ON §§56, 162, AND 171 OF THE HITTITE LAWS

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Of all the Hittite cuneiform documents from Boghazkoy, perhaps none is of greater significance than the series of provisions known as the Hittite Laws.¹ Their composition dates back to the Old Hittite period, and a large portion of the text has been preserved in both Old Hittite manuscripts and later recensions.² The Laws are therefore of primary importance both in determining the linguistic features of Old Hittite and in tracing the subsequent development of the language within the historical period. That the Laws also play a major role in the study of Hittite culture and society is self-evident. However, the very fact that the text is practically unique, in terms of both language and content, also makes it one of the most difficult Hittite documents to interpret. The sense of many passages remains obscure, and the elucidation of the Laws is an on-going process. The following remarks are intended as one small contribution to this continuing effort.

The original text of §56 of the Laws may be established as follows, on the basis of the Old Hittite ms. KBo 22 62+6 2 iii 21-22 (restorations after the Neo-Hittite duplicate KBo 6 6 i 30-32):

**ekí **BÂD-ní **LUGAL-s-a **TAŠšANZI
GIŠ.SAR.GEŠTIN-s-tuḫššANZI **([SAL.U,URUD])U.NAGAR/
**nattA kwški arauš-s LÚ.MEŠ.NU.GIŠ.SAR štàmani-ya-pat lužzi
**(kärp) lânZI

The key to understanding this paragraph is the recently published fragment KBo 22 62, which shows that in the original text the first sentence began with the word **ekí**. The Middle Hittite copy KBo 6 3 iii 24 replaces **ekí** with **ANA** (redundantly marking BÂD-ní as dative-locative), while KBo 6 6 i 30 omits **ekí** entirely. It is apparent that the later copyists did not understand the function of **ekí**, and Starke (StBoT 23 [1977] 58-59) likewise finds the form problematic. But **ekí** is the perfectly regular dative-locative singular of **ega-** "ice" (on the latter, see Hoffner, JCS 24 [1971] 31-36).

¹ On the status of this traditional designation, see J. Friedrich, Die hethitischen Gesetze (1959) 1, and F. Imparati, Le leggi hittite (1964) 3ff., with references. The latter work also contains a lengthy bibliography of studies of the Laws up to 1964.
² On the establishment of the Old Hittite manuscripts of the Laws, see Güterbock, JCS 16 (1962) 17ff., and Kammenhuber, BiOr 18 (1961) 77ff. A complete study of the relative chronology of the remaining manuscripts based on the "duclos" remains to be done. The terms Old, Middle, and Neo-Hittite are used here as express equivalents of the German Alte-, Mittel-, and Jung-hethitisch as defined by Neu, StBoT 21 (1975) viii, and by others.
Furthermore, the word makes good sense in the context, if the rest of the syntax is properly understood.

The phrases with the infinitives takšuwanzî and t̪uḫ[u]šuwańzi represent the Hittite continuant of the Indo-European “double dative” construction (cf. the Vedic type dṛṣṭaye sūryāya “to see the sun”). This construction is well documented in Hittite: see KUB 39 71 i 24-25, n-as šēppištil[i]yaš wetenāš puwašwanzi pātzi, “He goes to draw the waters of purification”; KUB 12 26 ii 8-9, n-uš-wa-an ANA DUMU.LU.ULU.LU aniwywanzi bākri, “They held/kept it for treating mankind”; see also KUB 13 iv 4, 13, 19 10 i 9-11, 21 17 iii 9-10, and 12 62 passim. Thus just as Gİ.Ş.ŞAR.GEŞTIN-aš t̪uḫuwašwanzi means “to cut vineyards,” so eki, BĀD-ni, and LUGAL-aš KASKAL-aš (that is, baššuwaš palaš-a) are all datives construed with t̪uḫuwašwanzi, “to make ice, fortifications, and the king’s roads.”

