

HITTITE IMPERIALISM IN PERSPECTIVE:

THE HITTITE AND THE ROMAN TREATMENT OF SUBORDINATE STATES COMPARED*

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The purpose of the present paper is to put the imperial policy of the Hittites during the New Kingdom in a perspective that would enable a better insight into its nature and to single out its unique features. For creating such a perspective, more than one imperial regime in the ancient world may serve as a candidate for comparison, and the more regimes that are considered, the better the perspective that may be created. The following comparison is, therefore, only a first step in building up a frame of reference which may give us the intended perspective, and may help assigning more meaning to the Hittite imperialism. The regime chosen for the present comparison is Republican Rome, mainly during the period between 343 BCE and 146 BCE, that is, from the First Samnite War when Rome's imperialistic aggression started to become clearer until the time when she became the sole power in the eastern Mediterranean basin. Indeed, serious objections may be raised regarding the merit of comparing two cultures so removed in time from each other and entirely differing in their political regimes. But insofar as we limit our expectations from this comparison to enhance our ability to raise questions, such a comparison could be useful, for it may highlight some traits of the Hittite imperial system, which we might have otherwise ignored. Limited in time, I am able in the present paper to concentrate upon only part of the features that are worthy of comparison, leaving the other aspects for another occasion.

Let us start with a question that historians often ask when dealing with an empire: was its imperialism a defensive or rather an aggressive one? As far as Rome is concerned, the predominant view among scholars until the 1970's was that its imperialism was essentially defensive. Since then, however, many critics have argued that while Rome's early wars in Italy were defen-

* This is a revised and to some extent enlarged version of the paper read at the colloquium. Abbreviations of Hittite sources follow the *Hittite Dictionary of the Oriental Institute of the University of Chicago*.

sive, in the course of time they became more and more aggressive.¹ The parameters adduced by these critics were an annual rhythm of warfare, hunger for fresh land, economic rewards of booty and slaves, and the impact of triumphs and glory upon military commanders.²

Regarding Hittite imperialism, as based on the available sources, it seems that the main concern of the Hittite kings in the New Kingdom was the protection of their kingdom rather than furthering territorial expansion. The Hittite kingdom had experienced many serious inner crises, as well as a long series of attacks from outside. As a result, the Hittite campaigns during the New Kingdom seem to have been conducted either in order to reclaim lost territory, or as a reaction to outside threats. This is clearly demonstrated in Šuppiluliuma I's refrainment from taking control over Mittani in his "one-year-campaign" after he managed to invade deep into this country as far as its capital city.³

Related to the above question are the Hittite and the Roman attitudes to annexation. Starting with the Roman attitude, the prevalent opinion holds it that "from the year 202 [BCE] onwards, Rome chose *not* to annex territory on a number of occasions when it had sufficient military power to do so".⁴ This reluctance to annexation is demonstrated particularly after the Roman victories over Carthage, Macedonia, Illyria, and Asia Minor during the late third and first half of the second centuries. Roman annexation in that period was confined mainly to mainland Italy, Sicily, Sardinia and Corsica.⁵ Similar reluctance to annexation we find by the Hittites. This can be clearly seen after their conquests of Arzawa, Mira-Kuwaliya, the Šeḫa-River land, and Ḫayaša, as well as northern Syria (by Šuppiluliuma I), Barga (by Muršili II) and Amurru (in Muwattalli's reign); none of those countries and regions was annexed. From what we know, the Hittites annexed only those territories that either bordered their homeland or were close in distance without any signi-

¹ See particularly Harris 1979 and 1982, and the more recent articles of Oakley 1993; Rich 1993; and Cornell 1993: pp. 154-160, with their references to earlier literature.

² As far as the economic rewards are concerned, see Gruen 1984: pp. 288-315, who concluded that "the direct economic gains ... find no clear reflection in the decision of the state". But, see the opposite view of Harris 1990, regarding the fourth century BCE.

³ Regarding the taking control of Kinza/Qadesh, I entirely believe Šuppiluliuma's statement in the prologue to the Šattiwaza treaty that he did not plan its capture (*CTH* 51.I: A obv. 40). Regarding Amurru, its taking over by Šuppiluliuma was due to the initiative of Aziru, its new ruler. I hope to treat this subject more thoroughly in the near future.

⁴ Harris 1979: p. 131 with notes 1-3 for references.

⁵ This opinion has been challenged by W.V. Harris (1979: Ch. IV), but while he could not deny the facts, he tried to explain them away: Cf. Gruen 1984: p. 287 note 64.

ficant political interspace, such as the "Upper Land", the "Lower Land", Ḫakpiš or Kizzuwatna.⁶

Putting aside the reasons for Roman refrainment from annexation⁷ – a policy that was in any case confined mainly to the far Hellenic East – let us concentrate on the Hittite attitude. It was suggested that the Hittite reluctance to annexation was due to the fact of "the slowness of communication in this age and the fact that all movement into or out of the core Hittite area was severely restricted during the winter months".⁸ While these facts were no doubt weighty, it seems to me, however, that the reasons for this Hittite attitude may be found in the first place in the nature of the Hittite army. The Hittite standing army was never large enough to enable it to deploy enough troops for long-term service in foreign territories in order to ensure their obedience and guard their borders.⁹ The greater mobilized army, levied from the general population during times of emergency, was composed of farmers who could be detached from their fields only during the dormant agricultural season. This is also true regarding levies from the subordinate countries; according to their subordinate treaties, these countries were required to send their military forces only when there was an attack on Hittite territory, or when the Hittite king set out on an offensive campaign. This shortage of military manpower reflected, in turn, Ḫatti's general manpower shortage, attested through her favorable attitude toward new immigrants and her policy to absorb certain sections of conquered populations in order to settle them on Hittite territory.¹⁰

⁶ The status of the subjugated territories that were populated by loose confederations of tribes who did not have a monarchy, such as was the case of Išūwa in the days of Šuppiluliuma I, is not certain. In the prologue to the Šattiwaza treaty, Šuppiluliuma states that he overpowered all these lands and "restored them to the land of Ḫatti", and that he released "all the people to their peoples ... and the land of Ḫatti seized their localities" (*CTH* 51.I: A obv. 22-24). But it is not clear whether these territories were annexed or whether the Hittites chose to elevate there a local chief as a king, the same as was done in Ḫayaša with Ḫuqqana.

