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Research Article

River Ordeal in Hittite Written Documents

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ABSTRACT

Ordeal practice, which has an important place in the Laws of the Ancient Near East, can be defined as the act of judging. However, such trials were carried out to understand whether a crime had indeed been perpetrated by a certain person rather than to pass judgement on that person. The reason this act is known as the river ordeal is that rivers and River Gods played the dominant role in it. The practice of river ordeals is mentioned in important law texts, such as the Ur-Nammu Laws, the ana ittišu series, as well as the Code of Hammurabi. It can also be seen in certain texts from the Assyrian and Babylonian periods as well as in some from Nuzi, Ugarit, and Elam. Hittite laws do not mention the river ordeal. However, thanks to some letters or royal instructions, we understand that this practice was indeed used by the Hittites as well. This paper aims to examine the Hittite written sources which can be related to the river ordeal.

Keywords: Anatolia, Hittite Laws, River Ordeal, Crime, Judgment



Introduction

Although the word *ordeal* in Near Eastern Law is defined as a means of judgment, this word mainly describes finding out whether a crime was indeed perpetrated by a particular person rather than judging that person (Duymuş Florioti, 2016: 94). The oldest traces of the "river ordeal" are encountered for the first time around 5000 years ago in Mesopotamia (Frymer-Kensky, 1979: 61; Lafont, 2005: 200; van Soldt, 2003-2005: 124). This form of divine judgment in Mesopotamia refers specifically to the determination of crime. However, it is understood that the practice of "river ordeal" was referred to in connection with the crimes of magic and adultery.

The term "river ordeal" first appeared in the Urukagina Laws of the Early Dynastic Period, and then in the Ur-Nammu Laws during the 3rd Dynasty of Ur (Tosun and Yalvaç, 1989: 40-41; Roth, 1997: 17 vd.; Öz, 2015: 196, 197), in the Kültepe Tablets from the Old Assyrian Period (Michel-Garelli, 1996: 277-290; Günbattı, 2000: 73-88)¹, in the Code of Hammurabi from the Old Babylonian Period (Dinçol, 2003, 2), and in many texts from the New Assyrian Period (Akyüz, 2020: 169).

These documents reveal that the practice of river ordeal first began to be used in Mesopotamia, especially in connection with the crimes of magic and adultery. In the written documents this practice is expressed as "*ANA* ^DÍD *illak* ^DÍD *išalliamma* / he will go (and) dive into the river" (Sevimli, 2004: 268). The River God who is included in the texts written in Sumerian with the pattern "^DÍD" and "^DNârum/Nârim" in Akkadian, undertake the duty of the judge during the ordeal (Gelb, 1957: 190; Parpola, 2007: 74, 251). It is known that this practice was frequently used in Mesopotamia, especially for crimes of magic and adultery as a crime detection method. Generally, the act of a river ordeal seems to have been practised for two reasons. The first of these is the application for the verification or proof of an existing claim while the second is for punishment. However, river ordeal was not applied to every crime. It was the practice used especially in cases where it was difficult to verify the claim, in other words, when there was no eyewitness to the incident.

The Hittite Laws do not contain the expression 'river ordeal' or a related statement. However, a form of punishment that we can call river ordeal is indirectly mentioned in some other texts.

River Ordeal in Hittite Texts

Hittite Laws found in the archives of Boğazköy, the capital city of the Hittites, consist of two series containing a total of 200 paragraphs. However, it is argued that there should be

¹ In the Kültepe Tablets, the expressions "ana nârim/id alākum, ana nârim nadānum, ana nârim šalû", that is, going to the river, diving into the river, giving to the river, are used when talking about the river ordeal.

at least one more tablet (Dinçol, 2013: 520). The expression "*the third tablet, if a man*" on the label of the archives in Boğazköy supports this view (ABoT 52, Dinçol, 2013: 522). In addition to this, in the texts of these laws, no evidence included the practice of river ordeal. Of course, this does not mean that the Hittites did not know of or did not apply this practice. It is possible to catch clues about the practice of river ordeals in Hittite written sources other than the law texts. Thanks to a text belonging to the Assyrian Trade Colonies Period, it is understood from tablet **no: Kt n/k 504 (dub. Kt. 93/k 145)** found in Kültepe/Kaneš that the river ordeal was used in Anatolia before the Hittite Period. The translation of the relevant part of the text describing Anatolia's oldest known river ordeal in this form are as follows (Günbattı, 2000: 75; Günbattı, 2017: 127).

