

Document downloaded from the institutional repository of the University of Alcalá: <http://dspace.uah.es/dspace/>

This is a postprint version of the following published document:

JUSTEL VICENTE, Josué Javier; "Women, Gender and Law at the Dawn of History. The Evidence of the Cuneiform Sources". IN: Budin, S. L., Turfa, J. M. (eds.). Women in Antiquity: Real Women Across the Ancient World. New York: Routledge, 2016, p. 77 - 100 (ISBN: 9781138808362 )

© Routledge



*(Article begins on next page)*

This work is licensed under a  
Creative Commons Attribution-NonCommercial-NoDerivatives  
**4.0 International License.**

# WOMEN, GENDER AND LAW AT THE DAWN OF HISTORY

## The Evidence of the Cuneiform Sources

Josué J. JUSTEL<sup>1</sup>

### THE SOURCES

This contribution focuses on “real women”—those who participated in daily life—in the law codes and legal practices of the Ancient Near East. The principle sources used are the indigenous legal texts, inscribed in cuneiform. Within this larger group exist two main sub-categories: the designated “law codes” and the texts pertaining to day-to-day legal actions. Their natures and origins are different, and therefore the data they provide—in this case concerning women—are likewise distinct, and at times contradictory.

The so-called “law codes” are in principle compilations of laws, i.e. documents emanating from officially recognized authority. In the Near East, this means from the monarchy. The best known of these is no doubt the Law Code of Ḥammu-rāpi, but others exist; the following table collects the most important, together with their chronology (middle chronology employed), and the language in which they were written.<sup>2</sup>

Sumerian	Akkadian	Hittite
Laws of Ur-nammu (2100 BC) = LU		
Laws of Lipit-Ištar (1930 BC) = LL		
Sumerian Laws Handbook of Forms (1730 BC)	Laws of Ešnunna (1770 BC) = LE	
	Laws of Ḥammu-rāpi (1750 BC) = LH	
		Hittite Laws (two manuscripts: 1650–1500 and 1400–1200 BC) = HL
	Middle Assyrian Laws (1100 BC) = MAL Harem Edicts (compiled ca. 1100 BC)	
	Neo-Babylonian Laws (700 BC) = LNB	

A significant portion of some of these codes treated matters that directly affected women: marriage, divorce, access to dowries or possible inheritances, the possibility of being physically abused, etc. Clearly, the information they provide is extremely valuable—and as a result they have traditionally been a key source for the study of women. Nonetheless, scholars continue to debate whether the precepts found in these so-called “codes” were actually implemented and, consequently, are relevant as a source of knowledge. As it has been indicated:

In numerous studies of a range of legal situations, little correspondence has been found between the provisions in the law collections and contemporary practice. Furthermore, no court document or contract makes a direct reference to any of the formal law collections.<sup>3</sup> From such an absence of linking evidence some scholars have concluded that the law collections had little or no impact on the daily operation of legal affairs. (Roth 1995: 5)

<sup>1</sup> Abbreviations of specialized journals, texts, and series follow M.P. Streck (ed.), *Reallexikon der Assyriologie und vorderasiatischen Archäologie* (Berlin & Leipzig, see [www.rla.badw.de](http://www.rla.badw.de)), except for references to legal compilations, for which see the table in this section (Roth 1995). I thank S. Budin for her kind advice and numerous suggestions, and her assistance in composing the paper in acceptable English.

<sup>2</sup> There are numerous editions of some of these codes; the reader should consult Roth 1995, which provides transcriptions and translations for all of them.

<sup>3</sup> The author mentions in the next lines different references to laws inscribed in stelai; we have currently other examples, see e.g. Veenhof 1995.

As a result, it has generally been concluded that the codes were not “normative statutes.” However, the contrary conclusion has recently been made based on two arguments.<sup>4</sup> The first is that law collections are statute law, since legislation is defined not by its form but by its origin (in the Ancient Near East, the king’s command). The second consists in regarding these compilations not as codes in the tradition of continental Europe (the *Code Napoléon* of 1804, the German *Bürgerliches Gesetzbuch* of 1896, etc.), but rather as reflecting the English system of *Common Law*; i.e., Ancient Near Eastern statute law is based on the judicial activity of the king. Thus Démare-Lafont (2011: 58): “Now the special feature of these law collections is their subsidiarity, which means that local law takes precedence, except when one party or both refuse it and resort to national law.” This would be the reason why both the daily practice and the laws codes were valid sources of information about the societies which produced them—and as concerns us here, their women—despite the occasional discrepancies existing between them.

In addition to the law codes we have the juridical texts that documented the daily practice of legal matters. These concern various types of contracts (marriage, adoption, sales, loans, etc.), as well as judicial resolutions and wills. The precise nature, formulation, and evolution of this documentation are quite diverse, as many recent studies have shown.<sup>5</sup> The potential of this type of documentation for shedding light on the legal situation of women in the ancient Orient is enormous. As such, various works have been dedicated to compiling the information emanating from these private juridical sources, even if no general study of this topic yet exists.<sup>6</sup>

## WHAT WAS THE LEGAL CAPACITY OF ANCIENT NEAR EASTERN WOMEN?

This question is critical in the context of antiquity. As it is known, in Roman law one criterion for defining legal capacity—along with honor, religion, social status and job—was sex: women suffered *de iure* serious limitations within the private sphere. This was also, in essence, the conclusion reached by the first analyses of cuneiform sources, which were based primarily on data provided by legal collections.

The first general and modern study on the presence of women in cuneiform law is that of Cardascia (1959). While mainly based on legal codes, he also had access to a wide range of studies on legal documents from the Ancient Near East. Cardascia could therefore draw several parallels between the two types of sources and produced sound reflections on women’s actual legal capacity. According to him, Ancient Near Eastern women took part in legal deeds much less often than men and sometimes on an unequal basis. This phenomenon, however, did not involve *de iure* lesser legal capacity. Inequality between women and men in the Ancient Near East was therefore not based on legal grounds but rather on moral principles.

This conclusion is nowadays evident, since documents from every period have been recovered, attesting women actively participating in legal agreements.<sup>7</sup> Nevertheless, these aspects should not hide the fact that the sources indicate that the legal capacity of women

---

<sup>4</sup> Démare-Lafont 2011.

<sup>5</sup> See especially Démare-Lafont & Lemaire 2010 for several examples.

<sup>6</sup> Already since the pioneering work of Marx 1902 on the Babylonian sources of the first millennium BC; see most recently e.g. Wunsch 2003 (Neo-Babylonian and Achaemenid), Justel 2014 (just for the second and first millennia BC), Michel, forthcoming (Old Assyrian). For a recent, general study, not exclusively on women and law, see Stol 2012 (cf. also Stol 1995).

<sup>7</sup> Westbrook 2003c: 39.

was *de facto* inferior to that of men. There are two primary arguments for this. First, women typically took active part in far fewer legal activities; second, when they did, in many cases the women concerned were of a special status, either politically (queens and wives of magistrates), in terms of family (widows), or socially/religiously (priestesses), etc.

## WOMEN AND MARRIAGE

### Who arranged the marriage?

In Ancient Near Eastern marriages, as it happened in general in antiquity, women were given by a relative or a male guardian as wife to another man. In the grand majority of cases, the “fiancée’s” guardian was exclusively her father, and this is generally presumed in the law codes (e.g. LU 10–11, 15, LE 17, 25–30, LH 155–167, MAL A 25–36, LNB 8–15). In this process, technically known as *traditio puellae*, women had no capacity to act, and the common interpretation implies that the husband’s authority over his wife replaced that of her father.<sup>8</sup>

However, several instances of private legal practice demonstrate that women could, on few occasions, play an active role in two different ways. On the one hand, a woman could take part in the management of the marriage of another woman in her family, usually her daughter. In these cases no male relative of the bride is mentioned, and it has generally been construed that she had no father i.e. male guardian, e.g. *TPAK* 161 (Old Assyrian from Kaniš, 19<sup>th</sup> c. BC), *Iraq* 16, p. 37f (Neo-Assyrian from Kalḫu, 7<sup>th</sup> c. BC) or *AfO* 51, p. 198 (Achaemenid from Āl-Yahudu, 533 BC).

On the other hand, a woman could manage her own marriage, which is not envisaged in legal compilations.<sup>9</sup> This situation is totally unusual though not unknown in cuneiform private documents. It basically applied in cases of women with a special status, such as widows and priestesses, but note e.g. that in some Ur III documents, in which the woman married a man (at least it is terminologically so expressed), she had no special status (*NG* 14 from Girsu and 206 from Lagaš, 21<sup>st</sup> c. BC).

One of these documents (*Emar VI* 124) from 13<sup>th</sup>-century Emar, appears to reflect both circumstances. Eza was a *qadištu* priestess, a category of women who, in this time and place, were apparently not permitted to bear offspring. Eza had at least three daughters, and was thus either married before taking on her current position, or she had adopted the children. The document indicates she decided to take a husband, named Tatu, but given that she was not permitted to bear offspring, she also married her eldest daughter to Tatu. Additionally, she specified that if this daughter should die, the husband could marry one of Eza’s other daughters. In this instance, one notes that Eza sought to redefine the familial structure and to protect the judicial and economic prerogatives of its members, doing so by employing the legal institution of marriage.<sup>10</sup>

Eza, daughter of Ḫayya, *qadištu* priestess, ha[s made] Tatu, son of Bi’šū, her husband.

(Eza) spoke thus: “I have three daughters: Ba’la-’ummī, Dagān-šimertī, and Dagān-’ilah. I have delivered (as well) my older daughter, Ba’la-’ummī, as his wife (of

---

<sup>8</sup> Westbrook 2003c: 46.

<sup>9</sup> Some comments on this circumstance, concerning different periods, are to be found in Falkenstein 1956: I 81–82, Wilcke 1985: 303–313, 2007: 52, 62, Marsman 2003: 292–293, Jursa 2005: 12, Justel 2008: 40–43, 2014: 34–35.

<sup>10</sup> On this document see the translation and commentaries in Tropper & Vita 2004: 148–149, and Justel 2014: 34–35.

Tatu). And if Ba‘la-‘ummī dies, then (Tatu) will take my second daughter, Dagān-šimertī, as his wife.

If in the future Eza, the daughter of Ḥayya, says to Tatu: “You are not my husband”, she will hand over to Tatu 60 shekels of silver. And if Tatu says to Eza: “You are not my wife,” he will hand over Eza 60 shekels of silver and go wherever he wishes.”

(Eza has said:) “My two brothers, Šaggar-abu and Tūriya, will not claim any of my belongings. This document will prevail over whoever makes a claim”.

