

# WOMEN IN MESOPOTAMIA

BY

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## *Abstract*

A succinct but comprehensive survey is given on what we know on women in ancient Sumer, Babylonia, and Assyria (with an occasional remark on Syria), covering the time span of roughly 3000-300 B.C. Thanks to the rich archival material we are well informed about her social position, in particular the status of a married or widowed wife. Marriage is the most important topic in this article. Attention is also paid to women at work and in religion. Differences in region and time are pointed out.

‘Mesopotamia’ in this contribution is the world of Sumer (roughly from 3000 to 2000 B.C.), and of Babylonia and Assyria (2000-331 B.C.), after which the Greek dominance by the Seleucid kings began. In terms of modern geography, it covers Iraq and the eastern part of Syria. Sometimes, we will make remarks on ‘the West’, i.e., ancient Syria, Phoenicia, and Israel. Rich in archival material is ‘Nuzi’, a city in the kingdom of Arrapha (ca. 1500-1350), in the region of modern Kerkuk. Its culture was influenced by the Hurrians and for that reason may be somewhat marginal to us.

The documentary evidence on women in Mesopotamia is quite impressive<sup>1</sup>). Our main sources are the family archives and letters, written in cuneiform writing on the clay tablets that have withstood the hazards of time. There are many thousands of them. Collections of laws often allow us a deeper insight into the position of woman in society. Those laws reflect customary law with some modifications added by the lawgiver, the king. It has been shown that the laws of Hammurabi were observed, at least during his own time; the same is true for the Neo-Babylonian laws. Tablet A of the Middle Assyrian lawbook is entirely concerned with women<sup>2</sup>). Landsberger thought that this composition was to some extent *Professorenrecht* which means that some sections are not common law<sup>3</sup>).

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1) The author is preparing a book on women in ancient Mesopotamia. There, fuller discussions and all references to current literature will be found. In this essay, for those works cited in the footnotes by author and date only, complete references may be seen in the ‘Selected Bibliography’. All other references will be cited in full in the footnotes.

2) Cardascia 1969; Saporetto 1979

3) Landsberger 1968, 63 n. 1.

The voices of the women themselves are occasionally heard in their letters and a few literary texts.

### *Physical appearance*

As in many cultures, 'male' was associated with the right, and 'female' with the left side. The female protective deity walks at a person's left hand; before birth a girl is on the left side in her mother's belly; and women are according to a Sumerian literary stock phrase said to wear their clothes 'on the left' 4). This phrase gave scholars the idea that this is the only difference between male and female clothing; however, in the early period some garments were worn by women only 5). Moreover, the primitive toggle-pin, in 1000 B C. succeeded by the fibula, was exclusively used by women. That married women were veiled is only known from the Middle Assyrian Laws and suggested by a line in an incantation of the same period: "She wears no veil and has no shame" 6). Veiling was not known in Babylonia 7). The emblems of womanhood were the spindle and a specific pin (or thimble?) 8); in contrast, the spindle and the mirror as female symbols are known from the Aramaic and Hittite worlds. The average well to do woman wore golden earrings (sometimes large) and silver rings on the arms and the feet. Those silver rings have a standard weight (5 shekels; 55 grams) identical with standard fractions of the brideprice, and it is possible that the rings actually represented the price paid. Nose rings, as far as attested in the texts, are typical of women coming from the West. Beautiful necklaces have been found in graves. As makeup they used a lead product named *guḫlu* (etymologically related to Arabic *kohl*), applied around the eyes with a small spoon. We understand from the love lyrics that the erotic attraction of women was seen in her lush hair and her genitals. A remarkable feature of the Sumerian language is that it had a special dialect for women, a sociolect, 'the language of women' (Emesal). As far as we see, it is only used in literary texts when women are speaking (not always) or by men at funerals and in lamentations 9).

4) Stol 1983, 78 f., M. Stol, *Epilepsy in Babylonia* (Groningen, 1993) 36.

5) E. Strommenger, "Mesopotamische Gewandtypen von der frühsumerischen bis zur Larsa-Zeit", *Acta Praehistorica et Archaeologica* 2 (1971) 37-55; Typ 6 ('Schal'), 8 ('Schultergewand'), 13 ('Zweizipfliches Schalgewand'), 14 ('Einzipfliches Schalgewand').

6) MA Laws A § 40; W.G. Lambert, *Iraq* 31 (1969) 32:45.

7) Tsevat 1975; Wilcke 1985, 282.

8) Å.W. Sjöberg, *ZA* 65 (1975) 224 f., W. Farber in: *Language, literature, and history. Philological and historical studies presented to Erica Reiner* (New Haven, 1987) 93, 96-99

9) Schretter 1990. This writer has the impression that some Akkadian qualifications for women are based on tabooing the normal words. Already the word for 'woman' (*sinništu*)

### *Marriage*

Only recently it has been established for Mesopotamia what was already known for other parts of the Mediterranean world, namely that girls married at an early age (between the ages of 14 and 20) and boys much later (between 26 and 32)<sup>10</sup>). In this patriarchal society girls of a few feet high could already be assigned to a future husband. The abstract words used for 'marriage' (*emūtum*, *ḥatanūtum*) indicate that a man, the groom (*ḥatanum*), enters into a family relationship with a male person in the other family (*emum*). The future wife is the passive object of this transaction. The woman acquires the status 'wife' already at the moment of paying the brideprice. Assyriologists speak of the period of engagement as of 'inchoate marriage' and it can be hard to distinguish between the dissolution of a betrothal and a divorce<sup>11</sup>). Much of our knowledge of marriage is based on the marriage contracts and here a word of caution is in order. Greengus has shown that in most cases the agreement was oral<sup>12</sup>). The written contracts that we have are exceptions and may be viewed as regulatory, for example where financial interests were involved<sup>13</sup>). Also, the interests of one of both parties may dictate the conditions: the father of the bride will only allow taking a second wife when no children are born. So, a marriage contract could have stipulations deviating from the rules. Following this insight, J. Paradise came to this reconstruction of a normal marriage in Nuzi, using some contractual regulations as negative evidence: (a) The fathers of the bride and groom come to an agreement and the couple is to live in the husband's home; (b) The husband can take another wife if no children are born; (c) A man has the right to take a concubine; (d) A man can degradate his wife and promote his concubine; (e) The eldest son receives a double share in the inheritance<sup>14</sup>). Nuzi was a city on the margin of the Mesopotamian world proper where customs (c)-(e) were largely unknown.