Transl.²

"Karum said: "Let him (Aššur-taklāku) be ready (and) swear3 on the dagger of God Aššur or go to the river like a local of your city!"

Based on this narrative, it is claimed that the *indigenous people* of Kültepe in the Assyrian Trade Colonies Period were aware of the river ordeal and this could have been a traditional practice (Günbattı, 2000: 86; Günbattı, 2017: 127; Bayram and Kâhya, 2018: 84). However, some scholars suggest that the river ordeal practice may have been brought to Anatolia by Assyrian merchants (Duymuş Florioti and Demirci, 2013: 38).

After this period, the practice of a river ordeal (van den Hout, 2003-2005: 129, 130) appears in Hittite written documents. Expressions found in these texts, such as "don't go to the river", "transfer to the river" or "go to the river god" seem to indicate the existence of the river ordeal practice. For instance, an instruction text for palace employees (KUB 13.3 II 14'-19' CTH 265.1) states "make you responsible for the river" which suggests that this process was also practised by the Hittites. It can be understood from other texts that those who came out clean from the river would continue to serve the king, while those who came out unclean were found guilty and punished (Dinçol, 2003: 24). The translation of the relevant parts of the text is as follows (Marazzi, 2010: 204; Miller, 2013: 80, 81):

KUB 13.3 Obv. II 14'-19'

"On a day when (my) temper gets the best of (me), the king, and I call all of you kitchen personnel, and I put you through the river (ID-i māniyahmi), then he who is (proven to be)

² **Obv. 19-22**: 19 um-ma kâ-ru-um-ma / li-zi-iz 20 <İGİ> GİR ša A-šur / li-it-ma 21 ù-ul / ki-ma DUMU a-li-kâ 22 a-na i-id / li-li-ik

^{3 &}quot;mahar patrim ša Aššur tamā 'um swear to God Aššur" It is an important element used in the determination of the crime of the person in question. Swearing is frequently used in Ancient Anatolia (Westbrook, 2003: 88). It also takes place in the Neo-Assyrian Period (Faist, 2014: 194, 195).

pure (parkuēšzi), he is a servant of the king, while he who is (proved to be) impure (paprišzi), I, the king, will have no need of him. They (i.e. the gods) will allot him an evil fate, together with his wife (and) his sons".

This text can be regarded as proof of the Hittite use of the river ordeal. This is very important because the narratives of river ordeal in Hittite documents served the purpose of reminding people of previous incidents in which the river ordeal had been practised. This was supposed to be a warning to prevent possible crimes in the future. For example, in the third column of the same text, an earlier occurrence of the practice is mentioned, and the palace staff were strictly warned thereby (Marazzi, 2010: 205 and Miller, 2013: 17).

KUB 13.3 Rev. III 21-31

"Furthermore, you who are water carriers, you must be very careful concerning the water, and you must always filter the water with a sieve. One time I, the king, in the city of Šanahuitta, found a hair in the washbasin, and (my), the king's, ire was raised, and I became enraged at the water carriers (and said): "This is disgusting!" Arnili (responded) so: "Zuliya was the overseer!" And the king (continued) thus: "Zuliya shall go through the river (ordeal)! If he is (shown to be) innocent, then let him purify his soul. But if he is (shown to be) guilty, then he will die." So, Zuliya went through the river(ordeal), and he was (shown to be) guilty. And they "dealt with" him in the city of Šuresta".

In tablet **KBo 50.282 1'-11'** (CTH 265.2) a parallel text of the above-mentioned situation is conveyed in more detail (Marazzi, 2010: 201, 202; Miller, 2013: 82-85).

