

HBM 74 FROM MAŞAT-HÖYÜK, AN IMPLEMENTATION OF A HITTITE LAW?

by BOAZ STAVI

Dating the archive of Maşat-Höyük and the destruction of this site*

Before addressing our main theme, the letter HBM 74, a few words should be said about the site and the archive in which it was discovered. Maşat-Höyük, identified as ancient Tapikka, functioned as a regional administrative center and military outpost in north Anatolia, on the border between Hatti and the territory controlled by the Kaška tribes¹. The site is situated on one of the most important roads leading to the Kaška region (Özgüç 1978, 61, 63). In the archives discovered in stratum III, 98 letters were unearthed, most of which deal with the protection of this area from the Kaška². It seems that ultimately, the Hittites failed to protect the site since stratum III was destroyed by fire.

There are several questions regarding the date of the archive. The first concerns the **time span** it covered³. Alp (1980, 57) suggested that the archive was active for between 25 and 50 years. Beckman (1995, 23) suggested that its time span was much shorter and covered about a decade. Van den Hout (2007) examined the participants in most of the correspondences and claimed to observe the short-term nature of the letters and the book-keeping records. His conclusion was that the archive covered a period of two years at the most, and more likely just one (id., 396-398).

The second question concerns the **relative date** of the archive. Using the seal impressions of Tudhaliya II discovered at the site, Alp (1991a, 52) dated the archive to his reign. However, based on prosopographical research, Klinger (1995, 85, 103) claimed that the archive belongs to an earlier period, i.e. to the reigns of Tudhaliya I and Arnuwanda I. Recently, in his thorough research on Hittite dignitaries during the reigns of Tudhaliya I, Arnuwanda I and Tudhaliya II, Marizza (2007, 6f.) suggested dating the letters to a period lasting from the end of the reign of Arnuwanda I

* The abbreviations used in this article are those of the CHD vol. P and S1, and Portal Mainz (<http://www.hethport.uni-wuerzburg.de/hetkonk/hetkonkabkrz.html>). I would like to thank Prof. Amnon Altman, Prof. Harry Hoffner and Prof. Jared Miller for their comments. Of course, all responsibility for the views expressed is mine.

¹ Regarding the identification of the site, see Alp 1991a, 42f. Concerning the excavations of the site, see Özgüç 1978; id. 1982. The most elaborated discussion concerning the Kaška appears in von Schuler 1965. Regarding archaeological sites in the northern part of Hatti (the area of Paphlagonia, known by the Hittite as the 'Upper Land') and the relations between Hatti and the Kaška, see Gorny 1997; Ökse 2001; Klinger 2002; id. 2005; Gurney 2003; Glatz and Matthews 2005. Regarding the border between Hatti and the Kaška, see Zimansky 2007; Glatz and Matthews 2009.

² Van den Hout 2007, 387 n. 4. The letters were published by Alp 1991a; id. 1991b.

³ For a summary of the different opinions, see van den Hout 2007, 389.

to the beginning of the reign of Tudhaliya II⁴. The latter opinion, which is based on more updated data, should probably be preferred. Dating the end of the archive to an early phase in Tudhaliya II's reign is also supported by the fact that Tudhaliya II appears on the sealings discovered in Maşat alongside Šata(n)duhepa, his first queen⁵.

Another question is **whether the letters found at the site testify to its destruction**. The archaeological record from stratum III might help us answer this question. If the site had been vacated in an orderly fashion, the most recent letters and 'live' dossiers would probably be missing, since they would have been rescued and taken inland. If, on the other hand, the site was abandoned in haste, the major part of the letters left behind would be the most recent ones. According to the excavator, there are almost no small finds from the palace of stratum III, and it seems that it "was emptied out before conflagration" (Özgüç 1982, 97). This conclusion supports the first possibility, i.e. that the site and the archive were left deliberately and with prior planning and that consequently, most (if not all) the recent letters were taken when Tapikka was abandoned, and only *old and irrelevant documents* were left behind.

This means that the texts from the archive cannot inform us about the immediate reasons for the site's destruction⁶. In light of this, the situation along Hatti's borders as reflected in HBM 74, should also be dated to the period when the archive was active, i.e. between the last years of the reign of Arnuwanda I and the beginning of the reign of Tudhaliya II. This notion may have important implications for our understanding of the so called 'concentric attack'⁷.

Though it is not connected directly to this paper, I would like in this context to

⁴ For further discussions concerning the date of the archive, see Freu 2001, 29; Gurney 2003, 123; de Martino 2005, 314.

⁵ Regarding Šata(n)duhepa, see Marizza 2007, 6f.; de Martino 2010, 95; for different opinions, see discussion in van den Hout 2007, 389. For a publication of the sealings, see Alp 1980, 53-56 and Abb. 1; Otten 1995, 10f. A third stamp seal, which belongs to Šuppiluliuma, was also found at the site (publication: Alp 1980, 57 and Abb. 3; Otten 1993, 10-13). This sealing, however, is not connected directly with the archive, and possibly belongs to stratum II, built following the destruction of stratum III (Özgüç 1978, 75; Alp 1991a, 52; Klinger 1995, 81f.; van den Hout 2007, 388f. n. 10).

⁶ It seems to me that the present state of the archive is parallel to the definition of van den Hout (2005, 281) for an 'historical archive'. This kind of archive keeps certain documents which have lost their immediate relevance and belong to inactive dossiers (as opposed to a 'living archive', which "is what any administration of current affairs builds up and needs in order to fulfill its administrative functions"). Notice that even in this case it seems that the oldest letters in the archive were probably no more than 25 years old (van den Hout 2005, 281; cf. Alp's (1980, 57) estimation for the time span of Maşat-Höyük's archive, which only begins with 25 years). This conclusion contradicts two of van den Hout's (2007) assessments regarding the letters of Maşat-Höyük: if this archive is closer in its nature to the definition of 'historical archive', (1) the letters it contains may cover up to 25 years (as opposed to one to two years suggested by him), and (2) they do not deal with the last days of the site (cf. van den Hout 2007, 397f.).