⁷ For the different provided explanations for this attitude, see Harris 1979: p. 132 with notes 1-4.

⁸ Beckman 1992: p. 45.

⁹ For instances of placing Hittite troops as garrison in occupied territories see Beal 1992: pp. 231-237. In many of these cases, however, the garrison might have been consisted of the so-called "provincial troops".

¹⁰ This positive attitude toward new immigrants is best reflected in many Hittite vassal-treaties which contain a stipulation to the effect that in case a community sets out and enters the land of the subordinate king, he must turn them over to the king of Ḫatti: *CTH* 49.I: F 1'-3'; 49.II: iv 1'-5' (Aziru); *CTH* 53: A iii 41-52 (Tette); *CTH* 62.II: A iii 12-22 (Duppi-Teššub); *CTH* 66: 61-69 (Niqmepa). The Hittite positive attitude toward deported populations is best reflected in the "Instruction to the *BĒL MADGALT*": (A) KUB 13.2 iii 36-41; (B) KUB 31.84 iii 60-71 = von Schuler 1957: pp. 48-50. This governor (of the frontier district?) was

The difference between the Hittite shortage of manpower and the Roman hunger for land stands very likely behind their different attitudes to defeated populations. A regime in want of land would want to reserve any new acquired land for its own citizens rather than granting it to captives. In this case, deported enslaved population may provide that regime with a source of cheap labor for mining, roads and buildings construction, as well as working on the large estates of its elite, as was the case in Republican Rome.¹¹ For a regime in want of manpower, on the other hand, importing deportees and providing them with means for subsistence is the most logical way to increase its source of manpower for the army and for public works as well as its agricultural products, and at same time to strengthen its border districts that are vulnerable to incursions by hostile forces. Thus, we find the Hittites deporting to Hatti defeated populations in large numbers,¹² but no mention is ever made in the available sources to the enslavement of these deportees.¹³ While we do not have clear and full information how these deportees were treated, we do have clear references to the fact that at least part of them were settled in border districts and were provided with land and means of subsistence.¹⁴

This Hittite shortage of manpower is obviously also the reason for the fact that we do not find the Hittites establishing colonies in occupied territories, an imperialistic policy employed by the Romans,¹⁵ as well as by many other imperial regimes in both the ancient and modern world. The Romans, who seem to have experienced a great hunger for land, confiscated land in

instructed to take care of the deportees, to settle them down, and to provide them with fields, seeds, cattle, sheep, etc.

¹¹ Westermann 1955: pp. 57-63; Hopkins 1978: pp. 8-11; Harris 1979 (index, s.v. enslavement, slaves); Gruen 1984: pp. 295-99; Bardley 1987; Oakley 1993: pp. 22-28.

¹² "The Deeds of Šuppiluliuma" (Güterbock 1956), frs. [3: 9']; 10: 9'-10', 18'-19'; 11: A ii, 14; 25: 10', 31'-32'; 28: A i, 36-37; A iii, 4, 39-43; 37: 16'-17'. "The Annals of Muršili II" – the "Ten Year Annals" (Grélois 1988), Year 3: obv. ii, 41-44; Year 4: rev. iii, 32-35; Year 5: rev. iii, 52-54; Year 10: rev. iv, 40-43; the "Comprehensive Annals" (Goetze 1933), Year 25?: obv. ii, 42-45. "The Hittite Conquest of Cyprus" (Güterbock 1967), i 3-9.

¹³ Although it could not be ruled out that at least some of them were enslaved; particular those who were captured and carried away by the nobles and the warriors (see the references to "The Annals of Muršili II" in the previous note).

¹⁴ See the "Instruction to the *BĒL MADGALT*" as mentioned in note 10 above, as well as the edict issued by Hattušili III to the people of the town of Tiliura (*CTH* 89; translated by von Schuler 1965: pp. 145-151). For the allocation of the captives to the royal estates, see "The Deeds of Šuppiluliuma" (Güterbock 1956), fr. 28: A iii 42-3; "The Annals of Muršili II", the references mentioned in note 12 above. For a more recent treatment of this issue with further details, see Hoffner 2002.

¹⁵ See Salmon 1969.

occupied territories and established there colonies, which apart from serving strategic needs, provided a partial solution to this hunger.¹⁶ Regarding the Hittites, there are indeed some references to garrisoning soldiers in conquered territories, such as Aštata, Mittani and Mira, and also some references of building forts for those garrisons.¹⁷ But building or rebuilding cities, to be populated by Hittite civilian settlers, are attested so far only to Hittite border zones, as in the cases of Tiliura and Tarḫuntašša.

Connected with the policy of establishing colonies in occupied territories is the policy of deliberate and even forced acculturation, which, again, may be found by many other imperial regimes in both the ancient and modern world, and which was employed to a certain degree and in certain regions by the Romans as well.¹⁸ As far as I am aware, there is so far no clear evidence of such a deliberate Hittite policy in occupied territories,¹⁹ although there are some indications that to some extent an unforced acculturation of the elite class in the subordinated countries did indeed take place.²⁰

Another important issue pertaining to annexed territories is the question of granting the incorporated communities full civil rights. In Italy, as we know, it took a long time until the populations of all its various annexed states were granted full Roman citizenship.²¹ With the Hittites, this question should have involved not only the annexed population but also the deportees who were brought from other conquered regions. Unfortunately, we still do not have clear and full information on this issue.²²

¹⁶ See Oakley 1993: pp. 18-22; and cf. Salmon 1969: p. 15.

