

Ancient Greek and Hittite Legal Language

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UCL

Submitted for degree Doctor of Philosophy

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Introduction

Research question

The language used in legal contexts is often considered to be hyper-conservative and formulaic, with relatively little variation and preservation of archaic or unusual forms. However, many linguistically interesting features are found in what appears to be standardised and formulaic language, and the development of these standards is itself interesting. This thesis looks at the evidence for the development of a legal register in early Greek and Hittite legal texts: is there a distinct ‘legal language’, and if so, what does it look like? Does it fit our (modern) assumptions about how legal language works, and does it contain the same linguistic features in both languages? Did these linguistic features arise independently in legal texts in the early stages of a written tradition, or are they determined by specific cultural context? What can a description of legal language add to the picture of the history of the languages in general?

The early Greek legal inscriptions and the Hittite laws provide interesting comparative material for investigating legal language: while some contextual factors which may influence the way language is used are similar – both sets of texts come from the early stages of written tradition in that language, and from a context where there is no legal profession – others are very different: the Greek texts were intended to be publicly displayed and referred to in legal proceedings, the Hittite texts come from a royal scribal context. On the surface, they have some clear similarities: both have been described as casuistic in nature, with an *if... then...* structure: “they have the form of a conditional sentence stating the violation and its punishment or other consequences... first a regulation prescribes or prohibits a certain action... and the next provision... spells out the consequences of non-compliance.”¹

Outline

In the introduction, I set out some background information about the texts and their contexts, and modern ideas about legal language. I describe my approach to language in the context of previous scholarship on register variation and formulaic language.

The first half of this thesis is concerned with the early Greek legal inscriptions. The first section investigates ways of expressing authority in early Greek legal inscriptions: the texts tell the reader that they are laws, and to whom, where and when they apply, they include enactments and entrenchment clauses, and they make frequent reference to the social and political context. The second section looks at conditions and instructions in early Greek legal texts: both conditional clauses and instructions are very frequent in legal inscriptions, and imperatives and imperatival infinitives appear to be more common than other genres of text.

The Hittite Laws are the subject of the second half of this thesis. The first section looks at ways the text is presented as authoritative, despite being anonymous, by situating itself as part of a legal

¹ Gagarin 2008:49 referring specifically to 1, Dreros, c650, but the description is largely accurate for most early Greek and Hittite laws.

and scribal tradition. The second section investigates conditions in the Hittite Laws: the consistent use of the archaic conditional conjunction *takku* is one of the most striking features of the text. The late and innovative Parallel Text version provides useful information about ancient perceptions of legal language through its selective preservation of archaic features. The third section places the Hittite Laws in their cuneiform context, and demonstrates influence of the Mesopotamian cuneiform legal tradition on the content, structure and language of the Hittite Laws. Comparisons with another early Hittite text, *The Proclamation of Telipinu*, show that distinct genres already existed in the earliest period of Hittite writing.

In the conclusion, I draw comparisons between the language of the early Greek legal inscriptions and the Hittite Laws. I argue that while both show evidence of a legal register, the majority of features which appear to belong to a legal register are specific to that language, and the differences can be explained by the specific historical and textual contexts of the texts.

The texts and their contexts

The key texts for this project are Greek legal inscriptions dating until the end of the C5th, and the Hittite Laws (CTH §§291-292).

The Greek texts cover the period from the mid C7th, the date of the first attested Greek legal inscriptions, until the end of the C5th, a key moment in standardisation of Greek epigraphic writing, the official adoption of the Ionic script in Athens in 403/02. During this period, legal inscriptions are found across Greek-speaking areas, written in the Greek alphabet in various epichoric varieties. They are most often inscribed on stone, and intended to be publicly displayed (and thus readable by – or at least visible to – the community in general),² but some are inscribed on metal tablets. In most cases, the text of the inscriptions was written by an official who held a particular political office.

It has been argued that the Greek laws were unusual among early laws in that they were actually intended to be used as legislation, and in theory were available to any member of the public: “the Greeks used writing extensively for legislation with the intent of making their laws available to a relatively large segment of the community, whereas other cultures wrote extensive sets (or codes) of laws for academic purposes or propaganda but these were not intended to be accessible to most members of the community and had relatively little effect on the actual operation of the legal system.”³

The Hittite laws, by contrast, belong to this second type of texts which were not necessarily intended to be used within the legal system. The Hittite Laws appear in copies from the whole period of attested Hittite (approximately C16th – C13th BCE), written in Hittite cuneiform on clay

² As argued for Crete specifically: “The fact that so much legislation was publicly displayed, moreover, suggests that these laws were intended to be widely communicated.” Gagarin & Perlman 2016:53

³ Gagarin 2008:1

tablets. They are anonymous, but have been attributed to various early Hittite kings.⁴ The copies were written by trained scribes, and the tablets were found in the context of official archives.

What counts as 'legal'?

The corpus for this project includes about 200 early Greek legal inscriptions, from across Greek speaking areas, as well as all the manuscripts of the Hittite Laws (CTH §291-292) collected in Hoffner 1997. When selecting Greek legal inscriptions, I have used the following definition:

An instruction, duty or obligation which may be followed by a consequence for non-compliance, or a description of a violation or a prohibition followed by a punishment, which applies generally,⁵ and has some sort of authority behind it (there is the possibility of enforcement, even if it is not necessarily made explicit).

These criteria do not necessarily match any criteria the Greeks or Hittites might have themselves had for categories of official texts. Such criteria may not have been consistent over the period in question (Drakon probably used different words to describe his law on homicide to those who republished it),⁶ and likely also varied across geographical areas, even within the Greek-speaking world. These criteria are also narrower than those typically used for modern collections of Greek legal inscriptions, which frequently include a wider range of official texts (or "all texts that record authorized public actions").⁷ I have included Greek 'sacred law' of the "don't cut sacred wood"-type,⁸ but not calendars or instructions relating to ritual norms. I also exclude the Hittite texts categorised as 'instructions' (CTH §§251-272), which are significantly more limited in their application (both to whom and under what circumstances).⁹

Away from Athens and Crete

Athens and Attic Greek are taken as the 'standard' for both Greek law and the Greek language in modern scholarship – for example, the Cambridge Companion to Greek Law divides the chapters into sections under the headings 'Law in Athens' and 'Law outside Athens',¹⁰ and the most recent edition of Cretan legal inscriptions highlights linguistic features which differ from the Attic dialect.¹¹ But the 'standard' for early Greek legal inscriptions is set by Crete, or more specifically, Gortyn, which in this period produced more legislation and more inscriptions than anywhere else in the Greek world, including the second longest Greek inscription, the Gortyn Code. Most claims about the language of ancient Greek legal inscriptions have been made primarily on the basis of

⁴ Hattušili I, or Muršili I: Carruba 1962, Telipinu: Archi 1968, Goetze 1928, Hans G. Güterbock 1954.

⁵ This does not mean a law necessarily applies to everyone: laws which apply to people of a particular social status or holding a particular position are included, as long as the group of people it applies to is open rather than fixed.

⁶ Gallia 2004:456 n.28; Stroud 1968:20

⁷ Gagarin & Perlman 2016:ix

⁸ Parker 2004:65

⁹ On the question of the genre of the instruction texts, see Miller 2013:10-12.

¹⁰ Gagarin & Cohen 2005

¹¹ Gagarin & Perlman 2016:46-50

Attic or Cretan texts. However, there is still a significant amount of legal material in early Greek inscriptions from other places, and I have not put geographical limitations on the selection of texts. Sometimes I will consider the Attic or Cretan material separately from the rest of the inscriptions: many of the linguistic features discussed here have already been investigated for either Crete or Athens (or some general claims made with reference to only Athenian or Cretan material), and focusing on texts from other regions may produce new answers. Dialect variation may also explain some differences between early Greek texts from different regions.

Writing

Both the Greek and Hittite legal texts include texts from the early periods of writing attested in that language.¹² This makes them particularly useful material for the investigations of register variation, since the introduction of literacy in a particular language can increase the amount of register variation within that language. To give a more recent example, following the introduction of Somali literacy in early 1970s there was a significant increase in register variation, and over the next two decades the distinctions between the newly introduced written registers became overall more sharply defined.¹³

In addition, there is often clear influence of register features in the language the writing system was borrowed from. The cuneiform writing system adopted by the Hittites had already been used to write multiple languages for more than a thousand years, with well-developed Sumerian and Akkadian textual traditions, which included law collections. It has been suggested that the linguistic features of Hittite law and omen texts are heavily influenced by Akkadian models.¹⁴ The connection between omens and laws is also visible in Mesopotamian texts: “the formulators of the omen texts use language that make[s] the connection between the two disciplines explicit.”¹⁵ In contrast, it has been argued that with the introduction of alphabetic writing, in ancient Greek “written registers without foreign precedent were developed for the first time,” though the same could be said the introduction of writing for Chinese.¹⁶

Why legal language?

There is a traditional association between law and (written) language: “law is power expressed with linguistic means.”¹⁷ Cross-linguistically, language used in legal contexts has been considered

¹² Greek written in Linear B is does not provide any useful evidence for investigating legal language, since the Linear B corpus includes no laws or legal texts, and there is a significant gap between the latest text written in Linear B and the first alphabetic texts. The oldest manuscript of the Hittite Laws comes from the earliest period of Hittite cuneiform writing, but the earliest Greek legal inscriptions appear about 100 years after the first attested use of the Greek alphabet.

¹³ Biber & Hared 1992; Biber 1995:301-11

¹⁴ Sternemann 1965:262; Roth, Hoffner & Michalowski 1995:3, 216; Zorman 2017:255-260; etc. Riemschneider 1970:1-7, 9-14 on the relationship between Akkadian and Hittite omen texts, *ibid*:21 on similarities between the language of the omens and the Hittite Laws.

¹⁵ Guinan 2014:113

¹⁶ Biber 1995:361

¹⁷ Galdia 2009:30

to be conservative, with relatively little variation and changes being slow to take effect, and it is frequently described as formulaic.¹⁸ However, legal language is also characterised by considerable syntactic complexity, including features like conditional and relative clauses, multiple layers of subordination and coordination, commands and exhortations, and variation in word order. Legal language is also an example of language used for a specific purpose: laws have a clear communicative goal, to describe expected or prohibited behaviour, and consequences for non-compliance. This combination of linguistic complexity and specific purpose makes legal language a particularly interesting example for investigating register variation.

Ancient and modern legal contexts

Ideas about modern (English-language and/or European) legal language do not necessarily apply to ancient languages. These three statements are taken from the *Oxford Handbook of Language and Law* (2012):

‘In order to provide a firm foundation for legal decision-making processes, which have to be systematic and just, the text of the law needs to be clear, explicit, and precise.’¹⁹

‘Typically, the legal profession uses language that contains a substantial amount of technical vocabulary and a number of distinct (often archaic) features.’²⁰

‘The most important of these principles concerns avoidance of ambiguity and precision of interpretation.’²¹

The consequences of the overuse of these features – technical vocabulary, avoidance of ambiguity, for the use of a particular profession – is “legalese”, language which is difficult to understand, being overly technical and full of repetition, with excessive or unusual uses of particular words (‘the aforementioned’), producing convoluted and obscure texts. Legal language functions to intimidate and exclude:²² it may not be necessary to produce such convoluted and obscure texts simply as a natural consequence of trying to avoid ambiguity, but instead the intention is to keep the law as the preserve of an elite group who have been trained in the specialist language. The Plain Language Movement argues that using such language is problematic for documents which affect the lives of people who cannot understand them: “legal documents usually set out our rights and responsibilities. If we cannot understand the documents, we cannot exercise our rights and we cannot take responsibility.”²³

¹⁸ “Some registers (e.g. legal documents) have well defined norms so that there is relatively little variation among the texts within the register” Biber 1995:31; “Changes in legal language are slow to take effect, the genre being one of the most conservative of all varieties of language use.” Hiltunen 1990:60

¹⁹ Hiltunen 2012a:39

²⁰ Tiersma 2012:13

²¹ Gotti 2012:52

²² Bourdieu 1986:9-10

²³ <http://www.plainenglish.co.uk/campaigning/past-campaigns/legal/drafting-in-plain-english.html>. There have been attempts to combat this through more legislation, such as the Plain Writing Act of 2010 in the

The key difference is that the “legal profession” does not exist in a comparable way for the Greeks and Hittites in the period in question. Although there is no question that there were elite groups with an interest in manipulating the law and its language to maintain the status quo and consolidate their power,²⁴ there was no particular subset of this group who had access to and regularly used a subset of specialist knowledge and technical knowledge as the result of training in the way that lawyers in the modern period do. UK legislation is drafted by the Office of the Parliamentary Council,²⁵ a group of specialist government lawyers. In early Greek cities, laws were generally drafted by those in positions of political authority: on Crete, the enactment clauses were always collective,²⁶ whereas Athenian enactment clauses in the C5th identified the secretary, who was ultimately responsible for the text of the law as it was inscribed, but this position was elected or chosen by lot for a limited time period.²⁷ Even the *nomothetai*, who from the end of the C5th were a body whose purpose was drafting legislation, were chosen by lot, and were not professionals.²⁸ The text was unlikely to have been inscribed by the same person who drafted it. The author of the Hittite laws is anonymous, although is generally considered to be an early Hittite king. The scribe who produced a particular copy is sometimes named in the colophon, and these scribes copied and produced various types of text. In both the Greek and Hittite contexts, interpreting laws and bringing legal action is done by the people involved in the case, not specialists.²⁹ Although the scribes and stone-cutters responsible for producing the physical copies of these texts are professionals and specialists in *writing*, they could not be considered in any sense *lawyers*, so the circumstances for developing a professional language filled with ‘technical jargon’ do not arise.

What was the attitude of these non-professional drafters towards the language of the law? Since there is no meta-legal commentary directly from the period in question, it is necessary to move forwards to the early C4th to look for Greek attitudes towards ambiguity in the language of laws. Orators in this period frequently refer to written laws, and generally treat the overall text of the law as authoritative.³⁰ However, arguments about ambiguity in the specific linguistic content of laws and other legal documents are rare. In Lysias we find an argument against the relevance of specific wording in the law: he claims that it is not an adequate defence against accusations of slander for Theomnestus to say that he did not actually use the word *ἀνδροφόνος*, which the law forbids:

US, which requires clarity in federal communications about legal matters (although this does not include the regulations themselves). *Plain Writing Act 2010*

²⁴ Those elite groups being primarily the Hittite king and his court, and wealthy citizen males in early Greece: we know women, slaves and foreigners were generally excluded from active participation in the legal system in Athens.

²⁵ <https://www.gov.uk/government/organisations/office-of-the-parliamentary-council/about>

²⁶ e.g. *ἀδ' ἔφαδε πόλι 1, Dreros, c650.*

²⁷ see Abbott 2013 for evidence for the activities of Athenian and Peloponnesian secretaries.

²⁸ Rubinstein 2012

²⁹ The activities of the orators (already in the C5th) notwithstanding. The idea of self-representation in court as a non-specialist continued into C4th speeches, where the speakers often refer to their lack of experience and youth (e.g. Demosthenes 27.1-3, 58.2). See Ober 1989:170-77 on this trope. In §55 of the Hittite laws, men disputing their *šahhan* status present their case to the king themselves.

³⁰ Gagarin 2008:181

ἐγὼ δὲ οἶμαι ὑμᾶς, ὦ ἄνδρες δικασταί, οὐ περὶ τῶν ὀνομάτων διαφέρεισθαι ἀλλὰ τῆς τούτων
διανοίας, καὶ πάντας εἰδέναι, ὅτι ὅσοι <ἀπεκτόνασί τινας, καὶ ἀνδροφόνοι εἰσί, καὶ
ὅσοι> ἀνδροφόνοι εἰσί, καὶ ἀπεκτόνασί τινας. πολὺ γὰρ ἔργον ἦν τῷ νομοθέτῃ ἅπαντα τὰ ὀνόματα
γράφειν ὅσα τὴν αὐτὴν δύναμιν ἔχει· ἀλλὰ περὶ ἐνὸς εἰπῶν περὶ πάντων ἐδήλωσεν. (Lysias 10.7-8)

For my part, gentlemen, I hold that your concern is not with mere words but with their meaning, and that you are all aware that those who have killed someone are murderers, and that those who are murderers have killed someone. For it was too much of a task for the lawgiver to write all the words that have the same effect; but by mentioning one he showed his meaning in regard to them all.³¹

He goes on to explicitly discuss the presence of archaic language in laws, giving several examples where the specific word used in the law differs from what he claims is now more common: the conclusion is that τῶν δὲ ὀνομάτων ἐνίοις οὐ τοῖς αὐτοῖς χρώμεθα νῦν τε καὶ πρότερον,³² but this should not be an obstruction to enforcing the *spirit* of the law, and therefore Theomnestus should be convicted of slander. In another speech (Lysias 13.85), there is a dispute over the words ἐπ' αὐτοφώρῳ 'in the act' appearing in a warrant: he accuses Agoratus of trying to get off on a technicality, since the question of whether someone caught him in the act does not affect the fact that he committed the crime. There is no evidence for legal arguments depending on specific wording of the law in Hittite.

Histories of (legal) language

Early Greek legal inscriptions and the Hittite laws both also provide valuable evidence for the diachronic development of language. Both are texts that were repeatedly modified and rewritten. Amendments and additions are often explicitly signposted and the texts situate themselves as part of a legal tradition: even the earliest versions of the Hittite law codes state that the punishment was formerly (*kāru*) something else, but has now been reduced.³³ The latest version of the text, KBo 6.4, the Parallel Text (PT), contains additional provisions that do not appear in earlier versions.³⁴ Greek legal inscriptions also have amendments and additional conditions added later, most notably to the Gortyn Code, itself already a compilation and re-inscription of earlier laws.³⁵ Legal texts are also republished by decree, such as the foundation document of Cyrene, dating from the C4th but claiming to reproduce a C7th document,³⁶ or Drakon's law on homicide, again originating from the late C7th,³⁷ republished by decree in 409/8.³⁸

³¹ Trans. Lamb 1930

³² '[I suppose he has realized that things are the same now as they were of old] but that in some cases we do not use the same terms now as we did formerly.' Lysias 11.20 (trans. Lamb 1930).

³³ e.g. §57, 58, 59.

³⁴ e.g. §IX, X.

³⁵ Gagarin 1982:130; Gagarin and Perlman 2016:336

³⁶ SEG IX.3

³⁷ Stroud 1968:65-70

³⁸ 187, Athens, 409/08

Since revising or republishing these early texts did not always require word-for-word or sign-for-sign copying, the ‘updated’ orthography, morphology and syntax in these copies can provide valuable evidence for language change, and the selective preservation of more archaic features can be interrogated for indications of what the ancient copyists might have perceived as language particularly suitable for legal texts. Furthermore, it may be possible to provide explanations for language change in Greek and Hittite from within one particular register: further analysis at the level of sub-register can explain patterns in historical developments which might otherwise be obscured.³⁹

Ancient textual contexts

The borrowing of the cuneiform writing system was important for the development of different genres of Hittite texts. Prior to the production of the Hittite cuneiform texts, there was already a long tradition of Mesopotamian cuneiform law codes, including the Laws of Ur-Namma (Sumerian, ca. 2100-2000 BCE), the Laws of Eshnunna (Akkadian, ca. 1950-1900 BCE), and the Hammurapi Code (Akkadian, ca. 1754 BCE). Like the Hittite Laws, these are casuistic in form, and they had a significant influence on the structure, content and style of the text.

The Mesopotamian law codes themselves belong to a complex and well-developed intellectual ecosystem, and are part of a tradition of collecting information in lists, along with omens, lists of gods, astrological texts, etc. The similarities in language and form between Akkadian omen texts and law collections make this connection explicit: “omen series are also codifications, in the sense of their being systematic arrangements of rulings in accordance with various criteria or subject matter.”⁴⁰ Cuneiform law codes sit in the same intellectual context as divination texts, medical texts, omens, and astrological texts.⁴¹

Other groups of Hittite texts are also important for understanding the development of the language of the laws. The first of these are Hittite royal proclamations from the Old Kingdom (CTH 5, 6, 19), which contain edicts of the king. The Hittite Laws and these royal proclamations – the *Proclamation of Hattušili I*, the *Testament of Hattušili I*, and the *Proclamation of Telipinu* – all originate from the very earliest period of Hittite literature.⁴² The earliest Hittite-language cuneiform texts are attested in the period just before or during the reign of Telipinu, and the Hittite Laws, although anonymous, have variously been attributed to Telipinu, or his predecessor Hattušili I.⁴³ In many ways, these texts are extremely similar to laws: their purported aim is to

³⁹ “register is crucially important as a mediating factor for historical developments, [and] change should be studied relative to particular registers, rather than attempting a kind of average” Biber & Gray 2013:106. This article goes on to show that there are important differences even at the level of sub-register through comparisons between varieties of written news reporting and academic writing in English.

⁴⁰ Rochberg 2016:37

⁴¹ Fincke 2007:147; Guinan 2014:113: “Law collections and omen texts derived from the same scholastic tradition and were produced within the intellectual paradigm in which knowledge is systematically organized and presented in lists.”; Rochberg 2016:37-38.

⁴² The Palace Chronicles (CTH §8), a narrative text ascribed to the reign of Muršili I, do not contain any relevant material such as instructions (Zorman 2004; Miller 2013:15-16).

⁴³ See n.4.

enforce certain actions and prescribe punishments for violations relying on official authority. Unlike the Hittite Laws, which are lacking the prologue common in Mesopotamian law codes and which make little reference to their immediate political context, the content of these proclamations is deeply rooted in the political situation: the *Proclamation of Telipinu* is “fully bound up with the apology of a new king, and embedded in a specific political and legal situation.”⁴⁴ The Instruction texts (CTH 251-275) also share many characteristics with laws: they contain instructions or describe duties, sometimes punishments for non-compliance, and have behind them the authority of the king.⁴⁵ But unlike the Hittite Laws, the king is speaking directly to his subordinates (there is frequent use of first person singular and second person plural verb forms), who often take an oath in response.⁴⁶

It is more difficult to see immediate connections between early Greek laws and other types of texts.⁴⁷ The Greek alphabet was heavily modified when borrowed from the Phoenicians, and, unlike for Hittite, the very earliest Greek inscriptions are mainly private rather than from official contexts.⁴⁸ However, curses and imprecations, which appear in private inscriptions as well as public ones, express authority and the desire for enforcement. Imprecations as a feature of early Greek legal inscriptions are particularly common in Asia Minor: the Phrygian ‘curse formula’, attested in Old Phrygian as well as in New Phrygian bilingual texts,⁴⁹ provide some evidence that early Greek texts did not develop in complete isolation.

Approach to language

My approach to language is informed by sociolinguistic studies of register, “situationally defined varieties”⁵⁰ of language, and construction grammar, which sees constructions as central to the description of language, which is made up of conventionalised pairings of form and function. The idea that linguistic knowledge is ultimately usage-based underlies construction grammar, and therefore it is a useful theoretical approach for research concerned with language varieties in context, and for investigating the formulaic nature of language. I will describe various linguistic structures which pair aspects of form and function as ‘constructions’.

⁴⁴ Liverani 2004b:30

⁴⁵ Miller 2013:32-42

⁴⁶ Miller 2013:2. Similar to the instruction texts and the royal edicts is the (fragmentary) Decree of Pimpira (CTH 24).

⁴⁷ The presence of early Greek legal processes or legal philosophy has been identified in archaic Greek poetry, particularly Hesiod, as far back as Bonner 1912. See more recently Gagarin 1973 on the meaning of *δίκη* in *Works and Days* as ‘law, legal process’; Gagarin 1992 on Homer and Hesiod as sources for the early examples of legal oratory; and Priou 2014 on Hesiod’s presentation of Zeus’s rule as legalistic.

⁴⁸ The very earliest alphabetic Greek texts are primarily graffiti on pottery, such as the *Dipylon oinochoe* dating from c.750BCE (Papadopoulos 2016:1248); see further Thomas 1992:56-61. “Our evidence suggests that writing only began to be used publically by city-states from the middle of the seventh century, the period in which they were beginning to develop laws and offices, and about a century after the initial private use of the alphabet.” *ibid*:65

⁴⁹ See for example Hämmig 2013 on the Phrygian curse formula in the bilingual inscription from Vezirhan.

⁵⁰ Biber 1995:1

The study of register is the study of language in a particular situation or used for a particular purpose. Register varieties are defined in non-linguistic terms, “by differences in purpose, interactiveness, production circumstances, relations among participants, etc.”⁵¹ This differs from dialect (a variety of a language used by speakers in a particular place) and sociolect (a variety of a language used by a particular group of speakers, defined by age, gender, social class etc.). The Greek and Hittite texts come from different temporal and geographical contexts, and therefore there are some significant differences in the characteristics which are usually used to define registers,⁵² such as the relationship between addressor and addressee, or the setting and environment of the text: the Greek texts are public inscriptions, and even if the entire population could not have read them, they were visible and available to those who could; the Hittite texts are written on tablets that would have been accessible to far fewer people. However, despite the divergent settings, the content and (purported) purpose of the texts is very similar, and therefore they are worth considering together.

Previous scholarship

Register variation

Biber 1995 proposes a multidimensional and cross-linguistic approach to register variation. Multidimensional approaches describe the relationships between different registers in a particular language through quantitative analysis of the similarities and differences in groupings of linguistic features (*dimensions*). Biber argues that register variation is intrinsic to all languages: “analysis of the linguistic patterns across registers is of central importance for both the linguistic description of particular languages and the development of cross-linguistic theories of language use.”⁵³ All the languages discussed show groups of features which correlate with the physical situation (oral/literate, interactiveness, production circumstances) and communicative purpose (personal stance, narration), and these register features are remarkably consistent across languages.⁵⁴ Biber argues that the introduction of literacy affects register variation within a language and written registers tend to become more sharply defined over time.⁵⁵

Biber and Finegan 1994 collects a number of studies on individual registers, integrating register studies and sociolinguistic theory. Biber’s chapter, *An Analytical Framework for Register Studies* argues that registers should be classified taking into account both linguistic and non-linguistic factors, and sets out situational parameters which can be used to describe these non-linguistic factors:⁵⁶

⁵¹ Biber 1995:7

⁵² See for example Biber 1994:40-41

⁵³ Biber 1995:5

⁵⁴ Biber 1995:278-79, 359ff

⁵⁵ Biber 1995:311

⁵⁶ “I Communicative Characteristics of Participants. II Relations between Addressor and Addressee. III Setting. IV Channel. V Relation of Participants to the Text. VI Purposes, Intents and Goals. VII Topic/Subject Biber 1994:40-41

Construction grammar and sees ‘constructions’ or ‘units’ as central to the description of language.⁵⁷ Language is made up of more and less complex patterns which integrate form and meaning in compositional and non-compositional ways: constructions are “conventionalised pairs of form and meaning.”⁵⁸ Constructions belong to a lexicon-syntax continuum, and the form of a construction can also contain conceptual content. Construction grammar is a particularly useful approach for register studies because it takes into account contextual factors in explaining how language is used, and because it is concerned with fixed or formulaic uses of language. The key theoretical works in construction grammar are Goldberg 1995 and 2006. *Constructions* (1995) sets out arguments for adopting a constructionist approach to argument structure, using the English caused motion construction, resultative construction, and the *way*-construction as examples. *Constructions at Work* (2006) deals with the nature of generalisation in language, taking into account cognitive and pragmatic processes to explain how and why constructions are learned and generalised. The relevance of context to construction grammar is discussed in Bergs and Diewald 2009: even when context is not strictly relevant to grammaticality, it is still important for successful communication, and consequently both linguistic and extra-linguistic context should be taken into account as an aspect of constructions.

Formulaicness

Wray 2008 and ed. Corrigan 2009 use construction grammar-based approaches to formulaic language. Significant interest in formulaicity arose out of research in second language acquisition and fluency, particularly the question of “native-like” language posed by Pawley and Syder 1987 – why do native speakers choose one formulation over another when both are grammatical? This question and its implications for first and second language acquisition, language loss, and neurolinguistics is discussed in Wray 2002, 2008, ed. Corrigan 2009, and Wood 2015. These approaches reject the idea that formulaic language is necessarily an indicator of oral composition, or that spoken language is necessarily more (or less) formulaic than written language.⁵⁹ Wray 2002 argues that literacy may affect a speaker’s perception of what is a ‘unit’ within a language.⁶⁰ Wray 2008, in the chapter ‘Formulaicity in speech and writing’, explores the ways in which the contexts of written texts makes the use of formulaic language more (or less) effective, and concludes that “the written medium has characteristics that alter the needs of the text creator and the text receiver and offer different opportunities and constraints when achieving communicative functions.”⁶¹ There have also been attempts to apply construction grammar and cognitive approaches to ancient Greek formulae, in particular Homeric texts, such as Bozzone’s 2014 thesis on Homeric formulas as constructions, and Pagán Cánovas and Antović 2016, which contains a number of studies combining cognitive and construction grammar approaches.

⁵⁷ Similar to cognitive grammars: Langacker 1987:58 “syllables, words, familiar phrases and even longer sequences” are all units.

⁵⁸ Goldberg 2006:3

⁵⁹ Wray 2008:57-58: the medium “facilitates, rather than determines” differences between texts. For studies of formulaic language in written texts, see e.g. Kerz & Haas 2009 on formulas used to signal moments within the research process in academic writing.

⁶⁰ Wray 2002:137-38

⁶¹ Wray 2008:58

Legal language

Language and the law is the topic of general works such as Tiersma 1999, Marmor and Soames 2011, and handbooks such as Solan and Tiersma 2012, and Freeman and Smith 2013; these include chapters on the language of statutes, the origins of English legal language, multilingualism in legal processes, courtroom discourse, and language and legal interpretation. Galdia 2009 argues for the importance of social context in legal linguistics – legal language is value-laden. While so far there has been little in-depth linguistic study of laws and legal texts in either Greek or Hittite, there are models available in studies of legal texts in other languages – in particular, there is a strong tradition of scholarship on the history and development of legal English from the Anglo-Saxon laws to the modern day. Hiltunen 1990, discussing the history of English legal language beginning from the Anglo-Saxon laws, argues that legal writing is one of the most conservative types of language use, and changes are slow to take effect. The key strategy used in early English law is the *if-then* structure, and the lack of intersentence cohesion is a feature which sets these laws apart from other kinds of texts. Hiltunen 2012 discusses some aspects of the syntax of English law, building on Gusstafson 1975. Williams 2007 discusses the language of prescriptive legal texts, focusing on particular constructions, including the use of modal verbs and non-finite verb forms. Rissanen 2000 argues for the importance of legal texts in the development of the standard language: they entrench collocations and formulaic patterns, which may then be borrowed by other genres, as well establishing terminology and special vocabulary. Allot and Shaer 2017 discuss the illocutionary force of laws. Prescripts and enactments can be considered as speech acts: they are a declaration which “establishes the illocutionary force of the whole text.”⁶²

Early Greek legal inscriptions

Investigations of register variation in Ancient Greek have so far been primarily focused on literary texts, with the most recent contribution being Willi 2007 on linguistic variation in Aristophanes: in the chapter explicitly discussing register, he argues that, unlike in modern English, ‘religious language’ is not a single register in Ancient Greek, since there are significant differences between hymns and prayers. Legal language is discussed as a type of ‘technical language’ (vocabulary), and he argues that there is no evidence in Aristophanes for legal vocabulary being ‘technical’. Lazzarini 1976 investigates the language of a non-literary genre, votive inscriptions.

Early Greek legal inscriptions have been collected in Nomima I and II (Van Effenterre and Ruzé 1994-1995), and Körner 1993. Meiggs and Lewis 1969, recently succeeded by Osbourne and Rhodes 2017, collects Greek historical inscriptions, including laws as well as accounts, casualty lists, honours, and other largely official inscriptions. There are also editions of legal and official inscriptions from particular geographic areas, such as Thür and Taeuber 1994 (*IPArk*) for Arcadia. Gagarin and Perlman 2016 collect all official inscriptions before 400 BCE from Crete, and in the introduction they also discuss writing and literacy, and dialectal features of the inscriptions. Sacred laws are collected in Sokolowski 1955 (*LSAM*), 1962 (*LSS*) and 1969 (*LSCG*), to which can be added Lupu 2005 (*NGSL*).

⁶² Trosborg 1995:35

Relatively little use has been made of Ancient Greek inscriptions in studies of syntax in comparison to the much larger amount of work on the language of literary texts.⁶³ Work on early Greek epigraphic language has mainly been focused on studies of particular dialects. The most detailed work is Threatte 1990-2013, two volumes on the phonology and morphology of Athenian inscriptions. The language of Cretan official inscriptions is discussed in Bile 1998 on the Cretan dialect. Genevrois 2017 investigates attestations of Cretan official vocabulary: he argues for uniformity in terminology of socio-political structures and legal practices across the cities, and for similarities with Attic-Ionic legal vocabulary and constructions, which point towards “conservation de mots et collocations hérités du fonds commun de la langue et de la pensée juridiques grecs.”⁶⁴ The inscriptions from Gortyn, in particular the Gortyn Code, have attracted significant attention, including the collections ed. Dobias-Lalou 1999 on dialect, and Greco and Lombardo 2005, on dialect, writing, and political context. Dell’Oro 2015 argues that inscriptions provide important but neglected evidence for the development of Greek syntax.

Attention has been given to particular aspects of legal texts from specific regions. Henry 1977 discusses the development of Athenian prescripts, dividing enactments until the beginning of the 4th C into two types: those without an archon, and those with. Elvira Astoreca’s 2016 dissertation on imperatives in Athenian decrees argues that the choice of (accusative +) infinitive or (nominative +) imperative structure is influenced by semantic and pragmatic factors. Veneciano 2014 investigates the structure of legal inscriptions from Olympia, proposing a fourfold structure of laws from this area: they establish behaviour, then the juridical process, then the legislative process, all preceded by an enactment formula.

Some further discussion has been given to the formal aspects of early legal texts, with particular focus on the role of writing. Gagarin 1982 discussed the structure of the Gortyn Code. Gagarin 2008 argues that what makes Greek law unique in the ancient world is the way it uses writing: there is a close link for the Greeks between law and the concept of writing, and the effect of literacy is important – he argues for overall unity of law in all Greek-speaking areas. Carey 1998 discusses the form of Athenian enactments in the archaic and classical periods, and argues that content is significant in determining the form of a law.

Regarding the relationship between Greek legal inscriptions and other types of texts, Youni 2012, on imprecations in Greek law, argues that the presence of imprecations is a result of the civic function of Greek religion. Faraone 1999 discusses function of oaths and curses in the Athenian legal system, which he relates to the competitive nature of trials and suggests represents an attempt to curb false accusations, particularly in the case of homicide.

The Hittite Laws

The language of the Hittite laws has primarily been discussed in editions of and reviews of editions of the texts, although, since they are a relatively well-edited and widely read text, they are frequently used as examples in general reference grammars. The latest edition of and commentary

⁶³ Dell’Oro 2015:273 with bibliography.

⁶⁴ Genevrois 2017:448

on the laws is Hoffner 1997, which includes some brief notes on the language of the laws and the manuscripts. Previous editions include Imperati 1964, Friedrich 1959, Neufeld 1951 and Hrozný 1922.

Particular aspects of the language of the Hittite laws have received attention. Archi 1968 discusses the formation and structure of the Hittite laws. Some differences between the language of the earlier versions of the laws and the Parallel Text are examined by Carruba, Soucek, and Sternemann 1965. Archi 2008 argues that it is possible to find some evidence for procedural rules in the laws. Studies of vocabulary relevant to Laws include Peled 2010 on sexual terminology, and Cohen 2002 on prohibitions and taboos. Sternemann 1965a-b discusses Hittite subordinate clauses in great detail with reference to the Hittite laws.

On the relationship between laws and other Hittite texts, Klock-Fontanille 2001, writing about representations of early Hittite kingship, argues for a quasi-legal structure in the *Proclamation of Telipinu*. The language of Hittite and Luwian curses is the subject of Reichardt's 1998 dissertation: she discusses the prescriptive function of the present indicative in laws and instructions.

Greek Legal Language: Expressing Authority

Legal texts try to enforce or regulate behaviour in the world outside the text. How do early Greek legal inscriptions make that aim clear, and show that they *can* be enforced? Various elements of early Greek legal inscriptions are used to give the text authority, by telling the reader that this text is a law, and to whom, where and when the law applies. Enactments are a common feature of officially sanctioned texts, and even in contemporary legislation, enactment clauses are found in many legal systems,⁶⁵ and different types of enactments are found in early Greek legal inscriptions. Other strategies for expressing authority include linking the text to the political or social context naming people, places or specifying a time period; identifying the inscription as a law or a written text; giving details about the (re)publication of the text; and entrenchment clauses, provisions which try to limit or prevent the modification of the law.

Enactments

The primary way that legal inscriptions express authority is through additional text before or after (or occasionally, in the middle of) the text of the law itself, which is separate from the content of the law itself, but instead provides paratextual information, such as what sort of inscription it is or who set it up. I call all this additional text ‘enactments’. Modern enactment formulas have been studied from the perspective of speech act theory and discourse analysis: they are a declaration which “establishes the illocutionary force of the whole text,”⁶⁶ and often contain explicit performative verbs.⁶⁷

a. Enactment clause in UK Public General Acts.

“Be it enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—⁶⁸

b. Enactment clause in Measures of the National Assembly for Wales.

“This Measure, passed by the National Assembly for Wales on 29 March 2011 and approved by Her Majesty in Council on 10 May 2011, enacts the following provisions:—⁶⁹

Both name people and institutions who enacted the law – the head of state and the legislative bodies (the House of Lords and the House of Commons in the first example, the National Assembly for Wales in the second). The latter includes the dates on which the legislation was approved, and both end by indicating the content of the law is about to begin. The enactment clause from the UK public general acts uses a particularly archaic verb form, a passive imperative

⁶⁵ See https://en.wikipedia.org/wiki/List_of_enacting_clauses (accessed 27.07.23) for a list of modern examples.

⁶⁶ Trosborg 1997:35

⁶⁷ Hiltunen 2012:49, Williams 2007:53-57.

⁶⁸ <http://www.legislation.gov.uk/ukpga/2018/21/introduction/enacted> Accessed 12.09.18.

⁶⁹ <http://www.legislation.gov.uk/mwa/2011/7/introduction> Accessed 12.09.18.

(or jussive subjunctive?), very rare in contemporary speech and increasingly uncommon in even other highly conventionalised genres of texts,⁷⁰ and it appears very formulaic.

The formula ἔδοξε τῇ βουλῇ (/καὶ) τῷ δήμῳ in Greek public inscriptions is often described by modern scholars as the “enactment”,⁷¹ and other paratextual elements like dating formulas are often called “prescripts”.⁷² The enactments of Athenian public inscriptions have been already been given significant scholarly attention,⁷³ and therefore I will not list the examples in full, but instead begin with a summary of previous studies Athenian enactments and specific discussion of certain aspects of the very earliest examples which require further attention, before looking at non-Athenian enactments in detail.⁷⁴

Athenian enactments

A typical Athenian enactment by the end of the fifth century might look something like the start of the republication of Dracon’s law on homicide:

187, Athens, 409/08: Διόγν[ε]τος Φρεάρριος ἐγραμμάτε[υε].
Διοκλῆς ἄρχε.
ἔδοχσεν τῆ βουλῆ καὶ τῶ δέμοι· Ἀκα[μ]αντῖς ἐπ[ρ]υτάνευε, [Δ]ιό[γ]νετος
ἐγραμμάτευε, Εὐθύδικος [ἐ]πεστάτε, . . Ε . . . ANEΣ εἶπε.
‘Diogenetos of the Phrearrioi was secretary.
Diokles was *archon*.
The council and the people resolved. Akamantis held the prytany.
Diogenetos was secretary. Euthydikos was chairman. . . Ε . . . ANEΣ
proposed:’

The secretary and the archon are named at the start in larger letters, each taking up a whole line, followed by ἔδοχσεν τῆ βουλῆ καὶ τῶ δέμοι ‘the council and the people resolved’ (verb in the aorist), the name of the prytany, secretary and proposer (verbs in the imperfect). Enactments might also include an invocation, such as θεοί or ἀγαθῆ τύχη, usually at the very start of the text (see for example **184, Athens, 421/20** below).

The two most detailed studies of Athenian enactments are Henry 1977 and Rhodes and Lewis 1997. Henry 1977 identifies ἔδοχσεν τῶ δέμοι in the earliest Athenian public inscription (150), as the “embryo ‘prescript’ ... confined to the formula of legal validation, ‘the People resolved’.”⁷⁵ He divides the later, more developed enactments in Athenian public inscriptions into two main types

⁷⁰ e.g. scientific English. Williams & Seoane 2006:268-71

⁷¹ e.g., Rhodes & Lewis 1997:4; Henry 1977:17

⁷² E.g. “The superscript... often in larger letters and wider spacing, providing a title... The prescript... everything inscribed between the end of the superscript and the beginning of the actual decree” Henry 1977:xi

⁷³ Henry 1977; Rhodes & Lewis 1997.

⁷⁴ Rhodes & Lewis 1997 do also discuss non-Athenian enactments, but primarily those of a later date than the legal inscriptions here.

⁷⁵ Henry 1977:2

– the first, without the name of the archon, and the second, with the archon named.⁷⁶ The earliest complete examples date from the middle of 5th century, and the various elements are sometimes found in a different order.⁷⁷ Rhodes and Lewis 1997 also identify ἔδοχσεν τῶι δέμοι as the earliest enactment formula, which soon begins to be replaced by ἔδοχσεν τῆι βουλῆι καὶ τῶι δέμοι; by the end of the fifth century both enactments are found.⁷⁸ Sometimes this alternation had some significance in terms of procedure: in the fourth century ἔδοξεν τῆι βουλῆι καὶ τῶι δήμῳ is used for ‘probouleumatic’ inscriptions and ἔδοξεν τῶι δήμῳ for ‘non-probouleumatic’ inscriptions,⁷⁹ but caution should be taken when applying this distinction anywhere else – in other states, the same formulas “appear to be used indiscriminately”⁸⁰ and there are “many places for which we cannot tell whether different formulae have a different procedural significance, and many for which it looks positively unlikely.”⁸¹ In states which were under the sphere of Athenian influence, enactments of public inscriptions follow the Athenian format.⁸² However, the enactments of Athenian public inscriptions never quite reached a totally invariable form: although there were certainly general patterns and elements which were usually included, some variation continued to be possible even well beyond the end of the fifth century.⁸³

That is not to say that there is not *more* variation in the very earliest period of Athenian public inscriptions. There are certain forms which are *only* found in the very earliest texts: in the sixth and early fifth century, enactments can be found at the end of a public inscription as well as the beginning; the enactment clause can contain a conjunction;⁸⁴ and the clause with ἔδοξεν can have a direct object. By the second half of the fifth century, enactment clauses occur at the start of an inscription or amendment,⁸⁵ and do not contain clause-level conjunctions. The latest example of an enactment at the end of an inscription is probably from the 480s, where an enactment:

⁷⁶ Both types contain the formula of enactment, the name of the prytanising tribe, the name of the secretary, the name of the chairman, and the name of the proposer of the motion. Those with the archon named are significantly more common in the last two decades of the fifth century. Sickinger 1999:49.

⁷⁷ Henry 1977:4-10. This includes things like the secretary being named in the ‘superscript’, as in the example above (187).

⁷⁸ Rhodes & Lewis 1997:14

⁷⁹ Rhodes & Lewis 1997:20-21

⁸⁰ Rhodes & Lewis 1997:489

⁸¹ Rhodes & Lewis 1997:555

⁸² Rhodes & Lewis 1997:552. e.g. Miletus 435/4 *Klio* 52 1970 165-73

⁸³ “The Athenians were slow to develop standard formulae for use in public documents. They never reached a stage where all decrees of a certain period could be relied on to contain exactly the same elements, arranged in exactly the same order and expressed in the same way, but general patterns did emerge.” Rhodes & Lewis 1997:18. Similarly “the Athenian prescript never actually achieved a fixed and final pattern. Certainly it gradually developed a very stereotyped form” Henry 1977:104, “Nevertheless it is true to state that, at any given period the secretary *qua* drafter was never *bound* to include all the items then at this disposal. He could – and did – make his own choice, whether to employ the ‘full’ stock prescript, or to reduce it by omitting one or more items.” Henry 2007:104, italics original.

⁸⁴ 152, Athens, 485/84: τ[αὐτα δὲ ἔδοχσεν τῶι δέμοι] : ἐπὶ Φ[ιλοκρ]ά[τ]ος : ἀρχ[οντ]ος [‘These things were decided by the People?’] in the archonship of Ph[ilokr]a[t]es’ (A.14-15, trans. Lambert & Schneider, *AIO* 1692)

⁸⁵ This does not include instructions for publication, see below.

152, Athens, 485/84: ταὐτ ἔδοχσεν : τῶι δέ[μοι ἐ]πὶ Φ[ιλοκράτος ἄρχοντ]ος : τὰ ἐν τοῖν λίθοι[ν τούτ]οιν. ‘These things which are on these two stones were decided by the People in the archonship of Ph[ilokrates]⁸⁶ (B.26-27)

But an object in an enactment clause apparently occurs in an inscription from the last decade of the fifth century:

188, Athens, 409: τάδε ἔδοχσεν ἐλ Λυκεῖο τῶι δ[έμοι τῶι Ἀ]θε[να]ίον ‘These things were decided in the Lykeion by the Athenian People’⁸⁷ (34)

This inscription is a republication of laws (possibly originally from the reforms of Solon, but certainly dating from the very earliest part of the fifth century) relating to the council of the 500: Ryan suggests that this closes off the previous section of the inscription, but in fact it must be the heading for the following section of the text.⁸⁸ By the second half of the fifth century, all other enactment clauses with the verb ἔδοξεν occur in the form ἔδοξεν τῆι βολῆι (/καὶ τῶι δήμῳ): not only does this inscription have the demonstrative τάδε as the direct object, but it also adds the location where the assembly took place, and that it is the *Athenian* people who decided this. In this case, preserving the text of the original enactment was prioritised over using the current standard form: the older form was apparently no less authoritative.

One further area where variation in form is more prevalent in the earlier period that has generally been recognised is the construction which is used for the naming of the archon. Enactments containing the name of the archon become much more common after 420/21. Up until the middle of the 4th century, the archon appears in two different forms: PN ἔρχε, according to Henry, the “old style”, and ἐπὶ PN ἄρχοντος, the newer style, which becomes part of the standard formulation for prescripts of inscriptions from the mid-4th century onwards.⁸⁹

However, looking at the data from before 421/20, the picture is not so clear. In the earliest inscriptions, the construction with ἐπί + participle is actually slightly more common than the imperfect indicative, and while it cannot be certain that such a small number are necessarily representative of the prescripts from that period, it seems likely that both variants are at the very least roughly equally possible. One inscription has ἐπί + participle twice, at the end of a section and the end of the inscription; in the other, it is at the start of the inscription, and in both cases likely following the ἔδοχσεν clause:

152, Athens, 485/84: τ[αὐτα δὲ ἔδοχσεν τῶι δέμο]ι : ἐπὶ Φ[ιλοκρ]ά[τ]ος : ἄρχ[οντ]ος ‘[These things were decided by the People?] in the archonship of Ph[ilokr]a[t]es’ (A.14-15)
ταὐτ ἔδοχσεν : τῶι δέ[μοι ἐ]πὶ Φ[ιλοκράτος ἄρχοντ]ος τὰ ἐν τοῖν λίθοι[ν

⁸⁶ Trans. Lambert & Schneider, *AIO* 1692.

⁸⁷ Trans. Lambert & Rhodes, *IG* online IG I³ 105.

⁸⁸ Ryan 1994:126, but τάδε is cataphoric and points to the following text (c.f. 1, Dreros, c650, 69, Gortyn, 450-400, and for other Athenian public inscriptions IG I³ 7.10, 13); as opposed to anaphoric ταὐτα in 152, Athens, 485/84 (B.26), which is certainly at the end of the inscription. KG:641, LSJ s.v. ὄδε A III.

⁸⁹ The former disappears shortly after the middle of the 4th century. Henry 1977:22. For inscriptions from the early 4th century, he divides prescripts into “old style” with the imperfect indicative and “new style” with ἐπί + participle. *ibid*:23-24

τούτ]οιν. ‘These things which are on these two stones were decided by the People in the archonship of Ph[ilokrates]⁹⁰ (B.26-27)

202, Athens, 480-450: ... ἔδοχσεν τῆι? β]ολῆι : ἐπ[ι – – – ἄρχοντος] ‘... the Council decided in the archonship of ...?’ (1-2)

There are several other Athenian public inscriptions before 421/20 which use ἐπί + participle: IG I³ 53.4 (433/32), IG I³ 54.8-9 (433/32), IG I³ 208.1-2 (440-420?), and IG I³ 227bis.1 (422/21). In all of these except perhaps IG I³ 208, which is very fragmentary, ἐπί + participle occurs before the ἔδοξεν clause rather than in the list of names of officials afterwards.

Before 421/420, ἔρχε is restored by editors in 160, Athens, 450/49, in the list of officials following the ἔδοξεν clause (see fn), and in 173, Athens, 439/38, in a different context, possibly giving the date when the list of generals and other officials in the previous lines swore an oath. There are two other Athenian public inscriptions before 421/20 which use ἔρχε: IG I³ 11.3 (first half of the fifth century) and IG I³ 434.11 (c.450).⁹¹ In the former, the archon is probably part of the list of named officials following the ἔδοξεν clause; in the latter, the context is very uncertain.

In the earliest period, then, ἐπί + participle is actually slightly more common, with six examples, compared to four or five with ἔρχε. Both ἐπί + participle and ἔρχε can be found in the same inscription at the end of this period:

184, Athens, 421/20:

[θ]ε[οί].

[Προκλῆς] Ἀτάρβο Ε[ὐονυμεύς]

[ἐγραμμάτ]ευε ἐπὶ Ἀριστ[ίονος ἄρχοντος].

[ἔδοχσεν τῆι βολῆι καὶ τῶι δ]έμοι· ἡπποθοντί[ς ἐπρυτάνευε, Προκλῆς

ἐγραμμά]-[τευε, . . . 8 . . . ἐπεστάτε, Ἀρισ]τίον ἔρχε, ἡυπέ[ρβολος(?) εἶπε...

‘Gods. Prokles son of Atarbos of Euonymon was secretary, in the

archonship of Aristion. The Council and the People decided,

Hippothontis was the prytany, Prokles was secretary, . . . was chairman,

Aristion was archon, Hype[rbolos?] proposed.’⁹²

The ἐπί + participle construction occurs at the start of the enactment, before ἔδοξεν τῆι βολῆι καὶ τῶι δήμῳ, whereas ἔρχε occurs in the series of imperfect indicative verbs indicating who the various officials were.⁹³ It seems plausible to suggest therefore that the preference for the ἔρχε construction at the end of the fifth century is influenced by its proximity to forms like

⁹⁰ Trans. Lambert & Schneider, *AIO* 1692.

⁹¹ ἔρχε has been restored for IG I³ 17.5 (451/50), also in a list of named officials following an ἔδοξεν clause.

⁹² Trans. Lambert & Schuddeboom, *AIO* 1304.

⁹³ Other examples of Athenian public inscriptions with the participle as the ‘heading’ followed by ἔρχε include IG I³ 102, 421/20, [ἐπὶ Γλαυκί]ππο ἄ[ρ]χον[τ]ος (1) Γλαύκιππος ἔρχε (5); IG I³ 98, the main body of which dates from 411, perhaps also includes both forms in the same pattern in an additional decree dating to 399/98 (29-32).

ἐγραμμάτευε, ἐπρυτάνευε, and ἐπεστάτε, which were already the usual forms before it became standard to also include the name of the archon.⁹⁴

After 420/21 there is a sharp drop in the use of the participle, and ἔρχε/ἦρχε is far more common: there are three examples from this period in my corpus with the imperfect, and none with the participle: 185, Attica, 418/17 (3), 187, Attica, 409/08 (2), and 190, Athens, 405/04 (6). There are numerous examples of the imperfect from other public inscriptions: IG I³ 80.7, IG I³ 86.4, IG I³ 99.7, IG I³ 111.3, 6?,⁹⁵ IG I³ 112.2, IG I³ 114.3, IG I³ 115.3?, (all ἔρχε), IG I³ 95.4?, IG I³ 97.5, IG I³ 101.6, IG I³ 103.5?, IG I³ 110.5, IG I³ 124.3, IG I³ 125.6?, IG I³ 126.1, IG I³ 177.4? (ἦρχε). In the first half of the fourth century, the ἐπί + participle and PN ἔρχε constructions are about equally as common.⁹⁶ One possible reason for the *reappearance* of the older ἐπί + participle form in this period might be the use of this construction in the headings of tribute lists, accounts and inventory inscriptions, which is consistent throughout the second half of the fifth century.⁹⁷

Athenian public inscriptions also often included instructions for publication: that the secretary is to set up the text, inscribed on a stone stele, in a public place. The earliest Athenian example is from the first half of the fifth century:

156, Athens, 469-450: τ[ὸ δὲ ψήφισ]μα τό[δε] ἀναγραψά[τω ὁ γραμμ]ατεὺς ὁ
τῆς βολῆς [ἔστῆ]λι λιθί[ν]η καὶ καταθ[έτω ἐμ πόλει τ]ῆ ἐλεσι τοῖς τῶ[ν
Φασηλιτῶν]. (22-27)

‘The secretary of the council is to write up this decree on a stone stele,
and set it up on the acropolis at the expense of the Phaselites.’

In this example the verbs are imperatives, but during the fifth century both nominative + imperative and accusative + infinitive constructions are used,⁹⁸ or the “reduced form” ἀναγράψασα

⁹⁴ Other examples with ἐπί + participle apparently outside the initial enactment: 160, Athens, 450/49: While Εὐθυνοῦς ἔρχε has been restored for the enactment, the construction with the participle is found twice elsewhere in the inscription: ἐπ’ Εὐθύνο ἄρχοντος (61), ἐπ’ [Εὐθ]ύνο ἄρχοντος (86). However, the context is broken, and is difficult to tell what the function of these clauses is. 186 Athens 418/17: ἐπὶ Ἀντιφ[όντος ἄρχοντος (13) is used to specify a date in the content of the inscription.

⁹⁵ In this inscription it is likely that the imperfect was used twice, both in the heading and following ἔδοξεν.

⁹⁶ In the second half of the 4th century, the participial construction becomes significantly more common, and other parts of the prescript also used for dating begin to use this construction instead of the imperfect indicative. Henry 1977:23-24, 35-37.

⁹⁷ For ἐπί + participle in the headings of lists and accounts, e.g. IG I³ 375, 383, 385, 386. In IG I³ 71 (425/24), a public inscription concerning the reassessment of tribute, the archon is only mentioned in the final ‘enactment’, the primary purpose of which seems to be giving the date of list of tributes, with the participle construction, ἐπὶ Στρατοκλ[έος ἄ]ρχοντος (59). Another possibility might be interference from standards in other registers: participial phrases are in classical (literary) Greek “the instrument of subordination *par excellence*, with virtually every type of clausal adjunct and even certain types of complement permitting, or in some cases requiring, a participial realization.” Horrocks 2010:94. It seems unlikely that it is only by chance no enactments with a participle survive from this period: we have many more inscriptions from the last few decades of the fifth century than earlier periods, and yet no enactment with this construction.

⁹⁸ Indeed, earlier in this inscription, as part of the ‘content’ of the law following the enactment, the same instruction is found in the accusative + infinitive construction: τοῖς Φασηλίταις τὸ ψ[ήφ]ις[μα ἀν]αγράψαι (5-6).

καταθέτο.⁹⁹ There is also variation in word order: although the constituents describing the material on which the text is to be inscribed and the place where it is to be set up are usually the final elements of their respective clauses, O-V-S and V-O-S are both found in the clause with ἀναγράφω.¹⁰⁰

Types of enactments

Enactments in non-Athenian inscriptions can be divided into five groups: (1) those containing ἔδοξεν and other ways of saying ‘this was decided’; (2) names and dates; (3) ‘this is a law’; (4) ‘this is relevant to a time/place/topic’; and (5) invocations. Many enactments contain more than one of these elements.

ἔδοξεν or other ‘this was decided’

(1a) ἔδοξεν

104, Thasos, Late C5th: [ἔδοξεν] τῆι βολῆι τύχηι ἀγαθῆι (1) ‘The council decided. Good fortune.’

ἔδοξεν τῶι δήμῳι τὰ μὲν ἄλλα καθ[άπερ τῆι βολῆι ...]ι τοῖς ἄλλοις θεοῖς πᾶσιν ἀγαθ[ῆι] τύχηι (7) ‘The people decided. The rest, just as the council [...] all the other gods. Good fortune.’

106, Amorgos, C5th: ἔδοξεν τῆι βολῆι καὶ τῶι δήμῳι, Ὀρθ[ε]σίλειος [εἶπεν] (1-2) ‘The council and the people decided. Orthesileos [proposed].’

113, Ioulis/Keos, Late C5th: οἶδε νό[μ]οι περὶ τῶγ κατ[α]φθι[μέ]νω[ν] (A.1) ‘The following [are] laws concerning the deceased’

[ἔδοξεν τῆι [β]ουλῆι καὶ [τ]ῶι δήμῳι (B.1-3) ‘The council and the people decided.’

[ἔδοξεν τῆι βουλῆι καὶ τῆι ἐκκλη[ησίαι], ... ε]ἶπε[ν]· (C.1-2) ‘The council and the assembly decided... proposed’

116, Lindos, Late C5th: [ἔδοξε τᾶι βωλάι καὶ τῶι δάμῳι, Οἰ

[ἐ]πεστάται, Σ ἐγραμμάτευε, Ἀγ[άθ]αρχος εἶπε: (1-6) ‘It seemed good to the Boule and the People, Oi[.....] was epistates, S[.....] was secretary, Hagesarchos proposed it.’¹⁰¹

118, Erythrai, Late C5th: Ἀπελλίας εἶπεν (1) ‘Apellias proposed’

ἄρχεν δὲ τούτοις μῆνα Ἀρτεμισιῶνα ἐπ’ ἱροποιῶ Πόσειος· (15-17) ‘This is to begin in the month Artemision under the *hiropoios* Posis.’

ἔδοξεν τῆι βου[λῆι] (18) ‘The council decided’

⁹⁹ Henry 2002:97. Sometimes στήσαι may be used instead of κατατίθημι, or the verb of setting up may also be omitted entirely. *ibid*:99-102.

¹⁰⁰ See also imperatives and infinitives section. Henry 2002:95-97 for a fuller list of examples.

¹⁰¹ Trans. Gonzales 2008:122

All of these enactments come from relatively late inscriptions from cities which had come in the Athenian sphere of influence during the fifth century. The subject of ἔδοξε is always τῆ βουλῆ and/or τῶ δήμῳ (in that order where both appear; and except 113 C where the decision was made by the βουλῆ and the ἐκκλησίᾳ), and there is no direct object. The enactment clause with ἔδοξε is always at the start of the text or the start of a section of the text: in 113, the start of the inscription uses ‘this is a law’, and what appear to be amendments or additions are introduced by ἔδοξε clauses;¹⁰² in 118, the first section is introduced by the name of the proposer, and the second by an ἔδοξε clause.