(Seven witnesses and a seal).

### Marriage transfers

With the marriage, in general, the woman’s father gave her a dowry, and the bridegroom’s family transferred a bridewealth to the bride’s. The existence, nature and use of this bridewealth (Sum. NĪ-MUNUS-US-SA, Akk. *terḫatum*) is thoroughly regulated in legal compilations (e.g. LL 29, LE 17–18, 25–26, LH 138–139, 159–166, MAL A 38).

The assumption that the bride had no legal capacity in her marriage made historians draw a parallel between marriages and sales: the buyer/groom would pay a price (“brideprice” i.e. bridewealth) to the seller/woman’s guardian in exchange of the object of the transaction (the bride). This theory of the “marriage by purchase” (German *Kaufehe*)<sup>11</sup> has already been ruled out on several occasions.<sup>12</sup> The bride must therefore not be seen as a property for which a price was charged; the bridewealth was rather a compensation given to her family for the loss of one of its members.

The dowry (Sum. SAG-RIG<sub>7</sub>, Akk. *nudunnūm*, *šeriktum*, *mulūgu*, etc.), received by the bride on the occasion of her marriage, consisted of personal belongings, domestic utensils, and sometimes a quantity of silver (see LL 24, LH 137–142, 149, 162–167, 171–184, MAL A 29, LNB 8–13).<sup>13</sup> The dowry nominally belonged to the wife, and should always pass to her offspring; such regulations are very common in legal codes (e.g. LL 24, LH 162, MAL A 29, cf. LH 172–173, HL 27, LNB 13)<sup>14</sup> and Old Babylonian documents, most of them written in Sippar during the 17<sup>th</sup> century (e.g. BE 6/1 84, 101, CT 8 2a, CT 47 83, CT 48 50, CT 48 55, PBS 8/2 252, TLB 1 229).<sup>15</sup> However, in general, the dowry was managed by the husband, as it can be already observed in documents from the third millennium BC (e.g. NG 195, from 21<sup>st</sup>-century Girsu). The dowry was ultimately a legal-economic safety measure: in case of heirless divorce, the dowry would go back to the woman’s household as long as she did too (see LH 137, and cf. other circumstances in which the dowry should return to the bride’s father in LH 138, 142, 149, 156, 163–164, 176, etc.). Yet, in the first-millennium BC documents from southern Mesopotamia a variation in the trend can be noticed: the dowry was no longer handed over to the bride but to the groom “together with” (Akkadian *itti*) the bride (e.g. *Nbn* 990 from Babylon in 540 BC, AOAT 222, p. 79f and TuM 2/3 2 from Borsippa in 520/493 BC respectively, CT 49 165 and CT 49 193 from Babylon after 281 BC, etc.).<sup>16</sup>

### Residence of the couple

When a marriage took place, the bride went to reside in the household of her husband’s family (patrilocality). However, sometimes this custom varied intentionally, producing the phenomenon of matrilocality, attested in several areas and periods of the Ancient Near

<sup>11</sup> Initially formulated in Koschaker 1917: 137 and 1950.

<sup>12</sup> See most recently Pfeifer 2009: 383–393, with previous bibliography.

<sup>13</sup> A brief sketch on the dowry is to be found in Westbrook 1993/1997.

<sup>14</sup> Fleishman 2004.

<sup>15</sup> Barberon 2003: 6–8.

<sup>16</sup> See some comments on this change in Roth 1989: 249.

East<sup>17</sup>; especially relevant is the mention of such phenomenon in the legal compilations (MAL A 27):<sup>18</sup>

If a woman is residing in her own father's house and her husband visits her regularly, he himself shall take back any marriage settlement which he, her husband, gave to her; he shall have no claim to anything belonging to her father's house.  
(Translation by Roth 1995: 163)

In some documentation written in northern Syria and Mesopotamia during the 14<sup>th</sup>–13<sup>th</sup> centuries, the following method to establish a matrilocal marriage is recurrent: the bride's father or mother (usually a widow) adopted a man and gave him one of his/her daughters in marriage (e.g. HSS 5 67, HSS 19 49, HSS 19 51, RA 23, p. 126 from Arrapḫe; Emar VI 29, 69, 213, AulaOr. Suppl. 1 39, 40, 43, 46, HANEM 2 25, 26, 41, etc. from Emar; WVDOG 102 40 from Ekalte).<sup>19</sup> This phenomenon, currently known as “adoption with marriage,” apparently had two main consequences: first, the married couple joined the wife's household, and second the dowry reverted to the bride's family, so that it seems there was no actual transfer.

The phenomenon of matrilocality does not imply the existence of matriarchy. In fact, in the Ancient Near East we find only two examples of matrilineality, those of Elam<sup>20</sup> and in Ḫatti, which appear to be confined to very specific situations, e.g. royal succession, and not in all cases or periods.

### **Polygyny<sup>21</sup>**

In many instances the legal codes compile numerous precepts concerning the marriage of one man to more than one wife simultaneously (e.g. LL 24–30, LH 117–119, 137, 141, 144–149, 161, 170–172). Nevertheless, per the analysis of the quotidian documentation, one must conclude that polygyny was not a customary practice in the Near East and was always confined to special circumstances.<sup>22</sup>

The case of the *nadītū* (Akk. sg. *nadītum*, Sum. LUKUR), a category of Old Babylonian priestesses consecrated to different deities, should be pointed out (cf. LH 144–147, cf. LL 27).<sup>23</sup> Some of these women were allowed to marry but not to conceive descendants. Consequently, the husband had to take another wife in order to have children. The possible scenarios were diverse: the two women could be “sisters” (e.g. BAP 89, CT 45 119, etc., both from Sippar), as usually one adopted the other “as a sister”; the main wife could adopt the secondary “as daughter” (e.g. CT 48 57 from Sippar, etc.); the latter could be a slave (e.g. CT 8 22b, from Sippar during the reign of Ḫammu-rāpi); or simply they had no relationship between them (e.g. CT 48 48, the same date and provenance). It was common that the main wife managed her husband's remarriage, which is also attested in other periods—and not only with priestesses involved.<sup>24</sup> In some of these cases it is explicitly stated that any descendants by the secondary wife would also (or exclusively) be legally acknowledged by the main wife (e.g. BAP 89). Sometimes the secondary wife was to provide services to the main one, and the latter could even sell off the former, in case she needed her no more (e.g. CT 8 22b, CT 48 48, cf. the Old Assyrian document ICK 1 3, from 19<sup>th</sup>-century Kaniš and the Neo-Assyrian one *Iraq* 16, p. 37f). It was thus a situation

---

<sup>17</sup> See the contribution of Bryce to this volume.

<sup>18</sup> Gordon 1981, Hengstl 1992, Haase 2001, Marsman 2003: 84–86.

<sup>19</sup> Bellotto 2004.

<sup>20</sup> Van Soldt 1987/1990.

<sup>21</sup> See in general Westbrook 2003/2005.

<sup>22</sup> Friedl 2000.

<sup>23</sup> Barberon 2012 and Stol 2012: 361–372, with previous bibliography.

<sup>24</sup> Justel 2012.

of “bigny” in which women showed initiative and complete legal capacity—at least the main wife.

The circumstances of the Old Assyrian traders were also special in this regard.<sup>25</sup> They resided in Anatolia, maintaining a legal wife (Akkadian *aššatum*) in their homeland, Assyria, but they could have also a secondary wife (*amtum*, lit. “female slave”). Two main rules were followed: merchants could not have at the same time two wives of the same category (i.e. two *aššātu* or two *amātu*), e.g. AKT 1 77 or *TPAK* 161; and they were not allowed to have two wives of different category in the same place (i.e. either in Aššur or in Anatolia), e.g. *Prag* 490.

Finally, the single reference to polyandry—a married woman with two husbands—comes from an indirect references in the reforms of Iri-kagina (25<sup>th</sup> century BC). Here it is stated, “It was so that women of former times took two husbands each. Today’s women have abandoned that crime.” This reference has sparked the curiosity of scholars, who believed that here was a record of ancient matriarchal practices. However, it seems that in reality the text refers to the possibility of widows remarrying.<sup>26</sup>

### Divorce

In divorce, legal compilations take into consideration only the initiative of the husband (e.g. LU 9–11, LL 28, 30, LE 59, LH 137–141, 148–149, MAL A 37–38). However, a woman could actively intervene in this matter. This is an unusual phenomenon, delimited by a series of rules which varied depending on the period and region.<sup>27</sup>

In fact, few divorces are actually attested, and a very small part of them might have started on the initiative of the bride’s family—or even her own initiative. Examples of these circumstances are scarce and problematic, but they seem to exist already in the third millennium BC, e.g. *NG* 20 and *Fs. J. C. Greenfield*, p. 614 from Lagaš, both from the Ur III period, 21<sup>st</sup> century.<sup>28</sup> One further example from this epoch, *SNAT* 372, was written in Umma in 2040. Though broken and unclear, it seems that the husband was obliged to divorce his wife because he had abducted her—he even had to pay a fine:

Nur-Eštar, son of Akab-šen, abducted Nin-zagesi, daughter of Gudu, and married her (by force).

Nur-Eštar said: “I never abducted her; I know nothing (about this).” The AN.DU-bi Esagila and Lu-duga were the witnesses.

Gudu, the father of Nin-zagesi, swore that she was taken for marriage.

(1–3 lines missing)

[He said]: “I swear [by the king] that my son did not [take her].”<sup>29</sup> Ur-mes the farmer and Ur-Dumuzi the [...] were the witnesses of Nur-Eštar. They came up with false words; they swore by the king.

Gudu did not confirm this [...].

Nur-Eštar left (his) wife; he will pay her one mina of silver.

(Name of the officials and date)

(Translation by Culbertson 2009: 30)

Other examples exist, such as from 19<sup>th</sup>-century Kaniš (*KKS* 36, *Fs. S. Alp*, p. 484), in which the husband and wife appear to divorce by mutual agreement; from the kingdom of Arraphe (IM 73254, 14<sup>th</sup> century)<sup>29</sup>; or from Emar (AulaOr. Suppl. 1 28, 13<sup>th</sup> century).<sup>30</sup>

<sup>25</sup> See especially Michel 2006, Kienast 2008.

<sup>26</sup> Wilcke 2007: 59–60.

<sup>27</sup> Lipiński 1981, Westbrook 2003c: 48–50.

<sup>28</sup> See e.g. Lafont & Westbrook 2003: 204, Wilcke 2007: 66, Culbertson 2009: 200–201.

<sup>29</sup> Published by Al-Rawi 1977: 352–358.

