

THE OLD HITTITE VERSION OF LAWS 164-166

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H. Otten and Chr. Rüster copied as text number 5 in their recent volume of Hittite rituals and festival descriptions, KBo 25, a small fragment, which they regarded as similar to text 4, designated as "Ritualtext in älterer Schrift."¹ The small size of KBo 25 5, and the occurrence in it of words commonly occurring in rituals and festivals gives the impression that it is indeed such a text. In fact, however, it is a duplicate to Hittite Laws 164-65. More important, although it may not be in what is sometimes called "typical old ductus" (now Old Ductus, Type 1),² its script is quite similar to that of the only older script copy of the second half of the Hittite law collection (Laws 101-200) known to date, that which is designated by the siglum q.³ Indeed, KBo 25 5 joins⁴ KUB 29 30 (q₄) back to back, so that KBo 25 5:5' is continued on the right by KUB 29 30 (q₄) iii 1'.⁵ Had the two pieces not joined, KBo 25 5 would have constituted the only evidence to date for the existence of a second Old Script copy of laws 101-200 in the thirteenth-century archives of Hattuša.

KBo 25 5 shows a script which is in no way clearly different from q. In addition it follows q's practice of presenting within the confines of a single paragraph matter which in the New Script copies was subdivided into two separate paragraphs.⁶ Its spellings conform to the pattern which we observe elsewhere in texts which show older script. Old Hittite scribes more often employ *a-ap-pa* than EGIR-*pa* for the expression *appa*, as they do *še-e-er* rather than *še-er* for *šer*.⁷

1. KBo 25 p. iv.

2. See Neu, StBoT 25 xv.

3. Güterbock, JCS 16 (1962) 17ff. and 20.

4. This join was physically confirmed by the writer and H. G. Güterbock on separate visits to Ankara in 1981.

5. See the copy and join sketch of q by Güterbock in JCS 16 (1962) 20.

6. In q one can see this feature in the very next laws, for q has laws 166 and 167 as a single paragraph.

7. The diachronic relevance of these spellings has often been discussed. For *a-ap-pa* and EGIR-*pa* the most recent treatment is Kammenhuber's in HW² 148ff. For *še-e-er* see Carruba, ZDMG Supp. 1 236; Otten StBoT 11 (1969) 20; Houwink ten Cate Record of the Early Hittite Empire (1970) 12; and, discounting the spelling as diachronically significant, Mauer in Heinhold-Krahmer et al, Probleme der Textdatierung in der Hethitologie, Texte der Hethiter 9 (1979) 173.

Transliteration of Old Hittite Text of Laws 164-66 (KBo 25 5)
with Restorations and Variants from New Script Copies⁸

§164-65 [(*ták-ku a-ap-pa-at-ri-wa*)]-an-zi ku-iš-ki p[(*a-iz-zi ta šu-ul-la-tar^b i-e-ez-z*)]
[*n(a-aš-šu NINDA.ḫar-ši-i)*]n na-aš-ma GEŠTIN^c iš-pa-an-
t]u^d(-zi k)i-n(u-zi^e ta 1 UDU)]
[(10 NINDA.ḪI.A 1 DUG KA.D)]Ū pa-a-i ta É-SŪ a-ap-pa^f
šu-up-p[(*i-ia-aḫ-ḫi ku-it-ma-an*)]
[ū^g-i^h-itⁱ-ti^j?] me-e-a-ni^h a-ri ta É-iš-š[(*i SAG.KI-za ḫar-zi*)]

§166 [(*ták-ku*) o oⁱ] NUMUN-an še-e-er ku-iš-ki [(*šu-ú-ni-iz-zi* . . .)]

^ae₂ 7: a[p- . . .]. ^bj i 29: -tar over erased -an-na-az. ^cj i 30: GIŠ.GEŠTIN. In KBo 25 5 there is no word space between GEŠTIN and *išpantuzi*. Perhaps GEŠTIN is a determinative here. ^dj i 30: iš-pa-an-du-zi. ^eq line between *kinuzi* and *ta* in j. ^fj i 31: EGIR-pa. ^gspace for four somewhat wide signs. ^hj i 32: MU.KAM-za me-e-ḫu-ni, see the comments below. ⁱj i 34: *ták-ku* NUMUN-ni še-e-er NUMUN-an ku-iš-ki šu-ú-ni-iz-zi. *ku-iš-ki* in KBo 25 5 is written smaller and above the level of the other signs in its line, as though it were a later addition by the scribe.

The apparent change in word order in the first line of law 166 from the Old Hittite copy's [*takku* x x] NUMUN-an *šer kuiški* [*šünizzi*] to the New Hittite copy's *takku* NUMUN-ni *šer* NUMUN-an *kuiški šünizzi* is striking. If we restore the Old Hittite copy as [*takku* NUMUN-ni] NUMUN-an *šer kuiški* [*šünizzi*], the function of *šer* would be different from its function in the New Hittite copy. In the Old Hittite copy it would be separated from NUMUN-ni by the intervening direct object NUMUN-an and would be a free-standing adverb, while in the New Hittite copy it would have become a postposition governing the locative NUMUN-ni. Another possibility, however, should be considered. If the Old Hittite copy had *takku* NUMUN-an (or NUMUN.ḪI.A) NUMUN-an *šer kuiški šünizzi*, one might consider the first NUMUN-an (or NUMUN.ḪI.A) as the neuter plural direct object and the second NUMUN-an immediately before (here postpositional) *šer* as an old genitive plural in -an. One could translate: "If someone sows seeds on top of seeds (already sown by another)." And since the New Hittite scribe preferred the construction of locative + postpositional *šer*⁹ to genitive + substantival *šer*,¹⁰ he reworded the clause, in the process transforming the NUMUN's into collective singulars ("seed on top of seed").