Normally, the father of the young man first paid a brideprice to the father of the woman. Paying the brideprice in silver was institutionalised in the

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is not the usual Semitic word. The word for the second wife who is to bear children is *šugētum* which can be explained as 'old woman'—exactly what we do not expect. The woman who has children and is always willing to get more, is named 'the holy one' (*qadištu*) suggesting virginity—quite the contrary. The word for prostitute (*ḥarmtu*) suggests isolation, not promiscuity; cf. Arabic 'harem'

10) Roth 1987, 737

11) Veenhof 1976; Locher 1986, 244 ff., Wilcke 1985, 286 ff.

12) Greengus 1969

13) C. Wilcke, *ZA* 66 (1976) 197 n. 3, sees in all Old Assyrian marriage contracts unusual situations.

14) Paradise 1987

Old Babylonian period; in the preceding Sumerian times it was a large gift of foodstuffs, clearly meant for a banquet preceding the wedding, and here 'bridewealth' is a more appropriate term<sup>15</sup>). According to C. Wilcke, this one gift developed into two: silver as brideprice (*terhatum*) given at the solemn moment of 'engagement', and sundry presents (*biblum*) for the wedding<sup>16</sup>). The amounts paid as brideprice vary; most frequent are 5 and 10 shekels of silver in the Old Babylonian period, but we hear also of 20 or 30 shekels. It is my opinion that it was a fixed price that could be paid in installments; the texts from Nuzi show that when the first child was born, another part of it was paid<sup>17</sup>). Texts from Mari about royal marriages show that goods were given but that the total value was calculated in silver; this rule may also obtain for the brideprices of commoners, mentioned above<sup>18</sup>). In Nuzi, the brideprice was paid in domestic animals and silver amounting to a total value of 40 shekels of silver. There is some evidence that it was equal to the price of a slave girl. We can observe a development in the use of the brideprice: already in the Old Babylonian period it could be passed on to the wife by her father but in all four cases the woman is a 'nun'<sup>19</sup>); later on, this became the rule, so it seems, but the evidence for such an 'indirect dowry' is not abundant.

From her father, the bride received a dowry which remained her property and was for that reason described in much detail in the marriage contract. Laws prescribe what has to happen to all these gifts if something went wrong: simple restitution, or with a penalty included, forfeiture, etc. The underlying rule was, according to A. van Praag, that everything could return to the original owner—with or without a penalty payment—as long as no child had been born<sup>20</sup>).

There has been a heroic discussion in Assyriology about the legal character of marriage. Until the end of his life, Paul Koschaker defended it to be basically a sale, *Kaufehe*, comparing the delivery of the woman with that of immovables: payment first, at the betrothal, and *traditio* later, at the wedding. He stressed that it was a sale in its own right<sup>21</sup>). One has indeed the impression that, starting in the Old Babylonian period, the bridewealth crystallized into a brideprice. To me, an acceptable alternative to

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15) Greengus 1990.

16) Wilcke 1985, 252 ff., contrast Greengus 1990, 68 n. 187

17) Grosz 1981, 176 f.

18) Lafont 1987, 119; Greengus 1990, 67 f., 85.

19) Westbrook 1988, 99 f.

20) Van Praag 1945, 133; Westbrook 1994, 277b.

21) Koschaker 1950.

Koschaker's 'outdated' model has not yet been given<sup>22)</sup> and later scholars like Landsberger and Wilcke used words still pointing to a sale *sui juris*<sup>23)</sup>. The expression 'price of a virgin' is indeed sometimes used in the texts; there are instances where the Babylonian word for brideprice (*terhatum*) means no more than 'price for a woman' and we have examples of marriages which actually are to a large extent purchases of poor girls<sup>24)</sup>. The poorer the girl's parents, the more marriage resembles a real sale. Marriage arrangements in a city like Nuzi indeed look like sales due to the poverty of the girl's parents, and giving a dowry was there a luxury of the wealthy<sup>25)</sup>. A Middle Assyrian contract tells us that a man had to live in the house during ten years before being married to a woman; this looks like paying for her by doing work, as Jacob did according to Genesis 29-30<sup>26)</sup>.

There is plenty of evidence that poor people ceded their children under unfavourable conditions to others who married them off, eventually. A man marries a girl from a fatherless family and promises to cover her with 'cloth and hat'—the groom provides this simple dowry himself<sup>27)</sup>. In the Old Babylonian period and in Nuzi a girl could be adopted as 'daughter' at a price far lower than the brideprice; more explicit is the purpose 'as daughter and as bride' in an adoption by paying the brideprice (the 'matrimonial adoption'); these women were often married to slaves in Nuzi<sup>28)</sup>. In the 'sistership' contracts from Nuzi, the brother of a woman gives her and the right to marry her off to a third party who adopts her as 'sister'. She works in his house and eventually he will cash her brideprice, so we understand these texts<sup>29)</sup>.

