

REVIEW ARTICLE

*Treaty, Law and Bible
in Literalist Theory*

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Kenneth A. Kitchen and Paul J. N. Lawrence, 2012, *Treaty, Law and Covenant in the Ancient Near East*, 3 volumes: Part 1: The Texts; Part 2: Text, Notes and Chromograms; Part 3: Overall Historical Survey. Wiesbaden: Harrassowitz. ISBN 978-3-447-06726-3. (Hardcover).

The prodigious bulk of these volumes, along with their price, invites the expectation that they contain a comprehensive and magisterial treatment of all extant documents in the three categories the title indicates, in authoritative and reliable editions. The first volume, Part 1 (1086 + xxvi pages), presents the texts of treaties, law collections, and covenants that Kitchen and Lawrence have selected for inclusion. Most texts are given in transliteration and translation on facing pages, following the convenient format of Loeb classical editions except without the notes at the bottom of the page; some texts, however, are relegated to one of two excursuses on the grounds that they are too poorly preserved for this treatment, do not require it, or are deemed unsuitable for inclusion on other criteria (see “Preliminary Note” to Excursus I and “Introductory Note” to Excursus II, Part 1, pp. 1038, 1082). The second volume, Part 2 (268 + xix pages), presents notes on individual texts (Part 1, in eight chapters); a series of indexes (Part 2, Ch. 9: “Topical Indexes and Related Notes”), which do not include such tools as a concordance or an index of persons; four maps, and lastly “chromograms” illustrating, for every text, the presence and proportion of each of 12 elements that constitute the authors’ template for documents in their three categories (Part 3). One wonders whether the publisher got the title of this second volume right, because in their introduction the authors describe the contents of its first part as “Text-Notes” (Part 2, p. xviii) whereas the book’s cover and title page identify it as “Text, Notes, and Chromograms.” The third volume, Part 3 (288 + xiv pages), “Overall Historical Survey,” proceeds item by item through the texts in Part 1, prefacing every text or group of texts with a brief overview of the period to which it belongs, or to which it is attributed; there follows a description of the contents of the text(s), often supplemented by lists itemising a text’s contents and aligning them with those of other texts, and often accompanied by disquisitions on the socio-cultural background of the texts and their protagonists. Part 3 concludes with an excursus on document formats, an index to this volume, three more maps, and a “Postscript / Addenda” (pp. 287–288). At various points the authors make claims for their work’s comprehensive character as well as its exclusive reliance on “facts, not theory” (e.g., Part 2, p. xix). They characterise the work as “our integral presentation of all the principal formal documents

under Treaty, Law[-collections] and Covenant,” for which hitherto “there has been no all-inclusive corpus” (Part 3, p. xiv), and they describe its subject as “the entire ancient Near Eastern corpus ... a fundamental point that should constantly be borne in mind by users” (Part 1, p. xxi).

Inevitably, new discoveries and publications of the very types of documents Kitchen and Lawrence treat – as well as important new scholarship on long-known material – appeared too late for them to consider; indeed, such sources appeared even as their work went to press. For instance, Jesper Eidem (2011) published the treaties found at Tell Leilan just when they concluded work on these volumes (in April 2011, according to the preface to Part 1, p. xviii). Thus they could only present the text of the one previously published Tell Leilan treaty (their no. 24) while registering the others (nos. 25–27) as “not available” (Part 1, p. 230), and they could not benefit from Eidem’s cogent analysis of these documents.¹ Nor could they anticipate the new edition of ALT *456 (their no. 29) by Jacob Lauinger, with his conclusive demonstration that this tablet is not a treaty, although, as his discussion shows, arguments to that effect had been made by others already.² Meanwhile, the 2009 discovery at Tell Tayinat (ancient Kunulua) of an exemplar of the loyalty oath Esarhaddon imposed to guarantee his succession – the so-called vassal treaty of Esarhaddon (their no. 94) – did not become known to Kitchen and Lawrence in time. The Tell Tayinat tablet, published with alacrity by Lauinger,³ significantly changes what we know of this text and its context, invalidating their characterisation of it as a document involving mainly Medes (see Part 1, p. 963, and Part 2, p. 96). They did not have the opportunity to consider Elena Devecchi’s (2012) demonstration that CTH 46 (their no. 61) as well as CTH 47, documents that Suppiluliuma I issued for Niqmaddu of Ugarit, are edicts and not treaties.⁴