## ECONOMIC AGREEMENTS

### Women in economic deeds

A good deal of cuneiform documentation, either administrative or legal, is of an economic nature. Among the legal examples should be mentioned the large number of sale contracts. As in other legal fields, women can be found in various circumstances in all periods.<sup>31</sup> However, it should be noted that this presence is not usual; in fact, legal compilations take into consideration only the situation of men playing an active role (e.g. LH 36–41), with the exception of *nadītū* priestesses (LH 40).

In addition, women were at times accompanied by other persons when purchasing, selling, or renting certain properties, e.g. *Fs. J. Oelsner*, p. 299f (from 19<sup>th</sup>-century Kaniš, with her husband), *TJDB*, p. 45 (18<sup>th</sup>-century Sippar, with her brother), or *AulaOr. Suppl. 1 65* (13<sup>th</sup>-century Emar, with her children). On the other hand, she could conduct these operations autonomously, without a relative's intervention. This latter circumstance is already attested among the eldest known legal documents,<sup>32</sup> but most practical examples come from the second and first millennia BC, both from southern and northern Mesopotamia: e.g. VS 18 29 (from 16<sup>th</sup>-century Kiš), *KAJ* 168 (from 13<sup>th</sup>-century Aššur), *ADD* 245 (Neo-Assyrian from Nineveh), L 1652 (Achaemenid, written in 491 BC, found in Lagaš but referring to activities in Borsippa)<sup>33</sup> or *RIAA*<sup>2</sup> 293 (Seleucid from Uruk, written in 205 BC).

### Loans and debt

A special and socially important type of economic agreement was the loan: the borrower/debtor initially receives an amount of silver or other goods from the lender/creditor, and is obligated to repay it—usually with interest—at a later time; sometimes the repayment was guaranteed through pledge or security. There are numerous examples of women in each of these situations. However, the law codes primarily deal with cases where women find themselves affected by the debts of others, both indirectly and, often, negatively (e.g. LE 22–24, LH 117–119, MAL A 32).

In the documents of practice, contrary to the testimony of the law codes, there are instances of women getting into debt, but most of them reflect that both husband and wife contracted a debt together; e.g. CCT 1 10b–11a, ICK 1 115 (19<sup>th</sup>-century Kaniš), *IEJ* 61, p. 68f (Achaemenid, from Babylon 515 BC), etc. This phenomenon, in which the couple was a non-divisible unity, is currently known as “responsible solidarity”.<sup>34</sup>

The opposite circumstance, whereby a woman became a creditor, is also attested in documents of practice, e.g. *MSKH*, p. 381f (probably from Nippur ca. 1305 BC), *AulaOr. Suppl. 1 27* (13<sup>th</sup>-century Emar) or *BabA 2 27* (from Babylon, 558 BC).<sup>35</sup>

Finally, it was quite common for the debtor, generally a man, to give the creditor a woman as pledge or guarantee.<sup>36</sup> This circumstance, mentioned in some articles of the

---

<sup>30</sup> Justel 2014: 56–60.

<sup>31</sup> Some works deal specifically with the presence of women in economic deeds, e.g. Steinkeller 1982, Wilcke 2000: 362–364 (third millennium BC), Kienast 1984: 23 (Old Assyrian), Justel 2008: 188–201 (Late Bronze Age Syria) or Radner 1997: 318–337 (Neo-Assyrian).

<sup>32</sup> Bauer et al. 1998: 474.

<sup>33</sup> Joannès 1989: 95, 246.

<sup>34</sup> Michel 2003: 19–21.

<sup>35</sup> See some comments on this phenomenon in Michel 2013: 46 (Old Assyrian), Slanski 2003: 510 (Middle Babylonian), Démare-Lafont 2003: 533 (Middle Assyrian), Justel 2008: 215–217 (Late Bronze Age Syria), Wunsch 2003: 89–92 (Neo-Babylonian).

<sup>36</sup> Michel 2003: 23–30; see numerous examples in Westbrook & Jasnow 2001.



legal compilations (e.g. MAL A 39, 44, 48, C 2–3), is reflected in numerous documents of practice, and represents a clear proof that women—as well as children—usually became subordinate in law to men. The relationship between this pledge-woman and the debtor varied, though in most cases it was his own wife, e.g. *AIT* 21 (17<sup>th</sup>-century Alalah), *AIT* 47–48 (15<sup>th</sup>-century Alalah), *KAJ* 60 (14<sup>th</sup>-century Aššur), or *StAT* 3 41 (written in 618 BC in Aššur). On other occasions it could be his daughter (e.g. *AKT* 1 44, from 19<sup>th</sup>-century Kaniš, or *ASJ* 10, p. 153 from 13<sup>th</sup>-century Emar) and there are even instances where it was his sister (e.g. *WO* 9, p. 26f, from 14<sup>th</sup>-century Arrapḫe).

### **A case study**

Sources occasionally record cases of women who boasted exceptional legal initiative in economic operations. For instance, a woman called Inšabtu, from the important Naggāru family, conducted her business in the town of Borsippa during the Achaemenid period, in 501–485 BC.<sup>37</sup> She does not seem to have been a businesswoman, but she did carry out various economic transactions, always autonomously. We know that, at the time of the drafting of some of these contracts, Inšabtu was still not married, while in others she was; and despite this fact she kept acting independently—as seems to have been the general rule in southern Mesopotamia during the first millennium BC.<sup>38</sup> It is even well known that, in some cases, her husband acted as guarantor of the repayment. It is interesting to note that in the documents where Inšabtu's activities are recorded, two scenarios are evident: before she married, direct relatives—her father and his brother—appear in two cases as witnesses to the transaction (*BM* 79073 and *SCT* 93); once she had married, these relatives no longer appeared amongst the witnesses. *BM* 79087, written in 485 BC and discovered in Babylonia, well reflects this latter scenario. According to the text, Inšabtu and her husband Murānu (mentioned in this order) had indebted themselves for a quantity of silver, as well as a slave woman and a slave man, both belonging to Inšabtu, as permanent pledges. None of the witnesses appear to be family members.

In the month *ajjāru* of the first year of Xerxes, king of Babylon, king of the lands, the debt note of 2 1/3 minas of silver and another debt note of 27 shekels of silver belonging to Aqara, son of Zārūtu, descendant of Sîn-nādin-aḫi, charged against Inšabtu, daughter of Iddin-Nabû, descendant of Naggāru, and Murānu, her husband, for which Ninlil-silim, her slave woman, and Šamaš-iddina, her slave, were taken as a pledge, (in that month) Bēl-iddina will bring these debt notes and give them to Inšabtu. If Bēl-iddina neglects to bring and give the debt notes of Aqara to Inšabtu during the month *ajjāru*, Bēl-iddina will have to pay 3 minas of silver in full to Inšabtu.

(Five witnesses, scribe and date).

(Translation by Waerzeggers 1999/2000: 191).

## **COURT CASES**

### **Introduction**

A lawsuit is a legal dispute between opposing parties concerning a right or an obligation, and resolved by a court or authority. The entities relevant in such cases are: the plaintiff, the defendant, and the right i.e. property that is concerned, as well as the authority that decides the case. Cuneiform sources frequently record women acting in each of these situations—except in the case of an authority role.

---

<sup>37</sup> See especially Waerzeggers 1999/2000.

<sup>38</sup> Wunsch 1993: I 68–69.

The case of women suing or being sued is the main focus here. Such actions are attested from the beginning of the historical record,<sup>39</sup> and as a general feature, in such situations women seem to have been able to act with total autonomy.<sup>40</sup>

Additionally, it appears that the law codes were concerned with how various infractions affected women, and included references to their responsibility and culpability in such matters as adultery (e.g. LH 129–133, MAL A 15), seduction (of a woman) (LE 31, MAL A 56), rape (LU 8, MAL A 16, 55), incest (LH 154–157, HL 189, 191), abortion (LH 210, MAL A 50), etc. However, it appears that the quotidian legal texts did not always follow faithfully the precepts contained in the law codes.<sup>41</sup>

### **Cause: properties**

Reasons for litigation varied. In general, property-related matters were one of the main motivations for lawsuits, for women too. In some cases a woman had not been given her dowry or somebody had unduly taken a part of it. The woman in question was able to initiate litigation and would sue a relative, generally her brother, brother-in-law or uncle, which is especially attested in Southern Mesopotamia: e.g. *RA* 91, p. 135ff (Old Babylonian, probably from Larsa), *Nbn* 356 or *BabA* 2 11 (Neo-Babylonian, both from Babylon).

Of course, a woman could also initiate litigation because she believed that certain properties belonged to her even though they were not part of her dowry. The most commonly attested situation still involved the woman suing a male relative. An exceptional instance is the document *Emar VI* 33, written in the 13<sup>th</sup> century, where a woman named Išarte claims her adoptive son misappropriated some of her properties. Other circumstances are attested as well; for instance, a woman could sue any person who might have stolen her assets (e.g. JEN 381 from 14<sup>th</sup>-century Nuzi).

Litigations were at times initiated over properties where one or more women were sued. On some occasions these lawsuits originated in dowry-related properties, e.g. CT 47 63 (from 18<sup>th</sup>-century Sippar). In other cases properties appear to have come from other sources, e.g. AKT 5, p. 184f (from 19<sup>th</sup>-century Kaniš), JEN 659+ (14<sup>th</sup>-century Nuzi), or PRU 3, p. 94f (12<sup>th</sup>-century Ugarit). Some of these consisted of real estate and, therefore, were of considerable value.

### **Cause: violence**

On various occasions, the motivation was linked to some form of violence. In this respect, an exemplar regulation is found in the legal compilations (e.g. MAL A 12, 16, 22–23, 55); but this circumstance is also attested in documents of the practice. We know of cases where a woman sued various persons for having beaten her (cf. MAL A 9). One essential instance of this situation is *AfO* 50, p. 265, written in Babylon by the middle of the 6<sup>th</sup> CBC. According to the known facts, Rīšāya was a widow who lived by herself with her slaves. After demanding and receiving a series of properties due to her, that same day she was assaulted in her own home by a man who stole several objects and held her slaves captive. Rīšāya decided to file a complaint and the court passed judgment in her favor.

Rīšāya, daughter of Šamaš-šumu-ukīn of the Šangû-Šamaš family, addressed Lalê-Esangila-lusbi, the governor of the country, and Nergal-šarru-ušur, the son of Bêl-šumu-iškun, as follows: “When I had gone to court because of the claim due to me and had obtained a compensation [instead of the money] I was owed and (when) Itti-Šamaš-balātu, the son of Lâbâši, (thereupon) had broken into my house by force, he

<sup>39</sup> Wilcke 2007: 42.