If eki, BĀD-ni, and LUGAL-aš KASKAL-aš are three coordinated datives as claimed, the position of the enclitic -a, “and,” appears to be irregular. One would expect eki BĀD-ni LUGAL-aš KASKAL-aš . . . . However, baššuwaš palaš-wa was surely a fixed expression (in effect, camino real, “royal road”), and there is evidence that enclitic -a, “and,” could follow an entire syntagm instead of its first member. Compare KBO 16 25 obv. 10-11: ANA EN SISKUR.S[ISKUR E]GİR-pa TI-tar . . . [IG].II.LA-wa<Ś> ul[iw]ar ĞU-tar šarā appāttar-a pīški. Carruba (SBrTo T 2 [1966]) translates ĞU-tar “Muskelland,” and šarā appāttar as “Aufstehen.” But šarā ĕp does not mean “stand up,” but rather is to be translated “hold/pick up”: see KBO 6 29 ii 10, 15-33 ii 33, KUB 23 127+21 12 iii 7, and 29 7 r. 53.

ĞU-tar šarā appāttar is a constituent, the nominalization of the verb-object phrase ĞU šarā ĕp- attested in KBO 4 14 ii 38-39: zik-ma-za [LUGAL]-i karššir IR-iš ĞU UGU lē ĕpš. “But may you be a mere slave to the king. Do not be stiff-necked” (lit.: “do not hold up your neck/shoulders”). In the latter instance, the phrase has a negative connotation “stiffen the neck” > “rebel, revolt.” In the former passage, the phrase implies steadfastness (compare the colloquial English “backbone” = “resolve, courage”). The relevant point for us is that ĞU-tar šarā appāttar is a constituent conjoined with the preceding nouns by enclitic -a, which follows the entire phrase: “Give back to the master of the sacrifice life . . . the power of sight and holding up of the shoulders (that is, resolve).” Similarly, then, the enclitic -a, “and,” attaches itself to the constituent baššuwaš palaš in our passage from the Laws. The original version of §56 thus reads: “None of the metalsmiths is exempt from making ice, fortifications, and the king’s roads (or) from cutting vineyards. The gardeners also perform corvee in every (respect).”

Since we know that the Hittites kept ice in icehouses (see Hoffner, JCS 24 [1971] 35), it did have to be “made” in that it had to be cut into manageable blocks and stored. The verb t̪ašš- here has its usual concrete meaning of “make, construct.” In the later versions, where eki was no longer understood, KASKAL (palaš-) was taken in its derived sense of “campaign, trip,” and BĀD-ni was then reinterpreted as the goal of the action. We thus arrive at: “undertake/carry out royal campaigns against a fortress” (note that KBO 6 6 i 30 actually substitutes pātuwanzi, “to go,” for t̪aššuwanzi). Working from the later versions (without benefit of KBO 22 62 in the old manuscript), modern scholars have generally followed the interpretation of “going on a campaign,” although sometimes with considerable doubts (see Imparati, Le leggi ittite 245). There was indeed cause for misgivings about an interpretation which assigned metalworkers the highly asymmetrical duties of going on a military campaign and harvesting vineyards. The restoration of the Old Hittite manuscript through KBO 22 62 now reveals that the original sense was quite different: the metalworkers were required to perform various craftsman’s tasks which required cutting and thus the use of metal tools.

§162 of the Laws is available to us in various Neo-Hittite copies, of which only KBO 6 26 i 18-21 is complete:

takku PA₂-an EGİR-an arba kušši nāt 1 ĞIN KUBABBAR/pai takku PA₂-an EGİR-issīaz kušši/<<šarā nāt>> (scil. šer dāī) ta larputta (sic) takku kattann-a/ dāī n-as apēl<<pat>>

The variants šer dāī and apēl-pat are taken from KBO 6 15:7-8. Note also KUB 29 31:11, [EGİR]-iṣyan for EGİR-issīaz.

The interpretation of this passage depends on correctly understanding the function of the adverbs EGİR-an, EGİR-issīaz/EGİR-iṣyan, šer, and kattan. As already seen by E. Neufeld (The Hittite Laws [1951] 178), the basic issue here is that of interference in someone else’s irrigation system. The two crucial factors are secrecy and the distinction of upstream versus downstream. Neufeld translates the first sentence as “If anyone diverts a canal secretly, he shall pay one shekel of silver.” There are two problems with this interpretation. First, it is impossible to divert a canal, that is,
change its course, secretly, without its owner's knowledge. Second, EGIR-an (appan) is not an independent adverb, but must be taken with arha and nāi, as shown by other occurrences of this combination.