### *A woman's life*

Let us now follow the young woman from the moment of her betrothal to that of her giving birth to her first child. The Sumerian father promised

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22) The latest rejection was by Westbrook 1988, 53-60, 84 f. His own view that adoption is analogous to marriage was rejected by W.F. Leemans, *Tijdschrift voor Rechtsgeschiedenis* 69 (1991) 140. Greengus 1990, 76 f., is also critical but does not say much about the post-Sumerian periods. See also Jack Goody, *The Oriental, the Ancient and the Primitive. Systems of marriage and the family in the pre-industrial societies of Eurasia* (Cambridge, 1990) 465 ff. He does not take into account the rich Mesopotamian material and only has Koschaker 1950 listed in his bibliography

23) Landsberger 1968, 93 f., Wilcke 1985, 256.

24) Postgate 1979, 96.

25) Grosz 1983.

26) Postgate 1979, 93-5.

27) Westbrook 1991, 144.

28) Cardascia 1959; Grosz 1987

29) Greengus 1975; Eichler 1977

his daughter to the father of the future groom, in the texts known to us he takes an oath to the king<sup>30</sup>). There is no evidence for assuming a solemn ceremony. In the following Old Babylonian period there was one: the payment of the brideprice was celebrated by a drinking party (*kurrum*). In the West and North (Syria; Assyria), the head of the girl was anointed with oil indicating that she had entered a new status; the correspondence from Amarna on princesses marrying is our main source and in the one millennium earlier Ebla texts the same custom is attested<sup>31</sup>). As to the wedding, indirect evidence from literary texts indicates that a full wedding lasted six or seven days. Beforehand, the girl was covered by her father with a veil which was taken off later by her husband. She is now 'the bride' (*kallatum*) and she seems to keep this title until her first child is born. Letters speak of *the* bride suggesting that there was only one at the time. Foreign princesses married to the king had this as permanent title. The groom is accompanied by a number of 'friends', best-men, whose task seems to have been to supervise the carnal union of the couple in order to protect the virginity of the bride against demons with their swords; this explanation was proposed by M. Malul who used modern ethnographical data<sup>32</sup>). A discussion has arisen on the exact meaning of Akkadian *batūltu* and its counterpart in Hebrew, *b'tūlā*. The word has always been taken to mean 'virgin' but a meaning 'teenager' has been proposed and this found wide acceptance<sup>33</sup>). The pendulum is now swinging back—rightly so—and one realizes that the existence of a special word for virgin fits the value attached to her untouched state at the moment of the wedding<sup>34</sup>). A remarkable passage in a letter from the Mari archives shows us what exactly they meant by this; a woman declares, "He kissed my lips, he touched my vagina but his penis did not enter my vagina" Meaning: she is not to be blamed for anything<sup>35</sup>).

The wife moves into the house of her husband and everybody hopes that their union will be fruitful. Pregnancy and birth are beset with risks: the future mother can be hit by known or unknown people resulting in an abortion (a problem discussed in most Ancient Near Eastern law books), or the female demon Lamaštum can kill her or the baby. Amulets, incantations and rituals can ward off this danger<sup>36</sup>). A woman who has borne her hus-

30) Greengus 1990, 74 f.

31) D Pardee, *BiOr* 34 (1977) 14 f., A. Archi, *Biblical Archaeologist* 44/3 (1981) 146 f. Greengus 1990, 63, relates anointing in Ebla to the wedding ceremony

32) Malul 1989.

33) Landsberger 1968, 57

34) Locher 1986, 117-192; Roth 1987, 739-743.

35) S. Lackenbacher in *Archives Epistolaires de Mari* I/2 (Paris, 1988) 423 no. 487.34-37

36) Stol and Wiggermann 1983; Scurlock 1991.

band and his family a child, has become a respected person and the last section of the Laws of Ešnunna shows that she cannot be divorced easily. The child is breast-fed for two or three years. It was possible to hire a woman to feed it this way; the laws of Hammurabi forbid her to take a second baby at the same time<sup>37</sup>). Neither was it allowed in the Greek nursing contracts from Egypt (*parathēlazō*). At the royal court of Sumerian Ur we see that the nurse Rabbatum later became the nanny of a princess and Mari letters show how attached the Queen was to this woman, usually named 'mother'<sup>38</sup>).

*No children, second wife*

Children take care of their parents when they have become old and already for that reason alone it is important to have children. When no child was born, the adoption of an adult person was one strategy; marrying a second wife was another option<sup>39</sup>). We have several contracts of this kind of marriage. As a rule, their main point is to establish the position of the newcomer: "To the husband, she is the wife; to the (first) wife she is a slave girl". We see more than once that it is the first wife who presents the new wife; she can be a maid; sometimes it is a woman adopted by her as her own sister. A married 'nun' that was not allowed to bear children (*naditum*) brought her sister with her as second wife (the *šugētum*); this woman was expected to give birth to the children. She was the physical sister and marrying two sisters may have been an ancient tradition; according to legend, Gilgamesh offered his two sisters to Huwawa for marriage<sup>40</sup>). The marriage contracts from Assyria and the West permit a second wife only after three (or more) years of childlessness; some from Nuzi forbid it in case there are children. Another motif for taking a second wife is chronic disease or disability of the first wife; lawbooks insure that the rights of the first wife are protected.

From all this it is clear that marriage in Babylonia was basically monogamous. Men from some higher classes could afford additional matrimonial entertainment, however. Best known are the harems of the kings, of course. The Middle Assyrian laws speak of two wives as normal, the one 'in the front' and the other 'behind'. The Assyrian merchants living

37) CH § 194 with Gruber 1989; Cardascia 1982.