<sup>40</sup> Démare-Lafont 2000, Westbrook 2003b: 369, Veenhof 2003b: 441, Slanski 2003: 491, 498.

<sup>41</sup> Démare-Lafont 1999.

beat me, took away my *muṣiptu*-garment, carried off four slaves of mine and kept (them) in iron chains for four months to my detriment; also he received 15 shekels of silver from me. But he did not keep anything (else) from my house.”

Lalê-Esangila-lusbi, the governor of the country, Nergal-šarru-ušur, the son of Bêl-šumu-iškun, Murānu, the royal official, Nazia, the royal official, and the assembly of the Babylonians announced their verdict. Her *muṣiptu*-garment and the compensatory payment for her slaves’ work and the silver which he had received from her and everything else of hers which he had taken away—(as a compensation for this) they imposed (a payment of) two minas of silver upon Itti-Šamaš-balātu.

(Four witnesses, scribe and date.)

(Translation by Jursa et al. 2003/2004: 266).

There is another case (2 N-T 54) celebrated for the amount of information it yielded in the field of criminal law in antiquity—although it probably consists of an Old Babylonian school text rather than an actual case (20<sup>th</sup> century, from Nippur).<sup>42</sup> It reports the murder of a man by three others. It appears that the wife of the deceased could have known this fact but remained silent and did not report it, perhaps for fear of retaliation against her and her children. The assembly in charge of judging the case took her silence as proof of her knowledge of the murderers’ intentions and she could, therefore, have been an accomplice. It was finally decided that all these persons, including the widow, were to be punished by execution.

### Other situations

It has been noticed that on several occasions, in criminal lawsuits where a man was convicted, he had the option of having another person i.e. a woman punished in his place. For instance, in a case from Emar a man decided that his sister should endure the punishment for theft (*Emar VI 257*, 13<sup>th</sup> century).<sup>43</sup> In a Neo-Assyrian case a person sentenced to death was allowed to commute his penalty as long as he delivered a specific woman named Kurra-dimrī—who does not seem to have been a slave—in exchange (*ADD 321* from 7<sup>th</sup>-century). We know no further details of this case, not even the destiny of the woman. It is the only case in this period and area attesting the capital penalty.<sup>44</sup>

(Beginning missing)

Now they have mutually extended (their hands).

He shall hand over Kurra-dimrī, daughter of Attār-qāmu, the scribe, to Šamaš-kēnu-ušur, son of Šamāku. He shall wash the blood.

If he does not hand over the woman, they will kill him on top of Šamāku’s grave.

Whoever breaks the contract with the other party, [shall pay] ten minas of silver, (and) Aššur and Šamaš [will be his prosecutors].

(Broken, at least four witnesses).

(Translation follows the interpretation presented in Mattila 2002: 105)

Finally, women could testify in lawsuits, which demonstrates the legal value of their word. We have various examples of this phenomenon, from various periods and areas, and sometimes the woman’s testimony or oath proved to be fundamental for the verdict—e.g. *Méditerranées* 10/11, p. 111f (from 19<sup>th</sup>-century Kaniš), PBS 5 100 from 18<sup>th</sup>-century Nippur,<sup>45</sup> *Fs. C. Wilcke*, p. 314ff from 17<sup>th</sup>-century Sippar-Amnānum,<sup>46</sup> HSS 5 48 (14<sup>th</sup>-

<sup>42</sup> Démare-Lafont 1999: 399–407, with previous bibliography.

<sup>43</sup> See also the comments of Michel 2003: 29, Westbrook 2003a: 665 and Justel 2008: 182 and 237.

<sup>44</sup> See clearly Villard 2000: 193.

<sup>45</sup> On this important document see also Roth 2001, with previous bibliography.

century Nuzi), or *BR 2*, p. 16 (Neo-Babylonian, broken).<sup>47</sup> It is also known that the provision of false testimony by a woman carried her shaming punishment.<sup>48</sup>

## WOMEN AND SLAVERY

Slavery involves the subjugation of a person by another from a legal and social viewpoint; instead of family law, property law was applicable to slaves. In the legal system of the Ancient Near East, female slaves (Sum. sg. SAG-GÉME or MUNUS-GÉME, Akk. *amtum*) were generally bound by the same rules as male, in particular in terms of access to such a status;<sup>49</sup> nonetheless, a series of clauses regarding sexuality and reproduction applied solely to women.

### Creation

It has traditionally been accepted that women were made slaves as a result of debts incurred by a male relative. Indeed, it is quite common for a family who found itself in dire need to have the husband hand over his wife as a slave to another person, generally one of his creditors:<sup>50</sup> see e.g. *AfO* 20, p. 123b (Middle Assyrian, from Aššur), or the numerous examples from 13<sup>th</sup>-century Emar, such as *Emar VI* 215, *AulaOr* Suppl. 1 26, *AulaOr.* 5, p. 231f, or *Gs R. Kutscher*, p. 167f.

Equally, girls might be enslaved because of their parents' debts (see the reference to this circumstance in *MAL A* 39, as well as *Ex. 21: 7–11*).<sup>51</sup> This specific phenomenon is known from the third millennium on, as Ur III sources show (e.g. *NG* 37, 45–46, 53, 55, 175, 204, etc.). However, it is especially attested during the first millennium BC.<sup>52</sup> As a representative circumstance one can just pay attention to the economic and social aftermath of the siege of Nippur by the Assyrian army in the 7<sup>th</sup> CBC. A set of ten documents attests that a man named Ninurta-uballit acquired different children—most of them, girls—from their parents, who went through a rough period.<sup>53</sup> The document 2 N-T 300 was written in 617 BC in Nippur, and clearly shows the aforementioned situation:

Ninurta-aḫ-iddin, son of Šumâ, sold his small (female) child Amašu-aqrât to Arad-Gula and Iddin-Nergal for 15 shekels of silver as (her) exact price.  
During (the time when) the gate of Nippur was closed and (when) the equivalent (of one shekel of silver) was one *šûtu* of barley (he received) the silver voluntarily.  
Ninurta-aḫ-iddin guarantees against a vindicator (or) a contestant on behalf of his small (female) child.  
(Date).  
(Translation by Oppenheim 1955: 89)

Yet, most of these studies on the topic have ignored women's capacity to incur debts themselves as a result of economic hardship and indeed to become slaves upon their own initiative. This latter phenomenon, although not usual, is attested in almost every period of the Ancient Near East.<sup>54</sup> Representative examples are e.g. *AulaOr.* 8, p. 197f (Old Assyrian, presumably from Kaniš, 19<sup>th</sup> CBC), *JEN* 449 (Nuzi, 14<sup>th</sup> CBC), *AfO* 16, p. 37f

---

<sup>46</sup> On this important document see also Veenhof 2003a, Charpin 2005, Démare-Lafont 2011: 345–347.

<sup>47</sup> See the comments by Holtz 2009: 248–249.

<sup>48</sup> Stol 1991.

<sup>49</sup> Westbrook 1998, Marsman 2003: 438–445, Steele 2007: 307–311.

<sup>50</sup> Michel 2003: 24–30.

<sup>51</sup> Marsman 2003: 442–443, Fleishman 2011: 229–239.

<sup>52</sup> Dandamaev 1984: 174.

<sup>53</sup> Documents published by Oppenheim 1955.

<sup>54</sup> Exception seems to be the Middle Assyrian sources, see Cardellini 1981: 169.

(written in Babylon ca. 650 BC).

### **Status and termination**

Once a woman became a slave she was treated as property and could therefore be sold or conveyed in other forms, such as a guarantee for loans, etc. The most commonly attested situation is that of a slave woman being sold off, e.g. *SRU* 43, 57–58 (from Girsu and Nippur, 24<sup>th</sup>–23<sup>rd</sup> centuries), *RA* 8, p. 185–187 (from 21<sup>st</sup>-century Nippur), *ICK* 1 123+ (19<sup>th</sup>-century Kaniš), *KAJ* 170 (Middle Assyrian, from Aššur), *VS* 1 95 (7<sup>th</sup>-century Aššur), *VS* 4 133, *VS* 5 70/71, 73 (Achaemenid, written in Babylon in 514–511 BC), etc.

Besides this, the owner could decide to free his female slave. On other occasions freeing her involved prior redemption, that is to say, other persons had to hand over a sum of money or other slaves in exchange. This kind of mechanisms is attested from the third millennium on; for example, the Ur III document UET 3 51 shows a special case: a slave woman purchases herself from her owner for twenty shekels and a cow as her full price.

### **Sexual dimension**

Most remarkably here, the female slave's owner—usually a man—had authority over her sexuality.<sup>55</sup> The phenomenon of concubinage or matrimony with a slave existed, as it is foreseen in legal compilations (e.g. *HL* 31–33). According to the Old Babylonian legal customs, a man could take his slave as a concubine if his legal wife had borne no offspring, but should he have descendants with this slave, she had to be given her freedom upon the owner's death (*LH* 170–171, see also *LH* 119, 144–147). As seen above, it has been attested that some priestesses were not allowed to conceive descendants, so the husband could take a slave as concubine; hence, the descendants conceived by the slave became the legal offspring of the husband and wife and not of the slave.<sup>56</sup> In some periods it was more common that the wife had to be manumitted before a man could marry her; this phenomenon is for instance clearly attested in the archives of Ugarit in 13<sup>th</sup>–12<sup>th</sup>-century Syria (*Syria* 18, p. 253f, *PRU* 3, p. 85f, and 110).<sup>57</sup>

The sexual exploitation of slaves is directly linked to the use of them as prostitutes.<sup>58</sup> As it might have been prohibited for a man to take a slave as a concubine when his lawful wife had had descendants, it was not uncommon that once the wife had conceived the couple sent the female slave to a brothel. This phenomenon might already be attested in the early third millennium BC,<sup>59</sup> but it is especially known for the Neo-Babylonian period and later epochs,<sup>60</sup> and could be a widespread situation in antiquity. Some documents from Babylon reveal that a well-known family, a branch of the descendants of Egibi, benefited from hiring out their slaves as prostitutes (*Nbk* 409 from Babylon in 562 BC, *Nbn* 679 and 682, both written in 543 BC in Babylon).<sup>61</sup> In addition, it must be remembered that, aside from the debate on sacred prostitution in antiquity<sup>62</sup>, the temples during the first millennium BC at least had slaves that could be made prostitutes (e.g. *UCP* 9/1 1 53 from Uruk, 576 BC).<sup>63</sup>

---

<sup>55</sup> See in general Westbrook 1998.

