



## The Old Hittite Legal Idiom šuwaye- with the Allative

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*Journal of the American Oriental Society*, Vol. 102, No. 3. (Jul. - Oct., 1982), pp. 507-509.

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*Journal of the American Oriental Society* is currently published by American Oriental Society.

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## BRIEF COMMUNICATIONS

*The Old Hittite Legal Idiom šuwaye- with the Allative*

The current translations of KBo 3.1 ii 50ff. from the Old Hittite Telepinu Proclamation as "he (the king) risks his royal head" or "he (the king) gives security with the king's head" cannot stand. The form of "head" is not ablative *ḫar-aš-ša-na-ṭa*<sup>1</sup> "with/by (the king's head)," but allative *ḫar-aš-ša-na-ṭa*<sup>1</sup> "to the head." *šuwayezzi* with the allative *parna* is now securely interpreted in the laws as "looks to" in the sense of "has legal recourse to for purpose of redress." The plene spelling of the -a ending in *ḫar-aš-ša-na-a* finds its best parallels in examples from Old Hittite texts or later copies of Old Hittite texts. The idiom itself is an old one in Hittite and finds pre-Old Hittite parallel in the usage of the verb *dagālum* "to look, to see" in the Old Assyrian tablets from Cappadocia. A similar usage of the Luwian verb *ma(m)manna-* with the dative-locative in New Hittite may have developed under the influence of the OH *šuwaye-* idiom.

In a forthcoming *Orientalia* article<sup>1</sup> H. G. Güterbock offers additional evidence to support the interpretation of the clause *parnašša šuwai(e)zzi* in the Hittite Laws as "He (the injured party) shall 'look into' (= have recourse to) the estate (of the offender) for it (the damages or compensation)." Following R. Haase,<sup>2</sup> Güterbock argues that the Hittite idiom is synonymous with a usage of the verb *dagālum* in the Old Assyrian commercial documents from Cappadocia. He suggests that the Assyrian idiom may have been derived from the Hittite in a pre-Old Hittite form, rather than vice versa.

F. Starke and F. Josephson have discussed the various spellings of the verbs *šuwai-* and *šuwaye-*, carefully distinguishing the examples by date.<sup>3</sup> But to date no one has noticed that *šuwaye-* is construed with the allative in all examples of this legal idiom.

In this connection KBo 3.1 II 50–52, a passage from paragraph 31 of the Telepinu Proclamation, becomes relevant. Josephson<sup>4</sup> has correctly observed that the verb *šu-wa-a-i-e-ez-zi* in line 51 exhibits the same spelling as the verb in the *parnašša šuwayezzi* formula in Hittite Laws 13 and 19b, and that, since this passage also contains a technical legal expression, there "can be no doubt" that the verb is the same. Josephson did not claim that the spelling *šu-wa-a-i-e-ez-zi* of KBo 3.1 ii 51 and laws 13 and 19b is attested in Old Script. In fact, an examination of the two passages in the laws shows

that in law 13 the Old Script copy A is broken away, and in law 19a A has its customary *šu-wa-i-iz-zi*. It is the New Script copy B which has *šu-wa-a-i-e-ez-zi* in law 13 and is partially broken, but probably had the same spelling in law 19b. Since, therefore, KBo 3.1 also is Old Hittite in New Script, the verb in question was written *šu-wa-i-iz-zi* in Old Script and could be written *šu-wa-a-i-e-ez-zi* in New Script modernizations.

But there is still another vital similarity between KBo 3.1 ii 51 (Telepinu Proclamation) and the *parnašša šuwayezzi* clauses in the laws. The verb in all cases is construed with the allative (noun case in -a). Josephson was kept from grasping the full significance of the Telepinu passage by a misreading of a crucial sign. In the earliest reading of the sign, published in 1918 as the first half (pages 1–40) of *Keilschrifttexte aus Boghazköi, Heft II*, but based on a copy made a year or two previously, H. H. Figulla copied the fifth sign in KBo 3.1 ii 51 as -a, clearly distinguishing the trace in his copy from -za. Four years later, in *Die Boghazköi-Texte in Umschrift* (1922), E. Forrer transliterated this sign as -za with hatching to indicate that the left half of the sign was damaged. Subsequent transliterations and translations of this line have employed Forrer's preference without, however, adequate statement of reasons. Forrer himself did not even indicate that he was correcting Figulla. Now in the light of the *parnašša šuwayezzi* clauses from the laws it would appear that Figulla's was the better reading. One should read the passage from the Telepinu Proclamation as follows:

*ku-iš* SEŠ.MEŠ-na NIN.MEŠ-na *iš-tar-na i-da-a-lu i-ia-zi nu* LUGAL-wa-aš (51) *ḫar-aš-ša-na-a šu-wa-a-i-e-ez-zi nu tu-li-ia-an ḫal-zi-iš-ten ma-a-na-pa ut-tar-šē-ṭi pa-iz-zi* (52) *nu* SAG.DU-na-az *šar-ni-ik-du* "Whatever (king) 'does evil' among (his) brothers and sisters, he (the one who claims redress) shall 'look to' (= have

<sup>1</sup> "Noch einmal die Formel *parnašša šuwaizzi*", *Festschrift Kammenhuber* (forthcoming).

<sup>2</sup> *BiOr* 19 (1962) 118–122, and *WO* 11 (1980) 93–98.

<sup>3</sup> F. Starke, *Studien zu den Boğazköy-Texten* Heft 23 (1977) 36f.; F. Josephson in E. Neu and W. Meid, *Hethitisch und Indogermanisch* (1979) 97f. with notes 50–55.

<sup>4</sup> *Op. cit.*, 98 and note 50.

recourse to) the person (lit. 'head') of the king (i.e., the offender in this case). Convoke the assembly! If/when his case goes against him,<sup>4a</sup> let him make compensation from/with (his) person (lit. 'head')" [KBo 3.1 ii 50–52, transliterated as Forrer, *BoTU* 23A ii 50–52 and edited by Sturtevant and Bechtel, *A Hittite Chrestomathy* (1935) 190f. with comment on p. 199.]

This section of KBo 3.1 has no preserved duplicate. Sturtevant and Bechtel interpreted the clause as "gives security with the king's head",<sup>5</sup> which assumes the correctness of Forrer's reading *ḫar-aš-ša-na-za* (ablative) and that the subject of the clause is the offender (i.e. the king). If, however, Figulla's reading *ḫar-aš-ša-na-a* (allative) is correct, and the subject is the claimant, we have the same situation which Haase and Güterbock have posited for the *parnašše* *šuwaiyizzi* clauses in the laws. There is no objection to the Figulla reading on the basis of its being a plene writing.

The plene writing of the ending<sup>6</sup> is paralleled by *ki-iš-ra-a* KBo 8.42 rev. 4 (os), *ha-pa-a* KUB 13.3. iii 29, 32 (pre-NH/NS), *ha-aš-ša-a* KBo 17.36 i 4, ii 15 (os), *ta-ak-na-a* KBo 17.3 iii 8 (os), *ta-a-ak-n[a]-a* Hittite law 169, q<sub>4</sub> iii 13 (os), *ták-na-a* passim in NH as well as earlier texts. For the plene writing in the locative sg. in *-i* compare *ki-iš-ša-ri-i* *StBoT* 8 i 28, *har-ša-ni-i* KBo 3.28:17 (OH/NS), and *A.ŠA-ma-ri-ia-ni-i* KBo 10.37 iii 21 (OH/NS).

*ḫar-aš-ša-na-a* KBo 3.1 ii 51 should have been included by Kammenhuber<sup>7</sup> among the *r/n* stem nouns with case forms in *-a*.

KBo 3.1 ii 50–52 shares a number of similarities with the *parnašše-a šuwai(e)zzi* passages in the laws. In the laws the clause which immediately precedes this formula always has a different grammatical subject from that implied in the formula, which is the party having the legal claim. In the

Telepinu Proclamation passage "He who (i.e., whatever king)<sup>8</sup> does evil among his brothers and sisters" describes the offence, which is immediately followed by a clause whose subject is the claimant: "he shall have recourse to (lit., shall look to) the person (lit., 'head') of the king." Both the *p. š.* clauses in the laws and the Telepinu Proclamation passage combine the verb *šuwaiyizzi* with the allative case.<sup>9</sup> These similarities suggest strongly that we have before us the same legal idiom.

Güterbock has suggested that it may be a very old idiom in Hittite.<sup>10</sup> The similarity to the Old Assyrian idiom with *dagālum* is indeed striking. One cannot say at present which language borrowed the idiom from the other. Hitherto attention has been focused upon the collocation *bītam* . . . *dagālum* in the Assyrian phrase, probably because of the Hittite analogue with *parnašše=a*. But the OAss examples in CAD D 22 also attest *šuhārtum*, *amtum*, *kaspum* and *būlātum* as objects of *dagālum* in this usage. The objects can therefore be house(hold), persons (in this case slaves), silver and livestock. One should not, therefore, be surprised to find another Hittite example in which the object is the person (lit. "head") of the king.