Typically, the first of two adverbs construed with a verb indicates place where, while the second expresses motion: see, for example, KUB 43 23 r. 15fr., nu šer katt[al]a nēpxašt-sa aš[k]UR-ša . . . piša[ddu] katt[ta]-Šar-ša ma taknas šu[m]liš tāng[n]iyaš[paš]-ša . . . piškišašu, "Down from heaven above may the Storm-god give . . . but up from the earth below may the nurturing (?) Earth give...". The adverbs šer, "above", and kattan, "below", mark the starting point of the action, while kattta, "down", and šarā, "up", indicate the direction of the action (compare English "out from under the table"). One would thus expect EGIR-an arha nāi- to mean "turn away from behind." This does not seem to fit our passage, where one immediately asks: from behind what?

Other instances of appan arha nāi- show that this combination came to mean simply "turn away" >> "divert": compare KUB 7 33 i 10-11, idālu-sši pappen-tar > EGIR-an arha balkši nāi, "May the grain turn the evil impurity away from him." The loss of meaning of appan in this phrase is due to the fact that appan came to mean not only "behind," but also more generally "at, by, with." This development is neatly illustrated by ABOT 85 r. 9-11: ABU KA-ua-mu-šan EGIR-an-pat kitta ri EGIR-an-arha-war-at-mu UL ūna-ma nēbi, "Your father will continue to stand behind me. He will never again turn away from me." 7

The sense of "behind" (lit.: "lie behind") here is clearly "to be on one's side, stand by," and hence appan arha nāi- is "turn away from" or, more precisely, "turn away from the position of being with/by someone." Thus appan arha nāi in reference to a canal means no more than "divert" (from its present course). For the act of diverting someone else's irrigation canal a penalty of one shekel of silver is imposed.

On the other hand, one may also obtain water from a canal without changing its course. One can simply steal water by breaching the side and running an additional ditch to one's own fields. In the circumstance where one man's canal runs past another's fields, the theft could be accomplished easily and secretly. The canal could be breached at night, the water taken, and the canal restored by morning. I therefore take the adverb EGIR-izzīa/EGIR-izzīyān here to mean "secretly, stealthily" << "behind (one's back)."

Since we are now dealing with the theft (taking) of water, not diverting the canal, the proper verb is dāi, "take." Therefore one should adopt the reading of KBO 6 15-7, šer dāi, in place of the šarā nāi of KBO 6 26 i 20. The choice of šer dāi is supported by the fact that it forms a natural pair with kattan dāi. In each case we find the locativial adverb: šer, "above," and kattan, "below." We have two contrasting possibilities with different legal consequences: if someone takes water from an irrigation canal above the point at which the owner takes his water, this is obviously to the latter's detriment. On the other hand, if the water is taken below that point, it is of no concern to the owner, and the one who takes it may keep it.

In the former instance we expect the imposition of a penalty. What we find in KBO 6 26 i 20 is a hapax legomenon, ta larpatwa. Friedrich (Die hethitischen Gesetze 109) emends this to t-at arputta. The verb arputta would also be hapax, but it could be related to the family of arpuvant-, arpa-, arpašt-, and so on, which seems to have a basic meaning of "(be) difficult, unfavorable" (see Neu, StBoT 5 [1963] 15-16). The received interpretation of this passage has thus been: "it (the matter) becomes difficult." This interpretation is not unreasonable (theft in such circumstances might be difficult to prove), but hardly imposes itself. Moreover, Professor H. G. Güterbock has kindly brought to my attention the existence of an unpublished duplicate, 654/c ii 2, which he is publishing in Welt des Orients. It also reads ta [a-ar-pu-ut-ta], with a clear la-sign and preceding word boundary. This evidence raises considerably the odds against Friedrich's emendation, particularly since the form resulting from the emendation is hardly assured, a point conceded by Friedrich himself.