<sup>56</sup> See recently Barberon 2012: 224–234, with previous bibliography.

<sup>57</sup> Justel 2008: 244.

<sup>58</sup> See e.g. Mendelsohn 1949: 54–55, Marsman 2003: 418.

<sup>59</sup> Wilcke 2007: 53.

<sup>60</sup> Dandamaev 1984: 132–135, Kuhrt 1989: 232–233.

<sup>61</sup> See several examples in Dandamaev 1984: 133–134.

<sup>62</sup> See most recently Budin 2008.

<sup>63</sup> Dandamaev 1984: 134–136.

## WOMEN AND INHERITANCE PRACTICES

Inheritance is the practice of passing on property, rights, and obligations upon the death of an individual. The most common situation in the Ancient Near East was that the father of a family—much less frequently the mother—established that the properties be delivered to the sons. Alternatively, under special circumstances, a daughter might be appointed to inherit. At times the father of the family set forth that, after his death, the properties belonging to the home ought to be managed by his widow. All these situations show women in various legal capacities.

### Women testators

Firstly, it was possible for a woman to act as the testator—meaning that cuneiform sources reveal that she produced a testament.<sup>64</sup> This is quite infrequent and generally takes place in cases of women with special status. For instance, during the Old Babylonian period, *nadītū* priestesses (see above) usually gave complex testaments<sup>65</sup>—especially because some of them were not allowed to bear children. These special circumstances have been summarized as follows:

Her dowry [a *nadītum*'s] was inalienable and would be inherited by her brothers after her death, unless her father had given her free disposition of it, in which case she could bequeath it to whom she wished (LH 179). It was common, however, for a *nadītum* to adopt a niece, also a *nadītum*, as her universal heir. If her father failed to dower her, LH 180 awards her a full inheritance share like a son.  
(Westbrook 2003b: 424)

Because of this situation, the distribution of a *nadītum*'s legacy usually involved numerous litigations amongst their biological siblings (cf. LH 178–179).<sup>66</sup>

Women testators appear in other periods and areas as well, and these were not always priestesses. Especially relevant is the case of the archives of Emar, in 13<sup>th</sup>-century Syria, where some fifteen wills with these characteristics have been unearthed, e.g. *Emar VI* 30, 32, 128, HANEM 2 82, 87, etc.<sup>67</sup> In addition, the first millennium BC in southern Mesopotamia has also produced a great number of testaments; in some of them a woman acted as testatrix in different legal and family situations (e.g. VS 5 43/44, 45/46, both Achaemenid from 6<sup>th</sup>-century Babylon). Some instances reveal particularly clearly these women's legal capacity. A first example of this phenomenon is a well-known testament from Borsippa (TCL 12/13 174, Achaemenid period). A woman named Hubbušītu set forth that, after her death, half of the dowry she had received from her father was to be given to her son and the other half to her own husband. It is also stressed that this dowry belonged exclusively to herself until the moment of her death; and that a previous testament had been written down, but it would have validity no longer. We thus see that Hubbušītu was completely capable of establishing and modifying her will—even when her husband was alive. The same conclusion can be reached by means of the second example, *RA* 41, p. 9f, written in Babylon in 555 BC. A woman named Kurunnam-tabni had several sons and decided that the eldest—Bēl-ušallim—should renounce his preferential portion of the

---

<sup>64</sup> Cases of intestate succession are also attested; see e.g. LH 162 and the Neo-Babylonian example translated below (*RA* 41, p. 9f). In addition, if the father's first wife died and he remarried, the sons of both marriages were equally entitled (LL 24, LH 167, cf. LNB 15); some systems even allowed an illegitimate son—the deceased's natural son by a concubine—to inherit in the absence of legitimate sons (cf. Justel 2013).

<sup>65</sup> Some examples are provided in Stol 1998: 101–102.

<sup>66</sup> Barberon 2012: 209–224, with previous bibliography.

<sup>67</sup> A list of them may be found in Justel 2008: 125.

inheritance. This he did, as is attested in the first portion of the text, perhaps in exchange for other benefits. Kurunnam-tabni decided to hand over Bēl-ušallim's portion to two younger sons, to which the elder son agreed. Nevertheless, later on Bēl-ušallim attempted to reclaim this portion, even though his petition does not appear to have successful.

Should Bēl-ušallim, son of Nabû-šum-ukīn, descendant of Sīn-šadūnu, produce either a contract or a deed in a suit against Kurunnam-tabni, which Bēl-ušallim ... contests with Kurunnam-tabni concerning the two-*kurru*, two-*pānu* grain field that is (considered) the dowry property of Kurunnam-tabni, the daughter of Bēl-ētir, descendant of Sīn-šadūnu, his mother—that (document rightfully) belongs to Kurunnam-tabni.

The “scribe of documents” of Nebuchadnezzar, king of Babylon, had awarded under seal (the above mentioned properties) to Kurunnam-tabni in lieu of a dowry, and wrote in (the deed) as follows: “Any of her sons who does not treat her properly (as specified) herein shall not receive (his) inheritance as (outlined) herein.” (Therefore, in accordance with that provision) in a tablet concerned with Kurunnam-tabni's two-*kurru*, two-*pānu* grain field, she awarded under seal a one-*kurru*, one-*pānu* area of the grain field—the (expected) inheritance share of Bēl-ušallim, her oldest son—to Šāpik-zēri and Bēl-uballit, her younger sons.

Later, Bēl-ušallim ... brought a claim before the city elders against the deed of Kurunnam-tabni (in which she awarded the property to her two younger sons), but Bēl-ušallim, her oldest son, withdrew his suit. (To attest to all this) he (Bēl-ušallim) is here present to witness the (validity of that) tablet, the document concerning the one-*kurru*, one-*pānu* grain field, the (anticipated) inheritance share of [Bēl-ušallim], which Kurunnam-tabni awarded under seal to Šāpik-zēri and Bēl-uballit, her (younger) sons.

(Five witnesses, scribe and date).

(Translation by Roth 1991/1993: 14–15)

### **Women as beneficiaries: the wife**

The case of women benefitting from the legacy of a relative is unquestionably much more common. This relative was usually a man: her father, husband, brother, etc. In particular the case of wives and daughters, which represent most of the instances, are discussed here. In general, the widow did not inherit properties as a result of her husband's testamentary dispositions. The will made by her husband affected her differently: she was economically and legally protected against any possible actions by relatives or other persons. For instance, in a great number of testaments, clauses were included, which (explicitly or implicitly) forbade her descendants from abandoning their mother i.e. the testator's wife, e.g. BE 6/2 48 (from 18<sup>th</sup>-century Nippur), HSS 5 71 (14<sup>th</sup>-century Nuzi), YOS 20 20 (Uruk, written in 270 BC), etc.<sup>68</sup> In fact, MAL A 46 establishes that the sons of a widow are to provide for her.

Once her husband died, the widow was entitled to keep and partially manage the dowry she had handed over on the occasion of her marriage (LH 171, cf. LH 172 and 177). Besides, the testator could add other gifts to contribute to his widow's welfare. These gifts have different technical designations, depending on archives and periods. Quite often these had the form of *donationes inter vivos*, though they only had full effect after the testator's death; on other occasions it is made clear that the wife could have immediate access to these properties:<sup>69</sup> e.g. MCS 2 75 (from 21<sup>st</sup>-century Umma), CT 6 38a (17<sup>th</sup>-century Sippar), CM 13 14 (13<sup>th</sup>-century Emar), StAT 2 164 (from Aššur, 675 BC), etc. LNB 12

<sup>68</sup> See many other examples in Stol & Vleeming 1998.

<sup>69</sup> Westbrook 2003c: 62.

states that widows could retain all these properties—dowry and gifts—, and documents of practice indicate that such disposition was followed.<sup>70</sup>

In the cuneiform sources from northern Syria and Mesopotamia during the Late Bronze Age, two other interesting types of terms included in testaments have implications for widows. One of them records the testator's concern that his wife should not marry outside his family or clan after his death so as not to split the family wealth, e.g. JEN 444 (14<sup>th</sup>-century Nuzi), WVDOG 102 19 (14<sup>th</sup>-century Ekalte), *Emar VI* 177 (13<sup>th</sup> century), *KAJ* 9 (Middle Assyrian, from Aššur), etc.<sup>71</sup> Note that documents of the practice attest that this clause included in wills could become real, as an Ur III court case indicates (*Fs. S. N. Kramer*, p. 440 ff. from 21<sup>st</sup>-century Girsu).<sup>72</sup> The other disposition is the granting of male legal status to the wife, a mechanism presented in the next section.

### **Women as beneficiaries: the daughter**

The daughter's role in her father's inheritance has been the subject of a recent monograph which it focuses on the documentation from Nuzi and Emar—some of the most relevant archives in that field, 14–13<sup>th</sup> centuries BC—as well as the Old Testament.<sup>73</sup>

Daughters did receive their father's inheritance usually in the form of a dowry. While sons received their inheritance upon their father's death, daughters received their dowry when they married—and it usually represented a lesser amount than that received by their brothers.<sup>74</sup> In some particular cases, however, the daughter was the heir, e.g. *AIT* 7 (from 17<sup>th</sup>-century Alalah), *BR* 4, p. 20 (Achaemenid, 491 BC),<sup>75</sup> etc. This mainly happened in families with no male descendants; in fact, law compilations state that if the father died leaving no son, his unmarried daughter should become his heiress (LL b, cf. *NG* 204). However, in some cases daughters did inherit properties despite the existence of sons (e.g. text translated in the next section). A special case is that recorded in the Old Assyrian documents from Kaniš (19<sup>th</sup> century), as both sons and daughters seem to have usually shared in the deceased's state (e.g. *AKT* 1 1, *SHCANE* 14, p. 141f, etc.);<sup>76</sup> some Middle Assyrian documents also attest to this situation (e.g. *OBT* 105, cf. *OBT* 2037). An exception was envisaged for *nadītū* priestesses too: if not dowered, LH 181–182 awards a *nadītum* a one-third share of a male inheritance—but we find a variety of circumstances in documents of practice.<sup>77</sup>

During the Late Bronze Age in Mesopotamia and Syria, the solution in cases where male heirs were lacking consisted of having the daughter marry a man previously adopted by her guardian and making both of them heirs (“adoption with marriage”, see above). Another solution was possible: granting the daughter(s) a male legal status.

## **LEGAL GENDER SHIFT**

### **Definition and corpus**

The mechanism of granting a woman male legal status, unknown in other periods and areas of antiquity, deserves a special place in any discussion on the legal role of women. The relevance of this mechanism has been in general undervalued, and especially their

---

<sup>70</sup> Roth 1991/1993, Van Driel 1998: 170–172.