⁷ According to several Hittite sources (CTH 88 is the most known of these texts), it appears that at some point during Tudhaliya II's reign, Hatti was attacked by enemies, a large part of the kingdom was conquered, and the capital city Hattuša was devastated. Many details concerning this phase (i.e. its existence, extent and date) have been hotly debated. For some views regarding the 'concentric attack', see Goetze 1940, 21-24; Heinhold-Krahmer 1977, 40-48; Liverani 1990, 115-117; de Martino 1996, 83f.; Klengel 1998, 134; Klinger 2002, 450f.; Gurney 2003, 122f.; Bryce 2005, 145-148; Marizza 2007a, 4f. The historical implications of Kizzuwatna's transformation into a *ḫantezzi auri*- will not be discussed in this paper.

add a note concerning the dendrochronological examination conducted in Maṣat-Höyük.

Kuniholm (et al. 2005, 46) reached the date of 1375 +4/-7 using “at least[?] three pieces of wood” found in stratum II of the site. Van den Hout (2007, 397f.) asserted that since stratum II was built immediately following the destruction of stratum III, we can use this date in order to date the corpus of Maṣat “in the early 1370’s or right around 1375”. However, we should notice that “dendrochronological analysis provides dates for *when trees were felled* and not necessarily when their timbers were used” (Moir 2004, 11). Thus, it is quite possible that trees cut down for building during earlier periods were reused in stratum II⁸. For these and other reasons⁹, we can use this date only as a *terminus post quem*; i.e. the destruction of stratum III and the construction of stratum II did not precede 1375 +4/-7.

HBM 74:

Following is a translation of HBM 74¹⁰:

(1-2) Thus speaks the Priest: Say to Kaššū:

(3-9) Concerning what you wrote to me as follows: “Your 20 people are **behind Zikkašta**¹¹. And because (**Zikkašta**¹²) is a *ḫantezzi auri-*, I will not give them to you voluntarily/on my own authority¹³. Report them to the palace!”

(10-19) I am now in the process of reporting my (missing) servants to the pal-

⁸ Thus, Özgüç (1982, 81f.) mentions that the palace of stratum III was not rebuilt, but was used as source of materials for the builders of stratum II.

⁹ Moir (2004, 11) adds that “where fewer than four samples with sapwood evidence or bark are dated [we have only three pieces, all of which without bark], the term ‘Spot date(s)’ is applied to help identify that the dates are derived in isolation and therefore should not be used to indicate a period of construction”.

¹⁰ Text: Alp 1991b, 78. Edition: Alp 1991a, 262f.; Hoffner 2009, 234–236. Discussion: Alp 1991a, 342; Klinger 1995, 85f.; Freu 2001, 29; Trémouille 2001, 59; Marizza 2007, 81f.

¹¹ This is a nominal phrase: ⁴ *I-NA* ^{URU} *Zi-ig-ga-aš-ta-wa-ša-an* ⁵ *tu-el* 20 *NA-AP-ŠA-TU* *EGIR-an*. Several translations have been suggested for this phrase: Alp (1991a, 263) translated: “Deine zwanzig Seelen (die) in Zikkašta zurück (geblieben sind)”; Hoffner (2009, 235, and short discussion in p. 234) suggested: “your twenty people are in the environs’ of the town Zikkašta”. As can be seen, the two scholars disagree as to the meaning of *EGIR-an* (*āppan*). Alp used this adposition (or postposition) in the meaning of ‘back’ (possibly based on HED I-II, 93). Hoffner rendered it as “in the environs” (see also von Schuler 1967, 56b (“‘hinter der Stadt’ bezeichnet das Hinterland, die Umgebung der Stadt”)). My translation “behind Zikkašta” uses the initial spatial meaning of *āppan* (e.g. Hoffner and Melchert 2008, 298). A more detailed discussion concerning the fugitives’ location will be presented below. Concerning Zikkašta, see discussion in Alp 1991a, 342.

¹² Hoffner (2009, 235) translated (l. 6-7): “because (*my district*) is” a *ḫantezzi auri-*. This proposal is based on a comparison between these lines and l. 12–14 in which Kizzuwatna in its entirety is treated as a *ḫantezzi auri-* (see also Klinger 1995, 85; Trémouille 2001, 59). However, since Zikkašta is mentioned in the previous sentence (l. 4-5), it is quite reasonable that the author meant to specifically characterize this site in this manner (e.g. also Alp 1991a, 263). The basic meaning of the term *auri-* (as it appears in HED I-II, 232: “lookout, watch(tower), guard(post), stronghold, fort”) seems to fit better with the latter possibility (relatively small and fortified place; support can be found also in the Akkadian equivalent of this term, *MADGALT* (loc. cit.; Hoffner 1989, 94)).

¹³ The meaning of *ištanza-* (here written with the Sumerogram *ZI*) is ‘soul, spirit, mind, will’ (HED I-II, 468). In the current context (in the instr. case) it was translated by Alp (1991a, 263) and Imparati (2003, 234) as “voluntarily”; Hoffner (2009, 235) rendered this term as “on my own authority”.

ace. And because Kizzuwatna is (also) a *hantezzi auri-*, if your servants will come down here, neither will I give them back to you!