"Arnili (responded) so: "Z[uliya] was [the oversee]r!" And the king (continued) thus: "[Zuliya] shall go [through] the river(ordeal)! If he is (shown to be) inno[cent], then [may] you [b]e innocent as well. [But] if he is (shown to be) gui[lty], [then] you shall go too!" And when they went, Zuliya was (shown to be) guilty, [and] the othe[r was also guilty], [so that] they ["de]alt with" [the]m in [...] the city of Šurista."

In the continuation of the text, it is understood that the Hittite king blamed the water carrier who is named Zuliya. The king applied to the river ordeal stating that he had seen a hair in the bathing water and that Zuliya, an officer responsible for keeping the water clean, had neglected his duty. The king clearly states that Zuliya will go to the River God (D ÍD *pai-*) and that if he is not guilty he must cleanse his soul, but if he is unclean, he will die. In the parallel text found in the tablet - as can be followed above - it is understood that Zuliya and other responsible persons who may have caused the incident went through an interrogation. Finally, officer Zuliya was found guilty when he was thrown into the river. According to the narrative in the text, both Zuliya and the other people responsible were sent to the city of Šurista to serve their sentences. One of the important implications here is that, unlike river

ordeals in certain law texts in the Ancient Near East⁴, during the Hittite Period, the person who was found guilty in the river ordeal was not left to die in the river. Instead, it appears that the person was punished elsewhere. The person was not left to die in the river, which shows us that that the people of the time were aware that the water of the river would also be polluted due to this dirty action.

We can evaluate the practice of not leaving the criminal to die in the river by perusing the following paragraph found in Hittite law (§166-167):

"If anyone sows his own seed on top of another man's seed, his neck shall be placed upon a plow. They shall hitch up two teams of oxen. They shall turn the faces of one team one way, the other team the other. Both the offender and the oxen will be put to death, and the party who first sowed the field shall reap it for himself. This is the way they used to proceed. But now they shall substitute one sheep for the man and 2 sheep for the oxen. He shall give 30 loaves of bread and 3 jugs of ... beer, and reconsecrate (the land?). And he who sowed the field first shall reap it." (Hoffner, 1997: 133, 134; Dinçol, 2003: 30-31; Dinçol, 2013: 522).

Although it may seem strange at first that the oxen, who are partners in the person's crime, are killed in this article, the incident recalls the action of the judges who gave the death penalty to break the pen (Dinçol, 2009: 110). This is because the oxen are now religiously polluted and they can no longer be used as offerings or plough a fertile field. In light of the Hittites' understanding of religious cleanliness, such thinking is quite understandable. According to a new version of the text of these laws, even the field where such a crime took place was subjected to decontamination (§167 KBo 6.26-CTH 292). In the light of this information, the reason why the water carrier Zuliya was not left to die in the river becomes more understandable. According to their religious beliefs, Hittites probably assumed that leaving a person to die in a river would pollute the water.

Given that the land irrigated by the rivers was agricultural land and that it yielded rich produce, the water of those rivers needed to be kept clean from a religious point of view. Apart from this, the Hittites needed to keep the rivers/waters clean and pure for reasons such as the existence of the River Gods, the various offerings being made to the river and the use of river water in purification processes (Gerçek, 2020: 261-164).

⁴ For example, in the Code of Hammurabi, it is understood that if the person whose crime would be determined by the river ordeal is thrown into the river, and if the river pulls the person down (in other words, if he is found guilty) he is left to die in the river (Tosun and Yalvaç, 1989: 185; Öz, 2015: 197).

In addition, apart from the two instruction texts in question, there is some information about the river ordeal in text no. **KBo 3.28II 10'-19'5** (CTH 9.6 (ed.), hethiter.net/: CTH 9.6 (INTR 2012-07-10)) which is a palace history fragment dated to the Hittite Imperial Period (Soysal, 1989: 33; Dardano, 2002: 365; Marazzi, 2010: 211).