In a somewhat similar construction found in law 146, the Old Hittite copy q¹¹ has: *ta-aš-ša-an* [*ḫa-ap-pa-ri*? *še*]-e-er! *ḫa-ap-pár i-e-ez-zi* "(The second buyer) offers (lit.: 'does' or 'makes') a purchase price above the

8. See the edition by Friedrich, *Die hethitischen Gesetze* (1959) 74f.

9. Attested already in old script, StBoT 8 ii 33f. and p. 85.

10. Attested in old script, StBoT 8 71, 85.

11. KUB 29 29:9-10.

(previously accepted) purchase price." The New Hittite copy a₁¹² has the variant: *ta-aš-ša-an ha-ap-pa-ri [še-er ha-ap-pár i-i]a-zi*. What makes me more confident in this instance that q used the locative *happari* is the presence of the sentence particle *-ššan*, which, as Otten observed¹³ regularly accompanies the locative + postpositional *šēr* in Old Script, as opposed to the genitive + substantival *šēr* without *-ššan*. Since there is no space for [*ták-ku-uš-ša-an NUMUN-ni*] in the Old Hittite copy KBo 25 5:5, one might tentatively use Otten's criterion to decide in favor of the substantival *šēr* in the Old Hittite version of law 166, as opposed to the postpositional *šēr* with *-ššan* in the Old Hittite version of law 146. If it be objected that according to Goetze,¹⁴ *-kan* is regularly lacking with Old Hittite *takku*, it should be noted that this does not hold for the sentence particle *-an* (*ták-ku-wa-ta-an pár-na-ma ku-e-el-ka pé-eš-ši-iz-zi*¹⁵), nor for *-šan* (*ták-ku-wa-aš-ša-an kīn hazzizi tawa DINGIR-L[UM] ták-ku-wa-aš-ša-an nattama ha[zzizi] tawa antuwahheš*¹⁶).

In many respects the most interesting variant of all in this Old Hittite exemplar of laws 164-66 is the reading [x x x x] *me-e-a-ni* for the later copy's MU.KAM-*za me-e-ḫu-ni*. According to the later copy, the entire sentence reads: "Until a year arrives at the time, he (the man who damaged the other man's domestic cult) shall sustain (or: support) (the plaintiff) in his house." The most likely interpretation of the first phrase is "until a year has elapsed" or "for the space of a year." Now the newly identified Old Hittite version shows that the earlier text had *me-e-a-ni* instead of *me-e-ḫu-ni*. Furthermore, the Old Hittite copy may not have had the nominative *wizza* (or MU.KAM-*za*) preceding *mēani*. The word *meyani-*, *meyana-* (an earlier genitive *meyaniaš* and a later one *meyanaš* are known) or *mēni*-usually appears in conjunction with either the locative singular or genitive singular of the word "year," that is, *witti meyaniyaš*, *witti meyani*, *wittaš meyanaš*, and so on.¹⁷

In the CHD article *meyani-*, *meyana-*, to appear in the forthcoming second fascicle of volume 3, we determined that the fundamental semantic component common to all occurrences and usages was "extent" or "course." It is probable that in the Old Hittite copy the lines read: *kuitman witti mēani ari*, "until it arrives at a year, at (its) extent." The expression was too "old-fashioned" for the New Hittite scribe of j, who rephrased it to *kuitman MU.KAM-za mēḫuni ari*. As it happens, there is at least one further clear instance in which a later scribe "modernized" *meyani/a-* to *mēḫur*. The Old Hittite in Middle Script Kantuzzili text has *nu MU-ti mi-e-ni-ia-aš*

12. KBo 6 10 iii 19-20.

13. StBoT 9 85.

14. ArOr 5 19 and 25; cf. Friedrich Heth. Elem. § 298, 2.

15. Old Hittite in Old Script KBo 6 2 ii 35.

16. Old Hittite in New Script KBo 3 60 ii 14-15.

17. See Goetze, JCS 4 (1950) 223f. and Güterbock, RHA 25/81 (1967) 142ff.

armalaš mahḥan, “Like a man who is sick throughout the year,¹⁸ while the New Hittite scribe copying the same phrase in the solar hymn rephrased it as: *nu MU!*(text: UD).KAM-*ti* [*me*]-*e-ḥu-ni-ia-aš* [*armalaš mahḥan*].¹⁹ His [*me*]-*e-ḥu-ni-ia-aš* was obviously an attempt to modernize to a form of *meḥur*, but the resulting mixed form fits neither word. One could read it as [*me*]-*e-<<ḥu>>-ni-ia-aš* or [*me*]-*e-ḥu-ni-<<ia-aš>>*. But although New Hittite scribes seem to have felt *meḥur* to be a clearer or more up-to-date term for extent of time than the older *meyani*-, there is evidence that in the newer *a*-stem form *meyana*- continued to be employed in New Hittite to express extent in a spatial sense: *nuššan irḥaš mi-ia-na-aš* NU.GÁL *ešta*, “There was no limit (or) extent (to the captives and livestock which the Hittite army brought home).”²⁰

18. KUB 30 10 rev. 15.

19. KUB 36 79a iii 18 + 31 132:11 + 31 127 iii 1 (Old Hittite/New Script).

20. KUB 19 37 (BoTU 60) ii 45 (ed. AM 170f.).