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MASAMICHI YAMADA

## The Hittite Social Concept of “Free” in the Light of the Emar Texts

### I. Introduction

As a result of the French excavations at Meskene-Qadime on the right bank of the Middle Euphrates (1972–1976), the dominance of the Hittite Empire in this region has been clearly demonstrated. The site has been identified with ancient Emar according to the cuneiform tablets uncovered from the final phase of the Late Bronze Age (LB III). Earlier periods are not attested there, whereas Emar is mentioned in other Ancient Near Eastern texts from as early as the third millennium B. C. Taking into account this fact and other features of architecture and urbanism, J.-Cl. Margueron, the director of the expedition, concluded that Meskene was a “new” city of Emar constructed under the direction of the Hittites and the “old” city should be sought elsewhere in the same region.<sup>1</sup> Such a strong Hittite influence over Emar is further corroborated by the Akkadian texts recently published by D. Arnaud and by others.<sup>2</sup>

<sup>1</sup> Emar: un exemple d’implantation hittite en terre syrienne, in: J.-Cl. Margueron (ed.), *Le Moyen-Euphrate: zone de contacts et d’échanges*, Leyden 1980, 285–312. It is currently supposed that Radde Saghir, situated a mere 500 m to the east of Meskene, could have been the “old” city of Emar. See Margueron, *Imar ou Emar: une recherche qui se prolonge*, MARI 6 [1990] 103–106; B. Geyer, *Une ville aujourd’hui engloutie: Emar. Contribution géomorphologique à la localisation de la cité*, MARI 6, 116–118. – I am grateful to Prof. Itamar Singer for reading this paper and making kind, valuable suggestions. Final responsibility for the opinions expressed below, of course, rests with the writer.

<sup>2</sup> In referring to texts from Emar/Meskene and its vicinity the following abbreviations will be used (with text no.): ASJ 12-T = A. Tsukimoto, *Akkadian Tablets in the Hirayama Collection* (I), ASJ 12 [1990] 177–259; ASJ 13-T = idem, *Akkadian Tablets in the Hirayama Collection* (II), ASJ 13 [1991] 275–333; ASJ 14-T = idem, *Akkadian Tablets in the Hirayama Collection* (III), ASJ 14 [1992] 289–310; AuOr 5-T = D. Arnaud, *La Syrie du moyen-Euphrate sous le protectorat hittite: contrats de droit privé*, AuOr 5 [1987] 211–241; BLMJ-C/HC = tablets belonging to Bible Lands Museum Jerusalem (I am indebted to Dr. Joan Goodnick Westenholz for her permission to use unpublished BLMJ tablets); Emar VI = D. Arnaud, *Recherches au pays d’Aštata. Emar VI/1–3*, Paris 1985–1986; GsK-T = M. Sigrist, *Seven Emar Tablets*, in: A. F. Rainey (ed.), *Kinattūtu ša dārāti*. Raphael Kutscher Memorial Volume, Tel Aviv 1993, 165–187, pls. ii–viii; PdA = F. M. Fales, *Prima dell’alfabeto. La storia della scrittura attraverso testi cuneiformi inediti*, Venezia 1989 (Studi e documenti 4); RA 77-T = J. Huehnergard, *Five Tablets from the Vicinity of Emar*, RA 77 [1983] 11–43; TSABR = D. Arnaud, *Textes syriens de l’âge du Bronze récent*, Barcelona 1991 (AuOr Supplementa 1).

These texts reveal that Emar was a vassal kingdom of the Hittite Empire, under the jurisdiction of Carchemish, during the 13th and the early 12th cen. B. C. While Emar maintained its own political institutions (i.e. the royal palace and the city-community),<sup>3</sup> it is known that the kings and princes of Carchemish, as well as Hittite dignitaries (such as LÚ.UGULA KALAM.MA, "Chief of the Land," and DUMU LUGAL, "Son of the King"), were also deeply involved in the administration of Emar.<sup>4</sup> A political situation such as this, under both local and foreign authorities, seems to be reflected in the two types of Emar tablets showing different scribal traditions: the "Syrian" type, whose height exceeds its width, and the "Syro-Hittite" type, which is wider than it is high. Generally speaking, texts of the former type are thought to have been written by the Emariotes, whereas the latter are ascribed to the Hittites.<sup>5</sup>

Indeed, in these Syro-Hittite type texts, such as judgments, real estate transactions, wills and other kinds of contracts, we can see how widely and actively the Hittites were concerned with the daily life of the Emariotes. Hence it is natural that these texts constitute the main source for the study of Hittite administration in Emar. However, the historical value of these texts is not restricted to this field. Although these are records of the Hittites residing abroad, on the south-eastern periphery of the Hittite Empire, we can still sometimes recognize in them some reflections of the Hittite socio-cultural background of these people, originating in the land of Hatti (including Carchemish). Hence these texts can also be regarded as additional sources for research into Hittite society proper, which has so far been studied mainly on the basis of the texts from the state archives of Ḫattuša/Boğazköy.

It is with regard to their value in this respect that I intend to examine these Emar texts on the problem of the "free" person in Hittite society. As we shall

<sup>3</sup> See Yamada, *The Dynastic Seal and Ninurta's Seal: Preliminary Remarks on Sealing by the Local Authorities of Emar* Iraq 56 [1994] 59–62, with previous literature in 59 n. 6.

<sup>4</sup> For the Hittite administration in Emar see Arnaud, *Les Hittites sur le moyen-Euphrate: protecteurs et indigènes*, *Hethitica* 8 [1987] 9–27; G. Bunnens, *Emar on the Euphrates in the 13th Century B.C.: Some Thoughts about Newly Published Cuneiform Texts*, *Abr-Nahrain* 27 [1989] 24–28; G. M. Beckman, *Hittite Administration in Syria in the Light of the Texts from Ḫattuša, Ugarit and Emar*, in: M. W. Chavalas and J. L. Hayes (eds.), *New Horizons in the Study of Ancient Syria*, Malibu CA 1993 (*BibMes* 25) 46–49; Yamada, *Division of a Field and Ninurta's Seal: An Aspect of the Hittite Administration in Emar*, *UF* 25 [1993] 453–460. The term DUMU LUGAL seems to be used not only for princes but also for royal descendants (Sons of the King), who occupied various important positions in the Hittite administration. See A. F. Rainey, *The Prince and the Pauper*, *UF* 7 [1975] 427 ff., esp. 429–431; but cf. F. Imparati, «Signori» e «figli del re», *Or* 44 [1975] 80–95.

<sup>5</sup> As noted by Arnaud, *Hethitica* 8, 15; TSABR, 9f. But this is not the case for letters (always Syrian type tablets) and there are also several exceptions, such as the following royal documents: (1) of Emar–Emar VI 42; (2) of Carchemish–Emar VI 201, 207 (see below n. 62) and ASJ 12-T 13 (with a seal impression of Ini-Tešub; see Tsukimoto, *ASJ* 12, 205, 253). For details with earlier literature see C. Wilcke, *AḪ, die "Brüder" von Emar. Untersuchungen zur Schreibtradition am Euphratknie*, *AuOr* 10 [1992] 115 ff., esp. 119 f. for exceptional cases.

see below, the texts from the Hittite periphery greatly contribute to this issue pertaining to the Hittite homeland. Let us start with a brief review of the currently accepted theory.

## II. The Theory: "Free" as Noble

According to the Hittite Laws there were only two social classes in Hittite society: LÚ *ELLUM*/MÍ *ELLETUM* = *arawanni*-, "free man/woman,"<sup>6</sup> and ÌR/GÉME (= Akk. (*w*)*ardu(m)*/*amtu(m)*; Hitt. equivalent unknown), which can denote any kind of subordinate person, and not exclusively a slave. Thus in order to understand what is meant by the term "free man/woman," one must determine the meaning of the term ÌR/GÉME, and vice versa.

Admitting this point, H. G. Güterbock argued that ÌR.MEŠ, i.e. "unfree men" (Unfreie; in contrast with "free men") in Hittite society are to be understood as "serfs" (Hörige) as well as slaves.<sup>7</sup> According to him, the subordinate people assigned in the edict of Nikalmati (KUB XIII 8 obv.: 2–6; cf. ÌR É.NA<sub>4</sub> in the Hittite Laws § 52) to the "Stone House" (*mausoleum*), such as craftsmen, farmers, herdsman, etc. are regarded as "serfs," and they belong to the ÌR.MEŠ in the Hittite Laws. To this social class he also assigned other "serfs," such as deportees, prisoners of war and LÚ GIŠ.TUKUL ("Handwerker"),<sup>8</sup> as well as slaves and *ASĪRUM*/*hippara*-people ("Käufing"). In contrast with this, he then concluded that the term LÚ *ELLU(M)*/*arawanni*-, "free man," means in fact "nobleman," indicating particularly an owner of large landed property in the period of the Hittite Empire.<sup>9</sup>

Accepting this view, G. Giordadze attempted to theorize the social concepts of "free" and "unfree" in terms of their economic aspect.<sup>10</sup> He firstly noticed the stipulations concerning extradition of fugitives in the Hittite treaties. In the vassal treaty between Muršili II of Hatti and Targašnalli of Ḫapalla (CTH 67) there are the following stipulations: (1) all the fugitives from Hatti into Ḫapalla are to be extradited; (2) among the fugitives from Ḫapalla into

<sup>6</sup> For the equation between Akk. *ellu(m)*/*elletu(m)* and Hitt. *arawanni*- (not *arawa*-) in this meaning see below n. 19.