But these examples, among many more, call into question the soundness of Kitchen and Lawrence’s categorisation, not only as it is applied to individual texts, but as a system – a theory. In the preface they present a brief definition of their three categories: “**laws** that govern life in a given community, **treaties** that govern relations between such communities, and **covenant** used by or between individuals or them and groups or in dealings with deity” (Part 1, p. xviii; emphasis theirs). In the introduction, they phrase the definition somewhat differently: “(i) that **laws** (agreed or imposed) were a device for regulating conduct within a given society or social group. (ii) That **treaties** were used to govern relations (parity or vassals) between separate groups, or group(s) and/or a significant individual. (iii) That **covenant** could be used to define relations between individuals on the purely human level, or between individual(s) and deity” (Part 1, p. xxii; emphasis theirs; a third version of the definition is given in Part 3, p. xiii). They do not explain how this scheme may correspond to indigenous categories, or to the ways the documents under discussion were conceptualised by those who produced them.

¹ Eidem 2011, pp. 310–345, followed by editions of the texts, LT 1–5 (with copies and photographs). On the last page of Part 3, in the postscript, the authors note the publication of Eidem’s book.

² Lauinger 2015, pp. 133–152, 373–390.

³ Lauinger 2012.

⁴ See now Devecchi 2013 for a concise exposition of what defines treaties as distinct from edicts and instructions; and Devecchi 2015, pp. 9–60 for a more detailed discussion of the definition, form, and corpus of extant treaties issued by Hatti.

Their definition of law elides the much-debated question of what relation texts such as the Laws of Hammurabi (their no. 14) bore to laws that actually governed life in the communities where they were composed. When they address this question in Part 3 they oversimplify it, as if the debate involved a binary choice between seeing the law collections as “binding in ancient law courts” (p. 23), or “definitive statements of ‘law,’” versus seeing their contents as “mere scholastic theoretical inventions” (p. 24), or “arbitrary concoctions” (p. 56); they argue that the law collections present abstract statements that correspond to real-life cases, citing several such cases to prove their point – which roughly represents the *communis opinio*. It may be noted in passing that the “Old Assyrian Governance Laws” (no. 12) find a somewhat closer analogy in *Robert’s Rules of Order* than in the law collections. Kitchen and Lawrence observe that one of these documents bears the designation *tašīmtum*, which they render “rule” or “ruling(s)” (Part 2, pp. 20, 233–234), without noting that the very same word occurs in the Laws of Hammurabi (prologue, ii:22) in a different sense.

And what then of edicts, such as the many issued by Hammurabi’s near contemporaries, which certainly did govern the communities for which they were issued – as the law collections may not have⁵ – what are their grounds for excluding these? In native Babylonian terminology *šimdatum*, “decree,” may denote an edict, or the Laws of Hammurabi,⁶ or even a treaty, in particular, the one between Sumu-numḫim of Šadlaš and Ammi-dušur of Nērebtum (their no. 18). The Ugaritic word *mašmattu*, formed from the same root, is used to designate the decree Suppiluliuma II issued to Niqmaddu stipulating the tribute of Ugarit (their no. 77), which Kitchen and Lawrence classify as a “treaty” while acknowledging its resemblance to an “edict” (Part 1, p. 647; Part 2, p. 66).⁷ They note the cognate relationship between the words *šimdatum* and *mašmattu* in the paragraphs that constitute their “Related Notes on Terminology” (section 6 of Ch. 9, which is Part 2 of Part 2 [i.e., Volume 2], pp. 233–244). They do not observe the lack of correspondence between most of the terms they list there and the categorisation they impose on the documents that use them.⁸ The validity of their criteria for including documents in the category “treaties,” or excluding them, may be assessed by comparing their choices with those of Devecchi for the documents issued by the kingdom of Ḫatti. Besides CTH 46 and 47 (mentioned above), Devecchi excludes the documents issued for the *ḫabiru* (CTH 27; Kitchen and Lawrence’s no. 44), for the town of Tiliura (CTH 89; their no. 70), for one Eḫli-šarruma (? CTH 123; their no. 78) and for the men of Išmerikka (CTH 133; their no. 53), determining on various grounds that these are not treaties but either edicts or documents of internal administration.⁹ While Kitchen and Lawrence include those documents, they seem to omit altogether – it is difficult to be wholly certain, since their volumes lack a concordance – the treaty of Arnuwanda I with the