¹⁷ See Beal 1992: pp. 231-237.

¹⁸ For more recent treatments, see e.g., Garnsey 1978: pp. 247-254; Garnsey and Saller 1987: Chapters 9-10 and *passim* (see index s.v. Romanization); Lomas 1993: Chapters 8-10 and *passim*; Hanson 1997: pp. 76-8; Whittaker 1997. A deliberate and even forced policy by the Romans appeared more clearly only toward the end of the Republic.

¹⁹ The "Instruction to the *BĒL MADGALT*" (note 10 above) provides, however, a positive indication that the Hittites *did not* try to impose their culture on the annexed territories, at least not in matters of law, for this high official is instructed that upon judging cases in his jurisdiction he should honor the local customs (iii, 9-16).

²⁰ See Singer 1992.

²¹ See Sherwin-White 1973: Chs. II-VI; Cornell 1995: pp. 349-352, 357, 363, 365, and *passim*.

²² See, however, texts such as the edict issued by Hattušili III to the people of the town of Tiliura (*CTH* 89; translated by von Schuler 1965: pp. 145-151), which indicates that the rights of the deportees might have been restricted, particularly if they were deported from hostile regions that still continue to pose a serious threat to the Hittites, such as the Kaška regions. Other texts which may contribute to this issue are *CTH* 138, a loyalty oath imposed by the king Arnuwanda upon representatives of the Išmirika community, specifying certain rules of conduct toward the Hittite royal family and the land of Hatti (edited by Kempinski and Košak

In order to avoid the administrative and military burden of an annexed territory, the Hittites employed a quite deliberate system of dependent countries. Those that were more important and geographically closer to Hatti were granted to members of the Hittite royal family as appanage states. These included Kizzuwatna, Carchemish, Aleppo, Ḫakpiš, Tarḫuntašša, and probably also Išuwa and Tumanna.²³ Other conquered but not annexed countries were granted either to a member of the defeated local dynasty,²⁴ or else to a local person whom the Hittites elevated to rule as king over the granted territory.²⁵ When a hostile country chose to surrender without giving battle, the local king might have been allowed to remain in office after taking an oath as a subordinate, but his country was considered as a conquered territory given back to him only as a grant.²⁶ In all these cases, the granted country continued to belong legally to Hatti, and only the right to usufruct was granted. The rights the grantor had over the grantee were rights *in personam*, based on a subordination treaty drawn up for the latter.

To these, a third category of subordinated countries was added: a self-subjugated country, which on its own initiative sought the protection of the Hittite king. In such a case, the suzerain had the right to impose certain obligations on the subordinate ruler. Noteworthy among these were the obligation to send troops and chariotry on request made by the Hittite king, to protect the Hittite king and his legitimate heir from any enemy, to make once a year a visit to the Hittite king to pay him homage, and to pay an annual tribute. In addition, the ability of the subordinated ruler to act freely in foreign affairs

1969/70), and the so-called “Kaška-treaties”, particularly CTH 138.I (edited by von Schuler 1965: pp. 109-140; cf. my comments in Altman 2004: p. 478f.). What is, however, quite clear, is that an obligation to supply troops for the standing army was imposed on the incorporated districts; see Beal 1992: pp. 71-91. On the other hand, regarding the state law, we do not find in Hittite law any clear case of discrimination to the detriment of the provinces.

²³ Cf. Beal 1992: pp. 320-327 with notes 1249-50 for Išuwa and Tumanna. It may be noted that for instance in Egypt of the New Kingdom only the crown prince and the king's chief wife – namely those dynasty members with a vested interest in maintaining loyalty to the reigning king – received important posts, while the other members of the royal family – namely those who might have had some claim to the throne – were excluded from major political or military offices (O'Connor 1983: p. 207). Also in Republican Rome, although its political regime was entirely different, there was a fear from the overwhelming prestige and power that officials who were awarded with provinces might acquire (Badian 1968: p. 8).

²⁴ Such were e.g. the cases with Ḫapalla, Mira-Kuwaliya, Šeḫa-River Land and Appawiya, and Kinza.

²⁵ So was the case of Ḫuqqana of Ḫayaša (CTH 42).

²⁶ So was the case of the Kaškan city of Timuḫala according to the “Deeds of Šuppiluliuma” fr. 34: 46'-54' (Güterbock 1956: p. 110) and that of Manapa-Tarḫunta of the Šeḫa-River Land (CTH 69).

was limited. But the Hittite king had no claim on the territory of that country nor to any direct authority over its people. The available Hittite vassal treaties and related documents further suggest that the Hittites had actually distinguished between two levels of self-subjugated countries according to their former legal status before entering Hittite subordination: sovereign countries and subordinated countries.²⁷

Turning to the Roman system, we have to distinguish between two entirely distinct policies differing from each other in treating defeated or self-submitted states. One was employed mainly in Italy and the other mainly in the Hellenic East. The differences between these two reflect differences in Roman concerns. Affairs in Italy took precedence over those in other regions, and Rome's attention was focused more on nearby threats rather than those from the remote regions that did not pose any anticipated threat.²⁸

In Italy, the peace-settlement which the Romans imposed on their defeated enemies after 338 BCE, following the crush of the Latin revolt, was regarded as “a major turning-point in Italian history”, which “established a pattern for the future development of Roman expansion in Italy”.²⁹ As such, it may represent the Roman system in Italy prior to its full unification under Roman control.³⁰ The defeated communities were divided into three formal juridical categories defined by specific rights and obligations of each community to Rome. The first category included many of the defeated Latin communities in Latium, which were incorporated into the Roman state and their inhabitants were made Roman citizens enjoying full political rights and subject to all the duties and obligations of Roman citizens. These obligations meant above all military service in the legions and the payment of *tributum*.³¹ Yet, each of these communities became a self-governing *municipium* that kept its corporate identity and a degree of internal autonomy.³² The second category included all the Latin cities that were not incorporated.³³ They retained their status as sovereign communities, which meant that they

²⁷ For further discussion of the Hittite system of subordinated countries, see Altman 2003.