(1b) Other ways of saying ‘this was decided’

121, Erythrai, C5th: ταῦτα ἐψηφίσθη ἐπὶ Πόσιος ἐλεορέοντος (17-18) ‘These things were voted on with Posis as overseer of the swamp.’

124, Halicarnassus, 465-450: τάδε ὁ σύλλο[γ]ος ἐβουλευσατο ὁ Ἄλικαρνατέ[ω]ν καὶ Σαλμακιτέων καὶ Λύγδαμις ἐν τῇ ἱερῇ[ι] ἀγορῇ, μῆνος Ἑρμαιῶνος πέμπτη ἰσταμένο, ἐπὶ Λέοντος πρυταν[εύον]τος τῷ Ὀατατίος κα[ι] Σα[ρ]υτ[ώ]λλο τῷ Θεκυῖλω νε[ω]πί[ο]ς τ]ὸς μνήμονας (1-10) ‘The meeting of the Halicarnassians and the Salmacians along with Lygdamis took the following decision in the sacred agora in the fifth of the month Hermaion, when Leon son of Oassassis was *prytanis* and Sarussolus son of Thecuilis *neopoios*, with regard to the mnemones.’¹⁰³

143, Mantinea, c460: φο]φλέασι οἶδε ἰν Ἀλέαν... (1) ‘The following are to owe to the temple of Alea’
εἰ τοῖς φοφλεκόσι ἐπὶ τοῖδ’ ἐδικάσαμεν ἅ τε θεὸς καὶ οἱ δικασταί... (18-19) ‘If we, the goddess and the judges, have passed judgement on those owing as follows’

βουλευέω and ψηφίζω are also used in enactment clauses – the latter suggests that the decision was made by voting (lit. ‘these things were voted on’). 143, unusually, records a particular judgement as well as the procedure which the judgement followed. In the middle of the inscription after the list of names and the penalty, the goddess and the judges have made a judgement (δικάζω). ὅδε is used when the content of the decision follows, ταῦτα when enactment comes at the end of the inscription.¹⁰⁴

(1c) ἀνδάνω

1, Dreros, c650: θεὸς ολοῖον ἄδ’ ἔφαδε πόλι (1) ‘God. oloion? The polis decided these things.’

2, Dreros, c650-600: [ἔφα]δε ἅ οἱ Πρεπσίδαὶ καὶ Μιλάτιοι ἄρκαν (1) ‘It was decided. As the Prepsidians and the Milatians initiated.’

¹⁰² Osborne & Rhodes 2017:572

¹⁰³ Trans. Osborne & Rhodes 2017:182-83

¹⁰⁴ Compare Athenian enactments above; there is exception to this pattern 135 below.

4, Dreros, c650-600: ἔφαδε τοῖ[σ]ι θύστασι, (1) 'The Thystai decided'

5, Dreros, c650-600: πόλι ἔφαδε διαλείσασι πυλάσι (1) 'The polis decided, with the tribes assembled.'

69, Gortyn, 450-400: θιοί τάδ' ἔφαδε τοῖς Γορτυνίοις πσαπίδονσ[ι] (1) 'Gods. The Gortynians, voting, decided these things.'

99, Lyktos, c500: [θιοί ἔφ]αδε Λυκτίοισι | (A.1) 'Gods. The Lyktians decided.'
[θιο]ί | ἔφαδε | Λυκτίοισι | (B.1) 'Gods. The Lyktians decided.'

3, Datala, c500: θιοί ἔφαδε Δαταλεῦσι καὶ ἐσπένσαμες πόλις Σπενσιθίωι... (1) 'Gods. The Dataleis decided and we, the polis, promise to Spensithios'

ἔφαδε + dat. is only found in Cretan inscriptions, always at the start of the inscription and occasionally with ὄδε as the direct object.

25, Eltynia, C5th:] τοῖς Ἐλτυνιῶσι | (2) '... to the Eltynians' (?)

Certain editors have also restored an enactment with ἔφαδε here: θιοί τάδ' ἔφαδε] τοῖς Ἐλτυνιῶσι, 'Gods. The Eltynians decided.' and inserted line 1 after line 2.¹⁰⁵

(2) Names, dates and instructions for publication

Names of officials (outside the 'it was decided' clause), dates and instructions for publication are also found in non-Athenian enactments.

(2a) ... εἶπε

106, Amorgos, C5th: ἔδοξεν τῆι βολῆι καὶ τῶι δήμωι, Ὀρθ[ε]σίλεωσ [εἶπεν] (1-2) 'The council and the people decided. Orthesileos [proposed].'

116, Lindos, Late C5th: [ἔδοξε τῶι βωλῶι καὶ τῶ]ι δάμωι, Οἰ.
[ε]πεστάτει, Σ. ἐγραμμάτευε, Ἀγ[άθ]αρχος εἶπε (1-6) 'It seemed good to the Boule and the People, Oi[.....] was epistates, S[.....] was secretary, Hagesarchos proposed it.'¹⁰⁶

, Erythrai, Late C5th: Ἀπελλίας εἶπεν (1) 'Apellias proposed'
ἄρχεν δὲ τούτοις μῆνα Ἀρτεμισιώννα ἐπ' ἱροποιῶ Πόσσεος· (15-17) 'This is to begin in the month Artemision under the hiropoios Posis.'
ἔδοξεν τῆι βου[λῆ]ι (18) 'The council decided'

In three fifth century inscriptions which also include an ἔδοξε clause, the name of the proposer and εἶπε is used. In the first two examples, the name of the proposer follows the ἔδοξεν clause, in 116 along with the secretary and chairman; in 118, the ἔδοξεν clause and the name of the proposer begin two different sections of the text.

¹⁰⁵ Van Effenterre & Ruzé 1994:290-93; Comparetti 1927:248-49.

¹⁰⁶ Trans. Gonzales 2008:122

(2b) Names and dates

109, Chios, 450-425: [ἐπ'] Ἀπελλῶ [πρυτάνεος Καυ]κασέων γνώμη ΝΦΥΛ[. .]Α[. 4 . .]ΗΣΑΝ στήσαι (A.1-3) 'Under the prytany of Apelles, resolution of the Caucaseans (?)... set up.'

121, Erythrai, C5th: ταῦτα ἐψηφίσθη ἐπὶ Πόσιος ἐλεορέοντος (17-18) 'These things were voted on with Posis as overseer of the swamp.'

128, Eretria, 525: ἐπὶ Γόλο ἄρχοντος (5) 'under the archonship of Golos'

139, Argos, C6th: ἐπὶ τονδεονέν δαμιοργόντων τὰ ἐ[ν] Ἀθαναίαιας ἐπ[ο]ιήθητε ταδέν (1-2) 'When the following were *damiorgoi*, these things were made in the temple of Athena.'

Four inscriptions name an official using the ἐπί + participle construction.

12, Eleutherna, C6th-5th: ...] Διονυσίαν νενομ[... χ]αὶ Τίμαρκος ἐκόσμιον [... (1-2) '... Dionysian (?) ... and Timarkos were kosmoi ...'

103, Thasos, 411-409: ἄρχει εἰνάτη ἀπιόντος Ἀπατοριῶνος ἐπὶ Ἀκρύπτο Ἀλεξιμάχο Δεξιάδεω ἀρχόντων (i.5-6) 'The law comes into effect on 21 Apatourion, under the *archontes* Acryptus, Aleximachus, Dexiades.'¹⁰⁷
ἄρχει τῆι ῥήτρῃι τρίτῃ ἰσταμένο Γαλαξιῶνος ἐπὶ Φανοδῖκο Ἀντιφάνεος Κτησίλλο ἀρχόντων (ii.13-14) 'The law comes into effect on 3 Galaxion, under the *archontes* Phanodicus, Antiphanes, Ctesillus.'¹⁰⁸

118, Erythrai, Late C5th: Ἀπελλίας εἶπεν (1) 'Apellias proposed' ἄρχεν δὲ τούτοις μῆνα Ἀρτεμισιώνα ἐπ' ἱροποιῶ Πόσεος· (15-17) 'This is to begin in the month Artemision under the *hiropoios* Posis.'¹⁰⁹
ἔδοξεν τῆι βου[λῆι] (18) 'The council decided.'

124, Halicarnassus, 465-450: τάδε ὁ σύλλο[γ]ος ἐβουλευσατο ὁ Ἄλικαρνατέ[ω]ν καὶ Σαλμακιτέων καὶ Λύγδαμις ἐν τῆι ἱερῇ[ι] ἀγορῆι, μῆνος Ἑρμαιῶνος πέμπτῃ ἰσταμένο, ἐπὶ Λέοντος πρυταν[εύον]τος τὸ Ὀατατίος κα[ὶ] Σα[ρ]υτ[ώ]λλο τὸ Θεκυῖλω νε[ω]πι[ο]ί[ος] τ]ὸς μνήμονας (1-10) 'The meeting of the Halicarnassians and the Salmacians along with Lygdamis took the following decision in the sacred agora in the fifth of the month Hermaion, when Leon son of Oassassis was *prytanis* and Sarussolus son of Thecuilis *neopios*, with regard to the mnemones.'¹¹⁰

¹⁰⁷ Trans. Osborne & Rhodes 2017:457

¹⁰⁸ Trans. Osborne & Rhodes 2017:458

¹⁰⁹ 'Beginnen (= in Kraft treten) soll dies im Monat Artemision unter dem *Hiropoios* Posis.' Koerner 1993:277

¹¹⁰ Trans. Osborne & Rhodes 2017:182-83

Perhaps four inscriptions include dates with the name of the month as well as the names of officials. In 12, Διονυσίαν has been understood as the name of the month, but this is uncertain.¹¹¹ At the end of each section of 103 and the first section of 118, official(s) are named and the date when the law comes into force is given. At the start of 124, the date and place of the decision is given, including the name of the month as well as the names of the officials. All except 12 (which uses the imperfect indicative of κοσμέω) use the ἐπί + participle (or genitive, 118) construction for naming the official.

(2c) Instructions for publication

116, Lindos, Late C5th: τὸ δ[ἐ ψ]άπιγμα ἀγγ[ρ]άψαι ἐς στάλαν λιθίναν καὶ καταθέμεν παρ τὸν βωμὸν τῷ Ἐνυαλίῳ (52-58) 'Inscribe the decree on a stone stele and place it beside the altar of Enyalios.'¹¹²

119, Erythrai, before 454: ἀναγράψαι δὲ τόδε τὸ ψήφισμα ἐ[σ]τήληι λιθίνῃ καὶ ἐς [τ]ὸν κύκλον στήσαι τῷ Ζηνὸς τῶγοραίῳ τὴν δευτέραν πρυτανῆ[ι]ν. (B.1-14) 'Write up the decree on a stone stele and place it in the circle of Zeus Agoraios during the second prytany.'¹¹³

109, Chios, 450-425: [ἐπ'] Ἀπελλῶ [πρυτάνεος Καυ]κασέων γνώμη ΝΦΥΛ[. .]Α[. 4 . .]ΗΣΑΝ στήσαι (A.1-3) 'Under the prytany of Apelles, resolution of the Caucaseans (?)... set up.'

Three inscriptions contain instructions for publication, all using infinitives. In 116, this is at the end of the text, and does not specify who is responsible for the publication. 119 also does not specify this; the instructions occur in the middle of the text; the location where the inscribed stele is to be set up is split by the verb στήσαι (ἐς [τ]ὸν κύκλον στήσαι τῷ Ζηνὸς τῶγοραίῳ 'in the circle to be set up of Zeus Agoraios'), and the date it is to be set up is also specified.

127, Naupaktos, c500: τεθμὸς ὅδε περὶ τὰς γὰς βέβαιος ἔστο κατ τὸν ἀνδαιθμὸν Πλακὸς Ἰλίας καὶ Λισκαρίας καὶ τὸν ἀποτόμον καὶ τὸν δαμοσίον (1-3) 'This law about land is to be valid according to the redistribution of land at Plax, Hylia and Liskaria (?), and (concerning) both private and public (land)'

τεθμὸς ἱερὸς ἔστο τῷ Ἀπόλλωνος τῷ Πυθίῳ καὶ τὸν συνν[άον] (14-15) 'This law is to be sacred to Pythian Apollo and those honoured in the same temple'

146, Olympia, early C6th: ὁ [πί]ναξ ἱερὸς Ὀλυμπίαι (9) 'The tablet (is) sacred at Olympia.'

127, inscribed on a bronze tablet, says in the middle of the inscription that the law is to be sacred to Pythian Apollo and those who share the same temple: presumably this means that the tablet is

¹¹¹ See the discussion in Gagarin & Perlman 2016:230.

¹¹² Trans. Gonzales 2008:122

¹¹³ Trans. Osborne & Rhodes 2017:121

to be deposited there.¹¹⁴ The same is likely true of the clause at the end of 146, which mentions a place name rather than the name of a god.

(3) *'this is a law'*

This includes anything which tells the reader what type of text the inscription is, such as a νομός, θεσμός, or ρήτρα (law) or γνώμη (resolution), or that part of the inscription contains a curse or imprecation.

(3a) νομός

113, Ioulis/Keos, Late C5th: οἷδε νό[μ]οι περὶ τῶγ κατ[α]φθι[μέ]νω[ν] (A.1)
'The following [are] laws concerning the deceased'

[ἔδο]ξεν τῆι [β]ουλῆι καὶ [τ]ῶι δήμωι· (B.1-3) 'The council and the people decided.'

[ἔδ]οξεν τῆι βουλῆι καὶ τῆι ἐκκλη[ησίαι, ... ε]ἴπε[ν]· (C.1-2) 'The council and the assembly decided... proposed'

132, Thessaly, C5th: νόμος (1) 'Law'

One inscription, while not explicitly calling itself a νομός, specifies that the content of the inscription (ἐπὶ τοῖδε pointing forwards to the following text) is to do with laws and judicial systems, using a compound of νομός:

71, Gortyn, 450-400: θιοὶ ἐπὶ τοῖδε [P]ι[ττέ]νι[οι Γ]ορ[τυνίοις αὐτ]όνομ[ο]ι
κ'αὐτόδικοι. (1) 'Gods. On the following terms, the Rhittienians are to have
their own laws and their own courts independent of the Gortynians.'

(3b) θεσμός

133, Nymphaion, C6th-5th: θεθμ[ό]ς τοῖ [δά]μοι (1) 'Law for the people'

127, Naupaktos, c500: τεθμός ὅδε περὶ τὰς γὰς βέβαιος ἔστο κατ τὸν
ἀνδαιθμὸν Πλακὸς Ὑλίας καὶ Λισκαρίας καὶ τὸν ἀποτόμον καὶ τὸν δαμοσίον (1-3)
'This law about land is to be valid according to the redistribution of
land at Plax, Hylia and Liskaria (?), and (concerning) both private and
public (land)'

τεθμός ἱερός ἔστο τὸ Ἀπόλλωνος τὸ Πυθίο καὶ τὸν συνν[ά]ον (14-15) 'This law
is to be sacred to Pythian Apollo and those honoured in the same temple'

126, Locris, Early C5th: ἐν Ναύπακτον : κα(τ) τῶνδε : ἡἀπιφοικία. (1) 'The
colony to Naupaktos according to these (terms).'

καὶ τὸ θεθμῶν : τοῖς ἠυποκναμιδίοις Λορροῖς : ταὐτὰ τέλεον εἶμεν : Χαλειείοις :
τοῖς σὺν Ἀντιφάται : φοικεταῖς. (46-47) 'And this law for the
Hypoknemidian Locrians will be valid under the same terms for the
colonists from Chaleion under Antiphates.'

¹¹⁴ Koerner 1993:166

(3c) γνώμη

109, Chios, 450-425: [ἐπ'] Ἀπελλῶ [πρυτάνεος Καυ]κασέων γνώμη
ΝΦΥΛ[. .]Α[. 4 . .]ΗΣΑΝ στήσαι (A.1-3) 'Under the prytany of Apelles,
resolution of the Caucaseans (?)... set up.'

(3d) ῥήτρα

110, Chios, 575-550:]κατης: Ἰστίης δῆμο ῥήτρας: φυλάσσω[ν —]ον: ηρει: (1-3) '... of Hestia, guarding the decree of the people...'

146, Olympia, early C6th: ἄ φράτρα τοῖς Φαλείοις (1) 'The decree for the Eleans'

φράτρα is restored by editors in another Elean inscription:

208, Elis, 450-425: [ἄ φράτρα ...¹¹⁵ τὸν Σκιλλοντίον π]αρ' τὰς καταστάσιος,
Νικαρχίδα καὶ [Πλεισταῖνοι (1-2) 'Decision for the... of the Skillontians
about the situation, Nikarchidas and Pleistainos'

The various words for 'law' all occur at the start of the text, or the start of a section of the text, sometimes with ὅδε or a description of the subject of the law (113 *περὶ τῶν κατ[α]φθι[μέ]νων* 'concerning the deceased'; 127 *περὶ τὰς γᾶς* 'concerning the land'), or who it is for (133 *τοῖ [δᾶ]μοι* 'the people'; 146 *τοῖς Φαλείοις* 'the Eleans'). In 126, at the end of the text, it says that the *θεσμός* also applies to another place.

A variety of words are used during this period for 'law': *νομός* (and the related adjective *αὐτόνομος*, *νέμω*), *θεσμός* (*τίθημι*), *ῥήτρα* (*ἔρω*)¹¹⁶ and *γνώμη* ('resolution'? *γιγνώσκω*).

(3e) Other

143, Mantinea, c460: *εὐχολὰ* [δ'] ἄδε ἔ[σ]ετοι τοῖ ἀ[---]. (24) 'this is the imprecation on...'

211, Megara Hyblaia, C6th: *πάσι* : *ἀρὰ* : *τὸ* : [θε]δ : *ἡᾶδε*. 'For everyone, the curse of the god (is) this.'

Two inscriptions signpost imprecations and curses, both also with ὅδε, although the reading of 211 is possibly uncertain.¹¹⁷

¹¹⁵ *ταῖ δαμιωργίαι* IvO 16, *τοίοις καταστατοίοις* IED 22.

¹¹⁶ "particulièrement bien attesté dans les textes éléens antérieurs à 400 et à Sparte... En Élide... le substantif semble donc avoir dans tous ces textes le sens de « proclamation d'une décision », c.f. *εἶπεν* in later texts. Minon 2007:486-87. *ῥήτρα* is the only word for law found in enactments in Elean inscriptions, *θεσμός* "désigne ce qui est de « (im)posé », immuable, à la différence du *γράφος*, sans référence au processus qui l'a institué". *ibid*:490. See further the discussion in Veneciano 2014:144n12 for *ῥήτρα* in Elean inscriptions.

¹¹⁷ "Je ne crois rien de cette lecture car pour une telle traduction on attendrait que le groupe *ἀρὰ ἡᾶδε* fût place en tête." Dubois 2008:37. For ὅδε *not* in initial position in enactments or stating a topic, see 99 B.4, 139 1-2, 143 1.

146, Olympia, early C6th: ὁ [πί]ναξ ἱαρός Ὀλυμπίαι (9) The tablet (is) sacred at Olympia.

146 names itself as a πίναξ.

135 Arcadia, C6th-5th: ἔχε ὅδε κύρος δέκο φέτεα ἕνα[ι δ' ἱερὸν] τόδε (5-7) This (law) is to have authority for ten years. This (tablet/law) is to be sacred.

135 perhaps says that it is to be sacred.

(4) *'this is relevant to a time/place/topic'*

(4a) Time

135, Arcadia, C6th-5th: ἔχε ὅδε κύρος δέκο φέτεα ἕνα[ι δ' ἱερὸν] τόδε (5-7) This (law) is to have authority for ten years. This (tablet) is to be sacred.

This inscription from Arcadia is perhaps the only example of this type of law being in force for a limited period of time, rather than just giving the date from which the law applies (with the implication that there is no end date).¹¹⁸ Other types of official inscriptions sometimes specify the time period to which they apply: treaties were often made for a limited time and specified the period for which the agreement would continue.¹¹⁹

(4b) Place

127, Naupaktos, c500: τεθμὸς ὅδε περὶ τὰς γὰς βέβαιος ἔστω κατὰ τὸν ἀνδαιθμὸν Πλακὸς Ὑλίας καὶ Λισκαρίας καὶ τὸν ἀποτόμον καὶ τὸν δαμοσίον (1-3) This law about land is to be valid according to the redistribution of land at Plax, Hylia and Liskaria (?),¹²⁰ and (concerning) both private and public (land)

This law about land use specifies the area to which it applies, and that it covers both private and public land.

126, Locris, Early C5th: ἐν Ναύπακτον : κα(τ) τὸνδε : ἡἀπιφοικία. (1) The colony to Naupaktos according to these (terms). καὶ τὸ θέθμιον : τοῖς ἠυποκναμιθίοις Λορροῖς : ταύτᾱ τέλεον εἶμεν : Χαλειείοις : τοῖς σὺν Ἀντιφάται : φοικεταῖς. (46-47) And this law for the Hypoknemidian Locrians will be valid under the same terms for the colonists from Chaleion under Antiphates.

¹¹⁸ For examples of this, see above (2b) Names and Dates.

¹¹⁹ The oath in IG I³ 54 specifies that the alliance is for all time ([ἀῖ]διοι 22-23). Rhodes & Lewis 1997:16

¹²⁰ Or: 'the plateau of Hylia and Liskaria'. "Dieses Gesetz über das Land soll bezüglich der Aufteilung von Plax, Hylia und Liskaria gültig sein." Koerner 1993:155; "Cette loi sur la terre sera en vigueur pour la repartition du plateau d'Hylia et de Liskaria" Van Effenterre & Ruzé 1994:186, *ibid*:189 and Colvin 2007:165 for further discussion of the interpretation of the place names.

71, Gortyn, 450-400: θιοί ἐπὶ τοῖδε [P]ι[ττέν]ι[οι Γ]ορ[τυνίοις αὐτ]όνομ[ο]ι
κ'αὐτόδικοι Gods. (1) On the following terms, the Rhittinians are to have
their own laws and their own courts independent of the Gortynians.'

These inscriptions specify that the law applies to a particular group of people in a particular place.

(4c) Topic

141, Halieis, 480: [θ]εσαυρὸν : [τῶ]ν : τὰς : Ἀθαναίας (1) 'Concerning the
treasury of Athena.'

143, Mantinea, c460: [φο]φλέασι οἶδε ἰν Ἀλέαν... (1) 'The following are to
owe to the temple of Alea...'

141 begins with the topic, the treasury of Athena, in the genitive "of the matter involved".¹²¹ At the start of 143 is a list of names of the people against whom the judgement was made – "the following are to owe to the temple of Alea...". This list precedes the details of the decision, see above.

99, Lyktos, c500: τὰς κοινὰ ὄνιας καὶ τὰ(ς) συνκρίσιος τ[ὸν] προβ]άτ[ων]
καὶ τ[ὸν] καρταιπόδ[ων] καὶ τὰν ὑ[ὸ]ν ὄρο(ν) μὲν ἦμεν | τόνδε (B.1-4) 'The
boundary of the gathering and sorting of the small animals and the large
animals and the pigs is to be as follows.'

113, Ioulis/Keos, Late C5th: οἶδε νό[μο]ι περὶ τῶγ κατ[α]φθι[μέ]νω[ν κατὰ
τ]άδε θά[π]τεν τὸν θανόντα (A.1-2) 'The following [are] laws concerning
the deceased. According to these bury the dead.'

'Topic sentences' which follow other types of enactments and provide a transition between the enactment and the actual provisions of the law are also found at the start of several inscriptions. After the enactment at the start of section B [θιο]ί | ἔφαδε | Λυκτίοισι in 99, it says that the following section is to be the boundary of certain activities involving animals. However, the end of the description of the boundary is missing, and whether it should be considered part of the same syntactic unit as lines 1-4 is uncertain. κατὰ τ]άδε in 113 begins a sentence where the verb, the imperatival infinitive θάπτεν, can be taken to apply to the inscription in general (i.e. 'bury the dead as follows'; the inscription then contains a series of actions which are all part of the process of burial) as well as with the ἐν ἐμ[α]τίο[ις τρι]σὶ λευκοῖς, 'in three white cloths.'

(5) Invocations

(5a) θιοί

1, Dreros, c650: θιὸς ολοῖον ἀδ' ἔφαδε πόλι (1) 'God. oloion? The polis
decided these things.'

49, Gortyn, c500-450: θιοί (Ba.1), θιοί (Bb.1). 'Gods'

¹²¹ Buck 1955:284

64, Gortyn, c450: θιοί 'Gods'

69, Gortyn, 450-400: θιοί τάδ' ἔφαδε τοῖς Γορτυνίοις πσαπίδονσ[ι] 'Gods. The Gortynians, voting, decided these things'

71, Gortyn, 450-400: θιοί ἐπὶ τοῖδε [P]ι[ττέν]ι[οι Γ]ορ[τυνίοις αὐτ]όνομ[ο]ι κ'αὐτόδικοι (1) Gods. On the following terms, the Rhittienians are to have their own laws and their own courts independent of the Gortynians.'

99, Lyktos, c500: [θιοί ἔφ]αδε Λυκτίοισι | (A.1), 'Gods. The Lyktians decided.'

[θιο]ί | ἔφαδε | Λυκτίοισι | (B.1), 'Gods. The Lyktians decided.'

3, Datala, c500: θιοί ἔφαδε Δαταλεῦσι καὶ ἐσπένσαμες πόλις Σπενσιθίωι (1) 'Gods. The Dataleis decided and we, the polis, promise to Spensithios'

The vast majority of Cretan inscriptions which contain an enactment begin with θιοί.

(5b) ἀγαθῆ τύχη

104, Thasos, Late C5th: (1) [ἔδοξεν] τῆι βολῆι τύχηι ἀγαθῆι (1) 'The council decided. Good fortune.'

ἔδοξεν τῶι δήμωι τὰ μὲν ἄλλα καθ[άπερ τῆι βολῆι ...]ι τοῖς ἄλλοις θεοῖς πᾶσιν ἀγαθ[ῆι] τύχηι (7) 'The people decided. The rest, just as the council [...] all the other gods. Good fortune.'

ἀγαθῆ τύχη occurs along with ἔδοξεν twice in one inscription from Thasos, with a different word order each time.

Inscriptions with no enactment

A large number of early Greek legal inscriptions are broken at the start and/or the end, and it is impossible to know whether they originally contained an enactment.¹²² Outside of Crete, there are just eight inscriptions for which it is possible to say with any certainty did not contain enactments: 111, 112, 125, 130, 131, 137, 144, and 213. Of the Cretan inscriptions, it is very likely that 17, 20, and 21 (Eleutherna) and 34-45, 75, and 78 (Gortyn) did not contain enactments: although the first few words of many of these are lost, they all seem to be short inscriptions of 1-4 lines, often containing only one or two provisions, without space for an enactment.

Conclusion

The influence of the standard Athenian form is visible in some later inscriptions from areas under Athenian influence. 106 and 116, which contain an ἔδοξε clause followed by the names of one or

¹²² These include 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 19, 22, 23, 24, 26, 27, 29, 30, 31, 32, 33, 47, 48, 50, 51, 52, 53? 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 65, 66, 67, 68, 70, 72, 73, 74, 75, 76, 77, 79, 80, 81?, 82?, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 100, 101, 105?, 107, 114?, 115?, 117, 129, 136, 138, 142, 145, 147, 148?, 149?, 207, 209, 210, 212, and 215. ? indicates I believe it very unlikely these inscriptions originally contained an enactment.

more officials are good examples of this; the officials in 116 are named not only with the same imperfect verb forms but in the same order as would be expected in Athens.

ἐπι + participle is the most common form for naming officials, whether the archon or some other position, as in 103, 109, 118, 121, 124, 128, 139; εἴπεν is used for the proposer in 106, 118; 116, which as already mentioned is clearly following an Athenian format, is the only example outside of Athens and Crete which also uses finite verbs for the other officials.

Invocations are very rare outside of Athens and Crete, with only one example from Thasos, 104.

Athens

Although the form of enactments of Athenian public inscriptions has been long discussed, there is significantly more variation in the earliest periods than has previously been recognised. By the end of the fifth century the form is relatively fixed, although which elements are included and the exact order of those elements can vary. The alternation between ἐρχε/ῆρχε and ἐπι + participle is really the only example of linguistic variation which continues into the second half of the fifth century, although from 421/20 until the early fourth century only the imperfect is used. And even when this standard form is developed, when laws are reinscribed, older forms can be reused, as with the enactment formula in the middle of 188.¹²³ The enactments of laws are indistinguishable from those in other types of public or official inscriptions for which the same institutions are responsible, such as honorific decrees.

Crete

In the inscriptions from Crete, enactment clauses are relatively rare, being used only in certain areas and then not consistently: they are found at Dreros (in 5 of 7 inscriptions), Lyktos (in 1 of 7), Datala (in the only inscription from this site), and Gortyn (in 4 of 91). At Knossos and Axos no inscriptions contain enactment clauses. At Eleutherna there is perhaps enactment which includes a date (12), and possibly one enactment at Eltynia (25). The verb used is always ἔφαδε, which is only found in inscriptions from Crete,¹²⁴ and this is a particular feature of legal language: it is never found on Cretan public inscriptions which aren't laws, although invocations occur on one honorific inscription (IC IV 64) and one list of regulations for sacrifices (IC IV 65). But otherwise, the form and content of the enactment formula varies significantly: whether the direct object is included, whether the authority who enacted the law is named, and whether any additional information about the process of the enactment or the content of the law is included.

Gagarin argues that 1, **Dreros, 650**, demonstrates “a stage in the development of a communal self-awareness... the prominent display of this law with its enactment clause would advertise this accomplishment and would strengthen the sense among the members of the community who

¹²³ See following section: also the use of *h* in only the reinscribed section of 187, **Athens, 409/08** for preservation of archaic features.

¹²⁴ ἔδοξε does not replace ἔφαδε on Crete until the early 3rd century. Youni 2009:153. ἔφαδε can still be found in second-century Cretan inscriptions from Gortyn: IC IV 195 (?), 198 and 232.

constituted this polis, including perhaps some members of the neighboring communities, that they comprised a single unified group, the polis of Dreros.”¹²⁵

Conclusion

Enactment should not be considered a feature of Greek legal language in general before the end of the fifth century, but as just one of many strategies which could be used to express authority. It is very hard to spot any sort of significant pattern in non-Athenian and Cretan inscriptions, and it is difficult to make a judgement about how widespread they were. No particular form dominates: there is significant variation in which elements are included, and how the elements are expressed. Although ‘this is a law’-type enactments and verbs which refer to legal procedures like *δικάζω* would obviously not be found on other types of public inscriptions, names and dates and instructions for publication might be found in dedications, accounts and proxeny decrees.

Names and titles

Another source of authority in these texts are names and titles, which do not only appear in enactments: as well as being responsible for the enactment of the law, people and institutions are also mentioned in other contexts in the laws, such as responsibility for enforcing penalties. Some laws also regulate the actions of certain officials. Who is mentioned in the inscriptions – which people, officials, or institutions? What are they explicitly or implicitly made responsible for – the law itself and its enforcement?

Officials

Responsibility for judgements

Various people are made responsible for judgements.

119, Erythrai, before 454: *δικάζεν δὲ ἀπὸ τῶν φυλέων ἄνδρας ἑννέα ἀπ’ ἐκάστης* (A.13-16) ‘Judgement shall be given by nine men from each of the tribes.’¹²⁶

126, Lokris, 460-450: *τὸν καλειμένοι : τὰν δίκαν : δόμεν τὸν ἀρχόν, : ἐν τριαροῦτ’ ἀμάραις : δόμεν, : αἴ κα τριαροῦτ’ ἀμάραι : λείπονται τὰς ἀρχᾶς* (41-42) ‘the archon is to give the judgement to the plaintiff within thirty days, if there are thirty days remaining of the archonship.’

144, Mycenae, C6th: *αἱ μὲ δαμιοργία εἶε, τὸς ἱερομνάμονας τὸς ἐς Περσῆ το<ι>σι γονεῦσι κριτῆρας ἔμεν* ‘If there is no damiorgioi, the hiaromnamones (belonging to the shrine?) to Perseus are to be judges for the parents.’

¹²⁵ Gagarin 2008:79

¹²⁶ Trans. Osborne & Rhodes 2017:121

148, Olympia, 500-475: γνόμα δέ κ' εἶε τιαρομάο (4-5) 'The decision belongs to the hiaromaos.'

213, Thasos, 420-400: οἱ πρὸς τὴν ἤπειρον ἐπιτετραμμένοι δικασάσθων (ii.3) 'those entrusted with the mainland are to bring a court case.'

καὶ τὴν δίκην οἱ δημιουργοὶ δόντ<ων> κατὰ τῶν ἐπιτετραμμένων κα<τὰ> ταῦτά (ii.7-8) 'and the demiorgoi are to give the judgement according to what has been set out in the same way.'

Responsibility for judgement is sometimes assigned to a group or a number of people, as in 119: 103, Thasos, 411-409: τριηκόσιοι κρινόντων δίκην δικάσαντες 'let 300 decide after judging the case' (i.3); 107, Chios, Late C5th: no fewer than 300, who haven't been bribed (κάγδικασάντων τριηκοσίω μὴ ἴάσσονες ἀνηρίθευτοι ἐόντες B.21-25).

Responsibility for enforcement

The inscriptions often also mention who has responsibility for enforcing the penalties: 107, Chios, late C5th: ὀροφύλακες (A.15-16) 'hill guard',¹²⁷ πεντεκαίδεκα (A.18-19, B.0-2) 'the Fifteen', βασιλέος (C.8) '*basileus*': the first two collect fines, the third is responsible for a curse; 115, Paros, late C5th: an oath is sworn to the θεορ[ός] (5, 7-8, 10) '*theoros*' and ν[εωκ]όρον (6-7) 'temple-warden': 118, Erythrai, late C5th: οἱ ἐξετασταί (14) 'auditors' collect a penalty or owe it themselves; 146, Olympia, 475-450: the ἑλληνοζίτας (5) '*hellanodikas*' enforce penalties against the ὄρ μέγιστον τέλος ἔχοι (3) 'who holds highest office' and βασιλάες (3) '*basileus*' when they fail to enforce fines; the ζαμιοργία (6) '*damiorgoi*' enforce the original fines. Further examples include:

128, Eretria, c.525: ἰαν· με τέισει : ἀρχός : ἀπὸ ρετὸν : ποιῆσα[ι]· *hóstitis* ἄν : με ποιῆι· αὐτόν : ὀφέλεν (3.2-3) 'If he does not pay, the archon is to act by the law. Whoever does not act, he himself is to owe (the fine).'

141, Halieis, 480: ἡα δὲ βολὰ ποτελάτο : ἡαντιτυχόνσα (6) 'the council in power at that time are to enforce (it)'

209, Tiryns, C7th: τὸν πλατιφονάρχον [τὰ]ν ζαμίαν παρσχέ[ν] 'the platiwoinarchoi are to provide the fine from the public goods.'

Laws regulate activity of officials

Laws regulate other aspects of involvement in legal procedure. Examples include: in 119, Erythrai, before 454, the *prytaneis* record cases and penalties (A.27-31), and are responsible for calling the true Erythraeans and collecting penalties (C.9-22); 116, Lindos, late C5th: the *epistatai* and the priest are involved in record-keeping; 124, Halicarnassus, c.450: the *dikastai* and *mnemones* are involved in legal procedure, the former with overseeing oaths (19-20, 26-27), the latter with providing evidence (20-21); 123, Teos, c450, D.11-23 officials have responsibility for reading out (or

¹²⁷ Koerner 1993:233

the scribes if they are ordered to) what is written on the stele; **127, Naupaktos, c500:** B.21 the *archon* has oversight of exchange.

Other types of regulation on the activity of officials include limiting holding office again in a particular time period, often ten years: **121, Erythrai, C5th** (συνελεορῆν ‘be co-overseer of the swamp’ or γράφεν ‘be secretary’, 1-4); **118, Erythrai, Late C5th** (γραμματεῦσαι ‘be secretary’ 3-4); **120, Erythrai, 453/52** (βολεύεν ‘be a member of the βουλῆ’).

105, Thasos, late C5th perhaps regulates the behaviour of the καρπολόγοι (A.1-2, 9, B.10?); **110, Chios, 570-550** says that the δημαρχῶν (A.3-4) and βασιλεύων (A.4) should not accept bribes; **122, Teos, c470** wants to prevent someone seizing the office of αἰσυμνήτης or acting against the state while holding that role and to ensure the proper participation in civic activities of the τιμοχέοντες; **123, Teos, c470:** similarly tries to regulate the behaviour of officials, ὅς ἂν τιμῆν : ἔχων (5-6) ‘whoever holding office’, and also mentions concerns with the improper appointment of the αἰσυμνήτης; **127, Naupaktos, c500,** imposes limits on the profits of the δαμιοργοὶ (B.22-25); **136, Kleonai, 575-550** perhaps mentions a δαμοτε[λέος;¹²⁸ **209, Tiryns, C7th** regulates the πλατιφοῖναρχος, and specifies that τὸν ἱερομνάμονα administers public goods (3A.4).

Laws about sacrifices, cult taxes and other religious activities frequently mention specific people or groups responsible for certain actions: **108, Chios, C5th:** details how ὁ ἰέρεως (1, 7) should perform sacrifices and what should happen in his absence; **116, Lindos, late C5th:** the στρατηγός, individuals, priest, *boule*, *epistatai*, and *prytaneis* all have specific roles in cult tax.

damiorgoi are by far the most commonly mentioned officials in Elean texts, with various judicial functions.¹²⁹

The community

Gagarin argues that “the ultimate authority behind archaic legislation was always the community, in whose interest and for whose use these texts were written down and displayed.”¹³⁰ Therefore, naming the community in the inscription could be one strategy for expressing authority, and δῆμος, πόλις and the assembly are indeed mentioned frequently in Greek legal inscriptions. As discussed above, the subject of ἔδοξε in enactments is almost always τῇ βουλῇ and/or τῷ δήμῳ, but the community is also mentioned elsewhere in legal inscriptions. Examples include: **123 Teos c.470,** which specifies that some actions are permitted ὑπ[ὸ] πόλεω[ς] : ν[ό]μο (A.18-19) ‘by the law of the city’; in **127, Naupaktos, c500** ἐν πόλι (10) is listed as one of the places where a decision should be taken; the fragmentary inscription **142, Mantinea, C6th-5th** mentions τὰ δαμόσια (3) ‘public affairs’; in **209, Tiryns, C7th** the administration of τὰ δαμόσια (3B) ‘public goods’ is to

¹²⁸ “this is clearly a public inscription displaying a civic law; although the stone is damaged, the last preserved lines must refer to some sort of public official or perhaps even to rites to be performed at public expense.” Marchand 2002:468

¹²⁹ “dans les textes antérieurs à 400, l’emploi relativement fréquent de l’abstrait δαμιοργία, qui désigne la charge de δαμιοργός et, par métonymie, celui ou ceux qui l’exercent, insiste sur le caractère collectif de la magistrature” Minon 2007:498-99

¹³⁰ Gagarin 2008:92

happen *ἡόπι κα δοκεῖ τῷ δάμοι* (3B-4.1) ‘however the people decide’, followed by a reference to *ἀλιαιαίαν* (4.1), ‘the assembly’; in 213, **Thasos, 420-400**, the city receives part or all of the fines: *τὸ μὲν [ἥμυσυ] τῇ πόλι* (i.4-5) ‘half to the city’, *τῆς πόλεως ἢ θωιῆ ἔστω πάσα* (ii.4) ‘the whole penalty is to be for the city’.

147, **Olympia, c.475**: *ἄνευς : βολάν : καὶ ζῶμον πλαθύοντα* (8) ‘without the assembly and the people’

207, **Olympia, 525-500**: *σὺν βολαῖ <π>εντακακτίον ἀφλανέος καὶ δάμοι πλεθύοντι* (4) ‘with the assurance of the council of 500 and the people’

Compare a formula repeated in 188, **Athens, c.409**, the laws of the council of 500 republished at the end of the fifth century but probably dating from a hundred years before:¹³¹ *ἄνευ τῷ δέμο τῷ Ἀθ[εν]αίον πλεθύοντος* (42) ‘without the Athenian people in full assembly’, *ἡόπος ἄν δοκεῖ :: δέμοι τῷ Ἀθηναίον πλεθύοντι* (43) ‘however it is decided by <the> people of Athens in full assembly’.

‘According to the law’ or ‘according to what is written’

In early Greek legal inscriptions, *κατὰ τὰ γεγραμμένα*, ‘according to what is written’ effectively means ‘according to the law’. Other laws in inscriptions are most often referred to as *τὰ γεγραμμένα* (or other words related to *γράφω*), even more frequently than words for ‘law’ such as *νομός* or *θεσμός*. Gagarin has argued that “cross-referencing is significant because it indicates a sense of coherence among a city’s laws, and also confirms the public nature of law”.¹³² This sense of coherence could help to solidify the authority of the inscriptions. *γράφος* is almost only found in Eleen. It often refers to the inscription itself (as in 208.19, where it means inscribed letters, in “forme matérielle” in contrast to 208.14 where *ἐν τῷ ταύτε γεγραμμένοι* refers to a particular section of content), but it can also be used metonymically for the contents of the text (e.g. 207.2).¹³³

105, **Thasos, Late C5th**: *ὅ τι [έστιν ἐν τούτῳ τῷ νόμῳ γεγ]ραμμένον*. (B.12-13) ‘what is written in this law’

123, **Teos, c470**: *τὰ γεγραμμένα ἐν τῇ [σ]τήλῃ* (D.15-16) ‘what is written on the stele’

124, **Halicarnassus, c450**: *ὡς γέγραπται ἐν τῷ Ἀπολλω[νί]ῳ* (44-45) ‘as is written in the sanctuary of Apollo’

127, **Naupaktos, c500**: *κατὰ τὸν ἀνδρεφονικὸν τετμόν* (13-14) ‘according to the law about homicide’

ἄλλο τὸν γεγραμμένον (B.22-23) ‘other than what is written’

¹³¹ Minon 2007:514 for this parallel. *ἄνευ τῷ δέμο τῷ Ἀθηναίον πλεθύοντος* occurs at least five times in 188. See also 166, **Athens, 446/445** 9-10, IG I³ 14 28-29, IG I³ 65 21-22, IG I³ 70 5-6, IG I³ 157 9-10.

¹³² Gagarin 2008:61

¹³³ Minon 2007:488

147, Olympia, c.475: τ]ὰ ζίκαια : κα' τὸ γράφος : τὰρχαίον : εἴε κα. (5) 'the judgement is to be according to the old inscription'
τὸν γραφῆον : ταύτον (6) 'these inscriptions'

141, Halieis, 480: τὸν γρασμάτων ἠένεκα (4-5) 'on account of the written proposals'¹³⁴

144, Mycenae, C6th: κατ(τ)ὰ φεφρεμένα 'according to what is decreed'

207, Olympia, 525-500: παρ τὸ γράφος (2) 'against the inscription'
τὸν δέ κα γραφῆον (3) 'of the inscriptions...'

208, Elis, 450-425: τ]οἰ ταύτε γεγραμένοι : τέπιαροι (14-15) 'the sacred fine, written (also?) here (?)'

τὸ γράφος τόδε (19) 'this inscription'

το[ἰ τ]ῆδε γεγραμένοι (20) 'which is written here'

τοἰ τ]ῆ[δε γεγρα]μένοι (23) 'which is written here'

209, Tiryns, C7th: τα γράθματα (2B.2) 'the writings'¹³⁵

213, Thasos, 420-400: κατὰ τῶν ἐπιτετραμμένων κα<τὰ> ταύτά (ii.8)
'according to what has been set out in the same way.'

νομός or θεσμός are also used to refer to both the text of the inscription itself and to other laws:

119, Erythrai, before 454: δικάν κατὰ νόμος καὶ ψηφίσματα (A.20-22) 'to judge in accordance with the law and decrees.'

δικάζεν [δὲ π]λησίον τιθέντα κατὰ τὸν νόμον. (A.25-27) 'they shall judge having placed the law nearby, in accordance with the law.'¹³⁶

124, Halicarnassus, c450: νόμωι δὲ κατὰπ[ε]ρ νῦν ὀρκῶ{ι}σ<α>ι τὸς δικαστάς (19-20) 'according to the law now the *dikastai* are to administer an oath'

τὸν νόμον τοῦτον (32, 35) 'this law'

123, Teos, c470: ὑπ[ὸ] πόλεω[ς] : ν[ό]μο (A.18-19) 'by the law of the city'

136, Argolis, 575/550: κατὰ νόμ[ον] (15) 'according to the law'

148, Olympia, 500-475: κατὰ φέκαστον θεθτμόν (3) 'according to each law (i.e. each violation)'¹³⁷

207, Olympia, 525-500: ἄ δέ κα φράτρα (2) 'the decree'

Crete

¹³⁴ "(i.e. the formal introduction of a measure before the assembly)" Buck 1955:284

¹³⁵ Extremely fragmentary in context: "[- -] writings (or: letters?) [- -]" Lupu 2005:199

¹³⁶ Trans. Osborne & Rhodes 2017:121

¹³⁷ Minon 2007:489 'law' rather than 'measure of land' preferable here.

ἃ γέγραπται ‘as is written’ is especially common on Crete and one of the few elements shared across many cities, which “shared a common understanding of the importance of writing to the whole idea of law”.¹³⁸

14, Eleutherna, C6th-5th: [τ]ὸν καρπὸν κατ’ ἃ γέγραπτ[αι] (7) ‘the fruit, according to what is written’

25, Eltynia, C5th: ἃ ἤγγραται (7) ‘what is written’

64, Gortyn, c450: τὰ ἐγραμμένα (i.46, 55, iv.10, 50, xii.9) ‘what is written’
 αἱ ἔγραπται (iv.30-31, 48, vii.47-48, viii.10, 25-26, 29-30, 35-36, 40, x.46, XI.28-29, xii.5) ‘what is written’

ἀλλὰ δ’ ἔγρατ[τα]ι, αἱ τὰδε τὰ γράμματα ἔγ[ρ]α[ττα]ι (vi.14-15) ‘it is written otherwise than these writings are written’¹³⁹

αἱ τὰδε τὰ γράμματα ἔγραπται (ix.15-16) ‘as these words are written’¹⁴⁰

ἔφεκάστο ἔγραπται (vi.31, ix.24-25) ‘where it is written for each case’¹⁴¹

αἱ ἔγραπτο πρὸ τὸνδε τὸν γραμμάτων, (xii.2-3) ‘as was written before these writings’¹⁴²

71, Gortyn, 450-400: αἱ ἐν τῷ ‘πόροι ἔ[γρα]πται (10) ‘as is written in the ?’
 τὰ ἐγραμμέν’, ἀλλὰ δὲ μέ (12) ‘The things that are written (are valid), but other things are not.’¹⁴³

‘Entrenchment clauses’

Laws often contain clauses concerned with the preservation of the laws themselves: “an entrenchment clause is a clause which states explicitly that nobody is to propose or to facilitate a proposal that the decree should be annulled or modified, on pain of a worldly penalty and/or a curse. These are found in many places, and the oldest of them are old enough to independent of any Athenian influence.”¹⁴⁴ In early Greek legal inscriptions, these entrenchment clauses are concerned with both the non-alteration of the content of the law, and the preservation of the physical inscription. Entrenchment clauses are found in 5th and 6th century inscriptions from a variety of places:

126, Lokris, C5th: *hóss̄tis : ka τὰ φεφαδερότα : διαφθείρει : τέχνη και
 μηχανῶναι : και μιᾶι, : hót̄i ka με ἀνοφοτάρους : δοκέει hoποντίον : τε χιλίον :
 πλέθαι και Ναφπακτίον(!) : τὸν ἐπιφοίρον : πλέθαι, : ἄτιμον εἶμεν : και
 χρέματα παματοφαγείσται· (38-41) ‘Whoever violates these statutes by any
 device in any point which is not agreed by both parties, the assembly of*

¹³⁸ Gagarin & Perlman 2016:141

¹³⁹ Trans. Gagarin & Perlman 2016:378

¹⁴⁰ Trans. Gagarin & Perlman 2016:400

¹⁴¹ Trans. Gagarin & Perlman 2016:401

¹⁴² Trans. Gagarin & Perlman 2016:426

¹⁴³ Trans. Gagarin & Perlman 2016:441

¹⁴⁴ Rhodes & Lewis 1997:524

the Thousand in Opus and the assembly of the colonists in Naupactus, shall be deprived of civil rights and shall have his property confiscated.¹⁴⁵

124, Halicarnassus, 465-450: τὸν νόμον τοῦτον ἢν τις θέλῃ συγχέαι ἢ προθητα[ι] ψῆφον ὥστε μὴ εἶναι τὸν νόμον τοῦτον (32-35) 'If anyone wishes to annul this law or bring a vote that this law should not exist'¹⁴⁶

122, Teos, c470: ὃς ἂν ταστήλας : ἐν ἧσιν ἡπαρή : γέγραπται : ἢ κατάξει : ἢ φοινικήια : ἐκκόψε[ι :] ἢ ἀφανέας ποιήσει : κένον ἀπόλλυσθαι : καὶ αὐτὸν : καὶ γένος [τὸ κένο.] (B.35-41) 'Whoever breaks the steles on which the curse is written, or knocks out the letters or makes them illegible, that man is to die, both himself and his family.'¹⁴⁷

208, Elis, 450-425: αἱ δέ τις μανύοι ἄλλον τινὰ ὅς] τὸ γράφος τόδε καζαλέμενον (19) 'if someone denounces someone else as intending to violate this inscription'

More remains of clauses concerning the implementation and preservation of the law in **207, Olympia, 525-500**, than of the content of the law itself.¹⁴⁸

Republication

Legal documents are republished the 5th and 4th centuries to restate or reinforce their authority: either because, such a long time has passed from the original enactment, or because a proliferation of inscriptions means it is no longer clear which laws are in force,¹⁴⁹ or because of political upheaval. This latter reason is particularly important for the Athenian documents reinscribed after the restoration of the democracy after the originals were undermined or even physically erased under two periods of oligarchic rule.¹⁵⁰ The authenticity of the sections of such inscriptions claiming to be older has often been doubted, and some of the language is probably not original.¹⁵¹

Two Athenian inscriptions republish older laws: **187** and **188**, both from the end of the fifth century. **187** is Draco's law on homicide, **188** laws of the council of 500. **188** is rather fragmentary; **187** includes instructions for republication immediately following the enactment (4-8):

¹⁴⁵ Trans. Buck 1955:253

¹⁴⁶ Trans. Osborne & Rhodes 2017:183

¹⁴⁷ Trans. Colvin 2007:114

¹⁴⁸ Lines 1-2 concern behaviour in the sanctuary, lines 2-3 concern the correct application of law, and lines 3-5 limit revisions to the law. "l'idée est celle d'un mouvement don't l'effet est tel qu'il fait changer de situation, ou d'état... Mais il n'est pas impossible que le sème de rotation ait aussi existé dans le forme éléenne, par reference peut-être au mode d'exposition des lois." Minon 2007:492

¹⁴⁹ Volonaki 2001:139

¹⁵⁰ Walbank 1978:8; Volonaki 2001:138-41

¹⁵¹ This has been argued especially for the foundation document of Cyrene. Graham 1960; Meiggs & Lewis 1969:7-9.

τὸ[ν]

Δράκοντος νόμον τὸμ περὶ τὸ φό[ν]ο ἀναγρα[φ]σά[ν]τον οἱ ἀναγραφῆ-
ς τὸν νόμον παραλαβόντες παρὰ τὸ β[α]σ[ι]λέ[ος] μετ[ὰ] τὸ γραμμ]ατέο-
ς τῆς βουλῆς ἐστέλει λιθίνει καὶ κα[τ]α[θ]έντ[ον] πρόσ]θε[ν] τῆς στο-
ᾶς τῆς βασιλείας·

‘Let the *anagraphes* publish Drakon’s law concerning homicide, having received the law from the *basileus*, with the secretary of the *boule*, on a stone stele, and let them put it in front of the *stoa basilea*.’

Conclusions

There are many ways of expressing authority in varied combinations in early Greek legal inscriptions, but there is a general concern with indicating the authoritative nature of the text, and identifying the text as a law. Ways of expressing authority often make direct reference to political, historical or social context within which the law operates: this includes naming people, groups and roles involved with the production and the enforcement of the text, both in enactments and in the main content of the law, specifying the date a law was produced or when it applies, or including information about the (re)publication of the text. There is often reference to the law as a written text, and entrenchment clauses are concerned with both the preservation of the law and the preservation of the inscription. Although there is significant variation in the use of these strategies, it is possible to distinguish certain local patterns, such as the use of ἔφαδε in Crete, which should be considered a register feature of legal language in a particular dialect.

Greek Legal Language: Conditions and instructions

Both Ancient Greek and Hittite laws have been described as casuistic in nature: the usual form is an 'if --- then ---' structure:

“they have the form of a conditional sentence stating the violation and its punishment or other consequences... first a regulation prescribes or prohibits a certain action... and the next provision... spells out the consequences of non-compliance.”¹⁵²

Conditions

Conditional clauses

A very broad definition of a conditional sentence might be something like: a conditional sentence is a sentence where the realisation of the action in the main clause depends in some way on the action in the conditional clause. If X, then Y, meaning that X is sufficient or necessary for Y, Y is somehow the result of X, and so on. This If – Then – pattern is frequently found in legal texts and is common in early Greek legal inscriptions: IF (someone does something which is a violation of the law), THEN as a result of this violation (this is the penalty).

Conditional clauses in Greek are introduced by εἰ, 'if', with various types of conditional sentences differentiated by the mood of the verb and the use of the modal particle ἄν, reflecting the attitude of the speaker to the reality or likelihood of the condition. There are three main types of conditions relevant to legal inscriptions, which the following paragraphs briefly summarise, based on existing grammars and a study of Greek conditional clauses (Wakker 1994). These are all types of conditions where there is the possibility of fulfilment – laws don't usually describe events which could not or did not happen, and there are no counterfactuals in the early Greek legal inscriptions.¹⁵³

The first type, with εἰ + indicative in the protasis and any mood in the apodosis, often called 'neutral conditions', does not involve any position on the truth or likelihood: “the speaker does not express his opinion as to the degree of likelihood of the fulfilment of the condition”;¹⁵⁴ “the speaker

¹⁵² Gagarin 2008:49 referring specifically to an early Cretan inscription 1, **Dreiros, c650**. Similarly, Minon 2007:445 on conditions in Elean public inscriptions: “la protase expose la situation, la circonstance hypothétique, qui implique une autre situation, suite logique de la première, énoncée, quant à elle, dans l'apodose... la réalisation du procès énoncé dans l'apodose est motivée par celle du procès énoncé dans la protase.”

¹⁵³ Counterfactual conditions ('if I were you, I would...', implying but 'I'm not you, so I won't') do not occur in early Greek legal inscriptions. I am also excluding conditional clauses which are called 'indefinite' or 'habitual', which should be treated separately from other types of conditional clauses listed in this section. Wakker 1994:8. For conditional clauses with εἰ which describe the appropriateness or relevance, sometimes called 'illocutionary conditionals' (ibid:49), see below.

¹⁵⁴ Wakker 1994:6

gives no indication of the likelihood of the realization of the action in the protasis”;¹⁵⁵ and so on. This type of conditional sentence occurs in the laws, but it is much less common than the second type.

The second type, with ἐάν + subjunctive in the protasis and a verb with future reference in the apodosis (a future, imperative, subjunctive, or infinitive), is sometimes called a ‘prospective condition’,¹⁵⁶ and is “the most common type of conditionals referring to the future”.¹⁵⁷ The speaker “presents fulfilment as ‘very well possible’”;¹⁵⁸ the condition may be or is sometimes fulfilled, but is not always or might not be. The tense stem used in the protasis is mainly aspectual and often implies a relative tense relationship – a protasis with an aorist subjunctive suggests that the action is prior to that in the main clause, a present subjunctive implies simultaneous action. The majority of conditions in legal inscriptions belong to this type, since “the promulgation of laws necessarily refers to future events and is also necessarily general in nature.”¹⁵⁹

The third type has εἰ + optative in the protasis, and ἄν + optative in the apodosis. These are ‘potential conditions’,¹⁶⁰ which refer to a future which is considered less likely or less real than those expressed by ἐάν + subjunctive: “the speaker considers fulfilment of the condition possible, but no more than that.”¹⁶¹ The tense stem has the same function as with the subjunctive. These are less common than the second type.

However, not all conditional sentences in Greek fall straightforwardly into one of these categories, and many ‘mixed’ conditionals are also found in laws: a sentence might use the protasis from one type and the apodosis from another, or have more than one type of protasis in sequence.

Dialect variation

Most grammars of Greek, and Wakker’s study of conditional sentences, are based primarily on literary texts – as well as differences arising from the type of text, we might also expect more dialectal variation in early inscriptions. In Elean in particular, optatives might be more frequent even in conditions which are presented as likely:

“l’éléén ancien se distingue de tous les autres dialectes grecs par l’emploi fréquent qu’il fait de l’optatif dans les deux éléments de ces systems: le

¹⁵⁵ Boas et al. 2019:551-52. It has been suggested that this construction may express some skepticism, or with a future indicative may be interpreted as a warning or a threat (also called ‘future more vivid’ and sometimes treated separately in grammars: but see Wakker 1994:39n27).

¹⁵⁶ Also called ‘future more vivid’, ‘future open’ etc.

¹⁵⁷ Boas et al. 2019:552

¹⁵⁸ Wakker 1994:7

¹⁵⁹ Greenberg 1986:256-57, also quoting Gildersleeve’s description of this construction as the “Legal condition”.

¹⁶⁰ Also called ‘future less vivid’, ‘future remote’ etc.

¹⁶¹ Boas et al. 2019:553

verb de la protase est toujours à ce mode, et souvent aussi celui de l'apodose, qui est alors accompagné de la particule κα.¹⁶²

Optatives in the protases of conditional clauses, although most common in Elean, are also found in other dialects where a subjunctive would normally be expected in Attic.¹⁶³ Buck suggests that optatives are sometimes used in the Gortyn code instead of subjunctives in protases of sentences with a verb with future reference in the apodosis “where the contingency is obviously one more remotely anticipated” (with the example VII.9),¹⁶⁴ but sometimes the reason for alternation is not clear.

Relative clauses expressing conditions

εἰ clauses are only one of the strategies used to express conditions, and even the ancient grammarians identify functionally equivalent constructions:¹⁶⁵

οὐ γὰρ πόρρω πέπτωκε τὸ ὁ περιπατῶν κινεῖται τοῦ εἴ τις περιπατεῖ κινεῖται,
οὐδὲ τὸ ὅς ἂν ἔλθῃ τοῦ εἴ τις ἂν ἔλθῃ.
(Apollonius Dyscolus *Syntax* 2.2.150)

Apollonius says that the article and a participle is like εἴ τις, and ὅς ἂν is like εἴ τις ἂν.¹⁶⁶ Conditional clauses with an indicative introduced by εἴ τις are less common in legal inscriptions (and therefore we might similarly expect fewer conditions expressed with participles, but see below for a few examples), but a protasis with ἐάν + subjunctive is very frequent, and relative clauses with ἂν + subjunctive are also found in legal inscriptions: this is the main alternative construction for conditions.