⁵ On the function and implementation of edicts (or decrees), their relation to law collections, and the question of the latter’s effective role, see *in extenso* Veenhof 1997–2000.

⁶ It is so used by the scribe who wrote the Late Old Babylonian copy of the Laws of Hammurabi published by Finkelstein (1967).

⁷ An amended edition of this text (RS. 11.772+) is given by Bordreuil and Pardee (2009), no. 36.

⁸ One of the most-discussed terms, *adê*, has recently received fresh treatment by Lauinger (2013), whose inquiry into not only the textual but the material evidence of extant *adê* tablets, together with their archaeological contexts, yields the conclusion that the word fundamentally means neither treaty nor loyalty oath (though it embraces those senses) but duty transformed into destiny.

⁹ Devecchi 2015, pp. 25–28.

elders of Ura (CTH 144) and the treaty between Niqmaddu of Ugarit and Aziru of Amurru (RS 19.68). Meanwhile, apparently having overlooked its identification, they register the treaty of Hittite king with the men of Pahlhuwa (CTH 212) under “no. 8obis” in Excursus II (Part 1, p. 1086).¹⁰

What about “covenant”? To which documents does this category, which they say is meant “to define relations between individuals ... or between individual(s) and deity,” apply? None, evidently, except for selected passages of the Hebrew Bible. These the authors have slotted into the sequence at points corresponding to a certain preconceived mapping of the biblical history of Israel onto ancient Near Eastern chronology. Yahweh’s promise to David, as formulated in 2 Sam. 7:1–17 and 1 Chron. 17:1–15, finds a place as no. 85, II, dated to the early 10th century BCE, alongside a snippet stating that Jonathan made a covenant with David (1 Sam. 18:3–4; no. 85, I), which is dated some decades earlier – as if the writing of the text were simultaneous with what it narrates, and the Bible were merely a discontinuous tape recording of the past! To these passages the notes contained in the second volume add Psalm 89, which refers to Yahweh’s covenant with David, as well as excerpts from Psalm 132 and Jer. 33 (Part 2, pp. 85–86). Rewinding the tape a couple of centuries, No. 84 is Joshua 24:1–28, the narrative of Yahweh’s speech to the Israelites at Shechem, the Israelites’ response, and Joshua’s writing it up in a document, which Kitchen and Lawrence date to “c. 1210 BC” (Part 1, p. 899). No. 82, I comprises a series of long sections of Exodus and Leviticus, giving Yahweh’s covenant with Israel at Sinai, dated “c. 1260 BC in origin” (Part 1, p. 695); no. 82, II consists of “supplementary statutes” in Numbers, including the prescription for inducing an abortion in a woman suspected of adultery (Num. 5:11–31); and no. 83 gives the entire text of Deuteronomy 1–32, dated “c. 1220 BC” (Part 1, p. 775). Scrolling farther back through the Torah, nos. 30–33 are excerpts from Genesis that narrate the making of covenants by Abraham, Isaac, and Jacob with other persons; these passages (in which, curiously, *ḇarīt* is rendered “treaty,” rather than “covenant” as elsewhere) Kitchen and Lawrence date to “traditionally c. 19th–18th centuries BC” (Part 1, p. 235). According to what tradition? Nos. 34–35, dated likewise, are two more passages from Genesis: Yahweh’s speech to Noah proclaiming a covenant with him after the deluge (Gen. 9:8–17), and a narrative in which Yahweh proclaims a covenant with Abraham (Gen. 15:7–21). Interestingly, in transliterating these passages the authors have run the linguistic development of Hebrew backwards so as to produce a consonantal text representing the language of the periods to which they assign the passages, as they explain, because these texts “do not currently exist in accessible copies from the periods they represent, real or otherwise” (Part 2, p. 32). Are we to understand that God spoke to Noah, Abraham, and Moses in the forms of (proto-) Hebrew that Kitchen and Lawrence reconstruct? In comparing Gen. 15:7–21 to ALT *456 and the treaties from Mari (Part 2, p. 34; Part 3, p. 74) do they mean to imply that God followed current Middle Bronze Age practice in establishing his covenant with Abraham? Later in the second millennium, did God study Hittite treaties in order to formulate the covenant at Sinai; did Moses do so in order to compose Deuteronomy?