<sup>7</sup> Bemerkungen zu den Ausdrücken *ellum*, *wardum* und *asirum* in hethitischen Texten, in: D. O. Edzard (ed.), *Gesellschaftsklassen im Alten Zweistromland und in den angrenzenden Gebieten*, München 1972 (= CRRAI 18 [1970]) 93–96.

<sup>8</sup> While admitting that GIŠ.TUKUL means only "weapon," Güterbock follows the rendering by F. Sommer (op. cit. 95). Recently R. H. Beal has convincingly demonstrated that LÚ GIŠ.TUKUL should be taken as "weapon-man"; see The GIŠ.TUKUL-institution in Second Millennium Hatti, *AoF* 15 [1988] 269–274.

<sup>9</sup> Op. cit. 96f. A similar conclusion, that ÌR is a "serf" (Höriger), whereas "free man" is a chariot fighter (as the *marianu* in Hurri), was also reached by F. Cornelius, *Das Hethiterreich als Feudalstaat*, in CRRAI 18, 31–34. Cf. also V. Korošec, *Einige Beiträge zur gesellschaftlichen Struktur nach hethitischen Rechtsquellen*, in: CRRAI 18, 105ff., esp. 110f.

<sup>10</sup> Die Begriffe «Freie» und «Unfreie» bei den Hethitern, *AcAn* 22 [1974] 299–308.

Hatti, [...] *ŠA LÚ GIŠ.TUKUL GÍD.DA* or *LÚ ELLU* is not to be extradited, but a farmer or any kind of craftsman, such as a [weav]er, carpenter or leatherworker, is to be extradited (KBo V 4 obv.: 35–40).<sup>11</sup> According to the treaty with the Kaškaeans (CTH 138), no fugitives are to be extradited, but only their goods. Those fugitives include: (1) *ÌR* or *LÚ GIŠ.TUKUL* from Hatti into a Kaškaean city; (2) *ÌR* or *LÚ ELLUM* from Kaška into Hatti (KUB XXIII 77 obv.: 52–56). The grouping of the fugitives in these treaties can be summarized as follows:

CTH 67    *X* of *LÚ GIŠ.TUKUL GÍD.DA* or *LÚ ELLU*  
               vs. farmer or craftsman

CTH 138   *LÚ GIŠ.TUKUL* // *LÚ ELLUM*  
               vs. *ÌR*

Giorgadze made the following points: (1) *LÚ GIŠ.TUKUL* is not counted as *ÌR*, “unfree man,” but as *LÚ ELLU(M)*, “free man,” on the basis of CTH 138; (2) a farmer and a craftsman belong to the same group of *ÌR* from the comparison between CTH 67 and 138. According to him, these two groups must be regarded as parallel to the two social classes in Hittite society: “free man” and “unfree man.”<sup>12</sup>

Since farmers and craftsmen, regarded as *ÌR.MEŠ*, are the people directly engaged in productive labor, Giorgadze considered that *LÚ ELLU(M)* is a man who is “free” from such labor, while *ÌR* is a man “unfree” from it.<sup>13</sup> He connected this productive labor with obligatory duties such as *šahhan* and *lužzi*, from which some people or establishments are “free” (adj. *EL-LU(M)/arawa-*) but others are not, as is seen in the Hittite Laws (e.g. §§ 50, 51, 56) and the royal charters. Based on this consideration, he reached the conclusion that the social term *LÚ ELLU(M)*, “free man,” means only a man who is “free” from any kind of public obligations to the palace and the temples in an economic sense, i.e. a respected, honorable “nobleman,” while *ÌR*, “unfree man,” thus means, besides a slave, a “serf” (Höriger), i.e. a man still totally or partially “unfree” from these obligations. According to him, the first group of people, such as palace or temple officials of high rank, constitutes the upper ruling class of Hittite society, while the second, comprising a wide range of workers (such as farmers, herdsmen, craftsmen and gardeners) constitutes the lower social class.<sup>14</sup>

<sup>11</sup> Cf. also KUB VI 44 iv: 34f. (CTH 68).

<sup>12</sup> AcAn 22, 303, and also n. 15 for the interchangeability between *LÚ GIŠ.TUKUL* and *LÚ ELLU(M)* in the Hittite Laws (cf. below n. 17). Note that, while Giorgadze differentiates [...] *ŠA LÚ GIŠ.TUKUL GÍD.DA* and *LÚ ELLU*, he considers that both of them altogether are different from farmers and craftsmen (op. cit. 302 and n. 13); cf. Beal, AoF 15, 283 (§ 18).

<sup>13</sup> Op. cit. 304.

<sup>14</sup> Op. cit. 304ff., esp. 307f.

Although Giorgadze's theory is apparently reasonable, one question should be raised: Can LÚ GIŠ.TUKUL (lit. "weapon-man") be regarded as such a privileged nobleman? It is interesting to note that Giorgadze regards the GIŠ.TUKUL-man as LÚ *ELLU(M)*, "free man," whereas Güterbock assigned him to ÌR, "unfree man" (i.e. serf).<sup>15</sup> In this matter, it is well to observe that according to the Hittite Laws GIŠ.TUKUL-men perform the *šahhan-* (§§ 112, XXXVII; cf. also §§ 40 f.), *luṣṣi-* (§§ 47 B, 52, XXXIX b) and GIŠ.TUKUL-duties (§§ 40 f.).<sup>16</sup> Thus according to Giorgadze's theory a GIŠ.TUKUL-man cannot be "free"! On the other hand, if one accepts the interchangeability between LÚ GIŠ.TUKUL and LÚ *ELLU(M)*, which are both in contrast with ÌR (as in CTH 138),<sup>17</sup> also Güterbock's argument raises difficulties. Hence the understanding of the two social classes in Hatti, LÚ *ELLU(M)* as "nobleman" and ÌR as "serf," is in any case untenable.<sup>18</sup> How, then, should they be understood?

As for the concept of "free," although H. A. Hoffner recently submitted another interpretation as "non-slave,"<sup>19</sup> we still lack clear textual evidence. As mentioned above, it appears that the Emar texts, particularly those of the Syro-Hittite type (henceforth = SHT), can shed significant light on this issue.

### III. Analyses of the Emar Texts

#### 1. ASJ 14-T 46 (SHT): Free Man and GIŠ.TUKUL-duty

This is a decree of Kunti-Tešub, son of Talmi-Tešub, king of Carchemish, on the matter of his servant (ÌR) Abdi(ÌR)-Māšu<sup>20</sup> and the latter's children. According to

<sup>15</sup> CRRAl 18, 95. Korošec left the question open whether GIŠ.TUKUL-man, as well as *ILKU*-man, should be regarded as a "free" or "half-free" person (CRRAl 18, 106).

<sup>16</sup> See most recently Beal, AoF 15, 274–279 (§ 1–5), 288 f. (§§ 39 f.), 291.

<sup>17</sup> The same interchange between the two terms is also suggested by the Hittite Laws: LÚ GIŠ.TUKUL (§ 40) || LÚ *EL-[LUM]* (§ XXX; not *EL-[KI]*); see Beal, op. cit. 289 (§ 41) and n. 106 with previous literature.

<sup>18</sup> Indeed in view of the occurrences of *ELLU(M)*/*arawanni-* available in: HW<sup>2</sup> I, 251 b–258 a (s.v. *araya-* and *arayan[n]i-*, both as adj. and noun; but cf. the following footnote), no case is found where it explicitly denotes "noble." A. Kammenhuber has already thrown doubt on the interpretation of "free" as "noble" (op. cit. 251 b–252 a), while admitting this meaning in some cases (op. cit. 257 a [s.v. *araya-*, III.6]).

<sup>19</sup> While Kammenhuber regards *arawa-* and *arawanni-* as synonymous, both meaning "free (man)" (op. cit. 251 b, 257 b), Hoffner argues that *arawa-* is adj. meaning "exempt from (obligations)," whereas *arawanni-* is adj., and occasionally noun, meaning "non-slave" and perhaps also "noble" (review of HW<sup>2</sup> I, Lfg. 4–5, BiOr 40 [1983] 410 f.); cf. also Güterbock, in: CRRAl 18, 96.