²⁸ Cf. Gruen 1984: p. 723f.

²⁹ Cornell 1995: pp. 347 and 348 respectively. For a discussion of this settlement, see Sherwin-White 1973: Ch. II. For further discussions, see the literature cited by Cornell 1995: p. 464, note 12.

³⁰ I am following here Cornell 1995: pp. 348-352 and Scullard 1980: pp. 111-114. The main details of the settlement have been outlined by Livy (*History of Rome*, VIII, 14).

³¹ For these two obligations of the *municipia* see Toynbee 1965: I, pp. 189-209.

³² Cf. Cornell 1995: p. 323; for a more detailed study on the local autonomy of the *municipia* see Toynbee 1965: I, pp. 209-238. The *tributum* was the fund for the pay to the soldiers sent by the *municipia*.

³³ For a detailed discussion, see Toynbee 1965: I, pp. 249-258.

not only had local governments but also local armies. They were bound – each of them separately – to Rome by an alliance (*foedus*), which officially put them on the same footing as Rome. They did not have to pay tribute, but they did have to supply troops to fight alongside the Romans in their common interests; however, in view of the disparity between themselves and Rome, they had in fact to fight on Rome's behalf rather than for their own interests. They possessed the rights to intermarriage (*conubium*) and trade (*commercium*) with Roman citizens, but were no longer permitted to exercise these rights with the other Latin communities, or to have political relations and hold councils with them. Adhering to her policy of “divide and rule”, Rome was careful to dissolve the Latin League, and forbade its political meetings, although religious gathering on the Alban Mount were permitted to continue. The third category included defeated communities outside of Latium upon whom the Roman imposed partial citizenship (*civitas sine suffragio*). This meant that they had rights to intermarriage and trade with Roman citizens, but were also liable to all the obligations of full citizens, especially military service and the payment of Roman *tributum*, but were deprived of political rights: they could not vote in Roman assemblies nor hold office in Rome. On the other hand, they retained their local native institutions and became self-governing *municipia*, which meant that they had full local autonomy, except for conducting independent foreign policy, and providing Rome with troops. They were also liable to visits by Roman judicial perfects.

The peace-settlement that followed 338 BCE provided Rome with three advantages. First, the institution of self-governing *municipium* enabled Rome to extend its territory and incorporate new communities without having the burden to administrate them.³⁴ Second, the invention of *civitas sine suffragio* enabled Rome to counterbalance her losses of war by increasing her citizen manpower while maintaining her essential character as a city-state and the integrity of her traditional political institutions. Third, after the settlement of 338 BCE, Latin status ceased to have a distinct ethnic or linguistic significance, and came instead to depend on possession of legally defined rights and privileges conferred by the Roman people. This juridical shift enabled Rome to found new Latin communities by an enactment which conferred Latin rights on them; these new communities, moreover, no longer had to be located in Latium, but could be placed anywhere. This enabled the Romans to set up a new program of Latin colonization of self-sufficient autonomous

³⁴ For a further discussion of the advantage of this system, see Garnsey and Saller 1987: pp. 20-40 (“Government without Bureaucracy”). Note, however, that the Hittite system of subordinate countries provided the Hittites with the same advantage.

communities, in which non-Roman Italians participated alongside Roman settlers. This in turn gave Rome and her allies the chance to acquire conquered lands even in the most remote regions and benefit from territorial expansion. At the same time, it enabled Rome to consolidate her conquests by planting strategic garrisons in troublesome areas.³⁵

Now, all these features, save colonization which is not attested in the Hittite imperial system, and the question of citizenship, of which the Hittite approach is virtually unknown, are in fact essentially similar to the Hittite system.³⁶ Yet, at least in two matters the Hittite way seems to differ from that of the Romans. First, with regard to Rome's policy in dissolving the Latin League, the closest comparable attitude of the Hittites is their treatment of the so-called “Arzawa lands” – the nature of whose organization and the kind of ties that bound them together are not certain – and the states in northern Syria that were before the Hittite conquest under Mittani's hegemony. However, while in these cases also the Hittites bound each of the component states to themselves separately, still they were concerned to ensure good relationships and cooperation among these states, and even that they will remain united together.³⁷ For sure, this policy clearly opposed the Roman “divide and rule” policy.

The second matter in which the Roman behavior in Italy differed from the Hittite practice was the way in which Rome achieved the loyalty and military cooperation of the Italian states she defeated, despite the fact that they had to bear the military burden of the Romans' wars of conquest. This was done by binding the conquered states to Rome by ties of common interest, asking them to share in the privileges and responsibilities of the conqueror,

³⁵ Cornell 1995: p. 351f. For further details of the older practice of Roman and Latin colonization see Salmon 1969: Ch. II, and for the new program Ch. III.

³⁶ This became apparent when the Roman *municipium* is compared to the Hittite granted conquered countries (which included also city-states), and the Roman allied states to the self-subjugated countries in the Hittite system.