We should therefore begin with the manuscript form ta larputta, which appears to contain a present middle third singular of a verb stem larpu-. Grammatically, since the subject is not overtly marked, it may be either the thief or the irrigation canal. Contextually, we expect either imposition of a punishment or provision for restoring the breached canal. The complete isolation of the verb stem larpu makes a choice between these two possibilities difficult. It should be pointed out that the phraseology of several Hittite legal punishments remains obscure to us: see KBO 6 26 iv 15 (Laws §108), hurkin hal[t]e uži, "they kneel (to) the wheel" (?) ii 19 (Laws §175), šu ŠU-bašašu, "and they mutilate (?) her children"; KUB 13 9 iii 11 (Instructions for the bēl māgdalti), n-an šakuranzi, "They hang (?) him." Each of the above expressions is isolated and ill-understood, so it is not surprising if the nature of the punishment expressed by larputta likewise remains beyond our ken. 8 With the exception of this feature, we may reconstruct the original sense of this paragraph as: "If someone diverts a canal, he gives one shekel of silver. If someone secretly

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6. In katt-la-ta-ra-a nu the final -n of kattan has been assimilated to the following -s, as often at a morpheme boundary; see Friedrich, Hethitishes Elementarbuch 1 (1960) §36.
7. The particle -pat here indicates the continuation of a given state or circumstance; see Hart, Transactions of the Philological Society (1971), 146.
8. The form [ ] -ar-pu-ut-ta in KBO 19 104:5 immediately following a break does not settle the choice of larpu- vs. arpu-. If we read [larputta], it may be noted that the context, to the extent that we have it, concerns agricultural activities (see the edition by Siegelová, StBoT 14 [1971] 14). We may therefore not entirely exclude the possibility that in our passage the verb larpu- is a technical term referring to the restoration of the breached canal or the destruction of the thief's diversionary ditch.
takes (water from) a canal above, he is...ed. If he takes (it) below, it (the canal, that is to say, the water) is his."

This paragraph in its original form deals with two distinct but related situations: the diversion of an irrigation canal and the taking of water from one. The consequences of the latter differ depending on whether the water is taken above or below the point at which the canal's owner takes his water. In KBo 6 26 the copyist incorrectly construed šer with the verb, and thus "corrected" šer dāt to šarā nāi, mistakenly trying to associate this sentence with that which precedes it instead of with that which follows it. Fortunately, KBo 6 15 faithfully preserves the original syntax.

For §171 we have available only two Neo-Hittite copies, neither of which reflects the original with complete accuracy. We may take as our basic text KBo 6 26 ii 3-8, with corrections taken from KBo 6 13 i 13-18:

\[\text{TUG-SU DUMU.NITA-ti edil nāi nu-za-kan DUMU.}\]
\[\text{<SHE> EGIS-pa(!) anda izzī/tt, ta GUL.SU dāt ta idi nāi GUL.S.}\]
\[\text{GUS.škipulli-šiš dāt tt, ta edil nāi t-us EGIS-pa dāti nu-za-}\]
\[\text{DUMU.NITA-SU EGIS-pa DUMU-SU īizzī.}\]

KBo 6 13 has correctly annaš in i 13, the singular DUMU-SU in i 14, and EGIS-pa anda in i 15 (versus EGIS-panda in 6 28 ii 4). KBo 6 13 also reads DUMU.NITA-tišši TUG-SU in i 13 and in i 14 has simply mān DUMU-az, "when the son" for mān DUMU-ŠU, "when her son" in KBo 6 26 ii 4.10

The crucial here is the meaning of the phrase edil nāi, which has been generally translated as "carries/throws out." (cf. Friedrich, Die hethitischen Gesetze 77, Neufeld, Hittite Laws 47, and Imparati, Lo leggo ittite 157). However, no one has presented any evidence to show that edil means "out" or that nāi- means "carry" anywhere else in Hittite.

Formally edil appears to be the dative-locative singular of the pronoun a-.