The author of this letter, the Priest, should probably be identified as Kantuzzili (II), son of Arnuwanda I¹⁴, who served as high priest and governor of Kizzuwatna until Šuppiluliuma's reign¹⁵. Kaššū, the addressee, most likely held one of the highest two positions in Tapikka (Beckman 1995, 23f.). His career probably began in the middle of the reign of Arnuwanda I and ended sometime during that of Tudhaliya II¹⁶. A more precise dating of HBM 74 using the information in the letter alone is impossible (unless we accept van den Hout's (2007) opinion regarding the very short time-span of Mašat-Höyük archive).

It appears from HBM 74 that twenty of Kantuzzili's slaves/subjects¹⁷ fled from him. The starting point of their journey is not specified in the letter, yet it is possible to offer two possible locations:

1. Since the Priest (the owner of the slaves) should be identified with Kantuzzili, we might suggest that the deserters set out from Kizzuwatna. Note that in this case, however, we must assume that they chose to cross the entire region of Anatolia just to reach the hostile region of Tapikka¹⁸.
2. A man of Kantuzzili's status probably had more than one estate, and one of these, which was much closer to Tapikka (probably located in the Land of Hatti and possibly in proximity to Hattuša), was the departure point of the runaway slaves.

The letter does not specify what Kaššū intended to do with his prisoners:

Imparati (2003, 235-237) implied that they were to be sent to the king of Hatti, exactly as the administrators of Tapikka had done in earlier cases¹⁹. The problem is that in our case, the reasoning for implementing this procedure is unclear. A comparison with similar regulations (dealing with extradition of fugitives to the king of Hatti) observed in treaties with vassal kingdoms seems pointless²⁰, since from our letter it appears that the legal basis for Kaššū's refusal to restore the fugitives to Kantuzzili was not connected with any such regulation (i.e. the obligation to send

¹⁴ E.g. Freu 2002, 66 Marizza 2007, 29f. Other scholars suggested that he was the son of Tudhaliya I and Nikalmati, e.g. Klinger 1995, 93-99; Singer 2002, 309.

¹⁵ For the identification of the author with the Priest, Kantuzzili (II), see Alp 1991a, 342; Klinger 1995, 93; Imparati 2002, 94f. n. 10; Singer 2002, 309f.; de Martino 2005, 299, 311-312; Marizza 2007, 17f. Cf. Taggar-Cohen 2006, 227.

¹⁶ For recent discussion concerning Kaššū, see Marizza 2007, 93-111, Table 2. Regarding the administration in Mašat-Höyük, see Beckman 1995, 23-26; Klengel 2006, 69-71.

¹⁷ Concerning the problematic status of the fugitives, see discussion in Hoffner 2009, 234f.

¹⁸ A possible explanation could be that they sought refuge near Tapikka since that was the place from which they were originally brought (people of Kaškean origin?).

¹⁹ Imparati (2003, 235) referred to HBM 9 and 24 in which the king approved that refugees sent from Tapikka reached him.

²⁰ For this comparison, see Imparati 2003, 235f.

them to the king), but was based solely on the location of the fugitives, i.e. 'behind Zikkašta', the *hantezzi auri*-.

According to Hoffner (2009, 234), the term *hantezzi auri*-, which he rendered as 'primary watchpoint', refers to Tapikka, the district under Kaššū's authority²¹. Hoffner claimed that the delay in handing the slaves over to Kantuzzili was purely bureaucratic: Tapikka was a primary border district "where actions relating to lands beyond the border had to be approved by the king"²² (loc. cit.). Hoffner, however, did not elaborate which "actions relating to lands beyond the border" were needed in the current case. In addition, considering the phrasing of lines 4-7 it seems quite possible that the term *hantezzi auri*- is actually the designation of Zikkašta and not of Tapikka (which is not mentioned at all in the text). If, however, Hoffner's explanation is accepted and the emphasis in the sentence was indeed placed on Tapikka's status, the reason for mentioning Zikkašta is not clear.

Though both scenarios are quite possible, in light of the difficulties raised above I would like to offer a third interpretation of this text. My explanation is based upon the following premises:

1. The term *hantezzi auri*-, a 'border post' (HED III, 108) or a 'first watchpoint', was the designation of Zikkašta (and not Tapikka; v.s. p. 3f. n. 11 above).

2. The place "behind(EGIR-an) Zikkašta", where the refugees were first met by Kaššū, was probably located behind, or better, beyond the northern line of Hittite strongholds²³, represented in this region by Zikkašta, the *hantezzi auri*-. Therefore, the refugees were found in a place located outside the Hittite territory²⁴.

3. Though nowhere in the text is the fate of Kantuzzili's runaway slaves stated, it seems that when Kaššū wrote his letter regarding the refugees (to which Kantuzzili answered in HBM 74), the fugitives were already in his custody. Hence in his letter Kaššū declared that he would not *deliver/extradite* (UL *peḫḫi*) the refugees to the Priest. If the slaves had not been under Kaššū's command, he probably would have used another verb to express his refusal to act (such as *šanḫ*- 'to look for' them, or *ep*- 'to catch' them, or even 'to enter' into the Kaška territory on his own authority).

It seems to me that Kaššū's refusal to hand over Kantuzzili's men was based

²¹ See also Trémouille (2001, 59), who interpreted this term as a border district far away from the capital city.

²² And that is the reason that Hoffner (2009, 234f.) translates ZI-it as "on my own authority".

²³ Such a line of strongholds in the northern border of Hatti during the reign of Tudhaliya II is depicted in Fragment 13 of the 'Deeds of Šuppiluliuma' (CTH 40; for the passages under discussion, see Güterbock 1956, 65). It was built in order to protect the Hittite cities and population from the Kaška attacks.