Protasis

The two most common types of protases in conditional sentences in legal inscriptions are ‘if’ clauses and relative clauses. In this section I will discuss the use of τις and the modal particle in ‘if’

¹⁶² Minon 2007:444

¹⁶³ Buck 1955:38-39

¹⁶⁴ Buck 1955:139

¹⁶⁵ As well as modern ones: “Conditional Relative Clauses may be resolved into if clauses, ὅς (ὅστις) corresponding to εἴ τις and ὅς (ὅστις) ἂν to ἐάν τις. The negative is μή.” Smyth 1956 §2560; Relative clauses with ἂν + subjunctive followed by a verb with future reference in the main clause “vividly anticipate the realization of a future event” *ibid* §2565; Relative clauses with ἂν + subjunctive followed by the present indicative in the main clause express “a general truth, less often iterative action”, although relative clauses of this type without ἂν are common in Homer; the indicative in the relative clause “occurs chiefly after ὅστις, which is itself sufficiently general in meaning”, *ibid* §2567-69; The optative in the relative clauses followed by a present, future or imperative in the main clause “occurs especially in general statements and maxims” *ibid* §2573; “[every type] of Greek conditional sentence has a counterpart with a relative clause as the equivalent of the protasis.” Probert 2015:97; Greenberg 1986:255, highlighting the frequent use of τις in conditional clauses of the types discussed here as relevant to the relationship between conditional and relative clauses.

¹⁶⁶ Perhaps more commonly ἐάν τις ἔλθῃ.

clauses, relative clauses introduced by ὅς (ὅν) and ὅστις (ὅν), the alternation between ‘if’ clauses and relative clauses, and the mood of the verb in the protases of conditional sentences.

If’ clauses

‘If’ clauses – conditions introduced with εἰ (± ὅν) (<αἰ>, <αἰ κα> or <κε>, <έάν> or <ἤν>, <ὅν>) where there is a causal link between the protasis and the apodosis – almost always precede the main clause in legal inscriptions. Clauses introduced by εἰ meaning ‘unless’ and of the type to do with relevance or appropriateness tend to follow the main clause (see ‘ther quasi-conditional clauses’ below).

Subject

Laws may aim to regulate the behaviour of a whole population or a specific group of people, and the subject of the conditional protasis is usually the party whose actions the law is controlling. The most common subject for a conditional protasis in early Greek legal inscriptions is the indefinite pronoun τις, but a law may apply to a particular group of people, and in that case the subject is specified. τις is found in early Greek legal inscriptions from all regions, but with different patterns of word order and varying frequencies of co-occurrence with the modal particle.

τις

The indefinite pronoun τις is the most common subject for a conditional protasis in early Greek legal inscriptions.

103, Thasos, 411-409: ἦν δέ τις τῶν μετεχόντων κατείπηι (i.3, ii.11) ‘if any of the participants (i.e. conspirators in a plot) make an accusation’

104, Thasos, Late C5th: εἰ δέ τις ἐστίν ΗΙ[(2) ‘if anyone is ...’
ἦν δέ τις ταῦτα ἀναδημιορ[γήσηι... (5) ‘if anyone annuls (?) these things...’

106, Amorgos, C5th: ἐάν δέ [τι]ς καί[η]ι (4-5) ‘if anyone sets a fire’

107, Chios, Late C5th: ἦν τίς τινα τῶν ὄρων τούτων ἢ ἐξέληι ἢ μεθέληι ἢ ἀφανέα ποιήσει¹⁶⁷ ἐπ’ ἀδικίηι τῆς πόλεως (A.9-13) ‘if anyone takes out or removes or conceals (makes invisible) any of these boundary-stones for harm to the city’

115, Paros, late C5th: [ἦν δέ τ]ίς τι τούτων παρήι[ι] (4) ‘if anyone transgresses any of these (laws)’

124, Halicarnassus, 465-450: ἦν δέ τις θέληι δικάζεσθαι περι γῆς ἢ οἰκίων (16-17) ‘if anyone wishes to bring a case about land or houses’
ἦν δέ τις ὕστερον ἐπικαλήι τούτο τῶ χρόνῳ τῶν ὀκτωκαίδεκα μηνῶν (22-24) ‘if anyone makes an accusation later than this time of eighteen months’

¹⁶⁷ Short vowel subjunctive ποιήσει, Buck 1955:120

τὸν νόμον τοῦτον ἢ τις θέλησι συγχέαι ἢ προθήτα[ι]... (32-34) ‘concerning this law, if anyone wishes to abolish (it) or propose a vote...’

126, Lokris, Early C5th: αἴ τις ἠυπό τῶν νομίον τῶν ἐπιφοίρον : ἀνχορέει Περροθαριᾶν καὶ Μυσαχέον (B.27-28) ‘if anyone of the Percotharians or the Mysacheons returns under the laws of the colonists’

132, Thessaly, C5th: αἴ κε τῶν φασσῶν τις φάλ[ι]σσκετα[ι] (2-5) ‘If any of the citizens is caught...’

138, Argos, C6th: αἴ δὲ μὲ δαμιο[ρ]γοί τις (7) ‘if no one (fills the position of?) *damiorgos* (?)’

141, Halieis, 480: αἴ τις τις : [ἔ τὰ]ν βολάν : τ[ὰ]ν ἀνφ’ Ἀρίστονα : ἔ τὸν<ς> συναρτύοντας [ἔ ἄ]λλον τινὰ ταμίαν εὐθύνοι : τέλος ἔχον (1-3) ‘if anyone holding high office calls to account the council under Ariston or the *sunartunai* or any other treasurer’

143, Mantinea, c460: εἴ τις ἰν το ἱεροί τῶν τότε [ἀπυθανόντων] φονές ἐστι (25) ‘if anyone in the sanctuary is a murderer of those who died at that time’

145, Olympia, c525-500: αἴ τις μαίτο χρέεστ[αι] (3) ‘if anyone tries to consult (an oracle?)’¹⁶⁸
αἴ τις ταῦτα πα[ρβαίνοι] (5) ‘if anyone transgresses these (laws)’

146 Olympia, 475-450: αἴ ζέ τις κατιαράσειε (2) ‘if anyone makes curse’
αἴ ζέ τις τὸν αἰτιαθέντα ζικαιδὸν ἱμάσχοι (7) ‘if anyone flogs the accused person’

207, Olympia, 525-500: αἴ δέ τις παρ τὸ γράφος δικάδοι (2) ‘if anyone makes a judgement contrary to the decree’

208, Elis, 450-425: αἴ δέ τις στάσιν ποιέοι : τῶν Σκιλλοντί[ων] (9-10) ‘if anyone among the Skillonteons starts a revolt’
αἴ δέ τι[ς] καὶ σ[...] (22) ‘if anyone also...’

209, Tiryns, C7th: αἴ τις ἐξ[ς] (fr. 10) ‘if anyone...’

τις is always singular. *τιστις* in 141 has variously been interpreted as dittography¹⁶⁹ and an actual form with reduplication of the indefinite pronoun.¹⁷⁰ The word order in these clauses is most frequently SOV,¹⁷¹ with the other constituents usually following the verb. εἴ is almost always clause initial, followed by τις. δέ, if present, directly follows εἴ, with the pattern almost always εἴ/ἐάν (δέ) τις.

¹⁶⁸ “si l'on cherchait à consulter l'oracle (?)” Mionon 2007:49

¹⁶⁹ Buck 1955:284

¹⁷⁰ cf. Latin *quisquis*, Hittite *kuiš kuiš*. This would be the only attestation of *τιστις*, but it has been restored by Jeffery 1961 in 138, Argos, C6th: [αἴ τις τις γ]ράθματα (1).

¹⁷¹ SOV (± other constituents): 104.5, 107.A9-13, 115, 141.1-4, 145.5, 147.7, 207.2, 208.9-10; SppV (± other constituents): 126.B.27-28; SVO (or SV preceding any other element): 132.2-11, 124.16-17, 145.3, 208.19

There are two exceptions to SOV word order or τις directly following εἰ/ἐάν (δέ) in these conditional protases: first, when τις is modified by something else, ‘anyone of ...’ τὸν φασστὸν κίς (132), the constituent modifying τις may precede, although sometimes the opposite word order can also be found, as twice in 103, τις τῶν μετεχόντων, or even with the modifying constituent postposed, as in 126 and 141. The second exception is in 124 where τὸν νόμον τοῦτον precedes ἦν τις. This example is repeated here with the full protasis:

124, **Halicarnassus, 465-450**: τὸν νόμον τοῦτον ἦν τις θέλει συγχέαι ἢ προθητα[ι] ψήφον ὥστε μὴ εἶναι τὸν νόμον τοῦτον (32-35) ‘concerning this law, if anyone wishes to abolish (it) or propose a vote that this law should not exist’

This signals a change in content, moving from the content of the law itself concerning property to a provision to prevent law being altered: “Concerning this law, if anyone wishes to abolish (it) or...”. The asyndeton marks a shift between two different levels of the text.¹⁷² αἰ δὲ μὲ δαμιο[ρ]γοί τις in 138 is more difficult to explain: τις is at the end of the clause. The context is quite broken and it is unclear what it is immediately following or preceded by: ‘if there is no one to fill the position of *damiorgos*, then...?’¹⁷³

The sequence αἰ (δέ) κά τις or αἰ (δέ) τίς κα with both the modal particle and the indefinite pronoun is relatively rare.¹⁷⁴ In 132, **Thessaly, C5th**, only, both the modal particle and τις occur in the same clause, although in this case τις is the head of a noun phrase: αἰ κε τὸν φασστὸν κίς ‘if anyone of the citizens’, and there a few Cretan examples, mostly from the Gortyn Code: 64, **Gortyn, c450**, αἰ τίς κα (9.43), καὶ μὲν τίς κ’ [ὁ]πυίει (8.17);¹⁷⁵ 66, **Gortyn, 450-500** αἰ κά τις (C.3). However, the sequence ἐάν (δέ) τις is very common (e.g. 106.4, 107.9, 124.16, 22); εἰ (δέ) τις only is used with the indicative (104.2, 105.12).¹⁷⁶

Buck says that “the subjunctive without ἄν or κα in conditional, relative and temporal clauses, where the particle is regularly employed in Attic prose... is attested for several dialects, though always the less common construction”,¹⁷⁷ with Locrian, Arcadian, Cypriot and Cretan examples.

¹⁷² Compare ἦν δὲ τις (16, 22), ἦν δὲ μὴ (37) in conditional clauses with εἰ elsewhere in this inscription.

¹⁷³ Van Effenterre & Ruzé 1994:354

¹⁷⁴ The few fourth century examples of this sequence include: αἰ κέ τις Φεραίων in a fourth century proxeny decree from Thessaly, SEG 23:424; μὴ δ’ αἰ κέ τις δίκαν γράφηται περὶ τ[ο]ύτων (11) in a fourth century inscription from Mytilene, IG XII,2 6; αἰ κά τις ἐ[πί]ηι (28), IG II² 97 Athens 375/74, part of an oath in an agreement between the Athenians and the Corcyrians given in two different dialect versions: the equivalent Attic form in the oath spoken by the Athenians is ἐάν τις ἦηι (17); αἰ δέ τίς κα (128, 151) IG XIV 645, Heraclea/Magna Graecia, C4th; αἰ δέ τίς κα (51) Phokis, 400-350, CID 1:9. There are a few more inscriptions from Cos and Delphi from the late fourth/early third century onwards with αἰ (δέ) τίς κα/κά τις. According to Nieto Izquierdo & Barrio Vega 2008:547, τις before the modal particle is the usual word order in Argolic. In addition, there is one example in my corpus where a comparative conditional clause with αἰ κά τις is restored in a sixth century law relating to purification: 136, **Argos, C6th**: *h[ὁ]ς αἰ κά τις ἀποθάνοι* (13-14)

¹⁷⁵ Also αἰ δέ κα μέτις 5.13, 5.17, 5.22.

¹⁷⁶ εἰ + subjunctive without modal particle is found without τις.

¹⁷⁷ Buck 1955 §174

Willmott has shown that the presence or absence of the modal particle in Homer is “associated with particular conjunctions or types of construction rather than contributing any particular meaning itself.”¹⁷⁸ But this is not quite true for these inscriptions. Firstly, αὶ κα is not entirely inseparable in inscriptions, as Willmott finds for Homer:¹⁷⁹ in addition to the Cretan examples just mentioned, where both the patterns αὶ τίς κα and αὶ κά τις are found,¹⁸⁰ there are other examples of αὶ κα separated by particles from other regions: αὶ δέ κα μέ occurs twice (**141, Halieis, 480.6-7; 212, Laconia, C5th.3**); αὶ δέ κα φάρει in **125, Delphi, C5th.2**.

The Elean examples (**145, 146, 207, 208**) are not helpful here, since the optative is used *without* a modal particle in the protasis of conditional clauses.¹⁸¹ Similarly, the ‘if’ clauses in **138** and **141** both have verbs in the optative, so a modal particle would not be expected. **138**, as already mentioned, is broken, and no other condition is completely preserved: it is possible that] κα [θ]άνατον in line 4 is part of a conditional protasis which does not specify the subject.¹⁸² In **141**, αὖ δέ κα μέ (6-7) introduces an ‘If not...’ alternative without a verb. The verb following αὖ τις in fr. 10 of **209, Tiryns, C7th** is lost: elsewhere in these texts, conditional protases are formed with αὶ and the optative, although there is a clause with a modal particle and the subjunctive: *λόπυι κα δοκεῖ τῶι δάμοι* (3B-4.1) ‘(the *hieromnamnon* is to administer the public goods) however the people decide’.

126, Lokris, Early C5th, shows a clear pattern in the distribution of the modal particle: αὖ κα introduces several conditional clauses in which the subject is specified with a noun in the nominative or where the subject is not given (A.5, 8, 16, 18, 19, B.29, 30, 42, 43), but in B.27 αὖ τις occurs with no modal particle.¹⁸³ αὶ δέ μέ (A.19) without a modal particle introduces an ‘If not...’ alternative without a verb. It therefore might be possible to suggest that when the conditional conjunction and modal particle are separable, and τις is the subject of a conditional clause introduced by αὶ with a verb in the subjunctive, the modal particle is less likely to be used. τις *alone* as an indefinite subject perhaps introduces some element of irrealis: τις in **132** in the sequence τῶν φασσῶν τις is less indefinite than τις without a noun limiting it.

τις in Cretan inscriptions

This pattern does not occur in the Cretan inscriptions. τις and the modal particle frequently occur together in inscriptions from Gortyn:

¹⁷⁸ Willmott 2007:199-204

¹⁷⁹ The sequence **αὶ κα δέ never occurs in these inscriptions: if αὶ κα was really inseparable in this context, then particles in second position would follow it: compare ἐάν δέ.

¹⁸⁰ αὶ δέ κα also occurs several times in Cretan inscriptions, as well as αὶ μέν κα in the Gortyn Code; τις in oblique cases can also separate αὶ and κα: καὶ τί κ' ἄλλ' ἄταξ ἔι **64.6.23, 6.43, 9.14**; other examples include **3.29, 4.32-33**.

¹⁸¹ Minon 2007:444ff.

¹⁸² αὶ δέ] κα Jeffery 1961, “[Wenn er] aber Tod oder ein anderes Übel [irgendeinem der Argiver] plant” trans. Koerner 1993:83; αὶ] κα Van Effenterre & Ruzé 1994:354-55, translated: “[Si quelqu’un cause ?] ou trame la mort ou tout autre crime”.

¹⁸³ See also discussion of αὖ κα δειλεται/αὖ δειλετ' below.

64, Gortyn, c450: αἰ δέ κα μέτις ἔι τούτον (5.13, 5.17, 5.22) ‘And if there is no one of these (relations)’

αἰ χ’ ἐδδυσ[άμενον] πέρα[νδε] ἕκς ἀλλοπολίας ὑπ’ ἀνάγκας ἐκόμενος κελομένο τις λύσεται (6.46-49) ‘If someone, bound by necessity, ransoms someone who has gone abroad from another city at his request¹⁸⁴

καὶ μὲν τις χ’ [ὁ] πύει (8.17) ‘And if anyone should marry her¹⁸⁵

αἴ τις κα πέραι συναλ[λάκ]σει (9.43) ‘If someone makes an agreement for a venture abroad¹⁸⁶

66, Gortyn, 450-500: αἴ κά τις πρεῖγυς ἔι (C.3) ‘If someone is old¹⁸⁷

72, Gortyn, 450-400: αἰ δέ τις κα τὸν ὁμόρον (21-22) ‘But if one of the neighbors¹⁸⁸

αἴ τις without a modal particle with a verb in the subjunctive, however, is rare, with just one example:

47, Gortyn, 450-500: αἰ δέ τις [τ]ὸν κατακείμενον ἀδικήσει (6.2-4) ‘But if someone wrongs the indentured person¹⁸⁹

αἴ τις with the optative in the Gortyn Code occurs seven times: 4.28, 6.13-14, 6.37, 8.53, 9.8, 10.20, 10.29-30, and once with μέτις 8.13. Elsewhere on Crete there are three examples: 13.1, 49.4, 52.9-10.¹⁹⁰

There is more variation in word order with τις in Cretan inscriptions than with τις elsewhere: the modal particle may be either before or after τις, and τις does not always sit in second position. As well as 64.46-49 above, where τις is postponed until immediately before the verb,¹⁹¹ τις is sometimes found after the verb, as in 138:

64, Gortyn, c450: αἰ δ’ ἀλλᾶ[ι πρί]αιτό τις κρέματα ἔ καταθείτο τὸν τάς πα[τρ]οικό (9.7-9) ‘And if anyone should otherwise buy or give a mortgage on the property of an heiress¹⁹²

52, Gortyn, 500-450, αἰ δὲ κολύοι τις (9-10) ‘and if anyone should prevent it¹⁹³

τις in Attic inscriptions

¹⁸⁴ Trans. Gagarin & Perlman 2016:384

¹⁸⁵ Trans. Gagarin & Perlman 2016:391

¹⁸⁶ Trans. Gagarin & Perlman 2016:408

¹⁸⁷ Trans. Gagarin & Perlman 2016:431

¹⁸⁸ Trans. Gagarin & Perlman 2016:446

¹⁸⁹ Trans. Gagarin & Perlman 2016:301

¹⁹⁰ αἴ τις occurs four more times where the mood of the verb cannot be discerned: 13.3, 51.2, 62.4, 101.C1

¹⁹¹ Similarly with μέτις 64.13-14: αἰ δὲ τὰς πυλ[ᾶ]ς μέτις λείοι ὁ[π]ύειν ‘And if no one from the tribe should wish to marry her’ Trans. Gagarin & Perlman 2016:391

¹⁹² Trans. Gagarin & Perlman 2016:400

¹⁹³ Trans. Gagarin & Perlman 2016:317

ἐάν δέ τις is indeed very common in Attic legal inscriptions: “the expression ἐάν δέ τις occurs a tremendous number of times, and there are a number of similar phrases such as ἐάν τις, εἴ τις, etc. which are also common at all periods.”¹⁹⁴ The particle δέ is almost always used, and ἐάν (δέ) τις is almost always at the start of the clause.

152, Athens, 485/84: ἐάν] δέ τις [A.3 ‘If someone...’
ἐάν] δέ τις : τούτον τι δρᾶ[ι εἰδὸς B.11-12 ‘If someone does any of these things knowingly’

154, Eleusis, 470-460: ἐάν τι[ς] τὸν [(A.7) ‘If someone...’

156 Athens 469-450: ἐάν δέ τ[ις] ἄλλη τῶ]ν ἀρχῶν δέξεται δ[ί]κην κατὰ] Φασηλιτῶν τινος (15-17) ‘If any other of the authorities accepts a case against any of the Phaselites...’

ἐ[άν] δέ τις παραβ[α]ί[ν]ηι τὰ ἐψη[φισμένα] (19-21) ‘If someone violates the decree...’

162, Athens, 448/447: ἐάν δέ τις Ἀθ[εναίος ἢ χσύμμαχος ἀδικεῖ περὶ τὸ]ν φόρον (31-32) ‘If any Athenian or ally does wrong concerning the tribute’
καὶ ἐ[άν] τις περὶ τὸν ἀπα[γογέ]ν τῆς βοῦς ἢ [τῆς πανηοπλία]ς ἀδικεῖ (41-42) ‘And if someone does wrong concerning the bringing of the cow and the panoply’

ἐάν δ]έ τις τὸμ πόλεον ἀ[μφισβετεῖ περὶ τὸ φόρο τῆς ἀποδ]όσεος (61-62) ‘If any of the cities disputes the tribute payment’

ἐάν δέ τις ἀ[μφισβετεῖ περὶ τὸ φόρο (68-69) ‘If someone disputes the tribute’

163, Athens, 447/46: ἐὰμ μέ τις ἀ[ύ]το (A.19) ‘If no one?’¹⁹⁵

166, Athens, 446/45: ἐάν τις ἀδικεῖ τὸν δῆμον τὸν Ἀθηναίων (30-31) ‘If someone does wrong to the Athenian people’

167, Athens, 446/45: ἐάν τις ἀμφι[σβετεῖ ...] (19-20) ‘If someone disputes...’

ἐάν δέ] τις ἐχς Ὀροπὸ ἐς ἡεστ[αίαιαν ἢ ἐς Δίον ἢ ἐκεῖθεν ἐ]ς Ὀροπὸν πορθμεύει (68-70) ‘If someone ferries (someone) from Oropos to Hestiaia or to Dion or from there to Oropos’

[ἐάν δ]έ τις ἐκ Χαλκίδος ἐς ἡε[στίααιαν πορθμεύει (70-71) ‘If someone ferries (someone) from Chalkidos to Hestiaia’

ἐάν δέ τ[ις] καταγνοσθεῖ τότεν καὶ τιμεθεῖ (95-96) ‘If someone is convicted and punished’

168, Eleusis, 430: ἐάν δέ τις ἀ[μφισβετεῖ φάσκον ἀποδεδοκέναι] (14-15) ‘If someone disputes (this), saying they have paid’

¹⁹⁴ Threatte 1980:340

¹⁹⁵ See below for ‘if not’

172, Athens, 445: ἐάν δέ τις ἐπιστρα[τεύει ἐπὶ τὸν γέ]ν τὸν τῶν ἀποίκων (16-17) 'If someone marches against the land of the colonists'
ἐ]άν δέ τις ἐπιφσεφίζει παρὰ τ[ὲν στέλε]ν ἢ ῥ[ε]τορ ἀγορεύει ἔ... (24-25) 'If someone brings a vote against the stele or a speaker declares...'

174, Athens, 434/43: ἀποφαινόντων δὲ τὰ γεγραμμένα *hoi* τε *hieropoioi* καὶ *hoi hieropoioi* καὶ εἴ τις ἄλλος οἶδεν (A.13-14) 'the priests and the *hieropoioi*, and if anyone else knows, they are to reveal what is written'
ἐάν δέ τις [εἴπει ἔ] ἐπιφσεφί[σ]ει... (B.17) 'If someone proposes or brings a vote...'

178, Athens, 426: [ἐ]άν δέ τις ἀπο[κ]ο[λύει Ἀφυταίος (17-18) 'If someone prevents the Aphytaians...'

181, Athens, 426/25: ἐάν δέ τις κακοτεχνῆι (43-44) 'If someone corrupts...'

183, Eleusis, 430s?: ἐάν δέ τις πλείο καρπὸν ποιῆι ἢ τ[οσοῦτο]ν ἢ ὀλίγο (7-8) 'If someone produces a larger or smaller harvest than this'
ἐάν δέ τις παραβαίνει τ:::ούτων τι (57-58) 'If someone transgresses any of these'

184, Athens, 420/21: καὶ ἂν τις τι ἀκοσμή[ι] (25) 'And if someone offends'¹⁹⁶
ἐάν] δέ τις ἄχσ[ιος εἰ μέζον]ος ζε[μ]ίας (26-27) 'If someone deserves a greater penalty'

185, Athens, 418/17: ὁ δὲ βασιλεὺς ἐάν μὲ ποιέσει τὰ ἐφσεφισμένα ἢ ἄλλος τις οἷς προτέτακται περὶ τούτων (19-20) 'If the king or anyone else who has received orders about this does not do what has been decreed'

187, Athens, 409/408: καὶ ἐὰμ μὲ 'κ [π]ρονοί[α]ς [κ]τ[ένει] τις τινα (11) 'Even if someone kills someone without forethought'
[ἐ]άν δ]έ [τ]ις τὸν ἄν]δρ[οφόνον κτένει] (26-27) 'If someone kills the murderer'

189, Athens, 409: εἴ το [χ]ρέματα ἐδεδέμε[υτο] ἢ εἴ τις τῷ κοινῷ ὄφελεν ἢ εἴ τις ἐτίμοσ[ο] (14-16) 'If (someone) has been deprived of property, or if someone owes a public debt, or if someone has been deprived of rights'

190, Athens, 405/04: [ἐ]άν δέ τι ἀναγκαῖον γίγνηται διὰ τὸν πόλεμον (19) 'If any emergency arises because of the war'

193, Athens, 440-425: ἐάν δέ [τις τούτων τι παραβ]αίνει ἢ τριέραρχος ἢ [κυβερνέτες ἢ ἄλλος] τις (15-17) 'If someone transgresses any of these, either a *trierarch* or a captain or someone else'

198, Athens, 410-404: ἐάν δέ τις *hupεύθ[υ]νο[ς]* *hαιρεθε*[ι] (A.2) 'If someone liable for an account is chosen'

¹⁹⁶ <ἄν> for ἐάν, as "occurs sporadically in the fifth and fourth centuries." Thraette 1980:672. Also 204.4.

ἐάν δέ τις τὸν [ὄ]φ[ελόντων τῆι πόλει μὲ ἀποδόσει τῶι τριεράρχῳ... (A.3-4) ‘If anyone owing the city does not hand over to the *trierarch*...’

καὶ ἐάν τις διακολύει (A.12) ‘And if someone prevents...’

204, Athens, 440-430: ἄν τις ἐπι[φσ]εφίσει λέχσεως [πέρ]ι... (5-7) ‘If someone puts forward a vote concerning the wording...’

205, Athens, 440-430: ἐάν δέ τις βιαζόμενος πίνῃ (8-9) ‘If someone drinks by force...’

ἐάν τις φέρῃ[ι] ἢ ἄγῃ τὸ ὕδατος (10-11) ‘If someone carries or takes the water’

Unlike other Greek legal inscriptions, there is not a strong tendency towards SOV word order: although ἐάν δέ τις is almost always at the start of the clause, τις is often followed directly by the verb, and the direct object and any other constituents follow. This pattern occurs thirteen times (156.15-17, 19-21, 162.68-69 pp. with περί, 166.30-31, 167.19-20,¹⁹⁷ 95-96, 168.14-15, 172.16-17 pp. with ἐπί, 24-25 pp. with παρά, 182.57-58, 185.19-20, 190.? pp. with δία, 205.10-11), in comparison to ten with S O/pp V (152.B11-12, 162.31-32, 41-42 pp. with περί, 61-62, 182.6-7, 184.25, 187.26-27, 198.A3-4).

The indefinite pronoun τις as the head of a noun phrase occurs perhaps three times, in 154.A.7 ἐάν τις τὸν [, 156.15-17 τις ἄλλῃ τῶ]ν ἀρχῶν ‘anyone else of the officials’, and 198.A.3-4: τις τὸν [ὄ]φ[ελόντων ‘anyone of those owing’. τις has also been restored as an adjective modifying a noun in the nominative which is the subject of the conditional clause, in 162.31-32: τις Ἀθ[εναίος] ἔχσύμμαχος]. τις may be modified by an adjective: 198.A.2 τις ἠυπεύθ[υ]νο[ς] ‘someone liable for an account’.

Twice (ἄλλος) τις is one of several subjects in a conditional protasis: 185.19-20 (ὁ δὲ βασιλεὺς ἐάν μὲ ποιήσει τὰ ἐφσεφισμένα ἔ ἄλλος τις οἷς προτέτακται ‘the king or anyone else appointed/instructed...’) and 193.15-17 ([τις ... παραβ]αίνει ἔ τριεράρχος ἔ [κυβερνέτες ἔ ἄλλος] τις ‘anyone... either trierarch or captain or anyone else’). Both of these are in clauses which specify what will happen if the instructions in the previous lines are not carried out: in 185 the king is one of the officials already identified as responsible for the leasing of the precinct (6, 11-12 along with καὶ οἱ πολεταὶ), and οἱ ἀποδέκται are mentioned in the previous sentence;¹⁹⁸ in 193, a law to do with naval matters, the trierarch and the captain are the subject of the previous sentence which instructs them to take care of their ships,¹⁹⁹ and ἦοι τρ]ιεροποιοὶ are mentioned earlier in the inscription.²⁰⁰ This is a different kind of concern with generalisation than in conditions with τις: rather than just specifying a particular group of people that this applies to, it makes it clear that it is the *activity* being regulated.²⁰¹ The whole clause ‘εἴ τις ἄλλος οἶδεν’ in 174 functions as an additional subject

¹⁹⁷ An infinitive as the object of ἀμφισβητεῖ (cf. 154.32-34, 189.25-26) or a prepositional phrase with περί would be expected in the break.

¹⁹⁸ 14-18: the rent for the temenos is to be given to the ἀποδέκται, who are to hand it over to the treasurers.

¹⁹⁹ ἦο δὲ τρι]εράρχος καὶ ἦο κυ]βερνέτες ... τές] νεὸς ... ἐπιμελέσθο· (13-15)

²⁰⁰ 4, although the context is broken.

²⁰¹ As for why it might be necessary to clarify this, one could perhaps imagine wanting to cover all options if, for example, the holder of another office which had not been mentioned in the text nonetheless ended up performing those activities (ἔ ἄλλος τις οἷς προτέτακται suggests that other people could be appointed to

connected by *καὶ* to *ἡοὶ τε ἡιερ[έες κ]αὶ ἡοὶ ἡιεροποιοὶ* ‘and if anyone else knows (anyone else who knows)’.

The subject is specified

There are cases, then, where a law or a provision applies to a particular group of people, and the subject is specified in the protasis, and, as with the Athenian examples with *ἕτερος τις*, this is most often an official or holders of a particular office:²⁰²

105, Thasos, C5th: *ἂν δὲ οἱ καρπολόγοι ἀφήσωσιν* (A.9-10) ‘If the *karpologoi* neglect this’

108, Chios, C5th: *ἢν ὁ ἱέρεως μὴ πάρη* (7-8) ‘If the priest is not present’

110, Chios, 575-550: *ἢμ μὲν δημαρχῶν: ἢ βασιλεύων: δεκασ[...]* (A.2-4) ‘if, serving as *demarchos* or *basileus*...’

116, Lindos, Late C5th: *[τ]οὶ δὲ στραταγοὶ αἴ κ[α] τὸ ἀργύριον μὴ ἐσπρά[ξ]ονται πὰρ τῶν στ[ρ]ατιωτᾶ[ν]* (40-43) ‘The generals, if they do not extract the money from the soldiers’

117, Ephesus, c500: *ἢν δὲ: οἱ δικάζον:τες [...]* (5) ‘If those judging...’

119, Erythrai, before 454: *ἢν δ’ ἐκχωρήι ὁ διώξας* (A.9-10) ‘If the prosecutor withdraws’

127, Naupaktos, c500: *[αὶ δὲ τοῖ] δαμιοργοὶ κερδαίνοιεν ἄλλο τῶν γεγραμμένον* (B.22-23) ‘If the *damiorgoi* derive profit other than what is written’

213, Thasos, 420-400: *ἂν δὲ οἱ ἐπιτετραμμένοι μὴ δικάσωνται πυθόμενοι* (ii.4-5) ‘And if those entrusted do not bring the case to court having learnt (of it)’

As with *τις*, the word order is almost always SOV, with the exception of **116** and **119**: in **116**, *[τ]οὶ δὲ στραταγοὶ* precedes *αἴ κ[α]*, with *δὲ* indicating a change of subject, and there is a shift in content, moving from instructions for what to do with the money to what happens to the generals who do not collect the money.²⁰³ In **119** the subject follows verb. The definite article is almost always used, with the exception of **110**: the rest follow conditions or instructions where the subject of this clause has already been mentioned, so the existence of (e.g.) the *καρπολόγοι*, is already presupposed. It is possible that **110** is the first provision in this inscriptions, which may explain the lack of definite article.²⁰⁴

cover certain duties of a particular official), and carried them out in violation of the regulations: this might avoid the defence that, as they were not named, they could not be held responsible.

²⁰² **142, Mantinea, C6th-5th:** *εἰ δ’ ὁ μὲν φ[...]* (17) and **105, Thasos, C5th:** *ἂν αὐτ[ὸς ὁ...]* (B.3-4) probably specified the subject, but the context is broken.

²⁰³ cf. **124.32-25** above

²⁰⁴ It may also be possible that these participles modify a subject from the previous clause, ‘If while holding office as *demarchos* or *basileus*, he ?accepts bribes...’ trans. Jeffery 1956:162, restoring *δεκασ[θή]* in line 8.

Laws can also apply to only certain groups depending on gender and status, and in this case the definite article is not used:

103, Thasos, 411-409:²⁰⁵ ἤν δὲ δόλος κατείπηι (i.2) 'If a slave makes an accusation'

ἤμ πλέος ἢ εἷς κατείπωσι (i.2, ii.10) 'If more than one person makes an accusation'

ἄν δὲ δόλος κατείπηι (ii.10) 'If a slave makes an accusation'

126, Lokris, Early C5th: αἶ κα μὲ γένος ἐν τᾶι ἰστίαι : εἶ (A.16) 'If there is no relative in the home'

αἶ κ' ἀνὲρ εἶ ἢ παῖς (A.18) 'If a man or a boy...'

135, Arcadia, C6th/5th: [εἰ γυ]νὰ φέσεται ζτεραῖον λδπος (1) 'If a woman wears a multicoloured (?) robe'

In 126, different procedures for inheritance apply depending on the availability of certain heirs. 135 applies to any woman who wears a multicoloured robe. In 103, δόλος in both i.2 and ii.10 provides a parallel to τις τῶν μετεχόντων in the previous provision; while most of the clauses in the previous set of examples are introducing additional conditions, 103 is giving alternative conditions involving alternative actors.

Relative clauses

The second type of conditional protasis is a relative clause, introduced by ὅς (ἄν) or ὅστις (ἄν). In early Attic inscriptions, both ὅς (ἄν) and ὅστις (ἄν) are found in relative clauses with a function equivalent to a conditional protasis: "in generic relative clauses with ἄν and the subjunctive both the compound forms ὅστις, ἤτις, etc. and the simple relatives occur. The latter are frequently used with ἄν in the fifth century."²⁰⁶

ὅς (ἄν)

Relative clauses introduced by ὅς (ἄν) are common in fifth century legal inscriptions:

103, Thasos, 411-409: ὅς ἄν ἐπανάστατιν βολευομένην ἐπὶ Θάσῳ κατείπηι καὶ φανῆι ἐόντα ἀληθέα (i.1, repeated with the same verbs at ii.7) 'Who(ever) makes an accusation about an uprising being planned at Thasos and is shown to be truthful'

However, it is also possible that the previous clause contains an enactment with ῥήτρα. Jeffery reads the sides in order ABCD, but even if the text does not begin with A, or part of the text above is missing, it is still possible that ῥήτρα is part of an enactment, as in the earliest inscriptions these do not necessarily always occur at the start of a text.

²⁰⁵ ἤν δὲ τὰ χρήματα ἦι τὸ ἐπανισταμένο... (ii.8-9) 'If the property of the one rising against is (worth more than a certain amount...); τῆις ἐπανάστασιν in previous sentence.

²⁰⁶ Threatte 1980:332. ὅστις ἄν etc. "rare thereafter" p333.

104, Thasos, Late C5th: ὅς δ' ἄμ̄ παρὰ ταύτ[α ποιήσῃ] (15) 'Who(ever) acts in contravention of this'

107, Chios, Late C5th: ὅση τῶν ὄρων τούτων ἔσω (A.8-9) 'Whatever is within these boundary-stones'

[ὀ]ς ἄν τὰς πρήσις ἀκρατέα[ς] ποιήῃ (C.5-7) 'Who(ever) makes the sales invalid'

108, Chios, C5th: ὅς ἄν τι τούτ[ων] παραβαίῃ (13-14) 'Who(ever) transgresses any of these'

109, Chios, 450-425: ὄρον ὀ[ς] ἄν ἐ[κ]βά[λ]ῃ (9-11) 'Who(ever) removes this boundary-stone'

114, Paros, 475-450: ὅς ἄν βάλῃ τὰ ἐκ[α]θάραματ[α] ἄνωθεν τῆς ὁδοῦ (1-3) 'Who(ever) throws (ritual) remnants from above on the road'

116, Lindos, Late C5th: τῶι Ἐ[νυα]λίωι ο[ἴ]κα[ς] στρατε[ύω]νται... [κατα]θ[έμ]εν (5-9) 'Who(ever) goes on campaign is to dedicate to Enyalios'

118, Erythrai, Late C5th: ὅσοι ἤδη ἐγραμμάτευσαν ἀπὸ Χαλκίδεω ἕκαθεν (1-3) 'Everyone who has already been secretary since Khalkidus (was archon)' ὅς δ' ἄγ̄ γραμματεύσῃ ἢ ἀνέλθῃ ἢ εἴπῃ ἢ ἐπιψηφίσῃ... (9-11) 'Who(ever) becomes secretary or is elected or proposes or votes...'

119, Erythrai, before 454: τῶν δ' ἀληθῶν ὅς ἄμ̄ μὴ ἔλθῃ (C.9-12) 'Who(ever) of the true (Erythreans) does not come...'

122, Teos, c470: ὅς ἄν ταστήλας : ἐν ἡῖσιν ἡπαρῆ : γέγραπται : ἢ κατάξει : ἢ φοινικῆα : ἐκόψε[ι] : ἢ ἀφανέας ποιήσῃ : (B.35-39) 'Who(ever) breaks the steles on which the curse is written, or knocks out the letters or makes them illegible.'²⁰⁷

123, Teos, c470: ὅς ἄν τιμὴν : ἔχων : [... (C.5-6) 'Who(ever) holding office...'

124, Halicarnassus, 450: ὅς ἄν ταῦτα μὴ παραβαίῃ (43) 'Who(ever) does not transgress these things'²⁰⁸

²⁰⁷ Trans. Colvin 2007:114

²⁰⁸ κατόπερ τὰ ὄρκια ἔταμον καὶ ὡς γέγραπται ἐν τῷ Ἀπολλωνίῳ (43-46) has sometimes been understood with ταῦτα, i.e. whoever doesn't transgress these things, as (i.e. which are) the oaths they solemnly swore and as is written in the sanctuary of Apollo, but perhaps more likely belongs to the main clause, i.e. it is legally permitted for anyone of the Halicarnassians who doesn't transgress these things to make a claim, (and this right is) just as they solemnly swore an oath and as is written in the sanctuary of Apollo. This sentence is set out "etwas umständlich" (Koerner 1993:323). Translations from recent publications: "Any Halicarnassian has the right to bring suit who does not transgress these rules, just as they concluded the settlement and as it is written in the Apollonion." Carawan 2007:164; "abbia facoltà di agire in giudizio chi, di tutti quanti gli Alicarnassei, non trasgredisca queste cose, come solennemente giurarono e come è inciso

143, Mantinea, c460: ὅσσοι ἄν χρεστέριον κακρίνε (14-15) ‘Who(ever) has been condemned by an oracle’

211, Sicily, Early C6th: ἡὸς καὶ(τ) τὸ ἀρχομάο θύε (2-4) ‘Who(ever) sacrifices (against?) the archomaos’

213, Thasos, 420-400: ὅς δ’ ἄν πα[ραβὰς] πρίηται (i.1-2) ‘Who(ever) buys in contravention of the law’

ὅς δ’ ἄν ἐμ πίθοις οἶνον πρίηται (i.5) ‘Who(ever) buys wine in jars’

ὅς δ’ ἄν πωλήι (ii.13-14) ‘Who(ever) sells’

Again, there is a tendency towards SOV word order, but less strongly than with ‘if’ conditions; relative clauses are also more likely than ‘if’ clauses to have other constituents preceding the verb. The negation in relative clauses, like ‘if’ clauses, is μή (119, 124).²⁰⁹ ἄν is almost always used with the relative pronoun with three exceptions, and two of these are not actually equivalent to an ‘if’ condition.

One relative clause introduced by ὅσος has a verb in the indicative: 118, ὅσοι ἤδη ἐγραμμάτευσαν ἀπὸ Χαλκίδευ ἔκαθεν ‘everyone who has already been secretary since Khalkidus (was archon)’. The relative is resumed by τούτων in the following clause: τούτων μὴ ἐξεῖναι γραμματεῦσαι ἔτι... (3-4). οὗτος is not usually used to resume the subject of a conditional protasis (rather, one would expect αὐτός). And presumably someone *had* to have already been secretary during the archonship of Khalkidus (and in years prior): there is no doubt as to the likelihood or reality of the realisation of the action in this clause. Therefore, this is probably not a conditional protasis of the same type as the others here: instead, it is a relative clause providing information about the subject of the following sentence, an instruction with an imperatival infinitive ἐξεῖναι. 107 uses a relative pronoun in a sentence without any verbs, and no modal particle: ὅση τῶν ὄρων τούτων ἔσω, πάσα Λοφίτις (8-9), although ἐστὶ can easily be supplied and the meaning is clear: ‘everywhere inside these boundaries is all Lophitis’. Again, there is no uncertainty expressed, rather a statement is made about what the extent of the boundaries are: this is not really equivalent to a conditional protasis, either.

211 is the oldest inscription with a relative pronoun which might be introducing a conditional protasis: this clause contains a verb (perhaps!) in the subjunctive, but no modal particle. Some editors have interpreted KA in 2-3 as the modal particle κα, and τὸ ἀρχομάο as the name of a month rather than an office.²¹⁰ However, the lack of the modal particle in a text from this period is not necessarily a problem: in early Greek texts, the subjunctive is sometimes found without ἄν in conditional protases.²¹¹ In addition, the opaque orthography means that θύε could be an indicative

nel tempio di Apollo.” Fabiani 2017:32; “There is liberty to whoever of all the Halicarnassians does not transgress the oaths as they have been sworn and as it has been written in the Sanctuary of Apollo, to prefer claims.” trans. Osborne & Rhodes 2017:183.

²⁰⁹ Boas et al. 2019:472

²¹⁰ See discussion in Lupu 2005:343-44. DGE gives ἀρχομα -ματος, τό as ‘orden de la autoridad, ley’ and translates this clause as ‘el que no sacrifica según ley’, perhaps following Gallavotti 1977.

²¹¹ Smyth 1956:§2327, 2339; Howorth 1955 lists instances of the indefinite construction in Homer without the modal particle.

rather than a subjunctive verb.²¹² The translation offered by Lupu, ‘Whoever sacrifices against the (will/directions of) the *archomaos*,’²¹³ is perhaps now the most widely accepted interpretation.

There are three examples with ὅς ἄν not in clause initial position:

109, Chios, 450-425: ὄρον δ[ς] ἄν ἐ[κ]βά[λ]ηι (9-11) ‘Who(ever) removes this boundary-stone’

116, Lindos, Late C5th: τῶι Ἐ[νυα]λίωι ο[ἴ]κα] στρατε[ύω]νται... [κατα]θ[έμ]εν (5-9) ‘Who(ever) goes on campaign is to dedicate to Enyalios’

119, Erythrai, before 454: τῶν δ’ ἀληθῶν ὅς ἄμ μὴ ἔλθῃι (C.9-12) τῶν δ’ ἀληθῶν ὅς ἄμ μὴ ἔλθῃι (C.9-12) ‘Who(ever) of the true (Erythreans) does not come...’

In **119**, τῶν ἀληθῶν is modifying ὅς, ‘who(ever) of the true (Erythreans)’; compare the word order of αἴ κε τῶν φασσῶν κίς (**132, Thessaly, c5th**; see above). ὄρον at the start of the clause in **109** indicates a shift in topic. **116** is more complicated: τῶι Ἐ[νυ]αλίωι does not belong in this clause, but is the indirect object of [κατα]θ[έμ]εν (8-9) in the apodosis.²¹⁴ This is the first provision after the enactment: the inscription is on a stele placed in the shrine of Enyalios,²¹⁵ and therefore the information which highlights the relevance of the text to its location has been prioritised.

117, Ephesus, c500: τὸν δὲ κά[π]ρον : παρέχεν : ὁ ἄν τὸ πρήγμα ἔηι (3-5)

Here a relative clause is used to identify the subject of an instruction in the infinitive: ‘whose the business is (i.e. the litigant) should provide the boar’.

ὅστις (ἄν)

The second type of relative clauses are those introduced by ὅστις (ἄν). These are more frequent in Greek legal inscriptions from the sixth and early fifth centuries than ὅς, which is slightly more common in the (late) fifth century. Like with τις, we might expect to find ὅστις in conditions where the provision applies generally and therefore the identity of the subject is not specified: “ὅστις is only usable when the antecedent (if any) plus relative clause pick out something whose identity is not precisely known to the speaker, but ὅστις does not itself convey the item’s uncertain identity.”²¹⁶

119, Erythrai, before 454: ὅτις αὐτὸς ζῶει μὴ κατὰ νόμον τραφῆς ἢ ἐξελευθέρου παῖς ἢ ξένο (B.14-24) ‘Whoever himself has been brought up not according to the law, or the son of a freeman, or a foreigner’

²¹² Buck 1955:119-120

²¹³ Lupu 2005:342

²¹⁴ **116.5-9** τῶι Ἐ[νυ]αλίωι ο[ἴ]κα] στρατε[ύω]νται ἐκ Λίνδο [ἦ] δ[α]μ[οσ]ίαι ἢ ἰδίαι [κατα]θ[έμ]εν τὰν ἐξα[χοστ]ῶν [τῶ] μισθῶ

²¹⁵ As described in lines 52-58 τὸ δ[έ] ψ[α]πιγμα ἀγγ[ρ]άψαι ἐς στάλαν λιθίναν καὶ καταθέμεν πὰρ τὸν βωμὸν τῶ Ἐνυαλίωι.; see also Gonzales 2008:131

²¹⁶ Probert 2015:107

ὄτεο δὲ πατή[ρ] ἢ παλαιότερον τιμὰς ἴσχευ ἢ... (B.25-30) 'Whoever's father either previously held office or...'

122, Teos, c470: ὅστις : φάρμακα : δηλητήρια : ποιοί : ἐπὶ Τηϊοισιν : τὸ ξυνὸν : ἢ ἐπ' ἰδιώτη... (A.1-3)

ὅστις : ἐς γῆν : τὴν Τηϊήν : κωλύοι : σίτον : ἐσάγεσθαι : ... (A.6-7)

ὅστις : Τηϊών : ἐ[πιξ]υνῶ ἢ αἰσυ[μ]νήτηι : ... (B.3-4)

ὅστις : τὸ λοιπὸ : αἰσυμνω<ν> : ἐν Τέωι : (B.8-9)

οἵτινες τιμοχέοντες : τὴν ἐπαρὴν μὴ ποιήσεαν : (B.29-31)

123, Teos, c470: ὅστις δὲ τιμοχέων ἢ ταμειύων (D.11-13) 'Whoever is *timarchos* or treasurer'

126, Locris, Early C5th: *hó*στις κα λιποτελέει ἐγ Ναυπάκτο : τὸν ἐπιφοίρον : (A.14-15) 'Whoever of the colonists leaves Naupactus...'

*hó*στις κ' ἀπολίπει : πατέρα καὶ τὸ μέρος : τὸν χρεμάτων τῷ πατρί (B.35)

'Whoever leaves behind his father and his share of his father's property'

*hó*στις : κα τὰ φεφαδεφότα : διαφθείρει... (B.37) 'Whoever violates these statutes...'

127, Naupaktos, c500: *hó*τι δέ κα φυτεύεται (6) 'Whatever is planted'

*hó*στις δὲ δαιθμὸν ἐνφέρει ἔ ψάφον διαφέρει ἐν πρείγαι... (9-14) 'Whoever proposes distribution of land or votes for it in the assembly...'

128, Eretria, c.525: *hó*στις ἄν : μὲ ποιέι' (ii.3) 'Whoever does not do this'

hoítines ἄν [... ἄ]μείπονται (iii.2-3)

As with ὅς, there is a tendency towards SOV word order. ἄν is used when the verb is subjunctive, but there are three inscriptions where optative verbs are used in clauses introduced by ὅστις, and therefore no modal particle is expected: 122, 123, and 145. 127 uses κα in a clause introduced by *hó*τι (9) with a verb in the subjunctive, and *hó*στις with the optative and no modal particle. ὄτεο in 119.25 introduces a clause with two indicative verbs, ἴσχευ and ἐδ[έ]ξατο, as ὅτις with ζῶει in line 16.²¹⁷

ὅστις also occurs in oblique cases in clauses where τις is the subject, including in Attic and Cretan inscriptions:

129, Thasos, 460: ὅ τι ἄν τις τούτω[ν ποιή] παρὰ τὰ γεγραμμένα (3-?)

47, Gortyn, 450-500: ὅ τι δέ κά τις αὐτόνἀποδοῖ σομελές (4.3-4)

177, Athens, 428/27, ὅ [τ]ι δ' ἄν τις τούτων τῶν ψηφισθ[έντ]ων τῷ δήμ[ω]ι περὶ Ἀφυταῖος μὴ] πειθαρχῆι, [ἢ] οἱ ἐλληνοταμί[αι ἢ ἄλ]λη τις ἀ[ρχή] (11-13)

ὅστις also occurs in oblique cases in clauses where the subject is specified;

²¹⁷ The ὅτις clause in B.25-31 might not be a conditional protasis: see below.

124, Halicarnassus, 450: ὅ τ[ι] ἄν οἱ μνήμονες εἰδέωσιν, τοῦτο καρτερόν ἐναι (22-24) ‘whatever the *mnemones* know, that is binding’

Alternation between ὅς and ὅστις

There is a loose chronological and functional pattern in the distribution of ὅς and ὅστις. ὅς is more common than ὅστις in entrenchment clauses, provisions about acting in contravention of the law in general (rather than those describing a particular action), and curses. ὅστις is more common in earlier inscriptions, mainly occurring in the sixth and the first half of the fifth century, whereas ὅς is more common in inscriptions dating to the second half of the fifth century. This might be due to chance – which inscriptions survive – rather than necessarily reflecting any significant diachronic change.

ὅς is frequently used in conditions referring to general transgressions and provisions about the preservation of inscription. 104.15 and 122.B35 use ὅς in provisions about the preservation of the law: 122 concerns physical damage to the stele itself,²¹⁸ whereas 104 perhaps concerns the measures described in the inscription.²¹⁹ Similarly, παραβαίνω occurs three times in clauses introduced by ὅς: 108.13-14, 124.43-44, 213.i.1-2.²²⁰ In 129, an entrenchment clause is introduced by ὅστις (+ ἄν) in the accusative, and τις is the subject: “*whatever* of these things anyone [does contrary to what is written]”.

However, παραβαίνω in Attic inscriptions is almost exclusively found in ‘if’ clauses (155.13, 156.20, 160.48-49, 183.57, 193.15-16; 163.53-54 as part of an oath). Entrenchments and conditions to do with acting against the law in general in Attic inscriptions do not tend to use relative clauses, but rather ‘if’ clauses introduced with εἰ.²²¹ Non-Attic inscriptions also include entrenchments with ‘if’ clauses. 124.32-37 uses an ‘if’ clause with ἦν for an entrenchment; 145 perhaps uses παραβαίνω in a clause introduced by αἰ (αἰ τίρ ταῦτα πα[ρβαίνοι, (5)).

Wherever, whenever, however

ὅπου ἄν ‘wherever’, ἐπεάν ‘whenever’ can also have a quasi-conditional function, with or without ἄν: while there is not quite the same causal relationship between these clauses and the main clause, they nonetheless affect the timing, location or manner of the realisation of the action in the main clause:

²¹⁸ See below on the alternation of mood in this inscription.

²¹⁹ “Wer aber gegen diese (Maßnahmen) [handelt...” Koerner 1993:268; with εἴπηι ἢ ἐπιψηφίσηι instead of ποιήσηι, “Toute personne qui proposera ou mettra aux voix une mesure contraire à ces décisions” Pouilloux 1954:212

²²⁰ See above on the problems with the final sentence of 124; 213.i.1-2 ὅς δ’ ἄν πα[ρβαῖς] πρίηται “whoever buys having transgressed” i.e. in contravention of the rules about the purchase of wine set out in the previous sentence. Admittedly the choice of ὅς here is almost certainly unrelated to the use of παραβαίνω.

²²¹ Lewis 1997. 172, Athens, 445: ἐάν δέ τις ἐπιφσεφίξει παρὰ τῆ[ν στέλεν] ἢ ῥρέ]τορ ἀγορεύει ἢ προσκαλέσθαι[ι ἐγγχερεῖ ἀφαι]ρῆσθαι ἢ λύεν τι τὸν ἠεφσεφ[σμένον] (24-26). Laws cited in the speeches of orators can have entrenchments introduced with relative clauses: ὅς ἄν ἄρχων ἢ ιδιώτης αἴτιος ἢ τὸν θεσμόν συγχυθῆναι τόνδε, ἢ μεταποίησιν αὐτόν, ἄτιμον εἶναι καὶ παῖδας ἀτίμους καὶ τὰ ἐκείνου, Dem. 23.64.

113, Keos, Late C5th: ὅπου ἂν θάνηι, ἐ[πὴν ἐ]ξενιχθεῖ, μὲ ἰέναι γυναίκα
π[ρὸ]ς τ[ὴν οἰ]κίην ἄλλας ἢ τὰς μαινομένας· (24-25)

115, Paros, Late C5th: μὴ ἐξένα]ι κόπτεν ὅτ[αν μὴ] . . . εἰς] τὸ ἱερὸν οἴκ[ημα]
(2-4)

128, Eretria, c.525: δίκεν : ἐπεὰν : κατομόσει : τίν[ε]σθα<ι> : τρίτει ηεμέ[ρ]ει
: χρέματα δόκιμα : κα[ι] -

149, Olympia, 525-500: ὁ δέ κα ξένος, ἐπεὶ μ<ό>λοι ἐν τία[ρὸν] (1)

209, Tiryns, C7th: ἡόπυι κα δοκεῖ τὸι δάμοι (3B-4.1)

213, Thasos, 420-400: ὅτ[ε] δ' ἂν νικήσωσι (ii.3-4)

Alternation between 'if' clauses and relative clauses

Many early Greek legal inscriptions use both 'if' clauses and relative clauses for conditional protases: 103, 104, 107, 108, 116, 119, 124, 126, 127, 128, 143, 145, 211, and 213. Among those which do use both, the motivation for the choice between εἰ (τις) and ὅς/ὅστις is difficult to pin down. Two late fifth century inscriptions from Thasos show very different patterns of distribution between 'if' clauses and relative clauses:

103, Thasos, 411-409: Each section of this inscription begins with a relative clause expressing a condition (ὅς ἂν ἐπανάστατιν βουλευομένην... κατείπηι 'Whoever denounces an uprising...' either at Thasos (i), or in settlements abroad (ii)). The subsequent provisions are all introduced with ἤν 'if' followed by a subjunctive, and an imperative in the apodosis.²²²

104, Thasos, Late C5th: The provision at the end of this inscription contains two sets of regulations introduced by ἔδοξεν τῆι βολῆι/τῶι δήμωι, concerning acting in contravention to the regulations set out earlier in the text, mostly using 'if' clauses, and immediately follows a series of instructions with verbs in the infinitive. The protasis of this final provision is a relative clause: ὅς δ' ἄμ παρὰ ταύτ[α ποιήση] ...] καὶ τὰ χρήματα αὐτὸ ἱρὰ ἔστω τὸ Ἡρακλέ[ος]. (15-16). The conditions earlier in both parts of the inscription use εἰ or ἤν + indicative or subjunctive in the protasis, and an infinitive in the apodosis.

Minon argues that, when the relative pronoun is used in Elean inscriptions (and it is less common here than in inscriptions from other regions), the choice is motivated by the fact that there is uncertainty about the actor, but not the action:

“la difference formelle... doit s'expliquer par une difference de point de vue du législateur : dans les deux cas, l'énoncé est hypothétique, mais l'emploi de [an indefinite relative] à la place de αἴτιον restraint le doute au

²²² ἂν in ii.10 for “ionisant” ἤν elsewhere in the inscription, Pouilloux 1954:447

seul agent du procès, alors qu'avec αἴτιρ, le doute porte à la fois sur le procès et sur son agent"²²³

This does seem to explain ὄρτιρ τόκα θεοκολ[έοι] in 145.6: there is no uncertainty that there *is* someone holding the office of theokolos, although exactly who that might be is unknown, whereas both the actor and the action of αἴτιρ ταῦτα πα[ρβαίνοι in line 5 are unknown: someone *might* transgress these things, but it is not certain whether anyone *will*, nor who might do it. However, this does not work for many other inscriptions: παραβαίνω is often found in relative clauses, and the actions in the conditions introduced by ὅς in the inscriptions from Thasos above do not seem to be certain. The relative clause 104, like αἴτιρ ταῦτα πα[ρβαίνοι, expresses a possibility that someone might do something in contravention of this law; in 103, there is surely doubt about whether anyone will denounce an uprising.

It seems difficult, then, to make generalisations about the distribution of these various types of conditional protases, even if there is a clear pattern within a particular inscription, whether functional, as in 145, or perhaps more stylistic, as in 103, where ὅς ἄν with asyndeton opens each section.

Verb in the protasis

The orthography of early Greek inscriptions presents a significant barrier to investigating verbal mood. Many inscriptions use <ε> and <ο> for both long and short vowels.²²⁴ Therefore it can be difficult to differentiate between the subjunctive and the indicative, for example. The vast majority of verbs in conditional protases in Greek legal inscriptions are subjunctives.

Indicatives

104, Thasos, Late C5th: εἰ δέ τις ἔστιν (2)

118, Erythrai, Late C5th: ὅσοι ἤδη ἐγραμμάτευσαν 'everyone who has already been secretary'

119, Erythrai, before 454: ὅτεο δὲ πατή[ρ] ἢ παλαιότερον τιμὰς ἴσχευ... (B.25-31) 'Whoever's father either previously held office or...'

143, Mantinea, c460, εἴ τις ἰν το ἱεροῖ τὸν τότε [ἀπυθανόντων] φονές ἔστι (25) 'if anyone in the sanctuary is a murderer of those who died at that time'

For 118 and 119, see above. 143 uses indicatives in the section which is an imprecation against the murderers.

Future

²²³ Minon 2007:446

²²⁴ Buck 1955 §6

A future tense form is found in a conditional protasis in an Attic inscription: ‘if he makes a judgement, let the judgement be invalid.’

