anm. 18), 263-271.

67 Lafont, Relations (s. Anm. 18), 291.

68 Lafont, Relations (s. Anm. 18), 281.

69 From this period there are also an unpublished treaty from Tell Asmar involving Bēlakum of Ešnunna (see Charpin, traité [s. Anm. 61], 139, n. 2, for references, and cf. Lafont, Relations [s. Anm. 18], 287-288) and a very fragmentary treaty from Uruk concluded by her king Ilum-gamīl with a party whose name has been lost (see F.R. Kraus, review of Baghdader Mitteilungen 2, BiOr 22 [1965], 289-290).

70 S. Greengus, Old Babylonian Tablets from Ishchali and Vicinity, 1979, 74-77, Text 326. See now Wu Yuhong, The Treaty between Shadlash (Sumu-Numhim) and Neribtum (Hammi-dushur), Journal of Ancient Civilizations 9 (1994), 124-136.

71 See M. Anbar, La "petite tablette" et la "grande tablette", NABU 1991/1998, for the distinction between "small" and "large" tablets. It seems that the "small" tablets as preliminary drafts contained only (some of) the proposed items for agreement, while the "large" tablets conveyed the complete stipulations, in addition to the oaths and full god list.

The corpus of Late Bronze Age treaties currently known begins with three documents written in the north Syrian city of Alalā' in the fifteenth century.⁷² One of these is a mere fragment (Text II.N). The others, concluded on the basis of equality with the king of neighboring Tunip (Text II.L)⁷³ and with the ruler of Kizzuwatna in southern Anatolia (Text II.M),⁷⁴ deal primarily with the capture and extradition of fugitives. This concern with the recovery of errant subjects was the consequence of a general shortage of labor within the palatial economic systems of the era.⁷⁵

In addition to its treaties with the Great King of Ḫatti, the Syrian commercial center of Ugarit has provided us with two diplomatic agreements: From the fourteenth century we have an accord between Niqmaddu II of Ugarit and Aziru of Amurru (Text II.O),⁷⁶ by which the latter, in return for a payment of 5000 shekels of silver, abandons his claim to disputed client states and promises to render military assistance to Ugarit, if needed. Thirteenth-century diplomatic activities of Ugarit are represented by a pact with the Hittite viceroy in Syria, the king of Carchemish (Text II.P).⁷⁷ Here the parties agree upon the compensation to be paid should merchants of one state be robbed or murdered in the territory of the other.

Almost all of the available ancient Near Eastern treaty documents from the first millennium⁷⁸ represent obligations imposed during the ninth through seventh centuries by kings of Assyria on their own Assyrian population, or upon Syrian and Iranian vassals. In all well-preserved documents, colorful oaths calling down ruin upon those who might break the agreement play a major role. For instance:

If Mati'-ilu (of the Syrian town of Arpad) sins against this treaty with Aššur-nerari, king of Assyria, may Mati'-ilu become a prostitute, his sol-

72 Note also the discussion of the treaty between Idri-mī and Šuttarna of Mittanni in the inscription on the statue of the Alalā' king, lines 42-58.

73 M. Dietrich u. O. Loretz, *Der Vertrag zwischen Ir-Addu von Tunip und Niqmepa von Mukiš*, in: G.D. Young u.a. (Hgg.), *Crossing Boundaries and Linking Horizons. Studies in Honor of Michael C. Astour*, 1997, 211-242.

74 AT 2, 3, 4.

75 See T.R. Bryce, *Life and Society in the Hittite World*, 2002, 77-78.100-102.

76 RS 17.68 = PRU IV, pls. LXXXVI-LXXXVII. For translation, see Lackenbacher: *Textes* (s. Anm. 11), 64-66; cf. I. Singer, *A Concise History of Amurru*, in: S. Izre'el, *Amurru Akkadian. A Linguistic Study*, Bd. II, 1991, 155-157.

77 RS 17.230 and RS 17.146 = PRU IV, pls. XXVIII and XX. For translation, see Lackenbacher, *Textes* (s. Anm. 11), 155-157.

78 For a survey of Mesopotamian texts of other genres mentioning the making of treaties, see J.A. Brinkman, *Political Covenants, Treaties, and Loyalty Oaths in Babylonia and between Assyria and Babylonia*, in: L. Canfora u.a. (Hgg.), *I trattati nel mondo antico. forma, ideologia, funzione*, 1990, 81-112.

diers women, may they receive payment in the square of their city like any prostitute, may one country push them to the next; may Mati'-ilu's (sex) life be like that of a mule, his wives extremely old; may Ištar, the goddess of men, the lady of women, take away their bow, bring them to shame, and make them weep bitterly: "Woe, we have sinned against the treaty of Aššur-nerari, king of Assyria."⁷⁹

Indeed, in this period the Akkadian term employed for "treaty" was *adê*, a loanword from Aramaic meaning literally "an obligation under sanction of oath."⁸⁰