<sup>71</sup> Wilcke 1985: 303–313, Justel 2011; see an example in the next section, and cf. the Roman practice of the *legatum per damnationem*.

<sup>72</sup> See also the comments by Wilcke 1998: 48.

<sup>73</sup> Ben-Barak 2006.

<sup>74</sup> Westbrook 1991: 157–164.

<sup>75</sup> See other first millennium examples in Van Driel 1998: 184–187.

<sup>76</sup> Veenhof 1998: 138–141, 2003b: 458–459.

<sup>77</sup> Stol 1998: 84–109 for multiple examples.



importance concerning the topic of gender in the Ancient Near East.

The use of such legal practices must be set in the context of a patriarchal society, where women were excluded *de facto* (but not *de iure*) from most of the legal deeds, as it has been shown in previous sections.<sup>78</sup> Had the family no male descendants, different possibilities could be used, in order to avoid the estate and cult going outside the family or clan.<sup>79</sup> For instance, one solution was to use the “adoption with marriage” (see above). However, the most original alternative was the granting of the male legal status to a female.

First, the definition: it is a legal fiction, usually included in a testament, by which the testator (in few cases the testatrix) granted a special legal status to a female relative—his wife, daughter, mother or sister. Second, the available sources: this mechanism is so far attested in an Old Assyrian document from 19<sup>th</sup>-century Kaniš (*ArchAn.* 4, p. 1ff),<sup>80</sup> three from Nuzi i.e. Arrapḫe (*Sumer* 32, p. 116ff, SCCNH 1, p. 386f and HSS 19 60+)<sup>81</sup> and in some forty cases from the Late Bronze Age Syrian archives (Emar and Ekalte).<sup>82</sup> At least one unpublished document from Azû, in Syria, seems to reflect the granting of a male legal status to a woman.<sup>83</sup> Additionally, one text from El-Qiṭār, in Syria too, might contain the same procedure; however, the formulation is too ambiguous to be completely sure.<sup>84</sup>

Since the great majority of instances are found in testaments, one might wonder if the phenomenon of the granting of the male status to women is limited to the inheritance field. On the one hand, some authors deny a relationship between these practices and the inheritance as laid out by the testator.<sup>85</sup> Other scholars believe that these practices were directly linked to the inheritance.<sup>86</sup> Finally, others seem to defend an intermediate position:<sup>87</sup> the aim of this practice would differ depending on the status of that woman, an idea that is currently accepted in general (see below). Only one document, from Emar, is not a testament but a verdict (CM 13 3). The case concerns a man, Laḫteya, who sued his stepson for having misappropriated his four sisters’ silver; later on we learn that Laḫteya subsequently established his stepdaughters as female and male (see below).

### **An example from 13<sup>th</sup>-century Emar**

For the sake of clarity I present here a translation of a representative Emarite testament (*RA* 77 p. 17–19) containing some of the phenomena described below—as well as other legal mechanisms referred to in previous sections:

From this day, Muzzazu, son of Šamanu, in good health, has decreed the disposition of his estate. He has said as follows:

“Now then my wife Ḫepate is father and mother of my estate. Now then I have established my daughter Al-aḫāī as female and male. She may call upon my gods and my ancestors. Now then, I have given my estates, my possessions (and) property, everything of mine to my daughter Al-aḫāī.

---

<sup>78</sup> Lion 2009: 17–18.

<sup>79</sup> See e.g. Limet 2001: 7–12, Ben-Barak 2006: 132–141.

<sup>80</sup> Michel 2000, with previous bibliography.

<sup>81</sup> Lion 2009, with previous bibliography.

<sup>82</sup> Justel 2008: 156–167. The specific documents are: *Emar VI* 15, 31, 70, 91, 112, 185, 195, *AulaOr. Suppl.* 28, 41, 45, 47, 50, 71, 72, *HANEM* 2 15, 23, 28, 37, 57, 85, *ASJ* 13, p. 285f and p. 292f, *AulaOr.* 5, p. 233f, *SMEA* 30, p. 204f and p. 207f, *RA* 77, p. 13f, p. 17ff and p. 19f, *Iraq* 54, p. 103, *Prima dell’alfabeto*, p. 203f (from Emar); *WVDOG* 102 19, 38, 65, 75, 92, *ASJ* 16, p. 231f, *Semitica* 46, p. 12 (from Ekalte).

<sup>83</sup> See a reference in Dornemann 1979: 146.

<sup>84</sup> See different interpretations in Snell 1983/1984: 164 and Ben-Barak 1988: 95.

<sup>85</sup> E.g. Arnaud 1981: 6–7, Kämmerer 1994: 170, 178, 201, Beckman 1996: 72.

<sup>86</sup> E.g. Grosz 1987: 85–86, Paradise 1987: 207–209, Ben-Barak 1988, Westbrook 2001: 39, 2003a: 680.

<sup>87</sup> Michel 2000: 6–7, Limet 2001: 13.

If my wife Hepate goes after a false man, she shall put her clothes on a stool and go wherever she will.

If my daughter Al-aḥātī dies and has no descendants, her husband Aḥu-yaqaru shall take another woman. The children she bears—before and after—are my children.

And if Al-aḥātī and Aḥu-yaqaru die and they have no descendants, then (my daughters) Al-ummī and Pātīl shall inherit (my possessions).

(Seven witnesses and scribe).

(Translation by Huehnergard 1983: 19)

### **Wives as “father and mother”**

As it may be recognized, expressions used varied, and mostly depended on the relationship between the testator and the woman. Concerning the wife and the mother (circumstances attested in the Old Assyrian text and some Syrian documents), the testator used to state: “I have established PNF in the capacity of fatherhood and motherhood status (Akk. *ana abbūti u ummūti*) over my household.”

By this legal act the wife seems to have been granted full legal capacity to manage the inheritance and the family after the death of her husband as well as special legal protection against possible claims from relatives. But the most relevant point is that the testator in this way caused his descendants not to receive their inheritance until the widow passed away.<sup>88</sup> According to some scholars, the testator thus avoided any possibility of his wife marrying someone else,<sup>89</sup> a concern especially recurrent in documents from Mesopotamia and Syria during the Late Bronze Age. It should be noted that in one document from Emar (HANEM 2 23) the testator stated: “If my son Ipqi-Dagān should die without progeny—I have now installed my wife Aḥātu as female and male.” This formula is exactly the same that may be found in the case of a daughter being granted the male status—revealing that she had no male brothers (see below).

### **Daughters as “female and male”**

Concerning a daughter (instances attested in Syria and all three cases from Nuzi i.e. Arrapḥe), or sister (one case from Ekalte), the testator usually declared: “I have established my daughter PNF [Personal Name-female] as female and male (Akk. *ana sinništūti u zikarūti*);” sometimes it is said that the daughter was “father and mother” (as in the case of the wife, see above), or that she was simply the son—highlighting the male gender by the use of the Akk. term *māru* “son” instead of *mārtu* “daughter.”

The purpose of this phenomenon seems to have been different from that of the cases of wives being granted such legal status. In essence, in the case of daughters the aim was to provide them with the same legal rights as the sons in matters of inheritance. These rights consisted of inheriting property and being able to manage the family cult. In fact, in most cases where a daughter specifically received assets from her father’s will, she had been previously given a male legal status. At the same time, in various documents a woman with male legal status is allowed to manage the cult of the family, a prerogative usually held by the first-born son.<sup>90</sup>

The explanation commonly accepted is that such mechanism was implemented because there were no sons in the family. This is explicitly stated in various instances. The Emarite text translated above indicates that the testator granted the first-born daughter—who was already married—male status; if she died, the other two daughters could inherit; no sons are mentioned. In addition, in a document from Ekalte (*Semitica* 46, p. 12) we find

<sup>88</sup> See this important idea in Limet 2001: 13, Westbrook 2001: 40, 2003a: 681, Zaccagnini 2003: 602, Démare-Lafont 2010: 55.

<sup>89</sup> Michel 2000: 6.

<sup>90</sup> Van der Toorn 1994: 42–44.

that the testator states: “If my son Abu-Dagān should die without progeny—I have now established my daughters as female and male”. But probably the clearest example is a document from Emar in which the testator declares: “I have no son, so I have made my daughter Al-našuwa as male and female” (*AulaOr.* 5, p. 233f).

### Women’s position and historical implications

It seems that, in general, women granted male legal status held a special position. Maybe they would have been more protected against complaints than other women. Such would be the case for a daughter: it has been pointed that the instances from Nuzi i.e. Arrapḫe reflect that the testator had brothers, so the use of this mechanism would have served to protect the daughter’s inheritance rights from them.<sup>91</sup>

Given the distribution of documents attesting this legal mechanism, one might wonder when and how it was conceived. Scholars have not dealt with this topic in depth. According to the current state of research, two main scenarios are likely. The first one is that Hurrians transmitted the use of the mechanism, starting in the early Middle Bronze Age, from northern Mesopotamia and westwards. The second possibility is that Assyrians, who used the mechanism at least in the 19<sup>th</sup> century (see the example of Kaniš), spread its use in areas through which they maintain commercial routes between Aššur and Anatolia.

However, it should be noted that similar phenomena are attested elsewhere. Anthropologists have identified different mechanisms in which women could act as men from the legal viewpoint.<sup>92</sup> For instance, a high status Yoruba woman (Nigeria) can marry another woman, the former becoming the legal father of the latter’s children. Likewise among the Nuer (Sudan) a barren woman—referred to as “paternal uncle”—is able to marry a young girl and choose her a male partner, but the children they might bear would be the first woman’s. Moreover the legal gender shift is attested in modern Europe too, as in the case of some Albanian women,<sup>93</sup> as well as in the north of Russia.<sup>94</sup>

Apparently, in the Ancient Near East, women granted male legal status did not need to adopt any special way of life—if they were already married, there was no obligation to divorce; or if the woman was a priestess, she could keep her position. The conclusion is that these women did not renounce being women. We thus acquire a renewed perspective thanks to this kind of mechanism. It is clear that, at least for the societies in which the granting of male legal status is attested, there was a difference between the biological sex and the gender; both realities existed on different levels.<sup>95</sup>

### BIBLIOGRAPHY

- Al-Rawi, F. (1977) *Studies in the Commercial Life of an Administrative Area of Eastern Assyria in the Fifteenth Century B.C., Based on Published and Unpublished Cuneiform Texts*. Ph.Diss., University of Wales.
- Arnaud, D. (1981) “Humbles et superbes à Emar (Syrie) à la fin de l’âge du Bronze Récent.” In A. Caquot & M. Delcor (eds.), *Mélanges bibliques et orientaux en l’honneur de M. Henri Cazelles*. Neukirchen-Vluyn: Butzon & Bercker, 1–14.
- Barberon, L. (2003) “Le mari, sa femme et leur biens: une approche sur la dot dans les rapports patrimoniaux du couple en Mésopotamie d’après la documentation paléobabylonienne.” *Revue Historique du Droit Français et Étranger* 81, 1–14.
- (2012) *Les religieuses et le culte de Marduk dans le royaume de Babylone*. Paris:

<sup>91</sup> See Grosz 1987: 83–86, Paradise 1987: 206–207.