³⁷ This attitude is attested in the treaty drawn up by Šuppiluliuma I for Šattiwaza of Mittani (CTH 51.1: A rev. 22-34), where the latter is required to maintain good relations with Piyaššili the king of Carchemish. It is attested also in the treaties drawn up by Muṣšili II for Targašnalli of Ḫapalla (CTH 67: rev. 2-24), Kupanta-Kurunta of Mira-Kuwaliya (CTH 68: A iv 20-37) and Manapa-Tarḫunta of the Šeḫa River Land (CTH 69: B iii 15-27; A iii 19'-47'), where these kings of countries that previously belonged to the “Arzawa lands” were required to be united together, maintain good relations between themselves, and to help each other. The same is required in the treaty drawn up by Muwattalli II for Alakšandu of Wiluša, also a country that belonged previously to the “Arzawa lands” (CTH 76: A iii 31-44). Finally, it appears also in the edict issued by Muṣšili II to Abiradda of Barga where the latter and his designated successor are required to maintain good relations with the ruler of Nuḫašše and his son (CTH 63a: A ii 19-38).

and by a wise liberality through which the Romans stimulated the patriotism of the Latins for a state of which they became members.³⁸ This Roman policy meant enabling their military partners to obtain a share of the profits of successful warfare, which applied not only to booty but also to the settlement of the lands confiscated from defeated enemies.³⁹

Regarding the Hittites, as far as I am aware, hardly any similar consistent policy could be ascribed to them. Of all their many known treaties, only in three early parity treaties with Kizzuwatna do we find provisions regarding the right of the ally's army, who came to help the Hittites, to retain the booty including the civilian and military captives of the city which they help to conquer.⁴⁰ It seems that more ordinarily the Hittites did not grant their subordinated kings this right. Only on occasion, when the Hittites found themselves in a difficult situation, would they have granted subordinate kings similar privileges, as we find in a letter sent by Šuppiluliuma I to Niqmaddu II of Ugarit,⁴¹ and in another letter sent to the same king of Ugarit on another occasion by Šarri-Kušuh of Carchemish.⁴² Indeed, on certain occasions we also find the Hittite king conferring some personal honorary or territorial privileges on subordinate kings,⁴³ or even introducing them into the Hittite royal family through dynastic marriage.⁴⁴ But while such acts

³⁸ Scullard 1980: p. 112.

³⁹ Cornell 1995: p. 366f. The Romans often seized one-third of the defeated enemy's land and would populate it with colonists if they were available. If settlers were not available, the annexed land might have been leased for farming or stockbreeding; often, the original owners remained on the confiscated land until the Roman authorities decided what to do with it: see Salmon 1969: p. 13 and note 2 on p. 164.

⁴⁰ These are the parity treaty between Telipinu and Išputaḫšu (CTH 21: 10'-12'; ed. del Monte 1981: p. 210); the parity treaty between Taḫurwaili and Eḫeya (10'-11'; ed. del Monte 1981: p. 210); and in the earlier parity section of the treaty between Tudḫaliya I/II and Šunaššura (CTH 41.I: A ii 29-30, 50-51; for the identification of this section as a parity one that belonged to an earlier version of this treaty, see Korošec 1982). In all these cases, however, no word is said about the right of the king of Kizzuwatna to keep for himself the city itself if it did not belong to him previously. But see in the above referred treaty of Šunaššura, A iii 37-47, lines which seem to belong to a later revision, where Šunaššura was also granted the privilege to keep for himself the captured city.

⁴¹ RS 17. 132: 35-48 (PRU IV, pp. 35-37). In this case, Niqmaddu was promised that he would have the right to retain in his hand also the territory he would capture.

⁴² RS 17.334 (PRU IV: p. 54f.).

⁴³ Honorary: the treaty of Šunaššura (CTH 41.I): A i 40-44; the Kurunta treaty (StBoT Beiheft 1): § 18. Territorial privileges: RS 17.237 (CTH 64 = PRU IV, pp. 63-65) an edict issued by Muṣili II to Niqmepa of Ugarit, reaffirming the territorial grant conferred by Šuppiluliuma I on Niqmaddu II at the expense of Mukiš; the Kurunta treaty: §§ 4, 6, 9, 16.

⁴⁴ Šuppiluliuma I gave his sister to Ḫuqqana of Ḫayaša; his daughter to Šattiwasa of Mittani; and another daughter, Muwatti, to Mašḫuiluwa of Mira. Muwattalli II gave his sister to Mašturi of the Šeḫa-River Land. Ḫattušili III gave his daughter to Bentešina of Amurru. took

might have provided stimuli aimed at harnessing these kings in common interests, it hardly affected their courts, and certainly not the troops they sent to help the Hittite king.

In the matter of the treaties that Rome concluded with her allies in Italy, there seems to be also some similarity with the treaties of the Hittites. When a conquered country was not fully annexed to Ḫatti, its relations with the Hittites were *always* defined and regulated through a written treaty, which was intended to establish *permanent* relationships, and this is true also in case of foreign countries that on their own initiative attached themselves to the Hittites.⁴⁵ All the known Hittite treaties have more or less the same format, but still differ from one another according to the status of the subordinate country, the circumstances under which the treaty was concluded, and the personality of its king. This also seems to be the practice of the Romans in their relations with defeated states in Italy. There were two categories of allies with whom Rome concluded treaties in Italy: non-Latin Peninsular Italian states that were in alliance with Rome,⁴⁶ and the so-called "Nomen Latinum", which included all the Latin cities that were not incorporated by Rome following the peace-settlement of 338 BCE, as well as the new Latin colonies subsequently founded by Rome.⁴⁷ Unfortunately, we hardly have any concrete information on any individual pact in Italy.⁴⁸ But we do know that some of these treaties were parity treaties, for which the Cassian treaty (*foedus cassianum*) of 493 BCE, concluded by Rome with all the Latin cities, may give us some idea of its nature.⁴⁹ Most of the treaties, however,

the daughter of Bentešina for his son Nerikkaili, and later gave another daughter to Šaušgamuwa of Amurru.

⁴⁵ Indeed, in the case of Ugarit under Niqmaddu II we have only two edicts issued to Niqmaddu by Šuppiluliuma I (CTH 46 and 47), which dealt with only very limited issues. But I believe that these two documents, having been drafted when Šuppiluliuma was still occupied with his "one-year-campaign", preceded the final, regular full draft of the treaty that was drafted after the conclusion of the campaign.

