

ORIENTAL STUDIES  
OR ORIENTALISTIK

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D MIDDLE EAST

ED BY  
DA · B.A. LEVINE · R.S. O'FAHEY  
H.M. VERSTEEGH

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NTY-TWO/ONE

NT NEAR EASTERN LAW

# A HISTORY OF ANCIENT NEAR EASTERN LAW

EDITED BY

RAYMOND WESTBROOK

EDITORIAL BOARD:

Gary Beckman, Richard Jasnow,  
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VOLUME ONE



BRILL  
LEIDEN • BOSTON  
2003

## INTERNATIONAL LAW

### INTERNATIONAL LAW IN THE SECOND MILLENNIUM: LATE BRONZE AGE

Gary Beckman

#### 1. SOURCES OF INTERNATIONAL LAW

1.1 Texts of more than thirty treaties concluded during the fifteenth through thirteenth centuries have been preserved on cuneiform tablets from the archives of the Hittite kings at their capital Ḫattuša (modern Boğazköy).<sup>1</sup> Almost all of these copies are on clay tablets and are more or less fragmentary; one, however, was engraved on a tablet of bronze and is intact. From Alalakh/Atchana have come two treaty tablets, one extremely damaged, dating to the fifteenth century.<sup>2</sup> The only other text of a treaty available to us was incorporated in a royal inscription of Ramesses II (thirteenth century) written in Egyptian hieroglyphs on stelae recovered at Karnak and in the pharaoh's funerary temple (the Ramesseum) at Thebes.<sup>3</sup> Treaty relationships whose written documentation has been lost to posterity are also alluded to in texts of other genres.<sup>4</sup>

1.2 Codicils elaborating on the terms of treaties have come to light among the cuneiform records of Ḫattuša and those found at the north Syrian port of Ugarit/Ras Shamra.<sup>5</sup>

1.3 Edicts issued by the Hittite Great King to regulate the affairs of vassals and similar decrees emanating from the king of Carchemish,

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<sup>1</sup> For a convenient list of these sources, see Beckman, *Hittite Diplomatic Texts*, 6–8, hereafter cited by title.

<sup>2</sup> Wiseman, *Alalakh Tablets*, nos. 3 and 4.

<sup>3</sup> The Egyptian-language treaty has been edited most recently by Edel, *Vertrag . . .*

<sup>4</sup> Diplomatic correspondence is particularly rich in references of this sort. For instance, note the mention of formal relations between Ḫatti and Babylonia in *Hittite Diplomatic Texts*, no. 23, §4. In EA 24 iii 109–19 (transl. Moran, *Amarna Letters*, 69, §26) the sender seems to quote from a treaty currently in force.

<sup>5</sup> See, for example, *Hittite Diplomatic Texts*, nos. 18A and 28A.

who functioned as Ḫatti's viceroy for Syrian affairs, are known from Ḫattuša and Ugarit.<sup>6</sup>

1.4 Various compositions of Hittite monarchs, particularly the "annals" of several kings,<sup>7</sup> and Egyptian royal inscriptions<sup>8</sup> provide information on international relations: on hostile and peaceful interaction with subordinate and independent foreign polities, on trade, on the treatment of fugitives, messengers, and other foreigners. The inscription on the statue of King Idrimi of Alalakh describes the conclusion of a written peace treaty with his suzerain, the king of Mittanni.<sup>9</sup>

1.5 Diplomatic correspondence, which has been recovered in significant quantities at Ḫattuša,<sup>10</sup> Ugarit,<sup>11</sup> and Akhetaten/Amarna,<sup>12</sup> and as stray finds elsewhere,<sup>13</sup> presents us with primary documentation of international communication, negotiation, and conflict resolution.

1.6 Miscellaneous texts from Ugarit,<sup>14</sup> Egypt, and especially Ḫattuša also present scraps of information relevant to the conduct of international relations.<sup>15</sup>

## 2. THE INTERNATIONAL SYSTEM

During the Late Bronze Age in western Asia, the state was conceived of as a household on a grand scale. Within every family, the senior male exercised full authority over the social and economic activities

<sup>6</sup> *Hittite Diplomatic Texts*, nos. 29ff.

<sup>7</sup> The materials from the Hittite archives have been ordered by Laroche, *Catalogue* . . . Texts particularly useful for the present discussion are "The Deeds of Šuppiliuma I" (transl. H.A. Hoffner in Hallo and Younger, eds., *Context* . . . I, 185–92) and "The Ten-Year Annals of Muršili II" (transl. R. Beal, in Hallo and Younger, eds., *Context* . . . II, 82–90).

<sup>8</sup> See Redford, *Egypt, Canaan, and Israel* . . . , chaps. 6–8.