<sup>92</sup> E.g. Rivière 1999: 61.

<sup>93</sup> Young 2000.

<sup>94</sup> Habeck et al. 2010.

<sup>95</sup> Lion 2007: 63–64, 2009: 20–21.

- Société pour l'étude du Proche-Orient ancien.
- Bauer, J., R.K. Englund & M. Krebernik (1998) *Mesopotamien. Späturuk-Zeit und Frühdynastische Zeit*. Göttingen: Academic Press, Fribourg: Vandenhoeck & Ruprecht.
- Beckman, G. (1996) "Family Values on the Middle Euphrates in the Thirteenth Century B.C.E." In M.W. Chavalas (ed.), *Emar: The History, Religion, and Culture of a Syrian Town in the Late Bronze Age*. Bethesda: CDL Press, 57–79.
- Bellotto, N. (2004) "L'adozione con matrimonio a Nuzi e a Emar." *KASKAL. Rivista di storia, ambienti e cultura del Vicino Oriente Antico* 1, 129–137.
- Ben-Barak, Z. (1988) "The Legal Status of the Daughter as Heir in Nuzi and Emar." In M. Heltzer & E. Lipiński (eds.), *Society and Economy in the Eastern Mediterranean (c. 1500–1000 BC)*. Leuven: Peeters, 87–97.
- (2006) *Inheritance by Daughters in Israel and the Ancient Near East: A Social, Legal and Ideological Revolution*. Jaffa: Archaeological Center Publications.
- Budin, S.L. (2008) *The Myth of Sacred Prostitution in Antiquity*. Cambridge, Cambridge University Press.
- Cardascia, G. (1959) "Le statut de la femme dans les droits cunéiformes." *Recueils de la Société Jean Bodin* 11, 79–94.
- Cardellini, I. (1981) *Die Biblischen "Sklaven"-Gesetze im Lichte des keilschriftlichen Sklavenrechts. Ein Beitrag zur Tradition, Überlieferung und Redaktion der alttestamentlichen Rechtstexte*. Königstein: Peter Hanstein.
- Charpin, D. (2005) "Surârûm est-il le fils de son père? À propos d'un procès à Sippa-Amnânûm." *Nouvelles Assyriologiques Brèves et Utilitaires* 2005/3, 2–3.
- Culbertson, L. (2009) *Dispute Resolution in the Provincial Courts of the Third Dynasty of Ur*. Ph.Diss, University of Michigan.
- Dandamaev, M.A. (1984) *Slavery in Babylonia from Nabopolassar to Alexander the Great (626–331 BC)*. DeKalb: Northern Illinois University Press.
- Démare-Lafont, S. (1999) *Femmes, droit et justice dans l'Antiquité orientale: contribution à l'étude du droit penal au Proche-Orient ancien*. Göttingen: Academic Press, Fribourg: Vandenhoeck & Ruprecht.
- (2000) "Considérations sur la pratique judiciaire en Mésopotamie." In F. Joannès (ed.), *Rendre la justice en Mésopotamie. Archives judiciaires du Proche-Orient ancien (III<sup>e</sup>-I<sup>er</sup> millénaires avant J.-C.)*. Saint-Denis: Presses Universitaires de Vincennes, 15–34.
- (2003) "Middle Assyrian Period." In R. Westbrook (ed.), *A History of Ancient Near Eastern Law*. Leiden & Boston: Brill, 521–563.
- (2010) "Éléments pour une diplomatie juridique des textes d'Émar." In S. Démare-Lafont & A. Lemaire (eds.), *Trois millénaires de formulaires juridiques*. Genève: Droz, 43–84.
- (2011) "From the Banks of the Seine to the Bay of Chesapeake: Crossglances on Ancient Near Eastern Law." *MAARAV* 18, 55–61.
- Démare-Lafont, S. & A. Lemaire (eds.) (2010) *Trois millénaires de formulaires juridiques*. Genève: Droz.
- Dornermann, R.H. (1979) "Tell Hadidi: A Millennium of Bronze Age City Occupation," *Annual of the American Schools of Oriental Research* 44, 113–151.
- Falkenstein, A. (1956) *Die neusumerischen Gerichtsurkunden*. München: Bayerischen Akademie der Wissenschaften.
- Fleishman, J. (2004) "Inheritance of the Dowry in Ancient Near Eastern Law Codes." *Zeitschrift für altorientalische und biblische Rechtsgeschichte* 10, 232–248.
- (2011) *Father-Daughter Relations in Biblical Law*. Bethesda: University Press of Maryland.
- Friedl, C. (2000) *Polygynie in Mesopotamien und Israel. Sozialgeschichtliche Analyse polygamer Beziehungen anhand rechtlicher Texte aus dem 2. und 1. Jahrtausend v.*

- Chr. Münster: Ugarit-Verlag.
- Gordon, C.H. (1981) “*erēbu* Marriage.” *Studies on the Civilization and Culture of Nuzi and the Hurrians* 1, 155–160.
- Grosz, K. (1987) “Daughters Adopted as Sons at Nuzi and Emar.” In J.M. Durand (ed.), *La femme dans le Proche-Orient antique*. Paris: Recherches sur les civilisations, 81–86.
- Habeck, J.O., O. Povoroznyuk & V. Vaté (eds.) (2010) *Gender Shift in the North of Russia*. In *The Anthropology of East Europe Review* 28/2, 1–270.
- Haase, R. (2001) “Der § 36 der hethitischen Rechtssatzung.” *Zeitschrift für altorientalische und biblische Rechtsgeschichte* 7, 392–397.
- Hengstl, J. (1992) “Die neusumerische Eintrittssteuer.” *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, romanistische Abteilung* 109, 31–50.
- Holtz, S.E. (2009) *Neo-Babylonian Court Procedure*. Leiden & Boston: Brill.
- Huehnergard, J. (1983) “Five Tablets from the Vicinity of Emar.” *Revue d’Assyriologie et d’Archéologie orientale* 77, 11–43.
- Joannès, F. (1989) *Archives de Borsippa. La famille Ea-ilūta-bāni. Étude d’un lot d’archives familiales en Babylonie du VIII<sup>e</sup> au V<sup>e</sup> siècle av. J.-C.* Genève: Droz.
- Jursa, M. (1997) “‘Als König Abi-ešuh gerechte Ordnung hergestellt hat.’ eine Bemerkenswerte altbabylonische Prozessurkunde.” *Revue d’Assyriologie et d’Archéologie orientale* 91, 135–145.
- (2005) *Neo-Babylonian Legal and Administrative Documents. Typology, Contents and Archives*. Münster: Ugarit-Verlag.
- Jursa, M., J. Paszkowiak & C. Waerzeggers (2003/2004) “Three Court Records.” *Archiv für Orientforschung* 50, 255–268.
- Justel, J.J. (2008) *La posición jurídica de la mujer en Siria durante el Bronce Final. Estudio de las estrategias familiares y de la mujer como sujeto y objeto de derecho*. Zaragoza: Instituto de Estudios Islámicos y del Oriente Próximo.
- (2011) “‘Se irá desnuda de mi casa...’ Las relaciones de la viuda con otros hombres y su expulsión del hogar (Norte de Mesopotamia y Siria durante el Bronce Final).” In J.A. Belmonte & J. Oliva (eds.), *Esta Toledo, aquella Babilonia. Convivencia e interacción en las sociedades del Oriente y del Mediterráneo antiguos*. Cuenca: Universidad de Castilla-La Mancha, 217–240.
- (2012) “The Involvement of a Woman in her Husband’s Second Marriage and the Historicity of the Patriarchal Narratives.” *Zeitschrift für altorientalische und biblische Rechtsgeschichte* 18, 191–207.
- (2013) “The Rights of a Concubine’s Descendants in the Ancient Near East.” *Revue Internationale des Droits de l’Antiquité* 60, 13–36.
- (2014) *Mujeres y derecho en el Próximo Oriente Antiguo. La presencia de mujeres en los textos jurídicos cuneiformes del segundo y primer milenios a. C.* Zaragoza: Pórtico.
- Kämmerer, T. (1994) “Zur sozialen Stellung der Frau in *Emār* und *Ekalte* als Witwe und Waise.” *Ugarit-Forschungen* 26, 169–208.
- Kienast, B. (1984) *Das altassyrische Kaufvertragsrecht*. Wiesbaden: F. Steiner.
- (2008) “Altassyrisch *amtum* = ‘Zweifrau’.” *Altorientalische Forschungen* 35, 35–52.
- Koschaker, P. (1917) *Rechtsvergleichende Studien zur Gesetzgebung Hammurapis, Königs von Babylon*. Leipzig: Veit & Comp.
- (1950) “Eheschließung und Kauf nach alten Rechten, mit besonderer Berücksichtigung der älteren Keilschriftrechte.” *Archiv Orientalní* 18/3, 210–296.
- Kuhrt, A. (1989) “Non-Royal Women in the Late Babylonian Period: A Survey.” In B.S. Lesko (ed.), *Women’s Earliest Records from Ancient Egypt and Western Asia. Proceedings of the Conference on Women in the Ancient Near East. Brown University, Providence. Rhode Island November 5–7, 1987*. Atlanta: Scholars Press, 215–239.
- Lafont, B. & R. Westbrook (2003) “Neo-Sumerian Period (Ur III).” In R. Westbrook (ed.),