The majority of the late Assyrian treaties are concerned with a single objective, namely assuring the allegiance of the partner or partners to the reigning king of Assyria (Texts IV.E, H, and I), or to his designated successor (Texts IV.D and G). Others deal with familiar matters like military alliance (Texts IV.B and J), trade (Text IV.F), or fugitives (Text IV.A).⁸¹

The only surviving first-millennium treaty not to emanate from the Assyrian chancellery is the pact of alliance joining two north Syrian princes, Bar-Ga'yah and Mati'-ilu (Text IV.C).⁸² Written in Aramaic, the text is inscribed on three stelae found at Sefire, not far from Aleppo.⁸³ It is remarkable for its curses reinforced by analogic magic. For example:

Just as this wax (figure) is burned by fire, so may (the city of) Arpad be burned, along with her great daughter-cities! May Hadad sow salt and weeds in them and may it not be mentioned again! ... This is Mati'-ilu. Just as this wax is burned by fire, so may Mati'-ilu be burned by fire! Just as (this) bow and these arrows are burned, so may (N)inurta and Hadad break the bow of Mati'-ilu and the bow of his nobles! And just as the man of wax is blinded, so may Mati'-ilu be blinded! (and so on).⁸⁴

Looking back on the tradition of treaty-making in the ancient Near East, we may now see that the Hittite material occupies a central place, not only chronologically, but in terms of structure. Across the centuries, the essential element in this praxis was the summoning of multiple deities to back up contingent curses imposed by one or both partners to

79 S. Parpola u. K. Watanabe, *Neo-Assyrian Treaties and Loyalty Oaths*, SAA 2, 1988, 12, v 8-15; cf. also F.M. Fales, *L'impero assiro*, 2001, ch. 6, "Patte e trattati."

80 See S. Parpola, *Neo-Assyrian Treaties from the Royal Archives of Nineveh*, JCS 39 (1987), 180-183.

81 Text IV.K preserves only the heading and fragmentary curses. All of these texts have been translated by Parpola/Watanabe, *Treaties* (s. Anm. 79).

82 Note also the third-century treaty between Carthage and Macedonia mentioned by Polybius. See M.L. Barré, *The God-List in the Treaty between Hannibal and Philip V of Macedonia. A Study in Light of the Ancient Near Eastern Treaty Tradition*, 1983.

83 See J.A. Fitzmyer, *The Aramaic Inscriptions of Sefire*, revised edition, 1995.

84 Adapted from Fitzmyer, *Inscriptions* (s. Anm. 83), 47, §4.

an agreement. The provisions to be enforced are most various, but personal loyalty to a superior and his successor, military alliance, payment of tribute, and the drawing of boundaries between states are the most frequent concerns.

A striking peculiarity of the Hittite documents, however, is the routine presence of a substantial historical prologue, a feature seldom found elsewhere. Indeed, in his influential study deriving the form of the biblical covenant between Yahweh and Israel from the structure of Hittite treaties, George Mendenhall adduces this fact to justify his dating of the covenant tradition to the second millennium, when direct contact between Israel and Anatolian Hatti would have been possible.⁸⁵

I am wary of venturing out of my own field of expertise to offer an opinion on the antiquity of the covenant tradition,⁸⁶ a question that has implications for the heated battle currently being waged between the Biblical "minimalists" and their detractors.⁸⁷ But I hope that my remarks here will aid others in discussing this matter.

85 G.E. Mendenhall, *Law and Covenant in Israel and the Ancient Near East*, 1955, originally published in *The Biblical Archaeologist* 17 (1954). See the review by W.M. Moran, *Biblica* 41 (1960), 297-299; and now H.A. Hoffner, *Ancient Israel's Literary Heritage Compared with Hittite Textual Data*, in: J.K. Hoffmeier u. A. Millard (Hgg.), *The Future of Biblical Archaeology. Reassessing Methodologies and Assumptions*, 2004, 182-183.

86 See D.J. McCarthy, *Treaty and Covenant. A Study in Form in the Ancient Oriental Documents and in the Old Testament*, 1963; P. Kalluveetil, *Declaration and Covenant. A Comprehensive Review of Covenant Formulae from the Old Testament and the Ancient Near East*, 1982; and N. Weeks, *Admonition and Curse. The Ancient Near Eastern Treaty/Covenant Form as a Problem in Inter-Cultural Relationships*, 2004.

87 See W.G. Dever, *What Did the Biblical Writers Know and When Did They Know It? What Archaeology Can Tell Us about the Reality of Ancient Israel*, 2001; and J.B. Kofoed, *Text & History. Historiography and the Study of the Biblical Text*, 2005.