<sup>20</sup> Or -Mašû. In view of the handcopy (ASJ 14, 307 f.; ll. 3, 9, 13, 16, 18, 22, 25!) -*MAŠ-* seems preferable to -*ŠU-* (so Tsukimoto, op. cit. 295: ÌR-*šú-ú/i/a*); cf. *maš-ú* (Emar VI 275: 8). In this case, if this PN is formed according to the most common pattern "servant of DN," the second element, "Twin," can be taken as the sun god Māš or Gemini; see CAD M/1, 402–403 a (s.v. *māšû*, mngs. 1c2' and 2); AHw 631 (s.v. *māšû(m)*, mngs. 3 and 5).

ll. 1–15, Abdi-Māšu's mother-in-law Ba<sup>c</sup>la(NIN)-ummi pleads on his behalf to the prince Kunti-Tešub. Kunti-Tešub accepts the plea and declares that he will not make Abdi-Māšu and his sons and daughters servants (ÌR.MEŠ) of the sons of his Emariote wife, but will rather grant them to the sons of his other, Carchemishian, wife.<sup>21</sup> Kunti-Tešub's declaration continues as follows:

(16) ù <sup>m</sup>ÌR-maš-ú DUMU.MÍ.MEŠ-šú i-na É e-mi (17) li-id-din  
 DUMU.MEŠ-šú DAM.MEŠ li-ša-*hi-iṣ-mi* (18) ù <sup>m</sup>ÌR-maš-ú ù DU-  
 MU.MEŠ-šú a-ia-am-mé-e (19) i-na ŠĀ DUMU.MEŠ-ia ša DAM-ia  
*šu-ba-ri-ti* (20) i-ra-a-[m]u a-na EN.MEŠ-šú-⟨nu⟩ lil-qu-ú (21) GIŠ.  
 TUKUL li-iš-šu-ni-šú (22) ù <sup>m</sup>ÌR-maš-ú ÌR-ia MÍ.NITA.MEŠ-⟨šú⟩  
 LÚ.MEŠ.a-ra-wa-an-nu ÌR.MEŠ LUGAL šu-nu (23) ša la-a ŠĀM šu-nu  
*i-na É-ia ul-te-ri-ib* (24) šum-ma i-na EGIR u<sub>4</sub>-mi DAM-ia šu-ba-ri-tu (25)  
 DUMU.MEŠ ú-ul NU.TUK <sup>m</sup>ÌR-maš-ú qa-du DUMU.MEŠ-šú a-na  
<sup>d</sup>UTU um-te-ši-ir

Let Abdi-Māšu give his daughters in marriage<sup>22</sup> (and) let him make his sons take wives. Let Abdi-Māšu and his sons take as their lords anyone whom they love among my sons of my Subarian wife (and) perform the GIŠ.TUKUL-duty for him. As for Abdi-Māšu, my servant, (and his) children,<sup>23</sup> they are free men (and) servants of the king; they are ones who are not purchased. I have let (them) enter my house. If in the future my Subarian wife has no sons, I will release Abdi-Māšu together with his sons to the sun.

<sup>21</sup> DAM-ia ša KUR Kargamis (l. 11), lit. “my wife of the land of Carchemish”, paraphrased by DAM-ia Šubarīti/u (ll. 19, 24; see below).

<sup>22</sup> Lit. “Let Abdi-Māšu give his daughters into the house of the father-in-law.”

<sup>23</sup> Lit. “women (and) men.” As noted by Tsukimoto (ASJ 14, 297), MÍ.NITA.MEŠ is an abbreviation of DUMU.MEŠ and DUMU.MÍ.MEŠ here (ll. 6, 9, 16f.). The same usage of MÍ.NITA.MEŠ is also found in Emar VI 217: 8; 256: 8, 12. Note further DUMU.MÍ.NITA (ASJ 13-T 20: 3; cf. DUMU.MEŠ in l. 7); cf. MÍ.NITA (AuOr 5-T 14: 11; for slaves?). As for MÍ.UN.MEŠ (Emar VI 212: 9, 12, 17 [SHT]), which indicates DAM, 2 DUMU.NITA and 3 DUMU.MÍ of a certain Šalilu (l. 2; cf. also 211: 4f.), J.-M. Durand, while correctly pointing out this reading, suggests its interpretation as a new word *nīšūtu*, formed on the basis of UN.MEŠ = *nīšū*, “family” (“Minima emariotica: munus-un-meš = *nīšūtu*?,” NABU 1989, § 55a). However, it is known that the Hittites used the Sumerogram UN for an individual person, i.e. Hitt. *antuhša-*, as well as LÚ.U<sub>19</sub>.LU (= Akk. *awīlu/lullū*), “human being, man, person.” Hence it seems more likely that MÍ.UN.MEŠ is just a variant of MÍ.NITA.MEŠ, with the same meaning. On the other hand, since this denotes here Šalilu's wife, two sons and three daughters, Durand's rendering “family” is accepted in free translation.

The text is followed by references to the seal impression of Kunti-Tešub (ll. 25+1 f.) and the witness, Naḥeya, the Chief of the Land (l. 26),<sup>24</sup> and a curse (ll. 27–30).<sup>25</sup>

The verbal phrase GIŠ.TUKUL *našû*, lit. "to lift/carry the weapon," immediately attracts our attention (l. 21; see also l. 11). A. Tsukimoto correctly compared it with a parallel idiom *ilka našû*, "to perform the *ilku*-duty," which is attested in the Nuzi texts, and regarded it as a reference to an obligatory service.<sup>26</sup> Although the nature of the GIŠ.TUKUL-duty, military or not, is unclear here,<sup>27</sup> there is no doubt that Abdi-Māšu and his sons are GIŠ.TUKUL-men who perform the duty for the royal palace of Carchemish.

In this text Abdi-Māšu and his children are called "free men," "servants of the king" (l. 22), and "ones who are not purchased" (l. 23). Some detailed treatment of these terms is required:

a) LÚ.MEŠ.*arawannû* is undoubtedly an Akkadianized word (noun, m.pl. form) deriving from Hitt. *arawanni*-, adj. and noun "free (man)."<sup>28</sup> This clearly shows that Abdi-Māšu and his sons are recognized as "free men" according to the social conception of Hatti, not of Emar. The same word may also be found in a PN list TSABR 100, restoring: (17) PAP 16 ÉRIN.MEŠ LÚ.*a-ra-wa*-[an-

<sup>24</sup> Naḥeya (<sup>m</sup>*na-ḥé-ia*), so far unknown elsewhere, may perhaps be identified with Laḥeya, son of Mutri-Tešub, the well known Chief of the Land (Emar VI 90: 18; 217: 25 f.; 220: 3; TSABR 72: 27 f.); cf. also Laḥeya's seal impressions on Emar VI 218–220 and 257 (see Arnaud, Hethitica 8, 22 n. 18). A consonantal alternation between /l/ and /n/ is clearly attested in the case of a PN Hananu in other Emar texts (SHT): <sup>m</sup>*ḥa-na-nu/i* (Emar VI 128: 14; TSABR 75: 19', 21') vs. <sup>m</sup>*ḥa-la-nu* (TSABR 75: 22'); both undoubtedly referring to the same person (see Yamada, Three Notes on Inheritance Transaction Texts from Emar, NABU 1994, § 2c).

<sup>25</sup> Reading: (27) *ša a-ma-te.MEŠ an-nu-ti ú-ma-ša-ru*, "As for one who transgresses these words." For this usage of (*w/m*)*uššuru* in the Akkadian dialect of the Hittites see AHW 1485 b (s.v. *wašārum*, D-stem mng. 6 g).

<sup>26</sup> Eine neue Urkunde des *Tili-Šarruma*, Sohn des Königs von Karkamiš, ASJ 6 [1984] 67 f.; and also ASJ 14, 297. Note further that Akk. GIŠ. TUKUL *našû* can be regarded as a parallel phrase with Hitt. GIŠ.TUKUL *ḥar(ē)*-, lit. "to hold the weapon," in the Hittite Laws §§ 40 f.; cf. Beal, AoF 15, 278.

<sup>27</sup> According to Beal, the word "weapon" and several references connecting GIŠ.TUKUL-men to military context suggest that the GIŠ.TUKUL-duty in Hatti was originally a military service for the army, in return for which land was granted as payment from the government. However, this system of land grant-in-pay was soon extended to non-military people serving the government, as shown by the fact that GIŠ.TUKUL-men hold a wide variety of civil occupations (op. cit. 274 ff., esp. 291 f., 299–302). To this argument, one may ask: Could civilians not perform any "military" service? The following points should be noted: (1) unless the Hittite army was constituted of professional soldiers only, it is not surprising if the soldiers engaged in civil occupations in peacetime; and (2) the army service in wartime is not restricted to fighting in the front; logistics is also important. Taking these into account, it is still possible to assume that the GIŠ.TUKUL-duty was a military service (including logistics). Cf. Durand's argument for its military nature in his review of Emar VI/1–3, RA 83 [1989] 175 and n. 43.

<sup>28</sup> Not from *aruwa*-, "to bow down" (so Tsukimoto, ASJ 14, 297). For *arawanni*- see above n. 19; cf. also n. 18.

*nu*],<sup>29</sup> “In total sixteen persons, fr[ee] men.” Note further that its f.sg. form *aruwannatu* (< \**arawannatu*) occurs in TSABR 32 (SHT): (1) PN<sub>1</sub> DUMU.MÍ PN<sub>2</sub> (2) PN<sub>3</sub> DUMU.MÍ-ši *a-na a-ru-wa-na-ti* (3) *um-te-ši-ir-ši*, “PN<sub>1</sub>, daughter of PN<sub>2</sub>, has released PN<sub>3</sub>, her daughter, as free woman.”<sup>30</sup> From the context, both interpretations are possible: either PN<sub>1</sub> redeemed her own daughter PN<sub>3</sub> from the slavery, or, PN<sub>1</sub> released the slave girl PN<sub>3</sub> and adopted her as PN<sub>1</sub>’s daughter.

b) ÌR.MEŠ LUGAL is a term indicating royal officials in general. As is apparent in this text, Abdi-Māšu and his sons are not (and will not be) direct servants of the “king,” but rather of the prince Kunti-Tešub and his sons, for whom they perform the GIŠ.TUKUL-duty.<sup>31</sup> Note that the same style of reference with a specific PN of a prince is found in ASJ 13-T 29 rev.: ù ÌR.MEŠ (10’) ʾša’ m<sup>h</sup>e-eš-mi-<sup>d</sup>U-ub DUMU LUGAL šu-nu, “They are servants of Hešmi-Tešub, the prince.”<sup>32</sup>

When we consider the usage of the phrase ÌR LUGAL *riāhu*, “to remain a servant of the king,” which occasionally occurs in contracts of servitude by a debtor (Emar VI 117: 8; 121: 14) or by an impoverished person (GsK-T 2: 9),<sup>33</sup> the title ÌR LUGAL seems to denote a certain social status. For example, in Emar VI 121 we read that since PN<sub>1</sub> paid PN<sub>2</sub>’s debt, 50 shekels of silver, which PN<sub>2</sub> could not repay by himself in the year of severe distress (i.e.