- A History of Ancient Near Eastern Law*. Leiden & Boston: Brill, 183–226.
- Limet, H. (2001) “Les femmes et le patrimoine dans le droit du II<sup>e</sup> millénaire.” In C. Cannuyer et al. (eds.), *La femme dans les civilisations orientales et Miscellanea Aegyptologica. Christiane Desroches Noblecourt in honorem*. Bruxelles, Louvain la Neuve & Leuven: Peeters, 1–16.
- Lion, B. (2007) “La notion de genre en Assyriologie.” In V. Sebillotte Cuchet & N. Ernoul (eds.), *Problèmes du genre en Grèce ancienne*. Paris: Publications de la Sorbonne, 51–64.
- (2009) “Sexe et genre (1): des filles devenant fils dans les contrats de Nuzi et d’Emar.” *Topoi Supplement* 10, 9–25.
- Lipiński, E. (1981) “The Wife’s Right to Divorce in the Light of an Ancient Near Eastern Tradition.” *Jewish Law Annual* 4, 9–27.
- Marsman, H.J. (2003) *Women in Ugarit and Israel: Their Social and Religious Position in the Context of the Ancient Near East*. Leiden & Boston: Brill.
- Marx, V. (1902) *Die Stellung der Frauen in Babylonien gemäss den Kontrakten aus der Zeit von Nebukadnezar bis Darius (604–485)*. Leipzig: A. Pries.
- Mendelsohn, I. (1949) *Slavery in the Ancient Near East: A Comparative Study of Slavery in Babylonia, Assyria, Syria, and Palestine from the Middle of the Third Millenium to the End of the First Millenium*. New York: Oxford University Press.
- Michel, C. (2000) “À propos d’un testament paléo–assyrien: une femme de marchand ‘père et mère’ des capitaux.” *Revue d’Assyriologie et d’Archéologie orientale* 94, 1–10.
- (2003) “Les femmes et les dettes: problèmes de responsabilité dans la Mésopotamie du II<sup>e</sup> millénaire avant Jésus-Christ.” *Méditerranées* 34/35, 13–36.
- (2006) “Bigamie chez les Assyriens au début du II<sup>e</sup> millénaire avant J.-C.” *Revue Historique de Droit Français et Étranger* 84, 155–176.
- (2013) “Economic and Social Aspects of the Old Assyrian Contracts.” In F. D’Agostino (ed.), *L’economia dell’antica Mesopotamia (III-I millennio a.C.). Per un dialogo interdisciplinare*. Roma: Nuova Cultura, 41–55.
- (forthcoming) *Women from Aššur and Kaniš Accordign to the Private Archives of the Assyrian Merchants at the Beginning of the II<sup>nd</sup> Millennium BC*. Atlanta: Scholars Press.
- Oppenheim, A.L. (1955) “‘Siege-Documents’ from Nippur.” *Iraq* 17, 69–89.
- Paradise, J. (1987) “Daughters as Sons at Nuzi.” *Studies on the Civilization and Culture of Nuzi and the Hurrians* 2, 203–213.
- Pfeifer, N. (2009) “Das Eherecht in Nuzi: Einflüsse aus altbabylonischer Zeit.” *Studies on the Civilization and Culture of Nuzi and the Hurrians* 18, 355–420.
- Radner, K. (1997) *Die neuassyrischen Privatrechtsurkunden als Quelle für Mensch und Umwelt*. Helsinki: Helsinki University Press.
- Rivière, C. (1999) *Introduction à l’anthropologie*. Paris: Hachette.
- Roth, M.T. (1989) “Marriage and Matrimonial Prestations in First Millenium B.C. Babylonia.” In B.S. Lesko (ed.), *Women’s Earliest Records from Ancient Egypt and Western Asia. Proceedings of the Conference on Women in the Ancient Near East. Brown University, Providence. Rhode Island November 5–7, 1987*. Atlanta: Scholars Press, 245–255.
- (1991/1993) “The Neo-Babylonian Widow.” *Journal of Cuneiform Studies* 43/45, 1–26.
- (1995) *Law Collections from Mesopotamia and Asia Minor*. Atlanta: Scholars Press.
- (2001) “Reading Mesopotamian Law Cases. PBS 5 100: A Question of Filiation.” *Journal of the Economic and Social History of the Orient* 44, 243–292.
- Slanski, K. (2003) “Middle Babylonian Period.” In R. Westbrook (ed.), *A History of Ancient Near Eastern Law*. Leiden & Boston: Brill, 485–520.
- Snell, D.C. (1983/1984) “The Cuneiform Tablet from el-Qitār,” *Abr-Nahrain* 22, 159–170.
- Steele, L.D. (2007) “Women and Gender in Babylonia.” In G. Leick (ed.), *The Babylonian*

- World*. London & New York: Routledge, 299–316.
- Steinkeller, P. (1982) “Two Sargonic Sale Documents concerning Women.” *Orientalia Nova Series* 51, 355–368.
- Stol, M. (1991) “Ein Prozessurkunde über Falsches Zeugnis.” In D. Charpin (ed.), *Marchands, diplomates et empereurs. Études sur la civilisation mésopotamienne offertes à Paul Garelli*. Paris: Recherche sur les civilisations, 333–339.
- (1995) “Women in Mesopotamia.” *Journal of the Economic and Social History of the Orient* 38, 123–144.
- (1998) “Care of the Elderly in Mesopotamia in the Old Babylonian Period.” In M. Stol & S.P. Vleeming (eds.), *The Care of the Elderly in the Ancient Near East*. Leiden, Boston & Köln: Brill, 59–117.
- (2012) *Vrouwen van Babylon: prinsessen, priesteressen, prostituees in de bakermat van de cultuur*. Utrecht: Kok.
- Stol, M. & S.P. Vleeming (eds.) (1998) *The Care of the Elderly in the Ancient Near East*. Leiden, Boston & Köln: Brill.
- Tropper, J. & J.P. Vita (2004) “Texte aus Emar.” *Texte aus der Umwelt des Alten Testaments, Neue Folge* 1, 146–162.
- Van der Toorn, K. (1994) “Gods and Ancestors in Emar and Nuzi.” *Zeitschrift für Assyriologie und vorderasiatische Archäologie* 84, 38–59.
- Van Driel, G. (1998) “Care of the Elderly: the Neo-Babylonian Period.” In M. Stol & S.P. Vleeming (eds.), *The Care of the Elderly in the Ancient Near East*. Leiden, Boston & Köln: Brill, 161–197.
- Van Soldt, W.H. (1987/1990) “Matrilinearität. A. In Elam.” *Reallexikon der Assyriologie und vorderasiatischen Archäologie* 7, 586–588.
- Veenhof, K.R. (1995) “‘In Accordance with the Words of the Steele:’ Evidence for Old Assyrian Legislation.” *Chicago-Kent Law Review* 70, 1717–1744.
- (1998) “Old Assyrian and Anatolian Evidence for the Care of the Elderly.” In M. Stol & S.P. Vleeming (eds.), *The Care of the Elderly in the Ancient Near East*. Leiden, Boston & Köln: Brill, 119–160.
- (2003a) “Fatherhood is a Matter of Opinion. An Old Babylonian Trial on Filiation and Service Duties.” In W. Sallaberger et al. (eds.), *Literatur, Politik und Recht in Mesopotamien. Festschrift für Claus Wilcke*. Wiesbaden: Harrasowitz, 313–332.
- (2003b) “Old Assyrian Period.” In R. Westbrook (ed.), *A History of the Ancient Near Eastern Law*. Leiden & Boston: Brill, 431–483.
- Villard, P. (2000) “Les textes judiciaires néo-assyriens.” In F. Joannès (ed.), *Rendre la justice en Mésopotamie. Archives judiciaires du Proche-Orient ancien (III<sup>e</sup>-I<sup>er</sup> millénaires avant J.-C.)*. Saint-Denis: Presses Universitaires de Vincennes, 171–200.
- Waerzeggers, C. (1999/2000) “The Records of Inšabtu from the Naggāru Family.” *Archiv für Orientforschung* 46/47, 183–200.
- Westbrook, R. (1991) *Property and the Family in Biblical Law*. Sheffield: A&C Black.
- (1993/1997) “Mitgift.” *Reallexikon der Assyriologie und vorderasiatischen Archäologie* 8, 273–283.
- (1998) “The Female Slave.” In V.H. Matthews et al. (eds.), *Gender and Law in the Hebrew Bible and the Ancient Near East*. Sheffield: Bloomsbury T&T Clark, 214–238.
- (2001) “Social Justice and Creative Jurisprudence in Late Bronze Age Syria.” *Journal of the Economic and Social History of the Orient* 44, 22–43.
- (2003a) “Emar and Vicinity.” In R. Westbrook (ed.), *A History of Ancient Near Eastern Law*. Leiden & Boston: Brill, 657–691.
- (2003b) “Old Babylonian Period.” In R. Westbrook (ed.), *A History of Ancient Near Eastern Law*. Leiden & Boston: Brill, 361–430.
- (2003c) “The Character of Ancient Near Eastern Law.” In R. Westbrook (ed.), *A*

- History of Ancient Near Eastern Law*. Leiden & Boston: Brill, 1–90.
- (2003/2005) “Polygamie.” *Reallexikon der Assyriologie und vorderasiatischen Archäologie* 10, 600–602.
- Westbrook, R. & R. Jasnow (eds.) (2001) *Security for Debt in Ancient Near Eastern Law*. Leiden, Boston & Köln: Brill.
- Wilcke, C. (1985) “Familiengründung im alten Babylonien.” In E.W. Müller (ed.), *Geschlechtsreife und Legitimation zur Zeugung*. München: Alber, 213–317.
- Wilcke, C. (1998) “Care of the Elderly in Mesopotamia in the Third Millennium B.C.” In M. Stol & S.P. Vleeming (eds.), *The Care of the Elderly in the Ancient Near East*. Leiden, Boston & Köln: Brill, 23–57.
- (2000) “Vom Verhältnis der Geschlechter im Alten Mesopotamien: ‘Eine Frau mit eigenem Vermögen richtet das Haus zugrunde.’” In *Frauenforscherin stellen sich vor. Leipziger Studien zur Frauen- und Geschlechterforschung, Reihe A, Band 5*. Leipzig: Leipziger Universitätsverlag, 351–381.
- (2007) *Early Ancient Near Eastern Law: A History of its Beginnings. The Early Dynastic and Sargonic Periods*. Winona Lake: Eisenbrauns.
- Wunsch, C. (1993) *Die Urkunden des babylonischen Geschäftsmannes Iddin-Marduk. Zum Handel mit Naturalien im 6. Jahrhundert v. Chr.* Groningen: STYX.
- (2003) *Urkunden zum Ehe-, Vermögens- und Erbrecht aus verschiedenen neubabylonischen Archiven*. Dresden: ISLET.
- Young, W. (2000) *Women Who Become Men: Albanian Sworn Virgins*. New York: Bloomsbury Academic.
- Zaccagnini, C. (2003) “Nuzi.” In R. Westbrook (ed.), *A History of Ancient Near Eastern Law*. Leiden & Boston: Brill, 565–617.