⁴⁶ These allies covered in 266 BCE nearly three-quarters of the total area of the peninsula: Toynbee 1965: I, p. 258, and see pp. 258-268 for discussion.

⁴⁷ See Toynbee 1965: I, pp. 249-258.

⁴⁸ Cf. Gruen 1984: p. 15.

⁴⁹ This treaty is known to us through a summarized account left to us by Dionysius of Halicarnassus (6.95.1-3). It is a bilateral agreement backed by oath and designed as a permanent treaty, which stipulated a reciprocal defensive military alliance, prohibiting each of the parties to grant free passage through his territory to an army which is enemy of the other, and provided that the spoils and booty taken in their common war should be shared equally. It also provided that suits relating to private contracts have to be determined within ten days, and in the location where the contract was made. From other sources it would appear, that the treaty also included a clause concerning money and security and a provision that the command of

seem to have been non-parity treaties, an early example of which is the treaty Rome made with the Aequians in 467 BCE.⁵⁰ The treaties probably varied in detail from one another according to the circumstances in which they were concluded. There is also some ground to assume that the Romans distinguished between communities surrendered to them in seeking their help, whose subordination terms might have been more favorable than those of communities defeated in battle.⁵¹ What does seem quite certain, however, is that all these treaties included some form of military obligation to send forces to help the Romans whenever Rome would need them.⁵² In this point, particularly, this policy resembled that of the Hittites. It may be noted, that of all the obligations Hatti imposed on her subjugated countries, the military obligation was the only obligation that Muršili II, in his *annals*, deemed important to particularly specify.⁵³ The Hittites, as well as much later the Romans, built up their imperial armies through such a policy.⁵⁴

It is therefore the more striking that in dealing with states outside of Italy, and particularly in the East, Rome abandoned this policy and adopted an entirely different one. In dealing with eastern states, Rome demonstrated a clear tendency to avoid as much as possible concluding a formal, permanent treaty (*foedus*) with them, whether they were defeated states or if on their own initiative they asked for Roman friendship and protection.⁵⁵ Instead, we find the Romans granting them (temporary) friendship (*amicitia*) and alliance (*societas*) relations, whose formulation was looser, and which were friendly arrangements rather than formal pacts.⁵⁶ This policy left these states free, and attached to Rome only by moral bonds of gratitude.

the allied army should alternate annually between Roman and Latin generals (Lewis & Reinhold 1966: p. 85).

⁵⁰ Summarized for us by Dionysius of Halicarnassus (9. 59. 3-5). It provided that "the Aequians should be subject to the Romans without being dispossessed either from their cities or from their territories; and that they should not be obliged to send anything to the Romans except troops, when ordered, to be maintained at their own expense." (quotation taken from Lewis & Reinhold 1966: p. 86).

⁵¹ See Badian 1958: Ch. I, with further literature.

⁵² Gruen 1984: p. 15; Cornell 1995: p. 365.

⁵³ The "Ten Year Annals", Year 4, KBo 3.4 rev. iii 31 (Goetze 1933: p. 31): "I imposed military obligations on them (on Arzawa) and they began to give me troops".

⁵⁴ For Hatti, see Beal 1992: pp. 71-104, 117-127. For Rome, see Cornell 1995: p. 365f.; Brunt 1971: pp. 391-512, 677-686.

⁵⁵ For the few known instances of concluding permanent treaties, see Gruen 1984: pp. 26, 33-35, 39-44, 47-51, 731-744.

⁵⁶ Thus, for instance, since 229 BCE, for more than one generation, Rome was involved in the East in two major wars and four lesser wars. During this period Rome had many opportunities to conclude a formal treaty (*foedus*), and even was asked for such, but she agreed to conclude

Yet, the striking difference from the Hittite system is not only in the fact that the Roman system acknowledged "friendship" without a written formal treaty, but also in the nature of the written Roman "friendship" agreements, whenever there were such, as opposed to the Hittite subordination treaties. First, the Roman "friendship" institution (*amicitia*) represented an informal and *extralegal* relationship. If it was to be drafted in writing, there was no fixed formula, nor determined pattern. Both the defeated enemy state and a state that sought Roman help or protection could request becoming Rome's "friends" (*amici*).⁵⁷

Next, only very rarely do we find Rome imposing harsh and humiliating terms on defeated states in the East, emphasizing, in turn, the dependent status of the inferior partner,⁵⁸ or imposing restrictions on its military forces and on the geographical range of its activities, together with demands to send hostages to Rome and to pay indemnity.⁵⁹ Except for these very rare cases, such "friendship" agreements did not define specific duties. There was nothing in the written agreement that might have disclosed the fact that the other party was either inferior or dependent, and that the agreement was dictated by Rome. No unilateral military obligations to send its army to reinforce Rome were imposed on the inferior party,⁶⁰ and no requirement – for the most part at least – for an annual tribute.⁶¹ There was not even a demand for periodic visits to pay homage to the suzerain.⁶² Namely, the three most significant requirements of the Hittite subordination treaty were missing here. In fact, Rome did receive and enjoy military aid from her "friendly" kings whenever she asked for it. But this aid was given – at least theoretically – voluntarily and was not due to any specific term of their alliances, nor were these kings ever requested by Rome to do it because they had so pledged. Yet if they wanted to continue enjoying Rome's "friendship" and protection, these kings found it difficult to refuse sending such

only one formal treaty for particular ends and for limited duration — the one concluded with the Aetolians in 212/211; see Gruen, *op. cit.* p. 25 with note 66, and pp. 359-381.

⁵⁷ See Gruen 1984: p. 55f., and pp. 54-95 for in-depth discussion of this institute; for the basic study of the institute see Heuss 1933: pp. 12-59.

⁵⁸ As in the case of the treaty of 189 BCE imposed on Aetolia in punishment of her repeated treachery: Polybius, *Histories*, XXI, 32; Livy, *History of Rome*, XXXVIII, 11. Cf. Gruen 1984: pp. 26-32.