KBo 3.28 Obv. II 10'-19'

"But now if a prince in any way trespasses against the person (lit., "head") of the king, the latter (i.e. the king) [summons] him to [the river god] and let him (there) go! If he finds himself innocent (lit., "he is purified"), let him be admitted into your presence (lit., "let him see[d] your eyes")! But if he refuses (to submit to) the ordeal of the river, let him stay at home. [If] (you) are indulgent and you want to take him into account, take him into account, but if you don't want to take him into account, let him stay at home, don't put him in prison! May you not hurt (him), do not hurt him give death, do not offer it] (to public judgment), otherwise you will give cause for concern to the gods (lit., "you will make the gods fall ill") in heaven and you will give cause for concern also to men (lit., "with faces") on 'earth. § Many were found guilty of my father's person (lit., "head") with the river god and the king's father did not keep them alive. Kizzuwa also found himself guilty with regard to the person of my father with the god of the river: my father did not keep Kizzuwa alive. (Dardano, 2002: 365; Marazzi, 2010: 211).

In this tablet, whose upper edge is broken, the rebellion of the prince of Purušhanda, one of the important cities of Anatolia, is mentioned. According to the text, the prince, who appears to have commited a crime against the king, was sentenced to the river ordeal. However, the prince was given a chance not to accept the river ordeal. If the prince did not accept the practice, there would be no imprisonment or murder, but according to the text, he would be allowed to stay at home. In the subsequent parts of the text, the king mentions that an official named Kizzuwa, who had committed the same crime during his father's time, was killed. In recounting this incident his aim was to intimidate the prince.

Important information about river ordeals can be obtained from some of the broken tablet fragments which were examined by Laroche (1973), who studied the Hittite river ordeals, and Frymer-Kensky (1979) who also studied river ordeals throughout the Near East. The relevant parts of the tablets are as follows: (Marazzi, 2010: 204, 205)

^{5 10&#}x27; ki-nu-na ma-a-an DUMU-aš A-NA SAG.DU LUGAL ú-ua-aš-ta-i ku-it-ki a-pa-ša-an A[-NA DÍD] 11' [ha] l-za-a-i na-aš pa-it- μτη ma-a-na-aš pár-ku-eš-zi nu ša-a-ku-ua-at-te-et ú-uš[-ki-it-tu] 12' [t]ák-ku DÍD-iama? mi-im-ma-i na<-aš> É-ši-pát e-eš-tu ge-en-zu-ua-i[-ši ma-a-an] 13' na-an ka-pu-u-e-ši na-an ka-pu-u-i ták-ku na-at-ta-ma ka-pu-u-e-ši 14' na-aš É-iš-ši-pát e-eš-tu A-NA É.EN.NU.UN le-e da-it-ti 15' i-da-lu-ma-an le-e i-ia-ši hé-en-kán-še le-e ták-ki-iš-ši uš-ša-n[i-]a-ši-an] 16' le-e ne-pí-ši DINGIR^{DIDLI} iš-tar-ni-ik-ši! tákna-a-ma mi-e-nu-uš iš-tar-ni-ik[-ši] 17' at-ta-aš-ma-aš har-ša-ni-i DÍD-ia me-ek-ke-eš pa-ap-re-eš-kir šu-uš A-BI LUGAL 18' na-at-ta hu-iš-nu-uš-ke-e-et mKi-iz-zu-ua-aš- pát A-NA SAG<.DU> A-BI-IA DÍD-ia 19' paap-ri-it-ta ša-an at-ta-aš-mi-iš mKi-iz-zu-ua-an na-at<-ta> hu-e-<eš>nu-ú-ut (Dardano, 2002: 365).

KBo 28.102 (CTH 208): The 14th line of this text, which is a fragment of an Akkadian letter, contains the phrase "...] ${}_{L}A-NA_{J}$ ^DÍD $a-{}_{L}li-ik_{J}$ "...] he will go to the river god". However, it is not known by whom, when and to whom the letter was written.

KBo 7.53 (CTH 470): The phrase "]x D ÍD *an*- ${}_{\Gamma}da?_{\Gamma}/$]x into/in the River God" is found on the 17th line on the reverse of a tablet with a ritual fragment dating to the Middle Hittite Period.