However, in all its occurrences in complete contexts it functions as an ablative. In §72 of the Laws, edil ID-az means "on that side of the river," where edil marks direction (or relative location) just like the ablative kannaz, "on/to the right." More importantly, edil also functions as an ablative in its other occurrences with nāi-. The clearest is KUB 31 4+KBo 3 41 obv. 13 (a Neo-Hittite copy of an Old Hittite text): URSAG-an tarmaeni t-āša edil natta nāeri, "I nail down the mountain, and it does not budge from its place" (lit.: "turn from that side"). This example shows that nāi- in conjunction with edil has its usual attested sense of "turn." Furthermore, the phrase edil nāi- appears to have the specific nuance of "turn from its accustomed/proper place." This sense is also apt for the paragraph from the Laws.13

The meaning of TUG-SU edil nāi is "turns her dress from its accustomed place," that is, turns it around so that the back is in front and vice versa. This is a symbolic act which means rejection of the son (DUMU-SU parā šištā). The act of turning one's garments around to symbolize anger is attested in Hittite mythological texts. Compare KUB 33 67 i 26-31 (restorations from 33 36 ii 1f.):

\[\text{Anziali-za šašā [Zukkili-za šašā] GUB-lan-za KUS.E.SIR ZAG-naz [šarkutta ZAG-an-za ma KUS.E.SIR] GUB-las šarkutta TUG-zag x[ ] }\]
\[\text{TUG.DINCIR-LIM-waš-ka-kan 2 TUDTII.[H]A EGIS-([pa pasši]) nu-šišil!} TUG.hāpiki āpīpizzā [(piran ānut) hantezzi-ma-za āpīpizzā [(ānut)]},14 Anziali became angry, and [Zukki became angry]. (Each) put her left shoe on the right, while she put on her right shoe on the left... She fastened the two breast ornaments on her divine robes in back. She moved the rear h, front, but she moved the front h, behind.

Just as the mother symbolizes the rejection of the son by turning her dress around, if the son wishes to regain his status, he must undo the symbolic act by taking various parts of the house, turning them around, and

...
putting them back in their place backwards.15. "If a mother turns her dress around in the face of her son, then she rejects her son. Whenever the son comes back in and takes her dress and turns it around, takes her š and š and turns (them) around, and puts them back (in their place), then she may make her son her son again."

In agreement with Imparati (Leggittitite 159 n. 5), I assume that there is a contrast here between ta marking a series of coordinated actions and nu marking the apodosis of the long preceding condition: män . . . nu . . . Note that nu also introduces the apodosis in the first conditional sentence. takku . . . nu . . . 16

Grammatically one could interpret the last clause as "Then her son makes himself her son again." I have rejected this alternative for two reasons. First, it would imply that the son could regain his status merely by performing the symbolic acts prescribed. The mother would have no say in the matter. I find it more likely that the symbolic acts are merely a prerequisite for reacceptance, and that the decision to restore the son's status remains with the parent. Second, all the preceding clauses back to män EDIR-pa anda avizzi have "the son" as the subject. If "the son" were also the subject of the last clause, I would not expect it to be overtly marked by DUMU. NITA-ŠU. Rather, the subject would continue to be unmarked, as in the preceding clauses: "then he makes himself her son again."

Whether one takes the mother or the son as the subject of the last clause, the overall meaning of the paragraph is clear: the mother symbolizes the rejection of her son by turning her dress around, and in order to regain his status, the son must perform a similar action on various parts of the house.

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15. In the case of GIS.IG, "door," the action is clear: he removes the door, turns it around, and replaces it backwards. The meaning of GIS.ŠKÜD-(a)na- and GIS.ŠAPPULUL is not known. The latter is hapax, but GIS.ŠKÜD-(a)na- also occurs in the "Building ritual" KUB 29 1 i 18 where it clearly is part of a building. Therefore I cannot accept the suggestion of Eichner (Die Sprache 21 [1975] 163 n. 12), who proposes that ŠKÜD-(a)na- means "Kippe, Tragekor." Since both GIS.IG and GIS.ŠKÜD-(a)na- are indisputably parts of a building, I assume the same for GIS.ŠAPPULUL, which forms a set with them. Incidentally, Eichner's interpretation of EDNI-ŠU, "verkehren, umdrehen," agrees with that proposed here, though it is arrived at by different means.

16. One finds the same contrast in the Laws § 10 (Kho 6 3 i 25-28); takku L.U. U.LU an kušku šušku t-an šaterniki [(an apši)š]-an šaktuššu, "If someone injures a person and makes him ill, then he nurses him . . . ." This distinction in the use of nu and ta deserves further study, beginning with Old Hittite manuscripts.