38) Ur III. P. Steinkeller 1981, 90; M. Sigrist, *Drehem* (Bethesda, 1992) 361 (only Akkadian names!). Mari: J.-M. Durand, *MARI* 6 (1990) 276; see also G. Bardet, *ARMT* 23 (1984) 72-74.

39) Westbrook 1988, 103 ff.

40) A. Shaffer, *JAOS* 103 (1983) 310 f.

in their faraway colony Kaneš (in Turkey) could take a local free woman, the so-called ‘slave girl’, while their wives were living in Assur; in addition, they were entitled to female companionship while travelling<sup>41</sup>). A contract from Nuzi indeed envisages the possibility that the husband will take ‘a second wife’ and ‘a concubine’ (*esirtu*), and rules this out<sup>42</sup>). Similarly an Old Assyrian text: a man has married someone’s sister and makes two promises: not ‘to let live a girl-friend (*šeʾitum*) at her side’, and ‘not to marry a second wife (*qadištum*) in Kaneš or Niḫrija’<sup>43</sup>).

### *Divorce*

Old Babylonian contracts always contemplate the possibility of divorce and the sanctions for the woman taking the initiative for divorce are harsh<sup>44</sup>). If the man wishes to divorce his wife, he has to pay a penalty of 20 or 30 shekels of silver; if the woman “says ‘You are not my husband’, they shall bind her and throw her into the river” (in an earlier period: “they shall push her from the tower”). It is hard to believe that this treatment of the woman was reality; actually, death by drowning was the punishment for something worse, adultery. Modern scholars have thought of a frozen formula. But § 141-143 of the Laws of Hammurabi show that it was reality; however, close study of these sections shows that the lawgiver wished to minimize this dire consequence: divorce is possible under some conditions and the woman is only thrown into the river if she is proved to be guilty of grave misdemeanour<sup>45</sup>). The clausula in the much later Neo-Babylonian contracts is equally discriminatory: “Should (the wife) be discovered with another man, she will die by the iron dagger. Should (the husband) take another wife in preference to her, he will pay six minas of silver”<sup>46</sup>). Note that this clausula speaks of adultery, not divorce; was the latter permitted? Westbrook distinguishes divorce with and without grounds. A man who has no grounds ‘hates’ his wife. We derive from litigations some reasons for divorce. Specific motives are for the man. the woman is no virgin, she refuses cohabitation, she commits adultery, she has contracted a disease,

41) K.R. Veenhof, *Iraq* 39 (1977) 113; Veenhof in: H.-J. Nissen and J. Renger, *Mesopotamien und seine Nachbarn I* (Berlin, 1982) 151 f.

42) Paradise 1987, 12.

43) *AKT I* 77.1-9 with Bilgiç 1990 and J.-G. Dercksen, *NABU* 1991/28. Read in lines 4-6 *qá-qá-sà pá-te ša-wr-tám i-na ša-ḫa-ti-ša ú-lá ú-šé-ša-áb*.

44) Westbrook 1988, 69 ff.

45) Nörr 1962.

46) Roth 1988; contrast Beaulieu 1993, 14 n. 22.



bad behaviour. For the woman, bad behaviour of her husband, he refuses cohabitation (?), he is a long time abroad (for example, because he has been taken prisoner by the enemy)<sup>47</sup>). Getting a divorce was much easier for a woman living in Assyria and the West; we derive this from the stipulation of equal conditions for man and woman which is normal there. We have one exceptional marriage agreement on equal conditions made by a high-ranking lady at the Neo-Assyrian court, arranging a marriage for her daughter with stipulations only benefitting the bride. The names of the contractants are Aramaic<sup>48</sup>). It has been said that the idea of equality between man and woman, first visible in the Aramaic contracts of Elephantine (Egypt), is a heritage of the West<sup>49</sup>). A few contracts of the Old Babylonian and the Middle Assyrian periods show that there the position of the wife is by no means lower in that they give the same—monetary—punishment for husband and wife in case of divorce<sup>50</sup>). That these women concluding a new marriage were independent widows is a possibility one has always to take into account.

There is one text that gives me the idea that the primary meaning of the divorce clause is to determine the degree of (in)dependence of both people: we have a declaration on the virginity of a bride, and the clausulas on equal punishment in case of divorce follow<sup>51</sup>). They are immaterial to the declaration and were copied from the marriage contract. They were added in order to remind the reader of the equal status of the woman.

Our conclusion is that in principle leaving her husband was not allowed to a married woman, but that powerful parents could dictate other conditions for their daughters, in all periods.

### *Adultery*

There was a strong tendency to put the blame for adultery on the woman as *femme fatale*<sup>52</sup>). Wisdom literature of the entire Ancient Near East warns young men against seduction and we have a Sumerian school text describ-

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47) Motives for the man: A. Falkenstein, *Die neusumerischen Gerichtsurkunden* I (Munich, 1965) 108 f.; Locher 1986, 254 f., 290 ff., Westbrook 1988, 75-78. Motives for the woman: Locher 1986, 255-257, CH § 142; Westbrook 1988, 86-88.

48) Postgate 1979, 79 f.

49) Lipinski 1981.

50) P. Koschaker, *JCS* 5 (1951) 117-119; Landsberger 1968, 91 n. 1 (German: 'muntfreie Ehe; paritätische Ehe'); *TIM* 4 45 with C. Saporetti, *Oriens Antiquus* 7 (1968) 181-184.