¹⁰ For the treaty between Niqmaddu and Aziru, see Schwemer 2005, pp. 163–164, and for the treaties with Ura and Pahlhuwa see Devecchi 2015, pp. 93–96, with references to earlier publications.

Altogether the biblical material occupies an entire volume's worth of pages – Nos. 82 and 83 alone occupy more than 200 pages – and these are not texts for which the world lacks good editions. Their omission would have rendered the first volume (Part 1) physically manageable, at no loss to the reader. But their inclusion is evidently the whole point of the work. The goal of establishing “the date and origins of the Hebrew covenant” (Part 1, p. xx) is never overtly stated in these terms, being rather camouflaged by such assertions as, “this work aims to collect and present the main basic documents ... and to study their history and interrelations through the last three millennia BC” (p. xix), in order to discover what becomes “self-apparent *from the data themselves*” (p. xxi; emphasis theirs). Nevertheless, the true objective is obvious throughout, and it is drummed out *ad nauseam* in Part 3. There, Kitchen and Lawrence's interest in the rules governing Assyrian merchant communities in Anatolia – an interest so intense that they embark on the theoretical exercise of reconstructing laws and inscriptions that are not extant (pp. 40–45)¹¹ – proves to arise from their desire to draw an analogy between Assyrians and “Hebrews” as communities dwelling in a foreign land among people of different customs, each group “ruled by, and owing allegiance to, an external and essentially separate source” (Part 3, p. 46), the city of Assur in the one case and Yahweh in the other! The authors also take pains to explain that reports about the making of treaties in the Mari correspondence are not identical to the treaties themselves (pp. 65–66), for just so, the “‘patriarchal’ treaties” are not identical to reports about them in Genesis (pp. 70–71), and “this is *exactly* the same situation” found in Exodus, Leviticus, and Deuteronomy, which give reports of Yahweh's covenant with Israel (p. 117; emphasis theirs). The idea that the god of Israel took Old Assyrian colony governance as his model is intriguing, to put it mildly, and so is the proposition that books of the Torah are *exactly* like letters in the Mari archives. At the other end of their historical sequence, Kitchen and Lawrence adduce the manuscript transmission of the work of Polybius (not in its entirety), which gives the text of the treaty between Hannibal of Carthage and Philip of Macedon (their no. 105; Part 1, Excursus I, pp. 1075–1076), to support – as if to prove – the proposition that the covenants with Israel and the patriarchs were likewise faithfully transmitted from their putative second-millennium origins onward (Part 2, p. 109; Part 3, p. 241). Besides fallacious logic, the comparison exhibits the naïve privileging of writing and documents over oral communication and action that is evident throughout the work under review.

At length the reader arrives at the authors' central argument, to wit, that the covenant with Israel, in the versions given in the Torah and in Joshua 24, “belongs squarely and exclusively in the late 2nd millennium ... and nowhere else” (Part 3, p. 119, discussing Joshua 24), for it “mirrors exactly what is to be found ... in the late 2nd-millennium Hittite corpus” (p. 125, discussing Deuteronomy). These texts cannot possibly be dated to any later period, they insist, because the elements of the covenant and their sequence are just like those of late 14th–13th century Hittite treaties (the format of which, as they understand it, they outline repeatedly on pp. 96–97 and 99–100). The biblical covenants comprise a “title-line” (in “speaker's” format), historical prologue, stipulations (or laws), ceremony (and oath), witnesses, deposit of the document (with