156, Athens, 469-450: εἰ μὲν καταδικάσ[ει] (19-20)

Optatives

Optatives are commonly found in Elean and Argolic inscriptions, where εἰ + optative is the usual way to form conditions of the type ἐάν + subjunctive elsewhere: 138, 139, 141, 144, 145, 146, 147, 149, 149, 207, 208 and 209 exclusively use the optative in conditional protases.

Alternation between moods

Some inscriptions use more than one mood in the protasis of conditional clauses. 122, Teos, c470 is one inscription for which this has already been noted: “ὄστις with the optative is used in the curse proper... while in the postscript warning against harming the stele on which the curse is inscribed... we find ὄς ἄν with the subjunctive.”²²⁵ The provision introduced by ὄς ἄν “deals with more mundane wrongdoing (vandalism as opposed to high treason), and the mood is therefore less ‘remote.’”²²⁶

Apodosis

Verbs in the apodosis

There is much more variation here than in the protasis: there is a split between imperative, infinitive and future verbs, with optative restricted to particular dialects. But these are still all primarily verbs which are described as having ‘future’ reference, so these may still all be described as the same type of construction, labelled ‘prospective’.²²⁷

Imperative

The imperative is the most common mood in the apodosis of conditional sentences in Greek laws. It has been suggested that in Cretan inscriptions, the imperative is normally used when the subject or agent of the action is explicitly expressed, whereas the infinitive is used where there is less emphasis on the agent,²²⁸ but the variety of explicit/non-explicit change or continuation of subject of imperatives in apodoses below show that the nature of the subject does not seem to affect the choice between imperative and infinitive elsewhere.

²²⁵ Buck 1955 §176.2

²²⁶ Colvin 2007:115

²²⁷ “Whether ἄν + subjunctive is to be called prospective or indefinite depends on the verb used in the matrix clause: if the matrix clause has a verb with future reference (fut. ind., imp., etc.), a subordinate clause with ἄν + subj. is ‘prospective’.” Boas et al. 2019:498n2.

²²⁸ “el sujeto aparece expreso mayoritariamente con imperativo, es el énfasis en el sujeto (o más exactamente, en el Agente de la acción) y no tanto en la acción la principal diferencia semántica del imperativo con respecto al infinitivo.” Villaro 1998:199

All the apodoses in **103, Thasos, 411-409**: use imperatives: ἰσχέτω (i.2, i.4, ii.7, ii.10, ii.10, ii.11 reward/payment), and ἔστω (i.2, i.4, ii.7, ii.10, ii.12, ii.12). The subject of the imperative is always the same as protasis and not specified in the apodosis, but in clauses like “let him have from the city”, “let him be free”, no agency of the subject is involved: the city is the one giving the informer the money, someone else is declaring the enslaved person free, or, rather involves a change of state (like not being under oath, there being no case etc.). However, the imperative κρινόντων (i.3, ii.11 ‘let the 300 decide’) does have the subject specified (τριηκόσιοι) and this is different to the subject of the protasis.

Further examples of imperatives in conditional apodoses include: **105, Thasos, C5th**: [δέ]κα στατήρας ὀφελέτω (A.7, context a bit uncertain), ἔ]στω (B.3), μισθ]ωσάτω (B.8); **106, Amorgos, C5th**: ἀποτι[νέτω δέκα δ]ρ[αχ]μάς [ιέρ]ας τῆ]ι [“H]ρ[η]ι (5-6); **107, Chios, Late C5th**: ἑκατὸν στατήρας ὀφειλέτω, κᾶτιμος ἔστω· πρηξάντων δ’ ὀροφύλακες· (A.13-16 similar A.15-21, C.4, 7, frequently involving a change of subject); **108, Chios, C5th** βωσάτω, ποείτω, παρεχέτω, (all with a change of subject from the protasis) ἀποδότο (16, no change of subject); **109, Chios, 450-425** ἀ]ποδότω (12) ἐ[ν]εχέσθω (14-15, no change of subject); **110, Chios, 575-550**: ἀποδότω (A.5 probably apodosis but the meaning unclear); **114, Paros, 475-450** ὀφελέ[τ]ω (10 no change of subject); **115, Paros, late C5th** [φηνάτ]ω ὁ θέλων πρὸς θεωρ[ὸς καὶ σ]χέτω τὸ ἥμισυ (5-6 change of subject); **116, Lindos, Late C5th** ἀ]νόσιον ἔστω ποτι τὸ [θε]ῶ καὶ ὑπεύθυνος ἔστ[ω]· (43-45 same subject but change in number from plural to singular); **119, Erythrai, before 454** alternates between imperatives and infinitives in series of apodoses ὀφελέτω (A.4, 10 no change of subject, C.16-17 relative, no change of subject) ἐπιπτευέτω (C.3-5); **125, Delphi, C5th** ἠλαξάστο (2) μεταθυσάτο (4) κάποτεισάτο (4, no change of subject); **129, Thasos, 460**: στερέσ[θω] (4, no change of subject); **139, Argos, C6th** ἀφ[α]κεσάσθω (11-12, no change of subject); **141, Halieis, 480** τρέτο καὶ δαμευέσσο (5); **146 Olympia 475-450** ἐπενπέτο (5-6 change of subject) ἀποτινέτο (no change of subject).

Other examples of imperatives in uncertain contexts include: **109, Chios, 450-425** μὴ κατη[γ]ορεί[τ]ω (2-4); **141, Halieis, 480**: ποτελάτο (6); **138, Argos, C6th** ἔστο (11); **145, Olympia, c525-500** γρα]φέτο (1).

Infinitive

Infinitives are also frequently found in the apodoses of conditional sentences, including: **104, Thasos, Late C5th**: εἶναι (3-4, 6); **118, Erythrai, Late C5th**: τούτων μὴ ἐξεῖναι γραμματεῦσαι... (3-5); **119, Erythrai, before 454**: εἶναι (A.10-13, C.2-9); **124, Halicarnassus, 465-450**: εἶναι (24); **126, Locris, Early C5th**: ἐξεῖμεν ἀνχορεῖν (A.9); κρατεῖν (A.17-18), χρεῖσται (B.28), κρατεῖν... κρατεῖν (B.30-31), εἶμεν... παματοφαγείσται (B.43-44); **131, Thessaly, C6th-5th**: διαδῦμεν (4), ἀπίσαι (5); **135, Arcadia, C6th/5th**: εἶναι (2); **143, Mantinea, c460**: εἶναι; **144, Mycenae, C6th**: εἶμεν.

Future

Rarely, future indicative verbs are found in the apodosis of conditional clauses:

131, Thessaly, C6th-5th: παρ]έξσε πρόχος (2) ‘he will provide a vessel’

135, Arcadia, C6th/5th: [ἀφάε]σται δραχμὰς τριάκοντα· (5) 'he will pay 30 drachmas'

Other apodoses in these inscriptions use imperatives and infinitives. The choice of the future in 135 is perhaps motivated by the use of 'τότε', 'at that time', in the protasis.

As well as these two examples, there are numerous future tense verbs in the apodoses of conditional clauses in Cretan inscriptions. Ortega Villaro has described how futures in Cretan inscriptions are almost always verbs to do with payment, promises and agreements.²²⁹ 18 of 19 futures in the Gortyn code are forms of καθίστημι and its compounds.

Optative

This is primarily restricted to a particular dialect – Elean. Sometimes κα is also used in the apodosis. Examples include:

147, Olympia, c475: ἀποτίνοι (1, 4) '(that person) should pay'

207, Olympia, 525-500: κα θεαρός εἴε· (1)

208, Elis, 450-425: συναλλύοιτο δέ κ' ἅ πόλις (7) 'the city will free him'²³⁰

κ' ἐ]μιολίζοι ἅ πόλις : τοῖ Δι Ὀλυμπίοι ἐκάστο φέ[τεος (8-9) 'the city will increase the debt to Olympian Zeus by half each year'

μνά]ς κ' ἀποτίνοι τὰς ἀμέρας καθύτας τοῖ Δι Ὀλυ[νπίοι· (12-13) '(that person) will pay X? minas each day to Olympian Zeus'

Alternation between moods

Many inscriptions alternate between imperative and infinitive forms in apodoses:

124, Halicarnassus, 465-450: ἐπικαλ[έ]τω ἐν ὀκτωκαίδεκα μηνσὶν (17-19) 'He is to make the summons within eighteen months'

ὄρκον ἔναι τῶι νεμομένωι (24) 'there is to be an oath'

One inscription twice uses different moods in the same sentence:

119, Erythrai, before 454: ὀφελέτω ὅπερ οἱ νικῶντι γίνεται, καὶ τοῦτο δίωξι
ἔναι κατὰ ταύτά. (A.10-13) 'he will owe what is for the victor, and his
prosecution will be in the same way'

ἐπιοπτευέτω καὶ ὑποζυγὴν ἔναι. (C.2-9) 'he will be inspected and be enslaved.'

It is difficult to spot any pattern in the mood of the verb used in the apodosis. It does not seem to be affected by the type of protasis (whether it is an 'if' clause or an relative clause), nor the content of the law. However, there is clear regional variation: the optative is restricted to a specific dialect, and only occurs in inscriptions from Arcadia (135), Olympia (146, 147, 148, 147, 207), and Elis (208);

²²⁹ Villaro 1998

²³⁰ Minon 2007:165-66 on the particular meaning of this verb.

the future is also restricted to a few areas, but less so than the optative, although it is less common: Thessaly (131); Arcadia (135); Crete (many).

Uncertain examples

There are several 6th century inscriptions where ‘if’ or a relative pronoun can be identified, although the context is fragmentary and therefore it is difficult to make detailed comments about the syntax. 149, **Olympia, 525-500** has the start of an ‘if’ clause: αἰ δ[έ ... (3), followed by an apodosis with a verb in the optative (ἀποτίνοι, 4); 210, **Sicily, C6th** has many ‘if’ clauses and relative clauses: *hóστ[ις ... (C.18) hóstις α[... (E.31) h[óστις δὲ ... (J.52) hóst[τις δὲ ... (A.59) h[ó[στις] h[ó[στις δὲ ... (B.I.30) ἰάν δὲ (A.5) ἰά[ν δὲ] (G.39) ἰάν [δὲ] (I.48) ἰά[ν δὲ] (H.25); 211, **Sicily, Early C6th**: αἰ δὲ [... (6). Although these do not contribute significantly to understanding the patterns of conditional constructions, nonetheless they add to the evidence that ‘if’ clauses and relative clauses were widely used in early legal inscriptions.*

Complex, additional and alternative conditions

Complex protases

Alternatives within a provision

Conditional sentences many contain more than one protasis, or the protasis may specify more than one action or agent, or may contain multiple modifiers. The action in the apodosis can depend on any or all of the actions in the protasis. Many legal inscriptions use these complex protases: as seen above, a law might specify that it applies to several potential actors as in 110, **Chios, 575-550** δημαρχῶν: ἢ βασιλεύων (4), the *demarchus* or the *basileus*, or ἢ ἄλλος τις in Attic inscriptions (185, 193). Or it might prohibit several different actions with the same penalty.

The most common pattern of complex protases is a series of verbs connected by the conjunction ἢ ‘or’:

107, **Chios, Late C5th**: ἦν τίς τινα τῶν ὄρων τούτων ἢ ἐξέληι ἢ μεθέληι ἢ ἀφανέα ποιήσει ἐπ’ ἀδικηί τῆς πόλεως (A.9-13)²³¹ ‘If anyone takes out or removes or conceals (makes invisible) any of these boundary-stones for harm to the city’

118, **Erythrai, Late C5th**: ὅς δ’ ἄγ γραμματεύσει ἢ ἀνέληται ἢ εἴπηι ἢ ἐπιψηφίσει (9-11) ‘Who(ever) becomes secretary or is elected or proposes or votes...’

119, **Erythrai, before 454**: ὅτεο δὲ πατή[ρ] ἢ παλαιότερον τιμὰς ἴσχευ ἢ κύαμον ἐδ[έ]ξατο (B.25-32) ‘Whoever’s father either previously held office or received by lot’

²³¹ Short vowel subjunctive ποιήσει, Buck 1955:120

141, Halieis, 480: αἴ τισις : [ἐ τὰ]ν βολάν : τ[ἀ]ν ἀνφ' Ἀρίστονα : ἐ τὸν<ς> συναρτύοντας [ἐ ἄ]λλον τινὰ ταμίαν εὐθύνοιο : τέλος ἔχον : ἐ δικάσ[ζο]ι ἐ : δικάσζοιτο : τὸν γρασμάτων : *héneka* (1-5) 'If anyone holding high office calls to account the council under Ariston or the *sunartunai* or any other treasurer, or brings or accepts a case on account of the proposals'

143, Mantinea, c460: ὅσέοι ἂν χρεστέριον κακρίνε ἐ γνωσίαι κακριθέε τὸν χρεμάτων (14-15) 'Who(ever) has been condemned by an oracle or condemned by a judgement to forfeit his property'

In a complex protasis with multiple clauses connected with the conjunction ἢ, εἰ or the relative pronoun only occurs at the start of the first part of the protasis and is not repeated. If the protasis uses ἄν, it is only found in the first clause, as in 107, 118, and 143.²³² Similarly, other constituents are not repeated. ἢ as a conjunction connecting two clauses does not usually occur before the first of a series of verbs (only in 107 and 119),²³³ but alternatives for nouns or prepositional phrases are also found introduced with ἢ. In general, when alternatives conditions are given, this is done concisely, with very little redundant information.

Alternative conditions with αἴ repetition of εἰ are rare: for one example, see 207, **Olympia, 525-500**, αἴ τι ἐνποιοῖ αἴτ' ἐξαγρέοι (6),

One unusually complex series of alternatives is found in a 5th century inscription from Teos (**122, Teos, c470**), which contains several series of protases which themselves contain alternatives, three of which are given here. ἢ introducing a new clause and the main verb is in bold, alternative nouns, prepositional and adverbial phrases is underlined:

ὅστις : ἐς γῆν : τὴν Τητῆν : κ-
 ωλύοι : σίτον : ἐσάγεσθαι :
ἢ τέχνηι : ἢ μηχανῆι : ἢ κατ-
ἀθάλασσαν : ἢ κατ' ἡπειρο-
υ : ἢ ἐσαχθέντα : ἀνωθεοίη (A.6-10)

ὅστις : τὸ λοιπὸ : αἰσυμ-
 νῶ<ν> : ἔν Τέωι : ἢ γῆι τῆι Τη-
ίηι :οσαν : κ[.]σα[. .]τ-
 ἐνει [. 3-4 .]αρὸν : να[— εἰδ]-
 ὡς : προδο[ίη . . .] τῆ[ν] πό

²³² KG §398.9

²³³ 119 breaks off after ἐδ[έ]ξατο, and this leaves some uncertainty about the construction: the clause introduced by ὅτεο might not really be a conditional protasis itself, but rather a relative clause modifying the subject of a conditional protasis which follows: “whose father has either previously held office or received by lot, [that person should]”, or “whose father has either previously held office or received by lot, [if that person does something, that person should]”. It seems that there are only two lines missing, so for reasons of space the former seems more likely.

λ[ιν καὶ γῆν] τὴν Τηί-
ων : ²ἢ τὸ[ς] ἄνδρας [: ἐν ν]-
ῆσῳι : ²ἢ θα[λάσσηι :] τὸ
μετέ[πειτ' : ²ἢ τὸ] ἐν
Ἄπο[ί]ηι : περιπό[λιον : ἢ τὸ]
λοιπὸ : προδο[ίη : ἢ κιξά]-
λλεῦοι : ἢ κιξάλλας : ὑπο-
δέχοιτο : ἢ ληίζοιτο : ἢ λ-
ηιστάς : ὑποδέχοιτο : εἰ-
δῶς : ³ἐκ γῆς : τῆς Τηίης : ³ἢ [θ]-
αλάτης : φέροντας : ἢ [τι κ]-
ακὸν : βολεῦοι : περὶ Τ[ηί]-
ων : τὸ ξυνθ : εἰδῶς : ⁴ἢ π[ρὸς]
Ἑλληνας : ⁴ἢ πρὸς βαρβάρο-
υς (B.8-27)

ὃς ἂν ταστήλ-
 ας : ἐν ἦισιν ἠπαρή : γέγρ-
 απται : ἢ κατὰξει : ἢ φοιν-
 ικήια : ἐκκόψε[ι :] ἢ ἀφανέ-
 ας ποιήσει (B.35-39)

Although, like the previous examples, ἂν is not repeated in the series of protases in 35-39, the first of which is introduced by ὃς ἂν, the patterns here are different: ἢ occurs before the first verb in the series of protases in B.37; εἰδῶς is repeated three times in the extremely long series of protases in B.8-27;²³⁴ ἢ occurs before the first in a list of alternative nouns and prepositional phrases three out of five times (ἢ preceding the first in a list in A.8, A.8-9, B.25-27, no ἢ before the first element in B.9-10, B.22-23).²³⁵ Other than the length and complexity of these series of clauses in the protases, what else is unusual about this inscription is that the apodosis is always the same, and is a curse rather than a penalty: ἀπόλλυσθαι : καὶ αὐτὸν : καὶ γένος : τὸ κένο (A.11-12; repeated at B.6-7, B.27-28; κένον ἀπόλλυσθαι : καὶ αὐτὸν : καὶ γένος [τὸ κένο] B.39-41). Perhaps the formulaic nature of the apodosis allows more complexity in the protasis: the reader may well already be expecting this formula,²³⁶

²³⁴ It is difficult to imagine that betrayal in B.18-19 ἢ τὸ] λοιπὸ : προδο[ίη is committed with any less knowledge than εἰδῶς : προδο[ίη B.11-12. The repetition of εἰδῶς in ἢ ληιστάς : ὑποδέχοιτο : εἰδῶς certainly could be relevant: it might be possible to harbour pirates unknowingly - but then why is the adverb not repeated in ἢ κιξάλλας : ὑποδέχοιτο? I would suggest that being done εἰδῶς is relevant to all of the actions in this provision, but exactly which clauses it is repeated in or not does not matter; it is the length of the protasis which motivates the repetition.

²³⁵ There is a break before the first of the alternatives in B.11-15. It is possible that the ἢ in B.9-10 and B.22-23 should be understood as providing two alternatives both governed by the preposition which precedes the first element; A.8-9 and B.25-27 both use ἢ before the first element and contain prepositional phrases, but the preposition occurs in both parts.

²³⁶ Or, as these curses were read out at a public festival, perhaps the listener. The same formula is found in 123, another early 5th century inscription from Teos, and similar curse formulae are found in inscriptions from various different regions even hundreds of years later: ἐξώλη εἶναι καὶ αὐτὸν καὶ γένοςκαὶ οἴκησιν τὴν ἐκείνου (Delos, 3rd century, IG XI,4 1296) ἐ[ξόλλ]υσθαι καὶ αὐτὸς καὶ χρῆια καὶ γένος (Lyttos, 2nd century, IC I

and therefore more information can be included in each protasis without it becoming too difficult to follow.

Alternatives within conditional protases are also commonly introduced with η in other inscriptions:²³⁷ 103.ii.7-8, 104.15, 110.3-4, 113.25?, 116.6-8, 124.16, 24, 33, 126.7, 16, 18, 141.1-5.

Alternatives within a clause in the protasis are commonly postponed to the end of the clause, as in the following examples:

103, Thasos, 411-409: $\delta\varsigma$ $\acute{\alpha}\nu$ $\acute{\epsilon}\nu$ $\tau\eta\iota\varsigma$ $\acute{\alpha}\pi\omicron\iota\kappa\eta\iota\sigma\iota\nu$ $\acute{\epsilon}\pi\alpha\nu\acute{\alpha}\sigma\tau\alpha\sigma\iota\nu$ $\beta\omicron\lambda\epsilon\upsilon\omicron\mu\acute{\epsilon}\nu\eta\nu$
κατείπηι η $\mu\eta$ $\pi\rho\omicron\delta\iota\delta\omicron\nu\tau\alpha$ $\tau\eta\nu$ $\pi\acute{\omicron}\lambda\iota\nu$ $\Theta\alpha\sigma\acute{\iota}\omega\nu$ $\tau\iota\nu\acute{\alpha}$ η $\tau\acute{\omega}\nu$ $\acute{\alpha}\pi\omicron\iota\kappa\omega\nu$ (ii.7-8)
'Who(ever) makes an accusation about an uprising being planned at
Thasos, or someone betraying the city of Thasos or a city abroad'

119, Erythrai, before 454: $\delta\tau\iota\varsigma$ $\acute{\alpha}\nu\tau\omicron\varsigma$ $\zeta\acute{\omega}\epsilon\iota$ $\mu\eta$ $\kappa\alpha\tau\acute{\alpha}$ $\nu\omicron\mu\omicron\nu$ $\tau\rho\alpha\phi\acute{\epsilon}\varsigma$ η $\acute{\epsilon}\xi\epsilon\lambda\epsilon\upsilon\theta\acute{\epsilon}\rho\omicron$
 $\pi\alpha\acute{\iota}\varsigma$ η $\xi\acute{\epsilon}\nu\omicron$ (16-24) 'Whoever himself has been brought up not according
to the law, or the son of a freeman, or a foreigner'

As when η connects two clauses, no information is repeated: in 103, $\pi\rho\omicron\delta\iota\delta\omicron\nu\tau\alpha$ $\tau\iota\nu\acute{\alpha}$ is an alternative to $\acute{\epsilon}\pi\alpha\nu\acute{\alpha}\sigma\tau\alpha\sigma\iota\nu$ $\beta\omicron\lambda\epsilon\upsilon\omicron\mu\acute{\epsilon}\nu\eta\nu$ (whoever denounces either an uprising being plotted or someone betraying); $\tau\acute{\omega}\nu$ $\acute{\alpha}\pi\omicron\iota\kappa\omega\nu$ provides an alternative to $\Theta\alpha\sigma\acute{\iota}\omega\nu$ (the city being betrayed is either the city of the Thasians or one abroad). In 119, the subject of the provision could be either the son of a free man, or the son of a foreigner: $\xi\acute{\epsilon}\nu\omicron$ is an alternative to $\acute{\epsilon}\xi\epsilon\lambda\epsilon\upsilon\theta\acute{\epsilon}\rho\omicron$, but $\pi\alpha\acute{\iota}\varsigma$ is not repeated. η usually occurs before the first of the alternatives if they all occur after the verb, as in 119; where the first of the alternatives precedes the verb and only the second is postponed, η does not always occur before the first of the alternatives, as in 103, but this is only a slight trend.

A few more complex examples require further discussion, first, 141, already given above but here with the alternatives within clauses also annotated:

141, Halieis, 480: $\acute{\alpha}\acute{\iota}$ $\tau\iota\sigma\iota\varsigma$: $\acute{\epsilon}\tau\acute{\alpha}$ ν $\beta\omicron\lambda\acute{\alpha}\nu$: $\tau\acute{\alpha}$ ν $\acute{\alpha}\nu\phi$ $\acute{\Lambda}\rho\acute{\iota}\sigma\tau\omicron\nu\alpha$: $\acute{\epsilon}\tau\acute{\omicron}\nu$ $\langle\varsigma\rangle$
 $\sigma\upsilon\nu\alpha\rho\tau\acute{\upsilon}\omicron\nu\tau\alpha\varsigma$ $\acute{\epsilon}\tau\acute{\alpha}$ $\lambda\lambda\omicron\nu$ $\tau\iota\nu\acute{\alpha}$ $\tau\alpha\mu\acute{\iota}\alpha\nu$ $\epsilon\acute{\upsilon}\theta\acute{\upsilon}\nu\omicron\iota$: $\tau\acute{\epsilon}\lambda\omicron\varsigma$ $\acute{\epsilon}\chi\omicron\nu$: $\acute{\epsilon}\delta\iota\kappa\acute{\alpha}\sigma[\zeta\omicron]$ ι $\acute{\epsilon}$:
 $\delta\iota\kappa\acute{\alpha}\sigma\zeta\omicron\iota\tau\omicron$: $\tau\acute{\omicron}\nu$ $\gamma\rho\alpha\sigma\sigma\acute{\mu}\alpha\tau\omicron\nu$: $\eta\acute{\epsilon}\nu\epsilon\kappa\alpha$ $\tau\acute{\alpha}\varsigma$: $\kappa\alpha\tau\alpha\theta\acute{\epsilon}\sigma\iota\omicron\varsigma$: $\acute{\epsilon}\tau\acute{\alpha}\varsigma$: $\acute{\alpha}\lambda\iota\acute{\alpha}\sigma\sigma\iota\omicron\varsigma$ (1-5)
'If anyone holding high office calls to account the council under
Ariston or the *sunartunai* or any other treasurer or brings accepts a case
on account of the proposals submitted or the action (?)'

This inscription, like 122, has a series of verbs in the protasis describing alternative actions connected by η , and alternatives within several of these clauses. The first verb is not preceded by η ,²³⁸ but η in the first clause introduces a list of alternative people or institutions who might be called to account, and in the final clause $\acute{\alpha}\lambda\iota\acute{\alpha}\sigma\sigma\iota\omicron\varsigma$ provides an alternative to $\kappa\alpha\tau\alpha\theta\acute{\epsilon}\sigma\iota\omicron\varsigma$, although

xviii 10 11-12). It therefore seems reasonable to conclude this formula would likely have been familiar to most people who would have read or heard this text.

²³⁷ 128.2 perhaps also has an alternative introduced by η .

²³⁸ Note the pair of active and medio-passive forms, as in 143.14-15; cf. also $[\eta$ $\kappa\iota\zeta\alpha]$ $\lambda\lambda\epsilon\upsilon\omicron\iota/\eta$ $\kappa\iota\zeta\acute{\alpha}\lambda\lambda\alpha\varsigma$: $\acute{\upsilon}\pi\omicron\delta\acute{\epsilon}\chi\omicron\iota\tau\omicron$ and η $\lambda\eta\acute{\iota}\zeta\omicron\iota\tau\omicron/\eta$ $\lambda\eta\iota\sigma\tau\acute{\alpha}\varsigma$: $\acute{\upsilon}\pi\omicron\delta\acute{\epsilon}\chi\omicron\iota\tau\omicron$ in 122.

the exact meaning of this clause is contested: are both modified by or modifying τὸν γρασμάτων, or only τὰς καταθέσιος?²³⁹

212, Laconia, C5th αἰ δέ κα ἀποστρυ[θ]έται, ἀφατᾶται ἔ ho δόλος (3-5) 'If someone disturbs (this), he will suffer a penalty – or a slave'

The alternative given in 212 ἔ ho δόλος 'or a slave' is unusual because it is postponed to after the apodosis, and there is no explicit subject in the protasis for which it is giving an alternative. The condition is preceded by an instruction, μεδένα ἀποστρυθῆσται (1-2): we can perhaps assume that all regulations of such a kind were imagined to apply to free persons, but for some reason it was necessary to specify that this particular regulation also applied to slaves.

126, Lokris, Early C5th: καταλείπον:τα ἐν τᾷ ἰστίαι παῖδα ἡεβατᾶν ἔ ἄελφρον· (6-7) 'if he leaves behind a son or a brother in his house'
αἴ κα μὲ γένος ἐν τᾷ ἰστίαι : ἐῖ ἔ ἄεπάμον : τὸν ἐπιφοῖρον : ἐῖ ἐν Ναυπάκτοι (16-17) 'If there is no relative in the house, or there is no heir among the Naupactian colonists'
αἴ κ' ἄνερ ἐῖ ἔ παῖς (18) 'if he is a man or a boy'

παῖδα ἡεβατᾶν ἔ ἄελφρον occurs in a condition expressed with a participle (see below), but otherwise looks similar to the other alternatives, as does ἄνερ... ἔ παῖς in 18: this text consistently does not use ἢ before the first of two alternatives within a clause. The provision in 126.16-17 is unusual because it repeats the same verb, ἐῖ, in two successive clauses. In addition, there is variation in word order: in the first clause, the prepositional phrase occurs before the verb, but in the second it follows it. However, the negative μὲ is not repeated (nor αἴ κα), although it must still have force in the second clause (if there *were* an heir, there would be no need for the next-of-kin, τὸν ἐπᾶνχιστον, to claim the inheritance). Buck describes this inscription as exhibiting “many instances of repetition... and some omission of what is essential to clearness.”²⁴⁰ The provisions in this text – which survives on a bronze tablet, possibly one of several copies – concern relations between the Locrian colonists at Naupactus and the mother city. Greek letters, in alphabetical order and separated from the surrounding words, divide the text into ‘paragraphs’ from line 11.²⁴¹ It is possible that some omissions or repetitions are because this text was not originally composed as one text: rather, this tablet includes provisions copied and adapted from existing laws of the

²³⁹ “or brings suit on account of the deposition of written proposals or the (consequent) act of the assembly” following Buck 1955:284; “à cause des mesures écrites, soit versement soit decision de l’assemblée” Van Effenterre & Ruzé 1994:382. I prefer the latter interpretation. The comparison with the word order of Thuc. 1.57 is not necessarily helpful. τοὺς Κορινθίους προσεποιεῖτο τῆς Ποτειδαίας ἔνεκα ἀποστάσεως “and he was trying to win over the Corinthians to bring about the revolt of Potidaea (to bring about a revolt for the sake of Potidaea).” ἀποστάσεως here is surely meant to be the result of winning over the Corinthians, i.e. it is the purpose of the action of the verb. Although this is not suggested by any dictionary, it seems possible that προσποιέομαι + acc. + gen. could mean ‘win someone over to a cause/action/side’, cf. πρὸς + gen. ‘on the side of’ CGCG 31.8.

²⁴⁰ Buck 1955:251

²⁴¹ No empty space is left around these paragraph markers, and they do not usually begin a new line. A photograph of side B is available at https://www.britishmuseum.org/collection/object/G_1896-1218-1 (accessed 20/11/2022).

Locrians and Locrian colonies, and perhaps not all of the necessary information made it across from the source texts (while other elements were repeated).²⁴²

Complex protases in Attic inscriptions

Alternatives in conditional protases in Attic inscriptions are also usually introduced with ἤ:

172, Athens, 445: ἐ]άν δέ τις ἐπιφσεφίξει παρὰ τὲ[ν στέλεν ἔ ῥρέ]τορ ἀγορεύει
ἔ... (24-25)

205, Athens, 440-430: ἐάν τις φέρη[ι] ἢ ἄγηι τὸ ὕδατος (10-11)

188, Athens, 409: εἴ το [χ]ρέματα ἐδεδέμε[υτο ἔ εἴ τις τὸι κοινῶι] ὄφελεν ἔ εἴ
τις ἐτίμοτ[ο (14-16)

188, unusually, has ἤ introducing alternatives with εἴ τις repeated, which is not found elsewhere.

Complex apodoses

With different subjects

135, Arcadia, C6th/5th: [εἰ δὲ] μὲ ὑνιερόσει, δυσμενὲς ἔασα ἐπὲ φέργο [κακῶ]ς
ζ ἐξόλοιτῦ κα ὄζις τότε δαμιοφοργε [ἀφάε]σται δαρχμάς τριάκοντα (3-5) 'If
(she) does not dedicate (it), being impious towards the rite, and let her
perish terribly, and whoever was *damiourgos* at the time shall pay 30
drachmas.'

This inscription includes a relative clause in the apodosis: "τε... καί..., rare in early Greek inscriptions, connect the two parts of the apodosis: the first has the woman as subject, the second the relative clause 'whoever is *damiourgos*'.

Alternative conditions

If not...

"In alternatives, εἰ δὲ μή, otherwise, regularly introduces the latter clause, even when the former clause is negative. Εἰ δὲ μή is much more common here than ἐάν δὲ μή, even when ἐάν μὲν with the subjunctive precedes. The formula εἰ δὲ μή was fixed in the sense of otherwise, in the other case, and no definite form of the verb was in mind."²⁴³

²⁴² While this is very speculative, this text does contain an unusual number of sentences with asyndeton for Greek, which elsewhere I have argued is a sign that a text has been reinscribed. This inscription (and another early fifth century Locrian legal inscription, 127) refers to various other laws which are perhaps expected to be known to the reader (νόμος in A.19, B.26, 26, 27, 28, 30, 45; τετμόν 127.15-16).

²⁴³ Goodwin 2001 §478

εἰ δὲ μή regularly introduces alternatives to conditional clauses in all Greek texts: this and similar sequences are also extremely common in Greek legal inscriptions. εἰ δὲ μή follows instructions as well as conditions, and may be followed by repetition of certain elements of the instruction or condition.

Following instructions

εἰ δὲ μή regularly follows instructions: ‘do this, if not, then this is the penalty’.

121, Erythrai, C5th: μὴ συνελθορέν τὸν αὐτὸν μηδὲ γράφειν δέκ' ἐτέων· ἢν δὲ μὴ, ὀφελέτω στατήρας πέντε· (5-8) ‘The same person is not to be co-overseer of the swamp or secretary within ten years. If not, he is to pay five staters.’

213, Thasos, 420-400: μηδὲ πλοῖον Θάσιον ξενικὸν οἶνον ἐσαγέτω ἔσω Ἄθ<ω> καὶ Παχείης, εἰ δὲ μὴ, τὰς αὐτὰς θωιάς ὀφελέτω (ii.8-10) ‘No Thasian boat is to bring in foreign wine between Athos and Pachi. If not, let him owe the same penalty.’

Nothing from the instruction is repeated, and εἰ δὲ μή is the whole clause. In **121**, εἰ δὲ μή follows an instruction with two imperatival infinitives; in **213**, it follows an instruction in the imperative.

Series of alternatives

εἰ δὲ μή can be used in a series of alternatives, with or without repetition of other elements:

127, Naupaktos, c500: αἰ δὲ μὲ παῖς εἶε, κόραι, αἰ δὲ μὲ κόρα εἶε, ἀδελφεδί, αἰ δὲ μὲ ἀδελφεό<ς> εἶε, ἀνχιστέδαν ἐπινεμέσθο κα<τ> τὸ δίκαιον (4-6) ‘if there is no son, to a daughter; if there is no daughter, to a brother; if there is no brother, it is to be assigned to the nearest relative according to the correct procedure...’

Compare the following example, where a negative in the previous clause is followed by αἰ δέ and repetition of the verb:

208, Elis, 450-425: οὐδέτερος... κα πο]υφέοι· αἰ δὲ ποιέοι (18) ‘Neither should do this. If they do this...’

If the penalty/result is not carried out:

εἰ δὲ μή is often found following apodoses specifying that the penalty is a fine: if someone doesn't pay, someone else is to be responsible:

107, Chios, Late C5th: ...πρηξάντων δ' ὀροφύλακας· ἢν δὲ μὴ πρήξοισιν, αὐτοὶ ὀφειλόντων· πρηξάντων δ' οἱ πεντεκαίδεκα τὸς ὀροφύλακας· ἢν δὲ μὴ πρήξοισιν, ἐπαρήι ἔστων. (15-21). ‘... the border guards exact the penalty. If they do not exact the penalty, they themselves are to pay, and the fifteen

exact the penalty from the border guards. If they do not exact the penalty, let them be under a curse.’

πρηξάντων δ’ ὀροφύλακες is the second clause in the apodosis of a previous condition with the verb in the imperative, which specifies the penalty, then that the border guards (ὀροφύλακες) exact the penalty (continuing in the imperative and connected with δὲ but a new subject new subject), if they don’t do this (ἤν δὲ μὴ + aorist subjunctive of the same verb in the imperative in the previous clause), αὐτοὶ + imperative ὀφειλόντων ‘they themselves are to pay’, followed again by an imperative connected with δὲ and a new subject for who exacts the penalty from them; followed again by if they don’t (ἤν δὲ μὴ + aorist subjunctive of same verb), and another imperative.²⁴⁴

Many other examples follow a similar pattern with repeated verb:

128, Eretria, c.525: ἴαν : μέ τείσει (i.3-4); τίν[ε]σθα<ι> is in the apodosis of previous sentence.

ἥοστις ἄν : μέ ποιέει· αὐτόν : ὀφέλεν (iii.2-3); a relative clause, but a similar construction: ποιέσα[ι] is in the apodosis of previous sentence.

135, Arcadia, C6th/5th: 135, [εἰ δὲ] μέ ὑνιερόσει, δυσμενὲς ἕασα ἐπέ φέργο [κακῶ]ς ζ’ ἐξόλοιτο (3-4).; [ἱερὸ]ν ἔναι (2) is in the previous apodosis.²⁴⁵
εἰ δὲ μέ ἀφάετοι, [ὀφλέν] τὰν ἀσέβειαν· (5-6); [ἀφάε]σται is in the apodosis of the previous sentence.

208, Elis, 450-425: αἰ δὲ μέ συναλλύ[οιτο] (7-8); συναλλύοιτο is in what is likely the apodosis of the previous sentence.

208, Elis, 450-425: αἰ δ]έ μέ ταύτας ποταρμόξαιτο, πέντε μνά[ς τὰς ἀμέρας ἀποτινέτο καθύτας τοῖ Δί] Ὀλυμπίοι· αἰ δὲ μέ ταυτὰν ποταρμόξαι[το, ... μνάς τὰς ἀμέρας ἀποτι]νέτο καθύτας : τοῖ Δί. : (4-6); another series of ‘if not’, with the verb from the previous ‘if not’ repeated.

209 Tiryns C7th: αἰ δὲ μὴ ἠυπερπάρσχ[ο]μιεν ΦοῖΦοθεν, ἠο ἐπιγνόμον ἐπελ[ά]στο τὸν ὄφλον (7.2); παρσχέ[ν] is in what is likely to be the apodosis of the previous sentence.] ν δαρ[.]οιφακτον ταμιὸν αἰ μ’ ἐξσθοασαιιεν, ὀφλέν ἐν[ς Δί]φα κάθαναιίαν τριάροντα μ[ε]δίμμνονς α[ὐτόν]ς ὀφλέν] διπλάσιον (2A.4-6); the previous sentence is extremely fragmentary, but this seems likely to also be talking about a penalty.

This sort of sequence also occurs without repetition of the verb:

119, Erythrai, before 454: ἤ]ν δὲ μὴ, αὐτ[ὸς ὀφέλεν] (A.31-32) ‘If not, they themselves will owe’

²⁴⁴ Colvin 2007:112 says that πρήξοισιν is a future form, but future indicative and aorist subjunctive would look the same and aorist subjunctive seems much more likely here.

²⁴⁵ Following instructions presented as condition – if a woman wears a multicoloured robe, it has to be dedicated to the deity mentioned, if it’s not dedicated... Note the verb ὑνιερόσει has same root as ἱερὸ]ν.

126, Lokris, Early C5th: αὶ δὲ μὲ, τοῖς Ναυπακτίοις : νομίοις χρῆσται (19-20) ‘If not, they are to use the laws of the Naupactians’

124, Halicarnassus, 465-450: ἦν δὲ μὴ ἦι αὐτῶι ἄξια δέκα στατήρων, αὐτὸν [π]επρήσθαι ἐπ’ ἐξαγωγῆι καὶ μη[δ]αμὰ κάθοδον εἶναι ἐς Ἀλικαρνησσόν. (37-41) (someone’s property is to be sold, but in the case that their property is not worth ten staters)

141, Halieis, 480: αὶ δὲ κα μὲ : αὐτοὶ : ἔνοχοι ἔντο : ἐνς Ἀθηναίαν. (6-7) ‘If not, they themselves will be liable to Athena’

Unless...

εἰ μὴ ‘unless’ differs formally from ‘if not’ conditions in that the ‘unless’ clause usually follows the main clause, and is almost always asyndetic, whereas all the other types of conditions, including ‘if not’, usually precede it, and ‘if not’, by nature of its logical connection to the previous clause, almost always has a connective particle.

119, Erythrai, before 454: ἦν τι μὴ τῶν ἀναγκαίων ἀπέρ[γῃ]ι. (C.22-26) ‘unless he was prevented by necessity’

123, Teos, c470: A.18-20 [κ]αὶ ἄμ μὴ ὑπ[ὸ] πόλεω[ς] : ν[ό]μο : καταλαφθέν[τ]α : ‘and unless prosecuted by the law of the city’

124, Halicarnassus, 465-450: εἰ μὴ ὕστερον ἀπεπέρασαν (32) ‘unless they sold (it) later’

126, Lokris, Early C5th: φρίν κ’ αὐ τις Λοορὸς γένηται τὸν ἠυποκναμιδίων (6) ‘until someone becomes a Hypoknamidian Locrian’
ἔντε κ’ ἀποτείσει : τὰ νόμια Ναυπακτίοις (15-16) ‘until he pays the Naupactians their legal dues’

Context unclear

142, Mantinea, C6th-5th: εἰ] δὲ μὲ ἐπελάο[ι] (8)
εἰ δ[ὲ] μὲ (10?)

144, Mycenae, C6th: αὶ μὲ δαμιοργία εἴε

147, Olympia, c475: οὐζέ κα μί’ εἴε (7)

213, Thasos, 420-400: ἄν δὲ μηδὲς ἀπε[γγυ]αί (ii.2-3)

There are a number of examples where the context is broken and they are consequently difficult to categorise above. 144 is likely the final line of an inscription which was on a block above, now lost; the asyndeton and position after the main clause suggests that it is most likely an ‘unless’ clause.

Athens

ἐάν δὲ μέ, with ἐάν rather than εἰ as is more common in prose texts, is the usual form for ‘if not’ and ‘unless’ conditions in Attic inscriptions: 152, Athens, 485/84: ἐ]άν δὲ μέ (A.18), ἀ]ν δὲ μέ, κα[ἰ αὐτὸν κατὰ ταῦτ] εὐθ[ύνεσ]θαι (B.23-24); 153, Eleusis, 470-460: ἐ]άν δὲ μέ, [h]εκαστ[τ (A.17); 169, Eleusis, 430: ἐάν δὲ μέ ἀ[ποδοσι (42); 176, Athens, 430: ἐάν δὲ μέ (24); 188, Athens, 409: ἐὰ]μ μέ κ[(9); 191, Athens, 440-430: ἐάν] δὲ μέ, κατακε[(A.10); 203, Athens, 480-450: ἐάν : μέ ἔλθει (129); 204, Athens, 470-460: [ἐάν] δὲ μέ (5); 174, Athens, 434/43: ἐὰμ μέ τι οἱ στρατε[γ]οὶ δέοντα[ι. (B.56), τ[ἀ] δὲ ἄλλα μέ ‘otherwise not?’ (B.46), 163, Athens, 447/46: Ἀθεν]αῖοι ἐὰμ μέ τις αὐ[το (A.19).

Involving different actors

An interesting example of alternative conditions involving different actors is 103 Thasos 411-409, an inscription with two laws about denouncing an uprising. The first refers to an uprising at Thasos, the second uprisings abroad. The first condition is introduced with ὅς ἄν, and all other conditions are expressed by ‘if’ clauses. We can infer that the subject of the first condition is specifically a free person, because the alternative ἦν δὲ δόλος κατείπηι (i.2, ἄν ii.9) follows the first (or second, in the second part of the inscription which adds an additional clause about the value of the property of the denouncer) conditional sentence. This alternative condition, connected with δε, gives a new subject (δόλος, no article) and repeats the verb of main condition (κατείπηι). However, the other constituents of the first conditional clause (what is being denounced) are not repeated, and the second part of the first condition (if it is shown to be truthful) is not repeated.

Similar constructions are used in subsequent conditions, again involving different actors: if more than one person makes the accusation (ἦμ πλέος ἢ εἷς κατείπωσι i.2, ii.10); and when someone who is part of the plot makes the denunciation (ἦν δὲ τις τῶν μετεχόντων κατείπηι, i.3, ii.11). In all cases, not only is the rest of the condition not repeated, but the outcome is also not repeated with the same level of detail (a reward of a certain amount of money is given in the apodosis of the first conditional sentence, and the amount again is not specified again), but only what changes about the outcome – in the first case, that the slave is also to be free, with different levels of detail in each part of the inscription (καὶ ἐλεύθερος ἔστω (i.2), τό τε χρῆμα ἰσχέτω καὶ ἐλεύθερος ἔστω (ii.10)), in the second, that the three hundred are to decide having judged the case (τριηκόσιοι κρινόντων δίκην δικάσαντες, i.3, ii.10-11). The final case uses a different word for money (τό τε ἀργύριον ἰσχέτω καὶ (i.3-5, ii.11-13)), specifies further actions to protect informers who were part of the plot.²⁴⁶

Other quasi-conditional clauses

εἰ in non-causal subordinate clauses

Another type of clause are introduced with εἰ are but are not a condition where apodosis depends on fulfilment protasis, i.e. not to do with causality, but instead relevance or appropriateness.²⁴⁷ These differ from conditions to do with causality also in that they can follow the main clause, like ‘unless’ type.

²⁴⁶ “notable for the care with which they consider the problems which might affect the informer” Osborne & Rhodes 2017:458

²⁴⁷ Boas et al. 2019:550-51; Wakker 1994:48

126, Lokris, Early C5th: αἷ κα δειλεται : αἷ κα δειλεται (A.3) ‘if he wishes’
αἷ δειλετ’ ἀνχορεῖν (A.6-7) ‘if he wishes to return’
αἷ κα δειλονται (A.α.12-13) ‘if they wish’

208, Elis, 450-424: αἷ μὰν λειοταν (2) ‘if they want’

Here the possibility of the realisation of the action in the apodosis doesn't depend on the protasis, but the relevance does: in 126.A.3, the option to take part in sacrifices is there, whether a particular Lokrian chooses to take it or not. The repeated αἷ κα δειλεται is preceded and followed by a series of instructions in the infinitive. In 11-12, an instruction is given to swear an oath, not modified by any subordinate clause, but the instruction for the repetition of the oath qualified by αἷ κα δειλονται (A.α.12-13). These conditions differ from others introduced by αἷ in other sections of this inscription, which are the type where the realisation of the apodosis does depend on protasis. αἷ δειλετ’ ἀνχορεῖν (A.6-7) contains no modal particle, and the infinitive ἀνχορεῖν also must be supplied with of the main clause ἐξιμεν ἄνευ ἐντεριον, (7-8). The action on which the ability to return without paying taxes depends is rather expressed with a participle: καταλείπον:τα ἐν τῷ ἰστίαι παῖδα ηεβατὰν ἔ' δελφὸν (7).

εἷ in non-causal subordinate clauses in Attic inscriptions

εἷ in non-causal subordinate clauses is very common in Attic inscriptions:

174, Athens, 434/43: ἐάν τι δέε[ι] (B.15) ‘if something is necessary’

185, Athens, 418/17 πλέονα δὲ ἐάν βόλεται (33-34) ‘more, if he wants’

See also **182, Eleusis, 430s:** ἐάν βόλονται (33), ἐάν τις ἀπάγει (35); **184, Athens, 420/21:** καὶ τὸ λοιπὸν, ἐάν δοκε[ι] (33); **189, Athens, 408** ἐάν τι ἄλλο γίγ[νεται] (25) εἷ τι[ς ἄλλος Ἀθηναῖον] παρῆν (29-30); **190, Athens, 405/04** ἐὰν γίγνηται (21), [ἐά]ν τινα βόλωνται (25)

(Un)conditional relative clauses?

Probert 2015:156f describes “unconditional clauses”, which indicate “the irrelevance of some piece of information”. Goodwin calls these “parenthetical relative clause.”²⁴⁸ This type of relative clause, like the clauses with εἷ in the previous section, does not have a causal relationship to the main clause: the main clause is not affected by the information in the relative clause. Probert gives examples from the Gortyn Code, **64, Gortyn, 450**, where it is difficult to distinguish between an unconditional clause and a free relative clause, ii.50-51 and iv.39-40.

Participles

²⁴⁸ Goodwin 2001:207.

Participles are very rarely used with a clearly conditional function in Greek legal inscriptions. This is very different to classical literary Greek, where participle constructions are extremely common.²⁴⁹ Two inscriptions have participles in a conditional clause:

126, Lokris, Early C5th: αἰ δεῖλετ' ἀνχορεῖν καταλείπον:τα ἐν τᾷ ἰστίαι παιῖδα
 ηεβρατᾶν ἔ'δελφεὸν, ἐξεῖμεν ἄνευ ἐνετερίον· (6-8) 'If he wishes to return, if
he leaves behind a son or a brother in his house, he may return without
 taxation'

176, Athens, 434/43: τ[α] δὲ ἄλλα μέ, ἀλλὰ φυλάττοντες τὲν σφετ[έραν] αὐτῶν
 ἐ]ν τῷ τεταγμένοι ὄντων· (B.46-47) '... but otherwise not. But if they guard
 their own (territory), they are doing their duty'

In both cases, the realisation of the verbs in the main clause, ἐξεῖμεν and ὄντων, is clearly dependant on the action of the participle: in 126, as mentioned above, the 'if' clause is one indicating relevance, that someone might want to return: if so, being able to return without taxation is dependent on leaving a family member behind (καταλείπον:τα); in 176, guarding their own territory (φυλάττοντες) is an action which must be completed for them to be regarded as doing their duty (being in the appointed order).

Conclusions

Conditions expressed with 'if' clauses and relative clauses are particularly characteristic of Greek legal language due to their very high frequency in this type of text. They most often have a verb in the subjunctive in the protasis, with an imperative or infinitive in the apodosis, except for Elean inscriptions, which use the dialectal equivalent with the optative. The syntactic behaviour of the protasis is not significantly different from conditional protases in non-legal texts, but the high frequency of imperatives and infinitives in the apodoses is. Conditional protases in legal texts also frequently use τις or ὅστις as an indefinite subject. Conditions in legal texts are often complex: in long series of conditions, repetition is avoided for any more than the necessary information, alternatives are usually listed with ἢ, and εἰ δὲ μή 'if not' is commonly used. εἰ clauses without a causal meaning occur commonly in Attic but rarely elsewhere; conditions expressed with a participle are extremely rare in all regions. A summary of common patterns is below.

Common Patterns

ἐάν/ὅστις ἄν + subjunctive in the protasis, imperative in the apodosis:

103, Thasos, 411-409 (all conditions in this law); 105, Thasos, Late C5th; 106, Amorgos, C5th (4-6); 107, Chios, Late C5th (A, C all 'if' conditions); 108, Chios, C5th; 109, Chios, 450-425; 110, Chios, 575-550; 114, Paros, C5th (both conditions); 115, Paros, C5th (both conditions); 116, Lindos, Late C5th; 119, Erythrai, before 454; 121, Erythrai, C5th (5-8); 124, Halicarnassus, 465-450 (16-19); 125, Delphi, C5th (2-5); 127, Naupaktos (6-7); 129, Thasos, 460; 138, Argos C6th; 139, Argos C6th; 141, Halieis, 480; 211, Sicily, Early C6th; 213, Thasos, 420-400 (most 'if' clauses);

²⁴⁹ Horrocks 2010:94; see note on participles in enactment formulas above.

A condition follows an instruction

If not...

121, Erythrai, C5th x2 if not; **141, Halieis, 480** if not; **146, Olympia, 475-450** 1-2; **213, Thasos, 420-400** εἰ δὲ μή ii.9, μηδὲ ... κοτυλιζέτω μηδὲς (ii.12-13), ὅς δ' ἂν πωλήι (12-13).

Attic inscriptions: **150, Athens, 510-500**; **152, Athens, 485/84** B.23-24; **153, Eleusis, 470-460** A.31-32

With repetition of a verb

106, Amorgos, C5th πῦρ μηδένα καίεν (2) ἐὰν δέ [τι]ς καί[η]ι, (4-5); **115, Paros, late C5th** κόπτω (2, 8), also without repetition but with τι τούτων; **125, Delphi, C5th** μὲ φάρην (1) αἰ δέ κα φάρει (2); **208, Elis, 450-425** οὐδέτερος... κα πο]ιφέοι· αἰ δέ ποιέοι; **213, Thasos, 420-400** i.1-3, but two different verbs with a similar meaning: ὠνόμομαι and πρίασθαι.

With repetition of a noun

107, Chios, Late C5th (A.8-10); **108, Chios, C5th**: ὁ ἰέρως (1, 7); **124, Halicarnassus, 465-450**: γῆ, οἰκία (9-10, 17); **127, Naupaktos, c500** 4-5 παῖς.

Instructions

The imperative and the imperatival infinitive are both used to give an instruction in early Greek legal inscriptions, as well as being found in the apodosis of conditional sentences, whereas statements about norms use the indicative: **129 Thasos 460** οὐκ ἔστιν (9). The imperatival infinitive has been associated with legal language in Classical Greek prose, and it has already been suggested that the use of the infinitive in legal inscriptions may be related to the use of enactment formulas containing verbs used to introduce indirect speech.

Imperatives in independent clauses

Imperative forms are used in main or independent clauses to give instructions or make prohibitions: **107, Chios, Late C5th** B.2-3, 8-9, 17-18, 21-22, C. 4-5 τῶι δὲ πρια[μ]ένωι πρήγμα ἔστω μηδέν; **110, Chios, 575-550**: C.1 ἐκαλέσθω, C.5-6 ἀγερῆσθω, C.10 πρησέτω, D.2-3 ἐπιταμνέτω, D.3 ρῶ[μνύτω] (D more unclear context); **118, Erythrai, Late C5th** ἐκπρηξάσθων δὲ οἱ ἐξετασται ἢ αὐτοὶ ὀφειλόντων· (13-15); **129, Thasos, 460**: ἀπενγυάτω (7); **139, Argos, C6th**: μὲ χρέ[σ]θο (6-7) χ[ρ]όνσθο (10) μελεταινέτω (13). **130, Nymphaion, C5th** has the only prohibition in the second person (μή + aorist subjunctive): μή χέσες ἱεροῦ.

Imperatival infinitives

The use of the infinitive for the imperative in classical Greek prose is associated with legal language and formal registers. Bers describes the imperatival infinitive as “an archaism that the developed prose of the fourth century dusted off for use in archaic contexts”²⁵⁰ and claims that “the association of the construction with the most formal types of language seems to have been very close indeed.”²⁵¹ Denizot also highlights the presence of imperatival infinitives in verse and prose texts which cite laws and decrees or imitate or parody their style.²⁵²

There are various explanations for how the infinitive ended up being used with an imperatival function in the first place. The following three main ideas are summarised from Denizot 2011: firstly, the use of the infinitive for the imperative is a result of ellipsis of an introductory verb. Bers has already argued that this is a particularly suitable explanation for legal inscriptions:

“In the absence of any introductory phrase one cannot say whether the optival or jussive infinitive was felt to have a warrant in an ellipsis or whether the stone itself, by announcing the genre, as it were, prepared the reader to understand the verbal action designated by the infinitive was the command or wish of whoever commissioned the inscription.”²⁵³

Secondly, it is the result of the prospective value of the infinitive – completing the meaning of the principal verb in a clause with a consequence or goal, and as Quattordio has also pointed out, in this way the infinitive more projected into the future. Finally, the infinitive is a weakly specified verbal form: “*L’idée verbale*, posée pour elle-même, vaut comme un *ordre* donné par sa réalisation.”²⁵⁴ Denizot thinks this explanation is particularly attractive for legal texts.

There are three important previous studies of imperatival infinitives in inscriptions, two of which come to similar conclusions about the motivation for its use – the imperatival infinitive is more procedural. Quattordio argues that the imperatival infinitive is similar to the infinitives in constructions following verbs of speaking, and it has a stylistic function - “usato quasi esclusivamente per ordini o prescrizioni di carattere generale.”²⁵⁵ The imperatival infinitive is closer in function to the use of the 3rd person imperative than the 2nd person. Allan comes to similar conclusions: “its directive force depends on the appropriateness of a procedure which is to be carried out in the situation at hand”;²⁵⁶ infinitives are less grounded than imperatives, and invoke a

²⁵⁰ Bers 1984:168

²⁵¹ Bers 1984:182

²⁵² Denizot 2011:390-91

²⁵³ Bers 1984:167. See also the explanation given by Rhodes and Lewis for cult regulations in the imperative: “One phenomenon which is found in many states, apparently not as a result of Athenian influence, is a tendency for religious laws to be published without any procedural formulae, and with their substance given not in the accusatives and infinitives of decrees, dependent on ‘N said’, but in nominatives and imperatives. This is perhaps due to a tendency for such laws not to be enacted by a decision-making body but pronounced by experts, who may be repeating or modifying what they have received from earlier experts.” Rhodes & Lewis 1997:555-56

²⁵⁴ Humbert 1960:§210

²⁵⁵ Quattordio 1970:358

²⁵⁶ Allan 2010:205

general type of action without reference to the situation: their directive force comes from something else.

The other relevant study concerns Cretan inscriptions in particular. The distribution of infinitives and imperatives in Cretan inscriptions shows a chronological trend, different from other regions: inscriptions from the C7th only use the infinitive, the future starts to appear in the C6th when there is perhaps one example with an imperative, and then imperatives start to become more widespread in the C5th. Ortega Villaro describes constructions with an accusative and infinitive as having a “valor informativo inicial y valor de obligación derivado del reconocimiento de la situación de control”:²⁵⁷ the imperative is used when there is concrete subject, whereas the infinitive is more impersonal or general,²⁵⁸ and αὐτός is more common with the imperative, although it is sometimes found with the infinitive formulaic contexts.²⁵⁹ The type of verb also motivates the choice between an imperative and an infinitive: imperatives are more common with action verbs (like swearing or paying fines) and transitive verbs like δικάζω, in comparison to intransitive verbs like κρίνω, and state verbs like εἶμι which are more common in the infinitive.²⁶⁰

To what extent are these conclusions about Cretan inscriptions true for other early legal texts? The next section considers the presence of introductory verb (e.g. enactment formulas containing verbs of speaking, compared with other “non-standard” enactment clauses). The example of 103, **Thasos, 411-409** and the variety of explicit/non-explicit change or continuation of subject in the list of imperatives in apodoses above should show that the nature of the subject does not seem to affect the choice between imperative and infinitive elsewhere.²⁶¹

Enactments and infinitives

Enactments with verb introducing an infinitive

If ellipsis of the introductory verb is the reason for the imperatival use of the infinitive, we would expect infinitives to be especially common after enactments which contain a verb which can be used to introduce indirect speech. Certainly, a construction with the infinitive is expected for an indirect statement following certain verbs which are often used in enactments, including ἔδοξε and εἶπε (see section on enactments above).

Five inscriptions with enactments containing verbs after which an infinitive construction is expected use infinitives in independent clauses. In 104, **Thasos, Late C5th**, the enactments at the start of each part of the text contain (1) [ἔδοξεν] τῆι βολῆι and (7) ἔδοξεν τῶι δήμῳ, and there is an infinitive in an independent clause καθελεῖν (13). Editors have restored further infinitives in

²⁵⁷ Villaro 1998:189

²⁵⁸ Villaro 1998:196

²⁵⁹ Villaro 1998:197

²⁶⁰ Villaro 1998:198-201

²⁶¹ In Cretan inscriptions, “el sujeto aparece expreso mayoritariamente con imperativo, es el énfasis en el sujeto (o más exactamente, en el Agente de la acción) y no tanto en la acción la principal diferencia semántica del imperativo con respecto al infinitivo.” Villaro 1998:199

independent clauses in the same section parallel to *καθελέν*, and this inscription also contains infinitives in apodoses.