KUB 43.35 (CTH 275): There are some statements that we can relate to a river ordeal between the lines 2-9 of a text that is an instruction and protocol fragment dating to the Middle Hittite Period: 2' when I go [to3' he will prove] guilty and h[e......]will listen to [...... 4' inno]cent you? He will return from the "god river" [....... / 8' ...] who do not jud[ge.... 9'...] of the "river god" doesn't g[o?...

KBo 18.66 (CTH 209): The text is dated to the Middle Hittite Period (Arnuwanda I?). In this text, which is a fragment of a letter in Hittite, the identities of the sender and the recipient are unknown. However, the expression "*I-N*] A^{D} \hat{D} $\hat{D} = ia \ pehute[r/] \propto m\bar{a}n \ parkuiš[zi/é" ('and they take it to the river god x') proves his innocence and the phrase in lines Rev. 8-9 of this letter, which seems to have been written by an authorized person, is closely related to the river ordeal.$

KUB 31.74 (CTH 23.3.A): The date and the subject of the tablet, which provides information about Alluwamna, are not clear. Although Marazzi suggests dating it to the early Middle Hittite Period ((ed.), hethiter.net/: CTH 23.3 (INTR 2012-07-11), new studies point to the Imperial Period (https://www.hethport.uni-wuerzburg.de/hetkonk/hetkonk_abfrage.php). In the second column of the obverse of the text, between lines 9-11, a river ordeal appears to be quoted. Among these lines, the expression found in line 9, "*happa anda šešten/* (stay in the river)", is very important (Marazzi, 2010: 211). Although there has been some discussion about whether the word "*happa-*" refers to a river or just a water concept, it can be assumed that the word "*happa-*" should correspond to a river based on the phrasing in the following lines (10' *Whoever will be innocent/clean is your servant* [... 11' and dies! And you, Gods/ River Gods)⁶.

Conclusion

In conclusion, when we look at the texts before the Hittite written sources, it can be seen that the practice of river ordeal was known by most Ancient Near Eastern societies. Thanks

⁶ hapa-: İD, NARU, river, stream, (Friedrich and Kammenhuber, 1991: 197-198; Puhvel, 1991: 114, 115; Ünal, 2007: 166). It is known that hapa- is also used as a suffix. According to the studies of O. Soysal, it is stated that when the Hittite names are eliminated, the place name can be defined as "...river", while when Hattic is added to the names, it gives the expression "god" due to the intervening š(a)+pill form. For details of the study, see (Soysal, 2010: 783-792).

to a tablet dating back to the Assyrian Trade Period, uncovered at Kültepe, it has been proven that this practice also existed in pre-Hittite Anatolia. With regard to the Hittite texts, it is possible to follow the river ordeal practice in almost all periods of the Hittites. However, unlike the Near East, the information about the aforementioned practice is obtained from different text groups, not from Hittite laws.

Texts from the pre-Hittite period mention two reasons why the "river ordeal" was practised. The first was to verify or prove an existing claim and the second was punishment. Certainly, the river ordeal was not used for every type of crime. Instead, it was preferred in cases where it was very difficult to prove the accusation. It is also seen that the penalty for throwing someone into the river was given for various crimes in different periods (Faist, 2014: 197). When we look at the pre-Hittite law texts, it seems obvious that the river ordeal was applied mostly because of adultery, witchcraft, the refusal of a spouse, the failure of a woman to fulfil her duties, disputes between merchants or problems arising from debts. It can be argued that it was practised in cases such as rebellion against the king, or failure when serving the king (Öz, 2015: 196-201). When it comes to the Neo-Assyrian Period⁷ after the Hittites, it can be observed that this method was used because of problems experienced in opposing authority or theft, murder or inheritance sharing, which can be considered as rather individual crimes. Considering the genders of those punished by river ordeal, this practice was often applied to men. However, it is also known that more women were sent to the river in cases of adultery⁸.

Among all the documents examined about the river ordeal, the most striking difference seen in the Hittite and Neo-Assyrian sources is the rejection of the river ordeal. This actually meant an admission of guilt (Akyüz, 2020: 168) because if a person refused to be tried in the river, he showed that he knew of his crime and was afraid of the result. Thus, the person who admitted his guilt was punished in court. However, this practice is not mentioned in previous periods which shows that in early periods, the practice of a river ordeal had been used as a method of punishment as well as a way of detecting crime. In addition, the act of "*taking an oath*", which we can see in Kültepe and New Assyrian texts, is another practice applied to avoid the river ordeal.