¹¹ Their endeavour commences with an outline derived from the nuanced inquiry conducted by Veenhof (1994/1995), and grows into a survey under the subheading “Laws deducible without extant ‘codes’” (p. 41), dependent on Veenhof 2003. On Old Assyrian law and legal practice, see now Hertel 2013, and in particular pp. 77–88 on the non-extant stela.

a prescription for regular reading of it), and blessings as well as curses (see, e.g., pp. 126–127, discussing Exodus 20:1ff) – not just curses. Since it does not suffice to make the assertion over and over again, the authors also present itemisations and comparative lists of elements in the biblical accounts and other groups of texts (pp. 124, 127, and 134–135). This material goes on for about 100 pages, and then beyond (Part 3, pp. 117–214, plus various passages throughout the volume). In sum, Part 3 in all its prolixity constitutes a massively redundant matrix for a pre-determined understanding of the biblical text.

The proposition that the format of the covenant(s) with Israel matches that of treaties issued by Hatti in the imperial period, and not those of any other period, requires adjusting the identity of elements of the covenant, in its several versions, as well as making ad-hoc excuses for differences in the format of several Hittite treaties. For instance, the omission of blessings and curses from the Aleppo treaty (their no. 67) is attributed to the parties' close relationship (though the same does not apply to "the all-too-closely related kings of Tarhuntassa"), while "similar omissions" in certain vassal treaties "stem from a wish to demonstrate friendly trust by the overlord in his subordinate" (pp. 98–99). The categorical distinction between human witnesses (as in the Aleppo treaty as well as the two with Tarhuntassa) and divine ones seems to escape Kitchen and Lawrence. So "the Hebrews" (meaning Israel) can be witnesses to their own covenant (Joshua 24:22; p. 120), or else stelae can be witnesses (Exod. 24:4; p. 126), standing in the place of the gods of Hatti and its treaty partners. That Neo-Assyrian documents such as the succession treaties of Esarhaddon were also deposited and (supposed to be) periodically read to those under oath is to be ignored.¹² It is immaterial that across all periods "Thus speaks (the sovereign)" is a normal mode of introducing a communication from sovereign to subject, as for instance in the messages Rab-shakeh conveys to Hezekiah and the people of Jerusalem (2 Kings 18:19, 29). The combination of "descriptive" with "speaker's" format in composing the title-line of Deuteronomy (Deut. 1:1–5) is explained by reference to such a combination in the treaty between Ramesses II and Hattusili III (p. 122), for, of course, Moses was raised in Egypt ...

All of the authors' claims are simply "observable fact" (p. 127), once the texts have been forced, like unbaked dough, into the forms made to produce the desired outcome. The shape of these is defined in the introduction to Part 1, where Kitchen and Lawrence present a template comprising 12 elements that may be present or absent in a given document pertaining to their three categories (pp. xxiii–xxv). Thus they elevate their theoretical constructs to the status of ideal forms, logically prior to any particular instantiation of treaty, law, or covenant.

Notwithstanding the ideological framework in which the texts are embedded, an extensive (if not comprehensive) set of good editions of ancient Near Eastern treaties and related documents would be useful to both specialists and non-specialists. Kitchen and Lawrence caution that their work "is not intended to replace existing standard editions of any given group of texts here included" (Part 1, p. xxii), which is reasonable. Neither are – for example – Loeb editions; they are simply intended to be accurate and serviceable. Parts 1 and 2 may fairly be assessed by that standard.

¹² Deposit is indicated in §35 of Esarhaddon's succession treaty (esp. ll. 408–409; see now Lauinger 2012, pp. 98–99, 112), and reading is indicated by contextual evidence; for the probable circumstances of deposit and reading, see Lauinger 2013, esp. p. 114, with references there.