51) Locher 1986, 195-197

52) Steiner 1987

ing such a case<sup>53</sup>). A telling passage in an Old Babylonian letter shows us that the Mesopotamian male feared three dangers in a married woman; here in a queen. “Did your lady perform black magic against Yarkab-Addu, her lord? Did she pass a (secret) word from the palace? Did somebody else open the thighs of your lady? Did your lady do anything wrong against her lord?”<sup>54</sup>). This prejudice is also reflected by her treatment before the judges; a woman about whom rumours circulate has to undergo a test by the divine River Ordeal, and only in this case the *justitiam* of the false accuser does not apply: the man wrongly blaming a woman for adultery has not to die<sup>55</sup>). Legally, it is important to establish the married status—or not—of the woman, another point is the place where it had happened: could the woman have effectively cried for help, or could the man have been mistaken on the status of the woman he met? Was it rape or consensual intercourse? The Hittite laws (§ 197) and the Bible (Deuteronomy 22) discuss the problem<sup>56</sup>). The Assyrian lawbook does away with this *Tatorts-Kasuistik* by holding the man always guilty; to Landsberger, this is an example of unrealistic *Professorenrecht* implying that we need not take this lawbook too seriously<sup>57</sup>).

### *Widows*

Due to the higher age of men at marriage there must have been quite a lot of women who survived their husbands as widows<sup>58</sup>). Widows and their fatherless children, the so-called ‘orphans’, were in the Ancient Near East the symbols of social vulnerability and kings proclaimed that they were their protectors; the oldest examples are the rulers of Lagaš (2500 B.C.)<sup>59</sup>). The widows that we know of from the family archives are by no means poor. They take over the position of the father (named ‘fatherhood’ in the Nuzi texts) and manage the household until the sons are old enough to take over. From the Neo-Babylonian laws and contracts about women it appears that her first concern was her source of income after her husband’s death, and the place where to live. She was entitled to her dowry and any ‘gift’ her husband had given to her. Normally, he had taken care of this. It is possible

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53) Greengus 1969-70.

54) J.-M. Durand, *Archives Epistolaires de Mari* I/1 (Paris, 1988) 528 no. 249:37-41.

55) Locher 1986, 315-380.

56) Saporetti 1988.

57) Landsberger 1968, 63 n. 1.

58) Roth 1991-93, 4 f.

59) Fensham 1962.

that this picture emerges: a young widow returns to her father's house, a mother with children remains in the house, and an older widow goes to live with her grown son<sup>60</sup>).

Another option is remarriage. Testamentary dispositions from the West have a clause telling that she can go away and lay down her clothing on a stool when leaving the house and marry 'a stranger', this act means relinquishment of any claim to her former house<sup>61</sup>). Remarriage is easier and less formal for a widow than for a young girl who marries for the first time: after a period of living together with a man she is considered his wife, some laws say. We see that she can take her children with her into the new union and in that case an arrangement is made on their position in the new family.

Levirate was not an institution but sometimes we discover regulations similar to it<sup>62</sup>).

### *Property and inheritance*

The dowry that her father had given to her remained the wife's property<sup>63</sup>). Her husband had the right to manage it but the total value should not be diminished. The children of the woman or the heirs appointed by her could inherit the dowry. Within the dowry, the *mulūgu* and the *quppu* ('the basket') are distinguished as special funds that can be used by the wife at her discretion, so it seems<sup>64</sup>). Other sources of private property are gifts by her father or her husband. Her own property (the silver) was ceremonially bound in the 'hem' of her garment; in the Neo-Babylonian period it was kept in her 'basket'. We indeed see women actively involved in business; they were even allowed to buy immovables. Wisdom literature and the laws of Hammurabi see in married women acquiring their own property (*sikiltum*) a danger for the welfare of the husband. A woman was accountable for the debts contracted by her husband; this was no more so in the Neo-Babylonian period<sup>65</sup>).

60) Roth 1991-93, 26.

61) Huehnergard 1985, 432 f.

62) Skaist 1983; Joannès in Durand 1987, Westbrook 1991, 87-89. For a new definition of levirate, see Westbrook 1991, 69-89, "The Law of Biblical Levirate". He shows that levirate wished to prevent extinction of the deceased's title (Hebrew 'name') to his landed inheritance.

63) Westbrook 1991, 1994.

64) Roth 1989-90; Westbrook 1994, 274 f., 281.

65) This is background of CH § 151 f. Ur III. H. Neumann in: Maria de Jong Ellis, *Nippur at the Centennial* (Philadelphia, 1992) 172, with note 72 (Neo-Babylonian). In two Neo-Assyrian marriage contracts the wife's liability is excluded; *CTN* II no. 247 with comm. and Saporetta 1984, 53.

As to the right to inherit, this rule in the Mishnah can be quoted as exemplary: “The sons inherit and the daughters receive maintenance” (Ketuboth IV, 6). The father, brothers and husband indeed see to it that the women in the family are taken care of. If they do not provide for them themselves, an arrangement is made: a gift is made out to her, or to somebody else, often with the condition to give her monthly or yearly rations<sup>66</sup>). Daughters did not receive a portion from the inheritance. There are some instances, however, where a woman gets a share at the partition (in the Pre-Sargonic and Old Babylonian period)<sup>67</sup>). We assume that those women were not married (the texts from Nuzi prove this) and that normally their inheritance devolved to her brothers after their death<sup>68</sup>). In Assyrian testaments, the goods bequeathed to wife or daughter ultimately are to go to sons or brothers<sup>69</sup>). There are special rules for the Old Babylonian ‘nuns’ that will not be discussed here<sup>70</sup>). Two bequests made in the Neo-Babylonian period suggest that a father was free to appoint a woman as his heir, whatever ‘common law’ may have been<sup>71</sup>). In Mesopotamia, a still unmarried daughter was entitled to a dowry (as a son was to a brideprice) and its value was set apart for her in her father’s estate<sup>72</sup>). Can one consider the dowry as an advanced form of inheritance? Functionally, yes; legally, no, because a dowry as a voluntary gift is a favour and inheritance is a right, according to Westbrook (the word ‘favour’ is mine)<sup>73</sup>).