106, Amorgos, C5th has an enactment with *δοκεῖ* and likely also *εἶπε*: *ἔδοξεν τῆι βολῆι καὶ τῶι δῆμῳι, Ὀρθ[ε]σίλεως [εἶπεν]*, ‘The council and the people decided. Orthesileos [proposed]’. This is followed by an infinitive in an independent clause, *πῦρ μηδένα καίεν* (2) ‘no one is to set a fire’. This inscription also uses the imperative in the apodosis of the subsequent conditional clause, *ἀποτι[νέτω]*. The enactment in **116, Lindos, Late C6th** contains *εἶπε* and probably also *ἔδοξε*, and there are infinitives in independent clauses *ἐσ[π]ράξεν* (10), *παρδιδ[όμεν]* (12), *[θύε]ν* (28-29), *ἀγγ[ρ]άψαι* (54-55), *καταθέμεν* (57), as well as infinitives in apodoses, and imperatives in independent clauses and apodoses. **118, Erythrai, Late C5th** has an enactment with *εἶπεν* and has an infinitive in an independent clause *ἄρχεν*, which also has a function similar to an enactment (15). Elsewhere, this inscription uses infinitives in apodoses, and imperatives in independent clauses. The enactment in **124, Halicarnassus, 465-450** contains a verb which is commonly followed by an infinitive construction: *τάδε ὁ σύλλο[γ]ος ἐβόλεύσατο* ‘the meeting took a decision’. There are several infinitives in independent clauses, *παρ[α]διδ[ό]ναι* (8-9), *ὀρκῶ[ι]σ<α>ι* (20), *εἶ[ν]αι* (27-28) as well as infinitives and imperatives in apodoses.

One Cretan inscription, **99, Lyktos, c500**, has an enactment with *ἔφαδε* (*ἀνδάνω*) and an infinitive in a main clause. *[ἔ]φαδε Λυκτίοισι* introduces each part of this inscription, and the second part uses the independent infinitive *ἦμεν* (B.4). Infinitives in apodoses have also been restored by editors.²⁶²

Independent infinitives are common in Athenian inscriptions with enactment clauses: examples include **152, 153, 155, 156, 160, 162, 166, 167, 172, 174, 176, 177, 178, 181, 183, 184, 185, 187** and **193**.

Other types of enactments

Six inscriptions with enactments without verbs of speaking (or with verbs after which we wouldn’t expect to find an infinitive construction) have infinitives in independent clauses. Nonetheless, these inscriptions still “announce their genre”. **110, Chios, 575-550** identifies itself as a decree: *]κατης: Ἰστῆς δῆμο ρήτρας: φυλάσσω[ν —]ον: ηρει:* (1-3) ‘... of Hestia, guarding the decree of the people...’, and uses imperatives in apodoses and independent clauses, and probably one independent infinitive: *ἔξπρήξαι* (A.6).²⁶³ The enactment in **113, Iouli/Keos, Late C5th**, declares that this inscription is a law, *οἶδε νό[μ]οι περὶ τῶγ κατ[α]φθι[μέ]νω[ν]* ‘the following is a law concerning the deceased’, and it contains many infinitives in independent clauses: *θά[πτ]εν* (2), *ἔξεναι* (4) *ἐχφέρειν* (6) *καλύπτειν* (7) *φέρειν* (8) *ἀποφέρεισθαι* (10) *[χ]ρῆσθαι* (12) *ἐσφέρειν* (14) *[δια]ρραίνειν* (14-15) *[ἀ]πιέ[ν]αι* (19) *[π]οιῆν* (21) *ὑποτιθέναι* (21) *ἐκχῆν* (22) *φέρειν* (23) *μι[αίνεσθαι]* (25-26) *ἔναι* (31); B *εἶ[ν]αι* (7-8), *ἰ[έ]ναι* (10-11). **121, Erythrai, C5th** ends with an enactment that says that these things were voted on while Posis was overseer of the swamp, *ταῦτα ἐψηφίσθη ἐπὶ Πόσιος ἐλεορέοντος* (17-19), and it contains infinitives in independent clauses *συνελεορέν* (1), *ἔναι* (9), as well as an infinitive and an imperative in apodoses. **126, Locris, Early C5th** contains many infinitives in independent clauses

²⁶² See Gagarin & Perlman 2016:489-490 and Chadwick 1987.

²⁶³ Van Effenterre & Ruzé 1994:267 C “La forme à l’impératif au lieu de l’infinitif suppose que l’on continue la phrase précédente malgré le changement gravure (Jeffery)”

and apodoses, and identifies itself as a law, τὸ θέθμιον (46) The enactment in **133, Thessaly, c475:** declares that this inscription is a law, θεθμ[ὸ]ς τοῖ [δᾶ]μοι. The infinitives ἔμμεν (7), ἀπεῖσαι (11), and ἔμμ[εν] (13) are perhaps in independent clauses but the inscription is very broken so the context is unclear, and ἀπεῖσαι (11) may be part of an apodosis.

There are two further examples where it looks like the independent infinitive is part of the enactment. In **109, Chios 450-425**, the infinitive is perhaps giving instructions for publication. Καυ]κασέων γνώμη ... στήσαι (A.1-3) 'resolution of the Caucaseans (?)... set up.' In **135, Arcadia, C6th-5th**, an infinitive is used to make a statement about the status of the text or object: ἔνα[ι δ' ἱερὸν] τὸδε. (6-7) 'this (tablet/law) is to be sacred'.

Several Cretan inscriptions with θιοί but no further enactment clause have infinitives in independent clauses. In **49, Gortyn, 500-450**, θιοί begins Ba and Bb, which contain independent infinitives πυτεῦσαι (Ba.3), ἐνεκυράδδεν (Ba.7-8), λείπεν (Bb.4-5), as well as infinitives in apodoses. **71, Gortyn, 450-400** also has infinitives in both independent clauses (χοσμῆν (5), παρέρπεν (8-9), etc.) and apodoses. The Gortyn Code, **64, Gortyn, c.450**, contains infinitives and imperatives in independent clauses and apodoses. Independent infinitives in this inscription include κρίνεν (64.5.1.7, 64.13.1.7), ἔμμεν (64.19.1.9, 64.27.1.3, 64.56.1.3, 64.61.1.9, 64.118.1.5?), ἀποδόθαι (64.82.1.7), ἐπισπένσαι (64.82.1.9), ὀπυίεθαι (64.95.1.3, 64.168.1.1), ἔκεν (64.99.1.3), ἀποδατέθαι (64.106.1.1), διαλανκάνεν (64.118.2.4), ὄνέθαι (64.141.1.3), ἀνθέμμεν (64.153.1.1), ἀτέθαι (64.160.1.1).

Enactments but no infinitives

Some inscriptions which include an enactment do not use any imperatival infinitives, but none of these enactments apparently include verbs after which an infinitive would be expected.²⁶⁴ **141, Halieis, 480; 211 Megara Hyblaea, C6th; 208, Elis, 450-425; 139, Argos, C6th; 127, Naupaktos, c500.**

Infinitives but no enactments

Several inscriptions with no enactment at all use independent infinitives:

108, Chios, C5th: [τῶ] ἱέρεω Πελινναί[ο δ]ιδιοσθαι γλάσ[σα]ς, γέ[ρα] etc., (1-3) The rest of this inscription uses imperatives.

²⁶⁴ One inscription from Athens with enactments with a verb after which an infinitive construction might be expected apparently does not use any imperatival infinitives: **163, Athens, 447-446:** This text is introduced by an enactment with a verb of speaking, εἶπε (3), but the following lines are extremely damaged and only one imperative form, ἐπιμελ]εθέντων (22) survives in a later section concerning the publication of the text, and it is unclear what verb forms are used in the rest of the inscription. Similarly, another Athenian inscription with no infinitive forms contains an enactment at the end of the inscription concerning the publication of the text, which includes imperatives: **193, Athens, 440-425:** ὁ δ[ὲ φσέφισμα τὸδε ἀ]ναγραφάτο ἡο γραμμ[α]τ[εὺς ἡο τῆς βολεῆς ἐσ]τέλει λιθίνει etc. (19-21). Elsewhere in this inscription, imperatives are found in apodoses: γραφόντων (5), ἐπιμελέσθω (15), ὀφελέτω (17). It is unclear if this inscription had an enactment at the start of the text, and the first few lines are extremely damaged.

117, Ephesos, c.500: ἐγμάρτυρησαι (1) ἐγμάρτυρῆν (2)

213, Thasos, 420-400: γλεῦκος μηδὲ οἶνον τὸ καρπὸ τὸ ἐπὶ τῆς ἀμπέ[λοις ὦν] ἔσθαι πρὸ νεομηνίης Πλυντηριῶνος (1-2)

125 Delphi C5th τὸν τὸν <F>οἶνον μὲ φάρην ἐς τοῦ δρόμου. This inscription uses imperatives in apodoses.

Two short inscriptions from Delos use only independent infinitives:

111, Delos, C5th: ξένωι οὐχ ὀσίη ἐσι[έναι]

112, Delos, Late C5th: μὴ πλύνεν... μηδὲ κολυμ[βάν]... μηδὲ [βάλ]λ[εν]

There are a large number of examples from Crete where infinitives are found in inscriptions with no enactments: 7, 13, 14, 16, 17, 18, 27, 28, 29, 31, 32, 35, 36, 41, 43, 44, 46, 47, 54, 59, 62, 65, 66, 70, 72, 78, 82, 88, 93, 95, 100, 102.²⁶⁵ Four Attic inscriptions use independent infinitives but probably have no enactment: 154 Eleusis 470-460; 159 Athens c450?; 198 Athens 410-404?; 203 Athens 460.

Formulaic uses and content

Do infinitives appear more in formulaic contexts? The use of imperatives and infinitives in enactment-type clauses to do with publication ('pay for this inscription and set it up') in Athenian inscriptions has been studied by Henry 1989, who says that particular formulas, including *hoi de kolakretai donton to argyrion*, usually use imperatives in earlier periods but by the end of the fifth century "we have now, of course, reached a period where the infinitive construction in general is beginning to oust the imperative".²⁶⁶ Three C5th non-Athenian enactments related to the publication of the text use the infinitive:

116, Lindos, Late C5th: τὸ δ[ἐ ψ]ἀπιγμα ἀγγ[ρ]άψαι ἐς στάλαν λιθίναν καὶ καταθέμεν παρ τὸν βωμὸν τὸ Ἐνυαλίῳ. (52-58) 'Inscribe the decree on a stone stele and place it beside the altar of Enyalios.'²⁶⁷

119, Erythrai, before 454: ἀναγράψαι δὲ τότε τὸ ψήφισμα ἐ[σ]τήληι λιθίνῃ καὶ ἐς [τ]ὸ γ κύκλον στήσαι τὸ Ζηνὸς τῶγοραίο τὴν δευτέραν πρυτανῆ[ι]ην. (B.1-14) 'Write up the decree on a stone stele and place it in the circle of Zeus Agoraios during the second prytany.'²⁶⁸

109, Chios, 450-425: [ἐπ'] Ἀπελλῶ [πρυτάνεος Καυ]κασέων γνώμη ΝΦΥΛ[. .]Α[. 4 . .]ΗΣΑΝ στήσαι (A.1-3) 'Under the prytany of Apelles, resolution of the Caucaseans (?)... set up.'

²⁶⁵ Although for some of these the context is unclear and the infinitives could be part of an apodosis

²⁶⁶ Henry 1989:250n23

²⁶⁷ Trans. Gonzales 2008:122

²⁶⁸ Trans. Osborne & Rhodes 2017:121

Where does the imperatival infinitive get its directive force from?

What does the use of the imperatival infinitive tell us about the speaker's attitude to this type of text and how does this come to be seen as "legal language"? Does this data support Allan and Quattordino's conclusions? Many of the examples here are not really "procedure" in the way that in Allan's Homeric examples are – in epic poetry, the infinitives and imperatives really express very different things: infinitives are more like "recipe"-type instructions, or statements about the way the world should be, or gnomic utterances which have the force of "should" rather than "must". Laws by their nature have more force behind them than recipes, or gnomic utterances, and rather make statements about what must or must not happen. The infinitives and imperatives in legal inscriptions are much more interchangeable than in Homer (119, Erythrai, before 454 twice uses infinitives and imperatives in the apodosis of the same clause: ὀφελέτω ὅπερ οἱ νικῶντι γίνεσθαι, καὶ τοῦτο δῖωξιν εἶναι κατὰ ταῦτά. (A.10-13) ἐπιόπτειέτω καὶ ὑποζυγὴν εἶναι. (C.2-9)). Quattordino's idea that they are more like the infinitives in constructions following verbs of speaking is probably closer.

Legal inscriptions (and public inscriptions in general) are all in some way "speaking stones": not quite like the inscriptions with 1st person verbs where the object itself is speaking, but there is a shift towards imagining the stone or metal tablet as a site of transfer of speech: a three stage process: someone "said" this, it is recorded on the stone, someone is reading this – rather than two stages: the stone is "speaking", someone is reading it. Infinitives, so common in indirect speech, require directive force invoked elsewhere and therefore draw attention to the setting of the text and the paratextual and external elements: the enactments, the physical support of the text, and so on. The imperative in Greek is more 'self-contained': it does not draw so much attention to its context. This is almost the opposite situation to Hittite, where imperatives are almost always found in direct speech, and therefore seem to require more attention to their setting.

Hittite Legal Language: Expressing Authority

“The Hittite Law Code (CTH 291), like many others of its time, can be characterised mostly as a collection of legal cases, rather than a set of general directives put into daily use, and its prescriptions and prohibitions were usually phrased in a casuistic style: “If a man does X, he shall be subject to punishment Y.” Looking at KBo 6.4, a later version of the code copied by Ḫannikuili II, we can see an emphasis on formal organisation and aesthetic appreciation. As is common in the Mesopotamian *šumma*-typologies (e.g. laws, omens, medical prescriptions) each paragraph is introduced with the Hittite word *takku* “if”. The cases are separated by dividing lines and the writing is evenly justified; the rightmost signs, sometimes entire words, are pushed to the right-hand margins of the column. Such a layout is not so different from that of more recent law codes.”²⁶⁹

Anonymity and authority

The Hittite Laws are anonymous, unlike Greek legal inscriptions with enactment formulas naming the proposer, or the Mesopotamian cuneiform laws with prologues identifying their source. They make little direct reference to their immediate political or historical context, and no one is named within the text of the laws. The section §46-56 seems to contain the most references to Hittite social structures, and §55 records an encounter with a king, but he is referred to simply as *A-BI LUGAL*. A few other officials are mentioned by title, but none as often as the king, who is given a role in judging certain cases.

Colophons

The only names in the Hittite Laws occur ‘outside the text’ in the colophons, where the scribe who produced a particular copy may be named. In Series I, KBo 6.6 iv.1-2 does not name the scribe, but identifies the text as *ŠA A-BI^DUTU-ŠI* ‘of the father of his majesty’: it is not clear exactly who this is referring to, but attributing the text to *a king* may contribute to its authority.²⁷⁰ KUB 13.11 rev.2-4 seems to indicate the name of the scribe and the scribe’s supervisor, but the names are lost.²⁷¹ KBo 6.4, the Parallel Text, names the scribe as Ḫannikuili II, and gives his full genealogy. Although this may not contribute to the authority of the Hittite Laws as a legal text, Ḫannikuili II positions

²⁶⁹ Gordin 2015:31. Gordin uses, as examples of these more recent codes, images of a 14th century manuscript of the Code of Justinian, and the Bürgerliches Gesetzbuch. Both are divided into paragraphs or sections: the former uses an enlarged initial letter to mark these divisions, while the latter uses numbered sections followed by a blank space.

²⁷⁰ Suggestions for the attribution of the Hittite Laws include Hattušili I, or Muršili I (Carruba 1962) or Telipinu (Archi 1968, Goetze 1928, Hans G. Güterbock 1954).

²⁷¹ *ŠU^m[...] PA-NI^m[...]*

himself as part of a long tradition, “it was important for the scribe to note... his official affiliation.”²⁷² The only colophon preserved in Series II (KBo 6.13 iv) does not name the scribe.

‘A case for the king’

The king and the palace are mentioned throughout the laws on *šahhan* and *luzzi*-service, §46-56, where the king is involved in land distribution through royal land grants (NÍG.BA LUGAL). The king also plays a role in the administration of justice, particularly in serious cases involving an action about which a moral judgement is made, or which may lead to the death penalty.²⁷³ When an apodosis designates an action as *alwanzatar*, ‘sorcery’, it is a case for the king:

*ták-ku UN-an ku-iš-[ki] pár-ku-nu-uz-zi ku-up-tar-ra [uk-t]u-ri-ia-aš pé-e-da-a-[i] ták-ku-at A.ŠÀ-ni na-aš-ma pár-n[i ku]-e-il-ka p[é-e-da-a-i] al-wa-an-za-tar DI.KUD LUGAL*²⁷⁴

‘If someone performs a purification ritual on a person, (that person) will take the ritual remnants to the rubbish dump. If he takes them to someone’s field or house, it is sorcery, a case for the king.’

(§44b KBo 6.5 iv.17-20)

*[ták-ku še-e-ni pu-r]u-ut ku-iš-ki e-pa-a-ri al-wa-an-za-tar DI-IN LUGAL*²⁷⁵

‘If someone makes a clay (image?), it is sorcery, a case for the king.’

(§111 KBo 6.11 i.20)

Similarly, someone who may receive a death penalty as the result of serious sexual offences is brought to the palace for the king to decide the outcome.²⁷⁶

In two cases, it is not quite so clear why a particular action might be a case for the king, since neither is a series offence described as *alwanzatar* or *hūrkel*, nor involves the death penalty. The first is §102, a law about the theft of wood from a pond, where the penalty depends on the amount of wood stolen: for one unit of wood, the fine is three shekels, for two units, the fine is six shekels, but [*ták-ku* 3] GUN GIŠ DI-IN LUGAL-RI (KBo 6.12 i.10) ‘if (someone steals) three (or more?) units of wood, (it is) a case for the king.’²⁷⁷ In §176a, a free-roaming bull is a case for the king: *ták-ku GU4.MAḪ-aš ḥa-a-li ku-iš-ki ša-me-nu-uz-zi DI-IN LUGAL ḥa-ap-pár-ra-an-zi* (KBo 6.26 ii.21) ‘if someone dispenses with a bull’s enclosure, it is a case for the king, they will sell (the bull).’²⁷⁸

²⁷² Gordin 2015:33

²⁷³ “*alwanzatar* is a grave offence, sufficiently so to merit trial before the king... Trial before the king was reserved for offences serious enough to require the death penalty, although not all cases for which the death penalty is prescribed are explicitly assigned to the king’s law court.” Hoffner 1997:189

²⁷⁴ *a-lu-[wa-an-za-tar DI-IN LUGAL]* KBo 6.2 ii.53, *al-wa-an-za-tar D[I-IN LUGAL-RI]* KBo 6.3 ii.56

²⁷⁵ [*ták-ku še-e]-ni pu-r]u-ut k[u-iš-ki... KUB 29.23 15, [ták-ku pu-ru-ut ku-iš-ki ap-pa-at-t]a-ri al-wa-an-za-tar DI-IN LUGAL* KBo 6.10 iv.23

²⁷⁶ §187 and §188, where the offence is *hūrkel*, ‘an unpermitted sexual pairing’, and §198 and §199.

²⁷⁷ The number in the final protasis is missing from both copies, but it is presumably some amount larger than the previous two provisions. KUB 29.21 i.5 G]IŠ DI-IN [LUGAL-RI

²⁷⁸ ...*ša-me]-nu-uz-zi DI-IN LUGAL* KBo 25.85++ iii.33

An entrenchment-like law appears in Series II, which sets out the penalty for ignoring a ruling:

ták-ku DI-IN LU[GA]L ku-iš-ki hu-u-ul-la-az-zi É-SÚ pu-p[u-u]l-li ki-i-ša
[t]ák-ku DI-IN^{LU} DUGUD ku-iš-ki hu-u-ul-li-ia-az-zi SAG.DU-SÚ I-NA-AK-
KI-SÚ

‘If someone rejects the king’s judgement, his house will become ruins. If someone rejects the judgement of a magistrate, they will cut off his head.’
(§173a KBo 6.26 ii.11-14)

‘His house will become ruins’ may mean that not only will the offender receive the death penalty, but their family will also be killed.²⁷⁹

Traditions and Reform

As well as the administration of justice, the king plays a role in the reform of the law. Other than in §55, discussed below, the Hittite laws do not refer to specific past times or events. However, even the earliest versions, the laws make it explicit that they are part of a tradition through the use of the *karū... kinun=a...* construction: formerly, the penalty was this; now, it is this. The penalty has usually been revised to give a more lenient outcome: a fine has been reduced, or a corporal punishment has been replaced with a fine or other compensation.²⁸⁰ The details around these reforms are vague – it is never made explicit exactly when the ‘formerly’ is referring to – but the king is responsible for one change in the outcome:

[ták-k]u LÚ.U₁₀.LU-aš SAG.DU-ŠU ku-iš-ki hu-u-ni-ik-zi ka-ru-ú 6 GÍN
KÙ.BABBAR pí-iš-ker hu-u-ni-in-kán-za 3 GÍN KÙ.BABBAR da-a-i A-NA
É.GAL 3 GÍN KÙ.BABBAR da<-aš->ke-e-er ki-nu-na LUGAL-uš ŠA É.GAL-
LIM pé-eš-ši-et nu-za hu-u-ni-in-kán-za-pát 3 GÍN KÙ.BABBAR da[-a-i]
‘If anyone injures the head of a person, formerly they used to pay 6 shekels of silver: the injured person takes three shekels of silver, and they used to take 3 shekels of silver for the palace. But now the king has waived the palace’s share, and so only the injured person takes 3 shekels of silver.’
(§9 KBo 6.2 i.13-15)

In §9, the fine for a head injury has been reduced by half, since the king has waived the palace’s share. Now the offender must only compensate the injured person. *ki-nu-na* LUGAL-uš ŠA É.GAL-LIM is also found in §25, where it explains how the penalty for an impure action has also been reduced by half.²⁸¹ The king is not named, but nonetheless providing this explanation for the reforms perhaps helps to establish the text as authoritative within a legal tradition, and makes the king seem more generous or fair in the administration of justice.

²⁷⁹ Hoffner 1997:217-219.

²⁸⁰ See the section on *karū... kinun=a...* in ‘Hittite Conditions’ for further discussion of these revised penalties.

²⁸¹ A fine is reduced by half in other laws, and it is possible that the waiving of the palace share is also the reason for this. Hoffner 1997:7

Statements

Definitions

The Hittite Laws include definitions specifying, for example, exactly what sort of animal a law is referring to:

*ták-ku ANŠE.KUR.RA.MAḪ ku-iš-ki da-a-i-ia-zi ták-ku ša-a-ú-i-te-eš-za Ú-
UL ANŠE.KUR.RA.MAḪ-aš ták-ku i-ú-ga-aš Ú-UL ANŠE.KUR.RA.MAḪ-šš
ták-ku da-a-i-ú-ga-aš a-pa-a-aš ANŠE.KUR.RA.MAḪ-aš*

‘If someone steals a stallion (if it is newborn, it is not a stallion; if it is one year old, it is not a stallion; if it is two years old, that is a stallion)...’

(§58 KBo 6.6 ii.21-23)

§57 §176a also define types of animals depending on their age. These definitions make the laws clearer and more precise.

Lists of prices

Lists of prices of commodities occur in Series II, §178-186. §184, of which only one copy (KBo 6.26 iii.8) survives, describes this section as a *takšeššar*, a tariff (?): *ki-i ták-še-eš-šar URU-ri-ma-at-ša-at ma-aḫ-ḫa-an i[-ia-an]* ‘This (is the) tariff, as it [has been m]ade for the city (?).’²⁸²

ŠA GU₄.APIN.LÁ 10[+2] GÍN KÙ.BABBAR ŠI-IM-ŠU
ŠA 1 GU₄.MAḪ 10 GÍN KÙ.BABBAR ŠI-IM-ŠU
ŠA 1 GU₄.ÁB.GAL 7 GÍN KÙ.BABBAR ŠI-IM-ŠU
1 GU₄.APIN.LÁ 1 GU₄.ÁB i-ú-ga-aš-š[a] 5 GÍN KÙ.BABBAR ŠI-IM-ŠU
nu ŠA 1 GU₄ ša-a-ú-i-ti-iš-ta-aš 4 GÍN KÙ.BABBAR *pa-a-i*
ták-ku GU₄.ÁB *ar-ma-aḫ-ḫa-an-ti* 8 GÍN KÙ.BABBAR
Š[A] 1 AMAR 2 GÍN KÙ.BABBAR ŠI-IM-ŠU
1 ANŠE.KUR.RA.NÍTA 1 ANŠE.KUR.RA MUNUS.AL.[L]Á ŠA 1 ANŠE.NÍTA 1
ANŠE MUNUS.AL.LÁ ŠI-IM-ŠU QA-TAM-MA-pát

‘Of a plow ox, its price is 12 shekels of silver. Of one bull, its price is 10 shekels of silver. Of one cow, its price is 7 shekels of silver. One plow ox or cow a year old, its price is 5 shekels of silver. And of a weaned calf, (the buyer) pays 4 shekels of silver. If a cow is pregnant, (its price is) 8 shekels of silver. Of a calf, its price is 2 shekels of silver. One stallion, one mare, of one male donkey, one female donkey, its price is the same.’

(§178 KBo 6.26 ii.30-35)

These lists of commodities specify in detail the prices for different types of animals, and animal and agricultural products.²⁸³ Other laws also regulate economic activity. Lists of commodity prices

²⁸² Hoffner 1997:222-223 for a summary of previous interpretations of this “riddle”.

²⁸³ And copper in §181.

are a feature of Mesopotamian cuneiform law codes, and their inclusion in the Hittite laws indicates that they are part of that tradition.²⁸⁴

Instructions and imperatives

Imperatives in the Hittite Laws are only regularly used in direct speech, in §55 and §198.²⁸⁵ In §198, a husband whose wife has committed adultery may bring the case before the king and request the death penalty, or not: *nu te-ez-zi DAM-TI le-e a-ki... ták-ku [t]e-ez-zi 2-pát ak-kán-du* (KBo 6.26 iv.10-11, 13) ‘and he says: “let my wife not die”... if he says: “let both of them die”...’. The direct speech is introduced by a verb of speaking, and the quotative particle *-wa-* is not used. The other imperatives in direct speech and prohibitive *le-e* + indicative occur in the section §46-§55, which stands out from the rest of the Hittite laws in a number of ways.

Laws §46-56

The laws in this section concerning *šahḫan* and *luzzi*-service differ from other parts of the Hittite Laws in both structure and content: many of these paragraphs do not begin with or even contain at all the construction *takku ... (kuiški) V_{3sg, pres.-fut} Ø ... V_{3sg, pres.-fut}* and there is significant variation in their structure. Instead of conditional clauses introduced by *takku*, this section contains relative clauses used to express conditions (§48, §50, §51, §52), paragraphs which do not contain conditions at all but statements describing the current or former situation (§50, 51, §54, §56), and many direct references to specific Hittite social structures, places, and institutions. The prohibitive *le-e* + indicative occurs outside direct speech in §48, and the Parallel Text version of this law, §XL: *nu^{lú} ḫi-ip-pa-ri ḫa-a-ap-pár le-e [k]u-iš-ki i-ez-zi* ‘let no-one make a purchase from a *ḫipparaš*-man,²⁸⁶ DUMU-ŠU A.ŠÀ-ŠU^{GIŠ} KIRI₆.GEŠTIN-ŠU *le-e ku-iš-ki wa-a-ši* ‘let no-one buy his son, his field, or his vineyard.’²⁸⁷ There is a counterfactual in §49, which provides justification for a particular ruling, and a significant amount of direct speech in §55.

§55

§55 is unusual both in content and form: it appears to be describing the process and outcome of a particular case and includes lots of direct speech. It begins by describing the initiating of proceedings:

²⁸⁴ See the section ‘Hittite Laws in cuneiform context’ for further discussion of this relationship.

²⁸⁵ The OS copy of §53 perhaps has the 3sg imperative *da-a-ú* (KBo 6.2 iii.11) in an apodosis where other copies have *da-a-i* (KBo 6.6 i.18, KUB 3.11+ obv.8), although it uses the indicative *da-a-i* in a line 9. On the photo, it looks like *ú* in line 11 is perhaps partially erased, and the sign seems to have fewer verticals than the *ú* in lines 12 or 15 ([hethiter.net/:fotarch No4547](http://hethiter.net/:fotarch%204547)), so I am hesitant to take *da-a-ú* as a ‘real’ imperative form.

²⁸⁶ KBo 6.2 ii.49-50. In the main version of this law, the prohibition is preceded by a statement that a *ḫipparaš*-man performs *luzzi*-service. In the Parallel Text, this statement has apparently become a condition, introduced by *ták-ku-za*. See Hoffner 1997:59n193 for discussion on whether this change is intentional or the result of scribal error.

²⁸⁷ KBo 6.2 ii.50

[*ma*]-*a-an* DUMU.MEŠ^{URU} *HA-AT-TI* LÚ.MEŠ *IL-KI* *ú-e-er* *A-NA* *A-BI* LUGAL
a-ru-wa[-*a-an-zi*]²⁸⁸

‘When some Hittites, men owing *ilku*- service, came, they bow to the
father of the king.’

(KBo 6.2 ii.16)

Then records the complaint:

nu tar-ši-kán-zi ku-ú-ša-an-na-aš-za na-at-ta ku-iš-ki i-e-e[*z-zi*]
nu-wa-an-na-aš-za mi-im-ma-an-zi LÚ.MEŠ *IL-KI-wa šu-me-eš*

They say: “No one pays us a wage. They reject us: ‘You are men owing *ilku*-
service.’”

(KBo 6.2 ii.17-18)

Here there is ‘speech within speech’, with each layer introduced by a verb of speaking, *tar-ši-kán-zi* ‘they say’ and *mi-im-ma-an-zi* ‘they refuse’. The quotative particle, *-wa-*, which indicates direct speech, is used in the second clause in the initial direct speech, and ‘the speech within speech’. The outcome also includes direct speech:²⁸⁹

nu A-BI LUGAL [*tu-li-ia* ...²⁹⁰
nu-uš an-da ši-it-ta-ri-et i-it-te-en ma-a-aḥ-ḥa-an-da a-re-e[*š-me-eš*]
šu-me-eš-ša a-pé-ni-iš-ša-an i-iš-te-e[*n*]

The king [entered the assembly?] and put them under seal (had them
recorded on a sealed document): “Go!”²⁹¹ Just like your colleagues, you too
should act (ie. perform *ilku*- service) in the same way!”²⁹²

(KBo 6.2 ii 18-20)

The content of this law is important for providing information about aspects of the legal process: it might involve coming to the king to present a dispute, the ruling might be announced before the assembly, and it could be made official by putting a seal on some written document. As it records direct speech, it also shows some linguistic features not common elsewhere in the Hittite Laws: imperatives are used here to give a ruling and describe the outcome,²⁹³ and a mix of past and present tense verbs are used.

māḥḥanda

²⁸⁸ *mān* with a temporal meaning followed by past tense verbs; the restoration *a-ru-wa*[-*a-an-zi* is uncertain, as no manuscript preserves the verb ending.

²⁸⁹ Although there isn’t a verb of speaking introducing this, as there was with the plea that the men owing *ilku*-service made, nor the quotative particle *-wa-*, the 2nd person plural imperatives, *ītten* and *īsten*, and the 2nd person plural pronoun *šumeš* indicate direct address.

²⁹⁰ KBo 6.3 iii 21 LUGAL *tu-li-ia* ‘*an-d*’[*a ti-ya-at*].

²⁹¹ Translation missing in Hoffner 1997 (Goedebuure 1999:706 but no translation given).

²⁹² ‘You too must perform (*šaḥḥan*-services) just like your colleagues’. Trans. Hoffner 1997:58

²⁹³ See below for the distribution of imperatives and indicatives in the *Proclamation of Telipinu*.

māḥḥanda introduces a comparison: this word occurs twice in OS copies of the Hittite Laws. §55 has been identified as being unusual for apparently using *māḥḥanda* to introduce a subordinate clause without a verb. *māḥḥanda* is an Old Hittite conjunction meaning ‘just as’, later replaced by *maḥḥan* (although *maḥḥan* – as well as just *mān* – is also occasionally found in OH texts used as a conjunction meaning ‘just as’),²⁹⁴ and it usually occurs at the start of a subordinate clause which contains a finite verb and precedes the main clause, which often has a correlative like *apeniššan*.²⁹⁵ In §55, we expect the verb *ienzi* in the *māḥḥanda* clause, but this missing verb is a problem because only the verb ‘to be’ *eš-* is regularly omitted,²⁹⁶ and backwards gapping does not occur in Hittite.²⁹⁷

The first question is whether there is anything else unusual about this use of *māḥḥanda*. There are only nine examples of *māḥḥanda* in OH texts, including §55, and all examples of this word are now dated as OH/OS:²⁹⁸

(1) KBo 6.2 iii.19-20: (§55)

19 *i-it-te-en ma-a-aḥ-ḥa-an-da a-re-[eš-me-eš*
20 *šu-me-eš-ša a-pé-ni-iš-ša-an i-iš-te-e[n]*

(2) KBo 6.2+ iii.45-46: (§65)

45 *ma-a-aḥ-ḥa-an-da ŠA GU₄.APIN.LÁ ta-ia-zi-la-aš*
46 *ki-in-z[a?-an?-n]a? QA-TAM-MA*

²⁹⁴ On its origin as *mān* + *ḥanda*, see Kloekhorst 2010.

²⁹⁵ CHD s.v *māḥḥanda*

²⁹⁶ CHD s.v *māḥḥanda* “in Law §55 the omission of the verb in the *māḥḥanda* clause is unexpected; only *eš-* “to be” is regularly omitted in nominal sentences... no ex. shows omission of a verb other than *eš-* in this type of comparative *māḥḥanda/maḥḥan* clause.” See also Hoffner & Melchert 2008:243.

²⁹⁷ Krisch 2009 is the only place I have found a claim for the existence of backwards gapping, with just one example given: GIŠ^DINNANA GAL.GAL LÚ.MEŠ *hallierieš išhamianzi* iii 21’ StBoT 12 (Neu 1970; Hittite thunderstorm ritual), which is in fact repeated several times throughout the ritual (ii 15, 37, 45 iii 9-10). There is also repeated use of similar formula but with just the verb + particle *walḥanzi=ššan* “they strike” replacing the name of the instrument (ii 49, iii 14, 26-7, 33-4, 38-9, 43-4, var. SÌR-RU iii 48-9, iv 20). The “striking” in this formula is perhaps of another instrument, not a GIŠ^DINNANA GAL.GAL (from other texts one might expect *hazzikkanzi* or similar for sound of this instrument). In any case, it is clear that the example given by Krisch is not in fact backwards gapping but rather a sort of formulaic phrase referring to instrumental music and song. In addition, the verb *išhamai-* (certainly when it is written syllabically) is not usually used for the sound of a musical instrument: the examples with negation in other texts support this. See also HW *išhamai-* II.4 p127 “verkürzte, stereotype Formen von... Musik und Gesang, und nicht als ein einziger Satz zu interpretieren; sie lauten also “Musikinstrument (spielen und) singen” bzw. “Musik(instrument) (und) Gesänge”. Puhvel H p31 “the cantors sing [to the accompaniment of] small Ištar-woods” cites similar examples across many rituals, var. SÌR-RU, I KUB X 7, 13 (?) - SÌR-RU *išhamianzi=ya*; SÌR-RU can also mean other types of sound.

²⁹⁸ Kloekhorst 2010. Two further possible examples in very broken contexts are not listed here: KUB 33.59 iv 7 (CTH 336.2.A, OH) [... *m*]a?-a-*aḥ-ḥa-an-ta*, and KUB 31.74 (CTH 23.3.A OH/NS) ii.17 GIM-*an-da* x[- . It is not certain that the latter example really is a sumerographic writing of *māḥḥanda*, and it might instead represent *maḥḥan=tta*.

Another example of *māḥḥanda* is found later in Series I of the Hittite Laws, in a section about the theft of animals: if someone steals a trained he-goat or deer or mountain goat (presumably decoys for hunting), ‘the matter is the same as the theft of a plow ox’. *ut-tar-še-et QA-TAM-MA-pát* ‘its matter (is) the same’ is used repeatedly in this section.²⁹⁹ §63 gives the penalty for the theft of a plow ox, and §64 says that the penalty for theft of a draft horse is the same: *ut-tar-še-et QA-TAM-MA-pát*.³⁰⁰ However, repeating “it’s the same” twice in a row is potentially unclear, so §65 uses a *māḥḥanda* clause to specify what exactly the penalty is the same as, the theft of a plow ox. The verb ‘to be’ can easily be supplied for both clauses. Most of the other examples come from rituals or prayers; (9) is an instruction text.

(3) KBo 17.1 iii 1-2: CTH 416A³⁰¹

1 [ma-a-a]ḥ-ḥa-an-da ^DUTU-uš ^DIM-aš ne-e-pí-iš te-\e\-(kán-na)]
 2 |uk-tu-u-ri-e-eš\ LUGAL-uš MUNUS.LUGAL-aš-ša DUMU.MEŠ-ša uk-tu-u-ri-e-eš a-
 š[a-a]n[-t]u

(4) KBo 25.122 ii 4-6: CTH 731

4 ma-a-aḥ-ḥa-an-da-X²[
 5 wa-at-ku-ut-ta nu la-ba-ar-na-aš-ša LUGAL-w[a-aš
 6 ha-a-aš-še-eš ha-an-za-a-aš-še-eš QA-TAM-MA wa-[at-ku-wa-an-du?

(5) KBo 25.112 ii 14-15: CTH 733.II.a.1

14 A-NA [ḥal]-pu-u-ti ma-a-an(-)ḥa-an-d[a]
 15 ma-a-al-di ke-e-a QA-TAM-MA

(6) KUB 28.75 ii 24: CTH 733.I.a.1.A

24 A-NA ^{GIŠ}ḥal-pu-u-ti ma-a-an-ḥa-an-da ma-a-[

(7) KBo 17.22 iii 8-9: CTH 736

nu la-b[a-ar-na-
 7 ta-lu-ga-e-eš pal-ḥa-a-e-eš a-š[a-an-tu
 8 ma-a-aḥ-ḥa-an-da ta-lu-ga-aš p[al-ḥi-iš?
 9 la-ba-ar-na-ša MU^{HI.A}-še-eš Q[(A-TAM-MA)³⁰² a-ša-a(n-du)?

(8) KBo 16.45 obv 7 CTH 832

7 nu ma-a-an(-)ḥa-an-da DUMU.MUNUS^{MEŠ}[

²⁹⁹ And variants like *A-WA-SÚ QA-TAM-MA-pát, ki-i-pát*, etc.

³⁰⁰ KBo 6.3 iii.48; *ut-tar-še-da ki-i-pát* KBo 6.2 + ii.43, *ut-tar-še-et QA-TAM-MA-[pát]* KBo 6.8 ii.2, *ut-tar-še-et ki-i-pát* KUB 13.12 obv.6

³⁰¹ trans. Steitler 2017 “As the Sun-goddess (and) the Storm-god, heaven and earth, are eternal, may also the king and the queen and (their) children be eternal”.

³⁰² Beyond the evidence from the parallel in KBo 37.48 + KUB 28.8 rev. 7, the form of the visible part of the sign shows it is almost certainly QA and not TI since it appears that the vertical wedge crosses the horizontal wedge. Elsewhere on this tablet (obv. 4, rev. 3) the vertical wedge of the sign TI is much shallower and does not cross the horizontal wedge, and the wedge below the horizontal is slightly to the left of the vertical wedge. [hethiter.net/:fotarch N09036](http://hethiter.net/:fotarch%20N09036) (rev.), [hethiter.net/:fotarch N09037](http://hethiter.net/:fotarch%20N09037) (obv.)

8]DUL ^f*Ha-ni-ya-at-ta ke'-e-a* DUMU.MUNUS^{MEŠ} *pi[-*

(9) KBo 22.1:22 CTH 272

22. *nu-uš-ma-aš ma-a-an-ḫa-an-da ḫa-at-ri-iš-ke-ez-zi*

23. *na-at-ta-ša-ma-aš LÚ^{MEŠ} DUGUD-aš tup-pí ḫa-az-zi-an ḫar-zi*

Table: Features of sentences with *māḫḫanda*

	+	-	?
<i>māḫḫanda</i> clause before main clause	1, 2, 3, 4, 5, 6, 7, 8?, 9		
<i>māḫḫanda</i> clause initial	1, 2, 3, 4, 7, 8*, 9*	5, 6	
verb in <i>māḫḫanda</i> clause	4, 5, 6, 9	1, 2, 3, 7?	8
verb in main clause	1, 3, 4, 7, 9	2, 5	6, 8
<i>apeniššan/QATAMMA</i> in main clause	1, 2, 4, 5, 7	3, 9	6, 8
Other correlative in main clause	2, 5, 8?	1, 3, 4, 7, 9	6
<i>-a/-ya</i> in main clause	1, 4, 5, 7? ³⁰³ , 8?	2, 3, 9	6

Despite such a small number examples of *māḫḫanda*, there is in fact significant variation in constructions: other than that the *māḫḫanda* clause comes before the main clause, it is hard to say what a normal *māḫḫanda* sentence should look like, and further difficult to group them into particular subtypes. There are in addition a few syntactic features not mentioned in the table which they only occur once, such as *nu* introducing the main clause in (4), and such variation in verb tense and mood it is again impossible to identify any sort of pattern. The *māḫḫanda* sentence in §55 has the *māḫḫanda* clause before the main clause, *māḫḫanda* is clause initial, there is no verb in the *māḫḫanda* clause but a verb in the main clause, and it has *apeniššan* and *-a/-ya* but no other correlative in the main clause.

There is one other feature that the *māḫḫanda* sentences which have *-(y)a* in main clause possibly seem to share: the verb in the subordinate clause and the verb in the main clause do not share (grammatical) person and number. (4) has a 3rd person singular verb in the *māḫḫanda* clause (*wa-at-ku-ut-ta*) but certainly a plural verb in the main clause to agree with the , in (7) although the verb 'to be' is probably omitted, the subject of the *māḫḫanda* clause is singular (as shown by the

³⁰³ Hoffner & Melchert 2008:251 *labarnašš=a* – genitive + *-(y)a*. *la-ba-ar-ṛna¹-ša* is visible on the photograph. hethiter.net/:fotarchN09036

nom. singular adjective *ta-lu-ga-aš*, subject *a-ru-na-aš* supplied from other copies) but the main clause has the plural verb [*a-ša-a(n-du)*], clear from duplicates as well as the plural subject. (8) is too broken; (5) seems to be an exception, but they both have *kē=a* in the main clause. This would also work for §55, since if the subordinate clause had a verb it must be 3rd person plural, whereas the main clause has a 2nd person imperative.

Since evidence for *māḥḥanda* is so scarce, it is also useful to look at *mān* and *maḥḥan* other words used as subordinating conjunctions meaning ‘just as’ in OH, and which later replace *māḥḥanda*.³⁰⁴ One important difference is that clauses with *māḥḥanda* differ significantly in word order from the other conjunctions: both *mān* and *maḥḥan* (when they are used with this meaning in OH) are placed directly after the subject of the subordinate clause, and the subject is often fronted. *mān* and *maḥḥan* replacing *māḥḥanda* in a NS copy of an OH text sometimes preserve the same word order of the original, as in NS copies of the Laws.³⁰⁵ However, *māḥḥanda*, when not clause initial, is never preceded by the subject, although it is twice preceded by the prepositional phrase *A-NA*^{GIS} *ḥal-pu-u-ti*.

In various other copies of these texts, *māḥḥanda* is replaced by *mān* and *maḥḥan*, and once by *iwar*. In another OS copy of (3), KBo 17.3+ ii 15, *ma-a-an* replaces *māḥḥanda*.³⁰⁶ In NS copies of (7), *māḥḥanda* is replaced by *ma-aḥ-ḥa-an* (KBo 37.48 + KUB 28.8 rev. 6-8) and *i-wa-ar* (KBo 22.133).³⁰⁷ In NS copies of (2) and §55, *māḥḥanda* is replaced by *ma-aḥ-ḥa-an*.³⁰⁸ The NS copies do not help with explaining of the OS version of §55: as well as replacing *māḥḥanda* with *maḥḥan*, *i-iš-te-e[n]* ‘do!’ is replaced by *ešten*.³⁰⁹ This has usually been understood as “be!” (eš-/aš-) which then resolves the problem of the missing verb, since *eš-* is regularly omitted.³¹⁰

³⁰⁴ Sometimes even in the same text: KBo 17.1 iii 6-7 (+ par. KBo 17.3+ iii 7-8) uses *mān* ‘just as’ after the subject even though *māḥḥanda* in 17.1 a few lines earlier. ^DUTU-uš ^DIŠKUR-aš *ma-a-an uk-tu-u-ri-eš* / LUGAL-uš MUNUS.LUGAL-aš-ša QA-TAM-MA *uk-tu-u-ri-eš a-ša-an-tu* “As the Sun-goddess and the Storm-god are eternal, may the king and queen in the same way be eternal”

³⁰⁵ CHD with examples. KBo 6 iii 69 §73 (OH/NS) is an apparent exception, but this should be discounted since it is probably the result of *maḥḥan* replacing *māḥḥanda* in the OS version (as in §55 and §65; the OS copy is broken here) rather than an original OH *maḥḥan*. Hoffner 1997:80 reconstructs *māḥḥanda* for the OS version.

³⁰⁶ Both copies use the same word order.

³⁰⁷ Here *iwar* follows the subject as expected. Steitler 2017:113.

³⁰⁸ KBo 6.3 iii 50 *ma-aḥ-ḥa-an ŠA MÁŠ.GAL šar-ni-ik-zi-i-il a-pé-e-el-la QA-TAM-MA-pát*, KBo 6.8 ii 5 *ma-aḥ-ḥa-an ŠA MÁŠ.GAL šar-ni-ik-ze-el <a-pé-e-el-la> Q[A-TAM-MA-pát*, KUB 13.12

³⁰⁹ KBo 6.3 iii 22-23 *i-it-te-en ma-a-aḥ-ḥa-an a-re-eš-me-eš šu-[me-eš-ša] | a-pé-e-ni-iš-ša-an e-eš-te-en*, KBo 19.4 i 6] *ma-aḥ-ḥa-an* [, KBo 6.6 i 29 *šu-me-eš a-pé-e-ni-iš-ša-an e-eš-[te]-en*. Although the fragment KBo 19.4 is very broken, *ma-aḥ-ḥa-an* (without plene spelling) is visible on photographs. hethiter.net/:fotarch/No1357

³¹⁰ Hoffner translates *i-iš-te-e[n]* ‘do!’ following the OS copy; older translations (Friedrich, Hrozny etc.) translate *ešten* ‘be!’ as found in NS copies KBo 6.3 iii 23 and KBo 6.6 i 29. I do not think *e-eš-te-en* here can be a NH spelling for *išten*. KBo 6.3 elsewhere spells *išša/ešša-* (iterative/durative of *iya-*) fairly consistently with *iš-*. Hoffner transliterates *e-<eš>-še-er* in §54 (KBo 6.3 iii.18) and the copyist has read *e-*, but from the photo, it looks this might actually be *iš-še-er*, without plene-spelling, as is usual for NS.

I suggest instead this means something like “go! Like your colleagues (are (i.e. in status)), you also are (of this status)), and you too must perform (*ilku*- service) in the same way”. There are two clauses following the *māḥḥanda* clause: *šu-me-eš-ša* “you are also (of this status)”, with *-ya* indicating a change in grammatical subject, and *a-pé-ni-iš-ša-an i-iš-te-e[n]* is a new, separate clause (“(so) act in the same way!”). While *apeniššan* is often found in the main clause following *māḥḥanda*, it is not obligatory, and the *=a* on *šu-me-eš-ša* already provides a connection; *QATAMMA* is not uncommon elsewhere in the Hittite Laws without *māḥḥanda*. The direct speech in the Laws is always quite condensed – the verb ‘to be’ is always omitted (§40, §41, §169), and this is in keeping with that that style.

Conclusions

Although the Hittite Laws do not identify themselves as laws within the text nor make many explicit statements about their authority or enforceability with reference to named people or institutions, as is commonly found in the early Greek legal inscriptions, and nor do they contain a prologue like many Mesopotamian cuneiform law codes, the people involved in the production of the text nonetheless found a number of ways to present it as authoritative. Scribes name themselves and recorded prestigious genealogies in colophons, and identify the content of the text as originating with a royal figure. Within the text, definitions and lists of commodity prices contribute to the clarity and precision of the text, and link it to a wider tradition of cuneiform legal scholarship. While direct references to previous laws and particular situations are vague, the references to the king waiving the palace share in the *karū... kinun=a...* clauses contribute to the impression of a just and magnanimous lawgiver, and the case recorded in §55 gives a brief insight into legal processes in the early Hittite kingdom.

Hittite Legal Language: Conditions

The majority of the Hittite Laws is structured as a series of conditions. The text consists of two series of laws, Series I ‘If a man...’ and Series II ‘If a vine...’.³¹¹ The texts are divided up into paragraphs, and typically each paragraph contains one law. The majority of the Hittite law paragraphs follow an ‘if... then...’ arrangement: the most common sentence structure has the present tense in both the protasis and the apodosis, and the apodosis is usually asyndetic, with the typical structure being something like *takku ... (kuiški) 3sg. pres., Ø ... 3sg pres.*, as in the following example:

ták-ku LU.U₁₉.LU-an EL-LAM KIR₁₄-še-et ku-iš-ki wa-a-ki 1 MA.NA KÙ.BABBAR pa-a-i
‘If anyone bites off a free person's nose, they will pay 1 mina of silver’
(§13 KBo 6.3 i.33 NS)

The use of *takku* to introduce conditional protases is one of the most noticeably archaic features of the Hittite Laws, and the consistent use of this conjunction is a register feature. The Hittite Laws prefer present-future indicative verb forms in conditional sentences, and use a variety of strategies to structure additional and alternative conditions; conditions are very rarely expressed with other constructions, such as relative clauses. The scribe of the Parallel Text adapts the content and structure of the main version of the laws in interesting and innovative ways, while preserving apparently archaic forms because they are register features of Hittite legal language.

Hittite Conditions

A very broad definition of a conditional sentence might be something like: a conditional sentence is a sentence where the realisation of the action in the main clause depends in some way on the action in the conditional clause. If X, then Y, meaning that X is sufficient or necessary for Y, Y is somehow the result of X, and so on. This If – Then – pattern is frequently found in legal texts and is common in the Hittite laws: IF (someone does something which is a violation of the law), THEN as a result of this violation (this is the penalty).

Hittite conditional sentences can be broadly divided into two categories based on the reality or likelihood of the action in the protasis: simple conditions, which are fulfillable or likely or neutral with regard to likelihood; and potential, unreal or counterfactual conditions, which are unfulfillable or unlikely, marked by the presence of the particle *man* in one or more clauses.³¹² The verb in the if-clause is always in the indicative in Hittite.

³¹¹ As is typical for Hittite texts, they are identified in the colophons by the first line of the text: KBo 6.6 iv.1: DUB.2.KAM QA-TI *ták-ku LÚ-aš* (Series I), KBo 6.13 iv DUB.2.KAM *ták-ku* ^{GIS}GEŠTIN-aš QA-TI (Series II)

³¹² “particle denoting the optative, the unreal and the potential” CHD s.v. *man*. On the history and function of the particle *man* see Lühr 2001:245ff.

Almost all the conditional sentences in the Hittite Laws belong to the first category, simple conditions, and refer to future (or present or unspecified or generic) time:³¹³ if X happens/ever happens/will happen, then Y happens/will happen. The protasis of a simple condition is introduced by a conditional conjunction, in OH *takku*, already beginning to be replaced by *mān*;³¹⁴ *našma* ‘or if’ is often used to introduce alternative conditions.³¹⁵ The protasis contains a present-future verb form, and the apodosis also has a present-future verb, or an imperative.³¹⁶ Simple conditions may also refer to past time: if X happened, then Y happened. These have a protasis which is introduced by a conditional conjunction, but the verbs in both the protasis and the apodosis are past-tense forms, although they may also use the historic present.³¹⁷ No simple conditions with reference to past time occur in the Hittite Laws. Simple conditions may also use various combinations of present-future and past tense verbs in the apodosis and present-future and past tense verbs and imperatives in the apodosis.

The second type of conditional sentences are potential, unreal or counterfactual conditions, which are unfulfillable or unlikely, and are marked by the presence of the particle *man* in the protasis and/or the apodosis. They have a conditional conjunction (*takku* or *mān*) and the particle *man* (often written *ma-a-m-ma-an mām=man*) in the protasis and the particle *man* in the apodosis, but the conditional conjunction may be omitted.³¹⁸ They may use present-future or past tense verbs in the protasis and apodosis in various combinations. These conditions may be divided into two types depending on the tense of the verb: Potential conditions, describing something uncertain or unlikely, have a present-future verb form in the protasis and the apodosis.³¹⁹ Counterfactual conditions, describing something unfulfillable,³²⁰ use preterite verbs in the protasis and the apodosis. Other types of unlikely or unfulfillable conditional sentences may use a past tense verb in the protasis and a present-future in the apodosis, or may have more than one protasis or

³¹³ ‘simple future’ Hoffner & Melchert 2008:420. Ibid:422 distinguishes ‘simple present’ from ‘simple future’ conditions, seemingly on the basis of context.

³¹⁴ Hahn 1944:93-95

³¹⁵ Friedrich 1960:165; Hoffner & Melchert 2008:423. Conditional sentences with multiple protases do not always repeat the conditional conjunction: “the force of a subordinating conjunction can continue in multiple subsequent clauses”. Ibid:428; see also CHD s. v. *mān* 7 i.

³¹⁶ The imperative has future time reference. Hahn 1944:93n10 for examples of simple conditions with imperatives. The construction with the imperative in the apodosis is not found in the Hittite laws (all the imperatives in the Hittite laws are in direct speech; see chapter 8 ‘Imperatives and Instructions’), but is very common in other OH texts, particularly the *Proclamation of Telipinu* (CTH 19), on which see the section on conditions in this text in chapter 10 ‘Hittite Laws in cuneiform context’ below, as well as the Hittite Instruction Texts.

³¹⁷ Hoffner & Melchert 2008:422.

³¹⁸ See examples CHD s.v. *man* b 2 c’.

³¹⁹ “the equivalent of what are traditionally termed “less vivid” future conditions” Hoffner & Melchert 2008:421; see also ibid:315; ‘potential’ CHD s. v. *man* c 1. However, HED 6 s. v. *man*, *mān*, *-man* understands all conditional sentences with *man* and the present-future tense as counterfactual conditions: “there is insufficient evidence to sustain a ‘potential’ category with *man* and present tense”.

³²⁰ If X had happened, Y would have happened (but X did not, so Y did not). ‘Past contrary-to-fact conditions’ Hoffner & Melchert 2008:422-423, see also ibid: 316; ‘irrealis’ mode of the past van den Hout 2011:103-104; ‘contrary to fact conditional sentences’ CHD s. v. *man* b 2.

apodosis with verbs in different tenses.³²¹ One conditional sentence with the particle *man* occurs in §49 (see the section on counterfactual conditions below).

Conditional conjunctions: *takku* and *mān*

Two conditional conjunctions (meaning ‘if’) are found in the Hittite laws, *takku* and *mān*.³²² *takku* is the older conjunction, outside the Hittite laws found almost exclusively in Old Hittite texts, and it is always clause initial. *mān* in Old Hittite has a temporal meaning, ‘when’, but it is already also beginning to develop a conditional function. As *takku* drops out of use in post-Old Hittite, *mān* becomes the primary conditional conjunction, while *mahhan* takes over the temporal function.³²³

takku appears at the start of most paragraphs of the Hittite laws and is overall about ten times more frequent than *mān* across all copies of the text.³²⁴ It is remarkable that even in the latest versions of the Hittite laws, *takku* continues to be used at the start of each paragraph almost without exception, and this has already been noted: “Die Einleitung der Gesetzparagraphen durch *takku*... war anscheinend so typisch, daß es bis in die jüngste Fassung (KBo VI 4) hinein tradiert wurde.”³²⁵ The use of *takku* to introduce conditions should be considered a register feature of Hittite legal language, and the Parallel Text is important, as Sternemann points out, in demonstrating this: in the section on the Parallel Text below, I will show that *takku* is used even in sections of the Parallel Text which are otherwise the most innovative, and the scribe is clearly making a special effort to use it at the start of each paragraph.

However, *mān* is still occasionally found in versions of the text from all periods with the meaning ‘if’. There is one obvious difference between the use of *takku* and *mān* is that – with one possible exception – *mān* is used only to add additional conditions, never at the start of a paragraph, and this true both in copies of the main version of the text from all periods, and even in the Parallel Text.³²⁶ There is one apparent exception where *mān* seems to occur at the start of a paragraph, in a New Script copy of §64:

- (1) *ma-a-an ANŠE.KUR.RA tu-u-ri-ia-u-wa<-aš> ku-iš-ki*
- (2) *ta-a-i-ia-zi ut-tar-še-et QA-TAM-MA-[pát]*

³²¹ Hoffner & Melchert 2008:422 describe conditions with a preterite in the protasis and a present-future in the apodosis as ‘present contrary-to-fact’, but these are difficult to pin down: “the generalization appears to be that the construction must begin with a preterite and end with a present tense, but the rationale for the distribution of the tenses of any intermediate verbs remains unclear.”; these ‘present contrary-to-fact’ conditions describe “hypothetical future actions deemed undesirable or unlikely to occur” Ibid:316

³²² In addition, the conjunction *našma* (‘or if’) is used to introduce alternative conditions.

³²³ Hoffner & Melchert 2008:416-17. *mahhan* in all versions of the laws always has the meaning ‘like, as’.

³²⁴ *mān* with a conditional function occurs 27 times across all manuscripts of the first series of the laws; *māmman* (*mān*=*man*) twice; *takku* more than 300 times.

³²⁵ “Die Einleitung der Gesetzesparagraphen durch *takku* wurde als stilistisch wichtig empfunden, so daß sich *takku* hier bis in die jüngsten Abschriften halten konnte, während im Paragaphinneren bereits in alter Sprache ein teilweiser Ersatz durch *mān* zu beobachten ist.” Sternemann 1965a:262. See also Tischler 1991 *takku* s. v.; Hahn 1944:100ff.

³²⁶ CHD s. v. *mān* 7 g 1 “In the Laws: “If” introducing a law is always *takku*, from OS mss. to the late version, KBo 6.4. *mān* is only used in conditional clauses inside a law”.