To begin with, the treatment of the texts is practically designed to make troublesome reading. Kitchen and Lawrence apparently envision different readerships for the odd and even pages of Part 1: while employing diacritics in transliteration, in the translations they render names and untranslated terms into Anglicised spellings instead – so that Ninḫursag on the left-hand page becomes Ninkhursag on the right-hand page – but they do so inconsistently; for example, *Ha-zu-wa-an*^{ki} becomes Khazuwan (p. 25) or Hassuwan (p. 33). They employ an idiosyncratic mode of transliteration that is out of step with the discipline, and they do this inconsistently, too. In most of the Akkadian-language texts they render logograms and some determinatives into a form of Akkadian chosen according to broad chronological parameters (e.g., *awīlum* in the early second millennium, *amēlu* in the mid-second millennium). This procedure yields a curious hybrid between transliteration and normalisation that properly represents neither the writing of the text nor the linguistic understanding of it. They do not, however, do the like with Hittite-language texts, for which instead they employ standard transliteration conventions, nor with Eblaite texts, nor the single Elamite text (no. 8), which is supposedly a treaty between Narām-Sîn of Akkad and a ruler in Susa.¹³ Deepening the confusion between text and interpretation, the authors have provided their transliterations with modern punctuation, as if they were translations. (Word dividers in texts that have them are however ignored.)

The layout of the transliterations follows not the format and lineation of the texts themselves, though these are indicated, but the sense divisions applied by the authors. These sense divisions are encoded in a forest of paragraph numbers and sometimes letters as well, superimposed on top of those pertaining to the text or its manuscripts, producing an organisational scheme whereby the interpretation of the text on its own terms is subordinated to the structure of the authors' analysis (following the template expounded in the introduction to Part 1). The notes to the texts in Part 2 receive their own paragraph numbers that do not correspond to the paragraph numbers given to the texts, creating unnecessary difficulty in matching the note to the passage it annotates, especially when the note omits reference to line numbers or other elements of the text's format. Relatively little annotation, however, is devoted to supporting the reading of the texts or illuminating the authors' interpretive choices. Typically the first paragraph of notes (or more) serves to introduce the text, and this material could easily have been accommodated on the page prefacing each text in Part 1, where usually a great deal of space is left blank. Notes that do support the reading and interpretation could have been accommodated at the foot of the page, set in the font size employed in Part 1 (instead of the much larger font size employed in Part 2), for the margins are quite large; meanwhile, commentary about cultural or historical context could have been relegated to Part 3 along with the rest of that kind of material.

¹³ If this is a treaty it is a strange one indeed, what with its repetition of what sounds like a devotional refrain (§§2, 4, 6, 8, 10), the promise to prepare, maintain, and honour statues (§§9, 10, 17), the wish that the honouree's statue be approved and his wife blessed with fertility (§20), and the near-total absence of anything resembling treaty stipulations. (Cf. the translation by Koch [2005], with different paragraphing.) Kitchen and Lawrence's insistence that this text shares the same structure as that of the Vulture Stela of Eannatum (Part 3, pp. 20–22) disregards its actual content, and the comparanda they cite for the erection of a statue, "the sure mark of submission to a superior ruler," are specious (p. 21, with n. 33); the erection of stelae by the sovereign is not analogous to the supposed erection of his statue by his subject, unparalleled in other treaties.

Choices about how to organise content belong to the authors, of course, but choices about how to present it on the page belong to the publisher, too, and it is astonishing that a publisher as experienced in the field as Harrassowitz did not serve this work better. The layout of the volumes, with varying font sizes and line spacing, as well as plenty of blank space, makes them exceptionally difficult to use even without considering their bulk. The typesetting of the transliterations has to be described as sloppy: diacritics drop within capital letters and plop inside of superscripted text; miniature superscripted numerals and letters that signify different things (determinatives, column or line numbers, etc.) are crammed together without any visual indicator to discriminate which is what; half-brackets (omitted from the list of “brackets-conventions” on p. xvii) have mutated into inverted commas throughout. The authors claim that they both have “seen everything for purposes of proof-checking and general review” (Part 1, p. xxi), but they missed many mistakes that mar their work, even in prominent places (for example, the running header for no. 58A in Part 1 identifies it as “Suppiluliuma I of Hatti & Arizu of Amurru” and the running headers for Part 3, Chs. 2–5 give the chapter titles as “Third Millenium [*sic!*],” etc.). Typographical errors abound, and no editor caught the authors’ own spelling errors (e.g., “Wilke” for Wilcke, alongside “Uruinimga,” Part 3, p. 3) or helped them to make consistent spelling choices – so, for example, the Kaska are “Gasgaeans” here (Part 1, p. 314), “Kasceans” there (pp. 355–364, 1039–1051; Part 2, pp. 103–105), “Kasgeans” elsewhere (Part 2, p. 41, then “Kaskaean” on the next page). Everywhere they are “hillbillies,” who did not merit historical prologues to their treaties (Part 2, p. 103), “utterly unruly” and “relatively uncouth” (Part 3, p. 89) or even “the wildest and most uncouth” (p. 92) people, upon whom the Hittites just could not impose civilisation. One is reminded of the rhetoric employed by colonising powers, and colonists of European descent, against the indigenous populations of the Americas whom they violently dispossessed, often using treaties as instruments of subjugation.