Appendix

Treaties of the Ancient Near East

I. Third Millennium

- A. Eanatum of Lagaš with “the man” of Umma (“Stele of the Vultures”)
- B. Ebla with Abarsal
- C. Narām-Sîn of Akkad with Ĥita(?) of Elam

II. Second Millennium (other than Hittite texts)

- A. Organization of Assyrian merchants (*kārum*) with ruler of Kaneš
- B. Organization of Assyrian merchants (*kārum*) with people of Ĥaḥḥum
- C. Till-Abnû of Apum with the Assyrian merchants
- D. Till-Abnû of Apum with Yamši-Ĥatnû of Kaḥat (unpublished)
- E. Till-Abnû of Apum with an unknown party (unpublished)
- F. Ĥaya-abum of Apum and Qarnî-Lim of Andarig with an unknown party (unpublished)
- G. Mutiya of Apum with Ĥazip-Teššup of Razamā (unpublished)
- H. Zimrî-Lim of Mari with Ibâl-pî-El II of Ešnunna
- I. Zimrî-Lim of Mari with Ĥammurapi of Babylon
- J. Zimrî-Lim of Mari with Atamrum of Andarig
- K. Sumu-numḥim of Šadlaš with Ĥammi-dašur of Nērebtum
- L. Niqmepa of Alalaḥ with Ir-Teššup of Tunip
- M. Idrî-mi of Alalaḥ with Pilliya of Kizzuwatna
- N. Idrî-mi(?) of Alalaḥ with a king of Ugarit
- O. Niqmaddu II of Ugarit with Aziru of Amurru
- P. Ini-Teššup of Carchemish with Ammistamru of Ugarit

III. Hittite Treaties

- A. Telipinu with Išputaḥšu of Kizzuwatna
- B. Zidanta II with Pilliya of Kizzuwatna
- C. An unknown king with Paddatiššu of Kizzuwatna
- D. Taḥurwaili with Eḥeya of Kizzuwatna
- E. An unknown king with the *ḥapiru*
- F. An unknown king with Ĥuḥa-zalma of an unknown polity
- G. Tudḥaliya II with Šunaššura of Kizzuwatna
- H. Arnuwanda I with the men of Išmerika
- I. Arnuwanda I with the Kaška people
- J. An unknown king with the Kaška people
- L. An unknown king with a king of Egypt

- M. An unknown king with Labḫu of Tunip
- N. Šuppiluliuma I with Ḫuqqana of Ḫayaša
- O. Šuppiluliuma I with Niqmaddu II of Ugarit
- P. Šuppiluliuma I with Šarri-Kušuh of Carchemish
- Q. Šuppiluliuma I with Aziru of Amurru
- R. Šuppiluliuma I with Šattiwaza of Mitanni
- S. Šattiwaza of Mitanni with Šuppiluliuma I
- T. Šuppiluliuma I with Tette of Nuḫašši
- U. Muršili II with Tuppi-Teššup of Amurru
- V. Muršili II with Niqmepa of Ugarit
- W. Muršili II with Targašnalli of Ḫapalla
- X. Muršili II with Kupanta-Kurunta of Mira-Kuwaliya
- Y. Muršili II with Manapa-Tar'unta of the Šeḫa-River Land
- Z. Muwattalli II with Alakšandu of Wiluša
- AA. Muwattalli II with Talmi-Šarrumma of Aleppo
- BB. Ḫattušili III with Ramses II of Egypt
- CC. Ḫattušili III with Bentešina of Amurru
- DD. Ḫattušili III with Ulmi-Teššup of Tarḫuntašša
- EE. Tudḫaliya IV with Kurunta of Tarḫuntašša
- FF. Tudḫaliya IV with Šaušga-muwa of Amurru
- GG. Tudḫaliya IV with Talmi-Teššup of Carchemish
- HH. An unknown king with a ruler of Cyprus
- II. An unknown king with the elders of several Anatolian communities

IV. First Millennium

- A. Šamši-Adad V of Assyria with Marduk-zakir-šumi of Babylonia
- B. Aššur-nerari V of Assyria with Mati'-ilu of Arpad
- C. Bar-Ga'yah of KTK with Mati'-ilu of Arpad (Aramaic)
- D. Sennacherib with the people of Assyria
- E. Esarhaddon of Assyria with an unknown party
- F. Esarhaddon of Assyria with Baal of Tyre
- G. Esarhaddon of Assyria with various Iranian rulers (several versions)
- H. Queen Zakutu with the people of Assyria
- I. Aššurbanipal of Assyria with the people of Babylonia
- J. Aššurbanipal of Assyria with the Arabian tribe Qedar
- K. Šin-šar-iškun of Assyria with the people of Babylonia

V. Treaties from Mari

- A. Zimri-Lim of Mari with Hammurapi of Babylon
- B. Zimri-Lim of Mari with Hammurapi of Babylon (against the *sukal* of Elam)
- C. Zimri-Lim of Mari with Ibāl-pī-EI II of Ešnunna
- D. Zimri-Lim of Mari with Atamrum of Andarig