<sup>29</sup> Cf. LÚ *a-ra-wu-[ti]* (Arnaud, in: TSABR, 152).

<sup>30</sup> Arnaud considers it to be an abstract noun *arwanātu*, “liberté” (Hethitica 8, 23 n. 33; TSABR, 16). In that case, however, the ending to be expected is not *-ātu* but *-ūtu* as in Emar VI 19: 6 and BLMJ-HC 17 rev.: 6’ (see below). Although one may suggest an emendation: *a-ru-wa-nu’*(AŠ)-*ut-ti*, this is unlikely in view of the handcopy where the NA-sign is so clear. Thus I prefer to take it as the f.sg. form of \**arawannu* (m.sg.).

<sup>31</sup> It is known that the successor of Talmi-Tešub was not Kunti-Tešub but his brother Kuzi-Tešub; see J. D. Hawkins, Kuzi-Tešub and the “Great Kings” of Karkamiš, AnSt 38 [1988] 99–101. Hence, unless Kunti-Tešub is identified with Kuzi-Tešub or is assumed to have died young as a crown prince, Kunti-Tešub could not have assumed the throne of Carchemish.

<sup>32</sup> Unlike in the case of Kitta (Emar VI 18 and 19; see below), ÌR denotes here “servant,” not “slave,” as Abdi-Māšu and his sons, the free men, are servants of Kunti-Tešub and his sons. Cf. also ÌR (ša) LÚ.UGULA KALAM.MA, “servant of the Chief of the Land” (TSABR 78: 5; 88: 9’).

<sup>33</sup> All of SHT. As for Emar VI 117 and 121 belonging to the same family archive of Milki-Dagan (Chantier V), the reference to <sup>d</sup>30(Šaggar/Sîn)-abu, the officer of chariots (LÚ.GAL GIŠ.GIGIR.MEŠ), in 117: 22 would suggest a connection of this family with the Hittites (for <sup>d</sup>30-abu see Arnaud, Hethitica 8, 12, 23 nn. 27 f.). Although no clear mention of Hittite dignitaries is found in GsK-T 2, in other documents concerning the same person Zū-Aštarti of the family of Kutbe (e.g. ASJ 13-T 22, 36, 37; ASJ 14-T 45; GsK-T 1), two Chiefs of the Land are mentioned: Aḫi-malik (ASJ 13-T 36: 19+1) and Tuwariša (ASJ 14-T 45: 11+1). Taking these into account, it is at least possible to assume that LUGAL indicates a Hittite king (of Carchemish as in ASJ 14-T 46) in these three texts.

famine),<sup>34</sup> PN<sub>2</sub> entered into PN<sub>1</sub>'s servitude (ÌR-ut-ti-šú) (ll. 1–7). Then we read: BA.UG<sub>7</sub> TI.LA ÌR ša PN<sub>1</sub> šu-ut, "Dead (or) alive, he is a slave of PN<sub>1</sub>" (ll. 8–9a), but if the equivalent money is paid, a-na ÌR<sup>1</sup> LUGAL ir-ti-*hi* or -i<*h*>), "he will remain a servant of the king" (ll. 13f.). As is readily apparent, PN<sub>2</sub> must have been an impoverished royal official. The text suggests that his status as such was lost when he became a slave of PN<sub>1</sub>, and that it will be restored only when he is released from the hands of PN<sub>1</sub>.<sup>35</sup> Note that the terms ÌR LUGAL, "servant of the king," and ÌR, "slave," are contrasted here.

c) ša lā ŠÀM is also attested in two other texts: Emar VI 33: 27 and ASJ 13-T 30: 15 (without ša). Tsukimoto noted that this expression probably refers to the status of free citizenship.<sup>36</sup> This seems likely, and I think that ša lā ŠÀM is used as a parallel expression to LÚ.MEŠ.arawannū in ASJ 14-T 46. In this regard, it is worthwhile noting that (ša) lā ŠÀM is used to qualify women only in the other two occurrences. For example, in ASJ 13-T 30, which is the will of a certain <sup>d</sup>IM(Ba<sup>c</sup>Iu/Addu)-malik, his four daughters are described as MÍ.MEŠ la ŠÀM u NITA.M[ES], "women (who) are not purchased and me[n]." Note that here lā ŠÀM is inserted into the expression MÍ.MEŠ u NITA.MEŠ after the first element "women."<sup>37</sup> If the same usage of the term is assumed in ASJ 14-T 46, the grouping of the three terms mentioned in ll. 22f. can be understood as follows: (1) LÚ.MEŠ.arawannū and ÌR.MEŠ

<sup>34</sup> For the restoration of ll. 1f. see Tsukimoto, *Sieben spätbronzezeitliche Urkunden aus Syrien*, ASJ 10 [1988] 167.

<sup>35</sup> According to Emar VI 117, a debtor is assigned to take care of the creditor and his wife, and when they die, he can leave their house with his own family and restore his original status: a-na ÌR LUGAL li-ir-ti-*ih*, "Let him remain a servant of the king." In GsK-T 2, an impoverished man (PN<sub>1</sub>) and his son (PN<sub>2</sub>) owe the same task to the couple PN<sub>3</sub> (the namesake of PN<sub>2</sub>); only the son PN<sub>2</sub> is to be released with his own family. If PN<sub>2</sub> has sons and daughters in the future, then, as the text reads: DUMU.MEŠ-šú (9) a-na ÌR.MEŠ LUGAL ir-ti-*hu* u DUMU.MÍ.MEŠ-šú PN<sub>2/3</sub> (10) a-na É e-mi li-din-šú-na-ti, "his sons will remain servants of the king, and as for his daughters, let PN<sub>2/3</sub> give them in marriage." Cf. Durand, review of Emar VI/1–3, RA 84 [1990] 56.

<sup>36</sup> ASJ 13, 294; see also ASJ 14, 297.

<sup>37</sup> For Emar VI 33 see below. MÍ u NITA is a technical term indicating a daughter nominated as heiress to her father's estate, the latter having no son as appropriate heir: e.g. PN DUMU.MÍ-ia a-na MÍ u NITA aš-ku-un-šú, "I nominated PN, my daughter, as woman and man" (RA 77-T 2: 9f. [= ASJ 13-T 26]; also RA 77-T 1: 6f. [= ASJ 13-T 25]). Variants: MÍ-ti u NITA (BLMJ-C 23: 22; with šakānu); NITA u MÍ (AuOr 5-T 13: 5; with epēšū); DUMU.NITA u MÍ-ti (PdA 66: 5; with epēšū/šakānu?). For this social institution in Emar, as well as in Nuzi, see K. Grosz, *Daughters Adopted as Sons at Nuzi and Emar*, in: J.-M. Durand (ed.), *La femme dans le Proche-Orient antique*, Paris 1987 (= CRRAI 33 [1986]) 81–86; Z. Ben-Barak, *The Legal Status of the Daughter as Heir in Nuzi and Emar*, in: M. Heltzer and E. Lipiński (eds.), *Society and Economy in the Eastern Mediterranean (c. 1500–1000 B.C.)*, Leuven 1988 (OLA 23) 87–97; cf. also J. Paradise, *Daughters as "Sons" at Nuzi*, in: D. I. Owen and M. A. Morrison (eds.), *Studies on the Civilization and Culture of Nuzi and the Hurrians Vol. 2*, Winona Lake IN 1987, 203–213.

LUGAL for Abdi-Māšu and his sons; (2) *ša lā ŠAM* for his daughters. This would also be supported by the fact that each group is expressed in a different sentence. In this case, since the daughters are not regarded as *İR.MEŠ LUGAL*,<sup>38</sup> *LÚ.MEŠ.arawannū* should be parallel with *ša lā ŠAM*. This suggests that the Hittite social concept of “free” can be paraphrased as being “not purchased.”

ASJ 14-T 46 clearly shows that *LÚ.MEŠ.arawannū*, “free men,” perform the *GIŠ.TUKUL*-duty, or that *GIŠ.TUKUL*-men are regarded as “free men.” Hence this would strongly support the above-mentioned interchangeability between the terms “free man” and “*GIŠ.TUKUL*-man” in CTH 138 (as well as in the Hittite Laws §§ 40 and XXX). Since a “free” person seems to be “not purchased,” his/her status would be most reasonably understood in contrast with a person who can be purchased, i.e. a slave (*İR/GÉME*).<sup>39</sup> Indeed as noted above, such a contrast can be assumed in TSABR 32. I shall discuss this point further below.