‘If anyone steals a harnessed horse, the matter is the same.’
(§64 KBo 6.8 ii.1-2, NS)

§63-§65 describe the theft of working animals. This law refers back to the compensation set out for stealing an ox in the previous paragraph (§63) and begins a new column of the tablet. There are two other copies of §64, where it does not begin a new column but is separated from the previous law with a paragraph divider, and both of these copies of the law use *takku* at the start of the clause (KBo 6.2 iii.43 (Old Script), KBo 6.3 iii.48 (New Script)). The apparently exceptional use of *mān* rather than *takku* here in KBo 6.8 is probably a result of the scribe interpreting it as an additional condition belonging to the previous law, running over onto a new column but not beginning a new paragraph, rather than the scribe intentionally using *mān* at the start of a paragraph.³²⁷

Conditional sentences

The most straightforward conditions follow the pattern of *takku* ... (*kuiški*) 3sg. pres., Ø ... 3sg pres., as with the example of §13:

ták-ku LU.U₁₀.LU-an EL-LAM KIR₁₄-še-et ku-iš-ki wa-a-ki 1 MA.NA KÙ.BABBAR pa-a-i
‘If anyone bites off a free person's nose, they will pay 1 mina of silver’
(§13 KBo 6.3 i.33 NS)

The protasis is introduced by the conjunction *takku*, there is a third person singular present tense verb with the indefinite subject *kuiški* ‘anyone’, the apodosis is asyndetic and the verb in the apodosis is also a third person singular present form.

Verb in the protasis

The verb in the protasis of conditional clauses in the Hittite Laws is almost always a third person present-future tense indicative form, as *wa-a-ki* in the example above.

³²⁷ §27 KBo 6.3 i.75-ii.1 (New Script) and §28 KBo 6.5 ii.1-iii.5 (New Script) begin a new column without starting a new law paragraph. In the latter, a sentence runs over from one column to the next. There are also several other examples of the paragraph divisions varying between copies in other sections of the text, in particular in Series II: in §126-§127, the Old Script version KUB 29.28 includes the provision about stealing cloth ([TÚG].SÍG i 7) with the following provision about stealing a door (i 8-9, §127), whereas the New Script copies KBo 6.10, KBo 6.19 and Bo 8202 include it with the theft of various other objects in the previous provisions (§126), and KUB 29.27++ seems to have no paragraph rulings in this section; similar variation between manuscripts can be found in §158-160 and §182. On the photographs of KBo 6.8, it seems that there is no space for a gap to be left at the end of the last line – *šu-wa-a-ez-zi* (or any variant spelling) would take up all the space left in the break. A gap here might suggest that the scribe intended to begin a new paragraph at the start of the next column. This was already suggested by Hrozný 1922:56. Kitazumi 2019 argues that the use of paragraph dividers is pragmatic and dependent on choices of individual scribes, with further examples of variation in the use of divisions across copies of the same text.

Protases without a verb

Conditional protases may omit the verb. This most often happens in a clause which is providing an alternative or some additional information to a previous condition:

(3) *ták-ku* ^{LÚ}DAM.GÀR *ku-iš-ki ku-e-en-zi* 1 ME MA.NA KÙ.BABBAR *pa-a-i*
pár-na-aš-še-e-a šu-wa-i-ez-zi

(4) *ták-ku I-NA KUR Lu-ú-i-ia na-aš-ma I-NA KUR* ^{URU}*Pa-la-a* 1 ME MA.NA
KÙ.BABBAR *pa-a-i*

(5) *a-aš-šu-uš-še-et-ta šar-ni-ik-zi*

‘If anyone kills a merchant, he will pay 100 minas of silver and he will look to his house for it (?). If in the land of Luwiya or the land of Pala, he will pay 100 minas of silver and replace his goods.’

(§5 KBo 6.2 i.3-4 OS)

Here this means ‘if [the killing of the merchant takes place] in’: the action described in the first provision is not repeated, and the additional protasis only contains the new, different information. For more on the non-repetition of verbs in additional and alternative conditions, see the sections on alternative conditions and multiple protases below.

Participles

Hittite commonly uses the participle and a form of the verb ‘to be’ to form the passive of a transitive verb, rather than the medio-passive: in Old Hittite, the verb to be is often omitted and the agent of the participle is frequently unexpressed.³²⁸ It has been argued that the periphrastic passive construction is “already well attested in the Old Hittite original of the Laws”.³²⁹ However, the periphrastic passive construction can be difficult to distinguish from other verbal constructions involving the participle.³³⁰ Participles in the Hittite laws are only used in the protasis of a conditional sentence in restricted situations: participles of *pai-* are used for additional or alternative conditions, following another protasis (or series of protases) with a finite verb; giving background information about the circumstances under which another action takes place, in which case the participle is normally followed by another clause with a finite verb; or a participle which may be described as having an adjectival function replaces a different construction in another manuscript.

*Participles of *pai-* in additional and alternative conditions*

³²⁸ Hoffner & Melchert 2008:305-06, §22.12 “The verb ‘to be’ is often left unexpressed when the time referred to is the present or the statement is a general, timeless one.” The agent of passive constructions is very rarely specified, particularly in Old Hittite texts.

³²⁹ Inglese & Luraghi 2020:28

³³⁰ Inglese & Luraghi 2020:13; “In most cases the construction with the participle and ‘be’ represents a “state” passive... but in some of the examples cited it is impossible to tell whether they refer to a state or to an event/action.” Hoffner & Melchert 2008:305

ták-ku ku-uš-ša-an pí-ia-a-an šar-ni-ik-zi-il [NU.GÁL] *ták-ku ku-uš-ša-an na-at-ta pí-ia-a-an* 1 SAG.DU [*pa-a-i*]³³¹

‘If the hire is paid, there is no compensation. If the hire is not paid, they will give one person.’

(§42 KBo 6.2 ii.28-29)

These are additional and alternative conditions following three conditional protases introduced by *takku* and subsequently *nu-*, containing finite verbs: *ták-ku LÚ.U₁₉.LU-an ku-iš-ki ku-uš-ša-ni-ez-zi, na-aš la-aḥ-ḥa pa-iz-zi, n[a-aš a-ki]* (KBo 6.2 ii.27) ‘If someone hires a person, and that person goes on a campaign and dies...’.

*ták-ku-uš-še A.SÀ.Ḫ[I.A-uš me-ek-ki-iš] pí-ia-an-za lu-uz-zi kar-pí-i-ez-zi ták-ku-uš-še A.SÀ.ḪI.A-ša te[-ep-pu-uš pí-ia-an-za] lu-uz-zi na-at-ta kar-pí-i-ez-zi*³³²

‘If the larger part of the land is given to them, (that person) will perform *luzzi*-service. But if the smaller part of the land is given to them, (that person) will not perform *luzzi*-service.’

(§46 KBo 6.2 ii.38-40)

§46 uses participles to specify alternatives depending on the share of the land given, following a condition introduced by *takku* with a finite verb: *ták-ku URU-ri A.SÀ.ḪI.A-an i-wa-a-ru ku-iš-ki ḥar-zi* (KBo 6.2 ii.38) ‘If someone holds land in a city as an inheritance’. The second participle is only preserved in the New Script copy KBo 6.5 iv.26: *ták-ku A.SÀ.ḪI.A te-e-pa-u-i-eš pí-[ia-an-teš]*³³³

§XXXVIII, a late version of §46 in the Parallel Text, also uses several participles of *pai-* to specify additional and alternative conditions. The alternative conditions with the participle follow a condition introduced with *takku* with a finite verb (*ḥar-zi*), as in §46, although §XXXVIII changes the provisions from the main version, where the obligation to perform *luzzi* service exists with just the inheritance of the larger share of the land, rather than all of it, and does not mention *šaḥḥan* obligations.

ták-ku-uš-ši A.SÀ.ḪI.A-uš ḥu-u-ma-an-za pí-an-za lu-uz-zi kar-ap-zi ták-ku-uš-ši A.SÀ.ḪI.A-uš ḥu-u-ma-an-za Ú-UL pí-an-za te-pu-uš-ši pí-ia-an Ú-UL lu-uz-zi kar-ap-zi
‘If the whole of the land is given to them, that person will perform *luzzi*-service. If the whole of the land is not given to them, (but) the smaller share is given, (that person) will not perform *luzzi*-service.’

(§XXXVIII PT KBo 6.4 iv.22-24)

Participles giving background information

³³¹ KBo 6.3 ii.49-50 ...*pí-a-an nu Ú-UL šar-ni-ik-zi ták-ku ku-uš-ša-an-še-et Ú-UL pí-ia-a-an*; KBo 6.5 iv.8-9 *nu Ú-UL šar-ni-ik-zi ták-ku ku-uš-ša-an Ú-UL pí-i-ia-an*

³³² KBo 6.5 iv.25 *ták-ku A.SÀ.ḪI.A da-pí-an pí-i-ia-an*

³³³ A.SÀ.ḪI.A has neuter gender agreement in this manuscript, but common gender in others. Hoffner 1997:55n173 and m182.

Participles in conditional protases in the Hittite laws usually describe circumstances and not events: *ḥa-an-ne-iš-ni ap-pa-a-[an-t]e-eš* ‘being engaged in a lawsuit’;³³⁴ *ti-it-ti-an-za* ‘being installed’, *ta-ra-an-za* ‘being promised’, and *ḥa-me-in-kán-za* ‘being betrothed’. These provide background information about the circumstances under which an action, then described with a finite verb, is a violation.

In §40 and §41, the clause with a participle is not the first in the series of protases, but follows a clause with a finite verb (*ḥar-ak-zi*). The *tukul*-obligation man is assigned in the place of the man owing *ilku*-services (or vice versa), and the agent of the action expressed by the participle (whoever installs the *tukul*-obligation man in place of the *ilku*-service man, or vice versa) is not mentioned.

*ták-ku LÚ^{GIŠ}[TUKUL ḥar-ak-zi] Û LÚ IL-KI ti-it-ti-an-za LÚ IL-KI te-ez-zi*³³⁵
 ‘If a man owing *tukul*-services dies, and a man with an *ilku*-obligation is installed, the man with the *ilku*-obligation shall say...’
 (§40 KBo 6.2 ii.18)

*ták-ku LÚ IL-KI ḥar-ak-zi Û LÚ^{GIŠ}TUKUL ti-it-ti-an-za LÚ^{GIŠ}TUKUL te-ez-zi*³³⁶
 ‘If a man owing *ilku*-services dies, and a man with a *tukul*-obligation is installed, the man with the *tukul*-obligation shall say...’
 (§41 KBo 6.5 iv.1-2)

§38 is a law concerning assault taking place during a legal procedure.

*ták-ku LÚ.U₁₀.LU.MEŠ ḥa-an-ne-iš-ni ap-pa-a-[an-t]e-eš nu šar-ti-ia-aš ku-iš-ki p[a-iz-zi]*³³⁷
 ‘If people are engaged in a lawsuit, and some supporter goes (to them)’
 (§38 KBo 6.2 ii. 13)

The action which leads to the penalty in the apodosis is a litigant striking a supporter.

Two occur in laws about betrothal, and the clause containing the participle is the first in a series of protases:

*ták-ku DUMU.MUNUS LÚ-ni ta-ra-an-za ta-ma-i-ša-an pít-te-nu-[uz]-z[i ku-uš-ša-an]*³³⁸
pít-te-nu-uz-zi-ma
 ‘If a woman being promised (is promised) to a man, (but/and) another man runs off

³³⁴ It is possible that *app-/epp-* may have a specific technical meaning in a legal context, cf. CAD § *šabātu* 2 b-d.

³³⁵ KBo 6.3 ii.37: *ø LÚ IL-KI ti-it-ti-an-za nu LÚ IL-KI te-ez-zi*

³³⁶ KBo 6.3 ii.43: *...nu LÚ IL-KI (sic.) ti-it-ti-an-za nu LÚ^{GIŠ}TUKUL te-ez-zi*; KBo 6.5 iv.1-2: *...^{GIŠ}TUKUL-ma ti-it-ti-an-za nu LÚ^{GIŠ}TUKUL te-ez-zi*

³³⁷ KBo 6.3 ii.31: *nu-uš-ma-aš*

³³⁸ *ku-uš-ša-an* restored from KBo 6.5 ii.11

with her, as soon as he runs off with her³³⁹
(§28 KBo 6.3 ii.5-6)

*ták-ku DUMU.MUNUS-aš LÚ-ni ha-me-in-kán-za nu-uš-ši ku-ú-ša-ta píd-da-iz-zi ap-pé-
ez-zi-na-at at-ta-aš an-na-aš hu-ul-la-an-zi*
'If a woman being betrothed (is betrothed) to a man, and he pays the bride-price for
her, but afterwards the mother and father contest it'
(§29 KBo 6.3 ii.11)

In §29, an additional (background) condition is expressed with a participle in the manuscript KBo 6.5, replacing the finite verb *píd-da-iz-zi* in KBo 6.3:

nu-uš-ši ku-ša-a-ta píd-da-a-an EGIR-zi-[na-at] ad-da-aš an-na-aš hu-u-ul-la-an-zi
'and the brideprice is paid for her, but afterwards the mother and father contest it'
(§29 KBo 6.5 iii.7-8)

Here, a participle is used for a condition following another participle; unlike KBo 6.3, KBo 6.5 uses participles in both of these clauses, which describe the circumstances under which the action in the following clause (the mother and father contesting the betrothal), introduced by *appezziyan* 'subsequently', takes place.

Participles replacing a finite verb or another construction

Other participles replace a finite verb or another construction in other manuscripts, and may have an adjectival function, as in §124/21:

*ták-ku ta-i]š-ti-an-da ^{GIS}MAR.GÍD.DA.[HI.A I-N]A A.ŠÀ da-l[i-ia-zi ta ta-i-ez-zi ku-i]š-ki
3 GÍN KÙ.BABBAR *pa-a-i**

'if (anyone) leaves loaded wagons in a field and someone steals (the wagons), they
will pay 3 shekels of silver'
(§124/21 KUB 29.27+ 2+5)

The participle in KUB 29.27+ has an adjectival function modifying the sumerogram ^{GIS}MAR.GÍD.DA.[HI.A]. All other copies of this law appear to have two clauses with finite verbs, *ta-a-iš-ta-i* and *ta-li-ia-iz-zi* with the subject *ku-iš-ki*.³⁴⁰

*ták-ku ^{GIS}MAR.GÍD.DA.HI.A ku-iš[-ki ta-a-iš-ta-i ta A.ŠÀ-iš-ši] ta-li-ia-iz-zi [ta ta-a-i-ez-
zi ku-iš-k]i 3 GÍN KÙ.BABBAR *pa-a-i**

³³⁹ The mother and father of the woman were involved in the betrothal: later in §28 it specifies that the father and mother shall not give compensation (*at-ta-aš-ša an-na-aš Ú-UL šar-ni-in-kán-zi*, §28 KBo 6.3 ii.5-6). The text of KBo 6.5 differs: *šar-ni-en-kán-zi* but *Ú-UL šar-ni-ik-zi* – the parents (plural verb, no negation) make compensation, but a singular subject (that man? [*a-pa-a-aš-za*(?) Hoffner 1997:38) does not make compensation.

³⁴⁰ KBo 6.19 ii.3-4 also seems to have the same construction, but is rather broken.

(§124/21 KBo 6.10 ii.4-7)

[*ták-ku*^{GI5}MAR.GÍD.DA.ĤI.A] *ku-iš-ki ta-a-iš-ta-i* [ta A.ŠÀ-iš?-ši? *da-la-i*] *ta ta-a-i-ez-zi*
ku-i[š-ki 3 GÍN KÙ.BABBAR] *pa-a-i*

(§124/21 KBo 19.7 + KUB 13.15 obv. 4-7)

‘if someone loads wagons and leaves (the wagons) in (his?) field and someone steals (the wagons), they will pay 3 shekels of silver’

In KUB 29.27+ these two clauses have been combined, and the first finite verb has been replaced with a participle.

The Parallel Text version twice replaces ^{A.SÀ}*ku-le-e-i* ‘fallow land’,³⁴¹ in the main version of the text, with A.SÀA.GAR *ḥar-kán-za* ‘empty land’:³⁴²

ták-ku i-wa-ru-aš EN-aš A.SÀ A.GAR *ḥar-kán-za* A.SÀ-ši LÚ.MEŠ URU-LIM A.SÀ A.GAR
pí-an-zi ta lu-uz-zi kar-pí-i-ez-zi

‘If the land of the owner of the inheritance share is empty, (or?) the men of the city give him land (as) his land, he will perform *luzzi-service*’

(§XXXVIII PT KBo 6.4 iv.26-27)

In this late version of §46, A.SÀ A.GAR *ḥar-kán-za* replaces ^{A.SÀ}*ku-le-e-i* in KBo 6.2 ii.41, A.SÀ.ĤI.A *ku-le-i* in KBo 6.3 ii.62.

ták-ku^{A.SÀ} A.GAR *ḥar-kán-za* *na-aš-ma-aš-ši* LÚ.MEŠ URU-LIM *pí-an-zi lu-uz-zi i-ia-zi*

‘If the land is empty, or the men of the city give him (land), he will do *luzzi-service*’

(§XXXIX PT KBo 6.4 iv.34-35)

This is the last provision in a long law paragraph, a late version of §47B, replacing ^{A.SÀ.ĤI.A}*ku-le-e-i-ma* in KBo 6.2 ii.47 and ^{A.SÀ.ĤI.A}*ku-le-[i* in KBo 6.3 ii.62. Similar to §XXXVIII but slightly more concise, this law also sets out what sort of land ownership requires *luzzi-service*. In both §46 and §47b, the person who inherits ‘divides off’ *ar-ki* the fallow land.

Another participle is part of a list of prices:

ták-ku^{GU4} ÁB *ar-ma-aḥ-ḥa-an-ti* 8 GÍN KÙ.BABBAR

‘if (someone pays for) an impregnated cow, (the price is) 8 shekels of silver’

(§178 KBo 6.26 ii.33-34)

³⁴¹ Hoffner 1997:190-191

³⁴² *ḥar-kán-za* is the participle of the verb *ḥark-* ‘get lost, disappear, perish’, which in finite forms is always intransitive, although it has been suggested that non-finite forms may have a passive meaning: see Sideltsev 2022 on voice and transitivity with the verb *ḥark-*. Here it means ‘being empty’.

Another copy, KUB 29.22 iii.10, seems to use the usual construction for prices with the akkadographic preposition ŠA, although the rest of the line is broken: ŠA 1 GU⁴ÁB ar-[ma-aḫ-ḫa-an-ta-aš? ‘Of a pregnant cow, (the price is...)’.

Subject of the protasis

Laws may aim to regulate the behaviour of a whole population or a specific group of people, and in an If – Then – construction, the subject of the If-clause is usually the party whose actions the law is controlling. The Hittite Laws uses the indefinite pronoun *kuiški* to express that a law applies to anyone, or in general; when a law regulates a particular group of people, the subject is specified, and it may be modified by *kuiški* used as indefinite adjective. The subject of the protasis is omitted entirely when the subject is not the person whose actions the law is controlling.

kuiški

The most common way to express that a law provision applies ‘in general’ (and not only to a specific class of people) is with the indefinite pronoun *kuiški*, formed from the relative pronoun *kui-* and *-kki/-kka*.³⁴³ The subject of the protasis of conditions in the Hittite Laws is most often *kuiški*, meaning ‘someone’ or ‘anyone’. *kuiški* used as a pronoun almost always immediately precedes the verb in conditional protases the Hittite Laws.³⁴⁴

*ták-ku UR.GI₇ L^USIPA-aš ku-iš-ki wa-al-aḫ-zi na-aš a-ki 20 GÍN KÙ.BABBAR
pa-a-i*
‘If anyone strikes the dog of a herdsman and it dies, (that person) will pay
20 shekels of silver.’
(§87 KBo 6.3 iv.22)

Although the unmarked word order in Hittite would usually otherwise be SOV, indefinite pronouns in Hittite usually occur in preverbal position regardless of their role in the sentence, and the preverbal position of *kuiški* in the Hittite laws is not necessarily something special about legal language.³⁴⁵

However, there a few cases in the Hittite laws where *kuiški* does not occur in preverbal position. *kuiški* is sometimes separated from the verb by a preverb or postposition:³⁴⁶

³⁴³ Hoffner & Melchert 2008:149

³⁴⁴ Hoffner & Melchert 2008:286; Sideltsev 2015:200ff. *natta* and *lē* are separated from the verb by *kuiški*. Hoffner & Melchert 2008:342, 345

³⁴⁵ “indefinite pronouns are different from nouns and noun phrases and similar to relative pronouns, subordinators and *wh*-words as it is the lexical class of constituents and not their information structure status or grammatical function (subject-object) that determines their position in the clause.” Sideltsev 2015:206.

³⁴⁶ Sideltsev 2015:261: “there are unambiguous data indicating that the preverbal position of indefinite pronouns in the majority of cases is in front of the preverb and not between the preverb and the verb”; *ibid* for further examples of the indefinite pronoun separated from the verb by preverbs in other Hittite texts.

ták-ku PA₅-an EGIR-an ar-ḥa ku-iš-ki na-a-i 1 GÍN KÙ.BABBAR pa-a-i *ták-ku* PA₅-an EGIR-ez-zi-az ku-iš-ki še-er¹ d[a]³⁴⁷-a-i ta la-ar-pu-ut-ta
 ‘If someone diverts an irrigation ditch, (that person) will pay 1 shekel of silver. If someone takes (water) secretly from an irrigation ditch above (?), (that person) is -ed.’
 (§162 KBo 6.26 i.18-21)

[*ták-ku-kán* LÚ DAM.GÀR URU H]A-AT-TI a-aš-šu-wa-aš ku-iš-ki an-da ku-en-zi [? MA.NA KÚ.BABBAR p]a-a-i...
 ‘If someone kills a Hittite [merchant] in the midst of his goods,³⁴⁸ (that person) will pay ? minas of silver...’
 (§III KBo 6.4 i.4-8)

kuiški occasionally appears to occur after the verb in a conditional sentence with multiple protases.

ták-ku ŠAḤ.TUR kap-pí kar-aš-zi ku-iš-ki ta-a-i-ez-zi 2¹ [PA-RI-SI ŠE pa-a-i]³⁴⁹
 ‘If someone cuts out a small piglet and steals (it), that person will give (an amount of) barley’
 (§85 KBo 6.3 i.6)

In §85, *kuiški* is the subject of both *kar-aš-zi* and *ta-a-i-ez-zi*; the sequence *kuiški taiezzi* appears frequently in the Hittite Laws, including in two laws in the section immediately before this law, §82 and §83, also dealing with the theft of various kinds of pigs, so the apparently postverbal position does not so unusual, and it could also be described as preceding the second verb.

[*ták-ku* LÚ-a]n na-aš-ma MUNUS-an EL-LAM wa-al-aḥ-zi ku-iš-[k]i na-aš a-ki
 ‘If someone strikes a free man or woman and he or she dies’
 (§3 KBo 6.3 i.6)

§3 is more difficult to explain. The OS copy, KBo 22.62, has the same word order: i.4 *wa-al-aḥ-zi k]u-iš-ki na-aš a-[ki*, whereas §4, which deals with the same offence against an enslaved rather than free person and otherwise has an exactly parallel structure has the word order *ku-iš-ki wa-al-aḥ-zi* in both copies (KBo 6.2 i.1, KBo 6.3 i.8). The sequence ...*ku-iš-ki wa-al-aḥ-zi na-aš a-ki* ‘... someone strikes (a person or an animal) and/so that they die’ is found elsewhere in the Hittite Laws with *kuiški* preceding *wa-al-aḥ-zi*.³⁵⁰

§XXXV, a NH version of §71 and §45, has *ku-iš-ki* in a particularly unusual position:

ták-ku Ú-NU-TE^{MEŠ} ku-iš-ki na-aš-ma GU₄ UDU ANŠE.KUR.RA ANŠE ú-e-mi-ia-zi

³⁴⁷ Melchert 1979:59-61 for this correction (following KBo 6.15 iv.7 *ku-iš-ki še-er da-a-i*) and the translation.

³⁴⁸ Trans. Hoffner 1997:20

³⁴⁹ KBo 6.2 iv.22 [*ták-k]u ŠAḤ.TUR kap-pí kar-aš-zi [ku-iš-ki ta-i-ez-zi 2 P]A-RI-SI ŠE pa-a-i*

³⁵⁰ §84, §87, §88, §89

‘If someone finds tools, or an ox, sheep, horse or ass’
(§XXXV KBo 6.4 iv.4-5)

kuiški in this OSOV word order is only found here in the Laws and it has been suggested that this is the result of scribal error: “it appears only in the NH *modification* of the OH original combining two earlier paragraphs and reflects NH usage. Besides, it may simply be a scribe’s slip, inserting the list in the wrong place.”³⁵¹ I think it is likely the scribe missed out a verb after *kuiški*: see below for constructions used for alternatives in lists.

The subject is specified

When the subject is specified (for example, a particular class of people – free men, enslaved people, men with *tukul*-obligations) and the indefinite pronoun *kuiški* is not used, the word order is different: the subject almost always follows *takku*. In Series I, §94-99 are pairs of laws describing the same crime, where the status of the person carrying out the action is different, and the word order in the protasis is SOV: *ták-ku LÚ-LUM EL-[LUM]... ta-i-ez-zi*,³⁵² *ták-ku ARAD-aš... ta-i-ez-zi*³⁵³ (‘if a free man steals...’, ‘if a slave steals...’, §94-95 and §96-97); [*tá*]k-ku LÚ EL-LUM É-er lu-uk-ke-ez-z[i],³⁵⁴ [*ták-k*]u ARAD-aš É-er lu-uk-ke-ez-zi³⁵⁵ (‘if a free man sets fire to a house’, ‘if a slave sets fire to a house’, §98-99).

This is even more common in Series II, where the status of a person whose behaviour the law is aiming to regulate is frequently specified, for example: *ták-ku LÚ.U₁₉.LU-aš* ‘if a person...’ (§107), *ták-ku LÚ-aš* ‘if a man...’ (§150, §158, §187, §188, §189, §192, §193, §195, §197), *ták-ku MUNUS-za* ‘if a woman...’ (§150, §158), *ták-ku LÚ EL-LAM* ‘if a free man...’ (§132, §133, §143, §170, §191, §194), *ták-ku ARAD* ‘if a slave...’ (§170), *ták-ku* ^{LÚ}ŠU.I ‘if a barber...’ (§144), *ták-ku* ^{LÚ}SIMUG.A ‘if a smith...’ (§160), *ták-ku an-na-aš* ‘if a mother...’ (§171). A plural subject, *ták-ku LÚ.MEŠ*, occurs in §174. The word order is always SOV. The increased frequency of the explicit subject in Series II is partly a result of the content of the text – the laws in this series regulate the activities of certain professions (e.g. the barber, the smith), or regulate behaviour where the gender or social status of the agent of the action is relevant for judging whether it is permitted or not (e.g. sexual behaviour, §187-200a).

An exception to this SOV word order with a named subject is found in §35, where in both OS and NS copies the word order is OSV, although the subject is specified with the name of a profession, and there is no use of *kuiški* as an indefinite pronoun or adjective:

ták-ku MUNUS-na-an EL-LE-TAM ^{LÚ}SIPA [*da-a-i n*]a-aš I-NA MU.3.KAM
GÉME-re-e[z-zi]
‘If a shepherd takes a free woman (in marriage), she will become a slave

³⁵¹ Sideltsev 2015:248-49

³⁵² §94 KBo 6.2 iv.40 OS, with multiple NS copies with the same word order (KBo 6.3 iv.38, KBo 19.3 iv.6, etc.).

³⁵³ §95 KBo 6.2 iv.44 OS, with multiple NS copies with the same word order (KBo 6.3 iv.42, KUB 29.18 7, etc.).

³⁵⁴ §98 KBo 6.2 iv.53 OS, with NS copies with the same word order (KBo 6.3 iv.52, KUB 29.20 3).

³⁵⁵ §99 KBo 6.2 iv.56 OS, with the same word order in the NS copy (KBo 6.3 iv.55).

(after/for) three years.’

(§35 KBo 6.2 ii.6, OS)

ták-ku MUNUS-*na-an* EL-LUM ^{LÚ}AGRIG *na-aš-ma* ^{LÚ}SIPA *pí[t-t]e-[nu-z]i*

‘If an administrator or a shepherd elopes with (?) a free woman...’

(§35 KBo 6.3 ii.25, NS)

The same modification to the NS version with the addition of the ^{LÚ}AGRIG seems to happen in §175,³⁵⁶ which repeats the content of §35, but with the expected SOV word order in all versions:

ták-ku ^{LÚ}SIPA.UDU *na-aš-ma* ^{LÚ}AGRIG MUNUS-*an* EL-LE-TAM *da-a-i na-*

aš na-aš-šu <I-NA> MU.2.KAM *na-aš-ma* I-NA MU.4.KAM GÉME-*e-eš-zi*

‘If a shepherd or an administrator takes a free woman (in marriage), she will become a slave (after/for) two or four years.’

(§175 KBo 6.26 i.17-18, NS)

[*ták-ku* ^{LÚ}SIPA.UDU MUNUS-*na-an* E]L-LE-TAM *da-a-i*’

‘If a shepherd takes a free woman (in marriage)...’

(§175 KBo 25.58++ 28, OS)

kuiški as an adjective

Sometimes the subject is specified and modified by *kuiški*:

ták-ku ^{<GIŠ>}APIN-*an* ^{LÚ}EL-LUM *ku-iš-ki ta-a-[i-e-ez-zi]*

‘If any free man steals a plow’

(§121 KBo 6.14 i.11)

When the indefinite *kuiški* is used as an adjective, it usually directly follows the noun it is modifying.³⁵⁷ §20 [*ták-ku*]... ^{LÚ}^{URU}*Ha-at-ti ku-iš-ki ta-a-i-ez-zi* (KBo 6.2 i.42), §38 *nu šar-ti-ia-aš ku-iš-ki p[a-iz-zi]* (KBo 6.2 ii.13). In three cases, the word order is not as expected:

ták-ku ^{LÚ}.U₁₉.LU-*an* ^{LÚ}-*an-na-ku* MUNUS-*na-ku* ^{URU}*Ha-at-tu-ša-az ku-iš-*

ki ^{LÚ}^{URU}*Lu-ú-i-ia-aš ta-a-i-ez-zi*³⁵⁸

‘If any Luwian abducts a person, man or woman, from Hatti’

(§19a KBo 6.3 i.45-46)

In §19a, *kuiški* precedes the noun it is modifying, which directly precedes the verb: *takku* Obj Adv *kuiški* ^{LÚ}^{URU}*Lu-ú-i-ia-aš* Verb.

³⁵⁶ Hoffner 1997:43n111. The NS copy of §35 also replaces the verb *da-a-i* with another verb (although it is broken and hard to tell exactly what it is: Hoffner 1997:43 reads *pí[t-t]e-[nu-z]i*), and adds a second clause to the protasis about a dowry.

³⁵⁷ Hoffner & Melchert 2008:287. See Sideltsev 2015 for examples of unexpected word order with indefinite pronouns modifying nouns in other Hittite texts.

³⁵⁸ The other copy, KBo 6.2 i.36-37, is very broken here:]LU-*an* ^{LÚ}-*na-ku* MU[NUS-*na-ku*

ták-ku^{URU} *Ha-at-[tu-ši-pát]* *LÚ*^{URU} *Ha-at-ti* *LÚ*^{URU} *Lu-ú-i-ia-an* *ku-iš-ki* *da-a-i-ez-zi*³⁵⁹

'If any Hittite abducts a Luwian in Hatti itself'

(§19b KBo 6.3 i.47-48)

In §19b, *kuiški* is separated from the noun it is modifying by the object and directly precedes the verb: *takku* Adv *LÚ*^{URU} *Ha-at-ti* Obj *kuiški* Verb.

ták-ku *LÚ* *EL-LAM*^{URUDU} *zi-na-a* [*li*^{URUDU} ...]^{URUDU} *ša-an-ku-wa-al-li* *ku-iš-ki* [*i ta-i-e-ez-zi*] 6 GÍN.GÍN *KÙ*.*BABBAR* *pa-a-i...* *ták-ku*^{LÚ} *ARAD-ša* 3 GÍN.GÍN *KÙ*. [*BABBAR* *pa-a-i*]³⁶⁰

'If any free man steals (various copper tools?), he will pay 6 shekels of silver... If a slave (steals copper tools), he will pay 3 shekels of silver.'

(§143c KBo 6.10 iii.5-6)

In §143c, *kuiški* is separated from the noun it is modifying by the object and directly precedes the verb: *takku* *LÚ* *EL-LAM* Obj *kuiški* Verb. Here, an alternative condition where the subject is enslaved rather than free has been incorporated into the same paragraph, with *ták-ku*^{LÚ} *ARAD-ša*, and no repetition of any other content from the protasis. Placing *LÚ* *EL-LAM* immediately after *takku* perhaps makes the parallel between the two provisions clearer.

No subject is specified

Rarely, a third person plural verb form with no explicit subject is used with an indefinite meaning. Sideltsev argues that a third person plural verb can convey the same meaning as an indefinite pronoun with a singular verb form.³⁶¹ This construction only occurs in the Hittite laws when the subject of the protasis is not the person whose actions the law is controlling:

[*ták-ku* *A-NA* *NAM.RA.ḪI.A* *A.ŠÀ-LAM Š*] *A* *LÚ*^{GİŠ} *TUKUL* *ḪAL-QÍ-IM* *pí-an-zi* [*MU.3.KAM* *ša-aḫ-ḫa-an* *Ú-UL* *i-i*] *a-zi*³⁶²

'If they give an *arnuwala*-man the land of a man with a *tukul*-obligation who has gone missing, for three years he does not perform *šaḫḫan*-services'

(§112 KBo 6.14 i.24-25)

The *arnuwala*-man (not those who gave him the land) is the one whose behaviour is being regulated by this law – for three years, he is not required to perform *šaḫḫan*-services. Similarly, §93, concerning penalties for theft when the potential thief is apprehended before he can carry out the crime, begins [*ták-ku* *LÚ*]-*an* [*EL-LAM* *ta-p*] *é-eš-ni* *ap-pa-an-zi*, 'if they seize a free man at

³⁵⁹ KBo 6.2 i.39: is very broken here: [*ták-ku*^{URU}] *Ha-at-tu-ši-pát* *LÚ*^{URU} *Ha-at-ti* *LÚ*^{URU} *Lu-i-in* *ku-iš-ki* *ta-a-i-ez-zi*

³⁶⁰ 11/p, Hoffer 1997 ms. r, 3 *ku-iš*]-*ki* *ta-a-i-ia-z*[*i*

³⁶¹ Sideltsev 2015:206

³⁶² KBo 6.11 i.21-22 [*ták-ku* *A-NA* *NAM.RA.ḪI.A* *A.ŠÀ-LAM Š*] *A* *LÚ*^{GİŠ} *TUKUL* *ḫal-ki-in* *pí-an*-[*zi* *MU.3.KAM* *ša-aḫ-ḫa-a*] *n* *Ú-UL* *i-ia*-<<*an*->>*zi*. Hoffner 1997:107-08n347, n349.

the outset,³⁶³ but it is the free man, not the people who seize him, who is the one the apodosis affects (he is to pay 12 shekels of silver).³⁶⁴

The other place where a third person plural generic subject is found is in the *karū...* (3pl pret.) *kinun=a...* ‘formerly (they used to)... but now...’, which is discussed below.

Verb in the apodosis

As in the protasis, the most common form of the verb is a third person singular present-future form. The imperative is not found. The present-future indicative in Hittite can be used prescriptively.³⁶⁵ There is one verb which is particularly common: *pa-a-i* ‘(that person) will/must pay’. The vast majority of penalties in the Hittite Laws involve paying fines, whether an amount of silver (GÍN/MA.NA KÛ.BABBAR) or some commodity related to the action in the law.

Apodoses without a verb

Some apodoses do not contain a verb. These include apodoses which are making a judgement about the permittedness of the action in the protasis, and may be one of a series of apodoses:

ták-ku LÚ-iš GU₄-aš kat-ta [wa-aš-t]a-i hu-u-ur-ki-il ø a-ki-aš

‘If a man sins with a cow, (it is) an unpermitted sexual pairing, he will be put to death...’

(§187 KBo 6.26 iii.20)

[ták-ku LÚ-i]š a-pé-e-e[l-pá]t an-na-ša-aš kat-ta wa-aš-ta-i hu-u-u[r-k]i-il

ták-ku L[Ú-iš] DUMU.MUNUS-aš kat-ta wa-aš-ta-i hu-[u]-ur-ki-il ták-ku

LÚ-[iš] DUMU.NITA-aš kat-ta wa-aš-ta-i hu-u-ur-ki-il

‘If a man sins with his own mother, (it is) an unpermitted sexual pairing;

If a man sins with his daughter, (it is) an unpermitted sexual pairing; If a

man sins with his son, (it is) an unpermitted sexual pairing.’

(§189 KBo 6.26 iii.26-28)³⁶⁶

In §187, the judgement that this action is *hūrkel* is the first in a series of actions describing the process of the man being put to death;³⁶⁷ in §189, the judgement is the whole apodosis. Other similar judgements without a verb which constitute the whole apodosis include: *Ú-UL ha-ra-a-tar* or *na-at-ta ha-ra-tar* ‘(it is) not an offence’ (§190, §191, §192, §193, §194, §199) ; *LÚ-na-aš wa-aš-túl* ‘(it is) the man’s sin’ (§197); *MUNUS-na-aš wa-aš-ta-iš* ‘(it is) the woman’s sin’ (§197); *al-wa-an-za-*

³⁶³ Trans. Hoffner 1997:91. KBo 6.3 iv.35 *ták-ku LÚ-an EL-LAM ta-pé-eš-ni ap-pa-an-[zi*

³⁶⁴ [12 G]ÍN KÛ.BABBAR [*pa-a-i*] KBo 6.2 iv.38.

³⁶⁵ Hoffner & Melchert 2008:309; Addenda & Corrigenda 2: “the implication that the present indicative is not likewise used prescriptively in the *third* person obviously is misleading. The “Heischefutur” of the third person is the standard use in the Hittite Laws (see the translations in Hoffner 1997), and it is also used alongside the imperative in instructions.” Miller 2013:6-7 the present-future in the instruction texts “often carrying the force of the imp[erative].”

³⁶⁶ x KUB 29.33 ii.9-13 divides this up into three separate law paragraphs.

³⁶⁷ Y. Cohen 2002:88-93 on the meaning and consequences of *hūrkel*.

tar DI-INLUGAL ‘(it is) sorcery, a case for the king’ (§44b, §111); *DI-INLUGAL* ‘(it is) a case for the king’ (§176a). Other apodoses without a verb specify that the outcome is the same as the previous paragraph, or that the outcome is some sort of compensation: *DI-IN-ŠU-NU QA-TAM-MA-pát* ‘their case (is) the same’ (§32, §33); *ut-tar-še-et QA-TAM-MA-pát* or *A-WA-SÚ QA-TAM-MA-pát* ‘its matter (is) the same’ (§64, §68); *šar-ni-ik-zi-il* ‘(there is) compensation’ (§163). The Sumerogram NU.GÁL ‘there is not, it does not exist’ is also found in apodoses: *šar-ni-ik-zi-il NU.GÁL* ‘there is no compensation’ (§21, §37, §38, §49,³⁶⁸ §90); *ha-ra-a-tar-še-et NU.GÁL* ‘his offence does not exist’ (§197).

Past tense verbs in apodoses

Past tense verbs are found in the apodoses of a counterfactual condition in §49, and in the *karū... kinun=a...* construction.

karū... kinun=a...

Past tense verbs are found in apodoses with *karū... kinun=a...*, ‘formerly... but now...’. Certain laws explicitly reference a past penalty which has been revised and updated with a new (usually more lenient) outcome:

*ták-ku LÚ.U₁₉.LU-an EL-LAM ku-iš-ki da-šu-wa-aḥ-ḥi na-aš-ma ZU₉-ŠU la-a-ki ka-ru-ú 1 MA.NA pí-iš-ker KÙ.BABBAR ki-nu-na 20 GÍN KÙ.BABBAR pa-a-i.*³⁶⁹

‘If anyone blinds a free person or knocks out their tooth, previously they used to pay 1 mina of silver, now (that person) will pay 20 shekels of silver.’

(§7 KBo 6.2 i.9-10)

Since the updated penalty is often a smaller payment, the pairing of two forms of the same verb in the *karū... kinun=a...* construction, especially *pí-iš-ker... pa-a-i*, is common.³⁷⁰ The preterites *da-aš-ke-e-er* (§9, §25) and *e-eš-šer* (§121, §166), and the akkadographic *BU-BU-Ú-TA-NU-UM* (§92) are also found in *karū* clauses. The verbs in the *karū* clause, unsurprisingly, are almost all past tenses, but it is also interesting that they are mostly iterative forms with the *-ške-* or *-šša-* suffix, and mostly third person plural forms. An iterative preterite form with *karū* can express habitual actions.³⁷¹ The use of the third person plural with no explicit subject perhaps contributes to the unspecificity of the *karū* clause, since a third person plural unspecified subject can indicate indefiniteness, in contrast the subject of the protasis and the *kinun=a* clause, which is almost always third person singular.

³⁶⁸ The PT version of this law, §XLI, is very broken, but perhaps does not use NU.GÁL: *šar-ni-ik-ze-e]l? Ú-UL iš-ḥi-an-z[i* Hoffner 1997:60.

³⁶⁹ NS copies KBo 6.3 i.16-17 and KBo 12.48 1: the latter apparently has a further reduced penalty, [*ki-nu-n*]a 10 GÍN K[Ù.BABBAR *pa-a-i*...

³⁷⁰ As well as in §7, this pattern is found in §19, §57, §58, §59, §63, §67, §69, §81, §91, §94, and §119; §9 and §25 also have *pí-iš-ker* in the *karū* clause.

³⁷¹ Hoffner & Melchert 2008:321; Inglese & Mattioli 2020

As well as reducing a penalty to a smaller payment, there are two other types of changes to the outcome described using the *karū... kinun=a...* construction. The first involves the penalty for an action being halved after the king waives the palace's share, described in §9 and §25.³⁷²

[*ták-k*]u LÚ.U₁₉.LU-*aš* SAG.DU-ŠU *ku-iš-ki hu-u-ni-ik-zi ka-ru-ú* 6 GÍN
 KÙ.BABBAR *pí-iš-ker hu-u-ni-in-kán-za* 3 GÍN KÙ.BABBAR *da-a-i A-NA*
 É.GAL 3 GÍN KÙ.BABBAR *da<-aš>ke-e-er ki-nu-na* LUGAL-*uš ŠA É.GAL-*
LIM pé-eš-ši-et nu-za hu-u-ni-in-kán-za-pát 3 GÍN KÙ.BABBAR *da[-a-i]*
 'If anyone injures the head of a person, formerly they used to pay 6
 shekels of silver: the injured person takes three shekels of silver, and they
used to take 3 shekels of silver for the palace. But now the king has
waived the palace's share, and so only the injured person takes 3 shekels
 of silver.'
 (§9 KBo 6.2 i.13-15)

The *karū* clause contains three verbs: *pí-iš-ker* (3rd person plural iterative preterite), *da-a-i* (3rd person singular present), *da-aš-ke-e-er* (3rd person plural iterative preterite); the *kinun=a* also contains a past tense verb, *pé-eš-ši-et*, and *da-a-i* picks up *da-a-i* and *da-aš-ke-e-er* in the *karū* clause. There is alternation of the tense of the verbs in the *karū* clause: both present and (iterative) past forms of the same verb, *da-*, occur. The 3rd person singular present tense verb is the only one with an explicit subject, who also plays a role in the protasis and the *kinun=a* clause. The same pattern occurs in §25, where the subject of *pa-a-i* (3rd person singular present) in the *karū* clause, expressed with a relative clause, does not only play a role in the protasis and the *kinun=a* clause, but is also the one whose behaviour the law is trying to regulate.

The other change in outcome described with the *karū... kinun=a...* construction involves a change in the type of penalty. In §92, the original punishment for stealing beehives was exposure to bee-stings, *BU-BU-Ú-TA-NU-UM ŠA NIM.LÀL*, but this has been replaced with a fine.³⁷³ §121 and §166/67 have a protasis and apodosis with present-future verbs: the *karū* clause, *ka-ru-ú ki-iš-ša-an e-eš-šer*, follows the apodosis which describes the penalty as it was:

ták-ku NUMUN-*ni še-er* NUMUN-*an ku-iš-ki šu-ú-ni-ez-zi*
 GÚ-SÚ^{GIS} APIN-*an še-e-er ti-ez-zi* [1+]1 ŠÍ-IM-DÌ GU₄.HIA
tu-u-ri-ia-an-zi ke-e-el me-n[e]-iš-ši-it du-wa-a-an
ke-e-el-la me-ne-iš-ši-it du-wa-an
ne-e-ia-an-zi LÚ-eš₇, a-ki GU₄.HIA-*ia ak-kán-zi*
 Û A.ŠÀ-LAM *ka-ru-ú-pát ku-iš šu-ú-ni-et*
*ta-az a-pa-a-aš da-a-i*³⁷⁴ *ka-ru-ú ki-iš-ša-an e-eš-šer*

'If anyone sows (his) seed on (another's) seed, they will place his neck on a plow. They will hitch up two teams of oxen, and the face of one in one direction, the face of the other in the other direction. The man will be put to death and the oxen will be put to death. And whoever sowed the

³⁷² See Hoffner 1997:176 for a summary of the arguments about the meaning of *pé-eš-ši-et*.

³⁷³ KBo 6.3 iv.32 *ka-ru-ú BU-BU-Ú-TA-NU-UM ŠA NI*[M.LÀL *k*]*i-nu-na* 6 GÍN KÙ.BABBAR *pa-a-i*.

³⁷⁴ *wa-ar-aš-še* here in aa KBo 6.25 4.

field first, that person will take it. Previously, they used to do this.'
(§166 KBo 6.26 i.34-40)

ki-nu-na 1 UDU LÚ-na-aš ka-aš-ša-aš-ša-aš hu-it-ti-an-ta
2 UDU.ĪLA GU4.ĪLA ka-aš-ša-aš-ša-aš hu-u-it-ti-an-ta 30 NINDA.ĪLA
3 DUG KA.D[Ù] pa-a-i ta a-ap-pa šu-up-pí-ia-aḫ-ḫi
Ù A.ŠÀ-LAM ka-ru-ú-pát ku-iš šu-ú-ni-e-et
ta-az a-pa-a-aš wa-ar-aš-zi
'But now, they substitute one sheep for the man, they substitute two sheep for the oxen. He shall give 30 loaves of bread and 3 jugs of beer, and reconsecrate (the land?). And whoever sowed the field first, that person will reap it.'
(§166-167 p KBo 6.26 i.41-45)

Here the *kinun*=*a* clause extends through the whole following paragraph. §121 also seems to contain the same original punishment, being put to death with oxen, which is replaced with a fine, (like §92). In these laws there are not the same pairs of present and preterite verb forms, since the punishment has changed, and the *karū* clause in §121 and §166 only contains one third person plural verb form, *e-eš-šer* 'they used to do'. The third person plural form in this case is expected, since the original punishment in §166 also has third person plural forms with the subject unexpressed: *tu-u-ri-ia-an-zi*, *ne-e-ia-an-zi*.

Connection and asyndeton

Most apodoses in the Hittite laws are asyndetic: they are not connected to the protasis with *nu* or any other connective particle.³⁷⁵ Connection is significantly more likely following complex protases,³⁷⁶ and *nu* and *ta* are both used. Sometimes connection seems to be motivated by the need for a host for enclitic pronouns. A sequence of laws giving a fine as the punishment for various types of bodily harm demonstrates this:

nu-uš-še 6 GÍN KÙ.BABBAR pa-a-i^{LU} A.ZU-ia ku-uš-ša-an a-pa-a-aš-
pát pa-a-i

'(that person) will pay him 6 shekels of silver and will also pay the physician's fee'

(§10 A KBo 6.2 i.19)

ták-ku LÚ.U19.LU-aš EL-LAM-aš... ku-iš-ki tu-wa-a[r-ni-iz-zi]
nu-uš-še 20 GÍN KÙ.BABBAR pa-a-i

(§11 A KBo 6.2 i.20-21)

³⁷⁵ "the prevailing pattern when the protasis is a single clause – which differentiates Old from New Hittite in general – is asyndetic juxtaposition." Hoffner 1997:12

³⁷⁶ *ta* connects a complex protasis to the following apodosis from OH, but is only used to connect a single clause protasis to subsequent main clauses in post-OH texts. Hoffner & Melchert 2008:394-95.

ták-ku ARAD-na-aš na-aš-ma GÉME-aš... ku-iš-ki tu-wa-a[r-ni-iz-zi]
 10 GÍN KÙ.BABBAR *pa-a-i*
 (§12 A KBo 6.3 i.22-23)

§10 follows a condition with a long and complex apodosis describing what happens if someone injures and incapacitates another person: when the incapacitated person recovers, that person will both pay a fine to the person who he incapacitated, and pay the doctor's fee; §11 gives the penalty for someone who breaks a free person's arm or leg; §12 the penalty for breaking the arm or leg of an enslaved person. In §10, the enclitic pronoun is useful to distinguish the two parts of the fine, paid to two different parties; with the previous law in mind, the enclitic pronoun in §11 makes it clear who this compensation is being paid to; by §12 there is no ambiguity remaining, and the enclitic pronoun is unnecessary. Enclitic pronouns are not usually attached to numbers, GÍN KÙ.BABBAR or other similar sumerographic phrases, and therefore the connective *nu* is required to host the enclitic pronoun.

Asyndeton in OS copies is sometimes replaced with a connective particle in NS copies:

ták-ku LÚ-an pa-aḥ-ḥu-e-ni ku-iš-ki pé-eš-ši-ez-zi na-aš a-ki ø a[-ap-pa-aš-še]
 DUMU.NITA-an *pa-a-i*
 (§44a 6.2 ii.33, OS)

ták-ku LÚ-an pa-aḥ-ḥu-e-ni ku-iš-ki pé-eš-ši-ez-zi na-aš a-ki nu-uš-ši
 EG[IR-pa DUMU.NITA-an *pa-a-i*
 (§44a KBo 6.3 ii.54, NS)

ták-ku LÚ-an IZI-ni ku-iš-ki pé-eš-ši-ia-iz-zi na-aš a-ki nu-uš-š[i E] GIR-pa
 DUMU.NITA-an *pa-a-i*
 (§44a KBo 6.5 iv.16-17, NS)

'If someone makes a man fall into a fire, and/so that he dies, (that person) shall give a son in return'

While asyndeton is common in apodoses in conditional sentences in the Hittite laws, it is not always preserved in later copies.

Counterfactual conditions

A counterfactual condition is found in §49. This is somewhat unexpected: contrary-to-fact conditions are, by nature, unrealisable, and laws don't tend to regulate things that could not or would not happen.

[*ták-ku* ^{LÚ}*ḥi*]-*ip-pár-aš ta-a-i-ez-zi šar-ni-ik-zi-il* NU.GÁL
 [*-i*]^{n?}*-kán-za-an nu tu-ek-kán-za-ši-iš-pát šar-ni-ik-zi ma-a-am-[ma-an]*
 [*t*]*a-ya-az-zi-il pí-iš-ker ma-an ḥu-u-ma-an-te-eš-pát mar-še-e-er*
 [*ma-n*]*e?* ^{LÚ.MEŠ}*NÍ.ZU ki-i-ša-an-ta-ti ka-a-aš-ma-an ku-u-un e-ep-z[i]*
 [*ka*]-*a-ša-ma-an ku-u-un e-ep-zi ma-an* LUGAL-*wa-aš* ^{GÍŠ}*X? pé-eš-ši-e[r]*
 'If a *ḥipparaš*-man steals, there is no compensation... only his body can

make compensation. If (the *hipparaš*-men) were to give compensation for theft, they would all be dishonest, they would all become thieves, this one would seize that one, that one would seize this one, they would overturn the king's authority (?).'

(§49 KBo 6.2 ii.53-57)

The counterfactual is providing the justification for the law: this is the reason why the *hipparaš*-men do not give compensation, they would become corrupt – but this is the law, so they can't. This is still unusual – law codes rarely give explicit justification for particular provisions, nor describe what would happen if the law were not in place.

This counterfactual condition also differs from the other conditions in the laws in that it uses past tense verbs, rather than present-future, both in the protasis (*pi-iš-ker* (KBo 6.2 ii.55), *pé-eš-ke-er* (KUB 29.17 iv.3), 'they gave'), and the apodosis (*mar-še-e-er* (KBo 6.2 ii.55) 'they were dishonest', *ki-i-ša-an-ta-ti* (56) 'they became', *pé-eš-ši-e[r]* (57) 'they overturned?'); two present tense verbs *e-ep-zi* (56, 57) also occur in the apodosis here. The significance of different tense forms in counterfactual conditions in Hittite is unclear.³⁷⁷ The difference between the past tense verbs and the present tense verbs in the apodosis of this counterfactual condition is perhaps aspectual: *mar-še-* 'become false' is a verb with the stative or fientative suffix *-e-* derived from an adjective *marša-*,³⁷⁸ and *kiš-* 'become, happen' indicates a change of state. The exact meaning of *pé-eš-ši-e[r]* in this context is uncertain,³⁷⁹ but elsewhere its meanings include 'throw, abandon, discard, repel, cause to fall'. Hoffner translates '[They] would overturn the king's authority(?)' which seems to fit with the other things that the *hipparaš*-men might do: if this is correct, it could also be a single completed action, aspectually similar to the change of state in the previous two verbs. The present tense verbs, however, would then be describing a continuous or repeated action, and the repetition also contributes to the vividness of this effect: *ka-a-aš-ma-an ku-u-un e-ep-z[i ka]-a-ša-ma-an ku-u-un e-ep-zi* (KBo 6.2 ii.56-57) 'this one would seize that one, and that one would seize this one'.

Additional and alternative conditions

These additional conditions may provide further information about the crime or situation that is the subject of the law, or further consequences for not abiding by the penalty set out. Both *takku* and *mān* are used to introduce additional conditions within the main body of a law in all manuscripts, and additional conditions may also be inserted without the repetition of a conditional conjunction.³⁸⁰

³⁷⁷ Hoffner & Melchert 2008:315-316, 421-423; van den Hout 2011:103-104; 'contrary to fact conditional sentences' CHD s. v. *man* b 2; HED 6 s. v. *man*, *mān*, *-man*. See also discussion above under 'Hittite conditions'.

³⁷⁸ Hoffner & Melchert 2008:177, CHD s.v., with the example KUB 11.1 i.20.21 [(*mān appezziyanma* IR.MES DUMU.MES.LUGA)]L *mar-še-e-er* (var. *mar-še-eš-še-er*), 'when afterwards the subjects of the princes were/became corrupt'.

³⁷⁹ The reading of the logogram which is presumably the object of this verb is uncertain, which does not help. Hoffner 1997:60m197, CHD *peš(š)iya/e-* 12.

³⁸⁰ "the force of a subordinating conjunction can continue in multiple subsequent clauses" Hoffner & Melchert 2008:428

Conditional conjunctions in additional and alternative conditions

takku

takku occurs frequently within a law paragraph as well as at the beginning. It can be used to introduce additional conditions either in a series of protases (if A and if B and if C...), as well as following an apodosis (if X then Y, and if A, then B).

takku is often used to provide two alternatives following a conditional protasis (or series of conditional protases) introduced by *takku*:

ták-ku LÚ.U₁₀.LU-*an ku-iš-ki ku-uš-ša-ni-ez-zi na-aš la-¹ah-ha pa-iz-zi¹ n[a-aš a-ki]*

ták-ku *ku-uš-ša-an pí-ia-a-an šar-ni-ik-zi-il* [NU.GÁL]

ták-ku *ku-uš-ša-na na-at-ta pí-ia-a-an* 1 SAG.DU [*pa-a-i*]

‘If anyone hires a person, and he (the person) goes on a military campaign and he dies, if the fee has been paid, there will be no compensation, but if the fee has not been paid, he (the hirer) will give one slave.’³⁸¹

(§42 KBo 6.2 ii.27-29 OS)

There are two possible outcomes in this situation, depending on whether the fee for hiring a person has already been paid: *takku* introduces both alternatives following a series of clauses connected by *nu-*. *takku* is frequently used in this way to provide this sort of alternatives, between the ‘main’ protasis and the first apodosis: if the action happens in different places (§22, §27); if different quantities are involved (§103, §109, §120); whether the vineyard is producing fruit or bare (§107) or is fenced in or not (§108).

mān

mān is only used for additional conditions within a law paragraph.³⁸² There is one law where *mān* with a conditional function is found in an OS manuscript:³⁸³

ták-ku LÚ G¹⁵TUKUL Û^{LÚ}ĤA.LA-ŠU *ták-ša-an a-ša-an-zi mā-a-né-za i-ta-*
[a-la-u-e-eš-ša-an-zi] ta-az É-SÚ-NU šar-ra-an-zi ták-ku gi-im-ra-aš-ša-aš
10 SAG.DU 7 SA[G.DU LÚ G¹⁵TUKUL *da-a-i*] Û³ SAG.DU LÚĤA.LA-ŠU *da-a-*

³⁸¹ *takku* is also used for additional conditions in the NS versions of this law in KBo 6.3 ii.49-50 and KBo 6.5 iv.8-9, which both also add financial compensation where the hire has been paid, although neither use the connective =a in the second alternative.

³⁸² “some [protases] contain both a primary supposition and a secondary, subordinate one, which narrows the circumstances. Often in such cases the principal supposition is introduced by *takku* “if”, and the subordinate one by *mān* “if/when.” Hoffner 1997:12, with examples from the Parallel Text, noting that these are new additions as part of the later revision of the text.

³⁸³ *mān* in §71 is better understood as ‘when’. KBo 6.2 iii.60/KBo 6.3 iii.65. The scribe of PT apparently also thought this was a temporal rather than conditional clause: EGIR-*zi-an-ma-at EN-ŠU ú-e-mi-ia-zi* (§XXXV, late version of §45 and §71, KBo 6.4 iv.7-8). *mān* is used twice elsewhere in this paragraph with a clearly conditional meaning in new provisions not directly taken from §45 and §71.

i ...

ták-ku NÍG.BA LUGAL TUP-PI ku-iš-ki <ḫar-zi> ma-a-an-za^{A.ŠA} HI.A-na
k[a-ru-ú-i-li-in] šar-ra-an-zi ...

'If a man with a *tukul*-obligation and his partner live together, if they fall out and divide their household, if there are 10 people belonging to his land, the man with the *tukul*-obligation takes 7, and his partner takes 3.
... If someone holds a royal land grant by tablet, if they divide old land...'
(§53 KBo 6.2 iii.7-11 OS)

Here, *mān* is used to provide additional conditions in a sequence of conditional protases initially introduced by *takku*.

takku introducing additional conditions the Old Hittite version of the Laws is sometimes replaced with *mān*. The following table shows conditional uses of *mān* in post-OH copies of the Hittite laws, excluding the Parallel Text.

Table: *mān* in post-OH copies of the HL.