A man having only daughters had two options, (a) adopting a man as his son and marrying him to his daughter; (b) installing her as the heir<sup>74</sup>). Two Mesopotamian kings ruled that in such cases the daughters are heirs; we find the same in the Bible. Westbrook has written that we should not see in these rulings a vested right of those daughters to the inheritance; they are special interventions<sup>75</sup>). However, we have an Old Babylonian partition between two women and it is assumed that they were the only daughters inheriting from their father—without special intervention<sup>76</sup>).

66) F.R. Kraus in: *Essays on Oriental Laws of Succession* (Leiden, 1969) 13 f., 17

67) Westbrook 1991, 158 n. 1.

68) Cf. Paradise 1980.

69) Saporetti 1984, 52.

70) R. Harris, *Or* NS 30 (1961) 163-169; eadem, *Iraq* 38 (1976) 129-132.

71) C. Wunsch, *Die Urkunden des babylonischen Geschäftsmannes Iddin-Marduk* (Groningen, 1993) 80 and Roth 1991, 22, 37a; E. Leichty, *Anatolian Studies* 33 (1983) 153-155.

72) Roth 1991-93, 7 f.

73) Westbrook 1991, 157

74) Paradise 1980; Ben Barak 1980.

75) Westbrook 1991, 162 f.

76) C.-F. Jean, *Tell Sifr* (Paris, 1931) no. 18, with Klíma 1950, 170 f., and D Charpin, *Archives familiales et propriété privée en Babylonie ancienne. Etude des documents de ‘Tell Sifr’* (Genève, 1980) 73.

It has been said that a daughter could inherit from her mother, not her father; this idea cannot be substantiated as yet.

### *The harem*

A few remarks on the royal harem may be in order now. There is no evidence for it in the Presargonic texts from Sumer but it is already visible in the archives from Ebla, in the West, Syria (2500 B.C.). The ideology of the Ur III empire implied that the king's first wife was the goddess of love with whom he united at the New Year festival and, consequently, his earthly queen was his 'second wife' (lukur)<sup>77</sup>). We know the names of many royal consorts and the palace bristled with princes and princesses; counts of modern scholars have reached the figure 90 for a timespan of one hundred years<sup>78</sup>). Women in the harem of Old Babylonian Mari were largely 'singers' but two letters from Mari show that those singers also were the 'girl-friends' of the king who banned his wives to another building<sup>79</sup>). The number of women increased in Mari from 44 under king Yasmaḥ-Addu to 232 under Zimri-Lim, the booty after his conquest of the city Kaḫat had contributed to this<sup>80</sup>). It is interesting to observe that in Mari the king took over the harem of his predecessor which implied a claim to legitimacy as we learn from the Absalom story in the Bible (2 Samuel 16:20-23)<sup>81</sup>). In the kingdom of Arrapha (of the 'Nuzi' texts) the king had palaces in several cities and in one of them lived 31, in the other 35 harem women (*esirtu*); perhaps many more<sup>82</sup>). The Mari harem was guarded and isolated; we know more about the strict rules thanks to the Middle Assyrian 'harem edicts', loyalty oaths sworn by courtiers. Unfortunately, they are badly broken<sup>83</sup>).

The Queen was an important person and in the West she retained her foremost position after the death of the king; an example is Puduḫepa,

77) Steinkeller 1981, 81.

78) Cf. Van de Mieroop 1989, 58-61.

79) J.-M. Durand, *MARI* 6 (1990) 290-4.

80) J.-M. Durand in E. Lévy, *Le système palatial en Orient, en Grèce et à Rome* (Leiden, 1987) 84 ff.

81) Durand 1985, 389

82) W. Mayer, *Nuzi-Studien* I (Kevelaer, 1978) 111 f.

83) Edition: E. Weidner, "Hof- und Harems-Erlasse assyrischer Könige aus dem 2. Jahrtausend v. Chr.", *AfO* 17 (1954-56) 257-293. Cf. A.K. Grayson, *Assyrian Royal Inscriptions* I (Wiesbaden, 1972) 46 v., § 304-6, § 335-341 (on deaths), § 517, § 681-3 (gifts prohibited), § 850-9, § 905-912 (strife and swearing), § 928, 989; II (1976) § 184-193 (access and contacts). Cf. G. Cardascia, art. "Gesetze", § 3.1 (*RIA* III 286-7); P. Garelli, art. "Hofstaat", B, § 2 (*RIA* IV 447-8).

Queen of the Hittites. Powerful Assyrian queens are known; the fabulous but very real Semiramis was one of them. One of their main concerns was to get their own son—not necessarily the king's eldest—on the throne<sup>84</sup>). Not a queen, but an important personality at court, was Adad-guppi, who succeeded in getting her son Nabonidus on the Babylonian throne.

### Work

Most of the contracts and letters deal with women of the higher classes of society—the social strata where putting down in writing marriages, messages, disbursements of goods, etc., was practised; we know their names and learn of their activities. Normally, a well to do woman had no job and it was her task to 'grind the flour' at home. Wives of Old Assyrian merchants, however, were actively involved in their husband's business in the colonies, like Kaneš; a wife of a Neo-Babylonian wealthy man was active in his affairs, also exploiting the silver from her dowry<sup>85</sup>). Other women, particularly at court, managed large landed estates<sup>86</sup>). The only legal capacity that a woman never has had was to be a witness. Still, in the Neo-Babylonian period she had the right to be 'sitting', i.e., to be formally present, when her husband was contracting a deal of interest to her<sup>87</sup>).