²⁴ A support for this interpretation of 'behind' can be found in the same Fragment 13 (see note above), where it is written that the fortifications were built "behind the empty towns (... *dannatti URU-ri EGIR-an AN.ZA.KAR ... uetet*" l. 12-13). These Hittite fortifications which perhaps can be designated also as *hantezzi auri*-, and which were intended to shield the newly reconquered Hittite territory and the settled population from future Kaškean attacks, were built *beyond* (EGIR-an) the Hittite cities, i.e. in the direction of the enemy. The refugees in HBM 74 were found "behind Zikkašta", i.e. beyond the Hittite border fortresses.

upon these combined details: Kantuzzili's request was denied since his people were captured *behind* Zikkašta, which was a border post in the Tapikka district, or in other words, they were captured in a territory outside Hittite jurisdiction.

In addition, as opposed to the scholars' opinions stated above, I believe that Kaššū did not intend to send his prisoners to the king or to extradite them to Kantuzzili, but rather planned to keep them for himself²⁵.

Possibly, one support for my scenario can be found in HBM 10 (Alp 1991b, 133–137). This letter was written by the king and addressed to Kaššū. Close to the end of his letter (rev. lines 33–41), the king quoted and referred to a previous letter of Kaššū. Between lines 33–37 the king wrote as follows:

<Concerning> what you wrote to me: "When I arrived in the land of Išhupitta, behind (EGIR-*an*) the enemy attacked Zikatta".

There are two interesting things in this passage that remind us of HBM 74. The first is the combined appearance of EGIR-*an* and a toponym in the same sentence in a letter written by Kaššū²⁶. It appears from the letter that an enemy arrived from behind Zikkatta, the Hittite city, and attacked it; therefore, we may suggest that from Kaššū's perspective, in both letters EGIR-*an* refers to the enemy's territory as being situated behind the Hittite territory²⁷.

The second matter is the reference to the city of Zikatta (*Zi-ik-kat-ta*). This is the only reference to this city in the Hittite texts (RGTC 6/2, 195²⁸). Based on the similarity between the signs KAT and KAŠ²⁹, we may suggest that the name of the Hittite city in question should actually be read Zikkašta³⁰.

If both of these proposals are accepted, it seems that according to both HBM 10 and HBM 74, the city of Zikkašta was situated on the Hittite frontier, and in times of instability this location rendered the city vulnerable to enemy attacks³¹.

There are, however, several problems with this suggested scenario:

There is a contradiction between premises 2 and 3, since the former presumes that the refugees were to be found beyond the Hittite territory, while from the latter it appears that they were in some manner subordinate to Kaššū. One possible solu-

²⁵ The different designations of the refugees in the letter can be a consequence of this claim. While Kaššū referred to them as *NAPŠĀTU* ('people') that are his to take, Kantuzzili emphasized that despite Kaššū's claim these people are still his 'servants' (ARAD^{MEŠ} in l. 16).

²⁶ In fact, according to Alp's (1991a, 425 (entry: EGIR-*an*)) index, this combination appears only twice, in HBM 10 and 74, in both cases as part of a quotation of Kaššū.

²⁷ Another possibility is that this phrase should be understood as an excuse made by Kaššū that the enemy attacked "from behind" (for the topos of an enemy, who attacks from behind, see Klinger 2001, 289f.). Similar examples may appear in HBM 26 l. 9 (Alp 1991a, 166f.) and HBM 63 l. 22–23 (id., 240f.).

²⁸ Alp (1991b, 47) suggested restoring the name of this city also in Bo 6108, but it seems that del Monte (in RGTC 6/2) did not accept this proposal. In addition to HBM 74, the city of Zikkašta is mentioned also in HBM 99 (l. 2) and 103 (l. 15) (RGTC 6/2, 195).

²⁹ See HZL, 163 (sign 153/3) and 174 (sign 173/3).

³⁰ It is possible that either Alp or one of the scribes (either Kaššū's scribe or the King's scribe who quoted from Kaššū's letter) erred in the sign (therefore the toponym should be rendered either as *Zi-ik-kaš-ta-an* or as *Zi-ik-kaš'-ta-an*, based on a collation of the tablet.).

³¹ Concerning the identification of the enemies in the letters from Mašat with the Kaška, see Giorgadze 2005.

tion is that where they were found was not considered Hittite territory, but the Hittite army managed to maintain a certain control or influence there³². Another possibility is that Zikkašta was where the refugees were captured (or passed into Kaššū's service³³) but not necessarily their location at the time Kaššū's letter was written³⁴. Either way, as will be demonstrated below, the slaves' location behind Zikkašta was emphasized by Kaššū since it was crucial for his claim of possession.

When the above-mentioned scenario is accepted, the symmetry between Kaššū's claim and Kantuzzili's threat is broken in two aspects. Kaššū's *hantezzi auri-* is a city (Zikkašta) while in Kantuzzili's claim the entire land of Kizzuwatna is designated by this term. This problem can be solved when we assume that 'Kizzuwatna' stands here for a city in this kingdom³⁵. The second aspect is that in my scenario, Kaššū's claim is based upon the location of the refugees 'behind Zikkašta', while in Kantuzzili's threat the EGIR-*an* is not mentioned. In this case I can only speculate that the reference to Kizzuwatna's (new?) status as *hantezzi auri-* should have been enough for Kaššū to understand Kantuzzili's threat³⁶.