<sup>9</sup> Smith, *Idri-mi* . . . , 16, ll. 42–58.

<sup>10</sup> See *Hittite Diplomatic Texts*, pt. 2.

<sup>11</sup> See the sources listed by Klengel, *Syria* . . . , 100–102.

<sup>12</sup> All of these texts have been translated and commented upon by Moran, *Amarna Letters* (texts cited by EA number).

<sup>13</sup> Owen, "Akkadian Letter . . ." and "Pasūri-Dagan . . ."; Singer, "New Hittite Letter . . ."

<sup>14</sup> See Freu, "Ugarit et les puissances . . ."

<sup>15</sup> Sections 5, 19–21, and 23 of the Hittite Laws seem to imply the existence of some sort of formal relationship between Ḫatti and the western Anatolian land of Luwiya/Arzawa, already in the Old Hittite period (sixteenth century)—see Hoffner, *Laws* . . . , 171.

of all members, including those of his wife or wives, his children and their spouses and offspring, and non-free dependents ("slaves"). In principle, the monarch of each polity likewise controlled the lives of all men and women in his population in the interest of the deity or deities who had entrusted him with his office. This patrimonial ideology<sup>16</sup> was further applied to the relations among states. The ruler of a small city-state or country subordinate to the king of a major political formation functioned as the "slave" of his "lord." On the other hand, the proprietors of mutually independent realms addressed one another as "brother,"<sup>17</sup> and presented their dealings as a discourse of "brotherhood." The primary functional aspect of this metaphor was that of equality; goodwill was not necessarily implied. Brothers can and do quarrel.<sup>18</sup>

### 2.1 *The General Situation*

Several major powers dominated the world of the eastern Mediterranean and the Fertile Crescent at the close of the Bronze Age. At various times during this period these states included Egypt, Mittanni, Hatti, Babylonia, Assyria, and perhaps Ahhiyawa (the realm of Mycenaean Greeks).

### 2.2 *The Great Powers*

Only the rulers of states that exercised hegemony over others while for their part recognizing no overlord were entitled to call themselves "Great Kings"<sup>19</sup> and to refer to their lands as "Great Kingdoms." Acceptance into the "Great Powers Club"<sup>20</sup> was achieved through practical recognition on the part of the rulers of current members that a polity had attained the requisite status. On some occasions, such recognition was hotly contested.<sup>21</sup>

<sup>16</sup> On the application of this ideal type to the ancient Near East, see Schloen, *House of the Father . . .*, 49ff. On its application to international law, see Westbrook, "International Law . . ."

<sup>17</sup> In practice, most instances of this usage are found in records of dealings between the major powers, since in principle relations among vassals were to be carried out through the agency of the imperial governing structures rather than conducted directly by the parties themselves.

<sup>18</sup> Liverani, *International Relations . . .*, 136.

<sup>19</sup> See Artzi and Malamat, "Great King . . ."

<sup>20</sup> See Liverani, "Great Powers' Club," 15-27.

<sup>21</sup> Note *Hittite Diplomatic Texts*, no. 24A, in which a Hittite king rebukes an Assyrian monarch for having the temerity to address him as an equal. In EA 9, a Babylonian

### 2.2.1 *The Hittite Empire*

Although it secured its rank among the major realms only with the demise of Mittanni in the mid-fourteenth century, the Hittite empire is the most important state for consideration of international relations during the Late Bronze Age as a whole because of the wealth of information contained in its archives.

#### 2.2.1.1 *Ḫatti Proper*

The Hittite homeland in central Anatolia was composed of a number of "lands"—the "Upper Land," the "Lower Land," Ḫakpiš, and so forth—each governed by a member of the royal family. Since these "small kings" were every bit as much a part of the Hittite royal bureaucracy as provincial governors and military officers, their interactions with the Great King must be categorized as domestic rather than international affairs.

#### 2.2.1.2 *Appanage Kingdoms*

Several important areas, including at different times Kizzuwatna (Cilicia), Aleppo, Carchemish, and Tarḫuntašša in south central Anatolia, were placed in the hands of collateral lines of the Hittite royal house. Because rule in these secondary kingdoms was passed down from generation to generation without interference from the Great King in Ḫattuša and treaties could be concluded with them,<sup>22</sup> they may be considered quasi-foreign states.

#### 2.2.1.3 *Vassals*

When the Hittites subjugated an area, their usual practice was to install a scion of the native ruling family as monarch and to bind this man and his successors by treaty to their Great King. These vassal kingdoms were thus not directly incorporated into the Hittite state, but their kings did assume significant political, financial, and military obligations toward Ḫatti. They were forbidden to have independent contact with outside powers, so the scope of their legitimate diplomatic activity was quite limited.