<i>mān</i> already in OS version	§53 KBo 6.6+ i.13, KBo 6.6+ i.17, KBo 6.8+ obv.2, KBo 6.8+ obv.6
In place of <i>takku</i> in OS version	§40 KBo 6.3 ii.41 §41 KBo 6.3 ii.46/KBo 6.5 iv.5 §64 KBo 6.8+ ii.1 ³⁸⁴
In place of <i>našma</i> 'or if' in OS version	§5 KBo 6.3 i.12
No OS version survives	§27 KUB 26.56 ii.9 §171 KBo 6.13 i.14/KBo 6.26 ii.4 §193 ³⁸⁵ KBo 6.26 iii.42/y KUB 29.34 iv.20

mān replaces *takku* in the OS version relatively rarely, and not consistently - in §40 and 41, *takku* is retained in one NS copy (KUB 29.14+ iii.11/8, iii.14.), even though the other NS copies use *mān*. However, *mān* in the OS version is (unsurprisingly) never replaced by *takku* in a NS copy. *mān* can also be used to begin a new conditional sentence following an apodosis in NS copies, but, unlike *takku*, *mān... mān...* is never used to provide two alternatives.

Alternative conditions

Alternatives in lists

Lists of alternatives can be found with a conditional protasis without any connection in the usual place in the sentence where that constituent might be found, for example the list of animals in

³⁸⁴ Replacing *takku*, which begins a paragraph in other copies of this law, although F does not begin a new law paragraph here: see discussion of the division of the text in §64 under 'Conditional conjunctions: *takku* and *mān*' above.

³⁸⁵ Hoffner 1997:152 restores *ma-a-an* in the OH version (KUB 29.25+) presumably on the basis of the NH copies.

§152: *ták-ku* ANŠE.K]UR.RA ANŠE.GÍR.NUN.NA ANŠE-*in* [*ku-iš-ki ku-uš-ša-ni-ez-zi*] (KBo 14.66 ii.7) 'If someone rents a horse or mule or an ass'. *takku* may be repeated within the protasis, as in §70: *ták-ku* GU₄ *ták-ku* ANŠE.KUR.RA ANŠE.GÍR.NUN.NA ANŠE *ku-iš-ki ta-a-i-ez-zi* (KBo 6.2 iii.56) 'If someone steals an ox, or a horse or a mule or an ass'.³⁸⁶ Two alternatives may be connected with the suffix *-aku*, as in §19a: *ták-ku* LÚ.U₁₉.LU-*an* LÚ-*an-na-ku* MUNUS-*na-ku* ... *ku-iš[-ki]* LÚ^{URU} Lu-ú-*ia-aš ta-a-i-ez-zi* (KBo 6.3 i.45-46) 'If any Luwian abducts a person, either a man or a woman...'. Alternatives in a list may also be connected with *naššu* or *našma*, and such a list may be placed within or outside the clause:

ták-ku LÚ.U₁₉.LU-*aš* LÚ-*aš na-aš-ma* MUNUS-*za ta-ki-i-a URU-ri a-ki*
 'If a person, a man or a woman, is killed in another city...'
 (§6 KBo 6.2 i.7 OS)

ták-ku DUMU-*an an-[na-nu-ma-]an-zi ku-iš-ki pa-a-i na-aš-šu* LÚ^{NAGAR}
n[a-aš-ma LÚ^{SIMUG.A} L^L] UŠ.BAR *na-aš-ma* LÚ^{AŠGAB} *na-aš-ma* LÚ^{AZLAG}
n[u an-na-nu-um-m]a-aš 6 GÍN KÙ.BABBAR pa-a-i
 'If someone gives his son for training, either as a carpenter or a smith, a weather or a leatherworker or a fuller, (that person) will pay 6 shekels of silver for the training'
 (§200b KBo 6.26 iv.27-30)

When a list connected with *naššu* or *našma* is placed after the main verb in protasis, as in the second example, the apodosis is normally connected with *nu-*, since there is no verb to indicate the clause boundary.³⁸⁷ A list of alternatives after the verb may have the verb repeated at the end of the list, but it has been suggested that this may be an error, since "scribes could mechanically extend the clause and insert the addition in the wrong place"³⁸⁸. However, lists placed after the verb are not usually alternatives to a constituent in the clause, but as in §200b, they provide more information about a constituent, and this additional information includes alternatives (in §200b the list expands upon the purpose of the training).

If not...

'If (that person) refuses...' is expressed with the verb *mimmai-* (§39, 40, 41, 42)

Alternatives involving people of different status

In the main version of the laws, there are two common strategies for different outcomes involving people of different status. The first, where the outcome differs depending on the status of the agent of the action, is a pair of two law paragraphs each beginning with a different specified subject, with all the content of the law repeated: *ták-ku* LÚ-LUM EL-[LUM]... *ta-i-ez-zi*,³⁸⁹ *ták-ku*

³⁸⁶ §71 has the same list of animals but no repetition of *takku* (KBo 6.2 iii.58)

³⁸⁷ Note that in §176b where the verb is repeated and therefore the clause boundaries are clear, the apodosis is asyndetic.

³⁸⁸ Sideltsev 2015:249, with the example of §176a.

³⁸⁹ §94 KBo 6.2 iv.40 OS, with multiple NS copies (KBo 6.3 iv.38, KBo 19.3 iv.6, etc.).

ARAD-aš... *ta-i-ez-zi*³⁹⁰ ('if a free man steals...', 'if a slave steals...', §94-95 and §96-97); [*tá*]k-ku LÚ EL-LUM É-er lu-uk-ke-ez-zi³⁹¹ [*ták-k*]u ARAD-aš É-er lu-uk-ke-ez-zi³⁹² ('if a free man sets fire to a house', 'if a slave sets fire to a house', §98-99). §93 uses a similar strategy, repeating the whole law, but within a paragraph: 'if they seize a free man...' [*ták-ku*] ARAD-an ... *ap-pa-an-zi*,³⁹³ followed by 'if they seize a slave...' [*ták-ku* LÚ]-an [EL-LAM] ... *ap-pa-an-zi*.³⁹⁴ The laws at the beginning of Series I also use this strategy in pairs of law paragraphs where the outcome is different depending on the status of the victim, as in §11 and §12: 'if anyone breaks a free person's arm or leg' *ták-ku* LÚ.U₁₉.LU-an EL-LUM QA-AS-SÚ *na-aš-ma* ĠİR-ŠU *ku-iš-ki tu-wa-ar-ni-zi*,³⁹⁵ 'if anyone breaks a male slave's or female slave's arm or leg' *ták-ku* ARAD-na-an *na-aš-ma* GÉME-an QA-AS-SÚ *na-aš-ma* ĠİR-ŠU *ku-iš-ki tu-wa-ar-na-zi*.³⁹⁶ As with the pairs of laws where the outcome differs depending on the status of the offender, where the outcome differs depending on the status of the victim, the whole content of the law is repeated in the main version of Series I.

However, Series II sometimes combines these different outcomes into one law paragraph without repeating the whole content of the protasis, and the final provision of a law paragraph gives the outcome for a person of different status with minimal repetition:

ták-ku LÚ-aš <BURU₁₄-i> *ku-uš-ša-ni-i ti-ia-zi še-e-pa-a[n] iš-ḥa-an-za*
^{GIŠ}MAR.GÍD.DA.ḪIA *e-ep-zi É IN.N[U.DA] iš-tap-pí KISLAḪ-an wa-ar-ši-*
ia-an-zi ITU.[3.KAM] 30 PA ŠE *ku-uš-ša-an-ni-iš-ši-it* *ták-ku* MUNUS-za
 B[URU₁₄-i] *ku-uš-ša-ni ti-ia-zi* ŠA ITU.2.KAM 12 PA ŠE *pa-a-i*
 'If a man hires himself for wages during the harvest season, they bind sheaves, he loads wagons, he deposits (them) in barns, they sweep the threshing floor, his wages for three months (are) 30 *parisi* of barley. If a woman hires herself for wages in the harvest season, (the employer) will pay 12 *parisi* of barley for two months.'
 (§158 KBo 6.26 i.6-10)

In §158, which describes different wages for men and women, only the first part of the protasis is repeated, and the details of the activities which might be performed in the harvest are not.³⁹⁷ KBo 6.26 also uses a different construction in the apodosis for the wage payable to a woman, but other copies use the same construction as in the first apodosis.³⁹⁸ This avoidance of repetition is common in Series II: the same strategy can be found in §105, §121, §132, §133, §143, §170, and §172.

³⁹⁰ §95 KBo 6.2 iv.44 OS, with multiple NS copies (KBo 6.3 iv.42, KUB 29.18 7, etc.).

³⁹¹ §98 KBo 6.2 iv.53 OS, with NS copies KBo 6.3 iv.52, KUB 29.20 3.

³⁹² §99 KBo 6.2 iv.56 OS, with NS copy KBo 6.3 iv.55.

³⁹³ Trans. Hoffner 1997:91. KBo 6.3 iv.35 *ták-ku* LÚ-an EL-LAM *ta-pé-eš-ni ap-pa-an-[zi*

³⁹⁴ KBo 6.2 iv.38

³⁹⁵ KBo 6.3 i.29

³⁹⁶ KBo 6.3 i.31

³⁹⁷ The OS copy KUB 29.30 ii.34 has a paragraph divider after the first apodosis: [*ták-ku* MUNU]S? 'if a woman' begins a new law paragraph. In this copy there is no dividing line between this and the subsequent law about the rent of a team of oxen.

³⁹⁸ KUB 29.30 ii.34 ŠA ITU.3.KAM 12 PA ŠE *ku-uš-ša-aš-še-et*; KUB 29.31 1 ŠA] ITU.3.KAM 12 PA ŠE [... KBo 6.26 also specifies a different length of time, two months rather than three, but this might be a scribal error.

Multiple protases

Multiple protases in series are often connected by *ta-* or *nu-*.³⁹⁹ A variety of different conjunctions can be used even within one conditional sentence, and §43 uses the clause connecting enclitic *-a/-ya*, the connective particles *nu-* and *ta-*, and the Akkadographic conjunction *Ú*:

*ták-ku LÚ-aš GU₄-ŠU ÍD-an zi-i-nu-uš-ke-ez-zi ta-ma-i-š_q-an šu-[ú-ez-zi
nu GU₄-aš KUN-an e-ep-zi ta ÍD-an za-a-i Û BE-EL GU₄ ÍD-aš pé-e-da-i]
nu-uz-za a-pu-ú-un-pát da-an-[zi]*

‘If a man is crossing a river with his ox, and another man pushes him off, and seizes the ox’s tail, and crosses the river, and the river carries off the owner of the ox, they will take that man (who crossed the river)’

(§43 KBo 6.2 ii.30-32)

nu often connects two or more conditional protases when they are sequential, or one is the result of the other:

*ták-ku UR.GI₇ LÚ¹SIPA-aš ku-iš-ki wa-al-aḥ-zi na-aš a-ki 20 GÍN KÙ.BABBAR
pa-a-i*

‘If someone strikes the dog of a herdsman and/so that it dies, (that person) will pay 20 shekels of silver.’

(§87 KBo 6.3 iv.22)

n=aš aki meaning ‘and/so that he/she/it dies’ is very frequent, especially following *wa-al-aḥ-zi* and verbs to do with bodily injury, as well as other circumstances, and especially so in Series I: §3, §4, §II, §38, §XXXII, §84, §86, §87, §88, §89 (all following *wa-al-aḥ-zi*); §42 (going on a military campaign and dying during or as a result); §44a (falling into a fire); §75 (hitching up an ox, horse, mule or ass and then it dies); §76 (taking an ox, horse, mule or ass from a public place, which then dies in a private place); §163 (as a result of contaminated mud). However, in Series II, *ta* is also found introducing a second protasis with the verb *aki*, where the person who dies (or that only one person dies) is specified:

ták-ku LÚ.MEŠ za-aḥ-ḥa-an-da ta 1-aš a-ki 1 SAG.DU pa-a-t⁴⁰⁰

‘If men are hitting each other and/so that one person dies, he will give one head.’

(§174 KBo 6.26 ii.16)

ták-ku LÚ-aš MUNUS-an ḥar-zi ta LÚ-eš a-ki DAM-SÚ [ŠEŠ-ŠU da-a-t⁴⁰¹

‘If a man has a wife and the man dies, his brother will take his widow as his wife.’

(§193 KUB 29.34 iv.19-20)

³⁹⁹ Hoffner & Melchert 2008:394

⁴⁰⁰ *t*[*a...* is all that is visible of this clause in the other copy of this law, KUB 29.32++ 27

⁴⁰¹ KUB 29.36+ 2 *ta LÚ-aš a-ki*; KBo 6.26 iii.40-41 *ta LÚ-iš a-ki DAM-SÚ ŠE[Š-Š]U da-a-i*

In §174 the dying is clearly the result of the action verb in the previous clause (hitting each other), and *ta 1-aš a-ki* seems equivalent to *n=aš aki* found elsewhere, while also clarifying that only one of the people involved in the fight has died. However, in §193, the man dying does not seem to be the result of him having a wife.

Relative clauses

Relative clauses can also be used with a conditional function in Hittite,⁴⁰² although they are rather uncommon in the laws. A law setting commodity prices nicely demonstrates the equivalence between a conditional clause with *kuiški* as the subject and a relative clause:

ŠA 2 GU₄ *i-ú-ga-aš-ša-aš* UZU-ŠU-NU [*k*]u-iš wa-a-ši 1 UDU pa-a-i
 5 GU₄ *ša-ú-i-ti-iš-ta-aš* UZU-[ŠU-N]U ku-iš wa-a-ši 1 UDU pa-a-i
 ŠA 10 UZU AMAR 1 UDU pa-a-i ŠA 10 [UZU] UDU 1 UDU pa-a-i
 ŠA 20 UZU SILA₄ 1 UDU pa-a-i t[á]k-ku 20 U]ZU MÁŠ.TUR ku-iš-ki wa-a-ši
 1 UDU pa-a-i
 ‘Whoever buys the meat of two yearling cattle will pay 1 sheep. Whoever buys the meat of 5 weanling cattle will pay 1 sheep. (Whoever buys) the meat of ten calves will pay 1 sheep. (Whoever buys) the meat of ten sheep will pay 1 sheep. (Whoever buys) the meat of ten lambs will pay 1 sheep. If someone buys the meat of 20 goats, (that person) will pay 1 sheep.’
 (§186 KBo 6.26 iii.16-19)

Here the relative clauses in lines 16 and 17 have exactly the same function and meaning as the conditional clause introduced by *takku* with *kuiški* as the subject in line 19. In the previous law, §185, which also lists prices of commodities, *ku-iš wa-a-ši* is also found once (KBo 6.26 iii.15).

There are very few relative clauses which have a function equivalent to a conditional protasis in the Hittite Laws: most relative clauses are instead used to give more information about a constituent, particularly where this is useful to resolve some ambiguity about the parties involved.⁴⁰³ The addition of a relative clause to a late version of §43 demonstrates this:

ták-ku LÚ-aš GU₄-ŠU ÍD-an zi-i-nu-uš-ke-ez-zi ta-ma-i-ša-an šu-[ú-ez-zi nu GU₄-aš KUN-an e-ep-zi ta ÍD-an za-a-i Û BE-EL GU₄ ÍD-aš pé-e-da-i] nu-uz-za a-pu-ú-un-pát da-an-[zi]
 (§43 KBo 6.2 ii.30-32 OS)

ták-ku LÚ-aš GU₄-ŠU ÍD-an zi-nu-uš-ki-zi ta-ma-i-ša-an šu-ú-w[a?-i]z?-zi nu KUN GU₄ e-ep-zi ta ÍD-an za-a-i nu BE-EL GU₄ ÍD-aš pé-e-da-i nu a-pu-

⁴⁰² “Since [this type of] relative clauses do not establish the reality of what is said, they are always equivalent to conditional clauses... and take present-future verbs.” Hoffner & Melchert 2008:424-25

⁴⁰³ The majority of the relative clauses in the Hittite Laws seem to perform this function, usually specifying who is responsible for paying or receiving a penalty in the apodosis (this is the case for §23a, §23b, §24, §25, and §26c; in §106, §166/167, and §168 the relative clause specifies which of the parties is responsible for certain actions involving a field). In §30, the relative clause specifies that the penalty involves the forfeit of a previously paid brideprice.

ú-un-pát da-an-zi
(§43 KBo 6.3 ii.52-53 NS)

ták-ku LÚ-aš GU₄.ĪA.Á ID-an ze-e-nu-uš-ki-iz-zi ta-ma-a-i-ša-an šu-wa-iz-zi nu KUN GU₄ e-ep-zi ta ID-an za-a-i nu EN GU₄ ID-aš pé-e-da-a-i šu-wa-ia-zi-ma-an ku-iš nu-za a-pu-un-pát da-a-i
(§43 KBo 6.5 iv.12-15 NS)

'If a man is crossing a river with his ox (KBo 6.5: oxen), and another man pushes him off, and seizes the ox's tail, and crosses the river, and the river carries off the owner of the ox, they (KBo 6.5: sg.) will take that man (KBo 6.5: who pushes him off).'

Here the relative clause is not functionally equivalent to a conditional clause, and through the repetition of the same verb already found in the conditional clause clarifies which of the parties is subject to the penalty.

Almost all of the other relative clauses equivalent to conditional protases occur in one section in the middle of Series I, about land tenure, in §48 (and the Parallel Text version of this law §XL), §50, §51, and §52. In §48, the relative clause directly follows two prohibitions with *lē* + indicative: *nu^{LÚ} ħi-ip-pa-ri ħa-a-ap-pár le-e [ku]-iš-ki i-ez-zi... le-e [ku]-iš-ki wa-a-ši [ku-i]š-za^{LÚ} ħi-ip-pa-ri ħa-a-ap-pár i-ez-zi* (KBo 6.2 ii.50-51) 'No one is to make a purchase from a *ħippara*-man. No one is to buy... Whoever makes a purchase from a *ħippara*-man.'⁴⁰⁴ The section §46-§56 is otherwise unusual within the text both in terms of language and content (as demonstrated by prohibitions with *lē* + indicative).

The other relative clause in the Hittite Laws which should be considered functionally equivalent to a conditional protasis is in §98.

ták-ku LÚ EL-LUM É-er lu-uk-ke-ez-z[i É-er a-a-p-pa ú-e]-te-ez-zi an-da-na É-ri ku-it ħar-ak-zi LÚ.U₁₉. [LU-ku GU₄-ku UDU-ku] e-eš-za na-ak-ku-uš na-at [šar-ni-ik]-za⁴⁰⁵
'If a free man sets fire to a house, he will restore the house, and whatever perished in the house – people, or cows, or sheep – it is *nakkuš* (damage?), and he will make compensation for it.'⁴⁰⁶
(§98 KBo 6.2 iv.54)

⁴⁰⁴ KBo 6.4 iv.38-39 *ku-iš-za^{LÚ} A-SI-RUM-ma ħa-ap-pár [i-i]a-zi*

⁴⁰⁵ KUB 29.20 6 [*na-a*]t (or [*UL-m*]a?) *šar-ni-ik-zi*. KBo 6.3 iv.53 *zi an-da-na É-ri ku-it ħar-ak-zi* LÚ.U₁₉.LU-ku GU₄-ku [UD]U-ku e-eš-zi na-ak-ku-uš na-at Ú-UL šar-ni-[i]k-zi

⁴⁰⁶ Var. KBo 6.3: 'it is *nakkuš*, and he will not make compensation for it.'

This relative clause differs functionally from those like the one in §43. Its role is not to clarify for what compensation needs to be made (as part of the apodosis of another condition), but to introduce a new factor, the death of people or animals in the fire.⁴⁰⁷

Parallel Text

takku and *mān* in the Parallel Text

A similar pattern to that described above for the main version of the Hittite laws is found in the Parallel Text: *takku* always occurs at the start of a law paragraph, and *mān* may be used for additional conditions. However, *mān* is much more common in the Parallel Text than the previous versions (about half of the examples are in this copy alone).⁴⁰⁸ The following table shows *takku* and *mān* introducing additional conditions in the Parallel Text:

Table: *takku* and *mān* introducing additional conditions in the Parallel Text.

	<i>takku</i>	<i>mān</i> ⁴⁰⁹
<i>takku</i> in main version (OS or NS)	§XXXVIII iv.21, iv.22, iv.25 §XXXIX iv.34	§XXX iii.20
<i>mān</i> in main version (OS or NS)	-	§XLI iv.43 ⁴¹⁰
New condition not found in main version	§III i.7 §IV i.9, i.10, i.13 §V i.15 §VI i.17 §VII i.19 §IX i.26 §XI i.32 §XXXIX iv.33	§VII i.18 §X i.28, i.29 §XI i.31 §XXXIV iv.1 §XXXV ⁴¹¹ iv.6, iv.9 §XXXVI iv.13 §XXXVII iv.18, iv.20 §XXXIX iv.29
Incorporating two separate laws (introduced by <i>takku</i>) in main version	§II i.3 §XXXIX iv.30	-

⁴⁰⁷ Perhaps a *takku* condition is avoided here since it would be grammatically or logically awkward to list people and animals together as the subject of the same verb, whereas including them in an extra-clausal list avoids that problem, but this is speculation.

⁴⁰⁸ 14x in the PT, as opposed to the main versions of Series I: 4x in KBo 6.2 (OS), 4x in KBo 6.3+, 3x in KBo 6.8+, 2x KBo 6.6+ and KBo 6.26, 1x in KBo 6.5, KUB 26.56, KBo 6.13, and KUB 29.34 (all NS).

⁴⁰⁹ There are two more possible attestations of conditional *mān* – KBo 6.4 ii.30 and KBo 6.4 iii.29 – but the context is too broken to include them here.

⁴¹⁰ KBo 6.2 ii.53 (OH) *ma-a-am[-ma-an]*, KBo 6.4 iv.43 (NS) *ṛma¹-a[m-ma-an...]*, *mān=man*, conditional conjunction and potential particle. PT breaks away here.

⁴¹¹ The content of this appears to be derived from both §45 and §71, although none of the conditions occur exactly as they do in either of the source laws.

mān is in fact slightly more common than *takku* for introducing conditions for which there is no precedent (10 examples vs 11), and both can even be found in the same law paragraph (§XI); but where there is a previous version with *takku*, the Parallel Text is more likely to continue to use the older form, with *mān* only replacing *takku* once. Even in this case, §XXX iii.20, although *takku* occurs in the OS copy, it is replaced by *mān* in the only surviving NS copy of this paragraph (KBo 6.3 ii.41).

takku in original or significantly rewritten conditions

It is not surprising that the older form is used when the text is clearly based on the main version, but it is remarkable that it is also used frequently when there is no precedent in the main version.⁴¹² However, not everyone agrees that the ‘new conditions’ are entirely original: Hahn, discussing the alternation between *takku* and *mān* in OH texts, argues that across the Hittite laws “the *mān* clause may be later material added or interpolated in an already existing version, as we can prove to have been the case in the later redaction of the code”,⁴¹³ and claims that very few of the additional conditions with *takku* in the PT include really new material, since she excludes “those that involve merely a reworking of old provisions rather than the establishment of new ones”, leaving §IV (KBo 6.4 i.9, i.10, i.13) as the only “clear-cut instance” of a new condition with *takku*.⁴¹⁴ It is true that §IV is a particularly good example of the scribe’s originality and demonstrates the ways in which he develops and systematises the text. There are two conditions in §IV that Hahn does consider original:

ták-ku Ú-UL-ma ^{A.ŠĀ} A.GĀR *dam-me-el pé-e-da-an*
 ‘but if it is not private property, but uncultivated country’
 (§IV KBo 6.4 i.11 NS)

ták-ku URU-aš NU.GĀL
 ‘if there is no city’
 (§IV KBo 6.4 i.13 NS)

§6 says that if someone is killed in another city, (the heir) will take land from the person on whose property that person was killed. The Parallel Text develops this to consider further what would happen if it took place not on private property: this is clearly a new idea. However, there are other ways in which the Parallel Text makes significant and original changes to the structure and organisation of the text.

The first of these developments involves integrating alternative provisions for victims of different status into same paragraph. In the main version of the laws, particularly in Series I, each paragraph tends to apply to people of a different status in the same way. For a different outcome when the people involved have a different status, a new paragraph is used, with offence written out in full again.⁴¹⁵ In Series II, these alternative outcomes can be added to end of a paragraph, with minimal

⁴¹² Carruba, Souček & Sternemann 1965:5; Sternemann 1965a:262, contra Hahn 1944; Hoffner 1997:19n16 “[the Parallel Text] conserves law-initial *ták-ku*, but uses *ma-a-an* to add new contingencies.”

⁴¹³ Hahn 1944:102

⁴¹⁴ Hahn 1944:104

⁴¹⁵ See under ‘Alternatives involving people of different status’ above for examples.

repetition. The Parallel Text, like Series II, integrates these alternatives into a single paragraph, and uses alternative conditions which allow for different outcomes without necessarily repeating the whole protasis. Sometimes this involves significant changes to the content of the text. Compare the opening of §6 and §IV:

ták-ku LÚ.U₁₀.LU-aš LÚ-aš na-aš-ma MUNUS-za ta-ki-i-a URU-ri a-ki
 ‘If a person, a man or a woman, is killed in another city...’
 (§6 KBo 6.2 i.7 OS)

ták-ku LÚ-aš da-me-e-da-ni^{A.SÅ} A.GÀR an-da a-ki *ták-ku* LÚ EL-LAM ... *ták-ku* MUNUS-za-ma ...
 ‘If someone is killed on another’s property, if (the dead person is) a free man... but if (the dead person is) a woman...’
 (§IV KBo 6.4 i.9-10 NS)

Here, the Parallel Text makes another distinction which was not present in the main version: in §6, the outcome is the same whether the victim is a man or a woman, but the Parallel Text gives two different penalties depending on the gender of the victim. Similarly, §II and §VII include an alternative condition where the victim is of a different status, whereas the main version has two separate paragraphs - §3 and §7 ‘if a free person’, §4 and §8 ‘if a male or female slave’:

ták-ku LÚ.U₁₀.LU-an EL-LAM ku-iš-ki da-šu-wa-aḫ-ḫi na-aš-ma ZU₉-ŠU la-a-ki... ki-nu-na
 20 GÍN KÙ.BABBAR pa-a-i
 ‘If anyone blinds a free person or knocks out their tooth... now he will pay 20 shekels of silver.’
 (§7 KBo 6.2 i.9 OS)

ták-ku ARAD-na-an na-aš-ma GÉME-an ku-iš-ki da-šu-wa-aḫ-ḫi na-aš-ma ZU₉-ŠU la-a-ki
 10 GÍN KÙ.BABBAR pa-a-i
 ‘If anyone blinds a male slave or a female slave or knocks out their tooth, he will pay 10 shekels of silver.’
 (§8 KBo 6.2 i.7 OS)

ták-ku LÚ-an EL-LAM ZU₉-ŠU ku-iš-ki la-a-ki ... 12 GÍN KÙ.BABBAR pa-a-i *ták-ku*
 ARAD-iš 6 GÍN KÙ.BABBAR pa-a-i
 ‘If anyone knocks out a free man’s tooth... he will pay 12 shekels of silver. If (the victim is) a male slave, he will pay 6 shekels of silver.’
 (§VII KBo 6.4 i.18-19 NS)

[*ták-ku* MUNUS-an ku-iš-ki ... *tá*]k-ku MUNUS-za-ma GÉME...
 ‘If someone (?)s a woman... if the woman is enslaved...’
 (§II KBo 6.4 i.2-3 NS)

takku is already used to provide two alternative sets of circumstances following a condition in the earlier versions of Series I of the laws, but this is never used to differentiate between people of different status within the same law without the repetition of the content of the protasis.⁴¹⁶ The Parallel Text innovates by extending the use of this construction to specify different outcomes for victims of different status, which allows for more complex paragraphs with less repetition.

The second group of alternative conditions introduced by *takku* which ought to be considered innovative are those which differentiate between intentional and unintentional offences. *ták-ku ke-eš-ši-ra-aš=ma wa-aš-ta-i* ‘but if it is an accident’ (lit. ‘but if (s.o.’s) hand commits an offence’) occurs three times in the PT, in §§III, V, and VI. Hahn argues that these are “hardly to be viewed as involving new material, since this formula, though without *takku* to be sure, has already occurred in §§3 and 4.”⁴¹⁷ However, in §II, which is closer in content to §§3 and 4, PT keeps the same construction as those laws, with *ayndeton*:⁴¹⁸

na-aš a-ki ke-eš-šar-ši-iš [wa-aš-t]a-i
(§3 KBo 6.3 i.6 NS)

na-aš a-ki QA-AS-SÚ wa-aš-ta-i
(§4 KBo 6.2 i.1 OS)

na-aš a-ki ŠU-aš-še-et wa-aš-ta-i
(§II KBo 6.4 i.2-3)

‘(If someone strikes someone) so that they die, but it is an accident (lit. ‘their hand commits an offence’)’

§1 and §2 concern homicide during a quarrel, in the former the victim is a free person, in the latter an enslaved person, in both cases either male or female. The traces of §I apparently do not match the content of §1 and §2. §3 and §4 deal with accidental homicide, and again in the former the victim is a free person, in the latter an enslaved person. While the structure of §II differs from §3 and §4 in that it gives an alternative outcome depending on the status of the victim, like §3 and §4, §II *only* refers to accidental homicide – the offender striking the victim (something along these lines can be assumed for the action of the verb with the ending *-zi*), the death of the victim, and the action not being deliberate are all required elements, and it is changing the status of the victim (*ták-ku MUNUS-za-ma GÉME*, KBo 6.4 i.3) which gives a different outcome.

⁴¹⁶ See above on *takku* in additional and alternative conditions: however, *takku* is used for alternatives where the action takes place, what quantities are involved, whether a fee has been paid, and the status of a vineyard with only partial repetition.

⁴¹⁷ Hahn 1944:106

⁴¹⁸ The alternation between syllabic and akkadographic writings of *keššar-* does not seem to be particularly significant in any version: the copy of §3 in which this word survives uses the syllabic writing, *ke-eš-šar-ši-iš* (KBo 6.3 i.6 NS), but both copies of §4 use akkadographic *QA-AS-SÚ* (KBo 6.2 i.1 OS, KBo 6.3 i.8 NS).

However, in §§III, V, and VI, the action is not necessarily intentional, and whether it is deliberate or not leads to a different outcome, expressed with a similar construction to that differentiating between victims of different status:

[*ták-ku-kán* ^{LÚ}DAM.GÀR ^{URU}H]A-AT-TI a-aš-šu-wa-aš ku-iš-ki an-da ku-en-zi [? MA.NA KÙ.BABBAR p]a-a-i... *ták-ku ke-eš-ši-ra-aš-ma wa-aš-ta-i* 2 MA.NA KÙ.BABBAR pa-a-i
 ‘If anyone kills a Hittite merchant among his goods, he will pay ? minas of silver... But if it is an accident, he will pay 2 mins of silver’
 (§III KBo 6.4 i.4-8 NS)

§III is closest in content to §5, which includes nothing about whether the homicide is intentional or not, and additional conditions specify further details about the penalty, which depending on where the offence takes place.⁴¹⁹ §V and §VI concern bodily harm, and specify that the penalty is half if the offence is unintentional:

ták-ku LÚ-an EL-LUM šu-la-an-na-za ku-iš-ki da-šu-wa-aḫ-ḫi 1 MA.NA KÙ.BABBAR pa-a-i *ták-ku ŠU-aš wa-aš-ta-i* 20 GÍN KÙ.BABBAR pa-a-i
 ‘If anyone blinds a free man in a quarrel, he will pay 1 mina of silver. If it is an accident, he will pay 20 shekels of silver.’
 (§V KBo 6.4 i.14-15 NS)

ták-ku ARAD-an šu-la-an-na-za ku-iš-ki da-šu-wa-aḫ-ḫi 20 GÍN KÙ.BABBAR pa-a-i *ták-ku ŠU-aš wa-aš-ta-i* 10 GÍN KÙ.BABBAR pa-a-i
 ‘If anyone blinds an enslaved man in a quarrel, he will pay 20 shekels of silver. If it is an accident, he will pay 10 shekels of silver.’
 (§VI KBo 6.4 i.16-17 NS)

Both §V and §VI modify the main text in the same way: §7 and §8 don’t contain any alternative conditions and don’t specify whether the action is intentional or not. *našma* within the conditional protases connects alternatives for type of bodily harm (§7 and §8) and the gender of the victim (§8), which don’t lead to different outcomes, whereas the Parallel Text introduces different outcomes depending on whether the action was intentional or not. This type of alternative condition which uses *takku* is innovative and it still remarkable that the scribe is using *takku* to do things which, while clearly part of the legal tradition – the *idea* of specifying intentionality of the action or the status or the gender of the victim isn’t new – have not previously led to different outcomes, and consequently the scribe has developed a new way of structuring the text.

The third type of new alternative conditions, found in in §X and §XI, use both *takku* and *mān*. This is not only a new construction but also perhaps a new concept – that the penalty differs depending on the impact of the offence, i.e. whether the victim becomes disabled:

⁴¹⁹ Introduced by *takku* (both copies) and *našma* (OS) or *mān* (NS).

ták-ku LÚ EL-LUM ŠU-SÚ na-aš-ma GÌR-ŠU ku-iš-ki du-wa-ar-ni-iz-zi na-aš ma-a-an kar-ma-la-aš-ša-i nu-uš-ši 20 GÍN KÙ.BABBAR pa-a-i ma-a-an-aš Ú-UL-ma kar-ma-la-aš-šai nu-uš-ši 10 GÍN KÙ.BABBAR pa-a-i

‘If anyone breaks a free man’s arm or leg, if (the injured man) becomes disabled, he will pay him 20 shekels of silver. But if (the injured man) does not become disabled, he will pay him 10 shekels of silver.’

(§X KBo 6.4 i.27-29 NS)

ták-ku ARAD-an ŠU-SÚ na-aš-ma GÌR-ŠU ku-iš-ki du-wa-ar-ni-iz-zi na-aš ma-a-an kar-ma-la-aš-ša-i nu-uš-ši 10 GÍN KÙ.BABBAR pa-a-i ták-ku-aš Ú-UL-ma kar-ma-la-aš-šai nu-uš-ši 5 GÍN KÙ.BABBAR pa-a-i

‘If anyone breaks an enslaved man’s arm or leg, if (the injured man) becomes disabled, he will pay him 20 shekels of silver. But if (the injured man) does not become disabled, he will pay him 10 shekels of silver.’

(§XI KBo 6.4 i.30-32 NS)

In §11 and §12 in the main version, nothing is mentioned about the impact of the offence on the victim, and unlike the previous two types of alternatives, the scribe is also introducing a new concept not previously present in this section of the laws, as well as a new structure of alternatives.⁴²⁰

takku continues to be used in other places where the Parallel Text makes other changes to the text: §XXXVIII (PT KBo 6.4 iv.23-24) *ták-ku-uš-ši A.SÀ.ĦI.A-uš ħu-u-ma-an-za Ú-UL pí-an-za te-pu-uš-ši pí-ia-an* ‘(prev. condition: if the whole land) if the whole land is not given to him but the smaller part is given to him’ replaces *ták-ku A.SÀ.ĦI.A te-e-pa-u-i-eš pí-[ia-an-teš* ‘if the smaller part of the land is given to him’ (§46 KBo 6.5 iv 26) in the main version; §XXXIXb (PT KBo 6.4 iv.33) *ták-ku A.SÀ.ĦI.A ku-e-el-la pa-ra-a wa-a-ši* ‘if he buys in addition someone else’s land’ is a condition not found in the main version.

That *takku* continues to be used relatively frequently even where the content is original might suggest some sort of “conscious archaizing”⁴²¹ on the part of the scribe, who is not only imitating (and developing) the structure and content of the model text, but also preserving its most unusual linguistic features, even when otherwise making innovative changes.

mān in original or significantly rewritten conditions

mān is also used for new or significantly rewritten conditions. Two conditions involving exemption from *luzzi*-service by the palace or the king use *mān*: §XXXVI (PT KBo 6.4 iv) *ma-a-an-an-kan LUGAL-uš-ma a-ra-u-wa-aḥ-ḥi* ‘but if the king exempts him’; §XXXIXa (PT KBo 6.4 iv.29-30) *ma-a-an-an-kán IŠ-TU É.GAL-LIM a-ra-wa-aḥ-ḥi* ‘if one exempts him from the palace’; two additional conditions in §XXXV to do with the process of finding and returning lost goods use *mān*, in a clause what happens if someone cannot find the owner of the lost items, and in a clause about

⁴²⁰ Hahn 1944: n52, n55 does accept that this is potentially original, but does not discuss this in detail.

⁴²¹ Hoffner & Melchert 2008:404

securing witnesses (PT KBo 6.4 iv.6-7, 9-10); *mān... mān...* is used for for ‘whether... or...’ in §XXXVII (PT KBo 6.4 iv.6-7, 19-20).

Clause-linking enclitics in conditional protases

The enclitics *-a/-ma* and *-a/-ya* unsurprisingly never occur with *takku* when it is law initial, since they indicate either contrast/change of topic (*-a/-ma*) or parallel (*-a/-ya*) with the previous clause or a constituent in the previous clause, and each law begins a new separate discourse unit.⁴²² The distribution of these enclitics in clauses expressing additional conditions should nonetheless be investigated, since their position following subordinating conjunctions changes over time: in OH they are attached not to *mān* or *takku* but to the second accented word in a clause, although enclitic pronouns and local particles can be attached directly.⁴²³ In NH, when *takku* has fallen out of use, *mān=ma* instead becomes the regular word order,⁴²⁴ with the exception of *mān ŪL=ma*, ‘but if not’, ‘a fixed idiom’ regularly used instead of spelling out a negative condition.⁴²⁵ The following table shows all the examples of *takku* or *mān* followed by *-a/-ma* or *-a/-ya* or with the particle *n-* in the PT.

	<i>takku</i>
§II i.3	[<i>ta</i>]kku MUNUS-za=ma
§III i.7	<i>takku kešširaš=ma</i>
§IV i.10	<i>takku</i> MUNUS-za=ma
§IV i.11	<i>takku ŪL=ma</i>
§IX i.26	<i>takku</i> ARAD-iš=ma
§XI i.32	<i>takku=aš ŪL=ma</i>
	<i>mān</i> ⁴²⁶
§X i.28	<i>n=aš mān</i>
§X i.29	<i>mān=aš ŪL=ma</i>
§XI i.31	<i>n=aš mān</i>
§XXXIV iv.1	<i>mān É-ri=ia</i>
§XXXV iv.6	<i>mān</i> EN-<<iš>>=š <i>in=ma</i>
§XXXV iv.9	<i>mān=za ŪL=ma</i>
§XXXVI iv.13	<i>mān=an=kan</i> LUGAL-uš=ma

⁴²² Sternemann 1965b:399. For the topicalising function of *-a/-ma*, see Rieken 2000 and Melchert 2009. In the following examples with *mān* in the PT, the scope of *-a/-ma* and *-a/-ya* is the whole clause. In i.10 and i.26 with *takku* it is likely that =*ma* only has scope over the word it is attached to (the contrast is between MUNUS or ARAD-iš and LÚ(-aš) in i.9 and i.22), but no fronting is possible since *takku* must be in clause initial position.

⁴²³ CHD s. v. *-ma* f 2' a' 1"; Sternemann 1965b:398; Hoffner & Melchert 2008:395-6, 400

⁴²⁴ Hoffner & Melchert 2008:396. Kloekhorst 2011, following Melchert 1998, argues that *-ma* must be attached to the first stressed word in a clause and *takku* and *mān* were originally unstressed, although in NH *mān* gains stress.

⁴²⁵ CHD 97 s. v. *mān* 7 h “instead of the full negative condition, simple *ma-a-an (Ū)-UL=ma* “but if not” is frequently used as a fixed idiom”, with examples.

⁴²⁶ [*mān*] āššu=ma i.6 §III?

In the Parallel Text, the enclitic conjunction continues to be postponed without exception, although by NH the word order *mān=ma* is preferred. The NH order of constituents is never found with *takku*, and although *n=aš mān* (which never occurs in the main version of the text) appears twice, the enclitic is never attached to *mān*, both in clauses expressing the ‘new’ additional conditions and those which already occur in previous versions. The postponement of enclitic clause-coordinating conjunctions is a particular feature of Hittite legal language, and the continued use of *takku* influenced the constituent order used with *mān*, which in other types of Hittite texts has changed.

In other NS texts from OH models, where this word order would not have been permitted in the original, the enclitic conjunctions, if they are postponed, are not postponed with any consistency, whether *mān* is used with a conditional or temporal meaning. An example is found in the Palace Building ritual (CTH 414.1) *ma-a-an-ma* LUGAL *an-da-an pár-na ú-iz-zi*.⁴²⁷ Elsewhere this text contains a number of archaic features, including the use of *takku* rather than *mān* as a conditional conjunction. *mān=ma* can also be found in texts belonging to genres that – much like the laws – are considered to be linguistically conservative, and are heavily influenced by Akkadian models, such as oracles: *ma-a-an-ma ka-a-aš Û-TUM Ú-UL ḪUL-lu-uš*.⁴²⁸

The postponement of *-a/-ma* and *-a/-ya* still seems to be common in MH instruction texts, and some examples of *mān* with a postponed enclitic conjunction can still be found in NS copies, such as the Instructions for Priests and Temple Personnel (CTH 264).⁴²⁹ But even within the same paragraph this is extremely inconsistent: in §6 we find *mān=at ÚL=ma* (KUB 13.5 ii.7), *mān^{lú}Ú-BA-RÛ=ma* (KUB 13.5 ii.11), and *mān=ma=aš* (KUB 13.5 ii.14, KUB 13.4 ii.1). The first example is an unsurprising example of the fixed idiom mentioned above, the second preserves the old word order, while in the third *-ma* is attached directly onto *mān* as expected in NH. Parts of this text have been compared to the Laws in both content and structure,⁴³⁰ and it is possible that the scribe preserves more instances of this feature because it is appropriate to the content, although the variation throughout the text suggests that the association was not as nearly as strong as for the scribe of the PT.

Since the PT text can be ascribed to a particular scribe, ^m*Hanikkuli*, there is one additional question, the answer to which might suggest that he is deliberately choosing an archaic construction because it belongs to this genre: in other types of texts, which word order does he use? Three other texts naming him as the scribe in the colophon also survive, all rituals (VBoT 24, KBo 10.34, KBo 12.105++). Unfortunately, none of them contain any examples of a comparable construction with *mān* and a clause-linking enclitic, so the possibility that this is an idiosyncrasy of the scribe cannot be totally excluded.

⁴²⁷ KUB 29.1 i.50 Mouton 2016:88. Here *mān* has a temporal function.

⁴²⁸ CTH 570 Liver Oracle KUB 49.90 .9 “Si ce rêve n’(était) pas mauvais” Mouton 2007:179

⁴²⁹ These instruction texts, however, are probably direct copies of older texts, so the patterns of archaisms vs innovations are likely to be different to texts based on older models but composed by NH scribes.

⁴³⁰ Alaura 2016:1

Parallel Text: Conclusions

takku continues to be used in the PT, even in many provisions which have entirely new content, and the construction with *takku... takku...* providing alternatives following another conditional clause is extended in the PT to include types of alternatives not found in this sort of structure in the main version. This allows for more complex structures within a single paragraph to develop. The scribe does not only preserve the archaic conjunction itself, but also preserves the word order associated with this conjunction.

This is not the only traditional text that that ^m*Ḫanikkuili* has produced a significantly revised version of: Gordin calls his work “uniquely creative”.⁴³¹ But unlike all other versions of the *HL*, the fact that it is a revised version is never made explicit within the text itself. The *karū ... kinun=a ...* and *karū kiššan ēššer* formulas, common in all other OS and NS versions of the Hittite Laws, never occur in the PT. If one takes the view that ^m*Ḫanikkuili* is aiming at originality and creativity, one might suggest that historical exemplars show conventionality, not creativity, and that the scribe here is simply not interested in the sort of traditional authority which is created by invoking an existing or previous legal tradition. It is extremely unlikely that this law collection was ever one that was used in practice:⁴³² one might take the rewritten version as an intellectual or scholarly exercise – by imitating well the key features of the language of the previous versions of the text, ^m*Ḫanikkuili* is demonstrating his thorough mastery of the genre.⁴³³

Conclusions

The frequency of conditional sentences introduced with *takku* in the Hittite Laws makes them a register feature. The majority of these conditional sentences have the structure *takku ... (kuiški)* 3sg. pres., Ø ... 3sg pres, with OSV the normal word order in the protasis when the subject is *kuiški*, and SOV when the subject is specified. Various strategies are used for giving additional and alternative conditions, with more avoidance of repetition in the Parallel Text and Series II than in Series I.

Many of the features of conditional sentences described here are not unique to the Hittite Laws, and in general their syntactic behaviour does not differ significantly from conditional sentences in other Old Hittite texts. Some archaic features, like asyndeton in the apodosis, are particularly common in the Hittite Laws, but neither used consistently in the OS versions of the text (asyndeton is much less likely following complex protases), nor consistently preserved in NS copies. However, other features, such as the continued postponement of enclitic clause-coordinating conjunctions following *takku*, are preserved almost without exception in even the latest versions, and therefore should be considered a particular feature of Hittite legal language.

⁴³¹ Gordin 2015:182

⁴³² Although this does not necessarily mean that it did not reflect some of the real practices or was inconsistent with the principles of law enforcement.

⁴³³ “Imitation of archaic characteristics appears to be common in some compositions whose long-standing scholarly tradition was acknowledged by the scribes.” Gordin 2015:336

Conclusions: Hittite Legal Language

The following linguistic and thematic features are characteristic of the Hittite Laws:

1. Conditional clauses introduced with *takku*, with present tense verbs in the apodosis and the protasis
 - a. use of the indefinite pronoun *kuiški* as the subject, placed immediately before the verb
 - i. *takku* OSV word order is frequent in the protasis
 - ii. but when a subject is specified, the word order is usually *takku* SOV
 - b. postponement of the conditional conjunctions *-a/-ma* and *-a/-ya* after *takku* and *mān*
 - c. *mān* never at the start of a law paragraph, but restricted to additional condition
 - d. preference for asyndeton in the apodosis following a simple protasis
 - e. extremely limited use of imperative verb forms
 - f. extremely limited use of other constructions equivalent to a conditional protasis
2. Little reference to immediate historical or political context, anonymity
 - a. *karū ... kinun=a* construction to describe reforms leading to reduced penalties
 - b. involvement of the king and other officials in the administration of justice
 - c. colophons naming scribes
3. Different outcomes depending on the status of the parties involved (man/woman, free/enslaved)
4. Lists of commodity prices are included in the text

The Hittite Laws in their Cuneiform Context

“Cuneiform was not just a writing system, it was a culture”⁴³⁴

When a language borrows a writing system, it also tends to borrow other conventions associated with that writing system, from the formatting and layout of the text (for example, the direction of writing) to the types of text it is used to write: this provides the opportunity for linguistic borrowings. There is often clear influence of register features from the language the writing system was borrowed from. This has been particularly clearly demonstrated for Somali and English:⁴³⁵

“the development of written registers in a language is shaped by the functional and linguistic characteristics of pre-existing models. When written registers enter a language having a pre-existing literate tradition, they build upon the linguistic and functional bases provided by foreign models... this social history can explain in part why written registers in English and Somali are already quite different from typical spoken registers in the earliest periods of their development.” (Biber 1995:360-61)

Literacy in other languages (primarily Arabic for Somali; Latin for English) spread through English and Somali-speaking areas before writing in Somali and English became common. Somali is an especially interesting example because – given that this process was so recent, in the early 1970s CE – it is possible to pinpoint exactly the moment literacy in Somali was introduced and how quickly it became widespread, and we know what the materials were used for literacy education, and the texts in other languages available to and likely to have been known to people writing in Somali for the first time.

A similar process of borrowing has already been observed for Hittite, although the evidence is much less detailed than for Somali, and a strong influence of the Cuneiform intellectual tradition can be found in Hittite texts. Beckman identifies scribes as a particularly important site of transfer of knowledge about Mesopotamian history: “It goes without saying that the borrowing of a script, especially one imparted by such methods [i.e. scribal education], has a strong influence on the intellectual life of those by whom it is taken over.”⁴³⁶ The Hittite laws show clear influence from the Mesopotamian Cuneiform legal tradition, as was already noted in the earliest studies of the text.⁴³⁷ In this section I will first discuss what other aspects of writing practice are borrowed along with the cuneiform script, and evidence for Hittite scribes engaging with Mesopotamian intellectual and textual culture. Then I will make some comparisons between the Hittite Laws and some Akkadian and Sumerian legal texts, including the Laws of Ur-Namma, the Code of Hammurapi and Laws of Eshnunna, looking at the beginning of law collections, penalties, alternative conditions involving people of different social status, word order and indefinite pronouns, and the prologue and epilogue. In the final section I will compare the language of the Hittite Laws to

⁴³⁴ Gordin 2015:1

⁴³⁵ Biber 1995; Biber & Hared 1992.

⁴³⁶ Beckman 2001:86

⁴³⁷ Sternemann 1965a:262

another Hittite text which has often been identified as quasi-legal, the *Proclamation of Telepinu* (CTH §19).

Cuneiform Writing

Script, layout and materials

Borrowing a script often also involves borrowing the technology of writing and other material aspects of written texts. The writing support and implement (the clay tablet on which the writing is impressed, the stylus used to make the impression) and the physical layout of the tablet and text (rectangular tablet, writing left to right, dividing the tablet into columns or paragraphs with vertical or horizontal lines) used for most Hittite texts is broadly the same as used for many Mesopotamian cuneiform texts.⁴³⁸ Even some particular tablet shapes and layouts used only for a specific purpose are borrowed, such as the Liver Models (CTH 547), tablets shaped like livers containing omens, found at Hattuša.⁴³⁹

There is an obvious relationship between the shape of the tablet and its text type with a format like the Liver Models, where the content of the text is reflected in the shape of its support. But the interaction between the layout of the text and its content is also visible on the more standard rectangular tablets. This has been already discussed in detail by Gordin, who connects types of text and textual structure with physical properties and layout of the tablet:

“the internal aspects of the cuneiform document include *its* language, such as the use of specific formulations (e.g. *šumma*-typologies for laws and scientific texts [“when so-and-so”])... and its *composition* or internal structure, as in the case of the Akkadian model of Hittite land-grants... Both language and composition can be linked with external factors like tablet layout.”⁴⁴⁰

It has also been suggested that some aspects of the layout of cuneiform tablets could help with reading, including laws:

“admittedly, the layout of some typologies assisted in working out syntax. In literary manuscripts, line ends often coincided with syntactic boundaries. Many entries on *šumma*-typologies (laws, omens, medical recipes etc.) consisted in a single sentence (though one still had to identify the clause boundaries).”⁴⁴¹

⁴³⁸ Waal 2015:17-38 describes physical features of types of Hittite cuneiform tablets, with comparisons to tablet types found in Mesopotamia and Syria.

⁴³⁹ Most of these liver models contain Akkadian texts, and the rest are bilingual with both Akkadian and Hittite. Vos 2013:40-43 and 70-73 on the structure of the text on liver models found at Hattusa with comparison to Mesopotamian models.

⁴⁴⁰ Gordin 2015:16

⁴⁴¹ Worthington 2012:258n847

Scribes

Scribal education is important for understanding history of cuneiform texts: we know that the process of cuneiform scribal training in Mesopotamia didn't just involve forming the shapes of cuneiform signs, or learning the sound value of the signs,⁴⁴² but even from a relatively early stage involved learning words, phrases and constructions around a particular theme or appropriate to a particular type of text. Lists of vocabulary by theme and model contracts and proverbs were included in the early scribal curriculum, and later stages included literary compositions.⁴⁴³ The seven-tablet lexical list, *ana ittišu*, known primarily from Middle and Neo-Assyrian copies, contains Sumerian and Akkadian legal terminology, both individual words and longer phrases.⁴⁴⁴ Old Babylonian lexical lists were part of scribal scholarly output at Hattuša.⁴⁴⁵ Gordin argues that Hittite scribes “saw themselves as scholars with a keen awareness of the Babylonian heritage of their script and its versatile nature”.⁴⁴⁶

A Hittite scribe was not only trained in the act of writing but could have other expertise as well, or other types of experts could receive some degree of scribal training: “scribal apprenticeship... appears to have been task-oriented and tailored according to the needs of the administration”.⁴⁴⁷ Specialist knowledge could be stored or transmitted along with or through writing and written texts. This an important point for the influence of the Mesopotamian intellectual tradition on Hittite texts, and the Liver Models mentioned above provide a good example of this. The knowledge about how to shape the tablets, the content of the text on the Liver Models, and so on is inseparable from knowledge about divinatory practices involving the liver. Mesopotamian heptoscopy practices, or at the very least *awareness* of those practices, must have been transmitted

⁴⁴² Learning to read and write is obviously always much more complex than learning to form the signs and linking those signs to spoken language.

⁴⁴³ The evidence for Old Babylonian scribal education is so extensive that it is possible to reconstruct the curriculum of particular scribal schools, such as Robson 2001 for the House F in Nippur. Veldhuis 1997 describes the evidence for scribal education at Nippur, focusing on the thematic lists of nouns. Veldhuis points out that not everyone writing cuneiform would have needed or received the level of education of scribes such as those trained in House F, and even the lexical lists are an intellectual rather than practical exercise concerned with the writing system itself rather than the content (139-146).

⁴⁴⁴ Editions Landsberger 1937 and Marchesi 2021; an OB Sumerian (monolingual) version is found at Nippur, Veldhuis 2014:328-29. For ‘legal phrasebooks’ and model contracts, *ibid*:188-94. See also the Sumerian Laws Handbook of Forms and the Sumerian Laws Exercise Tablet Roth 1995:42-54.

⁴⁴⁵ Very few tablets that could be considered school texts survive in Anatolia, although this gap is perhaps an accident of preservation – we wouldn't expect to find much evidence of handwriting practice in a state archive! A few lexical lists related to the Old Babylonian lexical lists do survive (Veldhuis 2014:271-79). However, these lexical lists were not used as part of elementary scribal education in Hattuša. Scheucher 2012:344 points out that these were found in an archival context, “stored for exegetical and scholarly needs”, and that by the 13th century the lists “could also shirk some of their original character as sole instruments of study and develop into independent objects of study, being studied and reproduced like any other regular piece of foreign literature within the tablet collections of Hattuša.” *ibid*:347

⁴⁴⁶ Gordin 2015:4

⁴⁴⁷ Gordin 2015:14. *ibid*:137 augurs, priests, and especially medical experts (𒀭A.ZU) might have received specialist scribal training.

to Hattuša along with knowledge about the texts themselves, and scribes at Hattuša used this knowledge to produce bilingual versions.

Other types of cuneiform text involving practical or technical expertise were also transmitted to Hattuša and were translated, adapted and developed by Hittite scribes. Many Akkadian and Sumerian medical texts are found at Hattuša: some texts have annotations in Hittite and Luwian.⁴⁴⁸ Fragments of Akkadian medical omens sometimes have translation into Hittite.⁴⁴⁹ These annotations show intellectual engagement with the content of the text: “a number of glosses were additions and commentaries rather than mere translations of the Akkadian original.”⁴⁵⁰ Prayers and rituals are another area of transfer of Mesopotamian expertise via text: Rieken argues that Hittite scribes composing prayers adopt Mesopotamian stylistic techniques, on both a macro- and micro-structural level, and later adapt these to develop new patterns.⁴⁵¹

Cuneiform Laws

The Hittite laws share many structural and stylistic similarities with early Mesopotamian legal texts. The most obvious similarity is between the use of *takku* at the start of the law paragraphs, which is a register feature of Hittite legal texts, and *šumma* at the start of Akkadian laws:

“Die Einleitung der Gesetzesparagrafen durch *takku* (ähnlich dem akkad. *šumma* im Codex Hammurabi) war anchienend so typisch... Übersetzungsliteratur... ihrer Form nach Ähnlichkeiten zu Getsetzen aufweisen (konditionale Protasis - Apodosis) und *takku* (akkad. *šumma*) der Omina in Parallele zum *takku* (*šumma*) der Gesetze stünde.”⁴⁵²

In this section I will argue that there are other similarities in the structure, content and style of the text which demonstrate that they do belong to the same intellectual tradition, but the Hittite Laws aren't quite 'translationese', and the scribes make use of Hittite linguistic features in adapting the models to create a new Hittite legal register. I will primarily make comparisons with two Sumerian law collections, the Laws of Ur-Namma⁴⁵³ and the Laws of Lipit-Ištar,⁴⁵⁴ and two Akkadian collections, the Laws of Eshnunna⁴⁵⁵ and the Code of Hammurapi.⁴⁵⁶ The similarities between these texts has also already been discussed from the very earliest editions: they have a common structure with a prologue describing how the ruler imposed justice with the help of Anu and Enlil,

⁴⁴⁸ Lupo 2019:608-608

⁴⁴⁹ Gordin 2015:138

⁴⁵⁰ Pisaniello & Giusfredi 2021:259

⁴⁵¹ Rieken 2019

⁴⁵² Sternemann 1965a:263-64

⁴⁵³ The most recent edition is Civil 2011.

⁴⁵⁴ Steele 1948; Roth et al. 1995:23-35.

⁴⁵⁵ Yaron 1988; Goetze 1956; Szlechter 1954.

⁴⁵⁶ Oelsner 2022

and following the laws an epilogue which includes curses if anyone damages the stele, and there are many similarities in the content of the laws.⁴⁵⁷

The code of Hammurapi and 'Law Soup'

Although the Code of Hammurapi is one of the most well-known, even in the modern era, and most widely-copied ancient legal texts, the Laws of Eshnunna will be a more useful comparison for the Hittite laws. The Code of Hammurapi is itself quite unusual among Mesopotamian law codes, and its importance within the Mesopotamian legal tradition has perhaps been overemphasised in recent scholarship – descriptions like “the legal culture epitomized by the Laws of Hammurabi” (my emphasis) and “the culmination of one stream of tradition”⁴⁵⁸ maybe don't quite tell the whole story – as well as the extent of the influence of the Code of Hammurapi on other legal traditions, in particular on Greek and Roman law. I want to avoid making any claims to a 'law soup' in the ancient Mediterranean and Middle East along the lines of arguments made by Westbrook:⁴⁵⁹ there is a specific relationship between the Hittite Laws and the Mesopotamian Cuneiform law codes, for which a hypothesis about the mechanism of transfer (scribes and scribal education) can be put forward.

Barmash makes some claims about the uniqueness of the Code of Hammurapi, which she argues elevate it above other early legal texts: “the scribe(s) who composed the Laws of Hammurabi possessed unusual skill and composed an inventive and vivid text in the form of a royal inscription.”⁴⁶⁰ It is true that The Code of Hammurapi diverges significantly from other Mesopotamian legal texts in the regularity of its structure and the severity of the punishments, but the impact of this development on later cuneiform law traditions has perhaps been overstated. Although the Middle Assyrian Laws do preserve some of these changes, such as the harsh punishments, the Neo-Babylonian Laws use many features which are common in other Mesopotamian legal texts like the Laws of Eshnunna, but are not found in the Code of Hammurabi.⁴⁶¹ While the Code of Hammurabi was the most widely copied and circulated cuneiform law code, it did not wipe out the rest of the Mesopotamian legal tradition.⁴⁶²

Barmash claims that “certain legal concepts that are evident in Western law, such as the significance of written evidence and the use of protocols through which property could be

⁴⁵⁷ “from even a cursory examination, it is quite clear that the Babylonian code is in large measure derived from the Sumerian.” Steele 1948:430. Similar comments can be found in all editions of the Mesopotamian law codes.