On the other hand, the same contrast was also observed between *İR LUGAL*, “servant of the king,” and *İR*, “slave” (see above). Does this mean that the former term is synonymous with “free man” and “*GIŠ.TUKUL*-man”? With regard to this question, AuOr 5-T 13, the inheritance contract of a certain *Aḫu-ṭāb*(DU<sub>10</sub>.GA), is instructive. Although the tablet is unfortunately broken and no clear indication of connection with the Hittites (including information of the tablet type) is available, the fact that AuOr 5-T 14, another document of the same person, is of SHT suggests the same for AuOr 5-T 13. In AuOr 5-T 13 *Aḫu-ṭāb* nominates his own daughter *Alnašuwa* as “man and woman,” i.e. heiress (see above n. 37), and her sons who may be born in the future, as his sons (ll. 1–12a). For these he makes the following stipulation:

*GIŠ.TUKUL-ia* (13) [*it-t*]*i* DUMU.MEŠ URU.*a-ra-zi-ga* (14) [*i-na-aš*]-  
*šu-ú*

“[Let] them [per]form my *GIŠ.TUKUL*-duty [wit]h the citizens (lit. sons) of Araziga.”

Apparently *Aḫu-ṭāb* is a citizen of Araziga, a city located in the north of the land of Aštata.<sup>40</sup> This text clearly shows that the citizens of Araziga also

<sup>38</sup> As seen above, Kunti-Tešub permits Abdi-Māšu’s daughters to marry into the houses of other people (ll. 16f.), and thus only Abdi-Māšu and his sons are ordered to serve their lords and to perform the *GIŠ.TUKUL*-duty (ll. 18–21). Cf. also GsK-T 2: 8–10 (cited above in n. 35).

<sup>39</sup> As Güterbock noted: “Verkäuflichkeit ist ja ein Charakteristikum des Sklaven” (CRRAI 18, 94).

<sup>40</sup> The land of Aštata bordered on the north with the land of Carchemish and had its center at Emar. See Yamada, *The Northern Border of the Land of Aštata*, ASJ 16 [1994] 261–268.

performed the GIŠ.TUKUL-duty. Hence if this was done for the royal palace of Carchemish (as in ASJ 14-T 46), the citizens are also to be regarded as GIŠ.TUKUL-men and thus "free men." This would then lead us to assume that free men consisted of at least two groups of the people, royal officials and citizens.<sup>41</sup>

## 2. Emar VI 18 and 19 (both SHT): Free Man vs. Slave

These two decrees of Ini-Tešub (no. 18) and of his brother Hešmi-Tešub (no. 19) both deal with the enslavement of a certain Kitta. According to Emar VI 18 Ini-Tešub once permitted Hešmi-Tešub to take Kitta together with his father and his "house" (É) as his slaves "in the Hittite manner" (ll. 1–6).<sup>42</sup> But later, after Kitta and his father appealed to him, Ini-Tešub realized that such a contract was illegitimate according to the "oath of Emar" (*māmītu ša URU.Emar*), which was most probably a kind of treaty between the Hittites and Emar (ll. 7–12a)<sup>43</sup>, and then revised his decision, telling Hešmi-Tešub as follows:

*um-ma* LUGAL (13) *ma-a* <sup>m</sup>*ki-ta-ma* ÌR-*ka* ù *a-na muḫ-ḫi a-bi-šu* (14) É-*šu*  
 DUMU.MEŠ-*šu* *la-a ta-qar-ri-ib u<sub>4</sub>-mi*.MEŠ *ša* <sup>m</sup>*ki-ta* (15) *bal-tu* ÌR<sup>44</sup>  
<sup>m</sup>*ḫe-eš-mi*-<sup>d</sup>U-*ub šu-ut* (16) ù *mi-nu-me-e É-tu<sub>4</sub> ša* <sup>m</sup>*ki-ta a-na pa-ni* (17)  
<sup>m</sup>*ḫe-eš-mi*-<sup>d</sup>U-*ub EN-šu e-pa-aš* DUMU.MEŠ <sup>m</sup>*ki-ta-ma* (18) É-*ta ša*  
*a-bi-šu lil-qu-ú* (19) ù GIŠ.TUKUL *ša* LUGAL *kir-kir-ra<sup>1</sup>-na*<sup>45</sup> (20)  
*li-iš-šu-ú*

<sup>41</sup> It is interesting to note that in RS 17.238 (PRU IV, 107f.), a royal decree of Hattušili III concerning the extradition of fugitives from Ugarit, the freeborn population of Ugarit is classified into the following three groups: ÌR LUGAL KUR *ú-ga-ri-it*, "servant of the king of Ugarit" (l. 3), DUMU KUR *ú-ga-ri-it*, "citizen of Ugarit" (l. 4), and ÌR ÌR LUGAL KUR *ú-ga-ri-it*, "servant of the servant of the king of Ugarit" (l. 5). In the text all these are separated from DUMU.MEŠ KUR *ú-ga-ri-it ša* KUR-*ti ša-ni-ti i-na* KÙ.BABBAR-*šu-nu i-pa-aš-ša-ru*, "citizens of Ugarit who are delivered for their money (to) another land," i. e. debt-slaves (ll. 11–13). For this text see M. Heltzer, *The Rural Community in Ancient Ugarit*, Wiesbaden 1976, 4–6; but cf. P. Vargyas, *Stratification sociale à Ugarit*, in: OLA 23 (n. 37), 111–123.

<sup>42</sup> For this interpretation of *ina* KUR *Hatti* (l. 6) see Durand, RA 83, 176 and n. 45. This "Hittite manner" of enslavement of debtors is attested in RS 17.130 (PRU IV, 103–105), a letter-edict of Hattušili III to Niqmepa concerning the merchants of Ura in Ugarit. According to ll. 25–31, they are permitted to take a citizen of Ugarit together with his wife and sons, when he cannot repay his debt.

<sup>43</sup> Or one of a series of accords as its pl. form *ma-mi-ia-ti* (l. 25) may suggest.

<sup>44</sup> Not *ša* (so Arnaud, in: Emar VI/3, 29).

<sup>45</sup> For this reading see Arnaud, op. cit. 30; Durand, *Minima hurritica*, NABU 1989, § 56 b. This is comparable with a Hurrian word *karkarni*, for which Arnaud suggests a type of armor (ibid.; cf. also Beal, AoF 15, 290 and n. 113), whereas Durand proposes another interpretation: ZABAR // *karkarni*, "bronze" (ibid.).

Thus (said) the king: “Kitta is your slave, but you may not approach his father, his ‘house’ (and) his sons. As long as Kitta is alive, he is a slave of Hešmi-Tešub. Whatever ‘house’ Kitta may make before Hešmi-Tešub, his lord,<sup>46</sup> let the sons of Kitta take the ‘house’ of his (i.e. Kitta’s) father and perform the *kirkirrana* GIŠ.TUKUL-duty of the king.”

Clearly, according to his revised decision Ini-Tešub assigns only Kitta to Hešmi-Tešub as his slave, excluding other members of his family. His sons are permitted to inherit the “house” of their grandfather and to perform the GIŠ.TUKUL-duty, probably as their grandfather and father had been doing. Our interpretation of Kitta’s status, ÌR, as “slave” would be supported by the usage of ÌR (as well as GÉME) in this meaning in l. 22.<sup>47</sup>

In Emar VI 19 Hešmi-Tešub summarizes the same decision by Ini-Tešub as follows:

ù ÌLUGAL<sup>7</sup> <sup>m</sup>*ki-i[t-ta]* (5) *a-na* ÌR-*ut-ti-ia it-<sup>7</sup>ta<sup>7</sup>-bak-kam-mì* (6) ù É-šú  
*a-na a-<sup>7</sup>ra<sup>7</sup>-w[a-nu-u]t-ti<sup>48</sup> um-t[e-ši]-ir*

The ki[ng] has sent Ki[tta] for my servitude, but rel[eas]ed his “house” for fr[ee]man]hood.

We have here a clear-cut pair of contrasting words: (*w*)*ardūtu* (status of a slave) vs. *arawannūtu* (status of a free man). The latter is undoubtedly another Akkadianized word (abstract noun) deriving from Hitt. *arawanni*-.<sup>49</sup> This clearly demonstrates that “free man” is an antonymous term for “slave,” as suggested above regarding ASJ 14-T 46. Hence, this text, in addition to CTH

<sup>46</sup> According to Durand, ll. 14b–15 are followed by an additional phrase of ll. 16–17a (“ainsi que tout ce que Kitta constituera ...”) and a new sentence begins on l. 17b (RA 83, 176f.).

<sup>47</sup> It is stipulated that no one shall take an ÌR, a GÉME or anything away from the hands of Kitta’s sons (ll. 21f.). Note also the following text in Emar VI 19: (13) ù <sup>m</sup>*ki-it-t[a]* x x [x x x] x ZA<sup>7</sup> LA<sup>7</sup> PA AH RI (14) KÁ.GAL *la-a ú-[š]e-ša*. While l. 13 is not intelligible, l. 14 may be understood as: “No (one) shall let (Kitta) go out the city gate,” since it is known that slaves were forbidden to leave their city without permission of their lord. Cf. the Hittite Laws §§ 20f. on stolen slaves and §§ 22–24 on fugitive slaves; cf. also the Laws of Ešnunna § 51 A iv: 9 and the Code of Hammurabi § 15: 35 (see CAD A/1, 83a [s. v. *abullu*, mng. 1 a]).  
<sup>48</sup> Cf. *a-na a-ia-š[i a-na ÌR-ti* (Arnaud, in: Emar VI/3, 30). Our restoration could be supported by the same formula occurring in BLMJ-HC 17 rev.: *a-na a-ra-wa-nu-[ut-ti]* (7') [*um-te-ši-ir* ...] (cf. also above TSABR 32: 1–3a with *arawannatu*). Although the tablet is broken, according to the preserved text a certain woman is assigned to care for (*palāhu*) another woman, probably wife of the author of this document; if the woman taken on takes care of the wife, she will be released after the wife’s death. Note also other parallel expressions used in similar context: *ana* <sup>d</sup>UTU (*w/m*)*uššuru* (Emar VI 177: 21; cf. above ASJ 14-T 46: 25) and *ana* <sup>d</sup>UTU *zakū*, “be free (lit. clean) to/as the sun” (TSABR 41: 37).