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king chides the pharaoh for receiving a delegation from Assyria, an act implying acknowledgment of Assyria's independence from Babylonia.

<sup>22</sup> For example, *Hittite Diplomatic Texts*, nos. 14, 18A–C.

### 2.2.2 *The Egyptian Empire*

The realm of Egypt was structured quite differently from that of the Hittites. In the Egyptian conception, the pharaoh ruled as a god-king over the entire world, supported in this work by an elaborate bureaucracy. By the Late Bronze Age, this administrative apparatus directly governed not only Upper and Lower Egypt but also northern Nubia and parts of the Sinai and southernmost Palestine. In theory, the minor princes of the remainder of Egyptian-controlled Syro-Palestine were mere appointees of the pharaoh, subject to supervision by Egyptian "commissioners" (Akk. *rābiṣu*).<sup>23</sup> In practice, however, these petty kings were succeeded on their thrones by their sons and seized every opportunity to further the interests of their own dynasties to the neglect of those of Egypt.<sup>24</sup> It is probable that the vassals of Syro-Palestine normally communicated only indirectly with the pharaoh, through Egyptian officials stationed among them. These exchanges were seemingly carried out orally;<sup>25</sup> at any rate, no written record of them survives. The letters from a few Asiatic vassals found at Amarna are therefore all the more valuable for our assessment of Egyptian imperial rule.

### 2.2.3 *Mittanni*

During the fifteenth century, the Hurrian state of Mittanni dominated a swath of territory stretching across northern Mesopotamia and Syria from the northern Zagros foothills in the east to the region of Aleppo in the west.<sup>26</sup> Its dissolution at the hands of Hittite Great King Šuppiluliuma I in the middle of the fourteenth century was the precondition for the rise of both Ḫatti and Assyria to the status of Great Power. Since the archives of its rulers still await discovery, we can say relatively little about Mittanni's external relations and even less about its internal governance.

### 2.2.4 *Assyria*

Freed from dependence on Mittanni by Ḫatti's defeat of the latter kingdom, Assyria proceeded to turn the tables on its former masters

<sup>23</sup> See Weinstein, "Egyptian Empire . . ."

<sup>24</sup> Witness the treachery of the rulers of Amurru; see Singer, "Concise History . . .," 141-58.

<sup>25</sup> Liverani, *International Relations . . .*, 125.

<sup>26</sup> Wilhelm, *Humans . . .*, 22-41.

and gradually absorbed most Mittannian territory into its own expanding realm. By the late thirteenth century an aggressive Assyria posed a serious threat to Hittite territories in Syria.

### 2.2.5 *Babylonia*

Always recognized as a major state because of its role as the birthplace of cuneiform civilization, Babylonia under the Kassite kings seems to have been too weak militarily to play an influential role in the international politics of the Late Bronze Age. Nonetheless, its monarch counted among the Great Kings.

### 2.2.6 *Aḫḫiyawa*

A single Hittite document tentatively places the territory of the Mycenaean Greeks on a par with the Great Powers, but this ranking seems to have been mistaken or perhaps a temporary diplomatic expedient.<sup>27</sup> Since no political or military contacts are attested between Aḫḫiyawa and any state other than Ḫatti, this polity may safely be left out of the present discussion.

## 2.3 *Smaller States*

For the minor principalities of Syro-Palestine squeezed between the empires, neither independence nor political and military neutrality was possible. An expanding Great Power absorbed every small land or city-state in its path until it ran up against the hegemonic sphere of a rival. The only freedom a small king might enjoy was to shift his allegiance among masters.<sup>28</sup>

2.3.1 Significant smaller polities in Anatolia included Išuwa in the east, the Arzawa lands (Arzawa minor, Mira-Kuwaliya, the Šeḫa-River Land, Ḫapalla, and Wilušiya) in the west, and Kizzuwatna in the south. Although Arzawa and Kizzuwatna had earlier each challenged Ḫatti's dominion, by the end of the fourteenth century both countries had definitively become Hittite vassals.

2.3.2 Important Hittite dependencies in Syro-Palestine were Ugarit, Niya, Nuḫašše, Aleppo, Carchemish, Kinza (Qadesh), Amurru, and

<sup>27</sup> See Bryce, "Hatti and Aḫḫiyawa . . ."

<sup>28</sup> Note the maneuvering of Amurru among Mittanni, Ḫatti, and Egypt: *Hittite Diplomatic Texts*, no. 17, §§3-5.