⁴⁵⁸ Barmash 2021:1, 3

⁴⁵⁹ Westbrook 1990; 2003; 2015:66-67 assumes that law should spread in the same way as orientalisising art styles or the alphabet.

⁴⁶⁰ Barmash 2021:88

⁴⁶¹ I note in particular the use of LÚ ša in the Neo-Babylonian Laws, which is very common in the Laws of Eshnunna but not the Code of Hammurapi.

⁴⁶² The Middle and Neo-Assyrian copies of the lexical list *ana ittišu*, mentioned above, attest to the circulation of and continued engagement with other texts related to law in scribal circles after the Code of Hammurapi.

transferred, appear to be already attested in the Laws of Hammurabi.⁴⁶³ All these statements are extremely vague – the Code of Hammurapi refers to only specific types of written evidence in particular situations involving dowry and/or inheritance:

šum-ma a-bu-um a-na DUMU.MUNUS-šu šu-gi4-tim še-ri-ik-tam iš-ru-uk-ši-im a-na mu-tim id-di-iš-ši ku-nu-uk-kam iš-tur-ši-im

'If a father gives a dowry to his daughter (who is a) šugītim and gives her to a husband and writes it for her in a sealed document...'

(Code of Hammurapi §183)

There are a number of similar references to sealed documents used in inheritance procedures.⁴⁶⁴ The only other mention of writing is the judge recording a judgement on a sealed tablet (*ku-nu-uk-kam u₂-še-zi-ib*) in §5.⁴⁶⁵

Is written evidence used this way in other early laws? Written evidence isn't mentioned in the context of inheritance in the Gortyn Code – although the majority of the longest Greek legal inscription is concerned with inheritance and property transfer, the important evidence in this text is the testimony of witnesses, and the only written things referred to are laws themselves (ἄι ἔγραπται, τὰ ἐγραμμένα and similar). This is part of a wider pattern for very earliest Greek law, where at first writing is not an important part of the legal procedure other than the laws themselves;⁴⁶⁶ when written evidence other than the laws themselves was introduced to Athenian courts it was still treated with a lot of suspicion.⁴⁶⁷ There are a few notable exceptions, but none of these are concerned with inheritance. 162, Athens, 448/47 regulates tribute paid by other cities to Athens: the cities have tokens (χσύμβολα), with which they must seal the tablet (γράφασσα ἐς γραμματεῖον) which is sent to Athens with details of the tribute; the Athenians send four men to the cities to check the receipts (ἀντιγραφοσμένος). Nor is written evidence mentioned in the early Roman laws in the Twelve Tables – by the late Republican period, the rhetorical and material power of written documents, especially those written on wood, was apparently much more important than their contents.⁴⁶⁸

On the other hand, the protocols through which property could be transferred, and the availability of evidence – whether written or witness testimony – are something all law collections which include civil law are concerned with regulating. Pre-modern Chinese, Japanese and Korean law codes all cover inheritance and property transfer, and it is clear that these codes are concerned

⁴⁶³ Barmash 2021:1

⁴⁶⁴ §179 refers to a specific thing that has been written on a sealed tablet: if the father has written on a sealed document for an *entum*, a *nadītum* or a *sekretrum* to whom he has given a dowry that she can give her inheritance to whoever she pleases, the daughter may do that.

⁴⁶⁵ *šum-ma da-a-a-nu-um di-nam i-di-in pu-ru-sa₃-am ip-ru-us₂ ku-nu-uk-kam u₂-še-zi-ib wa-ar-ka-nu-um-ma di-in-šu i-te-ni* 'If a judge passes judgement on a lawsuit, decides a verdict (or?) leaves behind a sealed document, (but) afterwards he changes his judgement...'

⁴⁶⁶ Gagarin 2008

⁴⁶⁷ In Demosthenes 23.115 the speaker says that he will read out a letter, ἀναγνώσομαι δ' ὑμῖν τὴν ἐπιστολὴν, and two more letters are read out at 23.174. "The measure of written evidence was its relationship to a credible witness." Lentz 1983:252. Fears about the falsification of documents are rife.

⁴⁶⁸ Meyer 2015

with many of the same topics as other early laws: see Park's discussion of inheritance law in the Gyeongguk Daejeon, a compilation of laws from the Joseon Dynasty (1392-1897) produced in 1485;⁴⁶⁹ Steenstrup on property and land transfer regulations in the Tokugawa period (17th – 19th century Japan);⁴⁷⁰ and Wakefield's discussion of the development of Chinese inheritance law before the Qing dynasty and translations of select Chinese laws related to inheritance and property transfer, including some which mention written evidence, such as the requirement for a written declaration to be submitted if a heir wants to waive the right to inherit.⁴⁷¹

Therefore, to discern the extent of the influence of Mesopotamian laws on the Hittite texts, a more detailed comparison is needed: how does the structure of the texts compare – both the overall structure, which topics are treated in which order, and the internal structure of each law paragraph, and the content – which types of property transfer are regulated, what is the logic behind the severity of the penalties.

Features of cuneiform legal texts

Starting with homicide

Laws of Ur-Namma:

§1 u₄-ba tukum-bi lú-ù sag giš bí-in-ra lú-bi ì-gaz-e-{dam}

'When, if a man has committed murder, that man is to be executed.'

Hammurapi Code:

§1 šum-ma a-wi-lum a-wi-lam u-ub-bi-ir-ma ne-er-tam e-li-šu id-di-ma la uk-ti-in-šu mu-ub-bi-ir-šu id-da-ak

'If a man accuses another man and charges him with murder and doesn't convict him, his accuser will be killed.'

Hittite Laws:

[ták-ku LÚ-an n]a-aš-ma MUNUS-an š[u-ul-la-a]n-na-[a]z ku-iš-ki ku-en-zi [a-pu-u-un ar-nu-z]i Û 4 SAG.DU pa-a-i LÚ-na-ku MUNUS-na-ku

'If someone kills a man or a woman in a quarrel, s/he will bring it (ie. the body, for burial) and give four people (lit. heads), male or female (respectively).' (KBo 6.3 i.1-2)

Cuneiform law codes tend to begin with some sort of homicide, except the Laws of Eshnunna, which begins with a list of commodity prices: homicide is not mentioned until §47. The Laws of Ur-Namma have a very simple first clause, whereas the Hittite Laws and the Code of Hammurapi have a more complex situation: the Hammurapi Code begins not with homicide itself, but

⁴⁶⁹ Park 2004:33-38

⁴⁷⁰ Steenstrup 1991:139-143

⁴⁷¹ Wakefield 1998:10-33, 211-19. There is comparatively little scholarship on early Chinese, Japanese and Korean law in English and few translations into Western European languages. The ability to make more direct comparisons with other early legal texts on which direct influence of the Mesopotamian legal tradition is extremely unlikely would be very useful.

accusations of homicide. The Hittite Laws begin with homicide during a quarrel, a detail which is remarkably similar to the first mention of homicide in the Laws of Eshnunna:

Laws of Eshnunna: homicide not mentioned until §47A (Haddad 116)

§47A *šum-ma LÚ i-na ri-èš-ba-tim DUMU.LÚ uš-ta-mi-it 2/3 MA.N[A
K]Û.BABBAR Ì.LÁ.E*

'If a man causes the son of a man to die in a quarrel, he will weigh out 2/3 of a *mina* of silver.'⁴⁷²

Biting noses

After opening with homicide, the Hittite Laws move on to penalties for various types of physical injuries. Bodily injury specifically with respect to the nose is mentioned in three cuneiform law codes:

Laws of Ur-Namma:

§19 *tukum-bi lú lú-ra gešpú-ta kiri₄-ni in-kur₅ 2/3 ma-na kù-babbar ì-lá-e*

'If a man breaks another man's nose with his fist, he will pay 2/3 of a *mina* of silver.'

Laws of Eshnunna:

§42 *šum-ma a-wi-lum ap-pé a-wi-lim iš-šu-uk-ma it-ta-ki-ís 1 MA.NA*

KÛ.BABBAR Í.LÁ.E

'If a man bites off (bit and cut off) the nose of a man, he will pay 1 *mina* of silver.'

Hittite Laws:

§13 *ták-ku LÚ.U₁₉.LU-an EL-LAM KIR₄-še-et ku-iš-ki wa-a-ki 1 MA.NA*

KÛ.BABBAR pa-a-i (KBo 6.3 i.33)

'If someone bites off a free person's nose, (that person) will pay 1 *mina* of silver.'

The striking similarity of both the action (biting) and the penalty in the Laws of Eshnunna and the Hittite Laws was already identified by Goetze:

"[The Laws of Eshnunna and the Hittite Laws] exhibit not only a remarkable uniformity with regard to the parts of the body which they specifically mention, in the case of the nose and of the eye, at least, also the penalties are identical... the biting of the nose which strikes us as peculiar appears in both."⁴⁷³

⁴⁷² Compare also the tripartite structure of Hittite Laws §174: *ták-ku LÚ.MEŠ za-aḫ-ḫa-an-da ta 1-aš a-ki 1 SAG.DU pa-a-i* 'If men are hitting each other so that one person dies, he will give one head.' (KBo 6.26 ii.16)

⁴⁷³ Goetze 1956:122-23. However, similarities (or differences) in amounts paid for compensation are not necessarily by themselves good arguments for texts being related. Ancient scribes do sometimes mix up units, and numbers often differ between copies of the same law code. Amusingly, ^m*Ḫanikkuli*, the scribe of the PT version of the Hittite Laws, mixed up his units for the penalties for biting off someone's nose in §XII

Both the unusually specific nature of the crime (identifying not only the body part but the exact method of the injury) and the close similarities in the structure of the laws make it seem extremely likely that these texts must have some relationship, whether shared source material or direct influence of the The Laws of Eshnunna on the Hittite Laws. Both laws specify the status of the victim (*a-wi-lim*, LÚ.U₁₉.LU-an *EL-LAM*). The rest of §42 in the Laws of Eshnunna continues with harm to other body parts: an eye, a tooth, an ear. The next paragraph of the Hittite Laws is biting the nose off a slave, and after that, tearing off an ear.

The Code of Hammurapi mostly uses the *lex talionis* for physical violence, and noses are not one of the body parts mentioned, but there are other examples of penalties for physical violence:

Hammurapi Code:

§201 *šum-ma ši-in-ni* MAŠ.EN.GAG *it-ta-di* 1/3 MA.NA KÙ-BABBAR *i-ša-qal*

'If he (i.e. *awilum* §200) knocks out the tooth of a commoner, he shall weigh out 1/3 of a mina of silver.'

Different status

What this law does specify is the status of the victim. Different penalties depending on the status of the victim are common in cuneiform law codes. For the Hittite Laws, see also the discussion above of alternative outcomes depending on the status of the parties in the Parallel Text.

Laws of Eshnunna:

§54/55 *šum-ma* GU₄ ... LÚ *ik-ki-im-ma uš-ta-mi-it be-el* GU₄ 2/3 MA.NA KÙ.BABBAR Í.LÁ.E *šum-ma* SAG.ARAD 15 GÍN KÙ.BABBAR Í.LÁ.E

If an ox... gores a man and causes his death, the owner of the ox will pay 2/3 of a mina of silver. If a slave, he will pay 15 shekels of silver.

Hittite Laws:

§VII *ták-ku* LÚ-an *EL-LAM* ZU₉-ŠÚ *ku-iš-ki la-a-ki* ... 12 GÍN KÙ.BABBAR *pa-a-i* *ták-ku* ARAD-iš 6 GÍN KÙ.BABBAR *pa-a-i*

'If someone knocks out a free man's tooth... he will pay 12 shekels of silver. If (the victim is) a slave, he will pay 6 shekels of silver.' (KBo 6.4 i.18-19)

§143 *ták-ku* LÚ *EL-LAM* ^{URUDU} *zi-na-a[l-li...]* *ku-iš-k[i ta-i-e-ez-zi]* 6 GÍN.GÍN KÙ.BABBAR *pa-a-i...* *ták-ku* ^{LÚ} ARAD-ša 3 GÍN.GÍN KÙ.BABBAR *pa-a-i*

'If a free man steals copper items... he will pay six shekels of silver... But if a slave (steals), he will pay 3 shekels of silver.' (KBo 6.10 iii.5-8)

Series II and the Parallel Text use the same strategy for actors and victims of a different status as the Laws of Eshnunna: after the protasis, the same conditional conjunction as begins the original condition (*šumma* or *takku*) is repeated, and the alternative condition contains only the new information: the verb and the other constituents from the original condition are not repeated, and

and §XIII, increasing the penalty for biting off a free person's nose to 30 minas, and a slave's nose to 15 minas.

neither are any subsequent condition in a sequence. This hyper-concise new condition (*šum-ma* SAG.ARAD, *ták-ku* ARAD-*iš*, *ták-ku* ^{LÚ}ARAD-*ša*) is then followed by an apodosis with the alternative outcome: in all these examples, the amount of compensation being paid decreases. Otherwise, the structure of the apodosis stays the same as the original condition.

Word order and kuiški

There is one significant feature of the Hittite Laws which is not found in the other cuneiform law codes, which is the use of the indefinite pronoun *kuiški*. Sumerian and Akkadian laws never have an indefinite pronoun as the subject of a conditional protasis, and a type of subject is almost always specified. There is a very strong preference for SOV word order in the protasis of conditional clauses in Akkadian laws: “when the substantives first occur in a law, they represent a *prototype* – a man, a woman, a slave. There is no explicit means of expressing this in Akkadian, because noun (in)determination is explicitly marked only rarely.”⁴⁷⁴ Similarly, conditional protases in Sumerian laws have a preference for SOV word order, although this is a weaker pattern than in Akkadian texts. The typical protasis in each language, therefore, would follow these patterns:

Sum. *tukum-bi lú ... verb* (weak preference?)

Akk. *šumma awilum ... verb* (strong preference?)⁴⁷⁵

Hitt. *takku ... kuiški verb* (strong preference)

However, when a subject is specified, Hittite tends to use SOV word order with the subject immediately following *takku* (e.g. *takku* LÚ.U₁₀,LU-aš... verb). It is not accurate to describe the language of the Hittite Laws as ‘translationese’: the scribes composing the Hittite Laws had access to linguistic items, such as indefinite pronouns, which do not map on neatly to Akkadian or Sumerian structures, and therefore the constructions used do not exactly match the pattern of the source texts. Rather than ignoring these linguistic items in favour of those which match the structure of the source material more closely, the scribes use the constructions available to them in Hittite – in particular *kuiški* as an indefinite subject in conditional protases – to compose texts which are clearly both part of the tradition of cuneiform legal texts, but also specifically Hittite.

Prologue and Epilogue

On a micro level, the Hittite laws differ from the other cuneiform legal texts in the use of indefinite constructions particular to Hittite. On a larger scale, there is also one very significant way in which the Hittite Laws differ from the Mesopotamian cuneiform texts: they lack a prologue and an epilogue, which give the laws a historical, political and religious context: the prologues usually how the ruler imposed justice with the help of Anu and Enlil, and the epilogues often include warnings against damaging the stele. Roth argues that neither the prologue and epilogue or laws alone really make that much of an impression, but it is the combination of the two that gives them such an impact: “the frame – ornate, formal, grandiose – and the internal construct – deliberate,

⁴⁷⁴ E. Cohen 2012:122

⁴⁷⁵ Note the alternative *awilum ša...* found in the Laws of Eshnunna.

matter-of-fact, sequential laws – together present a message that each alone cannot.”⁴⁷⁶ Unlike the Mesopotamian cuneiform law codes, the Hittite Laws are anonymous and make no direct reference to the situation of their composition or production. If the Hittite Laws are similar in form and content to only the laws part of Mesopotamian laws (which also don’t make much reference to their immediate context), what happened to the prologue? Was there any influence of this sort of “royal inscription” on Hittite texts?

The Telipinu text as a ‘Royal Inscription’

There are some structural similarities between the *Proclamation of Telipinu* (CTH 19) and the cuneiform law codes – the historical narrative followed by a section with edicts parallel to the prologue followed by laws. In some ways, this text works quite like the prologue and the epilogue of the Mesopotamian law codes, as a royal inscription, presenting the achievements of a king and promoting the idea that he disseminated justice and law. In addition, the edict section of the *Proclamation of Telipinu* has already been identified as ‘quasi-legal’ in its language and structure: therefore, this text is a particularly useful point of comparison, drawing parallels with both laws and royal inscriptions.

The Laws and the *Proclamation of Telipinu* both come from the very earliest period of Hittite writing – the earliest Hittite language cuneiform texts originate from the period just before or during the reign of Telipinu, and the Laws, although anonymous, have variously been attributed to Telipinu, or his predecessor Hattušili I.⁴⁷⁷ Unlike the Hittite Laws, which, lacking the prologue common in Mesopotamian law codes, make little reference to their direct context, the *Proclamation of Telipinu* is “fully bound up with the apology of a new king, and embedded in a specific political and legal situation.”⁴⁷⁸ The imagined audience of the *Proclamation* is an assembly (*tuliyā-*), summoned by Telipinu,⁴⁷⁹ the text of the Laws does not say who the audience is. Both texts are found in ‘official’ contexts in state archives, and are repeatedly copied into the NH period.

The question of how to classify the genre of *Proclamation of Telipinu* has been heavily debated.⁴⁸⁰ The text of the proclamation can be split into two sections: the historical narrative that makes up the first part of the text (§1-27), which describes the reign and succession of Telipinu’s predecessors, and the edict (§27-50), giving rules for succession, some administrative reforms, and punishments for witchcraft. The edict section in particular has been identified as quasi-legal, in content and in structure. Klock-Fontanille argues that, like the Hittite laws, it has a structure “une (ou plusieurs) proposition(s) hypothétique(s) dans la(les)quelle(s) se trouve décrit un délit est(sont) suivie(s) d’une (ou plusieurs) principale(s) qui indique(nt) les sanctions évaluatives et pratiques.”⁴⁸¹ Klock-Fontanille also points out other similarities between the texts: both are

⁴⁷⁶ Roth 1995:16

⁴⁷⁷ Hattušili I: (or M. I) Carruba Telipinu: Archi 1968, Goetze, Güterbock.

⁴⁷⁸ Liverani 2004b:30

⁴⁷⁹ §27 nu ^m*Te-li-pi-nu-uš* ^{URU}*Ḫa-at-tu-ši tu-li-ia-an ḫal-zi-iḫ-ḫu-un* “Also berief ich, Telipinu, in Ḫattuša die Versammlung ein.” (KBo 3,1 ii.34 trans. Gilan)

⁴⁸⁰ For the most recent summary, see Gilan 2015:163-65.

⁴⁸¹ Klock-Fontanille 2001:154

concerned with the identification of responsibility, and both provide alternative conditions.⁴⁸² There are two areas in which the language of the *Proclamation* might show itself to be “quasi-legal”: expressing conditions, and making the distinction between now and the past.

Conditions

If clauses in the Proclamation of Telepinu

The *if... then...* casuistic structure which Klock-Fontanille identifies in the *Proclamation* is characteristic of the Hittite laws.

Table: Conditional Clauses in the *Proclamation of Telepinu*

	Protasis			Apodosis	
§28 A.ii.36-38	<i>takku</i> DUMU L[UGAL] <i>ḫantezziš</i> NU.GÁL	<i>nu kuiš tān</i> <i>pēdaš</i> DUMU- <i>RU</i>		<i>nu</i> LUGAL- <i>uš</i> <i>apāš kišaru</i>	
§28 A.ii.38-39	<i>mān</i> DUMU.LUGAL= <i>ma</i> DUMU.NITA NU.GÁL	<i>nu kuiš</i> DUMU.MUNUS <i>ḫantezziš</i>		<i>nu=šiš=šan</i> ^{LÚ} <i>antiyantan</i> <i>appandu</i>	<i>nu</i> LUGAL- <i>uš</i> <i>apāš kišaru</i>
§31 A.ii.55	<i>takku</i> DUMU LUGAL= <i>ma waštai</i>			<i>nu</i> SAG.DU- <i>az=pát šarnikdu</i>	
§32 A.ii.59	<i>kinu</i> [<i>n=a m</i>]ān DUMU.LUGAL <i>kuiški waštai</i>			<i>nu</i> SAG.DU- <i>az=pát šarnikdu</i>	
§33 A.ii.70-73	[<i>m</i>]ān <i>namma</i> <i>idālu kuiški iyazi</i>	<i>naššu ... našma</i> ...	<i>mān=aš</i> EGIR- <i>izziš</i> <i>ḫantezziš</i>	<i>šumaš=a</i> <i>pankuš anda</i> <i>ēpten</i>	<i>n=šmaš=an</i> ^{UZU} KAxUD- <i>it</i> <i>ḫaripten</i>
§44 A.iii.74'	<i>mān</i> NAM.RA- <i>an</i> <i>tūriya</i> [<i>n ḫarši</i>]			<i>n=apa</i> ^{GIŠ} TUKUL.ḪI.A <i>šarninkiški</i>	
§48 B.iv.16-18	<i>mān=aš attiš</i> <i>ḫuišwanteš</i> <i>šarrana</i> [<i>š kuw</i>] <i>atka</i> <i>werizzi</i>	<i>kuitašš=a</i> <i>šarranna</i> KAxU- <i>az</i> <i>werizzi</i>		<i>n=ašta É-ir=za</i> <i>parā pieššandu</i>	<i>n=aš=kán</i> <i>šarana=za=pát</i> <i>šamendu</i>
§49 B.iv.20'	<i>takku tezzi</i>	<i>aku=war=aš</i>		<i>n=aš aku</i>	
§49 B.iv.20-21'	<i>takku tezzi=ma</i>	<i>šarnikdu=wa</i>		<i>nu šarnikdu</i>	

⁴⁸² Klock-Fontanille 2001:152-54

The *Proclamation of Telipinu* uses both *takku* and *mān* as conditional conjunctions, 4x *takku*, 5x (6x) *mān*. The verb in the protasis is usually in the present, with one example of an analytic perfect (*tūriya[n ḥarši]* §44 A.iii.74'). Unlike the Hittite Laws, there is never asyndeton in the apodosis: instead, the sentence connecting particle *nu=* is used, with one example of the enclitic conjunction *-a/-ya* in §33 (A.ii.70-73).

The verb used in the apodosis is always in the imperative: *kišaru* (3sg); *appandu* (3pl), *kišaru* (3sg); *šarnikdu* (3sg); *šarnikdu* (3sg); *šarnikdu* (3sg); *aku* (3sg); *ēpten* (2pl), *ḥaripten* (2pl); *šarninkiški* (2sg dur.); *pieššandu* (3pl), *šamendu* (3pl). Imperatives in the Laws, by contrast, are extremely rare, only occurring in a few laws in direct speech, in neither case in the apodosis of a conditional sentence (see the section on imperatives).

One explanation for this discrepancy is that whole of the edict section is meant to be direct speech: the context for the edict described in the text is Telipinu addressing the assembly,⁴⁸³ as is stated in §27 at the transition between the historical narrative and the edict. The imagined setting of the text is the assembly, and we find 2nd person as well as 3rd person imperatives. But even 3rd person imperatives are most often used in direct address in Hittite: "The third-person forms are employed when the speaker expresses to a second party the wish that a third party may perform some action. Occasionally, there is either the implied seeking of the consent of the second party for the third party to do this or the implication that the second party joins the speaker in this wish."⁴⁸⁴

The use of *takku* instead of *mān*, and asyndeton in the apodosis are normal for OH, but by NH have fallen out of use, and are only preserved as archaic features in copies of certain types of text. In the previous section, I have argued that the preservation of *takku* almost without exception in NH copies is a register feature of Hittite legal language. It is difficult to know for certain whether preserving these features in the NH copies of the *Proclamation of Telipinu* was a conscious strategy on the part of the NH scribes who associated *takku*, for example, with the legal language, or whether this was simply one of a number of archaic features which belong to older texts more generally: undoubtedly the association between *takku* and the type of text was not as strong as the relationship between *takku* and the Hittite Laws, and the consistent use of the imperative rather than the present makes it even further removed from the language of the laws.

Relative clauses

There is also a second construction used for conditions in the *Proclamation of Telipinu*,, relative clauses:

kuiš SEŠ.MEŠ-*n=a* NIN.MEŠ-*n=a* *ištarna idālu iyazi nu* LUGAL-*waš*
ḥaraššanā šuwāyēzzi nu tulian ḥalzišten
Whoever does evil among brothers and sisters, and looks towards the

⁴⁸³ The lack of the quotative particle *-wa-* (Hoffner & Melchert 2008:356-7, especially 28.15) is not relevant here, nor is the question of the oral nature of early Hittite law (Westbrook 2003:13).

⁴⁸⁴ Hoffner & Melchert 2008:314

head of the king, (you pl.) convene the assembly!
 (§31 KBo 3.1 ii.50-51)

This is functionally equivalent to a conditional clause (= ‘If someone does evil...’). Relative clauses with a conditional function in the Hittite Laws are relatively rare, occurring in five laws relating to land tenure (§48, XL (=late version of 48), 50, 51, 52) and two listing prices for commodities (§185, 186).⁴⁸⁵ As with conditional clauses, in the Hittite Laws the verb in the main clause is in the present-future, and in the older manuscript, the main clause is often asyndetic. There are nine examples of relative clauses with a clear conditional function in the *Proclamation of Telipinu*.

Table: Relative clauses in the Proclamation of Telipinu

	Relative clause		Main clause	
§29 A.ii.40-42	<i>URRAM ŠERAM kuiš ammuk EGIR-anda LUGAL-uš kišari</i>		<i>n=apa SEŠ.MEŠ-ŠU DUMU.MEŠ-ŠU LÚ.MEŠ gaenaš=šiš LÚ.MEŠ haššanaš=šaš Ū ÉRIN.MEŠ-ŠU taruppanteš ašandu</i>	
§30 A.ii.46-47	<i>namma kuiš=a LUGAL-uš kišari</i>	<i>nu ŠEŠ-aš NIN-aš idālu šanaḫzi</i>	<i>šumeš=a pankeš=ši</i>	
§31 A.ii.51-52	<i>kuiš SEŠ.MEŠ- n=a NIN.MEŠ- n=a ištarna idālu iyazi</i>	<i>nu LUGAL-waš ḫaraššanā šuwāyēzzi</i>	<i>nu tulian ḫalzišten</i>	
§39 A.iii.49	<i>kuiš=at iyazi</i>		<i>nu=šši ḪUL-lu ḫenkan piandu</i>	
§40 A.iii.50	<i>URRAM ŠERAM kuiš ammul EGIR-an LUGAL-uš kiš[ar]i</i>		<i>nu ḫalkiuš ŠUM-a=šmit štyēški</i>	
§49 B.iv.19-20	<i>kuiš ēšḫar iyēzzi</i>		<i>nu kuit ēšḫanaš=pat iḫaš tezzi</i>	
§50 B.iv.23	<i>kuiš=za ḫaššanan ištarna alwanzātar šakki</i>		<i>šumeš=an ḫaššananza ēpten</i>	<i>n=an ANA KÁ É.GAL uwatetten</i>

⁴⁸⁵ See section on relative clauses in ‘Hittite conditions’ above.

§50 B.iv.25	[<i>kuiš</i>]= <i>šan</i> <i>ŪL=ma</i> <i>uwatezzi</i>		<i>nu uizzi apēdani UN-</i> <i>ši=pat idalawēšzi</i>	
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As with the conditional clauses, the relative clauses with conditional function use the present in the relative clause, and connect the main clause with *nu*, with one example of the enclitic conjunction *-a/-ya*. There is one main clause with asyndeton (§50 B.iv.23). Similarly, most of the verbs in the main clause are imperatives: *ašandu* (3pl); *ḫalzišten* (2pl); *piandu* (3pl); *šīyēški* (2sg dur.); *ēpten* (2pl), *uwatetten* (2pl).

Two use present-future verbs (*tezzi* §49 B.iv.19-20, *uizzi idalawēšzi* §50 B.iv.25, serial construction), rather than imperatives. It certainly seems likely that the subjects of these sentences are not at that moment being directly addressed by Telipinu – the ‘lord of bloodshed’ is some sort of specific title, but perhaps not part of his assembly (a role outside the scope immediate situation), and neither is the one for whom bad things will come, since presumably no one has yet disobeyed the order to bring someone practicing witchcraft to the palace gates – perhaps these are also things that he does not need his assembly to enforce, and therefore involving the audience though the use of the imperative is unnecessary.

The second question is whether there is a particular motivation for the decision to use an relative clause rather than a conditional clause. One possible reason is that it has something to do with the likelihood of the condition – i.e. in the clause ‘whoever buys’, the exact details of the situation are uncertain, such as who will buy it, but the speaker thinks it is very likely that it will happen. At least for most of the examples in the Hittite Laws, this explanation seems plausible, since the relative clauses with a conditional function are only found in laws on land tenure and commodity prices;⁴⁸⁶ but the relative clause in §48 immediately follows a prohibition against buying the land or vineyard of a *ḫippara*-man. In the *Proclamation of Telipinu*, there are some relative clauses which express likely possibilities (“whoever becomes king” – it is likely that someone will become king), but not all (“whoever does evil among brothers and sisters...”).

In conclusion, the edict section in the *Proclamation of Telipinu* differs significantly from the Hittite Laws in the ways it expresses conditions: although it uses *takku* as well as *mān* in the protasis of conditional clauses with a verb in the 3rd person present, sometimes preceded by the indefinite *kuiški*, the apodosis differs significantly from the Laws: the verb is always in the imperative, and there is never asyndeton, but always uses the connective particle *nu*. There is also a second construction used for conditions, relative clauses, functionally equivalent to a conditional clause, since it does not establish the reality of what is said: this is extremely rare in the Laws but about half the conditions in the *Proclamation of Telipinu* use this construction.

Reforms

⁴⁸⁶ But note that both relative clauses and a conditional clause are used in §186, about commodity prices.

There is disagreement over whether the *Proclamation of Telipinu* reflects meaningful reform. Klock-Fontanille reads an explicit chronological rupture with previous generations.⁴⁸⁷ Gilan argues that Telipinu has learned from the past, with the parallels between Telipinu and Ḫantili I in particular encouraging caution.⁴⁸⁸ Liverani believes that the message on the broadest terms being that after chaos, Telipinu will return everything to order, as in previous times: ultimately, the reforms do not lead to meaningful change.⁴⁸⁹ Along similar lines, Bilgin claims that “his declaration was more or less a reiteration of existing rules, including the possibility of an in-law becoming king, and that it was therefore intended to serve as justification for the ascension of Telipinu to kingship.”⁴⁹⁰

There is a contrast between the punishments set out by Telipinu and those of previous kings, both in the section of the historical narrative dealing with his reign, and in the edict setting out future punishments. In the historical narrative section, he rejects responding to violence with violence (his predecessors since Muršili onward have engaged in plenty of violence and revenge killings), and sends Tanuwa, Taḫurwaili and Taruḫšu, condemned by the council to death, into a sort of political exile instead, removing their weapons and turning them into laborers. Consequently, scholars have occasionally argued that one of the key reforms in the edict is the removal of capital punishment, which parallels the loss of corporeal punishment in the Hittite Laws.⁴⁹¹ However, in §31, it is very clear that capital punishment is still an option, even though Telipinu has chosen not to practice it: although he limits who can be affected by the punishment, and says that it should not happen secretly, in the same way as Tanuwa, Taḫurwaili and Taruḫšu: this comparison is also (deliberately?) vague.

Unlike the Laws, there are no direct comparisons between the previous situation and now using constructions like *karū... kinun=a*. There are various strategies for referring to the past in the edict section. The first is naming those who committed a certain kind of offence, such as with Tanuwa, Taḫurwaili and Taruḫšu. There is only one direct reference to the previous situation in general, in §30, where Telipinu instructs the assembly to tell someone who harms their siblings to read the tablet, which says: ‘Formerly bloodshed was widespread in Hattuša, and the gods took revenge on the royal family’. This echoes the words of the “Men of the Gods” in §27: “Behold, blood (shed) is widespread in Ḫattuša.” This makes it clear that the narrative is intended to be used as an example and a justification for the reforms – it is necessary for the future readers of the edict to return to the historical narrative in order to understand the need for reforms.⁴⁹² Despite these references to past action, the edict nonetheless appears quite future-oriented: about half of the remaining paragraphs begin. “now”, “in the future”, “from now on”, and similar.

⁴⁸⁷ Klock-Fontanille 2001:151

⁴⁸⁸ Gilan 2015:176-77

⁴⁸⁹ Liverani 2004a:52 “As dreams serve to stay asleep, the issuing of an edict of reform could serve to continue political practice on its present terms.”

⁴⁹⁰ Bilgin 2018:28. Bilgin also makes the wider claim that the authority of the Hittite king is largely “traditional” (rather than charismatic or legal), and emphasises the importance of loyalty as a result of tradition and heritage in the relationship between the Hittite king and his officials.

⁴⁹¹ §92, §121, §166/7.

⁴⁹² As well as the immediate audience in the assembly, there second audience and an additional context in which the tablet and the text are meant to be read, by future kings or Telipinu’s descendants.

Conclusions

Despite the language “now” and “in the future”, Telipinu’s reforms can’t escape from their recent history and immediate context, both external and internal to the text. What most differentiates the language of the edict from the language of the Hittite laws is the tie it has to the audience within the text, the fact that it ultimately it is Telipinu speaking directly to his assembly: the constant stream of mostly second person imperatives does not allow that context to slip too far into the background. Direct comparisons with particular situations and people in the past tie it to particular historical and political context. This contrasts with the Laws, where anonymity and lack of immediate political context motivate features such as the use of 3rd person indicative verbs rather than imperatives, and the past is always just *karū*.

It is hard to see any direct influence on the structure and language of the text of the *Proclamation of Telipinu* from the Hittite Laws: the verb in the apodosis is almost always in the imperative (whereas it is almost always present in the Laws), there is never asyndeton in the apodosis, but it is almost always connected by *nu* (whereas the apodosis in Laws is often asyndetic), and relative clauses to express conditions are common (whereas in the Laws they are rare).

Conclusions

It is possible to identify specific features of the cuneiform legal tradition in the style, content and structure of the text of the Hittite Laws, and therefore argue that Hittite Laws clearly belong to the cuneiform legal tradition. Further, it is possible to suggest a plausible mechanism of transfer of this tradition, through scribal education: although the evidence for this is limited, we can make comparisons with other situations where the introduction of a writing system leads to the borrowing of text types and register features. The close parallels with the Laws of Eshnunna are particularly interesting given the role of Eshnunna in writing reforms at Mari.⁴⁹³ The differences between the style of the Hittite Laws and the *Proclamation of Telipinu* show that already in the early periods of Hittite writing, distinct genres already existed.

⁴⁹³ Charpin 2012

Conclusions

Both early Greek legal inscriptions and the Hittite laws contains some linguistic features which seem specific to a legal register: a few, like the preponderance of conditional clauses with indefinite subjects, are shared, but the majority of linguistic features which appear to belong to a legal register are specific to that language. Similarly, there are some significant differences between both the Greek and Hittite texts and modern legal language (for example, the avoidance of repetition in Greek and Hittite legal texts compared to the tendency of modern laws for repetition for precision and the avoidance of ambiguity), but both ancient and modern legal language is to some degree formulaic (with, for example, the use of enactments in Greek legal inscriptions).

In order to explain the differences between some aspects of the language of the early Greek legal inscriptions and the Hittite laws, and between ancient and modern legal language, contextual factors must be taken into account: the different traditions of types of written texts and the differing functions of these laws within the various legal systems have shaped their form. The legal register also appears to change over time: with certain archaic features retained in later versions, the language of the Hittite laws becomes more distinct from the language of other types of texts. The language of the early Greek legal inscriptions does change over the period in question, but the dialect variation within the texts makes that harder to see, although where there are more texts from a particular area, it is possible to see some chronological trends (as with enactment formulas using the imperfect or the participle in Attic). This dialect variation also suggests that there is not just one ancient Greek legal register, but perhaps sub-registers associated with a particular location.

Comparing Greek and Hittite Legal Language

Table: Features of Early Greek Legal Inscriptions and Hittite Laws.⁴⁹⁴

Early Greek Legal Inscriptions	Hittite Laws
Conditional clauses introduced with εἰ, ἄν + subjunctive in the protasis, imperative (or imperatival infinitive) in the apodosis.	Conditional clauses introduced with <i>takku</i> , with present tense verbs in the protasis and the apodosis (<i>no imperatives in apodoses</i>).
Frequent use of τις as an indefinite subject.	Frequent use of the indefinite pronoun <i>kuiški</i> as the subject.
Variety of strategies for introducing additional and alternative conditions (alternative conditions introduced with εἰ δὲ μή; alternatives with a series of conditional protases connected with ἢ).	Variety of strategies for introducing additional and alternative conditions.
Minimal repetition within a series of conditional protases or alternative conditions.	Minimal repetition within a series of conditional protases or alternative conditions

⁴⁹⁴ Following the cuneiform intellectual tradition of organising information into lists and drawing comparisons by placing things next to each other.

	in PT and Series II, <i>fewer strategies for avoiding repetition in Series I.</i>
<i>Relative clauses with a conditional function, introduced by ὅς (ǎv) or ὅστις (ǎv).</i>	<i>Relative clauses are extremely rare.</i>
<i>Third person imperatives and imperatival infinitives in independent clauses.</i>	<i>Imperatives are extremely rare.</i>
<i>Concern with enforcement of penalties.</i>	<i>Little concern with enforcement of penalties.</i>
<i>References to previous laws are rare and don't contain comparisons.</i>	<i>karū ... kinun=a construction to describe reforms leading to reduced penalties.</i>
<i>Occasionally different outcomes depending on the status of the parties involved.</i>	<i>Different outcomes depending on the status of the parties involved.</i>
<i>Enactments in a variety of forms, which often include information about what sort of text it is and its relevance, and who is responsible for it.</i>	<i>Little reference to immediate historical or political context, anonymity.</i>
<i>No lists of prices of commodities.</i>	<i>Lists of prices of commodities.</i>
<i>Self-acknowledgement as written texts; forms of words related to the verb γράφω; clauses about their physical preservation.</i>	<i>Only colophons explicitly acknowledge status as written texts.</i>

There are some clear similarities between the language used in early Greek legal inscriptions and the Hittite laws. Both sets of texts are mainly composed of conditional sentences, which contain a conditional protasis, usually introduced with a conditional conjunction, describing a prohibited action, and an apodosis describing a penalty. In both sets of texts, the subject of the conditional process is often expressed with an indefinite pronoun, τις or *kuiški*. Both use a variety of strategies for structuring additional and alternative conditions and avoid repetition where possible (though this tendency is less strong in Series I of the Hittite Laws). Despite this avoidance of repetition, both show some degree of concern with clarity and precision, for example by specifying the different outcomes depending on the status of the parties involved.

However, there are also some significant differences. While conditional sentences introduced by a conditional conjunction are the predominant construction in the early Greek legal inscriptions, they also frequently make use of alternative strategies for expressing conditions, in particular relative clauses introduced by ὅς (ǎv) or ὅστις (ǎv). However, relative clauses with a conditional function are very rare in the Hittite laws, where a conditional clause with *takku* + a 3sg. verb in the indicative is almost the only way to express this. The early Greek legal inscriptions also contain more variation in verbal mood and tense, such as the frequent use of both imperatives and imperatival infinitives in the apodosis of conditional sentences, where Hittite almost always uses the present-future indicative. Two factors contribute to the greater variety of constructions found in the early Greek legal inscriptions: first, the Greek inscriptions include more than a hundred individual texts from across a wide geographical area with a great deal of dialect variation and across a time period of several hundred years, whereas the Hittite laws could be described at most as three texts (Series I, Series II and the Parallel Text) which all come from the same official scribal context in Hattuša (although the copies also span a time period of several hundred years). Secondly, the Hittite laws are clearly closely modelled on Mesopotamian law codes, an already

well-defined text type with register features which the Hittite laws can imitate; the Greek legal inscriptions are not modelled on a particular example.

The early Greek legal inscriptions are concerned with the authority and enforcement of the laws they contain, and frequently include acknowledgement within the text both that they are laws and that they are written texts. The Hittite laws, however, only explicitly acknowledge their status in the colophons. This difference can be explained by consideration of the contexts and the audiences of the texts. The composition and copying of the Hittite laws, as has been argued for cuneiform law collections in general, perhaps does something to support the authority of the king (or perhaps the royal tradition, if the collection is anonymous) by showing skill in law-making and judgement. The use of enactment formulae, entrenchment clauses, and details about the enforcement of the laws, etc. don't directly contribute to that goal. Instead, other strategies are used to highlight the status of the text within an authoritative tradition, such as the references to previous laws with *karū ... kinun=a*.

The Hittite laws also come from a context where cuneiform writing was used extensively and within a well-developed textual tradition, but within a relatively restricted scribal setting. However, the early Greek legal inscriptions belong to a period where there was a growth of official public inscriptions, alongside the spread of informal uses of writing in a range of contexts. The emphasis on the written nature of the texts and concern with the physical preservation of the inscriptions contributes to the authority of the texts when combined with their display in a public setting.

Despite both sets of texts superficially appearing to have the same function and therefore many similarities in content, and both coming from the early period of writing in a particular language, they give very different pictures of a legal register. Many of these differences can be explained by contextual factors, and both the historical or legal context and the textual traditions are important for this explanation. It is difficult to identify any direct influence of the language of the Hittite laws and the Mesopotamian cuneiform law codes on the language of early Greek legal texts. Therefore, one should be cautious of assuming a 'law soup' in the ancient mediterranean and middle east, but instead track specific legal traditions and influences (as can be done for the cuneiform law collections) and consider the particular historical and linguistic contexts which shaped the language of ancient laws.

Further questions

Other ancient legal texts may provide similarly interesting material for the history of the development of a legal register in different languages. A similar investigation could be undertaken about, for example, the language of early Latin legal inscriptions or early Chinese legal texts, taking into account their legal and textual context. A fuller comparison of the language of legal texts in the ancient mediterranean and middle east (including texts in, for example, Latin, Hebrew, and Egyptian languages, as well as later Mesopotamian cuneiform law collections not discussed here) would allow for a stronger argument against the 'law soup' and a more accurate picture of the interactions between different legal traditions.

The early Greek legal inscriptions discussed here come from a relatively limited time period within the history of Greek public inscriptions, and the temporal scope of this study could be expanded further into the fourth century and beyond: is there further standardisation of legal language with the spread of the *koine*?

There is also more to consider about the language, structure and style of the early Hittite texts which are in some way to do with royal authority, and the place of the Hittite laws within this group of texts. The comparisons with the *Proclamation of Telipinu* could be expanded to other royal edicts and historical texts from the Old Hittite period, such as the *Proclamation of Ḫattušili I* (CTH §5), and to the instruction texts (CTH §§251-275). The instruction texts seem more similar in some aspects of use of language to the *Proclamation of Telipinu* (with frequent use of direct address and imperatives) than the Hittite laws, but are quite varied in content and come from different time periods – do some of these texts look more like the laws than others, and if so, why?

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Appendix: Early Greek Legal Inscriptions

	<i>Inscriptiones Graecae/ Inscriptiones Creticae</i>	<i>Nomima</i>	<i>Laws of Ancient Crete</i>	<i>Inchriftliche Gesetzestexte</i>	Other	Date	Location
1		1.81	Dr1	90	SEG 27.62	c650	Crete, Dreros
2		1.66	Dr2		Bile 2	650-600	Crete, Dreros
3		1.22	Da1			c500	Crete, Datala
4		1.27	Dr4	93	Bile 6	c650-600	Crete, Dreros
5		1.64	Dr5	91		c650-600	Crete, Dreros
6		2.1	Dr7		SEG 15.564	c650-600	Crete, Dreros
7	II.xii.3	1.10	Ele3	109		C6th-5th	Crete, Eleutherna
8	II.xii.4	1.83	Ele4	110		C6th-5th	Crete, Eleutherna
9	II.xii.5		Ele5			C6th-5th	Crete, Eleutherna
10	II.xii.6, 8		Ele6, Ele8			C6th-5th	Crete, Eleutherna
12	II.xii.9	1.25	Eleg	111		C6th-5th	Crete, Eleutherna
13	II.xii.11	1.14	Ele11	112		C6th-5th	Crete, Eleutherna
14	II.xii.13		Ele13	113		C6th-5th	Crete, Eleutherna
15	II.xii.14	1.46	Ele14			C6th-5th	Crete, Eleutherna
16	II.xii.15	1.46	Ele15			C6th-5th	Crete, Eleutherna

	<i>Inscriptiones Graecae/ Inscriptiones Creticae</i>	<i>Nomima</i>	<i>Laws of Ancient Crete</i>	<i>Inchriftliche Gesetzestexte</i>	Other	Date	Location
17	II.xii.16	2.67	Ele16	114		C6th-5th	Crete, Eleutherna
18	II.xii.16	1.26	Ele16	115		C6th-5th	Crete, Eleutherna
19	II.xii.17		Ele17			C6th-5th	Crete, Eleutherna
20		2.98	Eleutherna1			Late C6th	Crete, Eleutherna
21			Eleutherna2			c500	Crete, Eleutherna
22			Eleutherna3			C6th-5th	Crete, Eleutherna
23		2.15	Eleutherna4			c500-450	Crete, Eleutherna
24			Eleutherna5			c5th	Crete, Eleutherna
25	I.x.2	2.80	Elt2	94		c500	Crete, Eltynia
26			Eltynia1			c600-525	Crete, Eltynia
27	IV.1	2.22	G1	116		c600-525	Crete, Gortyn
28	IV.4	2.61	G4	117		c600-525	Crete, Gortyn
29	IV.5	2.92	G5			c600-525	Crete, Gortyn
30	IV.6		G6			c600-525	Crete, Gortyn
31	IV.8	2.11	G8	118		c600-525	Crete, Gortyn
32	IV.9	2.78	G9	119		c600-525	Crete, Gortyn
33	IV.10		G10			c600-525	Crete, Gortyn

	<i>Inscriptiones Graecae/ Inscriptiones Creticae</i>	<i>Nomima</i>	<i>Laws of Ancient Crete</i>	<i>Inchriftliche Gesetzestexte</i>	Other	Date	Location
34	IV.13	1.1	G13	120		c600-525	Crete, Gortyn
35	IV.14	1.82	G14	121		c600-525	Crete, Gortyn
36	IV.15	2.23	G15			c600-525	Crete, Gortyn
37	IV.16	2.24	G16			c600-525	Crete, Gortyn
38	IV.17	2.52	G17			c600-525	Crete, Gortyn
39	IV.18		G18			c600-525	Crete, Gortyn
40	IV.19		G19			c600-525	Crete, Gortyn
41	IV.20	2.37	G20	122		c600-525	Crete, Gortyn
42	IV.21	2.38	G21	123		c600-525	Crete, Gortyn
43	IV.22	2.84	G22	124		c600-525	Crete, Gortyn
44	IV.23	2.25	G23	125		c600-525	Crete, Gortyn
45	IV.28	2.12	G28			c600-525	Crete, Gortyn
46	IV.30	2.68	G30	126		c600-525	Crete, Gortyn
47	IV.41	2.65	G41	127, 128		c500-450	Crete, Gortyn
48	IV.42	2.5	G42	129		c500-450	Crete, Gortyn
49	IV.43	2.70, 1.47	G43	130-33		c500-450	Crete, Gortyn
50	IV.44	2.5	G44	134		c500-450	Crete, Gortyn

	<i>Inscriptiones Graecae/ Inscriptiones Creticae</i>	<i>Nomima</i>	<i>Laws of Ancient Crete</i>	<i>Inchriftliche Gesetzestexte</i>	Other	Date	Location
51	IV.45	2.69	G45	135		c500-450	Crete, Gortyn
52	IV.46	2.85	G46	136, 137		c500-450	Crete, Gortyn
53	IV.47	2.26	G47	138		c500-450	Crete, Gortyn
54	IV.51	2.13	G51	139		c500-450	Crete, Gortyn
55	IV.52	2.9	G52	140		c500-450	Crete, Gortyn
56	IV.53		G53			c500-450	Crete, Gortyn
57	IV.55	2.21	G55	141		c500-450	Crete, Gortyn
58	IV.57		G57			c500-450	Crete, Gortyn
59	IV.58	1.15	G58	143		c500-450	Crete, Gortyn
60	IV.60		G60			c500-450	Crete, Gortyn
61	IV.61		G61			c500-450	Crete, Gortyn
62	IV.62	2.3	G62	144		c525-500	Crete, Gortyn
63	IV.63	1.59	G63			c525-500	Crete, Gortyn
64	IV.72	1.13	G72	163-181		c450	Crete, Gortyn
65	IV.73	2.91	G73	145, 146		c450-400	Crete, Gortyn
66	IV.75	2.46	G75	147-49		c450-400	Crete, Gortyn
67	IV.76	2.86	G76	150, 151		c450-400	Crete, Gortyn

	<i>Inscriptiones Graecae/ Inscriptiones Creticae</i>	<i>Nomima</i>	<i>Laws of Ancient Crete</i>	<i>Inchriftliche Gesetzestexte</i>	Other	Date	Location
68	IV.77	1.49	G77	152		c450-400	Crete, Gortyn
69	IV.78	1.16	G78	153		c450-400	Crete, Gortyn
70	IV.79	1.30	G79	154		c450-400	Crete, Gortyn
71	IV.80	1.7	G80			c450-400	Crete, Gortyn
72	IV.81	2.47	G81	155		c450-400	Crete, Gortyn
73	IV.82	2.8	G82	156		c450-400	Crete, Gortyn
74	IV.83	2.7	G83	157		c450-400	Crete, Gortyn
75	IV.84	2.2	G84	158		c450-400	Crete, Gortyn
76	IV.85		G85	159		c450-400	Crete, Gortyn
77	IV.86		G86	160		c450-400	Crete, Gortyn
78	IV.87		G87	161		c450-400	Crete, Gortyn
79	IV.88		G88			c450-400	Crete, Gortyn
80	IV.89		G89			c450-400	Crete, Gortyn
81	IV.90		G90			c450-400	Crete, Gortyn
82	IV.91	2.71	G91	162		c450-400	Crete, Gortyn
83	IV.93		G93			c450-400	Crete, Gortyn
84	IV.94		G94			c450-400	Crete, Gortyn

	<i>Inscriptiones Graecae/ Inscriptiones Creticae</i>	<i>Nomima</i>	<i>Laws of Ancient Crete</i>	<i>Inchriftliche Gesetzestexte</i>	Other	Date	Location
85	IV.95		G95			c450-400	Crete, Gortyn
86	IV.101		G101			c450-400	Crete, Gortyn
87	IV.106		G106			c450-400	Crete, Gortyn
88		2.5	Gortyn1			C5th	Crete, Gortyn
89			Gortyn4			C5th	Crete, Gortyn
90			Gortyn5			C5th	Crete, Gortyn
91			Gortyn7			C5th	Crete, Gortyn
92		2.17	K2			c500	Crete, Knossos
93	Lxviii.1	1.45	L1			c550-525	Crete, Lyktos
94	Lxviii.2	1.11	L2	95		c500	Crete, Lyktos
95	Lxviii.3		L3	96		c500	Crete, Lyktos
96	Lxviii.4		L4	97		c500	Crete, Lyktos
97	Lxviii.5		L5	98		c500	Crete, Lyktos
98	Lxviii.6		L6	99		c500	Crete, Lyktos
99		1.12	Lyktos1a, 1b	87, 88		c500	Crete, Lyktos
100		2.39	Ph1			c550-500	Crete, Phaistos
101	Lxxviii.7	1.63	Pr7			c600-575	Crete, Prinias

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102	II.v.1	1.28	A1	101		c525-500	Crete, Axos
103				70	ML 83	late C5th	Aegean Isalnds, Thasos
104	XII.8.264			71		late C5th	Aegean Isalnds, Thasos
105	XII.S.349			67		C5th	Aegean Isalnds, Thasos
106				65	LS 95, LSCG 100	C5th	Aegean Islands, Amorgos
107				62	Buck 4	late C5th	Aegean Islands, Chios
108				64	LSS 129	C5th	Aegean Islands, Chios
109				63		c450-425	Aegean Islands, Chios
110				61	ML 8	c575-550	Aegean Islands, Chios
111				54	ID 68	C5th	Aegean Islands, Delos
112				55	LSS 50, ID 69	C5th	Aegean Islands, Delos
113	XII.5.593			60	Buck 8, LS 93, LSCG 97	late C5th	Aegean Islands, Keos
114	XII.5.107			57	LS 104, LSCG 108	c475-540	Aegean Islands, Paros
115	XII.5.108			58	LS 107, LSCG 111	C5th	Aegean Islands, Paros
116				56	LSS 85	late C5th	Aegean Islands, Rhodes
117				82	LSAM 30	c500	Asia Minor, Ephesus
118				74	I Ery 1	late C5th	Asia Minor, Erythrai

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119				75	I Ery 2, OR 122	before 454	Asia Minor, Erythrai
120	I ³ 14			76	I Ery 4, ML 40	453/452	Asia Minor, Erythrai/Attica, Athens
121				77	I Ery 17	C5th	Asia Minor, Erythrai (?)
122		1.104		78	ML 30, Buck 3	c470	Asia Minor, Teos
123		1.105		79		c480-450	Asia Minor, Teos
124		1.19		84	ML 32, Buck 2	474-450	Asia Minor, Halicarnassus
125		2.97?		45	Buck 50	C5th	Central Greece, Delphi
126	IX.1 ² 3,718	I.43		49	Buck 57	C5th	Central Greece, Lokris
127	IX.1 ² 3,609			47, 48		c500	Central Greece, Naupaktos
128	XII.9.273-75			72, 73	OR 103A	c525	Euboea
129		2.96		66		460	Aegean Islnds, Thasos
130				53		C5th	Northern Greece, Crimea
131	IX.2.1202			51		C6th-5th	Northern Greece, Thessaly
132	IX.2.1226			52	Buck 31	C5th	Northern Greece, Thessaly
133				50		c475	Northern Greece, Thessaly
134	IV.177			22		C5th	Peloponnese, Aigina
135				35	Buck 16	C6th-5th	Peloponnese, Arcadia

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136	IV.1607			32		c575-550	Peloponnese, Argolis
137				30		late C5th	Peloponnese, Argolis
138	IV.506			29	LSAG 405	mid-C6th	Peloponnese, Argos
139				25	Buck 83	c575-550	Peloponnese, Argos
140				26		c475-450	Peloponnese, Halieis
141	IV.554			27	Buck 84	c480	Peloponnese, Halieis/Argolis
142	V.2.261			33		C6th-5th	Peloponnese, Mantinea
143	V.2.262			34		c460	Peloponnese, Mantinea
144	IV.493			24		C6th	Peloponnese, Mycene
145				36	IvO 1, Minon IED 6	C7th-6th	Peloponnese, Olympia
146		1.23		37	Buck 61, IvO 2	early C5th , pre-580 (Buck)	Peloponnese, Olympia
147				38	IvO 3, Minon IED 13	c500	Peloponnese, Olympia
148		1.24		39	IvO 4, Minon IED 9	C6th	Peloponnese, Olympia
149		1.4 (+ IvO 6)		40	IvO 5+6, Minon IED 3	c500	Peloponnese, Olympia
150	I ³ 1	1.6		1		c510-500	Attica, Athens
151	I ³ 2	2.1		2		c500	Attica, Athens

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152	I ³ 4a-b	1.96		4, 5		485/484	Attica, Athens
153	I ³ 5				LSCG 4, CGRN 8	500	Attica, Eleusis
154	I ³ 6				LSS 3, OR 106	470-460	Attica, Eleusis
155	I ³ 9				OR 116	458	Attica, Athens
156	I ³ 10				ML 31, OR 120	469-450	Attica, Athens
159	I ³ 16					c450	Attica, Athens
160	I ³ 21			80		450/449	Attica, Athens
162	I ³ 34			8		448/447	Attica, Athens
163	I ³ 37				ML 47	447/446	Attica, Athens
164	I ³ 38					457-445	Attica, Athens
166	I ³ 40				ML 52, OR 131	446/445	Attica, Athens
167	I ³ 41					446/445	Attica, Athens
168	I ³ 58					430	Attica, Eleusis
169	I ³ 59					430	Attica, Eleusis
170	I ³ 42-43					445, 442, 435, 427	Attica, Athens
171	I ³ 44					450-445	Attica, Athens
172	I ³ 46				ML 49, OR 142	445	Attica, Athens

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173	I ³ 48				ML 56, OR 139	439/438	Attica, Athens
174	I ³ 52			9	ML 58, OR 144	434/433	Attica, Athens
176	I ³ 61					430-423	Attica, Athens
177	I ³ 62					428/427	Attica, Athens
178	I ³ 63					426	Attica, Athens
179	I ³ 66					427/426	Attica, Athens
181	I ³ 68				OR 152	426/425	Attica, Athens
182	I ³ 72					414	Attica, Athens
183	I ³ 78					430s?	Attica, Eleusis
184	I ³ 82			10		421/420	Attica, Athens
185	I ³ 84					418/417	Attica, Athens
186	I ³ 85					418/417	Attica, Athens
187	I ³ 104	1.02		11	ML 86, OR 183A	409/408	Attica, Athens
188	I ³ 105			12		c409	Attica, Athens
189	I ³ 118					409	Attica, Athens
190	I ³ 127				OR 191	405/404	Attica, Athens
191	I ³ 129					440-430	Attica, Athens

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192	I ³ 135					430-405	Attica, Athens
193	I ³ 153			15		440-425	Attica, Peiraieus
194	I ³ 155					435-420	Attica, Athens
195	I ³ 231					510-500	Attica, Athens
196	I ³ 232					510-480	Attica, Athens
197	I ³ 235					450	Attica, Athens
198	I ³ 236			16		410-401	Attica, Athens
199	I ³ 237					410-404	Attica, Athens
200	I ³ 237bis					410-404	Attica, Athens
201	I ³ 238					410-404	Attica, Athens
202	I ³ 243					480-450	Attica, Athens
203	I ³ 244					460	Attica, Athens
204	I ³ 245			17		c470-460	Attica, Sypalettos
205	I ³ 256			19		c440-430	Attica, Louparda
206	I ³ 257			20		c440-430	Attica, Athens
207				41, 42, 42	Buck 64, IvO 7, Minon IED 4	c500	Peloponnese, Olympia
208		I.56		44	IvO 16, Minon IED 22	c450-425	Peloponnese, Skillous

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209				31		C7th	Peloponnese, Tiryns
210				86		C6th	Sicily
211				85		early C6th	Sicily, Megara Hyblaia
212	V, I 1155					C5th	Laconia
213				68-69	OR 103B	420	Aegean Islnds, Thasos