<sup>49</sup> See above pp. 303f. for \**arawannu*.

138, constitutes another testimony for the existence of two social classes in Hatti as reflected in the Hittite Laws.

As is readily apparent, these texts, too, show that free men (in this case, Kitta's sons) perform the GIŠ.TUKUL-duty for the king of Carchemish. But what of Kitta, now a slave of Hešmi-Tešub? Would he also continue to perform it? If, as suggested by Emar VI 18, the performance of the duty is connected with the inheritance of family estate, this seems unlikely.

In this respect, we should note BLMJ-HC 12 (SHT), a lawsuit brought before Aḫi-malik, the Chief of the Land. According to this text, a certain Sīḫu released Madi-Dagan(<sup>d</sup>KUR) for 30 shekels of silver and adopted him, but Madi-Dagan was then seized for the *ilku*-duty (ll. 4–8).<sup>50</sup> Now Aḫi-malik has canceled this adoption (ll. 9–11 a), so that anyone can take Madi-Dagan if he pays Sīḫu 60 shekels of silver (ll. 11 b–14). Thus the problem was finally settled. Although this is not explicitly mentioned in the text, there is no doubt that Madi-Dagan was (and is) a slave. It is interesting to note that, while Madi-Dagan had not been required to perform the *ilku*-duty when he remained a slave, he was suddenly required to do so when he was released from that status and adopted by Sīḫu. This would suggest that the *ilku*-duty was performed by free men, as in the case of the GIŠ.TUKUL-duty, and not by slaves.<sup>51</sup> If this is correct, the terms "free man" and "GIŠ.TUKUL-man" would not be synonymous, but rather inclusive, the former including the latter as well as "*ILKU*-man," which indicates a different category of duty-performer.<sup>52</sup>

### 3. Emar VI 33 (SHT): Free Woman/Man vs. Slave

This is a lawsuit brought before a Hittite dignitary Arma-nani(<sup>d</sup>30-ŠEŠ),<sup>53</sup> which concerns the disinheritance of Išma<sup>c</sup>Dagan(<sup>d</sup>KUR), son-in-law of Išarte,

<sup>50</sup> Madi-Dagan says the following: (5) *ma-a msi-i-ḫu a-na 30 GÍN KÙ.BABBAR.MEŠ* (6) *ip-ta-at-ra-an-ni-mi a-na DUMU-ut-ti-šu* (7) *i-tap-ša-ni-me ma-a i-na-an-na* (8) *a-na il-ki iṣ-ša-ab-tu-nin-ni-mi*. To my present knowledge, *ilku* is mentioned only here in the Emar texts. For the alleged occurrences of *ilku* in Emar VI 1: 1, 10 see Durand, RA 83, 168 (esp. for l. 10).

<sup>51</sup> Theoretically all slave owners are regarded as free men (see below on Emar VI 211). Although there remains a problem whether this *ilku*-duty was performed for the royal authorities of Emar or of Hatti (in practice Carchemish), the latter interpretation seems preferable in view of the fact that Aḫi-malik, the Hittite official of high rank (Chief of the Land), rendered the judgment. Cf. Emar VI 33 (see below).

<sup>52</sup> The distinction between GIŠ.TUKUL-men and *ILKU*-men in Hatti is well illustrated by the Hittite Laws §§ 40 f.; see most recently Beal, AoF 15, 278. Moreover, as noted above (p. 301), GIŠ.TUKUL-men perform other duties as well, i.e. *šahḫan* and *luṣṣi*, which are also performed by other kinds of people. Perhaps these people, too, may be regarded as free men? On the problem of *šahḫan* and *luṣṣi* as well as *ILKU* see Imparati, Aspects de l'organisation de l'État hittite dans les documents juridiques et administratifs, JESHO 25 [1982] 226–246.

<sup>53</sup> For Arma-nani see Arnaud, Hethitica 8, 21 n. 16; Imparati, La politique extérieure des hittites: tendances et problèmes, Hethitica 8, 195.

wife of Aštar-abu, and certain goods.<sup>54</sup> The situation can be summarized as follows: Išarte adopted Išma<sup>c</sup>-Dagan and married him to her daughter, but thereafter he entered the house of Zuzu in servitude because of his debt of 30 shekels of silver, taking the goods away with himself (ll. 1–17). Then Arma-nani delivered the judgment. I would suggest the following reading:<sup>55</sup>

(18) *i-na-an-na* <sup>md</sup>30-ŠEŠ *a-na* <sup>m</sup>iš-*ma*-<sup>d</sup>KUR (19) [*a-kán-na* *i*]q-bi *ma-a*  
*ki-i-me-e* (20) [KÛ.BABBAR.MEŠ (*ša*) <sup>m</sup>zu-*zu*] *i-na* *aš-ri*<sup>1</sup>-*šu-nu* (21)  
*[tu-ta-ar]* <sup>r</sup>u<sup>1</sup> DAM-*tu*<sub>4</sub> *at-tu-ka-mi* (22) [*šum-m*]a *ú-nu-te*.MEŠ *an-nu-ti*  
 (23) [(*i-na*) *aš-ri*]-*šu-nu* *la-<sup>r</sup>a*<sup>1</sup> *tu-ta-ar* (24) [*ù* DA]M-*ka* *la-a* *ta-ra-gu-um*  
 (25) *m[a-a at-t]a a-na* ÌR LÚ *ša-nim-ma* (26) *te-[te-ru-ub]* *ù* GIŠ.TUKUL  
*ša* LUGAL-*ri ta-<sup><</sup>laq<sup>></sup>-qè*<sup>1</sup> (27) *ù* DUMU.MÍ <sup>r</sup>i-*šar-te* *ša* *la-a* ŠÂM (28)  
*ki-i-ki-i ta-laq-qè*

Now Arma-nani [s]aid to Išma<sup>c</sup>-Dagan [as follows]: “When [you return the money of Zuz]u to its (lit. their) place, the wife is yours. [I]f you do not return these goods (to) their [place], you may not claim your [wife]. (But) [yo]u [have entered] into servitude (lit. slave) of the other person. Thus you may take the GIŠ.TUKUL (weapon) of the king. But how can you take Išarte’s daughter, the one who is not purchased?”

The text is followed by references to three seal impressions (ll. 29–31) and a postscript: “When the king comes, this judgment will be put before the king” (ll. 32–34).

If our restoration of ll. 19–24 is correct, in theory Išma<sup>c</sup>-Dagan can take his wife, Išarte’s daughter, if he repays his debt to Zuzu (thus redeeming himself) and, moreover, if he returns the goods to Išarte. In practice, however, since Išma<sup>c</sup>-Dagan became Zuzu’s slave, this is no longer possible. Therefore he has to leave the house of Išarte, being allowed to take only his “GIŠ.TUKUL of the king” but not to take his wife (ll. 25–28).

It is interesting to note that Išarte’s daughter is called “one who is not purchased,” while Išma<sup>c</sup>-Dagan is “slave” (ÌR). As noted above, *ša lā* ŠÂM is regarded as a parallel expression of “free man” in ASJ 14-T 46 and the clear

<sup>54</sup> The goods listed in ll. 6–10 are probably the dowry which Išma<sup>c</sup>-Dagan brought into Išarte’s house (Beal, AoF 15, 290). This is likely since finally Išma<sup>c</sup>-Dagan appears to leave her house without returning the goods (see below).

<sup>55</sup> Cf. Arnaud, in: Emar VI/3, 47; Durand, ‘Minima emariotica: *didû*, in: NABU 1989, § 55 d.

<sup>56</sup> Emendation on the basis of GIŠ.TUKUL-*šú li-il-qè-e-ma*, “let him take (only) his GIŠ.TUKUL,” in a similar context of disinheritance in Emar VI 112: 16. On the verbal form, cf. l. 28. Arnaud reads the verb as *ta-kiš* treating it as an irregular pres. 2. m. sg. form of *kullu* (op. cit. 47f.). But this is grammatically difficult (Beal, AoF 15, 290f. n. 115) and, in view of his handcopy (Emar VI/1, 60), the reading of GI-sign seems possible (cf. l. 28). Cf. also LUGAL *tal-ta-qè* (Durand, *ibid.*).

contrast between "free man" and "slave" is confirmed by Emar VI 19. Hence it is reasonable to see here another contrast between "free woman" and "slave." Indeed, the divorce between Išma<sup>c</sup>-Dagan and Išarte's daughter is to be understood in this context. In view of the Hittite Laws, he (a slave) cannot take her (a free woman) to wife without paying the bride-price; and if he dares to do so, it would change her status to that of a slave (GÉME).<sup>57</sup> This would be unheard of, as Arma-nani indeed declared: "How can you ...?" (l. 28).