Aštata on the middle course of the Euphrates. Ḫatti took over most of these vassals from Mittanni and for some time also maintained a protectorate over a portion of her defeated adversary. Ultimately, however, Assyria swallowed up almost the entirety of the former Hurrian kingdom. At times, Egypt dominated Ugarit, Amurru, and Qadesh in the north, but the heart of its Asiatic realm lay further to the south on the coast—including the cities of later Phoenicia—and inland as far as the neighborhood of Damascus. The great majority of Egypt's subordinates were rather small-scale polities.<sup>29</sup>

#### 2.4 Other Social Formations

The empires were also confronted with peoples living at a pre-state level of social organization. In Anatolia, the Hittite heartland was under constant threat from semi-nomadic Kaška tribesmen,<sup>30</sup> while in Syria the Semitic Arameans<sup>31</sup> and Suteans<sup>32</sup> posed problems for Ḫatti, Assyria, and Babylonia alike.

### 3. TREATIES

Since such a preponderance of the relevant texts comes from the archives of Ḫatti, discussion of written diplomatic instruments will necessarily focus on Hittite practice. There is little doubt, however, that all Great Powers of the Late Bronze Age followed similar procedures.

#### 3.1 Terminology

In their own language, the Hittites referred to a treaty as *iṣḫiul* and *lingais*, literally a "binding" and an "oath." In the Akkadian in use at Ḫattuša, the equivalent terms were *rikiltu* (or *riksu*)<sup>33</sup> and *mamītu*.<sup>34</sup> Significantly, similar language was employed to denote the obligations of royal officials to the Hittite monarch; that is, there was no essential difference between the duties of his domestic and foreign

<sup>29</sup> See the map in Moran, *Amarna Letters*, 123.

<sup>30</sup> See von Schuler, *Die Kaškaer*.

<sup>31</sup> *Hittite Diplomatic Texts*, no. 23, §6.

<sup>32</sup> EA 16, ll. 37-42.

<sup>33</sup> This word was also in use at Alalakh. Note *Alalakh Tablets*, no. 3, l. 1: [u]p-pi ri-ik-šī, "[t]ablet of the treaty."

<sup>34</sup> Idrimi refers to his agreement with Piliya as NAM.ÉRIM/*ma-mi-ti*, "oath" (ll. 52-53).



subordinates. The Egyptian translator of the treaty between Hattuşili II and Ramesses II rendered *rikiltu* as *nt-<sup>t</sup>*, "customary agreement."<sup>35</sup>

3.2 Although they bear the same designation, a basic distinction must be made between treaties imposed by a powerful state upon vassals and those concluded with parties of equal standing.<sup>36</sup> In the case of the former, only the vassal swears an oath.<sup>37</sup> While the overlord may make promises, he does not obligate himself to their fulfillment. Hence the agreement is the "binding" of the subordinate but the "oath" of the lord. In a parity treaty, neither partner imposes anything upon the other. Each party commits himself to reciprocal obligations and takes an oath of his own volition.

### 3.3 Structure

Treaties dating to the Hittite Empire period (fourteenth and thirteenth centuries) tend to follow a similar pattern,<sup>38</sup> presumably because all were composed by a limited number of scribes active in the royal chancellery. With exceptions arising due to special circumstances, the usual construction of a Hittite vassal treaty is: (1) preamble styling the document as an address by the senior partner to the junior; (2) historical prologue recounting the course of previous relations and justifying future loyalty as due in gratitude for the Hittite Great King's generous treatment of the vassal and his land; (3) specific obligations of the subordinate; (4) details of the deposition of the treaty document; (5) invocation and list of divine witnesses; (6) curses upon the vassal who would break the treaty and blessings upon the subordinate who honors it. The parity treaty with Egypt may be seen as a variation of this configuration, while the only well-preserved agreement from Alalakh is very simple,<sup>39</sup> consisting only of a heading, an accord on a single topic, a short list of deities, and a curse.

<sup>35</sup> Spalinger, "Considerations . . ." 303.

<sup>36</sup> The sole text of this type to be preserved is the agreement concluded by Ramesses II of Egypt with Hattuşili III of Hatti (*Hittite Diplomatic Texts*, no. 15).

<sup>37</sup> Some idea of the actual ceremony by which the underling placed himself under oath may perhaps be seen in the "induction ceremonies" for Hittite troops edited by Oettinger, *Militärischen Eide* . . .

<sup>38</sup> See Korošec, *Staatsverträge*.

<sup>39</sup> Wiseman, *Alalakh Tablets*, 32, suggests that this text presents only an excerpt from a longer document.