The third problem is that my suggestion seems quite odd due to the great differences in class and rank between the two adversaries. As mentioned above, although Kaššū was by no means a commoner, Kantuzzili, who was either the son or brother of the ruling king (depending on the date of HBM 74) and the ruler of Kizzuwatna, was undoubtedly superior to him as he was one of the highest-ranking dignitaries in the kingdom³⁷. However, from the letter it seems that Kaššū was not afraid to

³² The northern border of Hatti in which the Hittite fortifications were built fits better with the designation of 'frontier'. Concerning the difference between 'border/boundary' and 'frontier', see Wazana 2007, 11–18; regarding Hatti's northern and western frontiers, see id., 48f.

³³ Imparati 2003, 234.

³⁴ We may suggest a third solution for this problem. The location of the slaves was reported by Kaššū's scribe in the following manner: ⁴ I-NA ^{URU}Zi-ig-ga-aš-ta-wa-ša-an ⁵ tu-el 20 NA-AP-ŠA-TŪ EGIR-an. This nominal sentence should be rendered in the present tense (the refugees are behind Zikkašta), since only in such cases the verb 'to be' (*eš-*) could be omitted (Hoffner and Melchert 2008, 412). In the next two lines, the scribe wrote another nominal sentence in which, for some reason, he omitted the subject (⁶ nu-wa a-an-te-ez-zi-iš ku-it ⁷ a-ú-ri-iš; "because <Zikkašta>/<it> is a *hantezzi auri-*"). Since the omitting of subject in a nominal sentence is rare in Hittite (I thank Prof. Hoffner for this note), it is possible that Kaššū's scribe erred in this case (omitted a pronoun) and maybe also in our case (omitted a past tense verb that should have been mentioned; i.e. the refugees *were* behind Zikkašta).

³⁵ Thus, we may suggest that Kantuzzili's remark referred to the 'city of Kizzuwatna', i.e. Kummanni (for the identification of the 'city of Kizzuwatna', see Goetze 1940, 8f.; concerning the exchanges between the names Kizzuwatna and Kummanni, see RGTC 6, 213 ("Die Identität von Kizuwatna mit Kumani ist durch mehrere Parallelstellen gesichert:...")); for a similar case of exchanges between the land of Hatti and the city of Hattuša, see Landsberger 1950, 326–328; Kammenhuber 1969, 125; HEG I, 224; regarding the controversial location of Kummanni, see Trémouille 2001; Forlanini 2004). See also p. 3 n. 11 above.

³⁶ We should add that also in Hoffner's scenario the symmetry is not complete. Thus, the ZI-*it* ("on my own authority"), which plays a major role in Hoffner's explanation, is not mentioned in Kantuzzili's words.

³⁷ Regarding the (relatively low) status of Mašat in the administrative hierarchy, see Beckman 1995, 23–26; Marizza 2007, 93f.; van den Hout 2007, 397. Kantuzzili, on the other hand, was appointed

confront Kantuzzili. He did not even hesitate to suggest that Kantuzzili report this case to the palace, i.e. to a higher authority that would investigate the case³⁸. Marizza (2007, 18 n. 69) asserted that our letter testifies to the strength of Kaššū and the limited power of the Priest. However, although there might be several examples of Kaššū's boldness and/or his good relations with the king (de Martino and Imparati 1995, 112–114; Imparati 2003, 235f.), since the balance of power seems to tilt heavily against him, we should look for another factor, something else that enabled Kaššū to believe so strongly that he could win this dispute even if it were brought to court. As I will try to demonstrate below, it is possible that this was Kaššū's firm belief that his claim was supported by the law³⁹.

Law collections:

Before the specific case of Kaššū and Kantuzzili is discussed, we should say something about law 'codes' in the Ancient Near East.

The Mesopotamian law 'codes' have been discussed at length in the literature since the Hammurabi stela was discovered in 1901. In the context of the present paper, the most intriguing questions are whether these law collections are real verdicts, and whether they represent substantive law. The first scholars who examined the law collections believed that they did have a legislative role. Later, especially following Finkelstein's study in 1961, scholars noticed that – except for a few possible exceptions⁴⁰ – there were no direct references to any of the formal law collections, and that these law collections had almost no impact on the daily operation of legal affairs⁴¹. As a result it was suggested that the "law codes' must be viewed as representative of a literary genre..." (Finkelstein 1961, 101) and that they were "no more than intellectual exercises..." (Westbrook 2003, 18).

The case of the Hittite law collection is somewhat different, since its characteristics are not identical to the Mesopotamian pattern of the genre. For example, there is no evidence that the Hittite law collection was written upon anything but

as the Priest during the reign of Arnuwanda I and retained his status at least until the early years of Šuppiluliuma. He might even have served as the GAL *MEŠEDI* (Chief of the Royal Bodyguard) of Tudhaliya II (see discussion in Herbordt 2003; Marizza 2007, 22f.). At the end of his career, Kantuzzili was not replaced by one of his descendants, but by Telipinu, Šuppiluliuma's son (CTH 44; concerning the careers of Kantuzzili and Telipinu see Freu 2002). There is, however, no evidence that this measure was taken because Kantuzzili's status had weakened (Marizza 2007, 24). And in any case, this detail has no influence on our case since Kantuzzili was replaced many years after HBM 74 was written.

³⁸ The term 'palace' (É.GAL) occurs often in the letters from Mašat, but it is unclear to which palace they refer or whether they relate to more than one palace (Imparati 2002, 94f. and n. 10 there).

³⁹ We may assume that the main reason for the conflict was the high value of the twenty people, which justified the risk of launching a conflict against such a strong person. See in this context Imparati 2003, 234 (regarding the iterative verb *tarkummai-/tarkummiya-* in l. 11); Hoffner 2009, 234f. (concerning the designations *NAPŠATU* and *ARAD*).