Poor women are largely anonymous. The lowest class of female workers visible in these family archives are the slave girls. Slavery existed but it did not dominate society. Wealthy girls took a few named slaves (male and female) with them as part of their dowry. Sources of slavery were war booty, purchase on the market, and irreparable debt. One of the last resorts for a man in debt was to give his wife, daughters and slave girls to his creditor as pledges; they had to work there, for instance to grind flour<sup>88</sup>). The number of passages in Old Babylonian letters referring to these pledged persons (*nepūtum*) is quite high: pledging was not an unusual step and having them released appears to be one of the main problems.

84) Ben Barak 1987

85) An Old Assyrian example is Tarām-Kūbi; see C. Michel, *Innāya dans les tablettes paléo-assyriennes I* (Paris, 1991) 77-88. Other data in K.R. Veenhof, *Aspects of Old Assyrian trade and its terminology* (Leiden, 1972) 110-123. The Neo-Babylonian woman is Ina-Esagil-rāmat; see C. Wunsch, *Die Urkunden des babylonischen Geschäftsmannes Iddin-Marduk* (Groningen, 1993) 66-72.

86) Van de Mieroop 1989, 54-63.

87) P. Koschaker, *Babylonisch-assyrisches Bürgschaftsrecht* (Leipzig, 1911) 200-209; M. San Nicolò, *Or NS 16* (1947) 291-4.

88) H. Waetzoldt and M. Sigrist in: *The Tablet and the Scroll. Near Eastern Studies in honor of William W. Hallo* (Bethesda, 1993) 273b. Old Assyrian examples: S. Bayram, K.R. Veenhof, *JEOL 32* (1991-92) 89 ff.

We know something of the lot of the poor from the administrations of the 'great organisations' (temples, domains). It could be that destitute families vowed their children to temples. Those women are predominant in the Sumerian organisations<sup>89</sup>). Women worked as weavers; textiles were an important export product of Mesopotamia. Other texts show that these women could be required to grind flour, to tow boats or to cut reed. Whatever their work was, they received half of the rations given to men: often 30 litres of barley per month<sup>90</sup>). The Ur III texts take into account that a woman could not work during six days per month; undoubtedly due to her menstrual period<sup>91</sup>). In Babylonian euphemistic idiom: she was 'stricken by the weapon'.

Better off were women having a specialised occupation. We already came across the woman nursing a baby and can add the midwife. Well known from the Old Babylonian law books is the 'bar-wife' (*sābītum*), the woman not only providing beer to her customers but also giving small loans. Her male counterpart, the 'brewer', is in charge of the production of the beer. In the Neo-Babylonian period, a rich man provides his female slave with the means to establish a tavern—incidentally, a fine example of the relatively good position of slaves at this time<sup>92</sup>). A woman of a very high position was the leader of the household of the queen at the Assyrian court, the *šakintu*. A woman with a similar position is found in the royal archives of Mari (the *abarakkatum*). From the early period to the latest, we occasionally come across women who can write: a handful of female scribes and two "poets" of royal blood<sup>93</sup>). Secret knowledge in women was not appreciated: as in many other cultures, witches were noted to be women and a large corpus of apotropaic rituals and incantations existed to ward off this ever existing danger<sup>94</sup>).

Best known is the prostitute<sup>95</sup>). Literary phrases show that they were found behind the city wall and the laws suggest that a woman appearing alone on the streets was supposed to solicit men. It has been claimed that outside the city of Susa a brothel has been excavated, the walls being decorated with terracottas representing naked women<sup>96</sup>). We have contracts

89) Cf. Roth 1991-93, 24 f.

90) Waetzoldt 1988; Van de Mierop 1989, 64-66.

91) B. Lafont, *NABU* 1987/45; Waetzoldt 1988, 36 f. In Deir el Medineh (Egypt): Y Koenig, *Journal asiatique* 273 (1985) 7 f.

92) Beaulieu 1993, 13a.

93) Harris 1990.

94) Rollins 1983.

95) Bottéro 1987, Lambert 1992.

96) L. Trümpelmann, "Eine Kneipe in Susa", *Iranica Antiqua* 16 (1981) 35-44.

where adopted girls are destined to be a prostitute; their income will guarantee the adoptant (a woman) a careless old age<sup>97</sup>). A man could marry a prostitute; the position of the pertinent law in the collection of laws of Lipit-Ištar shows that this was considered a third-rate marriage (§ 30). Leaving one's wife for such a lady and marrying her was considered immoral<sup>98</sup>). An unmarried prostitute could have a child which probably implied some life-insurance: the Assyrian laws have a severe punishment for the man who causes miscarriage with her (A § 52); two Neo-Babylonian texts arrange the upbringing of such a child by the grandmother or uncle, shortly after birth<sup>99</sup>). Famous is the story told by Herodotus: every Babylonian woman was supposed to offer herself once in her life for prostitution; note that this is a *rite de passage* rather than prostitution (*Hist.* I 199). This rumour cannot be confirmed and we now assume that the Father of History either was completely wrong or misunderstood a form of cultic prostitution<sup>100</sup>). The ill repute of Babylon as whore in the last book of the Bible is not justified. Another legendary *rite de passage* is 'the right of the first night', only known from a passage in the Old Babylonian Gilgamesh Epic.