⁵⁹ As was the case of the treaty with Antiochus (188 BCE): Polybius, XXI, 45; Livy, XXXVIII, 38.

⁶⁰ Gruen 1984: pp. 91f., 95. *Amicitia* could, however, accompany an agreement of military collaboration for specific purposes, as was contracted with Alexander the Molossian: see Gruen 1984: p. 68.

⁶¹ Braund 1984: pp. 63-66, 184.

⁶² Sands 1908: pp. 103-110, 127-134.

assistance when it was requested.⁶³ Rome, on her part, conferred at times a variety of honorary gifts upon the “friendly” kings, and might have rewarded such a loyal king with additional territory.⁶⁴ She also would have granted military aid and diplomatic protection whenever her own interests were involved. But in many cases she did not interfere at all despite the requests addressed to her, and when she did, it was not because of any contractual binding.⁶⁵

Finally, while the Hittite subordination treaty was *always* drafted as establishing a permanent relationship, to last forever, and its obligations were explicitly formulated to commit all the future generations of its parties, Roman “friendship” agreements were only temporary. Indeed, it is still debatable whether these Roman agreements were limited at most to the lifetime of the “friendly” king or whether they were intended to be also applied to his legitimate heirs.⁶⁶ Yet it is nevertheless clear that these heirs needed to request formal recognition from Rome, which by no means was guaranteed beforehand.⁶⁷ No promises were given to these kings regarding their offspring. And since the “friendship” agreements were established without any formal treaty, these “friendship” relations could at any time informally be cut off by Rome on the pretext of unfriendly behavior.⁶⁸

Thus, the actual standing of Rome’s “friendly” kings was anything but steady, having been depended on Rome’s good will in supporting their throne against enemies from within and without, a support which never was guaranteed.

In contrast, the Hittite subordination treaties stipulated highly defined, clearly expressed terms imposed upon the subordinate party, of which the most common and important demands were the military obligation, rendering yearly tribute, and paying yearly homage. On the other hand, save for the cases of rebellious countries, the Hittite suzerain also made some explicit promises to the subordinate party, the more important of which were the promises to protect the subordinate king and his land from any enemy from within or without and to safeguard the throne of the subordinate king for his offspring. Regarding the yearly tribute, the amount and the content were explicitly defined, either in the treaty itself or in a supplemental document, so that even if it constituted a heavy burden, at least it was a fixed amount

⁶³ Cf. Sands 1908: pp. 46, 103-110.

⁶⁴ Sands 1908: pp. 75f., 112-114. Cf. Braund 1984: pp. 181-187.

⁶⁵ Sands 1908: pp. 45f., 110-112.

⁶⁶ Ziegler 1972: pp. 89 and 91 with notes 190-192.

⁶⁷ See Sands 1908: pp. 57-88; Braund 1984: pp. 23-37.

⁶⁸ Ziegler 1972: p. 89.

and the subordinate king could be assured that no further demand in this regard would be made. This, again, in contrast to the Roman case with the “friendly” kings, who were subject to various demands by the Senate for contributions, or with the need to bribe influential persons in Rome.⁶⁹

Indeed, also the yearly tribute of Hatti’s subordinate kings was distributed among the most prominent figures in the Hittite royal court. But, in contrast to the Romans, this practice originated out of the need of the Hittite regime to ensure the good will and co-operation of the upper echelon of the Hittite nobility, and it reflects rather the relatively unstable position of the Hittite king with regard to his nobles and not the position of the subordinate kings with regard to their suzerain, a position which was secured through treaties.

As a last point in the present discourse, let me move to the attitude of both regimes to war and its rules, concentrating on the questions of a “just war” and declaration of war. While there are some differences between the two regimes both in concept and practice, there is still also much similarity. While the Romans were perhaps the first to coin the expression “just war” (*bellum iustum*), there is no doubt that the very idea of it, or the need to present war as justified before the law, was already long ago acknowledged by the Hittites and other nations in the ancient Near East. Both nations regarded a defensive war, launched in reaction to an attack on them or on their allies, as a “just war”,⁷⁰ and both justified the punishment of rebellious cities. The Hittites also regarded a refusal to extradite runaway persons, either Hittite citizens or captives of war and deportees according to an extant treaty, as justifying declaration of war,⁷¹ while the Romans regarded it as justified upon refusal to respond to a Roman demand of reparation for material injury.⁷² Both nations viewed war as an ordeal by battle through which the gods give their verdict in the interstate lawsuit brought before them by the quarrelling parties.⁷³ As for the declaration of war, both the Hittites and the Romans acknowledged the need to precede it by sending the

⁶⁹ Sands 1908: pp. 135-139; Braund 1984: pp. 58-61, 184-185.

⁷⁰ For a Roman justification of war launched in reaction to an attack on their allies, see Cicero, *De re publica* III, 23, 35; for the Hittites, see RS 34.165 (ed. Lackenbacher 1991: pp. 90-100, No. 46): 12-16.

⁷¹ “The Deeds of Šuppiluliuma”, *CTH* 40, fr. 18: 10-20 (Güterbock 1956: p. 79); Muršili II’s “Ten Year Annals”, Year 3: KBo 3.4 obv. ii 9-14 (Goetze 1933: p. 46/7); Muršili II’s “Comprehensive Annals”, Year 7: KUB 14.17 rev. iii 14-19 (Goetze 1933: p. 98/9).

⁷² Ziegler 1972: pp. 102-103; Watson 1993: pp. 20-30; cf. Cicero, *De officiis* I, 11, 36; *De re publica* III, 23, 35.