⁴⁰ Hallo 1995, 82; Roth 1995, 6; Malul 2010, 262. See also Finkelstein 1961, 103.

⁴¹ E.g. Roth 1995, 5; Jackson 2008, 11; Malul 2010, 19. Regarding the legal knowledge of the judges in this period, see Westbrook 2005, 30f., 38.

clay tablets⁴², they lack the typical prologue and epilogue⁴³, they were found in the royal archive and not in the context of scribal schools⁴⁴, and they were not a 'frozen'-canonical text but were reworked over time⁴⁵. For these reasons, it is possible that the Hittite law collection is, in fact, a collection of legal decisions that should be seen as a set of binding verdicts⁴⁶ (Haase 2003, 620).

Hittite Law (HL) 23b:

In light of this, it is possible that HL 23b⁴⁷ could be the explanation for Kaššū's refusal to hand over the slaves. This law states:

If a male slave runs away and goes into an enemy country, whoever brings him back shall keep him for himself.

Based on my interpretation of lines 4-8 of HBM 74, it seems possible that the twenty people that belonged to Kantuzzili passed the city of Zikkašta that was a *hantezzi auri*-, crossed the border, and were found and caught by Kaššū or his people in Kaškean territory ("behind Zikkašta"). Since this region was considered enemy territory, Kaššū was not obliged to hand them back to the Priest. If my suggestion is accepted, HBM 74 should be seen as a unique implementation of a Hittite law.

Summary:

According to my interpretation, HBM 74 details a legal dispute regarding the status of some refugees between Kaššū, who ran the small border town and fort of Tapikka, and Kantuzzili, governor (and priest) of Kizzuwatna and son or brother of the ruling king. The controversy was sparked when Kaššū refused to extradite twenty runaway servants belonging to Kantuzzili. Kaššū did not hesitate to suggest that this case could be investigated by the 'palace'. Since the balance of power seemed to lean heavily against Kaššū, this paper has tried to provide a motive for what seems an overconfident move on the part of Kaššū. A possible explanation for Kaššū's behavior is that he felt his claim was firmly supported by HL 23b, which states that one who retrieves a slave from an enemy land may keep him. In light of this interpretation, three more points may be derived from this episode:

1. The laws mentioned in the Hittite law collection were accessible to and known by – or had the potential to be known by – people of Kaššū's social class⁴⁸.

⁴² For the monumental aspect and the propaganda value of the Mesopotamian law 'codes', see discussion in Güterbock 1954, 22; Roth 1995, 6; Westbrook 2003, 18f.; Malul 2010, 16, 20.

⁴³ For the Mesopotamian equivalent, see Finkelstein 1961, 103; Jackson 2008, 14f.

⁴⁴ Regarding the connection between the law collection and scribal activity, see Roth 1995, 4; Westbrook 2003, 18; Jackson 2008, 11.

⁴⁵ See summary in Haase 2003, 623.

⁴⁶ For a short discussion concerning the place of the Hittite law within the more general frame of the ancient law, see Westbrook 2003, 9f. (mentioned the unique characteristics of the Middle Assyrian and Hittite law collections); Haase 2003, 620.

⁴⁷ Edition: Hoffner 1997, 32. This law was preserved also in the old manuscript of the laws (Copy A); for the exact date of this and other Old Hittite texts, see Hoffner 1997, 229f.; Popko 2007; van den Hout 2009, 76; Archi 2010, 42f.

⁴⁸ For another example that may indicate to the same conclusion, see de Martino and Imparati 1995, 108f. See also in this context the discussion in Güterbock 1954, 21f.; Roth 1995, 6f.

2. Perhaps the most surprising conclusion is that based on Kaššū's confidence, it seems that if this case were to be brought to court, he expected to receive a fair trial, even though his adversary was undoubtedly a highly influential person and a first degree relative (brother or son) of the Hittite king (who could have been the judge in such a case⁴⁹). This might indicate high expectations from the legal system or at least from the king (if this dispute was, indeed, expected to be judged by him).

3. In addition, this case may imply the significance and influence the Hittite law collection exerted upon the society in comparison with other law collections of the Ancient Near East.

Boaz Stavi
Tel Aviv University,
P.O.B. 39040 Ramat Aviv,
Tel Aviv 69978 Israel

BIBLIOGRAPHY

- Alp 1980 = Alp, S., Die hethitischen Tontafelentdeckungen auf dem Maşat -Höyük. Vorläufiger Bericht. *Belleten* 44, 1980: 25–59.
- Alp 1991a = Alp, S., *Hethitische Briefe aus Maşat-Höyük*. Ankara 1991
- Alp 1991b = Alp, S., *Hethitische Keilschrifttafeln aus Maşat-Höyük*. Ankara 1991.
- Archi 2010 = Archi, A., When did The Hittites Begin to Write in Hittite? in: *Fs. Singer* 2010: 37–46.
- Beckman 1995 = Beckman, G., Hittite Provincial Administration in Anatolia and Syria. The View from Maşat and Emar. in: *StMed* 9 1995: 19–37.
- Bryce 2005 = Bryce, T. R., *The Kingdom of the Hittites* (new edition). New York 2005.
- de Martino 1996 = de Martino, *L'Anatolia occidentale nel medio regno ittita (Eothen 5)*. Firenze 1996.
- de Martino 2005 = de Martino, S., Hittite Letters from the Time of Tutaliya I/II, Arnuwanda I and Tutaliya III. *AoF* 32 2005: 291–321.
- de Martino 2010 = de Martino, S., The Hittite Queen Šata(n)duhepa. in: Fincke, J. C. (ed.). *Festschrift für Gernot Wilhelm anlässlich seines 65. Geburtstages am 28. Januar 2010*. Dresden 2010: 91–98.
- de Martino and Imparati 1995 = de Martino S. and Imparati F., Aspects of Hittite Correspondence. Problems of Form and Content. in: *IKH* II 1995: 103–115.
- Finkelstein 1961 = Finkelstein, J. J., Ammişaduqa's Edict and the Babylonian "Law Codes". *JCS* 15 1961: 91–104.
- Forlanini 2004 = Forlanini, M., Luhuzatija, Lawazantija e la localizzazione delle città di Kizzuwatna. in: *DBH* 10 2004: 297–309.
- Freu 2001 = Freu, J., De l'indépendance à l'annexion. Le Kizzuwatna et le Hatti aux XVIe et Xve siècles avant notre ère. in: *La Cilicie* 2001: 13–36.
- Freu 2002 = Freu, J., Deux princes-prêtres de Kizzuwatna, Kantuzzili et Telepinu. *Hethitica* 15 2002: 65–80.