This brings us to the debate about the existence of 'sacred prostitution'. Classical authors reported about this institution in the homeland Phoenicia, and Cyprus or Mount Eryx on Sicily. One school denies it for Mesopotamia outright<sup>101</sup>), the other confirms it and sees even in the innocent 'nun' *nadītum* such a woman<sup>102</sup>). We will present here the hard evidence. Recently published texts from Old Babylonian Sippar speak of 'prostitution' related to the cult, and a low-ranking woman with a special hairdo known from the Kiš texts of the same period (*kezertum*) must have been involved in the cult; in later texts she is identified as a prostitute in the service of Ishtar of Uruk<sup>103</sup>). We suppose that she did the work referred to in the Sippar texts. A text from Nuzi shows that a girl was vowed to Ishtar 'for prostitution'<sup>104</sup>). In contracts from an Aramaic speaking area (Tell Halaf), the defaulter is threatened as follows: "Let them burn his seven sons in front of (the god)

97) *BE* 6/2 4, see now E.C. Stone, D.I. Owen, *Adoption in Old Babylonian Nippur* (Winona Lake, 1991) 54 no. 20 (Old Bab.); and *BE* 14 40, with Lambert 1992, 134 f. (Middle Bab.).

98) Westbrook 1984.

99) *CT* 55 154 and *AnOr* 8 14, with disputed explanations, see M. Roth, *RA* 82 (1988) 132-4.

100) Wilhelm 1990.

101) Arnaud 1973; Gruber 1986; Westenholz 1989

102) Lambert 1992.

103) M.L. Gallery, *Or NS* 49 (1980) 335, 338; M. Tanret, K. van Lerberghe in: J. Quaegebeur, *Ritual and sacrifice in the Ancient Near East* (Leuven, 1993) 440-2, 447

104) Wilhelm 1990.



Adad, let them leave his seven daughters to (the goddess) Ishtar as prostitutes'', similarly sounding formulas in Assyria suggest the same; one speaks of giving seven *kezru* men and seven *kezertum* women to Ishtar of Kurba-il<sup>105</sup>).

### Religion

In prayers, the female half of a divine couple is asked to interfere with her husband on behalf of the supplicant<sup>106</sup>). There, the task of the wife is intercession. In introduction scenes on cylinder seals a woman introduces man to his god. Similarly, the wife in the house was supposed to pray for her family to the gods<sup>107</sup>). This religious idea explains the existence of cloisters in the Old Babylonian period, rather than an economic motif to preserve the family capital. Rich and even royal families sent their daughter to this secluded place, where they prayed and made sacrifices on behalf of their relatives—this is what we read in their letters<sup>108</sup>). We have large parts of the archives of the cloister of Šamaš and Aya in Sippar: it appears that these women (*naditum*) owned houses, fields, orchards which were given out to tenants. Some had such large estates that a steward had to run it. The laws of Hammurabi show that these women could not get children otherwise than by adoption. The existence of this group of 'nuns' is exceptional in being only attested in the Old Babylonian period; for further information we refer to the existing literature<sup>109</sup>). Kings appointed their daughters as high priestesses in ancient cult places<sup>110</sup>).

Texts from Old Babylonian Elam and from Middle Babylonian Nippur, Nuzi, and the West show that women were involved in funerary rituals; the sad Tammuz cult was her concern<sup>111</sup>). Ur III queens performed rites at the end of every month; were those meant for the dead, too, rather than to ward off the dangers of the moonless nights, as is commonly assumed?<sup>112</sup>).

105) Wilhelm 1990, 513 f.

106) K. Watanabe, *ASJ* 12 (1990) 323 ff.

107) Van der Toorn 1994, 37-43.

108) Batto 1974, 129-132; Durand 1985, 397

109) Harris 1967, J. Renger, *ZA* 58 (1967) 149 ff., R. Harris, *Ancient Sippar* (Istanbul, 1975) 142 ff., 302 ff.—One remark on "the rope (*qûm*) of Šamaš" that was placed on the novice's arm, "symbolizing her new relationship to the god" (Harris 1975, 308; also Harris 1967, 114 f.): it is a ring (*unqum*); correct the text as follows: *u<sub>4</sub>-um <un>-qá-am ša<sup>d</sup>utu a-na qá-ti-ša aš-ku-nu* (*CT* 4 18b:1-2). Line 4 shows that it is the 20th day of the month; the day of Šamaš (M. Birot, *ARAMT* XIV [1974] 215).

110) Durand 1985, 397 f.

111) Van der Toorn 1994, 116-121.

112) W. Sallaberger, *Der kultische Kalender der Ur III-Zeit* 1 (Berlin, 1993) 60-63.

Women also consulted the spirits of the dead (necromancy) and were dream interpreters (*šāʾiltu*) or even prophets<sup>113</sup>).

We have reached the end of this contribution which has covered a period of almost 3,000 years. Can we discover differences in places or developments in time? Some are clearly visible. We have seen that in Assyria and 'the West' betrothal was sealed by anointing the bride. There, it was easier for a woman to divorce. However, the treatment of a woman in the Assyrian laws is harsh. The freedom of a woman was limited and the more so if she or her parents were poor. Daughters of rich families of all periods, on the other hand, could be involved in big business and have responsible duties. The conditions stipulated in marriage contracts reflect the social positions of both parties. Some rules, however, applied to every woman: in principle she could not inherit and she could not act as a witness. Certain developments mitigated her dependent status. Already soon, the brideprice was conveyed to her by her father; and although never a witness, her presence was required in the Neo-Babylonian period. At this time, she was no more liable for her husband's debt; women could no more be pledged<sup>114</sup>) and divorce may have become easier. These improvements benefitted only the women in the wealthy families. The existence of the ordinary remained largely unchanged.

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113) Van der Toorn 1994, 121-128.

114) H. Petschow, *Neubabylonisches Pfandrecht* (Berlin, 1956) 62.

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