On the other hand, we should note that Išma<sup>c</sup>-Dagan was once able to marry her. This may indicate that he originally had the same status as Išarte's daughter. With this regard, the reference to "GIŠ.TUKUL of the king" in l. 26 (cf. Emar VI 18: 19) is noteworthy. This suggests that Išma<sup>c</sup>-Dagan was a GIŠ.TUKUL-man who performed this duty for the king (of Carchemish), i.e. he was a free man.

On this basis, the postscript becomes fully understandable (ll. 32–34). If Išma<sup>c</sup>-Dagan was a GIŠ.TUKUL-man, he would not perform the duty as long as he remains a slave; he would resume it only after he is released from the hands of Zuzu and his former status is restored (cf. above Emar VI 18 and BLMJ-HC 12). I think that this is the reason why the judgment by Arma-nani is to be put before the king when he visits Emar: since Išma<sup>c</sup>-Dagan is to discontinue his royal duty, this should be sanctioned by the king (cf. the case of Kitta in Emar VI 18).

Thus a twofold contrast in status can be recognized in Emar VI 33: (1) between "free woman" and "slave," Išarte's daughter and Išma<sup>c</sup>-Dagan, respectively; and (2) between "free man" and "slave" for Išma<sup>c</sup>-Dagan himself, before and after his enslavement. Furthermore, we note that this text shows how sensitive the Hittites were on the matter of the legal status of citizens within their jurisdiction (see esp. ll. 27 f.).

<sup>57</sup> Cf. § 34: "If a slave (İR-*iš*) pays the bride price for a woman (MÍ-*TIM*) and takes her to his wife, no one shall release her"; § 35: "If an overseer or a herdsman a[bd]u[ct]s a free woman (MÍ-*an ELLUM*) and does not pay the bride price for her, she becomes [a slav]e (GÉM]E-*aššareš*-) i[n] the third [ye]ar" (cf. "(in) the second year or in the fourth year" in § 175). For the rendering of *parā tarṇa-* as "to release" < lit. "to let X out (of the present condition)" see H. Freydank, *Zu parā tarṇa- und der Deutung von KUB XIII 9+*, *ArOr* 38 [1970] 257 ff., esp. 262 f. (with previous literature in 257 nn. 7 f.); and also E. Neu, *Das Hurritische: Eine altorientalische Sprache in neuem Licht*, Mainz 1988 (AAWLM 1988 no. 3) 10–15, 20–22; idem, *Knechtschaft und Freiheit*, in: B. Janowski, et al. (eds.), *Religionsgeschichtliche Beziehungen zwischen Kleinasien, Nordsyrien und dem Alten Testament*, Freiburg 1993 (OBO 129) 330–333. Cf. "to change her social status" (as free woman; A. Goetze, in: J. B. Pritchard [ed.], *ANET*<sup>3</sup> 190); "veräußern" (Güterbock, in: *CRRAI* 18, 94 and n. 4). Although it is not clear whether § 34 just legitimizes such a conditional marriage or whether it presupposes further that the status of the (free) woman is automatically changed into that of a slave by this marriage (cf. also § 36), § 35 shows that any marriage without paying the bride price causes such a change of her status. Cf. I. Singer, *The AGRIG in the Hittite Texts*, *AnSt* 34 [1984] 99 f.

#### 4. Emar VI 211 (SHT): Slaves vs. Their Lord = Free Man

This is one of the texts belonging to the family archive of diviners from Temple M<sub>1</sub> (Emar VI 199–257). In this text, a member of this family, <sup>d</sup>IM-qarrād(UR.SAG), son of Zū-Ba<sup>c</sup>la, the diviner (LÚ.HAL),<sup>58</sup> buys seven slaves, i.e. Šalilu and his family (ll. 1–13), from a certain Dagan(<sup>d</sup>KUR)-tari<sup>59</sup>. This contract is made before Hittite dignitaries, including two Sons of the King, namely Kulana-ziti (l. 1)<sup>60</sup> and Piḫa-Tarḫunta (l. 24!).<sup>61</sup>

It is interesting to note that in Emar VI 275 (SHT) fifteen religious officials belonging to seven “houses” are listed; the same <sup>d</sup>IM-qarrād is mentioned among them (l. 11) as representing all these men (l. 13), who are described as LÚ *el-lu-tu*, “free men” (l. 14). As has been pointed out by scholars, the local religion of Emar, particularly divination, was highly appreciated by the Hittites, and thus Emar religious personnel were in close contact with them. This is especially the case for the family of the diviner Zū-Ba<sup>c</sup>la, who enjoyed some privileged treatment in the Hittite administration of Emar.<sup>62</sup> When these

<sup>58</sup> According to Emar VI 201 <sup>d</sup>IM-qarrād is nominated as the eldest son of Zū-Ba<sup>c</sup>la (l. 50).

<sup>59</sup> Cf. also Emar VI 212 on the same topic. For Šalilu’s family see above n. 23.

<sup>60</sup> Restoring: <sup>m</sup>k]u-la-na-[LÚ D]UMU LUGAL on the basis of BLMJ-C 22: 1 and his seal impression. For this text see provisionally M. Poetto, Ancora sulla parola per «esercito» in luvio, *Kadmos* 21 [1982] 101–103.

<sup>61</sup> Written with <sup>d</sup>U for the second element; cf. also Piḫa-<sup>d</sup>IM (Emar VI 212: 25). His seal impressions (with the title) are found on Emar VI 211 and 212 (Msk 731019), for which see Arnaud, *Hethitica* 8, 23f. n. 35; E. Laroche, Documents hittites et hourrites, in: D. Beyer (ed.), *Meskéné-Emar. Dix ans de travaux 1972–1982*, Paris 1982, 56. In Emar VI 211 (handcopy in: Emar VI/1, 81), the line arrangement of the upper, left and right edges (ll. 22ff.) is problematic. Arnaud arranges these lines as upper 1=22, left 1=23, upper 2=24, left 2=25, and right=26, reading ll. 23f. as IGI <sup>m</sup>Im-lik-<sup>d</sup>KUR DUMU LUGAL ša KUR [H<sup>c</sup>at]-ti<sup>i</sup> (Emar VI/3, 223), while Laroche has left 2+upper 2=24, mentioning the witness <sup>m</sup>Pi-ḫa-<sup>d</sup>U DUMU Up-pa DUMU.LUGAL ša KUR H<sup>c</sup>at[ti] (Les noms des Hittites: supplément, *Hethitica* 4 [1981] 33, no. 971; cf. also 48, no. 1426b); thus probably left 1=22, upper 1=23, and right 1=25. As for Piḫa-Tarḫunta(<sup>d</sup>U/IM), the above-mentioned seal impressions would support Laroche’s reading. Therefore I tentatively follow his line reference as 24. However, since according to the handcopy there is a lacuna after up-pa- and, as Imparati convincingly argued (*Hethitica* 8, 192–195), Piḫa-<sup>d</sup>U is identified with Piḫa-<sup>d</sup>IM, son of Upparamuwa (RS 17.148 rev.: 1 [PRU VI 7B]), I would suggest restoring up-pa-[ra-A.A] or the like. Furthermore, note that neither Arnaud’s nor Laroche’s reading of the GN Hatti, although expected, is fully supported by the handcopy. Collation could perhaps solve the issue.

<sup>62</sup> See Laroche, Emar, étape entre Babylone et le Hatti, in: *Le Moyen-Euphrate* (n. 1), 240–244; Arnaud, *Hethitica* 8, 12, 16, 23 n. 31, 26 n. 61. Note that Ini-Tešub gave Zū-Ba<sup>c</sup>la his own documents (Emar VI 201 and 202). Moreover, in all probability the same Zū-Ba<sup>c</sup>la was exempted from the Hittite duties, *šahḫan* and *luḫḫi*, by the great king of Hatti (Msk 731097) and also by the king of Carchemish (BLMJ-C 37); both are Hittite royal letters. For Msk 731097 see provisionally Laroche, in: *Meskéné-Emar*, 54; A. Hagenbuchner, Die Korrespondenz der Hethiter 2. Teil, Heidelberg 1989 (THeth 16) 40f., no. 23. As for <sup>d</sup>IM-qarrād, note also that on Emar VI 206 (Msk 731025) and 207, in which he bought plots of real estate, Ini-Tešub’s seal is impressed (see Laroche, op. cit. 56; Arnaud, in: Emar VI/3, 220).

circumstances are taken into account, it is not surprising that the term "free men" is used here in a Hittite context.<sup>63</sup>

The above text in Emar VI 211 concerning the relationship between <sup>d</sup>IM-qarrād and his slaves reads as follows:

(14) *ù šum-ma mša-li-lu DUMU.ME[Š-šu DUMU.MÍ.MEŠ-šu]* (15) *a-na*  
<sup>md</sup>IM-UR.SAG LÚ.HAL E[N-šu-nu] (16) *i-qa-ab-bu-ú ma-a ú-ul*  
 Ì[R.MEŠ-ka] (17) *ní-nu-mi* <sup>md</sup>IM-UR.SAG *ki-i [ŠÀ-šu]* (18) *li-pu-uš-šu*  
*nu-ti* EN DI-šu N[U.TUK]<sup>64</sup>

If Šalilu, [his] son[s (and) his daughters] say to <sup>d</sup>IM-qarrād, the diviner, [their] lo[rd]: "We are not [your] sl[aves]!" Let <sup>d</sup>IM-qarrād treat them as [he likes. There will be] n[o] adversary in court for him.