In the texts, it is not clearly stated how and where the person thrown into the river was punished if he was found guilty. Despite these questions, the only answer we have is contained

⁷ Expressions that come to the fore in relation to the river ordeal in the Neo-Assyrian Period; *hursān*/river ordeal (SAA 18: 182) and *hursān itūra*/returning from the river judgment. See also Akyüz, 2020.

⁸ For the Ur Nammu Laws paragraphs 7-11 (Roth, 1997: 17 vd.; Tosun-Yalvaç, 1989: 40); for the series anaittišu paragraph 1 (Tosun-Yalvaç, 1989: 48); for the Code of Hammurabi paragraphs 120 and 132 (Tosun-Yalvaç, 1989: 198; Dinçol, 2003: 14; Öz, 2015: 197) and for the Middle Assyrian Laws paragraphs 17 and 24 (Tosun-Yalvaç, 1989: 248, 249).

in the second article of the Code of Hammurabi. In the text in question, the expression "the river pulls the person" can be found. This expression probably means that the person died in the river. From the expression "the river cleans the person" from the same article, it can be concluded that the person somehow managed to stay on the surface of the water (Öz, 2015: 197). Neither this article nor the other documents from the Hittite and the Neo-Assyrian Period mention whether the criminal died during the river ordeal or not. However, it can be assumed that the person found guilty was left to die in the river, as no further punchased to stay given.

The River Gods, who played a judgmental role in the river ordeal, are mentioned in many different text groups in Hittite written texts. We can list them as mythological texts, political texts, prayer texts and ritual texts. However, in all these texts, the River Gods have always come to the fore with different features. These are a group of gods that are associated with fertility in mythological texts and are a kind of bridge connecting the underground and the earth. They are among the witness gods in political texts, and are in the category of gods whose worship and offerings should not be left out in prayer texts, and whose purifying and creative powers were needed in ritual texts. Although there is no direct mention of River Gods in Hittite texts, they were mentioned in legal texts, in other words, in text groups where the trial, crime and punishment can be observed. Since there is no evidence that the person on trial was left to die in the river during the execution of the Hittite river ordeal, it is clear that the River Gods were in the position of detecting the crime in these text groups, although it cannot be said if they carried out the punishment or not. Another piece of information supported in the light of all these data is how important water resources and water cult practices were for the Hittites.

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СТН	Content	Text Nr.	Term	Translation	Period
9.6	Fragments about palace history 1	KBo 3.28	^D ÍD mimma-	Rejecting the River God	Hittite Imperial
			^D ÍD-ia paprai-	Being found guilty by the River God	Period
23.3.A	Fragments about Alluwamna	KUB 31.74	happa anda šeš-	Lying in the river	Imperial Period
208	Akkadian Letter Fragments 1	KBo 28.102	<i>A-NA</i> ^D ÍD alik	Going to the River God	k.A.
209	Hittite Letter Fragments 1	KBo 18.66	I-NA ^D ÍD=ia pehute-	Going to the River God	Middle Hittite Period
265.1	Instructions for court personnel	KUB 13.3	ÍD-i māniiah-	Delivering to the river	Imperial Period
			parkueš-/parkuš-	Being clean, or proved innocent	
			paprai-/papre-/ papri-	Being polluted, or dirty	
			hapā pai-	Going to the river	
265.2	Instructions for court personnel	KBo 50.282	^D ÍD <i>pai</i> -	Going to the River God	Imperial Period
			hapā pai-	Going to the river	
275	Fragments of instructions and protocol	KUB 43.35	^d ÍD EGIR	Returning to the River God	Middle Hittite Period
470	Ritual fragments	KBo 7.53	^D ÍD anda	Into the River God	Middle Hittite Period
	Figure	Hittite texts a	nd expressions about	t the River Ordeal	