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The so-called “historical prologue” section in the Ancient Near Eastern treaties is first attested in an Old Babylonian grant treaty from Alalah in northern Syria. Apart from this early example, all other available examples are found in Hittite subordination treaties and edicts from the 15th–13th centuries BCE. No example is known later than the 13th century BCE, at which time it seems that the underlying concept was abandoned, and it evidently fell out of use. The documents in which the “historical prologue” does appear are exclusively subordination treaties and related documents. In these documents, the “historical prologue” serves to present legal arguments justifying the imposition of obligations by the overlord on the inferior party to the treaty, and depriving that party of the ability to contest the treaty’s validity or legality. As such, it constitutes a potentially rich source of legal conceptions and rules pertaining to the interstate law of the period, and particularly to the law of the treaty of the Ancient Near East. Unfortunately, however, this rich source has not hitherto been explored due to a prevailing misunderstanding regarding its role in the treaties. It was wrongly taken to be a sort of political propaganda with no legal purpose, a kind of annex, loosely tied to the treaty. Once it is understood as an important and integral part of the treaty, with a legal role, the way is open to explore its richness. The present study has only made a start. Many questions remained unanswered, while some others have probably been answered wrongly. The author hopes, however, that he has at least succeeded in pointing out the way that should be taken in order to gain insight into these prologues. It is also hoped that more capable scholars will undertake to continue the research, correcting the wrong conclusions and suggesting answers to the questions still remaining.

The book was originally written as a seminar discussion. That is, each question was followed by pro and con arguments, after which the final conclusion was presented. This, in order to clarify the range
of considerations that led me to a specific conclusion. However, this method resulted not only in a tiresome text, but also in a text of too great length. I had, therefore, to sacrifice these long discussions for a shorter and more readable text. But the reader is asked, before hastily disqualifying specific conclusions, to take into account that they were reached after serious deliberations not always presented here, and after trying various alternative solutions.

The book was written with two different audience groups in mind. The first are students of the Ancient Near East, and particularly those dealing with the Hittite kingdom, the Hurrians, and the history of Syria in the Late Bronze Age. The second group consists of students of the Bible, especially those dealing with the biblical Covenant, on the one hand, and those studying the history of international law, on the other. In order to make it easier for this second group, who may not be at home with Hittite history, I have included a chapter on the historical background of the documents treated here, and have prefaced the discussion of many individual prologues with a brief presentation of their background. Also, from time to time, I refer to the familial or genealogical background of the kings treated. While these repeated references are superfluous for those who are familiar with the historical background, they may make it easier for those who are not, to follow the discussions here.

The origin of this study goes back thirty years when, on writing my Ph.D. dissertation (1973), I noticed an incompatibility of the facts and statements presented in the "historical prologues" with those that were presented in other documents, the credibility of which could hardly be doubted. Yet, save for a few articles, it was not until the late 1980s that I was able to embark seriously on this study. Its first version, written in Hebrew, was finished by the end of 1992 and was accepted for publication in 1994 by Bar-Ilan University Press. However, taking into consideration the limited potential audience for such a book in Hebrew, it was suggested that it should be published in English. After a lack of success with a number of translators, and having exhausted the small fund granted to me by the university for this purpose, I undertook, myself, to rewrite it in English, taking at the same time the opportunity also to revise it. This revised version was finally submitted toward the end of 1999, but it took a further three years before it could enter the final publishing process. While the bibliography at the end of the
book basically reflects studies published before 1992, I was able to include in the revised version many additional studies that appeared later, including my own.

I have to acknowledge a special debt of gratitude in the first place to two of my former teachers: the late Professor Avrom Saltman, for having introduced me, many years ago, as a young lecturer into the Department of History at Bar-Ilan University, and for his continuous academic backing and encouragement; and my former teacher and later friend and colleague, Prof. Emeritus Pinhas Artzi, of the Bar-Ilan University Departments of History and Hebrew and Semitic Languages who, about forty years ago, introduced me into the field of Assyriology, and then to the specific field of interstate relations and law in the Ancient Near East. I also have to acknowledge a special debt of gratitude to my friend and colleague Prof. Jacob Klein, of the Department of Hebrew and Semitic Languages of Bar-Ilan University, who time and again found the time to discuss with me the many linguistic and grammatical questions I addressed to him. He also took upon himself the time-consuming mission of carefully reading the manuscript, and offering many corrections as well as improving my style. To Prof. Itamar Singer, of the Department of Archaeology and Near Eastern Studies at Tel Aviv University, I am indebted for introducing me, in his Hittite class, to the Hittite language. To Prof. Emeritus Reuven Yaron, of the Hebrew University of Jerusalem, I am indebted for recommending the book, in its first version, to the Book Committee of Bar-Ilan University Press. I am also indebted to that committee, then headed by Prof. Shalom Albeck of the Bar-Ilan University Law Faculty, for having accepted it for publication.

I have to acknowledge the financial grant made by the Israeli National Academy for Sciences in the years 1978-79, which enabled me to embark on this research. Warm thanks are due to the staff of Bar-Ilan University Press, particularly to Margalit, Hanni and Anne, for their deep concern and help in bringing this book to publication, as well as to Mali Ohana, the style editor, for her speedy work at the last stages of preparation for the book’s publication.

Lastly, but by no means least, my deepest thanks are due to my wife Tamar, who consistently encouraged me through those long frustrating days when I was unable to find reasonable explanations for the various strange statements made in these “prologues”. She
continually reminded me of the old instruction given by the ancient Hebrew Sages in the name of Rabbi Tarfon: “It is not upon you to complete the work, yet you are not free to evade it” (Mishna, Tractate Avot, II, 21). While I am fully aware that this study is still far from complete, being inspired by that instruction, I release it for publication so that other students may join the effort and carry it further.

Ramat Gan, Sivan 5764 – May 2004

Amnon Altman