⁴⁹ I believe that if this legal dispute were brought to court, it is quite possible that the king would be the judge, since Kantuzzili, the ruler of Kizzuwatna and a close relative of the king, was one of the adversaries and no one else in the local administration could have handled such a case (e.g. Imparati 2003, 235; see in this context also Güterbock 1954, 17f.; de Martino and Imparati 1995, 111; Hoffner 1997, 4).

- Giorgadze 2005 = Giorgadze, G., «Feind» und «Ansiedeln» in den hethitischen Texten aus Maşat-Höyük. in: *IKH V* 2005: 371-376.
- Glatz and Matthews 2005 = Glatz, C. and Matthews, R., Anthropology of a Frontier Zone. Hittite-Kaska Relations in Late Bronze Age North-Central Anatolia. *BASOR* 339 2005: 47-65.
- Glatz and Matthews 2009 = Glatz, C. and Matthews, R., The Historical Geography of North-Central Anatolia in the Hittite Period. Texts and Archaeology in Concert. *AS* 59 2009: 51-72.
- Goetze 1940 = Goetze, A., *Kizzuwatna and the Problem of Hittite Geography*. New Haven 1940.
- Gorny 1997 = Gorny, R. L., Zippalanda and Ankuwa. The Geography of Central Anatolia in the Second Millennium B.C (Review of Popko, M. Zippalanda: Ein Kultzentrum im hethitischen Kleinasien (THeth 21). *JAOS* 117 1997: 549-557.
- Gurney 2003 = Gurney, O. R., The Upper Land, matum elitum. in: Fs. Hoffner 2003: 119-126.
- Haase 2003 = Haase, R., The Hittite Kingdom. in: Westbrook, R. (ed.). *A History of Ancient Near Eastern Law (HdO I/72-1)*. Leiden 2003: 619-656.
- Hallo 1995 = Hallo, W. W., Slave Release in the Biblical World in Light of a New Text. in: Zevit, Z., Gitin, S. and Sokoloff, M. (eds.). *Solving Riddles and Untying Knots. Biblical, Epigraphic, and Semitic Studies in Honor of Jonas C. Greenfield*. Winona Lake 1995: 79-93.
- Heinhold-Krahmer 1977 = Heinhold-Krahmer, S., *Arzawa. Untersuchungen zu seiner Geschichte nach den hethitischen Quellen (THeth 8)*. Heidelberg 1977.
- Herbordt 2003 = Herbordt, S., Eine gesiegelte Tonbulle mit Hieroglypheninschrift des Kantuzzili, des Prinzen von ‚Groß Hatti‘. *AA* 2003/1: 21-24.
- Hoffner 1997 = Hoffner, H. A. Jr., *The Laws of the Hittites. A Critical Edition*. Leiden 1997.
- Hoffner 1989 = Hoffner, H. A. Jr., Review of Kammenhuber, A., Hethitisches Wörterbuch (the first volume of A). *JAOS* 109 2009: 87-95.
- Hoffner 2009 = Hoffner, H. A. Jr., *Letters from the Hittite Kingdom*. Atlanta 2009.
- Hoffner and Melchert 2008 = Hoffner, H. A. Jr. and Melchert, C., *A Grammar of the Hittite Language*. Winona Lake 2008.
- Imparati 2002 = Imparati, F., Palace and Local Communities in Some Hittite Provincial Seats. in: Yener, K. A. and Hoffner, H. A. Jr. (eds.). *Recent Development in Hittite Archaeology and History. Papers in Memory of Hans G. Güterbock*. Winona Lake 2002: 93-100.
- Imparati 2003 = Imparati, F., Significato politico dell'investitura sacerdotale nel regno di atti e in alcuni paesi vicino-orientali ad esso soggetti. in: Marrassini, P. (ed.). *Semitic and Assyriological Studies Presented to Pelio Fronzaroli by Pupils and Colleagues*. Wiesbaden 2003: 230-242.
- Jackson 2008 = Jackson, S. A., *A Comparison of Ancient Near Eastern Law Collections Prior to the First Millennium BC*. Piscataway 2008.
- Kammenhuber 1969 = Kammenhuber, A., Chapter 3. Hethitisch, Palaisch, Luwisch und Hieroglyphenluwisch. in: Friedrich, J., Reiner, E., Kammenhuber, A., Neumann, G. and Heubeck, A. *Altkleinasiatische Sprachen*. Leiden-Köln 1969: 119-357.
- Klengel 1998 = Klengel, H., *Geschichte des hethitischen Reiches (HdO I/34)*. Leiden 1998.
- Klengel 2006 = Klengel, H., Provinz (D. bei der Hethitern). in: Streck, M. P. (ed.). *RIA* (vol. 11). Berlin 2006: 68-72.
- Klinger 1995 = Klinger, J., Das Corpus der Maşat-Briefe und seine Beziehungen zu den Texten aus Hattuša. *ZA* 85/1 1995: 74-108.
- Klinger 2001 = Klinger, J., Historiographie als Paradigma. Die Quellen zur hethitischen Geschichte und ihre Deutung. in: *StBoT* 45 2001: 272-291.
- Klinger 2002 = Klinger, J., Die hethitisch-kaškäische Geschichte bis zum Beginn der Großreichszeit. in: *Gs. Imparati* (vol. 1) 2002: 437-451.
- Klinger 2005 = Klinger, J., Das Korpus der Kaškäer-Texte. *AoF* 32 2005.: 347-359.
- Kuniholm et al. 2005 = Kuniholm P. I., Newton M. W., Griggs C. B. and Sullivan P. J., Dendrochronological Dating in Anatolia. The Second Millennium BC. *Der Anschnitt* 18 (*Anatolian Metal III*) 2005: 41-47.