### 3.4 Procedure

Analysis of correspondence between the courts of the Great Kings<sup>40</sup> and comparison of multiple copies of a single document<sup>41</sup> allow the reconstruction of the process of treaty negotiation between equals. Following the repeated exchange of envoys carrying letters and provisional drafts of the agreement, each party presented the other with a final copy engraved on a tablet of metal (silver or bronze). The recipient then spoke the relevant oaths. In the case of vassal treaties, the subordinate was in no position to bargain; he simply accepted the tablet setting forth his obligations and bound himself by oath.

### 3.5 Provisions

Stipulations vary greatly among the preserved agreements, but several concerns appear in most, if not all, Hittite treaties: allegiance to Ḫatti and to its Great King, mutual protection of dynastic lines, extradition of fugitives, and payment of tribute.<sup>42</sup> Of course, this last item is not present in parity treaties.

#### 3.5.1 Loyalty to Ḫatti

The subordinate is forbidden to transfer his allegiance to another master. He may maintain no independent foreign relations and must send on to the Great King any foreign envoy arriving at his court. He himself is required to make periodic visits to reaffirm his devotion to the Hittite ruler at a personal audience. Should he learn that Ḫatti is under attack, the vassal must rush to its aid without waiting to be summoned. It is his further obligation to provide logistical support and military contingents to Hittite armies on campaign in his vicinity. Naturally, the Hittite ruler will also commit his military forces to safeguard the life and territory of the vassal.

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<sup>40</sup> *Hittite Diplomatic Texts*, no. 22E, deals with plans for a marriage alliance, but the process of haggling on view here is no doubt similar to that involved in concluding a treaty.

<sup>41</sup> See Beckman, "Some Observations . . ." 55-66; Edel, *Vertrag . . .*, 85-86.

<sup>42</sup> For references, see the index to topics, *Hittite Diplomatic Texts*, 205-6. Egyptian vassals bore many of the same burdens, including delivery of tribute, supply of the overlord's armies, and the performance of *corvée*. Interference of the vassal in the succession to the Egyptian throne is not envisioned. See Moran, *Amarna Letters*, xxvii.

### 3.5.2 *Loyalty to the Overlord and His Descendants*

The vassal is adjured to "protect" (Hitt. *paḥs-*; Akk. *naṣāru*) the Great King, his son, and grandson, "to the first and second generation." He may not divulge information imparted to him in confidence by his lord. Conversely, he must report rumors of rebellion or dissatisfaction among the Hittite notables and intervene in dynastic crises in favor of the legitimate offspring of his master. In turn, the Hittite monarch promises to secure the succession of the designated heir of his partner.<sup>43</sup>

### 3.5.3 *Fugitives*

Any person who flees from Ḫatti, whether nobleman implicated in palace intrigue or humble artisan or peasant escaping taxes and corvée, must be extradited upon demand. Repatriated refugees must not be mistreated. It was obviously important that influential persons be denied a platform from which to plot against the Great King, and the general manpower shortage characteristic of the Late Bronze Age led to a concern for maintaining a stable labor force. While the Hittite monarch in turn pledges to send fugitives back to Egypt, Ḫatti is not obligated to return runaways to vassals. Note also that the sole topic of the treaty between Alalakh and Kizzuwatna is the return of fugitives.

### 3.5.4 *Tribute*

Although mentioned explicitly in only a few treaties,<sup>44</sup> there can be little doubt that yearly payments of silver, gold, and products of local industry were required of most vassals. Sometimes the amounts due are set down in a separate document.<sup>45</sup>

### 3.5.5 *Borders*

Boundaries between political entities are only occasionally described in the Hittite treaties,<sup>46</sup> presumably because they were well known to the participants. However, several texts are preserved in which the Great King realigns the frontiers between vassal states.<sup>47</sup>

<sup>43</sup> See *Hittite Diplomatic Texts*, no. 23, §4.

<sup>44</sup> *Hittite Diplomatic Texts*, no. 8, §5.

<sup>45</sup> *Hittite Diplomatic Texts*, nos. 28A–B, 31B.

<sup>46</sup> *Hittite Diplomatic Texts*, nos. 2, §§60–64; 18B, §§2–4; 18C, §§3–11.

<sup>47</sup> *Hittite Diplomatic Texts*, nos. 30, 31A.