Plenty of linguistic as well as substantive details raise suspicions about the authors’ command of the material they treat. Their rendering of certain names has no basis in the sources or in scholarship. For example, the name Niqmaddu is given as “Niqmad,” although the divine name Addu is not thus apocopated in the texts, and no justification is offered for this peculiar spelling. The Hurrian name of the storm god is (usually) given as “Tesub,” although it has long been known that the medial consonant is the geminated allophone and the final consonant is voiced (so the name is Teššub). The kings we know as Hattusili and Mursili are called “Hattusil” and “Mursil,” disregarding the form of these names in Hittite as well as their spelling in the original texts, while other Hittite royal names, such as Arnuwanda and Muwattalli, are provided with a nominative ending -s, in contravention of Hittitological practice. Few scholars would claim to possess competence in all the languages of the sources encompassed in this work, and it is not at all clear that Kitchen and Lawrence do. Their transliteration and translation of the Hittite Laws (no. 36) essentially replicate what is found in H. A. Hoffner’s edition (1997), including his mistakes. To follow Hoffner’s interpretation of *para tarnumar* – the Hittite equivalent of Sumerian *ama-ar-gi₄ gar* or Akkadian *andurāram šakānum*, which they render “establish release, freedom,” and the like¹⁴ – as “change (someone’s) social status” (Hittite Laws, §§34, 36) attests ignorance of scholarship on the subject,

¹⁴ For example, Laws of Ur-Nammu (their no. 9), ll. 133–134, 200 (§4); Laws of Hammurabi (their no. 14), §117, 280.

or of Hittite, or both. In the treaty between Zidanta of Hatti and Pilliya of Kizzuwatna (no. 40; CTH 25), they translate forms of *wete-/weda-*, “to build,” alternately as “furnish” and “refurbish.” To any Assyriologist, it would be obvious that Mušnaddu in ALT *456 (no. 29) is a personal name; not discerning this, Kitchen and Lawrence “translate” it as “the force(?)” (ll. 21, 28). Their translation of ALT 2 (no. 42) is flat wrong, out of accord with their transliteration, unsupported by any explanatory note, or all of the above at numerous points. For example:

l. 22: The text reads not *ù lu tu-te-er-šu*, as they transliterate, but *ù la tu-te-er-šu*, (more or less) as they translate. Further on, *iš-ša-bat-ma* does not yield their translation “(if someone else) should seize him”; this would require the reading *iš-ša-bat-šu* as well as an emendation of the anterior past *iššabat* to a modal present.

l. 24: EN-*šu* cannot be *bēlī-šu* (as they transliterate it), inasmuch as it is nominative (as they translate it); likewise in ll. [44,] 45, and 49.

l. 25: The basis for translating *ālik pānīšu* as “a man to go in search of him” is not explained.

ll. 27–28: IR-*ia* cannot be *ardī-ya* and IR-*šu* cannot be *ardī-šu*, since the one is nominative and the other accusative. The verb that is misread *ú-te-er-šu*, and mistranslated as a passive, is *ut-te-er-šu*, “he returns (the slave to) him,” or else possibly *tú-te-er-šu* (given the use of persons herein), following “my oath” (l. 28), which refers to the oath given as direct speech in the preceding line.