In addition to the fact that these people had been sold by their previous owner, this stipulation explicitly demonstrates that they were slaves at the full disposition of <sup>d</sup>IM-qarrād, their lord. The difference, and indeed contrast, in status between slaves and their lord is clearly seen here. Hence, if we assume that there were only two social classes, it would follow that all owners of slaves must have been free men, as most probably <sup>d</sup>IM-qarrād was (see above).

On the other hand, it should not be overlooked that Šalilu the slave has his own family. As seen above, this is also expected for the slave Kitta in the future: "whatever 'house' Kitta may make before Hešmi-Tešub, his lord" (Emar VI 18: 16–17a). Note also that Kitta could bring a lawsuit against Hešmi-Tešub before Ini-Tešub, king of Carchemish (Emar VI 18: 7–10a; 19: 2b–3a).<sup>65</sup> These points indicate that slaves still retain some legal rights.

#### IV. Concluding Remarks: "Free" as Non-Slave

The Emar texts (SHT) provide indirect evidence for the binary stratification of Hittite society according to the Hittite Laws. As for the two social classes, we may legitimately conclude that a "free" person is to be contrasted with a "slave," and the word "free" thus to mean "non-slave." The following points should be noted:

##### (1) Free Person

- \* Two kinds of Akkadianized nouns deriving from Hitt. *arawanni-* are attested: *\*arawannu*, "free man" (e.g. *aruwannatu* < *\*arawannatu* [f.sg.]; *arawannū* [m.pl.]),<sup>66</sup> and *arawannūtu*, "status of a free man." Another

<sup>63</sup> As noted by Arnaud, *Hethitica* 8, 12, 23 n. 33 (but following Giorgadze's theory). Cf. another interpretation proposed by Durand: "personnes rattachées au temple" (RA 84, 80).

<sup>64</sup> Similar passages are also found in AuOr 5-T 12: 6–11 (SHT), and our restoration in Emar VI 211: 18 is based on l. 11 in this text. Cf. also the Hittite laws § 173.

<sup>65</sup> On this legal right of slaves, cf. KUB XIII 2 iii: 29–32 (E. von Schuler, *Hethitische Dienstanweisungen für höhere Hof- und Staatsbeamte*, Graz 1957 [AfO Beiheft 10] 48); see Korošec, in: CRRAI 18, 111 and n. 16.

<sup>66</sup> Note also LÚ *ellūtu* (m.pl.) in Emar VI 275: 14.

expression attested so far for women only, (*ša*) *lā* ŠĀM, “(one who) is not purchased,” is apparently parallel to “free (woman).”

- \* “Free men” perform GIŠ.TUKU- or probably *ilku*-duty. Thus the attested interchangeability between the terms “free man” and “GIŠ.TUKUL-man” is confirmed. However, this does not mean that both terms are synonymous, but rather inclusive: “free men” comprise “GIŠ.TUKUL-men” as well as “*ilku*-men” (and perhaps also other kinds of duty-performers).
- \* Within the binary social stratification, owners of “slaves” are to be regarded as “free” persons.

(2) Slave

- \* The terms ÌR and GÉME are used not only for “slaves,” who can be purchased, but also for subordinates in general.
- \* “Slaves” perform neither GIŠ.TUKUL- nor *ilku*-duty. When a GIŠ.TUKUL-man becomes a debt-slave, he would resume the duty only after he is released and his previous status is restored.
- \* Although at the disposition of his lord, he can have his own family and still retains some legal rights.

These results from the Emar evidence confirm Hoffner’s definition of Hitt. *arawanni*- as “non-slave.”<sup>67</sup> Although we have no explicit evidence of its use in the meaning of “noble” in the Hittite texts, a few exceptions may be found in texts from Ugarit, as for example, a reference to LÚ *ellu* in the Akkadian accord between Muršili II and Niqmepa (RS 17.382+380: 52 [PRU IV, 83]). Following the stipulations concerning the tributes to be sent from Ugarit to the great king and several high-ranking officials of Hatti, it is written that these do not apply to other great men (LÚ.MEŠ GAL-*tī*) or Sons of the King (DUMU.MEŠ LUGAL-*rī*) (ll. 50f.). However, when a Son of the King (DUMU LUGAL) or a “free man” (LÚ *el-lu*) is sent from Hatti as messenger, the king of Ugarit may give him a gift if he likes (ll. 52–59). Taking into account the qualification of messengers, the term “free man” apparently denotes here a royal official of high-rank. Hence the rendering “noble” may fit the context.<sup>68</sup> However, it must be noted that Abdi-Māšu and his sons, who are royal officials of Carchemish performing the GIŠ.TUKUL-duty and therefore most probably not nobles, are also called “free men” (ASJ 14-T 46: 22). This suggests that, when used in the royal palace context, “free man” means “non-slave” servants in general. In fact, “free man” in RS 17.382+380: 52 can also be understood as such.<sup>69</sup> Therefore it is not fully warranted to take

<sup>67</sup> See above n.19. Note that the above-mentioned Akkadianized words are all based on *arawanni*-, not *arawa*- (including restored words). Thus the distinction between these two Hittite adjectives meaning “free” is also supported.

<sup>68</sup> As understood by J. Nougayrol (PRU IV, 83). Note also LÚ *el-la* in RS 34.145: 30 (P. Bordreuil, et al., Ras Shamra-Ougarit VII. Une bibliothèque au sud de la ville, Paris 1991, 33 no. 9), apparently indicating one of the attendants of the king (of Carchemish); cf. F. Malbran-Labat’s note in: op. cit. 34 and n.21.

this occurrence of the term as definite evidence for the meaning of "noble" in Hittite society.

On the other hand, even if the term "free man" does not mean "nobleman," the very existence of such privileged people in Hittite society cannot be ignored. They also must have been integrated into the social class of "free men" occupying its uppermost levels, while the majority consisted of other royal officials and of ordinary people performing their duties.

As for "slaves," their legal status in Hittite society has been studied previously: although at the disposal of their lords, they were the subjects of the Hittite Laws, which show that they still retained some legal rights, albeit limited.<sup>70</sup> This also concurs with our observations above on slaves in the Emar evidence.

Since the logogram ÌR/GÉME can indicate any kind of individual subordinate to his/her lord, it is sometimes difficult to identify certain individuals or groups as real "slaves" or just "servants." Some criteria must be established. The features of slaves which I remarked on the basis of the Emar texts (SHT) are: (1) purchasability; (2) non-performance of duty; and (3) being at the disposition of their lord. Can all these be applied as criteria when analyzing ÌR/GÉME in the Hittite texts? Feature (1) seems to be definite, as noted by Güterbock (see above n. 39) and supported by the definition of "free" as "not purchased." Feature (2) is still subject to debate. Here the Emar evidence may prove to be useful in future studies. Feature (3) is apparently definite. However, a dependence on the good will of the lord may also be found in the relationship between free persons, even between a privileged nobleman and the great king of Hatti. For example, in the decree of Tudḫaliya IV and Puduḫepa, the so-called Šaḫurunuwa document (CTH 225), we see that, when any son of <sup>d</sup>U(Tarḫu)-manawa, himself probably the son of Šaḫurunuwa, is disloyal, the king will treat him as he likes (KUB XXVI 43+ obv.: 61b–63).<sup>71</sup> When this is taken into account, (3) may be rather regarded as a common feature found in any relationship of subordination.

<sup>69</sup> In this case, the two kinds of royal officials, "Son of the King" and "free man," can be distinguished: the former are of royal blood (see above n. 5), the latter are not. Together these terms denote the whole non-slave officialdom serving in the palace. The same interpretation of "free man" can also be applied to RS 34.145: 30 in the preceding footnote. The special rank of a Son of the King is well illustrated by RS 17.423 (PRU IV, 193), a letter from the king (of Carchemish) to Ibiranu. In this text the king of Ugarit is advised on the treatment of a Hittite messenger Mišramuwa as follows: "In case you are not acquainted with him, he is the brother of Upparamuwa; he is a Son of the King (DUMU LUGAL-*ma šu-ú-ul*)! So treat him politely according to what is due to him (*iš-tu ḪA.LA-šū*)" (ll. 17–24; cf. also ll. 9–12). See Rainey, UF 7, 431 and n. 37; CAD Z, 148a (s.v. *zittu*, mng. 7 "rank, due"); AHw 1534a (s.v. *zittu(m)*, mng. B3).

<sup>70</sup> See Korošec, in: CRRAI 18, 107–111; cf. also Güterbock, in: CRRAI 18, 94.

<sup>71</sup> Imparati, Una concessione di terre da parte di Tudḫaliya IV, Paris 1974 (= RHA 32) 30 with restoration. Cf. above p. 313 and n. 64.

Thus at present, the two social classes in Hatti are to be defined as: “free” person = non-slave vs. “slave” = one who is purchasable. This, however, is no more than the basic framework of Hittite society. Further classification and structurization would be necessary for each social class. This is especially so for “free” persons, whose class must have covered a much wider range of people than once assumed. At the same time, there is a need for other definite criteria to distinguish “slaves” from non-slave servants.

In this study, we have seen how valuable information about Hittite society is preserved in the Emar texts (SHT). Further studies of these texts from the Hittite periphery may be expected to yield more contributions to various fields of the Hittitology.