### 3.5.6 *Miscellaneous Provisions*

Special circumstances sometimes led to the inclusion in an agreement of unusual demands upon the vassal. For example, a local prince who has married into the Hittite royal family is required to adapt his sexual conduct to Hittite norms.<sup>48</sup>

### 3.6 *Special Types of Treaty*

A third variety of treaty (*kairwana*, *kuriwana*), intermediate between those of equality and vassalage, is also attested in Hatti.<sup>49</sup> Although such agreements grant the partner a few special privileges, such as the honor that the Great King's entourage will rise upon his entrance,<sup>50</sup> in all essential matters they place him under Hittite domination. The *kairwana* treaty presents a façade allowing a previously powerful polity to retain a modicum of (self-)respect while surrendering most of its independence.<sup>51</sup>

Of necessity, agreements concluded with polities that had not yet attained a state level of development—and that consequently recognized no monarch—display a special form. In such treaties, the oaths are administered not to an individual but rather to large numbers of men, who were presumably the chiefs of tribes or clans.<sup>52</sup>

### 3.7 *Deposition*

Copies of each treaty were placed in the temple of the Sun Goddess of Arinna, chief deity of Hatti, and in the sanctuary of the primary god of the vassal.<sup>53</sup> The text of the document was to be read aloud to the vassal at regular intervals throughout the year.<sup>54</sup>

### 3.8 *Sanctions*

The deities invoked as witnesses to treaties were also the enforcers of the attendant oaths and guarantors of their provisions. But in addition the rulers of the Great Powers made use of more direct measures to secure the obedience of their underlings.

<sup>48</sup> *Hittite Diplomatic Texts*, no. 3, §§25–28.

<sup>49</sup> Del Monte, *Il trattato* . . . , 59.

<sup>50</sup> *Hittite Diplomatic Texts*, no. 2, §9.

<sup>51</sup> See Goetze, *Kleinasien*, 98–99; and Beckman, "Some Observations . . ." 56, with n. 20.

<sup>52</sup> E.g., *Hittite Diplomatic Texts*, no. 1A; see von Schuler, "Sonderformen . . ."

<sup>53</sup> *Hittite Diplomatic Texts*, nos. 18B, §5; 18C, §28.

<sup>54</sup> *Hittite Diplomatic Texts*, nos. 11, §28; 13, §16.

### 3.8.1 *Divine Sanctions*

Within the context of a treaty, the vassal or the participant in a parity agreement voluntarily assumes his obligations by speaking the oaths included therein. In contrast to later Assyrian practice, which relied exclusively upon the deities of Assyria for enforcement, the Hittites summoned the gods of the vassal as well as the pantheon of Hatti as witnesses to their treaties. The lists of divinities invoked in this connection are important sources for the reconstruction of the religious history of Hatti and Syria in the Late Bronze Age. The gods are exhorted to destroy the transgressor of the oaths, together with his entire family and progeny far into the future. Conversely, they are called upon to ensure indefinitely the prosperity of the party observant of his vows and obligations.

### 3.8.2 *Mundane Sanctions*

#### 3.8.2.1 *Hostages*

In the Egyptian realm, it was usual to remove members of the younger generation of the families of vassals to the Nile Valley. There they would be educated and inculcated with respect for Egyptian power, religion, and culture and taught to revere the person of the pharaoh. Upon the death or revolt of their progenitors, they could be installed as loyal minions of Egypt. In Hatti, guests entertained under similar circumstances might even marry into the royal family and produce offspring entitled to the designation "prince" of Hatti, even as rulers of their vassal kingdoms.<sup>55</sup>

#### 3.8.2.2 *Garrisons*

Hittite treaties occasionally provide for contingents of troops from the armies of the overlord to be stationed in the land of the vassal,<sup>56</sup> and small military units are often mentioned in the Amarna correspondence.<sup>57</sup> Undoubtedly, the purpose of these contingents was as much to keep the vassal under surveillance as to protect him from compatriots unhappy with his submission to the imperial master.

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<sup>55</sup> Such was the situation of Šaušgamuwa of Amurru; see Singer, "Concise History . . .," 172, with n. 57.

<sup>56</sup> *Hittite Diplomatic Texts*, no. 10, §4.

<sup>57</sup> Weinstein, "Egyptian Empire . . .," 15.

#### 4. CUSTOMARY INTERNATIONAL LAW

Certain practices routinely followed in the relations between states were not established by special agreement among the parties but were sanctified by tradition.

##### 4.1 *Peaceful Relations*

###### 4.1.1 *Correspondence*

Kings communicated with one another through the medium of tablets inscribed in cuneiform script. Since the rulers were almost invariably illiterate, it was necessary that the missives be read aloud to them. In practice, a letter merely served as confirmation of the information conveyed orally by the messenger who delivered it.<sup>58</sup>

Correspondence between lord and vassal was concerned primarily with demands made by the former on the latter. In letters moving in the other direction, the subordinate might appeal for relief from a burden or for military assistance against a neighbor. Epistolary traffic between the Great Powers dealt chiefly with matters of trade and not often with the settlement of disputes, since such larger states seldom interacted directly. Indeed, it has been observed that the purpose of correspondence on this level was phatic, that is, simply to keep open the lines of communication between the powers.<sup>59</sup>