l. 32: Not knowing that LÚ.MÍ^{rum} is a compound logogram, Kitchen and Lawrence misrepresent this sign sequence and mistranslate it. On the use of LÚ.MÍ^{rum} and MUNUS.LÚ^{rum} in the Alalah IV corpus, see Niedorf 2008, pp. 301–302.

ll. 36–37: The first *šumma* introduces the oath to be sworn (missing in the break), not a conditional clause. Asseverative oaths in ll. 46 and 50 are misunderstood as well.

l. 72: Kitchen and Lawrence fail to recognise that LUGAL ERIN₂.MEŠ *Hu[r-ri]* is a construct phrase, “king of the Hurrian troops” (although they get it right in the next line), and they mistranslate the clause in which it appears as “or the King against the Hurrian warriors be hostile”; indeed, the entire paragraph is mistranslated. At the beginning of l. 72, restore not [*šum-m*]a but [LUGAL], and restore «*ta*»-*na-kir* in the second half. In its entirety the final paragraph states, “[The king] of the Hurrian troops is my lord. If you become hostile to the king of the Hurrian troops, I shall not break the oath of the king of the Hurrian troops, my lord, (rather) these terms are released from the oath” (meaning this treaty between Alalah and Tunip will be invalidated if one of the two parties breaks faith with the king of the Hurrian troops).¹⁵

Also, had they brought their research up to date Kitchen and Lawrence would have learned that Tell ‘Acharneh (not Hama) is now identified as the site of Tunip (cf. Part 2, pp. 36, 41).¹⁶

The treatment of ALT 2 displays inadequate knowledge of cuneiform, Akkadian, and relevant scholarship, and this is not an isolated case. The types of errors enumerated above raise questions about Kitchen and Lawrence’s capacity to read and translate texts in languages more poorly known than Akkadian and Hittite. Neither author is known for scholarship on the Ebla

¹⁵ See my translation of ALT 2 on line at eTACT: <http://www.etana.org/node/577> (where it appears uncredited).

¹⁶ Preliminary reports on the excavations at Tell ‘Acharneh are published in Fortin 2006.

tablets, after all, or on Elamite, Sumerian, or indeed most any of the languages and corpora treated in their work aside from Egyptian texts and perhaps the Bible. Deficiencies in their command of Assyriological scholarship, meanwhile, are complemented by what might generously be described as selective engagement with biblical studies; references to recent scholarship on Exodus and Deuteronomy, for example, are conspicuous by their absence.¹⁷ To conclude, the volumes of texts and notes (Parts 1 and 2) are neither handy to use, as better-organised ones could be, nor are their contents sound, to the extent that they do not comprise reliable, up-to-date editions of the texts supported by appropriate annotation and informed by current research.

The foregoing comments only begin to develop the criticisms the work under review warrants. It is worth addressing one final remark to Part 2, Indexes 2-3, which are the “Statistical List, including: Prices, Fines & Tribute to be paid, & Etc. [*sic!*]” and the “Index to the Statistical List in approximate rising order of amounts/values cited.” With these lists, the authors say, “the exchange-values of the wide range of entities involved can be readily accessed by topic, by value and by date” (Part 2, p. xix). Perhaps the compilation of such “statistics” – an endeavour that presumes the data simply exist as such, independent of the authors’ categorisation and arrangement of them – is meant to provide an objective, because quantitative, means of investigating a multifarious and miscellaneous body of information. What it actually does is to void the information compiled of its meaning. Kitchen and Lawrence treat all penalties, costs, assessments, levies, and even sacrifices as equivalent, fungible and convertible into each other, as if there is no substantive difference between monetary compensation and an expiatory offering, between a price and a fine, a fine and a thrashing, or between any of these and rape (a type of punishment they seem to have omitted) or homicide! This approach should provoke qualms even in a partisan of the present age’s idolisation of metrics.

But enough. The capacious margins of these volumes afford readers plenty of room to record their own corrections and expostulations.

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¹⁷ For a sample of recent research that is directly relevant to Kitchen and Lawrence’s project, see Knoppers and Levinson, eds. 2007; and the collection of articles in Levinson 2008.

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