- Liverani 1990 = Liverani, M., *Prestige and Interest. International Relations in the Near East ca. 1600-1100 B.C.* Padova 1990.
- Malul 2010 = Malul, M., *Law Collections and Other Legal Compilations from the Ancient Near East.* Haifa 2010. (Heb).
- Marizza 2007 = Marizza, M., *Dignitari ittiti del tempo di Tutaliya I/II, Arnuwanda I, Tutaliya III (Eothen 15).* Florence 2007.
- Moir 2004 = Moir, A. K., *Dendrochronological Analysis of Oak Timber from Kettleas, Capel, Surrey, England (Tree-Ring Services Report: CAKE/04/04)* 2004. (<http://www.treering.co.uk/PDF%20files/Example%20Building%20Dendrochronological%20Report.pdf>).
- Ökse 2001 = Ökse, A. T., Hethitisches Territorium am oberen Maraššantia. Ein Rekonstruktionsversuch. in: *StBoT* 45 2001: 499-510.
- Otten 1993 = Otten, H., *Zu einigen Neufundenhethitischer Königssiegel.* Stuttgart 1993.
- Otten 1995 = Otten, H., *Die hethitischen Königssiegel der frühen Grossreichszeit.* Stuttgart 1995.
- Özgüç 1978 = Özgüç, T., *Maşat Höyük. Excavations at Maşat Höyük and Investigations in Its Vicinity.* Ankara 1978.
- Özgüç 1982 = Özgüç, T., *Maşat Höyük II. A Hittite Center Northeast of Bogazköy.* Ankara 1982.
- Popko 2007 = Popko, M., Althethitisch? Zu den Datierungsfragen in der Hethitologie. in: *DBH* 25 2007: 575-581.
- Roth 1995 = Roth, M. T., *Law Collections from Mesopotamia and Asia Minor.* Atlanta 1995.
- Singer 2002 = Singer, I., Kantuzili the Priest and the Birth of the Hittite Personal Prayer. in: *Fs. Popko* 2002: 301-313.
- Taggar-Cohen 2006 = Taggar-Cohen, A., *Hittite Priesthood (THeth 26).* Heidelberg 2006.
- Trémouille 2001 = Trémouille, M. C., Kizzuwatna, Terre de Frontière. in: *La Cilicie* 2001: 57-78.
- van den Hout 2005 = van den Hout, Th. P. J., On the Nature of the Tablet Collections of Hattuša. *SMEA* 47 2005: 277-289.
- van den Hout 2007 = van den Hout, Th. P. J., Some Observations on the Tablet Collection from Maşat Höyük. *SMEA* 49 2009: 387-398.
- van den Hout, T. 2009 = van den Hout, Th. P. J., Reflections on the Origins and Development of the Hittite Tablet Collections in Hattuša and Their Consequences for the Rise of Hittite Literacy. in: *Studia Asiana* 5, 2009: 71-96.
- von Schuler, E. 1965 = Schuler, E., *Die Kaskaer. Ein Beitrag zur Ethnographie des alten Kleinasien.* Berlin 1965.
- von Schuler, E. 1967 = von Schuler, E., *Hethitische Dienstanweisungen für höhere Hof- und Staatsbeamte: Ein Beitrag zum antiken Recht Kleinasien (AfO Beiheft 10).* Osnabrück 1967.
- Wazana 2007: Wazana, N., *All the Boundaries of the Land. Biblical Thought in Light of the Ancient Near East.* Jerusalem 2007. (Heb.).
- Westbrook 2003 = Westbrook, R., Introduction. The character of Ancient Near Eastern Law. in: Westbrook, R. (ed.). *A History of Ancient Near Eastern Law (HdO I/72-1).* Leiden 2003: 1-90.
- Westbrook 2005: Westbrook, R., Judges in the Cuneiform Sources. *Maarav* 12, 2005: 27-39.
- Zimansky 2007: Zimansky, P., The Lattimore Model and Hatti's Kaska Frontier. in: Stone, E. C. (ed.). *Settlement and Society. Essays Dedicated to Robert McCormick Adams.* Los Angeles 2007: 157-172.

ABSTRACT

The main topic of this paper is to shed some light on the strange dispute between Kaššū and the Priest, mentioned in the letter HBM 74, concerning the destiny of the Priest's runaway slaves. My conclusions were that Kaššū's refusal to hand them over to their owner was based upon a Hittite Law (HL 23b), which allows one to keep runaway slaves who were captured in an enemy land. In this respect HBM 74 is a unique example of an implementation of a law in the Ancient Near East.