There was no regular contact between hostile states, although a king might send an ultimatum to his enemy.<sup>60</sup>

###### 4.1.1.1 *Language*

During the Late Bronze Age, the Middle Babylonian dialect of Akkadian and its peripheral varieties served as a lingua franca among the Great Powers. When dealing with their vassals in Anatolia, however, the Hittites employed their own language, and the rulers of Arzawa in western Anatolia also corresponded with the Egyptian king in Hittite.<sup>61</sup> Since the bulk of communication within the Egyptian sphere of influence was probably oral and facilitated by the Egyptian commissioners, it was doubtlessly carried out in Egyptian.

<sup>58</sup> See *Hittite Diplomatic Texts*, no. 2, §59.

<sup>59</sup> Liverani, *International Relations . . .*, 76.

<sup>60</sup> Lachenbacher, "Nouveaux documents . . ." obv. 12-18.

<sup>61</sup> EA 31-32.

The use of Akkadian for diplomatic purposes necessitated instruction in the Mesopotamian tongue for at least some of the scribes active in the Hittite and Egyptian chancelleries, as well as for the clerks of the latter's vassals.<sup>62</sup> The texts produced by these non-natives display various degrees of interference from the native languages of their authors and very likely gave rise to occasional misunderstandings between correspondents.

#### 4.1.1.2 *Salutation*

Epistolary etiquette called for the dominant party to be listed first in a letter's heading. If the participants in the correspondence were of equal rank, it was usual for the sender to give precedence to his own name.<sup>63</sup>

##### 4.1.1.2.1 *Gifts*

Greeting gifts (Akk. *šulmānu*) normally accompanied diplomatic dispatches.<sup>64</sup> This exchange of presents was not only a disguised form of trade but also served to establish and maintain the prestige of a ruler in the eyes of his domestic constituency.<sup>65</sup> The congratulatory messages that every Great King had a right to expect from his peers upon his accession were customarily accompanied by fine oil for his anointing and garments befitting his new status.<sup>66</sup>

##### 4.1.1.3 *The Messenger*

Some envoys (Hitt. *ḫalugatalla-*, Akk. *mār šipri*)<sup>67</sup> were specialists in useful crafts, such as medicine,<sup>68</sup> magic,<sup>69</sup> or scholarship.<sup>70</sup> Their missions might thus involve a sort of foreign development aid as well as the transmission of messages. Sometimes a diplomat enjoyed special favor at a foreign court, so that its king requested his participation in a particular embassy.<sup>71</sup>

<sup>62</sup> Beckman, "Mesopotamians . . ."

<sup>63</sup> Hagenbuchner, *Korrespondenz . . .*, II, 46.

<sup>64</sup> Cochavy-Rainey, *Royal Gifts . . .*

<sup>65</sup> Liverani, *Prestige and Interest*, 211-17.

<sup>66</sup> See *Hittite Diplomatic Texts*, no. 24B, §4.

<sup>67</sup> Hagenbuchner, *Korrespondenz . . .*, II, 15-23.

<sup>68</sup> Edel, *Ägyptische Ärzte . . .*

<sup>69</sup> *Hittite Diplomatic Texts*, no. 22F, §13.

<sup>70</sup> Beckman, "Mesopotamians . . ."

<sup>71</sup> EA 21, II, 21-32; 24, §31.

#### 4.1.1.3.1 Divine Ambassadors

In exceptional cases, a deity might be sent abroad as a goodwill envoy. It is uncertain whether the goddess Šaušga of Nineveh was dispatched by the king of Mittanni to Egypt to minister to the ailments of the pharaoh or to lend dignity to the negotiations over a marriage alliance.<sup>72</sup>

#### 4.1.1.3.2 Role of the Messenger

The messenger was more than a simple dispatch carrier, for he often made repeated visits to the same foreign court and on occasion remained abroad for an extended period. Consulted by his host concerning his master's plans and views,<sup>73</sup> and enjoying a certain freedom of action,<sup>74</sup> he might well better be described as a minister or ambassador. Nonetheless, his oral communications were always subject to verification through examination of the tablets he conveyed.<sup>75</sup> Ideally, when Great Kings were on good terms, the exchange of envoys between them was uninterrupted.<sup>76</sup>

#### 4.1.1.3.3 Reception of the Messenger

Diplomatic travelers were not to be mistreated,<sup>77</sup> either by those through whose territory they passed<sup>78</sup> or by their hosts. It was a breach of etiquette to detain an envoy after the completion of his business,<sup>79</sup> but on occasion a king might do exactly that as a negotiating tactic.<sup>80</sup> On the other hand, some ambassadors perceived such advantages for themselves abroad that they voluntarily settled at a foreign capital.<sup>81</sup>

### 4.1.2 Trade

As mentioned above, trade was largely disguised as the exchange of gifts among monarchs, but it certainly proceeded at other levels in addition, as attested by the frequent mention of merchants in diplomatic

<sup>72</sup> EA 23. See Moran, *Amarna Letters*, 62, n. 2.