⁷³ For the Romans, see Watson 1993: pp. xii, 10-19; for the Hittites, see e.g. Muršili II’s “Ten Year Annals”, Year 3: KBo 3.4 obv. ii 9-14; “Comprehensive Annals”, Year 7: KUB 14.17 rev. iii 14-19 (Goetze 1933: pp. 46/7, 98/9 respectively).

enemy a demand for redress, which upon having been rejected opened the way to a declaration of war. But while the Romans (during the Middle and Late Republic) agreed that the declaration needs not to be sent separately and could be delivered by the same mission that demanded the redress,⁷⁴ it is not entirely clear whether the Hittites also accepted such a practice. Yet, we have a letter sent by an Assyrian king to the king of Ugarit⁷⁵ referring to a Hittite emissary sent to him by Tudhaliya IV with two tablets, one with a declaration of war, the other offering a peace treaty. This suggests that also the Hittites might have combined in the same mission the demand for redress with a declaration of war to be handed to the addressee when the latter rejected the Hittite demand. This question is relevant to a case where we find a reference to a demand for redress sent to the enemy by the Hittites, and which when rejected, the Hittites launched a campaign without referring to any formal declaration of war.⁷⁶

This question is relevant also to the issue what kind of enemies requires that a declaration of war would precede the war. The Romans, with all their concern for the “just war”, implemented, however, its rules only to conflicts with states, namely organized peoples (*populus*) with whom it was possible to conclude peace treaties on settled principles. Only such a state was considered a legitimate adversary in war (*iustus hostis*), one that was bound by the rules for conducting war.⁷⁷ Turning to the Hittites, we do not have such a clear statement for a similar attitude. Nor can we find any significant difference in the way the Hittites treated the troublesome tribal communities of the Kaška in the north or the tribal peoples on the eastern border, as against their treatment of enemy states such as Arzawa.⁷⁸ Nevertheless, the

⁷⁴ Rich 1976: pp. 56ff.; Harris 1979: pp. 166ff.

⁷⁵ RS 34.165; ed. Lackenbacher 1991: pp. 90-100, No. 46.

⁷⁶ Muršili II's “Ten Year Annals”, Year 7: KBo 3.4 rev. iii 73-89 (Piḫḫuniya of the Kaška).

⁷⁷ Grewe 1995: I, p. 191, and see there the quotations from Cicero, *Philippics* 4, vi/14 and *De officiis* III, 29, 107.

⁷⁸ The regular treatment of the tribal enemy communities which is mentioned in the “Deeds of Šuppiluliuma” (=DŠ) and in Muršili II's *Annals* was burning down the towns and, on occasion (evidently, when the local population did not run away), taking away as captive the non-combatant population (NAM.RA) together with their cattle and sheep. As for the enemy troops, we hear that the Hittite king “smote” or “slew” them and that “the enemy troops died in multitude” and, occasionally, that those of them who survived were taken as captives (LÜ.MEŠ ŠU.DAB). Very rarely do we find that Šuppiluliuma “slew the whole tribe” (“The Deeds of Šuppiluliuma” fr. 15: F iv, 9), which might have included also the non-combatant population. Now burning down towns, killing the enemy (troops), and taking away combatants and non-combatants as captives to Ḫattuša we find also in treating the territory of Arzawa (“Ten Year Annals”, Year 3, KBo 16.1 ii 56'-58'; KBo 3.4 + KUB 22.125 ii 41-45 [Grégois 1988: pp. 59/78 and 61/80]); see also “The Deeds of Šuppiluliuma” fr. 35: 30'-32'

available documentation of the Hittite practice of declaring war seems to indicate that the Hittites also made the same distinction as the Romans regarding the kind of enemies to whom it was required to send such a declaration before the outset of hostilities. Indeed, the available Hittite references to such a declaration are very few,⁷⁹ and do not enable us getting a clear idea of to what kind of enemies the Hittites sent a formal declaration before the start of the war. Yet, Muršili II's *Annals* may hold the answer. The only records it has of sending both a demand for redress and a declaration of war refers to the messages sent to the King of Arzawa and the king of Azzi-Hayaša.⁸⁰ In contrast, all his campaigns that were launched against troublesome tribal communities of the Kaška in the north or against the tribal peoples on the eastern border, are not said to have preceded by a formal declaration of war. It is, therefore, quite symptomatic that the only reference to at least a message demanding redress sent to the Kaška people was sent when they were exceptionally ruled by a king.⁸¹ These references suggest that also the Hittites drew a distinction between organized states and tribal societies regarding the implementation of the rules of war.

(restored) for burning down Ḫarran and the land around Waššukanna in the territory of Mittani. Note, however, the different treatment and the expressions employed in Muršili II's “Ten Year Annals” when referring to the conquest of Arzawa in Year 4 and of two fortified cities of Azzi-Hayaša in Year 10.

⁷⁹ CTH 14+15: 3-6 (Kühne 1972-3: pp. 242-249); “The Deeds of Šuppiluliuma” fr. 18: 10-20; fr. 19: 14'-15'; fr. 26: 11'-20' (Güterbock 1956: pp. 79, 81-84); Muršili II's “Ten Year Annals”, Year 3: KBo 3.4 obv. ii 9-14 (Goetze 1933: p. 46/7); “Comprehensive Annals”, Year 7: KUB 14.17 rev. iii 14-19 (Goetze 1933: p. 98/9); Ḫattušili III's “Apology”, CTH 81: iii 66-71 (Otten 1981: p. 22/23).

⁸⁰ King of Arzawa: The “Ten Year Annals”, Year 3: KBo 16.1+ obv. ii 29-37; KBo 3.4 obv. ii 9-14 (Goetze 1933: pp. 40/41, 46/47). King of Azzi-Hayaša: “Comprehensive Annals”, Year 7: KUB 14.17 rev. iii 5-25 (Goetze 1933: pp. 88-101). Note that also the declarations of war mentioned in the “Deeds of Šuppiluliuma” (see previous note) were addressed to the kings of Arzawa and Mittani.

⁸¹ See the reference in note 76 above.

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