It is relevant to this employment of a phrase meaning literally "look to or at" in the extended meaning "have recourse to" or "accept in lieu of something else" to compare the usage of the Luwian verb *ma(m)manna-* with the plural dative-locative in KUB 24.12 ii 28–33 and iii 4–7. In these passages the infernal deities are beseeched to accept the *tarpalli*-substitutes and various valuable gifts and to return vital capacities of the sacrificer Tudhaliya, which the infernal deities had been holding. F. Starke and D. Hawkins (Kadmos 19:123–148, esp. 146) have identified the Luwian verbs *manā-* and *ma(m)manna-* together with their hieroglyphic representatives LITUUS-*na-* and LITUUS.LITUUS-*na-* as verbs of looking or seeing. *ma(m)manna-* takes its objects in the dative-locative case (*kēdāš tarpalliuš arkammi=ya*). The singular *arkammi=ya* shows the NH *-i* case, which replaced

<sup>4a</sup> Cf. Carruba, *Or NS* 33 (1964) 421, "wenn seine Sache zutrifft (d.h. er für schuldig befunden wird)."

<sup>5</sup> *Chrest.* (1935) 199. "Gives security" as a translation of *šuwaiy-* accords with Goetze's (ANET) "and he shall pledge his estate as security" for *parnašše(ya) šuwai(e)zzi* in the laws. But Haase, Güterbock and I understand the subject of *š.* in the laws to be the claimant, not the offender. And I would similarly understand it in the Telepinu Proclamation.

<sup>6</sup> Plene forms of the allative (*-a*) and locative singular (*-i*) are not given separate mention or discussion by Kammenhuber in Neu and Meid, *Hethitisch und Indogermanisch* (1979) 126f.

<sup>7</sup> *Ibid.*

<sup>8</sup> So correctly Sturtevant and Bechtel, *Chrest.* (1935) 191. Cf. ii 46: *ku-i-ša* LUGAL-uš.

<sup>9</sup> The combination of *šuwaiy-* with an object in the allative does not assure that we are confronted with the legal idiom, for *mu ú-li-li-ia* <sup>GIS</sup>TIR-na *šu-ú-wa-ia* in KUB 29.1 i 52 (OH/NS rit.) is no legal idiom and can be translated "Look into the verdant forest", cf. translation of this passage by G. Kellerman, *Recherches sur les rituels de fondation hittites* (Diss. Paris, 1980) 27. It is simply that a singular noun designating the object looked at or into regularly occurs in the *-a* case with this verb. The legal idiom required this particular verb and the object (when singular) in the *-a* case.

<sup>10</sup> Cf. note 1.

the OH and MH -a case in most instances. With the verb :*ma(m)anna-* we have no OS or MS example. So far as we know, it is a NH idiom. But since “look to these substitutes and tribute, (and let . . . come back up to the sacrificer)” seems to imply “look with favor upon (gifts)” or “accept (substitutes) in lieu of” here, the parallelism with *parnaššea šuwai(e)zzi* and LUGAL-waš *harššanā šuwayezzi* is striking. For the claimant in the OH legal contexts looks upon the house of the offender or the head of the king as a source of reparations to be accepted in order to offset losses which he has incurred.

Once it has been recognized that KBo 3.1 ii 50ff. contains the same construction (*šuwaye-* plus the allative) as the *parnaššea šuwayizzi* clauses in the laws, one can use the former to clarify the latter. In KBo 3.1 the *harššanā šuwaye-* clause entitles the claimant to make claims for redress against the person of the king. If the case goes against the king in court before the *pankuš*, the king must make com-

pensation (*šarnink-*) from/with his person (*haršanaz/SAG.DU-naz* ablative). If this same procedure were followed in the cases described in the laws, the *p. š.* formula marked those instances in which the claimant might make a claim on the ‘house’ (estate) of the offender. If the offender’s guilt has been duly established, he would have to make payment *parnaz* “from/with (his) house”. That is, he must pay the settlement out of that to which the claimant has been allowed recourse in the *parna/haršanā šuwaye-* clause. So that, although it is nowhere stated explicitly in the laws, the analogy would suggest that the liability of the party who must make redress might have been expressed *parnaz(še) šarnikdu*, just as in KBo 3.1 it was expressed *SAG.DU-naz šarnikdu*.

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