<sup>73</sup> EA 7, ll. 26-32.

<sup>74</sup> See Lachenbacher, "Nouveaux documents . . .," obv. 21-29, where an envoy uses his own judgment as to whether he should present his host with a hostile or conciliatory message. Given the length of time it would take an envoy to return home for consultations or to request and receive instructions from his master, such flexibility was often a practical necessity.

<sup>75</sup> *Hittite Diplomatic Texts*, nos. 2, §59; 23, §12.

<sup>76</sup> EA 26, ll. 19-29; *Hittite Diplomatic Texts*, no. 23, §6.

<sup>77</sup> *Hittite Diplomatic Texts*, no. 1, §3.

<sup>78</sup> EA 7, ll. 73-82.

<sup>79</sup> EA 2, ll. 13-14; 8, ll. 46-47; etc.

<sup>80</sup> EA 20, ll. 18-27; 28, ll. 20-41; 29, ll. 155-61, etc.

<sup>81</sup> *Hittite Diplomatic Texts*, no. 23, §13.



correspondence. Business documents from numerous sites attest to international trade carried out at a less exalted level.<sup>82</sup> It would have been such ordinary commerce that the Hittites sought to restrict if they indeed instituted a trade embargo against Assyria.<sup>83</sup>

#### 4.1.2.1 *Protection of Traders*

In theory, merchants were to be allowed to travel unmolested, but in practice robbers lay in wait for them everywhere. Custom dictated that a Great King assure that restitution be made for lost goods and compensation paid for murdered merchants if the crime was committed in his own territory or in that of a vassal.<sup>84</sup>

#### 4.1.3 *Diplomatic Marriage*<sup>85</sup>

Marital bonds were often employed to seal alliances. Such ties could be established between equals or between the families of a vassal and a lord. Significantly, the rulers of Egypt and those of western Asia followed inverse customs in this regard. While pharaohs added innumerable daughters of their vassals—and of their “brothers”—to their harems, they refused to allow their own girls to marry foreign rulers.<sup>86</sup> In contrast, Hittite kings frequently gave princesses in marriage to their subordinates, with the stipulation that the offspring of these unions succeed to the thrones of their fathers.<sup>87</sup> Several Hittite kings also took wives from the ruling family of Babylon.

Long and difficult negotiations preceded marriages between rulers of the Great Powers. Particular attention was given to the size of the dowry,<sup>88</sup> which was always composed of movable goods and never included vassal kingdoms or territories.

## 4.2 *Hostile Relations*

If a state was not an ally or a vassal, it was perforce an enemy. Indeed, the same Akkadian word (*nakru*) means both “foreign” and “hostile.” The object of Hittite foreign policy was to reduce the number of

<sup>82</sup> See Faist, *Fernhandel* . . .

<sup>83</sup> See Cline, “Possible Hittite Embargo . . .”

<sup>84</sup> EA 8; *Hittite Diplomatic Texts*, no. 23, §§9–11.

<sup>85</sup> See Pintore, *Matrimonio interdinastico* . . .

<sup>86</sup> EA 4, ll. 4–22.

<sup>87</sup> *Hittite Diplomatic Texts*, no. 6A, §7.

<sup>88</sup> EA 24, §§20–23; *Hittite Diplomatic Texts*, no. 22E, §4.

hostile states by concluding treaties—of equality or subordination—with all former enemies.<sup>89</sup> Warfare was often a necessary instrument in this policy.

#### 4.2.1 *Nature of War*

While the later Assyrians felt that their god Assur always favored his own people and state, the Hittites conceived of combat as a divine judgment, which could go against Hittites if they had offended one or more deities.

#### 4.2.2 *Declaration of War*

The proper way to begin a war was seemingly for one party to issue to the other a challenge to combat that would reveal by its outcome the verdict of the gods in the dispute between them.<sup>90</sup>

### ABBREVIATIONS

EA El Amarna Texts; for translation, see Moran, *The Amarna Letters*

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<sup>89</sup> Otten, *Apologie* . . . , 26–29.

<sup>90</sup> See Goetze, *Annalen* . . . , 91; Otten, *Apologie* . . . , 23; van den Hout, "Der Falke und das Kücken . . . ," 69–70.

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